

Licensing Sub-Committee Report

Item No:	
Date:	21 April 2016
Licensing Ref No:	16/01829/LIPN - New Premises Licence
Title of Report:	Raw And BBQ Basement And Part Ground Floor 11 Berkeley Street London W1J 8DS
Report of:	Director of Public Protection and Licensing
Wards involved:	West End
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Mr Ola Owojori Senior Licensing Officer
Contact details	Telephone: 020 7641 7830 Email: owojori@westminster.gov.uk

1. Application

1-A Applicant and premises			
Application Type:	New Premises Licence, Licensing Act 2003		
Application received date:	15 February 2016		
Applicant:	Berkeley Eats Ltd		
Premises:	Raw And BBQ Basement And Part Ground Floor		
Premises address:	11 Berkeley Street London W1J 8DS	Ward:	West End
		Cumulative Impact Areas:	None
Premises description:	The premises are to be operated as a restaurant in the basement and ground floor levels with a holding bar on the ground floor.		
Premises licence history:	The premises has no licence history		
Applicant submissions:	See Appendix 2		

1-B Proposed licensable activities and hours							
Recorded Music:				Indoors, outdoors or both			Indoors
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	08:00	08:00	08:00	08:00	08:00	08:00	09:00
End:	01:00	01:00	01:00	01:00	01:00	01:00	23:30
Seasonal variations:		To extend from the end of permitted hours on New Year's Eve until the start of permitted hours on New Year's Day					
Non-standard timings:		09:00 – 00:00 on Sunday before Bank Holiday Mondays					

Late Night Refreshment:				Indoors, outdoors or both			Indoors
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	23:00	23:00	23:00	23:00	23:00	23:00	23:00
End:	01:15	01:15	01:15	01:15	01:15	01:15	23:30
Seasonal variations:		To extend from the end of permitted hours on New Year's Eve until the start of permitted hours on New Year's Day					
Non-standard timings:		23:00 – 00:00 on Sunday before Bank Holiday Mondays					

Sale by retail of alcohol				On or off sales or both:			Both
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	08:00	08:00	08:00	08:00	08:00	08:00	09:00
End:	01:00	01:00	01:00	01:00	01:00	01:00	23:30
Seasonal variations:		To extend from the end of permitted hours on New Year's Eve until the start of permitted hours on New Year's Day					

Non-standard timings:	09:00 – 00:00 on Sunday before Bank Holiday Mondays
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Hours premises are open to the public							
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	08:00	08:00	08:00	08:00	08:00	08:00	09:00
End:	01:15	01:15	01:15	01:15	01:15	01:15	23:30
Seasonal variations:	To extend from the end of permitted hours on New Year's Eve until the start of permitted hours on New Year's Day						
Non-standard timings:	09:00 – 00:00 on Sunday before Bank Holiday Mondays						
Adult Entertainment:	Not applicable						

2. Representations

2-A Responsible Authorities	
Responsible Authority:	Environmental Health Consultation Team
Representative:	Anil Drayan
Received:	9 March 2016
<p>I refer to the application for a new Premises Licence for the above premises.</p> <p>The applicant has submitted plans of the premises showing the Ground Floor and Lower Ground Floor, drawing no 2921-111; rev B, dated Dec 2015.</p> <p>An operating schedule and an 'Appendix 11' assessment have also been submitted with the application.</p> <p>The applicant is seeking the following licensable activities:</p> <ol style="list-style-type: none"> 1. Supply of Alcohol for 'On' and 'Off' the premises, Monday to Saturday from 08:00 to 01:00 hours and Sunday from 09:00 to 23:30 hours. 2. Provision of Late Night Refreshment 'Indoors' , Monday to Saturday from 23:00 to 01:15 hours and Sunday, 23:00 to 23:30 hours 3. Provision of Recorded Music 'Indoors' from 08:00 to 01:00 hours and Sunday from 09:00 to 23:30 hours. 4. For all of the above activities Non- Standard timing extensions of midnight on Sundays before Bank Holiday Mondays and on New Year's Eve permitted hours extended until the start of permitted hours on New Year's Day. <p>I wish to make the following representations based on the plans, operating schedule and appendix 11 assessment submitted:</p> <ol style="list-style-type: none"> 1. The Supply of Alcohol 'On' and 'Off' the premises and for the hours requested may have the effect of increasing Public Nuisance in the area. 2. Provision of Late Night Refreshment may have the effect of increasing Public 	

Nuisance in the area.

3. Provision of Recorded Music and for the hours requested may have the effect of increasing Public Nuisance in the area.
4. The Non- Standard timing extensions requested may have the effect of increasing Public Nuisance in the area.

The hours requested for the licensable activities are also beyond the 'core' hours as stated in Westminster's Statement of Licensing Policy.

Extensive lists of conditions have been offered in the operating schedule and undertakings in the appendix 11 assessment. These are under consideration after which Environmental Health may propose additional conditions to allay its concerns.

A pre-application site visit was carried out showing the premises have not yet undergone refurbishment for the proposed use. A post completion inspection will therefore need to be carried out for Public Safety prior to commencement of licensing activities.

The applicant should be advised that Environmental Health will also need to be satisfied that any plant and machinery employed must have appropriate mitigation measures to prevent Public Nuisance from odour and/or noise from its use.

The applicant is further advised that Environmental Health will base any proposed capacity to be set by whichever gives the lower figure based on the following considerations:

- provision of sanitary accommodation being in line with British Standard 6465, as amended, or
- safe figure as determined under the District Surveyor's Technical Standards for Places of Entertainment

Please contact me if you require further advice or information.

2-B Other Persons			
Name:		Mr Victor and Diana Arbulu	
Address and/or Residents Association:		Flat 10 10 Berkeley Street London W1J 8DP	
Status:	Resident	In support or opposed:	Opposed
Received:	6 March 2016		
We would like to object to this licence application. When the sun goes down, quality of life for residents at Berkeley Street changes completely. We have Novikov restaurant, The Mayfair bar, Palm Beach Casino, Cafe Pushkin, Bocconcini pizzeria & restaurant, Park Chinois, Funky Buddha, Nobu and Cafe Fratelli, and this is all within 50 yards of each other. We would assume that no other street in			

Mayfair has this concentration of licensed premises and clubs in such a short distance. Berkeley St has now reached saturation point with restaurants and bars. The amount of litter and noise pollution this has brought to the street is now a real problem. These issues are making life for residents extremely unpleasant.

10 Berkeley Street is a residential building, no offices, and we also have The Arts Club facing the back windows (with a share of noise).

If it is irrelevant for Westminster that one of the few resident buildings in Mayfair could disappear, then, grant another license... otherwise we beg the committee members on behalf of all the residents on Berkeley Street to not grant another Licence that will increase noise and litter in Berkeley Street.

Name:	Mr Ahmad Reza Salar Boroumand		
Address and/or Residents Association:	10 Berkeley Street London W1U 3RF		
Status:	Resident	In support or opposed:	Opposed
Received:	2 March 2016		

I live at 10 Berkeley Street and am managing the building. I would like to object to this application since Berkeley Street has now reached saturation point with restaurants and bars. There are 2 hotels, one casino and at least 7 restaurants and cafe. The street has become dirty, unsafe, traffic congested and filled with undesirable people due to these establishments in general and, Novikov in particular. It has become intolerable for the residents and opening another restaurant is unnecessary and I believe that granting such licence is disrespect for the resident's human rights and welfare.

Name:	Louise Wirth		
Address and/or Residents Association:	Flat 11, 10 Berkeley Street London W1J 8DP		
Status:	Resident	In support or opposed:	Opposed
Received:	11 March 2016		

I am a resident of Flat 11, 10 Berkeley St, W1J 8DP

I would like to object to this application for the following reasons:

I have a direct line of vision into the proposed area from two windows of the flat.

There is already considerable noise from the Arts Club at the rear of the building and Novikov restaurant at the front of the building, especially late at night.

Chauffeurs of clients dining in this area regularly park on the nearby resident parking spaces and often will not move on even if asked politely.

There is already a number of high end restaurants on this street.

Name:	Mr Dimitrios Los		
Address and/or Residents Association:	17 Berkeley Street London W1J 8EA		
Status:	Resident	In support or opposed:	Opposed

Received:	4 March 2016		
11:53 AM on 04 Mar 2016 Berkeley str. is already packed with traffic from restaurants clubs and other establishments. Kindly refrain from adding to that problem. The noise and garbage is bad enough as it is.			
Name:	Mrs Julia Scholar		
Address and/or Residents Association:	Flat 19 10 Berkeley Street London W1J 8DP		
Status:	Resident	In support or opposed:	Opposed
Received:	7 March 2016		
<p>I don't think I can find the words to say how strongly I object to this application. In the same way as I have objected to other applications in Berkeley Street, all of which go ahead with no regard for the residents, this one particularly concerns me as it is right next door to us.</p> <p>I already have to suffer smells first thing in the morning from the coffee shop below baking their wares and now it looks like there will be added problems with a "Raw and BBQ" restaurant on the other side.</p> <p>I cannot believe that another eating establishment will not mean even more late night parking and noise issues, especially as this restaurant is asking for a Licence until the early hours of the morning. Driving down Berkeley Street at night (and during the day) is a virtual impossibility with the double parked taxis and Uber drivers and private chauffeurs, hardly any of whom respect the law. The sounding of car horns is a common cause of being woken up in the early hours.</p> <p>Berkeley Street is full-up and is turning into the worst part of Mayfair. Despite efforts to keep things under control, the noise of people leaving these establishments and their behaviour, which includes vomiting and urinating in our doorway, has never improved, so another restaurant with late hours can only spell more problems for the long suffering residents.</p> <p>If this Licence is granted, it will mean even more people hovering outside the doorway to 10 Berkeley Street (especially during the summer months), which can be intimidating at the best of times. At least whilst 11 Berkeley Street remains offices, there is a gap between the noise generated from Nobu, Mayfair Bar, Funky Buddha one end and Novikov over the road on the other - and even they are already too close for comfort!</p> <p>Once again, I object in the strongest possible terms.</p>			
Name:	Mr Frank Salvoni		
Address and/or Residents Association:	Flat 2 10 Berkeley Street London W1J 8DP		
Status:	Resident	In support or opposed:	Opposed
Received:	1 March 2016		

I would like to object to this licence application. Berkeley Street has now reached saturation point with restaurants and bars. It seems that every office and retail space is now trying to be converted into restaurant/licensed use. The amount of litter and waste and noise pollution this has brought to the street is now a real problem. These issues are making life for residents very unpleasant. The last thing we need in Berkeley Street is the granting of another licence. Every morning when i exit 10 Berkeley at 6am, I am confronted with broken glass, vomit, urine, spit and some mornings usually Friday or Saturday, human excrement. This is no exaggeration. You can check with your street cleansing team. We have Novikov restaurant, The Mayfair bar, Palm beach casino, Cafe Pushkin, Bocconcini pizzeria & restaurant, Park Chinois, Funky Buddha, Nobu and Cafe Fratelli, and this is all within 50 yards of each other. I would assume that no other street in Mayfair has this concentration of licensed premises and clubs in so short a distance. So I implore the committee members on behalf of all the residents on Berkeley Street to not grant another Licence for Berkeley Street.

Name:		Miss Irena Timofeeva	
Address and/or Residents Association:		Flat 1 10 Berkeley street London W1J 8DP	
Status:	Resident	In support or opposed:	Opposed
Received:	13 March 2016		

Berkeley street is an extremely busy area filled with restaurants, bars and clubs. The amount of waste and noise pollution had reached extreme levels. Growing number of entertainment facilities attract a lot of people, including numerous homeless people who crowd Berkeley street days and nights. Addition of the new restaurant on 11 Berkeley street would make situation unbearable.

The venue is located right next to my home. Mild construction works have already taken place in the venue, which caused a significant amount of noise. Majority of work was taking place on Saturday early mornings. As an occupant of the neighbouring building, those works made it impossible to spend any time at home. In addition the workers behaviour was extremely inconsiderate. They would constantly open windows in the venue and not only create a lot of noise, but would shout all the time.

As an occupant of 10 Berkley street, the windows of my flat share similar windows with 11 Berkeley street. Given it is impossible to spend time a t home while any works are taking place, granting the license to change the venue unto a restaurant would potentially deteriorate the situation significantly. With venue on operation almost all day long, and opened till late, would be a source of constant noise. I am currently pursuing a PhD degree in finance, which requires long hours of work, often from home.

Having a restaurant as a neighbouring venue, with expected late night opening would have a strong negative impact on the living conditions. In addition, it would generate a constant high amount of people who would gather outside of the venue as well as increase amount of cars, which create extra noise. With regard to all these points, I entreat the committee members on behalf of all the residents of the Berkeley Street not to grant a licence to 11 Berkeley street.

Name:		Mr Ron Whelan	
Address and/or Residents Association:		29A Brook Street Mayfair London W1K 4HE	
Status:	Residents Association	In support or opposed:	Opposed
Received:	25 February 2016		

The Mayfair Residents Group wishes to ensure the hours of trading for this new eaterie are restricted to 12.00 at night Monday to Saturday and 11.00PM on Sunday. We would also like to request that (a) there are always door staff in the evening, and (b) there should be no more than five smokers at a time outside the restaurant, and (c) absolutely no consumption of alcohol outside the restaurant.

Chairman
Mayfair Residents Group

Name:		Mr Gordon Yeoman	
Address and/or Residents Association:		10 Berkeley Street London W1J 8DS	
Status:	Resident	In support or opposed:	Opposed
Received:	29 February 2016		

I reside at number 10 Berkeley St and am most concerned at the impact of yet another source of nuisance in traffic , noise ,crime and disorder in Berkeley Street.

Public Nuisance

Traffic

Most nights of the week the South end of Berkeley St is reduced to one lane only, due to the number of taxis, chauffeurs etc that double park outside NOVIKOV . Although 4 taxi spaces have been created for taxis only, at their door , there are often 10 to 12 taxis waiting for customers .

Number 11 Berkeley St is opposite NOVIKOV and I cannot imagine the chaos when taxis are dropping off guests at this proposed new restaurant , blocking the one remaining lane

Park Chinoise, new to Berkeley Street, seem to run a busy restaurant but there is little disturbance outside their premises . Why are Novikov allowed to flaunt the rules Without addressing the parking issues there is not much point in opening at No 11 as Berkeley Street would be permanently blocked .

