



City of Westminster

# Licensing Sub-Committee Report

Item No:

Date:

Licensing Ref No:

Title of Report:

Report of:

Wards involved:

Policy context:

Financial summary:

Report Author:

Contact details

7 March 2024

23/06454/LIPV – Premises Licence Variation

Nikita  
22 Davies Street  
London  
W1K 3DT

Director of Public Protection and Licensing

West End

City of Westminster Statement of Licensing Policy

None

Roxsana Haq  
Senior Licensing Officer

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## 1. Application

1-A Applicant and premises			
<b>Application Type:</b>	Variation of a Premises Licence, Licensing Act 2003		
<b>Application received date:</b>	27 September 2023		
<b>Applicant:</b>	Goodkat Limited		
<b>Premises:</b>	Nikita		
<b>Premises address:</b>	22 Davies Street London W1K 3DT	<b>Ward:</b>	West End
		<b>Cumulative Impact Area:</b>	None.
		<b>Special Consideration Zone:</b>	None.
<b>Premises description:</b>	According to the applicant the premises operates as a workspace and catered lounge.		
<b>Variation description:</b>	The application proposes extensions to opening hours and hours for Licensable Activities as detailed in section 1B of this report. It also seeks an amendment of condition 18 to read: "There shall be no admittance or re-admittance to the premises after 00:30 save for smokers, performers and staff."		
<b>Premises licence history:</b>	The premises has been licensed since 25 March 2021. The current licence (23/07952/LIPDPS) can be seen at <b>Appendix 1</b> of the report.		
<b>Applicant submissions:</b>	Mediation letters to objectors can be seen at <b>Appendix 2.</b>		
<b>Applicant amendments:</b>	None.		

## 1-B Current and proposed licensable activities, areas and hours

### Regulated Entertainment

### Performance of live music

	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
<b>Monday</b>	22:00	02:00	12:00	01:00	As per plan appended to the premises licence	No Change
<b>Tuesday</b>				02:30		
<b>Wednesday</b>						
<b>Thursday</b>						
<b>Friday</b>						
<b>Saturday</b>						
<b>Sunday</b>						
<b>Seasonal variations/ Non-standard timings:</b>	<b>Current:</b> All licensable activities shall be extended from the end of permitted hours on New Years Eve to the start of permitted hours on New Years Day. An additional hour to the standard and non-standard times on the day when British Summertime Commences.				<b>Proposed:</b> No Change	

Performance of recorded music						
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	00:00	00:00	12:00	01:00	As per plan appended to the premises licence	No Change
Tuesday				02:30		
Wednesday						
Thursday						
Friday						
Saturday						
Sunday				23:00		
<b>Seasonal variations/ Non-standard timings:</b>	<b>Current:</b> All licensable activities shall be extended from the end of permitted hours on New Years Eve to the start of permitted hours on New Years Day. An additional hour to the standard and non-standard times on the day when British Summertime Commences.					<b>Proposed:</b> No Change

Late night refreshment						
Indoors, outdoors or both			Current :		Proposed:	
			Indoors		No change	
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	23:00	01:00	23:00	01:00	As per plan appended to the premises licence	No Change
Tuesday				02:30		
Wednesday						
Thursday						
Friday						
Saturday						
Sunday				01:00		
<b>Seasonal variations/ Non-standard timings:</b>	<b>Current:</b> All licensable activities shall be extended from the end of permitted hours on New Years Eve to the start of permitted hours on New Years Day. An additional hour to the standard and non-standard times on the day when British Summertime Commences.					<b>Proposed:</b> 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:	Current:	Proposed:
Monday	12:00	01:00	12:00	01:00	As per plan appended to the premises licence	No Change
Tuesday				02:00		
Wednesday						
Thursday						
Friday						
Saturday						
Sunday				23:00		
<b>Seasonal variations/</b>	<b>Current:</b>					<b>Proposed:</b>

<b>Non-standard timings:</b>	All licensable activities shall be extended from the end of permitted hours on New Years Eve to the start of permitted hours on New Years Day. An additional hour to the standard and non-standard times on the day when British Summertime Commences.	No Change
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Hours premises are open to the public						
	Current Hours		Proposed Hours		Premises Area	
	Start:	End:	Start:	End:	Current:	Proposed:
<b>Monday</b>	08:00	02:00	08:00	01:00	As per plan appended to the premises licence	No change
<b>Tuesday</b>						
<b>Wednesday</b>						
<b>Thursday</b>						
<b>Friday</b>						
<b>Saturday</b>						
<b>Sunday</b>				01:00		
<b>Seasonal variations/ Non-standard timings:</b>	<b>Current:</b> Opening hours shall be extended from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day. An additional hour to the standard and non-standard times on the day when British Summertime commences.				<b>Proposed:</b> No Change	

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

<b>1-D Conditions being varied, added or removed.</b>		
<b>Condition</b>	<b>Proposed variation</b>	
<b>Condition 18:</b> There shall be no admittance or re-admittance to the premises after 00:00 save for smokers, performers and staff.	There shall be no admittance or re-admittance to the premises after 00:30 save for smokers, performers and staff.	
<b>Adult entertainment:</b>	<b>Current position:</b> None	<b>Proposed position:</b> None

## 2. Representations

2-A Responsible Authorities	
<b>Responsible Authority:</b>	Environmental Health Consultation Service
<b>Representative:</b>	Maxwell Koduah
<b>Received:</b>	10 <sup>th</sup> October 2023
<b>Nikita, 22 Davies Street, London, W1K 3DT</b>	
<p>I refer to the new application for the above-mentioned premises. I have considered the information that you have provided within and accompanying this application. I have also considered the application in line with the relevant policies within the Councils Statement of Licensing Policy dated October 2021.</p>	
<p>Applicant is seeking the following variations:</p>	
<ol style="list-style-type: none"><li>1. To extend the terminal hours for the performance of live music by 1 hour 30 minutes Monday to Saturday from 01:00 hours to 02:30 hours</li><li>2. To extend the terminal hours for the provision of late-night refreshment by 1 hour 30 minutes Monday to Saturday from 01:00 hours to 02:30 hours</li><li>3. To extend the terminal hours for the supply of alcohol by 1 hour Monday to Saturday from 01:00 hours to 02:00 hours</li><li>4. Amend condition 18 which reads:</li></ol>	
<p>There shall be no admittance or re-admittance to the premises after 00:00 save for smokers, performers and staff.</p>	
<p>So that it reads</p>	
<p>There shall be no admittance or re-admittance to the premises after 00:30 save for smokers, performers and staff.</p>	
<p>Following consideration of the application and how it may affect the Licensing Objectives and meeting the requirements of the Council's Statement of Licensing Policy I wish to make the following representations:</p>	
<ol style="list-style-type: none"><li>1. The hours requested to perform live music may have the likely effect of causing an increase in Public Nuisance within the area</li><li>2. The hours requested to provide late-night refreshment may have the likely effect of causing an increase in Public Nuisance and may affect Public Safety within the area</li><li>3. The supply of alcohol and the hours requested may have the likely effect of causing an increase in Public Nuisance and may affect Public Safety within the area.</li><li>4. The proposed amendment to condition 18 may have the likely effect of causing an increase in Public Nuisance within the area</li></ol>	
<p>As presented, the application would have the likely effect of causing an increase in Public Nuisance and may affect Public Safety within the area.</p>	

The granting of the application as presented would have the likely effect of causing an increase in Public Nuisance and may impact on Public Safety within the area.

Please contact me if you have any questions.

Maxwell Owusu Koduah  
Environmental Health Officer

<b>Responsible Authority:</b>	Metropolitan Police Service ( <i>WITHDRAWN</i> )
<b>Representative:</b>	PC Adam Deweltz
<b>Received:</b>	3rd October 2023

Dear Marcus

**23/06454/LIPV - 22 Davies Street, London, W1K 3DT**

I refer to the above-mentioned application, which seeks to vary the hours on the current premises licence.

Following consideration of the application and how it may affect the Licensing Objectives, I wish to make the following representation:

An increase in licensable activities, namely the supply of alcohol, Late Night Refreshment and live and recorded music, are likely to undermine the following licensing objective:

- The Prevention of Crime and Disorder.

The application seeks to extend the hours for licensable activity. This includes:

Sale by Retail of Alcohol: Tuesday to Saturday - 12:00 to 02:00 (Increase of 1 hour)  
Live and Recorded Music: Tuesday to Saturday - 12:00 to 02:30 (Increase of 1.5 hours)  
Late Night Refreshment: Tuesday to Saturday - 23:00 to 02:30 (Increase of 1.5 hours)

The applicant also seeks to amend condition 18 on the current premises licence (22/06204/LIPDPS) to:

*"There shall be no admittance or re-admittance to the premises after 00:30 save for smokers, performers and staff,"* which is an increase of 30 minutes.

This variation could have an effect on Police resources, with more customers consuming alcohol for longer, and therefore, we could see a rise in crime in this area. Consideration must also be given to local residents in relation to customers loitering outside, making noise and committing anti-social behaviour.

I am happy to discuss my representation in further detail with you.

Yours sincerely,

PC Adam Deweltz 2556AW

**Following the agreement of conditions and approval of an updated dispersal policy the Metropolitan Police Service withdrew their objection on 13<sup>th</sup> November 2023.**

2-B Other Persons			
<b>Name:</b>		[REDACTED]	
<b>Address and/or Residents Association:</b>		[REDACTED] [REDACTED] [REDACTED]	
<b>Status:</b>	Valid	<b>In support or objection:</b>	OBJECTION
<b>Received:</b>	01 October 2023		
<p>I am absolutely objecting extending hours of the club Nikita. It will be overly distractive and hugely inconvenient for the whole neighbourhood. Please do not allowed this application to go through.</p>			
<b>Name:</b>		[REDACTED]	
<b>Address and/or Residents Association:</b>		[REDACTED] [REDACTED] [REDACTED] [REDACTED]	
<b>Status:</b>	Valid	<b>In support or objection:</b>	OBJECTION
<b>Received:</b>	03 October 2023		
<p>The area around and above Nikita is residential and to have an entertainment use properties allowing people to enter after mid-night and exit at 2.30am in the morning can be nothing other that a disturbance to those living here.</p> <p>In additional late night conversation which due to alcohol will be louder than normal plus there will also be taxis and cars arriving and leaving.</p> <p>I object on the grounds that such an extension to their licence will cause a disturbance and in addition further destroy the ambience of Mayfair.</p>			
<b>Name:</b>		[REDACTED]	
<b>Address and/or Residents Association:</b>		[REDACTED] [REDACTED] [REDACTED] [REDACTED]	
<b>Status:</b>	Valid	<b>In support or objection:</b>	OBJECTION
<b>Received:</b>	25 October 2023		
<p>I vehemently oppose this application. As a devoted father, I staunchly believe that sanctioning such an application during the late hours poses an immediate threat to the safety and well-being of my children, my wife, and our cherished family. The surrounding community is teeming with families who share my concerns, and it is imperative that this proposal for extending opening hours be unequivocally denied.</p>			

<b>Name:</b>		[REDACTED]	
<b>Address and/or Residents Association:</b>		[REDACTED] [REDACTED] [REDACTED]	
<b>Status:</b>	Valid	<b>In support or objection:</b>	OBJECTION
<b>Received:</b>	16 October 2023		

I would like to formally object to Nikita club's request to extend their operating licenses, as Davies street currently is a quiet residential area, where an extension of this sort will cause nuisance, and after hours noises disturbing peace for residents and families living across the street in particular.

<b>Name:</b>		[REDACTED]	
<b>Address and/or Residents Association:</b>		[REDACTED] [REDACTED] [REDACTED]	
<b>Status:</b>	Valid	<b>In support or objection:</b>	OBJECTION
<b>Received:</b>	01 October 2023		

I live at [REDACTED], almost opposite Nikita, and I am [REDACTED] Residents Association, and in those capacities, I am writing to object to this application as I believe an extension of the nightclub's hours of operation will lead to increased nuisance to the many residents in the immediate area.

At 02:30 in the morning, there is little external noise at present in this section of Davies Street. Nikita's departing customers cannot do so silently, they don't now, and they won't in the future - minimally, they will chat and there will noise from cars associated with their onward journeys. This cannot be avoided and will cause nuisance to residents in this area - 21 Davies Street, The Manor, Connaught House are residential buildings close to and impacted by Nikita.

Regardless of management operating plans, no operation is capable of controlling a customer's behaviour when they have left the immediate area of their premises.

Simply put, Nikita sits close to residents homes, extending their operating hours and consequently causing an increase in public nuisance would be irresponsible, and for this reason, the application should be refused.

<b>Name:</b>		[REDACTED]	
<b>Address and/or Residents Association:</b>		[REDACTED] [REDACTED] [REDACTED]	
<b>Status:</b>	Valid	<b>In support or objection:</b>	OBJECTION
<b>Received:</b>	3 Oct 2023		

[REDACTED] as the Long leaseholder over all apartments at 21 Davies London W1K 3DE on behalf of itself and the respective leaseholders of the apartments contained within the building, formally OBJECT to the granting of the above on the grounds of excessive noise and disturbance.



Within the immediate vicinity 50 (meters) of family homes within the 21 Davies Street apartment building there are already a total of some 4 restaurants and night clubs. At night the area is noisy and congested with cars and pedestrians often making difficulty to enter the apartment block. The noise goes on till late and is a major disruption on permitting a comfortable sleep. To permit this application will make an already bad situation worse.

Accordingly, we urge you to reject this application.