Noise / pollution

There is a wealthy clientele in this area who drive expensive noisy cars. Showing off how loud the engine revs will reach is a common pastime. Heaven knows the lead levels in such a condensed narrow street. The noise of hooting horns rises in line with

the frustration felt by drivers inching towards the traffic lights. Crossing Berkeley St at night is dangerous when busy, as normal rules of the road do not seem to apply.

New premises will do nothing to make the area quieter. Potential noise caused when customers leave has to be tightly managed and protection from music or that arising from 100 plus diners, suitably muffled so that it cannot disturb residents in neighbouring buildings.

Crime and Disorder

Berkeley Street is now a disgrace in the evenings. The number of unsavoury people on the street has increased substantially in the past year or so. Pimps, prostitutes pickpockets and beggars prey on locals and passers by. After dark it is unnerving having strange people threatening you, on your doorstep and wandering up and down up to various forms of mischief.

Another restaurant will draw more of the wrong people as well the law abiding citizens. Consideration has to be given to the residents. The revellers go back home at night. We have to live in the middle of it!!

I note that representatives from Berkeley Eats Ltd (No 11) are attending the meetings set up by Park Chinois with the aim of making the street safer cleaner, etc. There needs to be a commitment from them to buy into a joined up approach from all the late licence holders to provide a form of security that will make a real difference in giving back the street to the residents and chase out those who are causing the distress.

Name:	Mrs Jaleh Zand		
Address and/or Residents Association:	17 Berkeley Street London W1J 8EA		
Status:	Resident	In support or opposed:	Opposed
Received:	25 February 2016		

17 Berkeley Street Residents Association strongly objects to this application.

This is not our first objection to such licence, but WCC continuously ignores the situation in Berkeley Street. The street is totally saturated with bars and restaurants and yet we have to deal with another licence and a new opening. I won't go into details of all the problems residents are facing, I know all the panel is aware and we are just repeating ourselves. No solution has been achieved and our calls to make Berkeley Street a stress area has not been taken into account despite all RAs in the street requesting this.

Re: 'Raw and BBQ', 11 Berkeley Street, London W1J 8DS

Application for new premises licence ref: 16/01829/LIPN

Hearing listed for 21 April 2016

Statement of Jaleh Zand, 17 Berkeley Street Residents Association

1 Introduction

1.1 I have made a representation on behalf of 17 Berkeley Street Residents Association, objecting to the grant of a premises licence for 11 Berkeley Street.

1.2 My representation referred to the saturation of Berkeley Street and its immediate environs with late night licensed premises. The number of premises operating late in the evening has increased rapidly in recent years, to the extent that late night licensed premises have cumulatively given rise to serious problems of crime, disorder and nuisance. Local residents have to bear the brunt of this.

1.3 The licensing authority will be aware that this view is shared by others in the area. Accordingly, I did not feel the need in my representation to go into further detail. However, I have been advised that it may assist the Sub-Committee if I do set out in more detail why residents believe that the number of late night or drink-led premises in the area has given rise to a cumulative impact which is having such a disproportionate effect on residents. It may also assist the applicant in trying to address the issues I raise.

2 Late night licences in Berkeley Street and its immediate vicinity

2.1 See table below.

Premises	Premises type	Terminal hour	Capacity	Points to note
Palm Beach Casino, 30 Berkeley St	Casino	7am	840	-
Mayfair Bar, (part of the Mayfair Hotel) 17 Stratton Street*	Bar	1.30am	250	Licence reviewed by residents in 2014 on public nuisance grounds
Charlie Berkeley (formerly Funky Buddha), 15-16 Berkeley Street	Nightclub	3am	220	Licence currently under review by the police
Nobu, 15 Berkeley	Restaurant	2am	460	-

Street				
Novikov, 50 Berkeley Street	Restaurant/bar/club	2am	520	-
Bocconcino, 19 Berkeley Street	Restaurant	12.30am	127	Started operating in 2015. Previously offices.
Café Pushkin, 20 Berkeley Street	Restaurant	Core Hours	125	New licence granted in 2013, not yet operating.
12 Hay Hill	Private Members Club with bar	Midnight Mon-Thurs, 1.30am Fri-Sat	250	Started operating in 2015.
Park Chinois, 17 Berkeley Street	Restaurant	2am	450	Started operating in 2015. Previously licensed but premises had not operated for some years.
Sexy Fish, 1-4 Berkeley Square	Restaurant	2am	220	Started operating in 2015. Was previously a Bank.
Fifty9, 59 Berkeley Square	Bar/club	3.30am	295	-
Rififi, 15a Hay Hill	Private Members Club	3.30am	75	-

* Mayfair Bar entrance and exit is on Berkeley Street

3 Comments on licensed premises in vicinity

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

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

3.3 Bocconcino, Cafe Pushkin, 12 Hay Hill, Park Chinois, Sexy Fish and Riffifi have all either been granted an entirely new licence (i.e. for a premises with no previous licensed history) or have started operating again after lying empty, in the last couple of years. By my calculations, the grant of licences/licences coming back into use amounts to an increase of over 1000 in licensed capacity, putting further strain on an infrastructure that is already down to the bone. Yet another licensed premises, particularly one operating past 11pm, will undoubtedly exacerbate these problems.

3.4 The licence for Mayfair Hotel (specifically the public bar) was reviewed successfully in 2014. The licence for 'Charlie Berkeley' (formerly 'Funky Buddha') is currently under review.

4 Effect of the existing late night licensed premises and the more recent premises

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

4.2 Below is a list of problems that the residents are currently facing from the cumulative impact of licensed premises. These problems have intensified hugely in recent years.

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

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

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

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

system, waking up the residents late at night.

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

4.3 As a result of the recent saturation there has been an increase in crime in Berkeley Street and the area around. The Mayfair Hotel is now using a privately funded scheme to provide extra policing around their premises.

4.4 One of the most agonising problems for the residents is the extreme noise. The situation has worsened in the recent years. We believe that residents have been failed by the number of licences which have continued to be granted. We would like to further point out that at least as far as 5 years ago the problem of noise was not to this extreme extent.

4.5 In short, all current four licensing objective are failing at Berkeley street. This can be demonstrated by the fact that two premises licences (Mayfair Hotel and 'Charlie Berkeley') have been reviewed since 2014. The 'Charlie Berkeley' review has been initiated by the police, and is on-going at the time of writing.

4.6 We are actively involved in trying to bring about positive change to Berkeley Street. We applied for a licence review for the Mayfair hotel in 2014. We have supported the police's review of 'Charlie Berkeley'. We were also involved in setting up the Berkeley Street Monitoring Group, which aims to promote good practice for licensed premises, chaired by Councillor Glanz.

5 Economic Impact of the change in nature of Berkeley Street

5.1 While we understand the arguments in favour of the night time economy, the balance has to be maintained. The night economy should not jeopardise the successful day economy that Mayfair enjoys.

5.2 We believe that such a massive number of late night operators so close to one another, are not in line with the character of this area. Mayfair has a very strong day time business economy. Both Berkeley Street and Berkeley Square are home to some of the most renowned hedge funds, trading companies, family offices, wealth managers, and consulting firms. These companies have chosen Mayfair due to its location but also the prestige that the area has historically offered. Mayfair is further known for galleries, car show rooms and art houses. In the light of the recent move by the biggest players in the financial industry from the City to Canary Wharf, the Council has to protect this area and prevent the flight of these smaller boutique firms based in the heart of London. Dirtier streets, piled with garbage, building materials and hard core detritus, urine and vomit are not conducive to attracting and maintaining legitimate business operations.

5.3 Many local residents are of the view that this part of Mayfair has reached a

tipping-point. It is saturated with late night and drink-led premises, and residents suffer a range of noise nuisance and criminal behaviour well into the small hours. It is extremely difficult to pinpoint specific problems to specific premises, although clearly some have the potential to cause more nuisance than others. Because of this, it is difficult for residents to initiate effective reviews of licensed premises. This is precisely the sort of situation which makes a stress area necessary for Berkeley Street – the range of nuisance is so all-encompassing that it arises from the cumulative impact of all the premises taken together, as much as any individual problematic premises.

6 The current application

6.1 A terminal hour of 1.15am is sought from Monday – Saturday. We feel that this is manifestly inappropriate for the area.

6.2 We have considered the content of the 'Appendix 11 Submission' provided by the Applicant's solicitors. Although we appreciate that the measures proposed are intended to demonstrate that the Applicant has considered the nature of the local area and proposed measures to mitigate any adverse impacts, the fact remains that the hours proposed are at a level where a significant addition to the cumulative impact of the other premises is inevitable.

6.3 This is not to cast any aspersions on the Applicant; we are sure that they are experienced in running well-managed premises. The point we make is that this cannot be sufficient to overcome the problems which residents experience at the moment, which would be added to by their customers leaving the premises late at night.

6.4 The premises is very close to Novikov and Charlie Berkeley. Both these premises have later licences. There is therefore the danger that the existence of another restaurant directly adjacent will lead to customers migrating from this premises to either Novikov or Charlie Berkeley rather than departing the area. Charlie Berkeley has a terminal hour of 3.30am. Rififi, which is in the same ownership as Novikov, is only a short distance away and has a terminal hour of 3.30am.

6.5 The lawful planning use of the property is as offices (Class B1a), although a change of use application has been submitted. There is therefore no Licensing Act 2003 'footprint' unlike, for example, with 17 Berkeley Street, the ground floor and basement of which had the benefit of a LA03 premises licence prior to the application for a new licence submitted by Park Chinois.

7 Conclusion

7.1 Berkeley Street is not currently included within a designated Cumulative Impact Area (CIA). However, the s182 Guidance is clear that it is nevertheless open to residents to raise the issue of cumulative impact. I hope to persuade the licensing authority that because Berkeley Street has all the characteristics of a

CIA, albeit one not officially designated, the stricter Policy approach for areas of 'cumulative impact' should be applied to this application.

7.2 When determining licence applications, the focus should be on evaluating what is 'reasonably acceptable' in a particular location (*R (on the application of Hope & Glory Public House Ltd) v (1) City of Westminster Magistrates' Court & Ors* [2011] EWCA Civ 31). The scope of the licence and conditions should be looked at in a local context (*Matthew Taylor v (1) Manchester City Council (2) TCG Bars Ltd* [2012] EWHC 3467 (Admin)).

7.3 For the reasons given, we would ask that the application is refused. If the licensing authority is minded to grant a licence, it should be to a much earlier terminal hour, with strict conditions to address the issues which residents face.

7.4 I am not able to attend the hearing as I am abroad on 21 April. I will be represented by Richard Brown.

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

Yours sincerely,

Jaleh Zand

17 Berkeley Street

3. Policy & Guidance

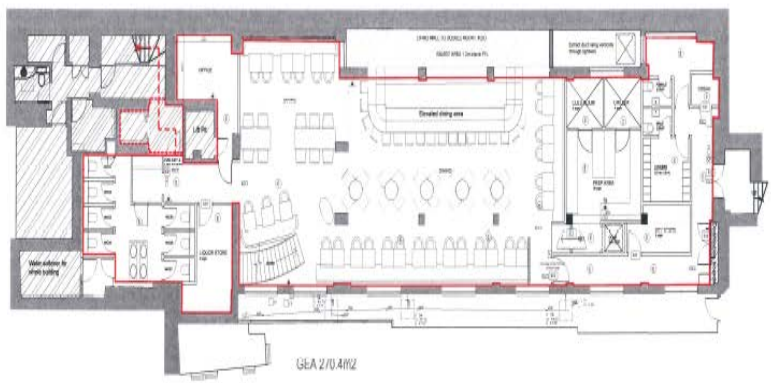
The following policies within the City Of Westminster Statement of Licensing Policy apply:

Policy HRS1 applies	(i) Applications for hours within the core hours set out below in this policy will generally be granted, subject to not being contrary to other policies in the Statement of Licensing Policy. (ii) Applications for hours outside the core hours set out below in this policy will be considered on their merits, subject to other relevant policies.
Policy RNT1 applies:	Applications will generally be granted and reviews determined, subject to the relevant criteria in Policies CD1, PS1, PN1 and CH1.
Policy PB1 applies:	Applications will only be granted if it can be demonstrated that the proposal meets the relevant criteria in Policies CD1, PS1, PN1 and CH1.

4. Appendices

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

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



- m Fire Blanket
- 2Kg CO2 fire extinguisher
- 9 Litre foam extinguisher
- Emergency lighting
- Call Point
- Sounder
- Fire door keep closed sign to both sides of door
- Recessed exit luminaire for 3 Hr maintained operation with running man legend - white trim
- Wall mounted exit luminaire for 3 Hr maintained operation with running man legend - white trim

NOTES:

New fire detection system installed to current regulations and BS5839 1 2002. Linked to the Landlords fire alarm system.

PROJECT
 11 Berkeley Street
 London

TITLE
 Fire plan 2

DATE: 15/08/15
 15/08/15

DATE: 15/08/15
 15/08/15

DESIGN NUMBER: 2921-111

SHEET: 8

Franklindesign
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Licensing Service
City of Westminster
64 Victoria Street
London
SW1E 6QP

15 February 2016

Dear Sirs

11 Berkeley Street, W1

We act for the applicant in the above matter and enclose our client's application for a new premises licence.

The application follows both pre-application advice with the district surveyor and the environmental health consultation team, together with a public exhibition and meetings with local stakeholders.

The application is for a strictly controlled restaurant use, with alcohol only being sold to customers in accordance with the City Council's model condition 66. Bearing in mind the location of the premises, the opening times and conditions have also been structured to recognise concerns pertaining to other licensed premises and the need for customers to depart the restaurant at an appropriate time and in an appropriate manner.

A detailed appendix 11 submission also accompanies this application setting out our client's proposals in relation to access and egress and by reference to appropriate conditions in the operating schedule, for example dealing with smokers.

Yours faithfully



Thomas & Thomas Partners LLP

tel: 020 7042 0412

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11 Berkeley Street

Application for a Premises Licence

City of Westminster

Statement of Licensing Policy 2016

APPENDIX 11 SUBMISSION

1 Introduction

1.1 This document is submitted in support of the application for a new Premises Licence in respect of 11 Berkeley Street London (the "Premises").