<b>Name:</b>	[REDACTED]		
<b>Address and/or Residents Association:</b>	[REDACTED] [REDACTED] [REDACTED] [REDACTED]		
<b>Status:</b>	Valid	<b>In support or objection:</b>	OBJECTION
<b>Received:</b>	05 October 2023		

I strongly object to the licensing application by Goodkat Limited to extend the opening hours of the Nikita night club until 02:30. An extension would allow the night club's guests to disperse until 3:00 am. My bedroom looks onto the street. My wife and I are constantly bothered by people saying goodbye and cabs picking up and dropping off people late into the night. At present, although late (from 01:30 onwards) at night there is at least some peace, and the street is quiet with few pedestrians. The extension of the opening hours which is sought will destroy the few hours of peace and from my point of view is simply unacceptable.

<b>Name:</b>	[REDACTED]		
<b>Address and/or Residents Association:</b>	[REDACTED] [REDACTED] [REDACTED]		
<b>Status:</b>	Valid	<b>In support or objection:</b>	OBJECTION
<b>Received:</b>	03 October 2023		

To whom this may concern

I would like to express my categorical objections to the request to extend hours to 2.30am for Nikita. The night noise levels on this once quiet street are already unbearable, particularly on the weekends. As a family with a small child living [REDACTED] in question this could quite possibly make the night times an utter nightmare due to significant disturbances.

<b>Name:</b>	[REDACTED]		
<b>Address and/or Residents Association:</b>	[REDACTED] [REDACTED] [REDACTED] [REDACTED]		
<b>Status:</b>	Valid	<b>In support or objection:</b>	OBJECTION
<b>Received:</b>	02 October 2023		

I'm writing obo [REDACTED] Ltd who owns a property at 21 Davies Street. We are concerned with the request of extension of opening hours. In practice this would mean that large numbers of people can't leave a night club, say goodbye to their friends and be driven away without noise being created at a very inappropriate time. At night and particularly from 01:30 onwards, Davies Street is quiet with very little traffic and few pedestrians, so any noise stands out and is a nuisance. Thanks.

<b>Name:</b>		[REDACTED]	
<b>Address and/or Residents Association:</b>		[REDACTED] [REDACTED] [REDACTED] [REDACTED]	
<b>Status:</b>	Valid	<b>In support or objection:</b>	OBJECTION
<b>Received:</b>	25 October 2023		

I vehemently oppose this application. As a devoted father, I staunchly believe that approving such late hours poses an immediate threat to the safety and well-being of my children, my wife, and our cherished family. The surrounding community is teeming with families who share my concerns, and it is imperative that this proposal for extending opening hours be unequivocally denied.

<b>Name:</b>		[REDACTED]	
<b>Address and/or Residents Association:</b>		[REDACTED] [REDACTED] [REDACTED] [REDACTED]	
<b>Status:</b>	Valid	<b>In support or objection:</b>	OBJECTION
<b>Received:</b>	12 October 2023		

This I understand is primarily a drink led operation close to residential property. The additional hours sought are quite significant. Local residents are concerned about an increase in nuisance resulting from inevitable street noise later in the night than they experience now. RSMSJ wishes to support those residents in their objections. Should any additional conditions be offered to mitigate potential nuisance then we would be willing to look at the situation again.

<b>Name:</b>		[REDACTED]	
<b>Address and/or Residents Association:</b>		[REDACTED]	
<b>Status:</b>	Valid	<b>In support or objection:</b>	OBJECTION
<b>Received:</b>	25 Oct 2023		

Please note as a local resident I am opposed to the extension of these hours. This is a residential neighbourhood and it is not appropriate to allow patrons to exit as late as 2.30 with all the noise and disturbance we know from experience this entails. Children and working people will be trying to sleep nearby and are entitled to this essential downtime Please confirm receipt of this objection [REDACTED]

Living right in the middle of an area which is subject to an increasing number of licensing applications and variations, I am anxious to ensure it is respected for its mixed usage and that residents are not driven out by a surfeit of licensed premises as happened in nearby Berkeley street  
Many thanks  
[REDACTED]

<b>Name:</b>		[REDACTED]	
<b>Address and/or Residents Association:</b>		[REDACTED] [REDACTED] [REDACTED] [REDACTED]	
<b>Status:</b>	Valid	<b>In support or objection:</b>	OBJECTION
<b>Received:</b>	02 October 2023		

To whom this may concern,

My family and I strongly object to Goodkat Limited (Nikita), to extend their opening hours on any given day of the week. We would like for Davies Street to remain quiet and charming - this is the reason we bought our property here in the first place. We are concerned about the noise pollution the extended opening hours would bring, in addition to higher traffic congestion and higher safety-issues (at a time when crime is rising).

We kindly request you take into account the well-being and concerns of the residents who do call Davies Street their home. We believe that a responsible and considerate approach to business operations can coexist with the needs and desires of our community.

Sincerely,

[REDACTED]

<b>Name:</b>		[REDACTED]	
<b>Address and/or Residents Association:</b>		[REDACTED] [REDACTED] [REDACTED]	
<b>Status:</b>	Valid	<b>In support or objection:</b>	OBJECTION
<b>Received:</b>	25 October 2023		

I was utterly shocked when I received news of this utterly unacceptable application. Requesting operations until 2:30 a.m. is entirely out of place for our neighbourhood. This may belong in a place like Berkeley Street, which has sadly lost its residential character due to similar applications and establishments. However, it has no place on a peaceful residential street like Davies Street, which is surrounded by numerous other residential streets. Moreover, the club already has excessively extended hours, and this latest request is nothing short of outrageous. This application is profoundly alarming as it threatens to fundamentally alter the essence of our peaceful residential neighbourhood. Granting this license will undoubtedly set a negative precedent, as it's likely to encourage other hospitality venues and restaurants to request similar extensions in the future. I wholeheartedly implore the council to reject this without delay!

The hours are way too late for a residential neighbourhood! This application must be rejected as approving such an application will set a negative precedent, where all other restaurants and hospitality venues will request the same.

<b>Name:</b>		[REDACTED]	
<b>Address and/or Residents Association:</b>		[REDACTED]	
<b>Status:</b>	Valid	<b>In support or objection:</b>	OBJECTION
<b>Received:</b>	25 October 2023		
<p>Please reject this application immediately! The requested hours are dangerously unrealistic for a residential area. Approving it would render our neighbourhood unsafe and intolerably noisy. Our community is home to children, families, and working professionals, and this extension would bring harm to all these residents.</p>			

### 3. Policy & Guidance

The following policies within the City of Westminster Statement of Licensing Policy apply:	
<p><b>Combined use premises Policy COMB1 applies:</b></p>	<p><b>A.</b> Applications outside the West End Cumulative Impact Zone for premises that propose to operate as a 'combined use premises' will be considered on their merits and 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 for the relevant use 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 Zone policy SCZ1 if the premises are located within a designated zone.</li> </ol> <p><b>C.</b> When considering what weight is to be given to the relevant uses and policies the Licensing Authority will take into account:</p> <ol style="list-style-type: none"> <li>1. Whether it will undermine the licensing objectives.</li> <li>2. The current and proposed use of the premises.</li> <li>3. When those uses will take place.</li> <li>4. What the primary use of the premises is or the uses that will take place in different parts of that premises.</li> <li>5. Whether there would normally be a presumption to refuse an application for that use if it was operating as that premises type and not a combined use premises.</li> <li>6. Whether the hours sought for the all or parts of the premises are within or outside the Core Hours.</li> </ol> <p><b>D.</b> The Licensing Authority will take into account, when considering the application, the relevant considerations from each of the appropriate premises uses policies within this statement</p> <p><b>E.</b> For the purpose of this policy a Combined Use Premises means premises which require a premises licence and where there is more than one premises use, and where the uses are not dependent on/or part of the other uses i.e. are not ancillary to the other uses.</p>