1.2 The Application seeks a Premises Licence authorising the following licensable activities:

	Sale of Alcohol & Recorded Music	Late Night Refreshment	Opening Hours
Monday to Saturday	08.00 – 01.00	23.00 – 01.15	08.00 – 01.15
Sunday	09.00 – 23.30	23.00 – 23.30	09.00 – 23.30

1.3 The applicant is an extremely experienced operator with a proven track record. The applicant has managed some of the world's most popular restaurants.

1.4 This document addresses Appendix 11 of the City of Westminster's Statement of Licensing Policy. In doing so the applicant can demonstrate the Premises will:

1.4.1 Promote the licensing objective of the prevention of public nuisance; and

1.4.2 Be professionally and responsibly managed alongside nearby local residents.

1.5 The premises are situated in a busy one way street running North to South through Mayfair. The area has mixed uses, with restaurants, bars and casinos in the close vicinity. There are excellent transport links nearby.

2 Planned Management Measures for Control of Noise

2.1 The proposed hours of operation are:

	Sale of Alcohol & Recorded Music	Late Night Refreshment	Opening Hours
Monday to Saturday	08.00 – 01.00	23.00 – 01.15	08.00 – 01.15
Sunday	09.00 – 23.30	23.00 – 23.30	09.00 – 23.30

- 2.2 The main entry and departure points are located on Berkeley Street. A double set of fitted self-closing doors will be installed at the main entrance to prevent internal noise carrying out to the street.
- 2.3 An SIA registered doorman will be on duty every day. Customers will be welcomed by a staff immediately upon arrival at the Premises. During busy periods, additional staff will supervise the entry of customers to prevent any queuing. All customers will be supervised and managed by staff to ensure they cause no nuisance.
- 2.4 The departure of customers will be managed in accordance with the dispersal policy at section 4 of this document. The management controls set out in the dispersal policy will ensure all customers leave the area as quickly and as quietly as possible.
- 2.5 The dispersal policy includes arrangements for taxis. These procedures will ensure taxis are managed so as to mitigate possible nuisance.
- 2.6 The applicant will implement comprehensive servicing and delivery procedures to ensure this activity has minimal, if any, impact on the local amenity. The relevant procedures are set out in section 5 of this document.

3 Noise Criteria

3.1 The criteria set out in policy PN1 are addressed as follows:

Noise and Vibration

3.2 Music will be played at modest levels in accordance with the restaurant use.

3.3 The double self-closing entrance doors will act as an acoustic lobby to prevent noise outbreak.

3.4 Management controls are included in the dispersal policy at section 4 and the servicing and delivery procedures at section 5 of this document. The objective of these procedures is to ensure residents are not disturbed by noise from the Premises in accordance with Policy PN1. In addition, the following model condition is proposed with the application:

3.4.1 *“No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance”.*

3.4.2 *“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, 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.”*

Eating, Drinking and Smoking Outside Premises

3.5 The Application does not propose authorisation for any external drinking or eating.

3.6 The following model condition is proposed with the application:

3.6.1 *“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”.*

3.7 Smokers will be limited to a maximum of 10 at any one time and will be carefully supervised to ensure they do not obstruct the highway and do not cause a nuisance.

Other Environmental Impacts

3.8 The applicant will implement a number of measures to ensure no adverse impact to the local environment, including but not limited to:

3.8.1 Model condition proposed with the application as follows:

3.8.1.1 *“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 sweeping collected and stored in accordance with the approved refuse storage arrangements by close of business”.*

3.8.2 A dispersal policy at section 4 of this document.

3.8.3 A deliveries, collections and servicing procedure at section 5 of this document.

4 People Arriving, Departing & in the Vicinity

Dispersal Policy

- 4.1 The objective of the Dispersal Policy is to ensure a quiet, controlled and swift dispersal of the Premises' customers.
- 4.2 The Dispersal Policy promotes a professional and responsible management of customers as they leave the Premises to ensure they make their journey home without any adverse impact on local residents.
- 4.3 Despite the Premises' central London location, employees are made aware that local residents live close by.

Hours of Operation

- 4.4 The proposed operational hours of the Premises will be:
 - 4.4.1 Monday to Saturday: 8am to 1.15am.
 - 4.4.2 Sunday: 9am to 11.30pm.
- 4.5 This Dispersal Policy will be followed throughout the opening hours, although particular attention will be paid to customers leaving at night.

Entrances and Exits

- 4.6 The main entrance/exit of the Premises is on Berkeley Street. This entrance will be managed at the front door and by SIA and reception staff inside the Premises at all times.

Dispersal

- 4.7 The exit is on Berkeley Street. There will be a gradual dispersal of patrons throughout the evening. The sale of alcohol will cease at 1am (11:30pm on Sundays), with customers leaving the premises in a gradual and controlled manner until close.
- 4.8 Towards closing time the following measures are taken to ensure a gradual and quiet closure of the Premises:
 - 4.8.1 Raised lighting levels.
 - 4.8.2 Politely reminding customers the Premises is about to close.
 - 4.8.3 Asking customers if they require a taxi and advising customers to wait inside the Premises.

Transport

- 4.9 Customers will arrive and depart by various modes of transport, including by foot and private car. Customers are welcomed straight into the Premises by members of staff. There will be no queuing or loitering on Berkeley Street.
- 4.10 When arriving by private car, customers and drivers will be reminded not to leave engines running unnecessarily, to keep conversation to a minimum and avoid slamming car doors.
- 4.11 The Premises will be well serviced by public transport links, as set out below. All staff will be familiar with the transport links so they can advise customers when required.

Tube

- 4.12 The following tube stations are located within walking distance of the Premises:
 - 4.12.1.1 Green Park Underground Station.
 - 4.12.1.2 Hyde Park Corner Underground Station.
 - 4.12.1.3 Piccadilly Circus Underground Station.
 - 4.12.1.4 St James's Park Underground Station.
 - 4.12.1.5 Victoria Underground Station.
- 4.12.2 Where necessary customers will be given directions to the relevant station and reminded to reach the station as quietly and as quickly as possible when they leave.

4.13 Rail

- 4.13.1 The Premises is within walking distance of Victoria rail station.
- 4.13.2 Other rail stations, for example Charing Cross, Paddington, Liverpool Street, Euston and Kings Cross St Pancras are easily reached by tube or taxi.

4.14 Buses

- 4.14.1 The Premises is well serviced by public buses. TFL bus services, including night buses, are accessible by bus stops on Piccadilly, which go to a variety of destinations throughout London.
- 4.14.2 Bus routes include: C2, 9, 14, 19, 22, 38, N9, N19, N22, N38 and N97.

4.15 Taxi

4.15.1 Black cabs are readily available right through the day and night in the area. Customers will be encouraged to go directly into a waiting cab when leaving the Premises.

4.15.2 If there are no available black cabs, customers will be asked to wait inside the Premises until a cab becomes available.

4.15.3 Staff will assist customers calling a taxi if required.

Private Car Service

4.16 The Premises will have a valet parking service and an agreement with a private car booking service. In the event a customer wants to book a car home, they must wait inside the Premises until their car has arrived to ensure a quick and quiet exit.

4.17 Customers will be asked if they need transport home at the time they request their bill.

5 Deliveries, Collections & Servicing

5.1 Deliveries and collections will be arranged carefully and sympathetically to the local amenity. Where possible, multiple deliveries and/or collections will be combined to avoid high numbers of vehicles servicing the premises. Delivery and collection times will not be scheduled late at night or early in the morning to avoid disturbing local residents. The servicing and delivery schedule is expected to be:

5.1.1 Servicing and deliveries will take place between 07:30 and 12:00 (midday) Mondays to Saturdays

5.1.2 Waste collection will take place between 08:00 and 09:30

5.2 The following model licence conditions are proposed with the Application:

5.2.1 *"All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times."*

5.2.2 *"No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 23:00 and 08:00 hours on the following day."*

5.2.3 *"Deliveries to the premises shall only take place between the hours of 07:30 and 12:00 (midday) Monday to Saturday and between 09:00 and 12:00 Sundays and Bank Holidays."*

Raw And BBQ - 11 Berkeley Street London W1J 8DS

Proposed Conditions:

1. The premises shall operate as a restaurant:
 - i) In which customers are shown to their table
 - ii) Where the supply of alcohol is by waiter or waitress service only,
 - iii) Which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table using non disposable crockery,
 - iv) Which do not provide any take away service of food or drink for immediate consumption,
 - v) Which do not provide any take away service of food or drink after 23:00, and
 - vi) Where alcohol shall not be sold or supplied, otherwise than for consumption by persons who are seated in the premises and bona fide taking a substantial table meal 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.

2. Notwithstanding condition [1], alcohol may be sold to and consumed by persons in the holding bar area hatched red on the plan, during, prior to or after their meal.
3. At least 1 SIA licensed door supervisor shall be on duty at the entrance of the premises at all times whilst it is open for business.
4. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31 day period.
5. 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.
6. 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.
7. 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 any visit by a relevant authority or emergency service.
 - (h) any visit by a relevant authority or emergency service.
8. 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, 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.
 9. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
 10. A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number is to be made available to residents and businesses in the vicinity.
 11. Loudspeakers shall not be located in the entrance lobby or outside the premises building.
 12. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall be limited to 10 persons at any one time.
 13. 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.
 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. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
 16. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 23:00 and 08:00 hours on the following day.
 17. Deliveries to the premises shall only take place between the hours of 07:30 and 12:00 (midday) Monday to Saturday and between 09:00 and 12:00 Sundays and Bank Holidays.
 18. 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 sweeping collected and stored in accordance with the approved refuse storage arrangements by close of business.

19. There shall be no striptease or nudity, and all persons shall be decently attired at all times.
20. No person on behalf of the premises or on behalf of a person carrying or attempting to carry on a licensable activity shall cause, permit, employ or allow, directly or indirectly, whether on payment or otherwise, any person(s) to importune, solicit or tout members of the public on any public highway within the specified area outlined below for the purpose of bringing customers to the premises. The distribution of leaflets or similar promotional material is also prohibited within the specified area.
For the purpose of this section,
'Directly' means:- employ, have control of or instruct.
'Indirectly' means allowing / permitting the service of or through a third party.
'Specified' Area' means the area encompassed within (insert name of boundary roads.)
21. The number of persons permitted within the premises at any one time (excluding staff) shall not exceed:
- Basement [x – to be determined by the Environmental Health Consultation Team]
 - Ground floor [x – to be determined by the Environmental Health Consultation Team]
- Subject to an overall maximum of [175] persons at any one time.
22. The Licence will have no effect until the works shown on the plans appended to the application (or as subsequently amended) have been assessed as satisfactory by the Environmental Health Consultation Team and this condition has been removed from the Licence.

Your ref:
Our ref: AT/SAM.14

38a Monmouth Street
London WC2H 9EP
tel: 020 7042 0410
fax: 020 7379 6618

Licensing Service
City of Westminster
64 Victoria Street
London
SW1E 6QP

13 April 2016

Dear Sirs

Licensing Act 2003
Raw & BBQ, 11 Berkeley Street, W1

We refer to our client's application for a new premises licence scheduled to be determined on 21 April 2016.

Please find enclosed:

1. Report of Adrian Studd.
2. Statement of Community Involvement.
3. Schedule of representations.
4. Acoustic report.
5. Berkeley Street Monitoring Group Best Practice conditions.
6. Consolidated schedule of conditions.
7. Concept presentation.
8. Site photographs.

Introduction

Raw & Barbecue is a new restaurant concept spirited and executed by Executive Chief Daniel Doherty. The unique food offer will highlight the very best of contrasting raw and barbecued ingredients. The concept is jointly developed with Samba Brands, who have highly acclaimed restaurants throughout the world, including in the City of London, New York and Miami.

The Proposal

The restaurant will operate in accordance with conditions consistent with the City Council's Statement of Licensing Policy. This includes Model Condition 66, save for a small holding bar where alcohol can be sold only ancillary to a customer's meal. The proposed hours for the sale of alcohol are between 8.00 am and 1.00 am (9.00 am and 11.30 pm on Sundays). There is no external seating and no drinks may be taken out of the premises. Smoking is limited to a small number of persons and supervised.

Recorded music is proposed although this is deregulated in any event before 11.00 pm. After 11.00 pm, it is proposed that the music would be of background level, consistent with the recommendations of the acoustic report.

The proposed hours for late-night refreshment on the premises and opening times are 15 minutes later, so as to allow a controlled and gradual dispersal from the premises.

Statement of Community Involvement

551 local residents were consulted by the applicant, which included a public exhibition attended by 21 residents and local stakeholders over two days. There was also a meeting with the Ward Councillor, the Residents' Society of Mayfair and St James's and the Berkeley Street Monitoring Group. More recently, a further meeting was attended with the Berkeley Street Monitoring Group and an additional presentation was made to local residents during the week commencing 11 April 2016.

The responses to that consultation are set out in the Community Involvement Statement. There was broad support for the proposals, with an ongoing commitment to provide contact details and a pathway for communication. One of the key reasons for the support was the proposed use of the premises as a high quality restaurant. The Berkeley Street Group has proposed Best Practice and Model Conditions, many of which are already included in the application. There is an unequivocal commitment to be a part of and contribute to that Group.

The restaurant is on two floors with a holding bar on the ground floor and with a small service bar with some seating around the ground floor floor void. The lower ground floor consists of a seated servery with more formal seating arrangement throughout the area.

Pre-application advice has been sought and given in respect of the proposed capacity of the premises being 150 persons, plus 25 maximum in the holding bar. Appropriate sanitary accommodation, servicing conditions have been discussed and agreed.

There are self-closing doors in the entrance, where there will also be staff supervision to ensure customers do not leave the premises with drinks. These staff, including an SIA registered door supervisor, will also monitor the number of persons smoking outside the premises and manage their activities.

The Representations

Representations have been received from local residents and are summarised in the attached schedule. Essentially, those representations relate to:

1. Cumulative impact.
2. Taxis, traffic and noise from cars and customer dispersal.
3. Dispersal of customers.

The Appendix 11 statement proposes measures to deal with car parking and taxis. These can be summarised as:

- *Black cabs are readily available right through the day and night in the area. Customers will be encouraged to go directly into a waiting cab when leaving the Premises.*
- *If there are no available black cabs, customers will be asked to wait inside the Premises until a cab becomes available.*
- *Staff will assist customers calling a taxi if required.*
- *The Premises will have a valet parking service and an agreement with a private car booking service. In the event a customer wants to book a car home, they must wait inside the Premises until their car has arrived to ensure a quick and quiet exit.*
- *Customers will be asked if they need transport home at the time they request their bill.*

Adrian Studd (retired police chief inspector) deals in his report with the potential impact of customers leaving the premises. In addition, this element of the operation is also dealt with in the noise report. Mr Studd's evidence was given and accepted in the application for Park Chinois and he therefore has a good knowledge of the issues arising in this particular location.