**Hours Policy  
HRS1 applies**

- 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.
- 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:
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.
  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.
  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.
  4. The proposed hours of the licensable activities and when customers will be permitted to remain on the premises.
  5. The proposed hours when any music, including incidental music, will be played.
  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.
  7. The existing hours of licensable activities and the past operation of the premises (if any) and hours of licensable premises in the vicinity.
  8. Whether customers and staff have adequate access to public transport when arriving at and leaving the premises, especially at night.
  9. The capacity of the premises.
  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.
  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.
  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.
  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.
  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.
- 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><b>E.</b> For the purposes of this policy, ‘premises uses’ are defined within the relevant premises use policies within this statement.</p> <p><b>Note:</b> The core hours are for all licensable activities but if an application includes late night refreshment, then the starting time for that licensable activity will be 11pm.</p>
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#### 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 Licence
<b>Appendix 2</b>	Applicant supporting documents
<b>Appendix 3</b>	Premises history
<b>Appendix 4</b>	Proposed conditions
<b>Appendix 5</b>	Residential map and list of premises in the vicinity

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

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

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

<b>1</b>	Licensing Act 2003	N/A
<b>2</b>	City of Westminster Statement of Licensing Policy	07 January 2021
<b>3</b>	Amended Guidance issued under section 182 of the Licensing Act 2003	December 2023
<b>4</b>	Cumulative Impact Assessment	04 December 2023
<b>5</b>	Environmental Health representation	10 October 2023
<b>6</b>	Metropolitan Police representation <b>(withdrawn 13<sup>th</sup> November 2023)</b>	25 October 2023
<b>7</b>	Interested party 1	01 October 2023
<b>8</b>	Interested party 2	03 October 2023
<b>9</b>	Interested party 3	25 October 2023
<b>10</b>	Interested party 4	16 October 2023
<b>11</b>	Interested party 5	01 October 2023
<b>12</b>	Interested party 6	03 October 2023
<b>13</b>	Interested party 7	05 October 2023
<b>14</b>	Interested party 8	03 October 2023
<b>15</b>	Interested party 9	02 October 2023
<b>16</b>	Interested party 10	25 October 2023
<b>17</b>	Interested party 11	12 October 2023
<b>18</b>	Interested party 12	25 October 2023
<b>19</b>	Interested party 13	02 October 2023
<b>20</b>	Interested party 14	25 October 2023
<b>21</b>	Interested party 15	25 October 2023



Schedule 12  
Part A

WARD: West End  
UPRN: 010033636325

**City of Westminster**

64 Victoria Street, London, SW1E 6QP

Premises licence

Regulation 33, 34

Premises licence number:

23/07952/LIPDPS

Original Reference:

20/11879/LIPN

**Part 1 – Premises details**

**Postal address of premises:**

Nikita  
22 Davies Street  
London  
W1K 3DT

**Where the licence is time limited, the dates:**

Not applicable

**Licensable activities authorised by the licence:**

Performance of Live Music  
Playing of Recorded Music  
Late Night Refreshment  
Sale by Retail of Alcohol

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

**Performance of Live Music**

Monday to Sunday: 22:00 to 02:00

Non-standard Timings: All licensable activities shall be extended from the end of permitted hours on New Years Eve to the start of permitted hours on New Years Day. An additional hour to the standard and non-standard times on the day when British Summertime Commences.

**Playing of Recorded Music**

Monday to Sunday: 00:00 to 00:00

**Late Night Refreshment**

Monday to Sunday: 23:00 to 01:00

Non-standard Timings: All licensable activities shall be extended from the end of permitted hours on New Years Eve to the start of permitted hours on New Years Day. An additional hour to the standard and non-standard times on the day when British Summertime Commences.

**Sale by Retail of Alcohol**

Monday to Saturday: 12:00 to 01:00

Sunday: 12:00 to 23:00

Non-standard Timings: All licensable activities shall be extended from the end of permitted hours on New Years Eve to the start of permitted hours on New Years Day. An additional hour to the standard and non-standard times on the day when British Summertime Commences.

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



**The opening hours of the premises:**

Monday to Sunday: 08:00 to 02:00

**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:**

Goodkat Limited  
130 Shaftesbury Avenue  
2nd Floor  
London W1D 5EU

Electronic Mail: amdhub@keystonelaw.co.uk  
Business Phone Number: 02033193700

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

12572510

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

Name: Leo Gle

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: 860427  
Licensing Authority: London Borough of Southwark

**Date: 22 November 2023**



**Signed:**

**This licence has been authorised by Miss Roxsana Haq on behalf of the Director - Environment, Climate & Public Protection (ECP)**

## Annex 1 – Mandatory conditions

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

- (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
- (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either -
- (a) a holographic mark, or
  - (b) an ultraviolet feature.
7. The responsible person must ensure that -
- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures -
    - (i) beer or cider: ½ pint;
    - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
    - (iii) still wine in a glass: 125 ml;
  - (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
  - (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

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

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

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

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

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

Where -

- (i) P is the permitted price,
  - (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
  - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -
    - (i) the holder of the premises licence,

- (ii) the designated premises supervisor (if any) in respect of such a licence, or
  - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
- (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
- (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.
- 8(iii). Where the permitted price given by Paragraph 8(ii)(b) above would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
- 8(iv).
  - (1) Sub-paragraph 8(iv)(2) below applies where the permitted price given by Paragraph 8(ii)(b) above on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.
  - (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.
- 9. All persons guarding premises against unauthorised access or occupation or against outbreaks of disorder or against damage (door supervisors) must be licensed by the Security Industry Authority.

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

None



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

10. No unauthorised advertisements of any kind (including placard, poster, sticker, flyer, picture, letter, sign or other mark) is inscribed or affixed upon the surface of the highway, or upon any building, structure, works, street furniture, tree, or any other property, or is distributed to the public, that advertises or promotes the establishment, its premises, or any of its events, facilities, goods or services.
11. Alcohol shall not be sold or supplied on the premises otherwise than to either:
  - a. persons admitted to the premises by prior invitation to a bona fide private function held at the premises;
  - b. specifically 20 invited guests of the proprietor listed by name at the reception prior to admission;
  - c. persons employed at the premises;
  - d. staff;
  - e. performers;
  - f. members and their bona fide guests, (to a maximum of 4) such members having paid an annual admission fee of at least £500 (with the exception of Founder Members); a list of all members to be held at reception for inspection by the relevant authorities; no person shall be admitted to the membership of the premises without an interval of at least 24 hours between application and acceptance to membership
  - g. A list of the names and addresses of members of the Club shall be kept on the premises at all times together with a book showing the names and dates of attendance of any guests introduced by members. Both the list and the book shall be produced on demand for inspection by the police or an authorised officer of the Council.
12. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of a Metropolitan Police Crime Prevention Officer. 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. Recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31-day period.
13. 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 to the public. This staff member shall be able to show Police recent data or footage with the absolute minimum of delay when requested.
14. A minimum of 2 SIA licensed door supervisors shall be on duty at the premises from 20:00 hours until close of business daily, whilst the premises is open for business and 30 minutes after close of business to assist with quiet dispersal.
15. At least 1 of the above SIA licensed door supervisors shall be on duty at the entrance of the premises at all times whilst it is open for business.
16. Loudspeakers shall not be located in the entrance lobby or outside the premises building.
17. All windows and external doors shall be kept closed after (21:00) hours, or at any time when regulated entertainment takes place, except for the immediate access and egress of persons.
18. There shall be no admittance or re-admittance to the premises after 00:00 save for smokers, performers and staff.

19. Substantial food and non-intoxicating beverages, including drinking water, shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.
20. The highway and public spaces in the vicinity of the premises shall be kept free of litter from the premises at all material times to the satisfaction of the Council. All litter and sweepings shall be collected and stored in accordance with the approved refuse storage arrangements.
21. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police, which will record the following:
  - a. all crimes reported to the venue
  - b. all ejections of patrons
  - c. any complaints received
  - d. any incidents of disorder
  - e. all seizures of drugs or offensive weapons
  - f. any faults in the CCTV system or searching equipment or scanning equipment
  - g. any refusal of the sale of alcohol
  - h. any visit by a relevant authority or emergency service.
22. Any special effects or mechanical installations shall be arranged and stored so as to minimise any risk to the safety of those using the premises. The following special effects will only be used on 10 days prior notice being given to the Licensing Authority where consent has not previously been given.
  - i. dry ice and cryogenic fog
  - ii. smoke machines and fog generators
  - iii. pyrotechnics including fire works
  - iv. firearms
  - v. lasers
  - vi. explosives and highly flammable substances.
  - vii. real flame.
  - viii. strobe lighting.
23. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall not be permitted to take drinks or glass containers with them.
24. 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.
25. The permitted hours for licensable activities and opening times are extended on New Year's Eve until the start of permitted hours on New Year's Day.
26. There shall be no sales of alcohol for consumption off the premises.
27. All private functions must be risk assessed prior to being held at the venue and a copy of this must be made available for immediate inspection by Police or an authorised officer of Westminster Council.
28. There shall be a personal licence holder on duty on the premises at all times when the premises are authorised to sell alcohol.
29. A Challenge 21 or 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.



30. All staff engaged outside the entrance to the premises, or supervising or controlling queues, shall wear distinctive, on-brand uniforms, at all times.
31. On the morning that Greenwich Mean Time changes to British Summer Time one hour will be added to the terminal hour of any activities and to the closing time for the premises where the existing terminal hour for the activities and/or closing hour for the premises ends after 01.00 hours.
32. 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.
33. A noise limiter must be fitted to the musical amplification system set at a level determined by and to the satisfaction of an authorised officer of the Environmental Health Service, Premises Management so as to ensure that no noise nuisance is caused to local residents or businesses. The operational panel of the noise limiter shall then be secured by key or password to the satisfaction of officers from the Environmental Health Service and access shall only be by persons authorised by the Premises Licence holder. The limiter shall not be altered without prior agreement with the Environmental Health Service. No alteration or modification to any existing sound system(s) should be effected without prior knowledge of an authorised Officer of the Environmental Health Service. No additional sound generating equipment shall be used on the premises without being routed through the sound limiter device.
34. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
35. Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly.
36. The licence holder shall ensure that any queue to enter the premises which forms outside the premises is orderly and supervised by door staff so as to ensure that there is no public nuisance or obstruction to the public highway.
37. 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. This condition must be specifically varied and removed by way of a full variation application, to permit Sexual Entertainment even in the event that a Sexual Entertainment Venue Licence is granted in relation to this premises.
38. No deliveries to the premises shall take place between 23.00 hours and 08.00 hours on the following day.
39. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 23.00 hours and 08.00 hours on the following day.
40. There shall be no payment made by or on behalf of the licence holder to any person for bringing customers to the premises.
41. The approved arrangements at the premises, including means of escape provisions, emergency warning equipment, the electrical installation and mechanical equipment, shall at all material times be maintained in good condition and full working order.
42. The means of escape provided for the premises shall be maintained unobstructed, free of trip hazards, be immediately available and clearly identified in accordance with the plans provided.
43. All emergency exit doors shall be available at all material times without the use of a key, code, card or similar means.



44. All emergency doors shall be maintained effectively self-closing and not held open other than by an approved device.
45. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.
46. Curtains and hangings shall be arranged so as not to obstruct emergency safety signs or emergency equipment.
47. During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that this area shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business.
48. The number of persons permitted in the premises at any one-time (excluding staff) shall not exceed 120 persons.
49. The number of smokers allowed in the designated smoking area shown crossed hatched on the Premises Plan is not to exceed 6 patrons at any one time. Any other customers, wishing to smoke will be asked to leave the immediate area and proceed to Grosvenor Street. For the avoidance of doubt, the requirement for the Premises Licence Holder to supervise the area outside the Premises, to ensure that patrons do not cause a nuisance to nearby residents, includes the monitoring and control of this smoking area and the monitoring and control of patrons walking to Grosvenor Street (but not on Grosvenor Street).
50. 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 business in the vicinity.