He concludes that the proposed use and hours of the premises are very different to other premises in the area which are, without doubt, contributing to noise, nuisance and crime and disorder. He makes further recommendations for conditions to promote the licensing objectives further. All of those recommendations are proposed as conditions.

The Berkeley Street Group

In 2015, a multi-agency group was established to investigate and address some of the issues relevant to licensed premises in Berkeley Street. That group is chaired by Councillor Jonathan Glanz and is attended by Councillor Roberts, local residents, businesses and licence holders.

The Group has proposed Best Practice and Model Conditions for premises operating in the street to reduce existing crime and nuisance. The last two meetings have been attended by the Applicant. Further study is being undertaken into the best method of providing extra security and visible re-assurance. Such proposals include own premises SIA staff and/or a paid-for policing type of model. There is also a local radio scheme and growing membership. The Applicant has undertaken to be a member of and support the group.

Cumulative Impact and the Statement of Licensing Policy

The applicant recognises the significance of the Statement of Licensing Policy. Indeed, the application has been made not only with appreciation of it but also with conditions appropriate to it.

The premises **are not** situate within a Cumulative Impact Area ('CIA'), although conditions have been proposed which would be appropriate to premises in a CIA and indeed promote the licensing objectives.

Restaurant policy RNT1 applies, which provides "*applications will generally be granted and reviews determined, subject to the relevant criteria in policies CD1, PS1, PN1 and CH1*".

Paragraphs 2.5.12 to 2.5.15 are relevant in respect of the proposed use and the proposed hours. Whilst there are residents in the vicinity, the acoustic attenuation ensures no outbreak of sound from the restaurant and the plant. In respect of customers smoking and leaving the premises, Mr Studd's report provides appropriate recommendations which will be complied with to manage persons leaving or smoking. The noise report provides further assurances in this regard.

The Appendix 11 statement sets out both the availability of public and private transport, and of course the extension of the late-night tube network bearing in mind the immediate approximately of Green Park Underground Station. Having spoken to Mr Brown of the CAB, further measures are being considered and addressed as regards dispersal.

Conclusion

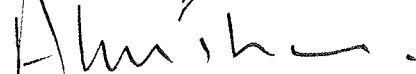
The applicant has carried out extensive consultation with local stakeholders. The submitted proposals and conditions are consistent with the proposed use of a high quality restaurant. There is a commitment to work with local stakeholders to improve the area and not to add to existing problems caused by late-night bars and poorly managed premises.

There is a recognition in the Statement of Licensing Policy that restaurants (particularly those selling alcohol only to 1am) do not add to crime and disorder and public nuisance in the same way as public houses and bars. This is corroborated in the applicant's submissions and also from the representations.

The recent consultation on the Statement of Licensing Policy found there was insufficient evidence to justify the extension of the Cumulative Impact Area to Berkeley Street and that existing issues were isolated and related to a small number of drink-led premises.

Mr Kieran Terry of the applicant company, Mr Alun Thomas of this firm and Mr Stephen Walsh QC will be in attendance at the hearing to answer any further questions that Members have. Evidence may also be given by Mr Adrian Studd.

Yours faithfully



Thomas & Thomas Partners LLP

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email: athomas@tandtp.com

11, BERKELEY STREET, W1.

An independent licensing report on the proposal for a fine dining
restaurant at 11 Berkeley Street, W1J 8DS .

By Adrian Studd, Independent Licensing Consultant.

*Clubsafe
Services Ltd.*

Adrian Studd, Independent Licensing Consultant.

Introduction.

I have been instructed in relation to the application for a restaurant licence at 11 Berkeley Street, W1. The location is currently unlicensed and it is now proposed to operate a fine dining restaurant with full restaurant conditions.

In order to consider what impact, if any, this application will have on the promotion of the licensing objectives I have conducted observations in the vicinity and surrounding areas including the Berkeley Street and Dover Street area, until the early hours to identify the issues that currently take place around the existing licensed premises.

These observations enable me, using my experience as a former senior police officer with responsibility for licensing in London, to contrast the fine dining operation proposed at 11 Berkeley Street with existing licensed premises in Berkeley Street and Dover Street such as Novikov and Mahiki, highlighting the differences and the potential impact on the licensing objectives.

Personal summary – Adrian Studd.

I retired from the police service on 2nd November 2012 having completed 31 years exemplary service with the Metropolitan Police in London. Between January 2012 and my retirement I was employed as the Chief Inspector in charge of licensing for the London Olympic Games 2012. In this role I headed up a team of officers with responsibility for supervision of licensing compliance at all the Olympic venues, including the Olympic park. In addition I was responsible for ensuring that any associated events were properly licensed, sufficiently staffed and operated in accordance with the licensing legislation and best practice in order to ensure the safe and effective delivery of the Olympic Games.

In addition to leading my team I visited and worked with both the Olympic park management and many other venues, reviewing their policies and procedures and ensuring that the Games were delivered safely and securely. The success of this operation not only protected the

reputation of the MPS but provided positive benefits for the profile of the MPS and the United Kingdom. I have been awarded an Assistant Commissioners Commendation for this work. Prior to this role, between Jan 2002 and January 2012, I was employed first as an Inspector and then as a Chief Inspector on the MPS Clubs and Vice Unit (Now SCD9 Serious and Organised crime command). My responsibilities over this period focussed on licensing and included day to day supervision of the licensing team that had a London wide remit to support the Boroughs with licensing activity.

Providing both Overt and Covert support for policing problem licensed premises across London. My team worked with premises when licensing issues were identified in order to address these problems through the use of action plans in order to raise their standards. Where this failed I would support the Boroughs with evidence for use at review hearings if required. I devised and implemented the MPS strategy 'Safe and Sound' which seeks to improve the safety of customers at licensed premises by reducing violent and other crime, in particular gun crime and the most serious violence. I also developed the Promoters Forum and risk assessment process, together these initiatives contributed to an overall reduction in violence in London of 5% and of the most serious violence and gun crime at licensed premises by 20% whilst I was there.

From 2004 until 2008 my role included representing the MPS and ACPO licensing lead both in London and Nationally. In this role I developed key partnerships with industry, NGOs and Government departments in order to improve the standards at licensed premises. I sat on the BII working party and helped develop the national training for Door Supervisors and worked with the SIA to successfully introduce the new regime within London. I sat on a number of Government working parties and worked closely with the alcohol harm reduction team to identify best practice and ensure this was used, both within London and nationally, by police and local authorities.

I have been involved with Best Bar None for a number of years and have successfully helped a number of boroughs implement the initiative. I am a trained Purple Flag and Best Bar none assessor and until my retirement sat on the Board for Best Bar None in the Royal Borough of Kensington and Chelsea. For the last five years I have been in charge of licensing for the Notting Hill Carnival, the largest street carnival in Europe. During this time I have contributed to a reduction in violence overall at the Carnival and delivered increased seizures of illegal alcohol, reduction of unlicensed alcohol sales and a reduction in alcohol related violence. In addition to the above I have attended a large number of internal MPS training and qualification courses, I am trained in conducting health and safety risk assessments and hold the National Certificate for

Licensing Practitioners, issued by the British Institute of Inn keeping (BII).

Following my retirement I set up a consultancy service to provide independent analysis, reporting and advice for premises requiring a local authority licence. Since then I have provided evidence gathering services and advice and support to a broad range of licensed premises on a variety of issues, including crime and disorder, street drinking, rough sleepers, age related products, betting and gaming. This work has involved premises that benefit from licences for activities such as alcohol on and off licences, betting premises licences and late night refreshment. I have provided expert witness evidence at both local authority and appeal court hearings.

Observations.

- 1) I conducted observations in the vicinity of the proposed restaurant in Berkeley Street and in Dover Street on the night of Friday 22nd January 2016 between 22.00 and 02.00. The area was very busy with people using the licensed premises and with pedestrians moving through the area.
- 2) I considered the impact of premises such as Mahiki in Dover Street and Novikov in Berkeley Street, assessing the impact of these premises on the area and any differences or similarities to the proposed premises at 11 Berkeley Street. I observed The Wolseley in Piccadilly as this premises also operate as high end restaurant.
- 3) I am familiar with the Dover Street and Berkeley Street area and the licensed premises there both as a Police Inspector and Chief Inspector in the Clubs and Vice unit and through work I have done since leaving the police service and working as an independent licensing consultant.
- 4) Both streets have a mix of licensed premises that include a pub, casino, restaurants, bars and nights clubs. Some of the premises, such as Novikov, are promoted as restaurants but stop serving food hours prior to closing and are then essentially operated as a night club appealing to a younger crowd with dance music and DJ's.
- 5) When considering the type of premises that reflect the proposed premises in operating style high end restaurants such as The Wolseley provide comparison. The Wolseley was busy during my visit, however as a fine dining, food led premises it does not generate the issues

seen in the vicinity of some of the drink led premises in the area.

- 6) I found that both Dover Street and Berkeley Street were very busy with pedestrian and vehicle traffic up to about 1am. After this time Berkeley Street in particular remained busy until I left the area at about 2.30am. Dover Street had become quieter by then with isolated pockets of pedestrians and fewer vehicles on the road.
- 7) The number of premises that operate as drink led nightclubs, the style of operation of those premises and the instances of poor management are the direct cause of the noise, nuisance and disorder that I observed in the area. In particular the following premises have a significant, negative impact on the area due to the night club style of operation.
 - Funky Buddha, 15 Berkeley Street – Nightclub Premises licensed until 3:30am Monday to Saturday, Sunday until 23:00.
 - ‘Fifty 9’ 59 Berkeley Square – Bar/Club licensed until 3am Monday to Saturday and 00:30 Sundays.
 - Palm Beach Casino – Casino licensed until 7am Monday to Sunday.
 - Mahiki, 1 Dover Street – Nightclub licensed until 3:30am Monday to Saturday and Sunday until 00:30.
 - Novikov, 50a Berkeley Street - Restaurant and Nightclub licensed until 2am Monday to Sunday.
- 8) The contrast between genuine, food led restaurants such as The Wolseley and premises such as Funky Buddha, Mahiki or Novikov is clear. The pavement outside is quiet with only an occasional smoker. Customers arriving are admitted straight into the premises and on leaving they make their way away quickly reducing the risk of being touted.
- 9) At restaurant premises it is unusual to see more than 2 or 3 smokers outside and those that do go to smoke tend to be older than at the nightclub style premises, have consumed food and come from a quieter more relaxed atmosphere; they consequently speak and behave in a more restrained manner that does not cause noise or nuisance in the area.
- 10) The proposed restaurant at 11, Berkeley Street will operate as a high end, fine dining restaurant in a style similar to other premises operated by the same company such as Sushi Samba in Heron Tower, Bishopsgate. It will therefore not attract the problems associated with nightclub style premises.

Preventing Nuisance, Crime and Disorder.

11) The causes of the nuisance, crime and disorder in and around nightclub premises are well documented and include;

- A concentration of drink led premises in a small area,
- Queuing outside premises by large numbers of people with queues often containing customers who have been pre-loading alcohol due to high prices inside the premises,
- Customers encouraged to consume large quantities of alcohol without food,
- Vertical drinking with limited seating and loud, high intensity music,
- Poor management of queues and smoking area, permitting nuisance, drunkenness and, on occasion, drinking in smoking area.
- Smokers mixing with queuing customers.
- Drunken customers leaving the premises through the early hours and remaining in the vicinity causing noise and nuisance,
- Customers taking part consumed open drinks with them when leaving the premises,
- Touting of customers leaving a premises,

12) In contrast, at restaurant premises such as that proposed, not only is queuing not encouraged but it does not take place as customers who have booked a table and arrive with friends for a meal are not willing to queue to get into the restaurant. The use of a bar or holding area ensures customers are admitted on arrival.

13) Restaurants do not rely on selling high volumes of alcohol to maintain the business; this makes a significant difference as it ensures that behaviour in and around the premises is moderate rather than drunken, loud and boisterous.

14) As highlighted in the Westminster statement of licensing policy at para 2.4.8 customers who have been seated and not overcrowded behave differently to those who have been in high

energy, drink led premises with limited seating. They are less likely to talk loudly and leave more quietly.

15) While nightclubs attract a younger clientele the customer base at a restaurant tends to be older and more responsible, enjoying the food offering but also a high level of service. This includes managing their arrival and departure without queuing or being accosted by touts and does not include drinking to excess.

16) Premises such as Mahiki and Novikov deliberately queue customers outside to create an 'exclusive' atmosphere, which together with the drink led operation appealing to a younger customer base inevitably leads to excessive alcohol consumption and problems of nuisance, crime and disorder.

Conclusions.

17) A study of crime reports in Westminster from April 2009 to March 2010 identified that for every 10 restaurants there were just 3 violent crimes reported in the year, this compares to 37 violent crimes for every 10 nightclub premises (WCC statement of licensing policy 2011. Para 2.5.8). The proposed restaurant will be a genuinely food led, high quality restaurant.

18) The proposed operation is very different to a nightclub; this will ensure that the premises do not create the problems associated with some of the drink led, nightclub premises. I am familiar with the issues prevalent in the area and have made recommendations that will ensure that the premises operate as a genuine restaurant that enhances the area.

19) In addition to standard conditions such as those relating to age related sales, CCTV and incident logs, the following points are to be considered alongside the conditions offered with the application to ensure that the premises operate as a restaurant. Implementation of these recommendations will ensure that the premises does not have a negative impact but positively enhances the area:

- i. At least one SIA registered door supervisor to be employed at all times when the premises are open to the public. They will supervise entry to the premises, the smoking area and customers leaving the premises.
- ii. It is recommended that after 21.00 a smoking area shall be established outside the premises using rope barriers and used to accommodate no more than 10 people at

any one time. No drinks will be permitted to be taken into the smoking area and customers not smoking will be encouraged to return inside the premises. Smoking area will be supervised by door supervisor at entrance to premises.