# V.

NOTES

**victoria vogel**  
71-75 Shelton St  
Covent Garden  
London WC2H 9JQ  
info@victoriavogel.com

DRAWING STATUS

INFORMATION ONLY

CLIENT

JP KILEY

PROJECT

22 DAVIES ST  
LONDON, UK

TITLE  
PROPOSED  
LAYOUT

DATE

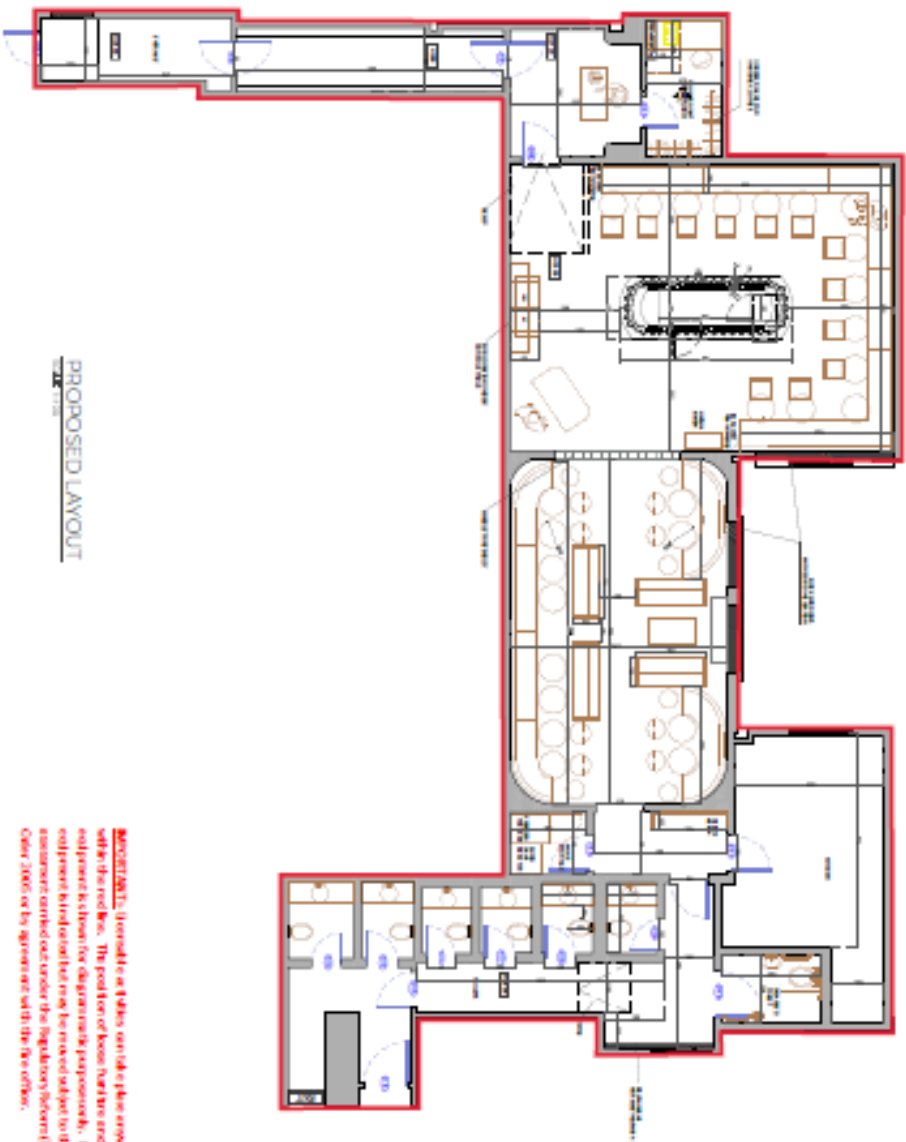
18-08-2021

SCALE

1:20 @ A3

SHEET NO.

A-08



**PROPOSED LAYOUT**

**DISCLAIMER:** Items and tables are to be provided by the customer under the red line. The position of these tables and equipment is shown for illustrative purposes only. Any fitting equipment and/or furniture may be moved subject to the risk assessment carried out under the Regulatory Reform (Fire Safety) Order 2005 or by agreement with the fire officer.



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

Schedule 12  
Part B

WARD: West End  
UPRN: 010033636325

Premises licence  
summary

Regulation 33, 34

Premises licence number:

23/07952/LIPDPS

**Part 1 – Premises details**

**Postal address of premises:**

Nikita  
22 Davies Street  
London  
W1K 3DT

**Where the licence is time limited, the dates:**

Not applicable

**Licensable activities authorised by the licence:**

Performance of Live Music  
Playing of Recorded Music  
Late Night Refreshment  
Sale by Retail of Alcohol

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

**Performance of Live Music**

Monday to Sunday: 22:00 to 02:00

Non-standard Timings: All licensable activities shall be extended from the end of permitted hours on New Years Eve to the start of permitted hours on New Years Day. An additional hour to the standard and non-standard times on the day when British Summertime Commences.

**Playing of Recorded Music**

Monday to Sunday: 00:00 to 00:00

**Late Night Refreshment**

Monday to Sunday: 23:00 to 01:00

Non-standard Timings: All licensable activities shall be extended from the end of permitted hours on New Years Eve to the start of permitted hours on New Years Day. An additional hour to the standard and non-standard times on the day when British Summertime Commences.

**Sale by Retail of Alcohol**

Monday to Saturday: 12:00 to 01:00

Sunday: 12:00 to 23:00

Non-standard Timings: All licensable activities shall be extended from the end of permitted hours on New Years Eve to the start of permitted hours on New Years Day. An additional hour to the standard and non-standard times on the day when British Summertime Commences.

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

**The opening hours of the premises:**

Monday to Sunday: 08:00 to 02:00

**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:**

Goodkat Limited  
130 Shaftesbury Avenue  
2nd Floor  
London W1D 5EU

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

12572510

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

Name: Leo Gle

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

Restricted

**Date:** 22 November 2023



**Signed:**

**This licence has been authorised by Miss Roxsana Haq on behalf of the Director - Environment, Climate & Public Protection (ECPP)**

Mediation letter sent to all objectors:

*Nikita*

NIKITA  
22 DAVIES STREET  
MAYFAIR  
LONDON  
W1K3DT

27 November 2023

*Dear* [REDACTED]

NIKITA 22 DAVIES STREET-LICENCE VARIATION APPLICATION REF: 23/06454/LIPV

We appreciate your active involvement and comments on the licence variation application for Nikita. I am writing to address the issues you raised in your objection to the proposed variation of our premises license. At Nikita we take the concerns of our local residents seriously, and we value your engagement in this matter.

I want to reassure you that control measures are in place to ensure that residents in the vicinity are not adversely affected by activities at the venue. I thought it might be useful to highlight some of the measures we already have in place to minimise disturbances:

- **Soundproofing Measures:** Following a full acoustic impact assessment by an independent assessor, Nikita made a significant investment by installing professional soundproofing materials, wall linings and technologies to mitigate the impact of noise outside our premises.
- **Noise Monitoring:** We regularly monitor noise levels during operational hours to ensure compliance with regulations and to promptly address any deviations.
- **Staff Training:** Our staff undergoes comprehensive training on noise management and customer interaction to ensure a responsible and considerate approach.
- **Enhanced Security Monitoring & Training:** In addition to two door supervisors, Nikita also deploys a Street Marshall to carry out patrols in the area, with the specific task to monitor and minimise disruption. All our door staff are qualified and licensed by the Security Industry Authority (SIA) and

*Nikita, 22 Davies Street, Mayfair, London, W1K 3DT*

*Nikita*

furthermore under Nikita's instruction have completed enhanced security training, delivered by a former Detective Chief Superintendent Met Police officer and Expert on security.

Additionally, I want to assure you that we have a robust dispersal policy in place to manage the movement of patrons leaving our venue, further minimising any potential disturbances. Full consideration towards the impact on local residents is absolutely key to our operation.

We understand the importance of maintaining a peaceful coexistence with our neighbours and in that light want to work with you to address your specific concerns.

In the spirit of understanding the importance of open communication, I personally invite you to visit Nikita. This would provide an opportunity for us to discuss your concerns in more detail and for you to gain firsthand insight into the steps we have taken to address noise-related and other local issues.

Please let us know a convenient time for you, and we will be happy to arrange a meeting at our restaurant Mr Nice, or another location convenient to you. Your input is invaluable, and we are committed to working collaboratively to address any apprehensions you may have.

Thank you for your time and consideration. We look forward to the possibility of meeting with you to strengthen relations between our venue and the local community.

Yours sincerely

**JEAN PHILIPPE KLEY**  
**DIRECTOR, NIKITA**

*Nikita*, 22 Davies Street, Mayfair, London, W1K 3DT



## Appendix 3

### Premises Licence & Appeal History

<b>Application</b>	<b>Details of Application</b>	<b>Date Determined</b>	<b>Decision</b>
20/11879/LIPN	New premises licence application	25.03.2021	Granted by Licensing Sub-Committee
21/11634/LIPVM	Minor variation to change layout and improve toilets.	08.11.2021	Granted under delegated authority
22/00693/LIPDPS	Vary DPS	15.03.2022	Granted under delegated authority
22/06204/LIPDPS	Vary DPS	05.07.2022	Granted under delegated authority
23/07952/LIPDPS	Vary DPS	22.11.2023	Granted under delegated authority

**There is no appeal history**

## **Appendix 4**

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

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

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

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

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

##### **Mandatory:**

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



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

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

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

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

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

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

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

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

Where -

(i) P is the permitted price,

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

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

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

(i) the holder of the premises licence,

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

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

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

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

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

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

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

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

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

None

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

10. No unauthorised advertisements of any kind (including placard, poster, sticker, flyer, picture, letter, sign or other mark) is inscribed or affixed upon the surface of the highway, or upon any building, structure, works, street furniture, tree, or any other property, or is distributed to the public, that advertises or promotes the establishment, its premises, or any of its events, facilities, goods or services.
11. Alcohol shall not be sold or supplied on the premises otherwise than to either:
  - a. persons admitted to the premises by prior invitation to a bona fide private function held at the premises;
  - b. specifically 20 invited guests of the proprietor listed by name at the reception prior to admission;
  - c. persons employed at the premises;
  - d. staff;
  - e. performers;
  - f. members and their bona fide guests, (to a maximum of 4) such members having paid an annual admission fee of at least £500 (with the exception of Founder Members); a list of all members to be held at reception for inspection by the relevant authorities; no person shall be admitted to the membership of the premises without an interval of at least 24 hours between application and acceptance to membership
  - g. A list of the names and addresses of members of the Club shall be kept on the premises at all times together with a book showing the names and dates of attendance of any guests introduced by members. Both the list and the book shall be produced on demand for inspection by the police or an authorised officer of the Council.
12. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of a Metropolitan Police Crime Prevention Officer. 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. Recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31-day period.
13. 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 to the public. This staff member shall be able to show Police recent data or footage with the absolute minimum of delay when requested.
14. A minimum of 2 SIA licensed door supervisors shall be on duty at the premises from 20:00 hours until close of business daily, whilst the premises is open for business and 30 minutes after close of business to assist with quiet dispersal.
15. At least 1 of the above SIA licensed door supervisors shall be on duty at the entrance of the premises at all times whilst it is open for business.
16. Loudspeakers shall not be located in the entrance lobby or outside the premises building.

17. All windows and external doors shall be kept closed after (21:00) hours, or at any time when regulated entertainment takes place, except for the immediate access and egress of persons.
18. There shall be no admittance or re-admittance to the premises after 00:00 save for smokers, performers and staff.

**Condition 18 above to be replaced with:**

- 18. There shall be no admittance or re-admittance to the premises after 00:30 save for smokers, performers and staff**
19. Substantial food and non-intoxicating beverages, including drinking water, shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.
20. The highway and public spaces in the vicinity of the premises shall be kept free of litter from the premises at all material times to the satisfaction of the Council. All litter and sweepings shall be collected and stored in accordance with the approved refuse storage arrangements.
21. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police, which will record the following:
  - a. all crimes reported to the venue
  - b. all ejections of patrons
  - c. any complaints received
  - d. any incidents of disorder
  - e. all seizures of drugs or offensive weapons
  - f. any faults in the CCTV system or searching equipment or scanning equipment
  - g. any refusal of the sale of alcohol
  - h. any visit by a relevant authority or emergency service.
22. Any special effects or mechanical installations shall be arranged and stored so as to minimise any risk to the safety of those using the premises. The following special effects will only be used on 10 days prior notice being given to the Licensing Authority where consent has not previously been given.
  - i. dry ice and cryogenic fog
  - ii. smoke machines and fog generators
  - iii. pyrotechnics including fire works
  - iv. firearms
  - v. lasers
  - vi. explosives and highly flammable substances.
  - vii. real flame.
  - viii. strobe lighting.
23. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall not be permitted to take drinks or glass containers with them.
24. 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.