- iii. A full restaurant condition that the sale of alcohol shall be ancillary to a substantial table meal or to persons in the holding bar who are attending the premises for a substantial table meal. The premises to close when licensed activity ends at 01.00. No off sales permitted except the taking away of resealed, part consumed bottles of wine purchased ancillary to a table meal.
- iv. Capacity of the premises to be agreed but will be approximately 175 across ground floor and basement, excluding staff.
- v. No queuing to be permitted outside the premises and the front doors to be kept closed except when admitting customers. Customers will be admitted to the premises on arrival and if their table is not ready they will be accommodated in the bar or a holding area.
- vi. Customers will be advised when booking that parking is limited and public transport, private hire car or taxi is preferable. Valet parking will be available for those arriving by car.
- vii. The premises will have an arrangement with a licensed private hire car company who will provide vehicles on request. Customers will be encouraged to wait inside the premises until their car or taxi arrives to minimise the opportunity for touts to approach them when leaving the premises.

20) I consider that the proposed new premises will promote the licensing objectives and have a positive impact on the area by adding to the diversity of premises and therefore the diversity of the people visiting the area. Having a varied range of premises and customers coming to an area is important to reduce the potential for crime and disorder and public nuisance and to promote public safety.

I understand that my duty is to the sub-committee and this report has been prepared in compliance with that duty. All matters relevant to the issues on which my expert evidence is given have been included in this report. I believe the facts I state in this report are honest and

true and that the opinions I have expressed are correct to the best of my judgement. The fee for this report is not conditional on the outcome of the case in anyway whatsoever.

Adrian Studd,
Independent Licensing Consultant,
29/01/16.

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Statement of
Community
Involvement
11 Berkeley Street

Samba Brands Management

February 2016

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1.0 Executive Summary

- 1.1 In September 2015, Samba Brands Management (“The Applicant”) appointed Four Communications, a specialist public affairs company, to handle the community consultation and stakeholder relations for their proposals to change the use from B1 (offices) to A3 (restaurant) on the ground and basement levels of 11 Berkeley Street.
 - 1.2 The ground and basement levels will undertake an internal refurbishment to provide a new, high-quality restaurant operated by Samba Brands Management, who operate a variety of renowned brands in the City of London, New York and Miami.
 - 1.3 The consultation process was carried out in conjunction with the planning team’s pre-application discussions with Westminster City Council’s planning officers.
 - 1.4 The brief was to develop and implement an engagement strategy with Westminster City councillors, local stakeholder groups, immediate neighbours, in addition to residents and businesses in the surrounding area.
 - 1.5 Activities undertaken as part of the consultation process have included:
 - A meeting with the Cabinet Member for the Built Environment;
 - A meeting with a West End ward councillor;
 - A meeting with the Resident’s Society of Mayfair and St James’s;
 - A meeting with the Berkeley Street Management Group;
 - A letter distributed to approximately 551 local residents and businesses inviting them to a public exhibition of proposals;
 - A public exhibition held over 2 days with 21 attendees.
 - 1.6 The responses to the consultation suggest that there is support for the proposals to change the use of the ground and basement levels to introduce a new high-quality restaurant providing up to 150 seated and 25 standing covers, as long as this is accompanied by a robust Operational Management Plan to safeguard local amenity. In addition, a meeting with the Berkeley Street Monitoring Group and a further presentation for local residents took place during the week commencing 11 April 2016.
 - 1.7 Throughout the consultation process a telephone number, e-mail and FREEPOST address were supplied and managed by Four Communications, providing further information to residents, businesses and stakeholders on request.
 - 1.8 The Applicant is committed to ongoing consultation and providing further information as the application progresses.
 - 1.9 This report has been informed by Central Government Guidance within the National Planning Policy Framework (NPPF) 2012 on community involvement in planning. It forms part of the supporting documentation informing the planning application.
-

2.0 Statement of Community Involvement

2.1 The table below provides a record of all the meetings held with local and political stakeholders since the outset of the consultation in October 2015:

date	stakeholder activity	attendees
26 October 2015	A meeting with the Cabinet Member for the Built Environment	Cllr Robert Davis MBE DL
26 November 2015	A meeting with a member of the West End ward	Cllr Jonathan Glanz
21 January 2016	A meeting with the Resident's Society of Mayfair and St James's	Lois Peltz
2 February 2016	A meeting with the Berkeley Street Management Group	Cllr Jonathan Glanz Cllr Glenys Roberts Lois Peltz Debra Bertoni Ron Whelan
22 January 2016	A letter distributed to approximately 551 local residents and businesses inviting them to a public exhibition of proposals	-
1 February and 3 February 2016	A public exhibition of proposals held over three days.	21 attendees

2.2 Working with and on behalf of the Applicant, Four Communications developed a consultation strategy with key stakeholders and local residents in conjunction with the Applicant's agents' ongoing pre-application dialogue with Westminster City Council's planning officers.

2.3 A programme of consultation with the wider community began in January 2016 with the sending of approximately 551 letters to households and businesses in the area surrounding the site, introducing the scheme and publicising a public consultation exhibition. The exhibition provided an opportunity for residents, local workers and businesses to view the proposals and discuss key local issues with leading members of the development team.

2.4 The Applicant will maintain contact with local councillors, amenity groups, and the wider community up until the point when the planning application is determined.

3.0 Stakeholder meetings

3.1 In advance of the public consultation exhibition, Four Communications initiated meetings with a number of local stakeholders. The following tables outline these meetings and the key issues discussed:

date	stakeholder activity
26 October 2015	A meeting with the Cabinet Member for the Built Environment;
26 November 2015	A meeting with a member of the West End ward;
21 January 2016	A meeting with the Resident's Society of Mayfair and St James;
2 February 2016	A meeting with the Berkeley Street Management Group

Key issues

3.2 The following table outlines the relevant comments raised during the stakeholder meetings:

topic	comments	response
Existing site	<ul style="list-style-type: none"> <i>This site is an appropriate size for a restaurant.</i> <i>There are relatively few planning-based issues to address.</i> 	
The Proposals	<ul style="list-style-type: none"> <i>You will need to be sensitive to the needs of the local residents.</i> <i>How many covers are you proposing?</i> 	The scheme proposes there be up to 150 covers, with an internal Ante room with space for 25 standing for those waiting for a table.
Operational Management	<ul style="list-style-type: none"> <i>What will be your proposed hours of operation?</i> <i>The crucial issue will be the management of the premises.</i> <i>How and when will the restaurant be serviced?</i> <i>I would welcome a doorman and two-double self-closing doors to protect amenity.</i> <i>Where will smokers go?</i> <i>I would suggest you seek to be part of the Berkeley Street Management Group and respond to their proposed conditions.</i> 	<p>The venue's proposed operating hours will be Mon-Sat (08.00-01.15) and Sun (09.00-23.30). It is not proposed that the restaurant will be serving breakfast.</p> <p>All servicing will take place between 07:30 and 11:30 on Mondays to Saturdays. Servicing includes loading and unloading goods from vehicles, putting rubbish outside the building, and will be supervised to ensure its smooth running.</p> <p>There will be no servicing on Sundays.</p>

	<ul style="list-style-type: none"> <i>The critical thing will be the operation of the premises and having a robust operational management statement.</i> 	Smoking is not permitted within the demised areas of each restaurant. The number of guests smoking will be limited to a maximum of 10 at any time on the private highway and will be managed to ensure they do not block the highway and that portable ashtrays are used for any butts.
Noise	<ul style="list-style-type: none"> <i>Will there be a bottle / glass crusher?</i> <i>How will you safeguard against noise coming from the smoking area?</i> 	<p>There will be an internal bottle crusher to safeguard against any noise.</p> <p>There will be a security team to manage the flow of traffic and the noise coming from the smoking area.</p>
Design and Layout	<ul style="list-style-type: none"> <i>What will be the size of the bar area?</i> <i>The décor isn't to my taste.</i> <i>I like the mix of industrial architecture and high-quality marble.</i> 	<p>The proposed restaurant will have a floorspace of less than 500 sq.m, will provide 150 covers with a 25 person standing area for those waiting for a dining table and a small bar.</p> <p>The air-conditioning and kitchen extract will be fully operational during trading hours and will then be switched off once all staff have left and full clean down of all kitchen/bar spaces has occurred. These will be located to the rear of the site.</p>
Flues and Mechanical Plant	<ul style="list-style-type: none"> <i>Where will the venting be located for the primary cooking?</i> 	The plant equipment will be located on the roof and the flat roof to the rear of the first floor. This will directly replace the existing office plant equipment.
Parking	<ul style="list-style-type: none"> <i>How will you manage parking?</i> <i>Will there be a taxi pick up and drop off point?</i> 	There will be a valet parking system at a local NCP car park, offering a single black taxi firm and limousine hire firm for guests leaving the property and the provision of a telephone line manned by the duty manager to local residents living within 100m of the premises.

4.0 Pre-submission Public Consultation

- 4.1 The Applicant held a public consultation exhibition to display the proposals for the site on Monday 1 February and Wednesday 3 February. Invitations were sent to approximately 551 local addresses, within a distribution area agreed by Westminster City Council. A copy of the invitation letter has been incorporated into this document as *Appendix I*. Out of the **551 recipients** of the invitation letter, **21** attended the public exhibition.
 - 4.2 The purpose of this exhibition was to explain the Applicant's vision for the site, identify key local issues and provide an opportunity for residents to communicate their feedback to leading members of the development team, including representatives from the Applicant, CgMs and Four Communications.
 - 4.3 The scheme was presented on 9 A1-sized display boards, providing local residents with a clear overview of the scheme to date. Copies of the boards have been incorporated into this document as *Appendix II*. Members of the development and design team were available to explain the information presented and answer any questions.
 - 4.4 Exhibition attendees were given the opportunity to make comments on the feedback forms provided. A copy of the feedback form has been incorporated into this document as *Appendix III*. At the time of writing **2 responses** have been received.
 - 4.5 Overall, the majority of consultees were broadly supportive of the scheme and welcomed the introduction of a high-quality restaurant provided this was accompanied by a robust Operational Management Plan.
 - 4.6 The high-quality design was generally greeted with approval. Attendees indicated that the combination of high-quality materials with post-industrial architecture was an exciting new concept; something which will actively contribute to the restaurant offer in the area.
 - 4.7 Attendees at the public exhibition, particularly nearby residents, had been concerned with the intensification of the street and the noise coming from some of the establishments on Berkeley Street. Therefore, the Applicant agreed that a stringent Operational Management Plan will be a primary condition of the planning application and residents were pleased that this features heavily in the planning application.
 - 4.8 Consultees were pleased with the proposals to keep noise disturbances to a minimum, particularly the use of the self-closing double doors at the front of the site and the presence of a security team, including a valet and door staff.
 - 4.9 One neighbour was concerned that the restaurant would increase anti-social behaviour in the area through the sale of alcohol. The Applicant, however, reassured the neighbour that the sale of alcohol was completely ancillary to food.
 - 4.10 The majority of attendees at the public exhibition agreed that the existing site was an appropriate size for a restaurant.
 - 4.11 Some neighbours questioned the servicing of the restaurant and how this might affect the traffic flow on Berkeley Street. They were satisfied when they were informed that there would be a stringent servicing plan, with deliveries and rubbish collections taking place between 07.30 – 11.30 every day, with no servicing on Sunday or Bank Holidays.
 - 4.12 Neighbours who visited the exhibition were pleased with the Applicant's efforts to consult them and look forward to being kept up-to-date on proposals for the site. Addresses supplied at the exhibition have been logged and securely retained by Four Communications, who will keep neighbours informed as the scheme progresses through the application process.
-

Exhibition Methodology

Publicity

- 4.13 The exhibition was publicised through a letter, mailed or delivered to approximately 551 households and businesses in the area surrounding the application site. The delivery area is shown on the distribution map below:

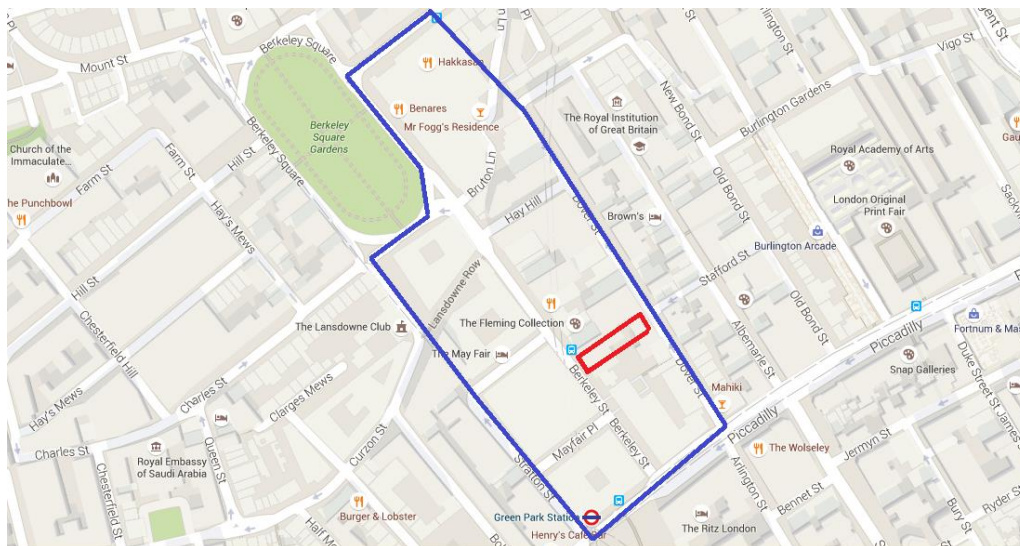


Figure 1 Distribution area: Addresses within the **blue**, line received a letter of invitation to the exhibition. The site is marked in **red**.

- 4.14 The same invitation letter was also sent to local stakeholders, including ward councillors, amenity societies and resident groups.

Venue

- 4.15 The exhibition was displayed onsite at 11 Berkeley Street.

Opening times

The public exhibition was open from:

- **Monday 1 February** from **3pm** to **7pm**
 - **Wednesday 3 February** from **3pm** to **7pm**
-

Written feedback

- 4.16 21 people attended the exhibition. All exhibition attendees were encouraged to complete a feedback form. Attendees could complete the feedback form at the exhibition or, alternatively, take the form away and return it to the FREEPOST address provided. At the time of writing, **4 attendees** had completed and returned feedback forms.
- 4.17 The addresses of feedback form respondents have been securely logged and retained by Four Communications. They will be added to the Applicant's mailing list and will be kept informed as the application progresses and invited to future consultation events (unless expressed otherwise by the respondent).

Feedback form responses

- 4.18 The responses to the feedback form are documented in tabular form below:

statement	strongly agree	agree	neutral	disagree	strongly disagree	no answer
Mayfair is an appropriate area for well-managed, fine dining restaurants.	4					
The introduction of two self-closing double doors will help protect local amenity.	4					
The provision of a doorman outside the premises is important to prevent disruption from guests arriving or leaving the premises.	4					
A stringent operational management statement will help protect neighbours' amenity.	4					

5.0 Summary and Conclusions

- 5.1 The public consultation strategy sought to engage with political and community stakeholders, including local amenity societies, local businesses and neighbours living in close proximity to the site.
 - 5.2 The pre-application public consultation exhibition provided an opportunity for local residents and businesses to voice their opinions on the development proposals and to engage with leading members of the development team, including representatives from the Applicant, CgMs and Four Communications.
 - 5.3 Overall, there is a broad level of support for the change of use of 11 Berkeley Street, to provide a high-quality restaurant at ground floor and basement level.
 - 5.4 The majority of consultees agreed that the existing site was appropriate for a new concept restaurant such as this; although Berkeley Street is becoming renowned for late night premises, many feel that these designs will actively contribute to the area provided it is robustly managed.
 - 5.5 An issue which was prevalent throughout the community engagement was the Operational Management Statement. As Samba Brands is an established high quality operator, with the highest standards of operational procedure, the proposals are felt to be sensitive to neighbour amenity.
 - 5.6 Some nearby residents were concerned with the noise levels coming from the proposed restaurant, but were satisfied when shown the measures taken to prevent this, particularly the self-closing double front doors, the internal bottle crusher, and the presence of a security team.
 - 5.7 The designs of the proposed restaurant were welcoming, with many attendees at the public exhibition enjoying the eclectic mix of post-industrial architecture with high-quality materials.
 - 5.8 The project team remains committed to consulting with the local community and will continue to ensure that local residents and businesses are kept informed as the application progresses through the determination process.
-

Appendix I – Letter to Neighbours



Name
Address
Address
Address
Address

22 January 2016

Dear Neighbour,

Planning Application for 11 Berkeley Street

I am writing to let you know that Samba Brands intend to submit a planning application to Westminster City Council in due course for the change of use from B1 (office) to A3 (restaurant and café) of the ground floor and basement at 11 Berkeley Street.

Samba Brands is an established and long standing operator who have a record in providing fine dining. The application is being submitted with the intention of introducing a high quality 'Raw and Barbecue' restaurant concept, providing up to 175 covers. Through our extensive experience Samba Brands would also seek to introduce the new restaurant with the highest operational procedures, so we can offer a fine dining experience whilst safeguarding the needs of our surrounding residents and businesses.

We would be delighted to present our emerging plans to our neighbours, and would like to invite you to view images, operational procedures and meet the team on Monday 1st February and Wednesday 3rd February, from 3pm – 7pm, on site at 11 Berkeley Street.

The exhibition will be accessed through the front door of 11 Berkeley Street, will be clearly sign-posted and members of Samba Brands will be present at the exhibition to answer any questions or queries about the development you may have.

I do hope you will be able to visit the exhibition. However, if you are unable to make these dates and would like further information or would wish to organise a separate briefing on the proposals, please do not hesitate to contact us on 020 3697 4295 or via email at 11berkeleystreet@fourcommunications.com.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Keiran Terry', with a stylized flourish at the end.

Keiran Terry
Project & Business Development
UK and Europe
+44 7880 346 083

Welcome



Welcome to the public exhibition which outlines the proposals to change the use and undertake an internal refurbishment of 11 Berkeley Street.

- The proposals seek to provide a new, high quality restaurant which encompasses the principles of the world renowned Samba Brands Management.
- The owners of the property will shortly be submitting a planning application to Westminster City Council. You are invited to view the boards on display, which outline our proposals for the site. We would be grateful if you could then complete a feedback form to let us know your views on the scheme.
- Members of the development team are on hand to answer any questions you may have and can provide further information on the proposals.



The team

Samba Brands Management

- Samba Brands operate a variety of renowned brands across the globe, with Sushi Samba restaurants in the City of London, New York and Miami.
- The group also operate Duck & Waffle in the City of London, Sugarcane Raw Bar Grill and Bocce in Miami.
- With over 15 years' experience the company continues to expand their cutting edge concepts, with leading venues and visionary food offerings. Their restaurants are sought after destinations for cuisine, culture and design, and have garnered great critical acclaim. They have a reputation for having the highest operational management procedures.

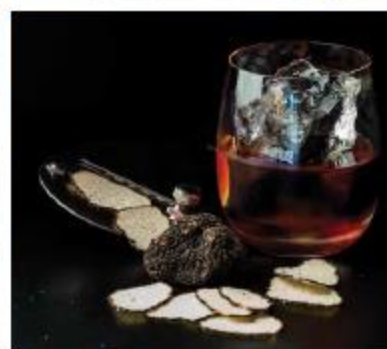


Franklin Design Associates

- Franklin Design Associates undertake commissions for a range of clients from private individuals to multi-national companies. With all clients the service provided is bespoke to suit their needs and the specific brief. A wide range of experience, a professional approach and a commitment to excellence are the key elements that define the approach FDA adopt.



The restaurant



Executive Chef - Daniel Doherty

- Native Brit Daniel Doherty is well on his way to becoming one of the most prominent chefs on London's culinary scene. Born and raised in Shrewsbury, Doherty started his career while enrolled in The Royal Academy of Culinary Arts at an apprenticeship with Michelin starred 1 Lombard Street in London.
- With experience in some of London's most prized restaurants, including The Ambassador and The Old Brewery, Doherty accepted the executive chef role at Duck & Waffle, London's first 24-7 gourmet dining restaurant in 2012. He brings a rich and colourful past to the restaurant, and a rare zeal and vivacity manifested in the energy of his team and the flavours of his menu, which pays homage to classic British cookery.



Head of Spirit and Cocktail Development - Richard Woods

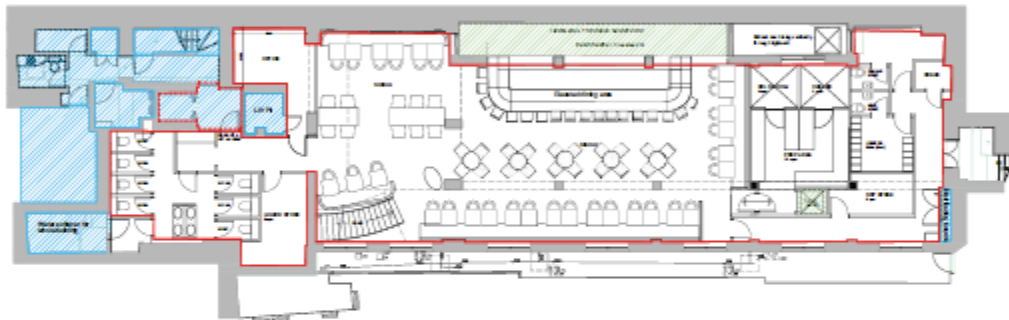
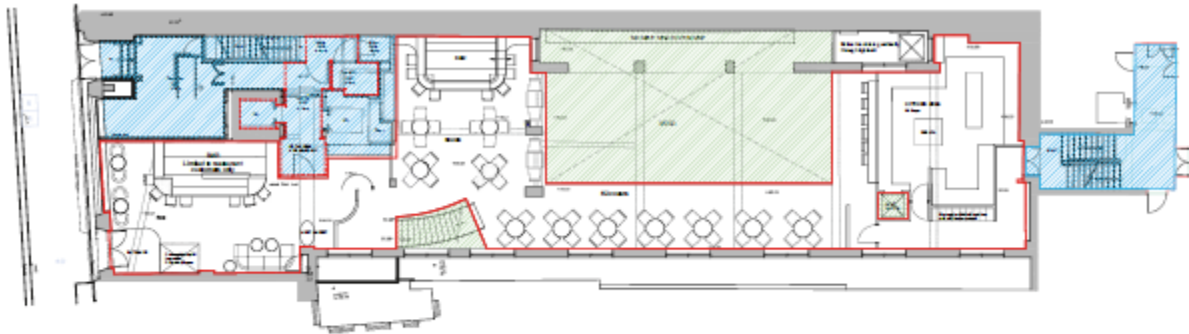
- Having experienced hospitality at every level, both in local and global operations, as well as in house on the floor of the restaurant, Woods' education in the industry had come full circle. Identifying his strong suit as mixology, Woods gravitated to bartending positions that would permit him to be innovative and spontaneous.
- Since joining Samba Brands Management in the summer of 2012 as Head of Spirit & Cocktail Development, Woods' confidence continues to translate in cutting-edge cocktails that have impressed critics, connoisseurs and media alike. Namely, in 2012, he won the Grey Goose 10 Cocktail Competition, vying with top mixologists from around the world; and in 2014, he earned first place in the UK and Ireland Bombay Sapphire's "World's Most Imaginative Bartender Competition" followed by second place in the world finals.

Objectives



- The proposed restaurant will be operated by Samba Brands who are proposing an innovative new dining experience: Raw & Barbecue, which will continue Samba Brand's tradition of providing a sophisticated dining experience with a cutting edge food concept.
- The proposed restaurant will have a floorspace of less than 500 sq.m, and will provide 150 covers with a 25 person standing area for those waiting for a dining table and a small bar. It will occupy the ground and basement levels of the building, and the existing office floorspace on the upper floors will be retained.
- The venue's proposed operating hours will be Mon-Sat (08.00-01.00) and Sun (09.00-23.30).
- As befitting Samba Brands' reputation for great cuisine, the service of alcohol will be wholly ancillary to food. As a result no one will be able to enter the premises solely for the consumption of alcohol.

Internal layout



- The proposal will create an intimate dining experience focused around an open kitchen, a seated bar and private dining room.
- The site's ground floor shopfront is framed by a canopy and incorporates two doorways, to the north and south of the façade. As part of the proposal the office entrance would move to the north doorway and the restaurant to the south, thereby introducing an active frontage to the street.
- As well as the open kitchen in the main dining area, there will also be food preparation and storage areas in the basement level, which will be equipped with state of the art odour-less fume-extract machinery

Internal ante-room



- The entrance to the restaurant will act as an ante-room for people waiting to be seated.
- It will be an intimate arrival space, before guests are led to the restaurant within.
- The concept of this room is set to evoke anticipation, sophistication and the unexpected.
- A double set of fitted self-closing doors will be installed at the entrance to prevent noise from this space carrying out to the street.

Bar and restaurant area



- From the ante-room the diner arrives in the main area of the restaurant. The design is based on post-industrial British architecture.
- The area will include a selection of sophisticated furniture which contrasts the raw industrial space.



Operational Management Statement



Samba Brands is an established high quality operator with the highest standards of operational procedures. The proposals are felt to be sensitive to neighbours.

An Operation Management Plan will be submitted to Westminster City Council as part of this application, to ensure neighbours' amenity is protected at all times.

Operation Management

- A double set of fitted self-closing doors will be installed at the main entrance to prevent internal noise carrying out to the street. These doors will not be left open except in an emergency or to carry out maintenance.
- A doorman and a security team shall be employed by the restaurant specifically to protect residential amenity, and maintain order and security at all times.
- There will also be a valet and concierge service to control the management of vehicles. They will prevent the waiting of cars on the street, with all taxis and drivers instructed to only drop off or collect, and not wait outside the restaurant.

Servicing Strategy

- All servicing will take place between 07:30 and 11:30 on Mondays to Saturdays. Servicing includes loading and unloading goods from vehicles, putting rubbish outside the building, and will be supervised to ensure its smooth running.
- There will be no servicing on Sundays.

Waste/Recycling

- A chilled refuse and storage area will be set up for waste on the lower ground floor of the premises.
- A private contractor shall be hired to collect and dispose of refuse between the hours of 08:00 and 09:30 hours on a daily contracted basis.

Smoking

- Smoking is not permitted within the demised areas of each restaurant. The number of guests smoking will be limited to a maximum of 10 at any time, ensuring they do not block the public highway and that portable ashtrays are used for any butts.

Thank you and next steps



Thank you for attending this public exhibition.

We hope that you have found this information useful.

To summarise, the proposals will:

- Introduce a food-led 'Raw & Barbecue' restaurant concept, providing 150 covers which will offer a high quality, fine dining experience at 11 Berkeley Street.

Next Steps

- The owners will shortly be submitting a planning application to Westminster City Council to seek permission to redevelop the site, and a period of statutory consultation will be carried out by planning officers.

Your views

- It is important that we understand the views of the local community. We would therefore be grateful if you could fill in our feedback form to let us know your thoughts on the proposals. They can be left with staff, or sent to us later using the freepost addressed envelopes provided.
- If you have any further questions or would like more information, please contact us on: 020 3697 4295, or via email: 11berkeleystreet@fourcommunications.com
- Westminster City Council will also consult residents, businesses and the local community as part of the application process. Westminster's officers will collate all feedback received to form part of their report.

Appendix III – Feedback Form

11 Berkeley Street

February
2016

Feedback form

Thank you for coming to our exhibition. We would be grateful if you would take a few minutes to fill out this feedback form. There is a space overleaf for any other comments you would like to make. If you give us your name and address we can keep you informed about the progress of this scheme. Your details will remain confidential. You can either leave this form in the box or take it away and post it to us (see details below).


Name	
Organisation	
Address	
Telephone	
Email	

	Strongly Agree	Agree	Neutral	Disagree	Strongly disagree
1. Mayfair is an appropriate area for well-managed, fine dining restaurants.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. The introduction of two self-closing double doors will help protect local amenity.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. The provision of a doorman outside the premises is important to prevent disruption from guests arriving or leaving the premises.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4. A stringent operational management statement will help protect neighbours' amenity.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Are there any additional operational management measures you would like to see proposed?