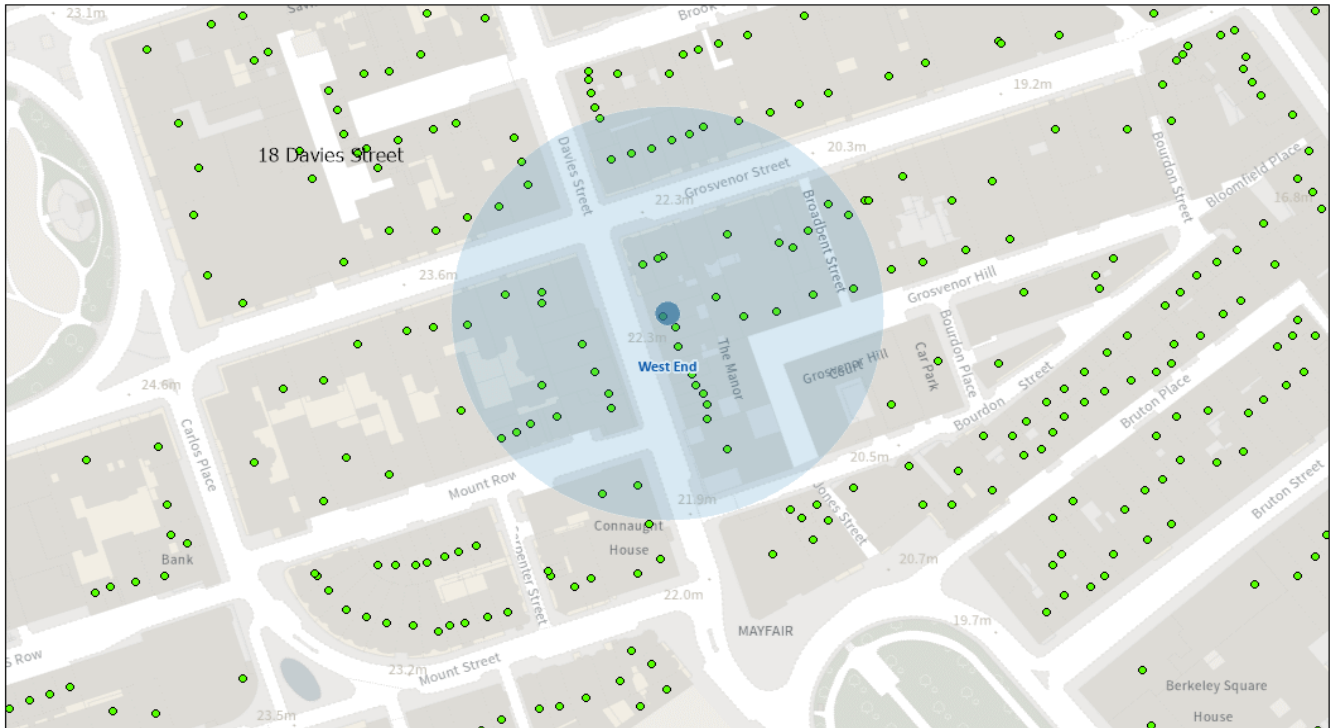
25. The permitted hours for licensable activities and opening times are extended on New Year's Eve until the start of permitted hours on New Year's Day.
26. There shall be no sales of alcohol for consumption off the premises.
27. All private functions must be risk assessed prior to being held at the venue and a copy of this must be made available for immediate inspection by Police or an authorised officer of Westminster Council.
28. There shall be a personal licence holder on duty on the premises at all times when the premises are authorised to sell alcohol.
29. A Challenge 21 or 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.
30. All staff engaged outside the entrance to the premises, or supervising or controlling queues, shall wear distinctive, on-brand uniforms, at all times.
31. On the morning that Greenwich Mean Time changes to British Summer Time one hour will be added to the terminal hour of any activities and to the closing time for the premises where the existing terminal hour for the activities and/or closing hour for the premises ends after 01.00 hours.
32. 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.
33. A noise limiter must be fitted to the musical amplification system set at a level determined by and to the satisfaction of an authorised officer of the Environmental Health Service, Premises Management so as to ensure that no noise nuisance is caused to local residents or businesses. The operational panel of the noise limiter shall then be secured by key or password to the satisfaction of officers from the Environmental Health Service and access shall only be by persons authorised by the Premises Licence holder. The limiter shall not be altered without prior agreement with the Environmental Health Service. No alteration or modification to any existing sound system(s) should be effected without prior knowledge of an authorised Officer of the Environmental Health Service. No additional sound generating equipment shall be used on the premises without being routed through the sound limiter device.
34. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
35. Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly.
36. The licence holder shall ensure that any queue to enter the premises which forms outside the premises is orderly and supervised by door staff so as to ensure that there is no public nuisance or obstruction to the public highway.
37. 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. This condition must be specifically varied and removed by way of a full variation application, to permit Sexual Entertainment even in the event that a Sexual Entertainment Venue Licence is granted in relation to this premises.

38. No deliveries to the premises shall take place between 23.00 hours and 08.00 hours on the following day.
39. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 23.00 hours and 08.00 hours on the following day.
40. There shall be no payment made by or on behalf of the licence holder to any person for bringing customers to the premises.
41. The approved arrangements at the premises, including means of escape provisions, emergency warning equipment, the electrical installation and mechanical equipment, shall at all material times be maintained in good condition and full working order.
42. The means of escape provided for the premises shall be maintained unobstructed, free of trip hazards, be immediately available and clearly identified in accordance with the plans provided.
43. All emergency exit doors shall be available at all material times without the use of a key, code, card or similar means.
44. All emergency doors shall be maintained effectively self-closing and not held open other than by an approved device.
45. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.
46. Curtains and hangings shall be arranged so as not to obstruct emergency safety signs or emergency equipment.
47. During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that this area shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business.
48. The number of persons permitted in the premises at any one-time (excluding staff) shall not exceed 120 persons.
49. The number of smokers allowed in the designated smoking area shown crossed hatched on the Premises Plan is not to exceed 6 patrons at any one time. Any other customers, wishing to smoke will be asked to leave the immediate area and proceed to Grosvenor Street. For the avoidance of doubt, the requirement for the Premises Licence Holder to supervise the area outside the Premises, to ensure that patrons do not cause a nuisance to nearby residents, includes the monitoring and control of this smoking area and the monitoring and control of patrons walking to Grosvenor Street (but not on Grosvenor Street).
50. 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 business in the vicinity.

**Conditions agreed with the Metropolitan Police Service to form part of the operating schedule.**

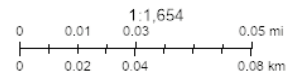
51.
  - (a) The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team.
  - (b) All entry and exit points will be covered enabling frontal identification of every person entering in any light condition.
  - (c) The CCTV 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 time stamping.
  - (e) Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31-day period.
  
52. 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.
  
53. A copy of the premises' dispersal policy shall be made readily available at the premises for inspection by a Police Officer and/or an authorised officer of Westminster City Council.
  
54. In the event that a serious assault is committed on the premises (or appears to have been committed) the management will immediately ensure that:
  - (a) The police (and, where appropriate, the London Ambulance Service) are called without delay;
  - (b) All measures that are reasonably practicable are taken to apprehend any suspects pending the arrival of the police;
  - (c) The crime scene is preserved so as to enable a full forensic investigation to be carried out by the police; and
  - (d) Such other measures are taken (as appropriate) to fully protect the safety of all persons present on the premises.

22 DAVIES STREET, LONDON, CITY OF WESTMINSTER, W1K 3DT



26/02/2024, 09:20:12

- Property Mailing List
- Ward Boundaries
- Ward Labels



Resident Count: 92



**Licensed premises within 75 metres of 22 Davies Street London W1K 3DT**

<b>Licence Number</b>	<b>Trading Name</b>	<b>Address</b>	<b>Premises Type</b>	<b>Time Period</b>
23/07955/LIPDPS	Mister Nice	14 - 16 Davies Street London W1K 3DR	Restaurant	Sunday; 07:00 - 23:00   Monday to Thursday; 07:00 - 00:00   Friday to Saturday; 07:00 - 00:30
16/06485/LIPDPS	C London	Ground Floor 25 Davies Street London W1K 3DQ	Restaurant	Sunday; 12:00 - 00:00   Monday to Saturday; 10:00 - 00:30
24/00247/LIPV	Alfreds, Bourdon House	2-2A Davies Street London W1K 3DJ	Club or institution	Monday; 00:00 - 00:00   Tuesday; 00:00 - 00:00   Wednesday; 00:00 - 00:00   Thursday; 00:00 - 00:00   Friday; 00:00 - 00:00   Saturday; 00:00 - 00:00   Sunday; 00:00 - 00:00
22/11551/LIPV	Mayfair Post Office	Post Office 32A Grosvenor Street London W1K 4PA	Shop	Sunday; 09:00 - 22:30   Monday to Saturday; 07:30 - 23:00