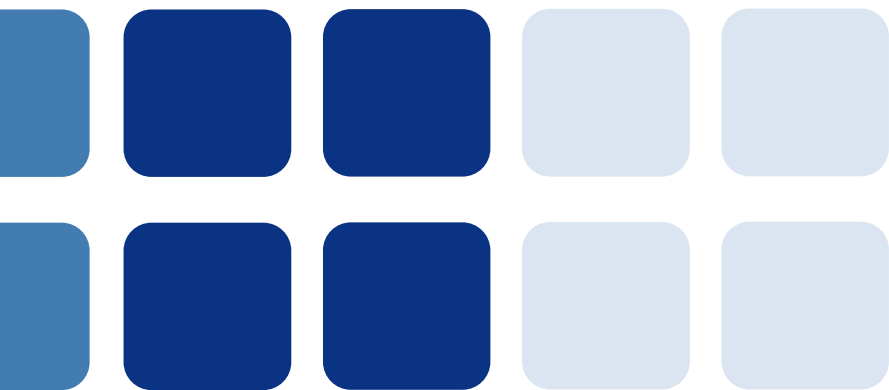
Do you have any other comments/suggestions on any details of the proposals?
Please write them overleaf if necessary.

If you have any further queries, please contact us on:
Telephone: 020 3697 4385
E-mail: 11berkeleystreet@fourcommunications.com

 Four Communications Ltd. will retain the information from the form on behalf of Samba Brands to allow you to receive regular updates on the development. If you do not wish to be kept informed please tick this box:

	Resident representation	Address	Invited to public consultation	Primary concerns
1.	Ahmad Reza Salar Boroumand	10 Berkeley Street (Resident & building manager)	Y	<ul style="list-style-type: none"> • Cumulative impact
2.	Gordon Yeoman	10 Berkeley Street	Y	<ul style="list-style-type: none"> • Traffic (taxi parking) • Noise (cars, patron's dispersal) • Crime & disorder
3.	Irena Timofeeva	Flat 1, 10 Berkeley Street	Y	<ul style="list-style-type: none"> • Noise from construction • Potential noise of patrons
4.	Frank Salvoni	Flat 2, 10 Berkeley Street	Y	<ul style="list-style-type: none"> • Cumulative impact • Street cleanliness • Noise
5.	Victor & Diana Arbulu	Flat 10, 10 Berkeley Street	Y	<ul style="list-style-type: none"> • Cumulative impact • Noise
6.	Louise Wirth	Flat 11, 10 Berkeley Street	Y	<ul style="list-style-type: none"> • Noise from other premises • Parking • Number of licensed premises
7.	Julia Scholar	Flat 19, 10 Berkeley Street	Y	<ul style="list-style-type: none"> • Noise from waiting taxis • Dispersal of patrons • Cumulative impact
8.	Dimitrios Los	17 Berkeley Street	Y	<ul style="list-style-type: none"> • Traffic • Noise • Waste
9.	Jaleh Zand	17 Berkeley Street	Y	<ul style="list-style-type: none"> • Cumulative impact

10.	Ron Whelan	Mayfair Residents Group	Y	<ul style="list-style-type: none">• Hours (suggested reduction)• SIA door supervisors• Limit of 5 smokers at a time• No off sales
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11 BERKELEY
STREET
LONDON W1

Noise Impact
Assessment

REPORT 7194/PNA
Prepared: 17 February 2016
Revision Number: 0

Arab Investments Ltd
11 Berkeley Street
London
W1J 8DS

Noise Impact Assessment



11 BERKELEY STREET
LONDON W1

REPORT 7194/PNA
Prepared: 17 February 2016

Revision	Comment	Date	Prepared By	Approved By
Zero	First issue of report	17 February 2016	Robert Barlow	Torben Andersen

Terms of contract:

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1.0 INTRODUCTION

The change of use of the Ground Floor of the premises at 11 Berkeley Street to restaurant use is proposed. As part of the redevelopment works new mechanical services plant will be required.

In order to complete the planning application for the location of new mechanical services units at 11 Berkeley Street, London W1, Westminster City Council requires consideration be given to atmospheric noise emissions from the proposed equipment at the nearest noise sensitive property.

RBA Acoustics have been commissioned to undertake measurements of the prevailing noise conditions at the site and to determine the atmospheric noise emissions in accordance with Westminster City Council's requirements. This report presents the results of the noise measurements, associated criteria and provides the required assessment.

An assessment of noise from other sources associated with the operation of a restaurant is also provided.

2.0 ENVIRONMENTAL NOISE SURVEY

2.1 General

In accordance with the requirements of the Local Authority, monitoring of the prevailing background noise was undertaken over the following period:

Friday 8 January to Monday 11 January 2016

During the survey period the weather conditions were generally appropriate for the noise measurement exercise, it being mainly dry albeit with periods of rainfall (in particular on the night / early morning of Sunday 10 January / Monday 11 January). Adverse weather conditions are not considered to have affected the outcome of the measurements.

Measurements were made of the L_{A90} , L_{Amax} and L_{Aeq} noise levels over sample periods of 15 minutes duration.

2.2 Measurement Locations

Measurements were undertaken at the following positions:

Position 1

The microphone was positioned at roof level overlooking 11 Berkeley Street. This measurement position was considered as being representative of the noise climate as experienced at the closest residential receptors along Berkeley Street.

Position 2

The microphone was positioned at roof level overlooking the rear of the site. This measurement position was considered as being representative of the noise climate as experienced at the closest residential windows to the rear of the site.

The prevailing noise climate was noted to be quiet as the measurement position was generally screened from local traffic.

The measurement positions are also illustrated on the attached Site Plan 7194/SP1.

2.3 Instrumentation

The following equipment was used for the measurements.

Table 7194/T1 – Equipment Details

Manufacturer	Model Type	Serial No.	Calibration	
			Certificate No.	Expiry Date
Norsonic Type 1 Sound Level Meter	Nor140	1406258	471264946	17 March 2017
Norsonic Pre Amplifier	1209	20490		
Norsonic ½" Microphone	1225	225526		
Norsonic Sound Calibrator	1251	34397	CAL 022-2015-5252	9 April 2017
Norsonic Type 1 Sound Level Meter	Nor140	1406255	471219046	3 March 2017
Norsonic Pre Amplifier	1209	20491		
Norsonic ½" Microphone	1225	225529		
Norsonic Sound Calibrator	1251	34391	CAL 022-2015-5246	9 April 2017

The sound level meters were calibrated both prior to and on completion of the survey with no calibration drifts observed.

3.0 RESULTS

The noise levels at the measurement position are shown as time-histories on the attached Graphs 7194/G1 to G4.

In order to ensure a worst case assessment the lowest background L_{A90} noise levels measured have been used in our analyses. The lowest L_{A90} and the period averaged L_{Aeq} noise levels measured are summarised below (over the proposed restaurant operating periods).

Table 7194/T2 – Measured Levels

Measurement Period	Position 1		Position 2	
	L_{A90} (dBA)	L_{Aeq} (dBA)	L_{A90} (dBA)	L_{Aeq} (dBA)
Friday (08:00 – 01:00) *	58	63	53	55
Saturday (08:00 – 01:00)	55	63	53	56
Sunday (09:00 – 23:30)	53	60	52	54

* Measurements start at 11:00 hours

4.0 PLANT NOISE EMISSION CRITERIA

The requirements of Westminster City Council's Environmental Health Department regarding new building services plant are confirmed as follows.

Any noise generated by new building services plant should be designed to a level either 5dB or 10dB below the lowest background L_{A90} 15 minute sample during operational hours, as measured 1m outside the nearest affected residential window.

Whether the criterion is a 5dB or 10dB reduction is dependent on the existing external noise levels at the nearest noise sensitive properties, at the quietest time during which the plant operates. If the measured $L_{Aeq, period}$ is found to be above the World Health Organisation (WHO) criteria a reduction of 10dB is applied. A less stringent 5dB reduction is required where existing $L_{Aeq, period}$ noise levels are currently below WHO criteria.

The specific WHO guideline levels are detailed as follows:

- | | | |
|------------------------------|-----------------------------|-------|
| ▪ Daytime (07:00 - 19:00) | $L_{Aeq, 12 \text{ hours}}$ | 55 dB |
| ▪ Evening (19:00 - 23:00) | $L_{Aeq, 4 \text{ hours}}$ | 50 dB |
| ▪ Night-time (23:00 - 07:00) | $L_{Aeq, 8 \text{ hours}}$ | 45 dB |

The measured L_{Aeq} levels are above the WHO criteria. As such, a plant noise emission limit of 10 dB below the lowest measured L_{A90} level is applied.

In line with the above requirements we would propose items of mechanical services be designed so that noise emissions from the plant do not exceed the following levels when assessed at the nearest noise sensitive location:

	Position 1	Position 2
▪ Monday – Saturday (08:00 - 01:00)	45 dB	43 dB
▪ Sunday (09:00 – 23:30)	43 dB	42 dB

In accordance with BS 4142, should the proposed plant be identified as having intermittent or tonal characteristics, a further correction should be subtracted from any of the above proposed noise emission limits.

5.0 PLANT NOISE ASSESSMENT

Our assessment has been based upon the following information:

5.1 Proposed Units

The following equipment is proposed at the site:

Table 7194/T4 – Proposed Plant

Description	Manufacturers Info	Location
Lower Ground Floor Kitchen Extract Fan	Halton PST03	1 st Floor Roof Ducted to 2 nd Floor Roof
Ground Floor Kitchen Extract Fan	Halton PST06	1 st Floor Roof Ducted to 2 nd Floor Roof
Main Supply Fan	Hushon	1 st Floor Roof
Air Cooled Condenser	Searle 12 Pole	Roof Plant Enclosure

5.2 Noise Levels

Information regarding the noise levels of the proposed plant has been provided by the manufacturer of the unit. The octave band sound power levels of the units are detailed as follows:

Table 7194/T5 – Manufacturer's Noise Levels

System	Parameter	Sound Level (dB) at Octave Band Centre Frequency (Hz)							
		63	125	250	500	1k	2k	4k	8k
LGF KEF	Lw	82	86	91	88	86	81	77	72
GF KEF	Lw	84	91	88	90	90	88	82	77
Supply Fan	Lw	77	82	77	74	72	70	68	65
Air Cooled Condenser	Lw	66	70	65	62	59	54	46	41

Review of the octave band data concludes that there are no tonal characteristics associated with the proposed plant.

5.3 Attenuators

Attenuators with the minimum insertion losses identified in the Table 7194/T6 below are to be incorporated as part of the building services detailed design.

Table 7194/T6 – Manufacturer's Noise Levels

System	Indicative Details	Insertion Loss (dB) at Octave Band Centre Frequency (Hz)							
		63	125	250	500	1k	2k	4k	8k
LGF KEF	35% Free Area / 1500mm	6	13	23	37	43	44	35	20
GF KEF	35% Free Area / 1500mm	6	13	23	37	43	44	35	20
Supply	35% Free Area / 1200mm	5	11	19	29	36	37	29	18

Note on Attenuators:

The attenuator details are currently indicative and are intended as a guide for the Building Services Engineer as to the extent of mitigation to be provided and as confirmation to the Local Authority that the atmospheric noise emission limits are achievable within the current scheme. Mitigation should be developed with a suitable supplier to ensure that the noise reductions outlined are achieved and the safe operation of the equipment is maintained.

Attenuators should also be positioned close to the fan but no closer than 1.5 x minimum duct dimension. This would help to limit noise break-out from the ductwork to the receptors. The requirements for any further acoustic treatment to the ductwork shall be assessed during detailed design of the duct runs. Acoustic panels should be fitted to the fan casing to protect against noise breakout from the fan itself.

5.4 Location of Nearest Residential Windows

The closest windows are located on the 1st – 6th floors of the adjacent buildings either side of 11 Berkeley Street as well as the Arts Club guestrooms to the rear of the Dover Street building.

5.5 Calculation of Noise Levels at Nearest Residential Window

Our calculation method for predicting noise levels from the proposed plant units at the nearest residential window, based on the information stated above, is summarised below.

- Source Term SPL / SWL
- Applicable Duct Losses
- 20LogR Distance Attenuation
- Directivity
- Reflections

The results of the calculations indicate the following noise levels at the nearest affected residential windows. The full calculations are included in Appendix B.

Table 7194/T7 – Predicted Levels

Plant Item	Predicted Noise Level (dBA)
Lower Ground Floor Kitchen Extract	35
Ground Floor Kitchen Extract	36
Supply Fan	33
Air Cooled Condenser	43

The predicted levels are within the criteria to allow operation during the proposed restaurant operating times when assessed at the nearest residential receptor to the individual item of plant.

The full calculations are included in Appendix B.

5.6 Vibration Control

In addition to the control of airborne noise transfer, it is also important to consider the transfer of noise as vibration to adjacent properties (as well as to any sensitive areas of the same building).

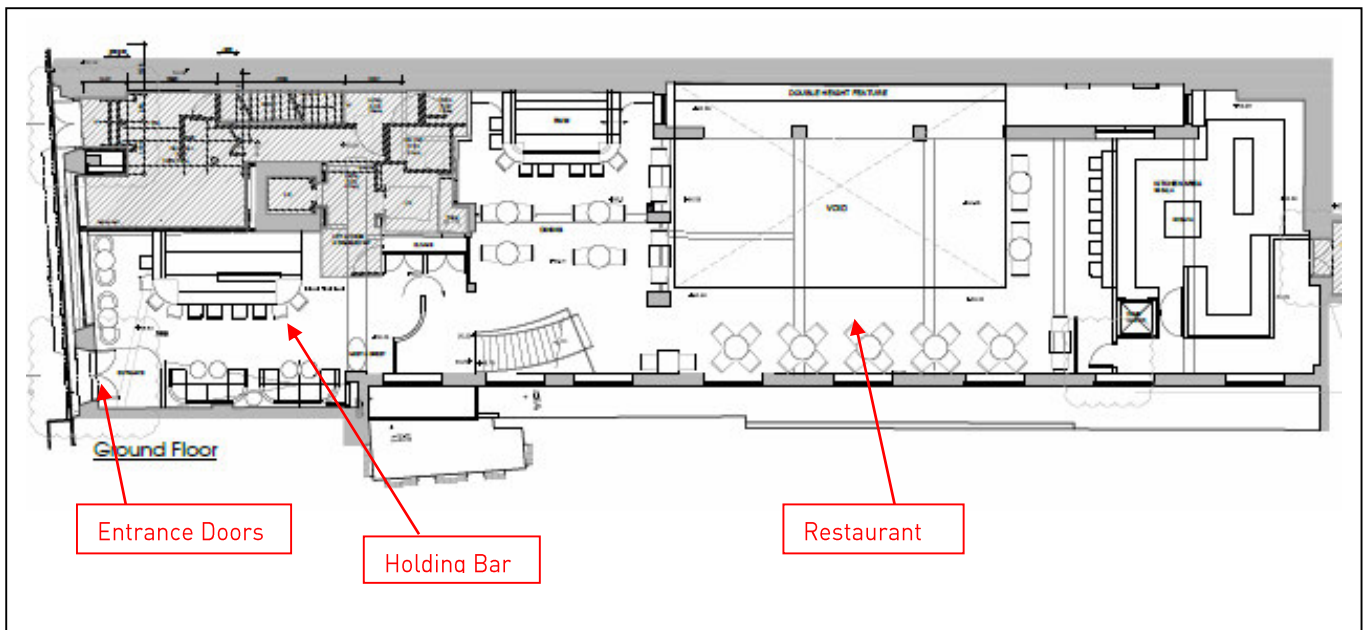
We would typically advise that plant be isolated from the supporting structure by means of either steel spring isolators or rubber footings. For particularly sensitive locations, or when on lightweight structures, the mounts should ideally have greater static deflection than the standard manufacturers' recommendations.

It is important the isolation is not "short-circuited" by associated ductwork, pipework or conduits. To this end, flexible connectors should be introduced between the plant and any associated pipework. ductwork. Pipework or ductwork should be supported by brackets containing neoprene inserts (as a minimum).

6.0 EXTERNAL NOISE BREAK-OUT FROM PREMISES

As part of the analysis, a desktop study has been undertaken to determine the predicted noise levels of noise breakout from the premises to the street.

The layout of the premises is such that the 'holding bar' is positioned within the entrance area. The main restaurant seating is located further inside the premises. There will be a double set of fitted self-closing doors installed at the main entrance to prevent internal noise carrying out to the street. These doors will not be left open except in an emergency or to carry out maintenance. A doorman shall be on duty every day to ensure the doors are not held open. The proposed Ground Floor layout is included below:



Noise is assumed to break-out of the entrance door only.

The octave band noise level assumed within the bar/restaurant is shown in Table 7194/T8. This is equivalent to an overall level of 90 dBA $L_{Aeq,T}$. This level assumes music is being reproduced within the bar/restaurant.

The most significant likely noise source is the entrance door. We have assumed a sound reduction index performance for the door based on library data.

The following Table 7194/T8 summarises the predicted noise levels due to breakout from the premises at the worst affected residential window (1st floor of 10 Berkeley Street) and compares the predicted noise with the lowest measured $L_{eq,15 \text{ minute period}}$ as recorded over the entire monitoring period.

Table 7194/T8 – Noise due to Breakout from Premises

Detail	Octave-Band Sound Pressure Level (dB)							
	63	125	250	500	1000	2000	4000	8000
Octave Band Sound Pressure Level within Bar $L_{eq, 5min}$	97	92	87	86	84	81	80	79
SRI of Entrance Door	-15	-18	-20	-24	-26	-28	-30	-30
Inside to Outside Correction	-6	-6	-6	-6	-6	-6	-6	-6
Distance Loss	-16	-16	-16	-16	-16	-16	-16	-16
Predicted Level at Nearest Noise Sensitive Window	60	52	45	40	36	31	28	27
<i>Minimum Measured Octave Band $L_{Aeq, 15min}$ Noise Level</i>	67	60	54	53	53	49	42	31
Difference in noise level at nearest residential window	-7	-8	-9	-13	-17	-18	-14	-4

There is no increase in the predicted $L_{Aeq,T}$ noise level at the nearest residential window; as such there is no noise impact, even in the 63Hz octave-band.

7.0 FLANKING TRANSMISSION

There are no residential receivers within the 11 Berkeley Street building. The closest residential properties are located at 1st floor level of the buildings directly adjacent. Consideration is therefore required to be given to sound flanking via the party walls.

It is believed that the walls that separate this development from adjacent properties comprise a substantial brick or dense block construction. These party walls should first be made good, with any holes in-filled and repaired before the installation of an independent wall lining system.

The independent wall lining should comprise 2 layers of 15mm dense plasterboard built off a stud independent of the continuous party walls, with a layer of 25mm mineral wool within the cavity created. The proposed internal wall finishes should then be installed as required.

PA Systems

It will be important to ensure that all music reproduction equipment associated with the venue is properly isolated from the building structure. This will prevent the transmission of vibration from the loudspeakers into the structural elements which may subsequently re-radiate into the residential properties above.

We would recommend sub-woofers or low frequency loudspeakers are avoided. Smaller mid-high frequency speakers may be mounted from the structural walls provided they are fitted on appropriate resilient pads/mounts.

8.0 PATRON ACCESS / EGRESS

In this section we set out a brief commentary of the potential noise which may be caused by customers arriving and leaving from the Premises.

The use of the proposed premises as a restaurant suggests that internal noise levels will not be as high as those within other vertical drinking establishments (including music venues and nightclubs). In premises where high noise levels are experienced, customers often 'become accustomed to' high internal noise levels and experience a phenomena known as temporary threshold shift. People who experience this will often not realise the effect and speak with louder voices than they otherwise would do in order to communicate.

As it is proposed to reproduce background music only, we do not consider customers of the premises to be influenced by temporary threshold shift and be required to further raise their voices in order to communicate.

Transport links around the proposed restaurant are good, with Green Park tube station in close proximity (120m). As such, we believe that customers leaving the premises will do so in an efficient manner as there are unlikely to be any large groups waiting for taxi services.

The Operational Management Plan states the following with regards to customer dispersal:

"The Owner and the Lessee shall ensure that each Guest will be greeted by the reception team and sat on confirmation of their reservation. The same team will wish all patrons farewell.

A single black taxi firm and single limousine hire firm shall be appointed by the Owner and the Lessee to provide taxi and limousine services for the benefit of Guests leaving the First Property and the Owner and the Lessee shall use its best endeavours to ensure that the said appointed firms shall comply with the following measure when collecting guests and (if appropriate) delivering patrons to the property.

After 11:00pm, except in an emergency, drivers:

- *Shall not sound their horns;*
- *Shall not leave their vehicles to collect guests from the restaurant;*
- *Shall only collect via the entrance on Berkeley Street; and*
- *Shall not double park their vehicles outside the First Property.*

At all operational times, a member of the reception team will be employed at the Berkeley Street entrance, for the purpose of supervising the appointed taxi and limousine companies and overseeing taxi allocation.

A member of the doorman team will be trained to offer a car valet system whereby customer's cars will be collected and returned to and from a local NCP car park.

Details will be provided to local residents living within 100 metres of the premises of a telephone line manned by the duty manager from opening to closing time of the restaurant (with authority to take appropriate action with regard to a complaint) and at other times (if appropriate) taking calls by a system operating a recorded message."

9.0 SMOKING

Potential for noise resulting in customers wishing to smoke is discussed as follows. Smoking is addressed in the Operational Management Plan with the following strategy identified:

“Smoking is not permitted within the demised areas of each restaurant. If guests would like to smoke we will limit the numbers to maximum of 10 guests at any time, ensuring they do not block the public highway and that the portable ashtray is used for any butts.”

The following Table 7194/T9 summarises the predicted noise levels due to persons smoking (and talking) at the worst affected residential window (1st floor of 10 Berkeley Street) and compares the predicted noise with the lowest measured $L_{eq,15\text{ minute period}}$ as recorded over the entire monitoring period.

Table 7194/T9 – Noise Levels Due to Persons Smoking

Detail	Octave-Band Sound Pressure Level (dB)							
	63	125	250	500	1000	2000	4000	8000
Sound Power Level of 1No. Person Speaking	61	61	65	69	63	56	50	45
5No. Persons speaking	7	7	7	7	7	7	7	7
Hemispherical Correction	-8	-8	-8	-8	-8	-8	-8	-8
Distance Loss	-16	-16	-16	-16	-16	-16	-16	-16
Predicted Level at Nearest Noise Sensitive Window	44	44	48	52	46	39	33	28
<i>Minimum Octave Band $L_{Aeq,15min}$ Noise Level</i>	<i>67</i>	<i>60</i>	<i>54</i>	<i>53</i>	<i>53</i>	<i>49</i>	<i>42</i>	<i>31</i>
Difference in noise level at nearest residential window	-23	-15	-6	0	-7	-10	-8	-3

The predicted $L_{eq,T}$ noise levels are at or below the lowest measured background noise level at the nearest residential window at all frequencies.

10.0 SERVICING

Servicing of the premises (including deliveries) is addressed in the Operational Management Plan with the following strategy identified:

“All servicing will take place between 07:30 and 11:30 on Mondays to Saturdays. Servicing includes loading and unloading goods from vehicles, putting rubbish outside the building, and will be supervised to ensure the smooth running of this strategy.

It is expected that all deliveries to the restaurant will be undertaken in transit van style vehicles or smaller. This is commonplace for central London locations to overcome restrictions currently in place for the use HGV's, the Low Emissions Zone and the sometimes unusual road layouts.

Servicing will take place from the front of the building with goods transferred inside before being brought down to the lower ground floor kitchen and store rooms and the ground floor kitchen.”

Given the type and proposed times of deliveries there is unlikely to be any noise impact associated with such events. It should also be noted that the C2 bus stop (24 hour) is located directly outside the 11 Berkeley Street premises which would result in much higher noise levels (and more frequent) than that of delivery vehicles to the restaurant.

11.0 CONCLUSION

Measurements of the existing background noise levels at 11 Berkeley Street, London W1 have been undertaken. The results of the measurements have been used in order to determine the required criteria for atmospheric noise emissions from the future plant installations.

The results of the assessment indicate atmospheric noise emissions from the plant are within the criteria required by Westminster City Council for both residential and commercial windows.

Appendix A - Acoustic Terminology

dB	Decibel - Used as a measurement of sound pressure level. It is the logarithmic ratio of the noise being assessed to a standard reference level.
dB(A)	The human ear is more susceptible to mid-frequency noise than the high and low frequencies. To take account of this when measuring noise, the 'A' weighting scale is used so that the measured noise corresponds roughly to the overall level of noise that is discerned by the average human. It is also possible to calculate the 'A' weighted noise level by applying certain corrections to an un-weighted spectrum. The measured or calculated 'A' weighted noise level is known as the dB(A) level. Because of being a logarithmic scale noise levels in dB(A) do not have a linear relationship to each other. For similar noises, a change in noise level of 10dB(A) represents a doubling or halving of subjective loudness. A change of 3dB(A) is just perceptible.
L_{eq}	L_{eq} is defined as a notional steady sound level which, over a stated period of time, would contain the same amount of acoustical energy as the actual, fluctuating sound measured over that period (1 hour).
L_{Aeq}	The level of notional steady sound which, over a stated period of time, would have the same A-weighted acoustic energy as the A-weighted fluctuating noise measured over that period.
L_{An} (e.g. L_{A10} , L_{A90})	If a non-steady noise is to be described it is necessary to know both its level and the degree of fluctuation. The L_n indices are used for this purpose, and the term refers to the level exceeded for n% of the time, hence L_{10} is the level exceeded for 10% of the time and as such can be regarded as the 'average maximum level'. Similarly, L_{90} is the average minimum level and is often used to describe the background noise.
$L_{max,T}$	The instantaneous maximum sound pressure level which occurred during the measurement period, T. It is commonly used to measure the effect of very short duration bursts of noise, such as for example sudden bangs, shouts, car horns, emergency sirens etc. which audibly stand out from the general level of, say, traffic noise, but because of their very short duration, maybe only a very small fraction of a second, may not have any effect on the L_{eq} value.

Appendix B - Calculation

Predicted Noise Level at Residential Window

Detail	Sound Level (dB) at Octave band Centre Frequency (Hz)								dBA
	63	125	250	500	1k	2k	4k	8k	
LG KEF	82	86	91	88	86	81	77	72	-
Duct Losses	-8	-6	-3	-2	-2	-2	-2	-2	-
Attenuator	-6	-13	-23	-37	-43	-44	-35	-20	-
End Reflection	-8	-3	-1	0	0	0	0	0	-
Directivity	0	0	0	0	-4	-7	-7	-7	-
Distance	-14	-14	-14	-14	-14	-14	-14	-14	-
Hemispherical Radiation	-8	-8	-8	-8	-8	-8	-8	-8	-
Total	39	42	42	28	16	7	12	22	35

Detail	Sound Level (dB) at Octave band Centre Frequency (Hz)								dBA
	63	125	250	500	1k	2k	4k	8k	
GF KEF	84	91	88	90	90	88	82	77	-
Duct Losses	-8	-6	-3	-2	-2	-2	-2	-2	-
Attenuator	-6	-13	-23	-37	-43	-44	-35	-20	-
End Reflection	-5	-2	0	0	0	0	0	0	-
Directivity	0	0	0	0	-4	-7	-7	-7	-
Distance	-14	-14	-14	-14	-14	-14	-14	-14	-
Hemispherical Radiation	-8	-8	-8	-8	-8	-8	-8	-8	-
Total	44	48	40	30	20	14	17	27	36

Detail	Sound Level (dB) at Octave band Centre Frequency (Hz)								dBA
	63	125	250	500	1k	2k	4k	8k	
Supply Fan	77	82	77	74	72	70	68	65	-
Attenuator	-5	-11	-19	-29	-36	-37	-29	-18	-
End Reflection	-5	-2	0	0	0	0	0	0	-
Directivity	0	0	0	0	-4	-7	-7	-7	-
Distance	-14	-14	-14	-14	-14	-14	-14	-14	-
Hemispherical Radiation	-8	-8	-8	-8	-8	-8	-8	-8	-
Total	45	47	36	23	10	4	10	18	33

Detail	Sound Level (dB) at Octave band Centre Frequency (Hz)								dBA
	63	125	250	500	1k	2k	4k	8k	
Air Cooled Condenser	66	70	65	62	59	54	46	41	-
10 Fans	10	10	10	10	10	10	10	10	-
Radiation Correction	-8	-8	-8	-8	-8	-8	-8	-8	-
Flank Wall Screening	-6	-6	-7	-9	-12	-14	-17	-20	-
Distance	-14	-14	-14	-14	-14	-14	-14	-14	-
Total	48	52	46	41	36	28	17	9	43

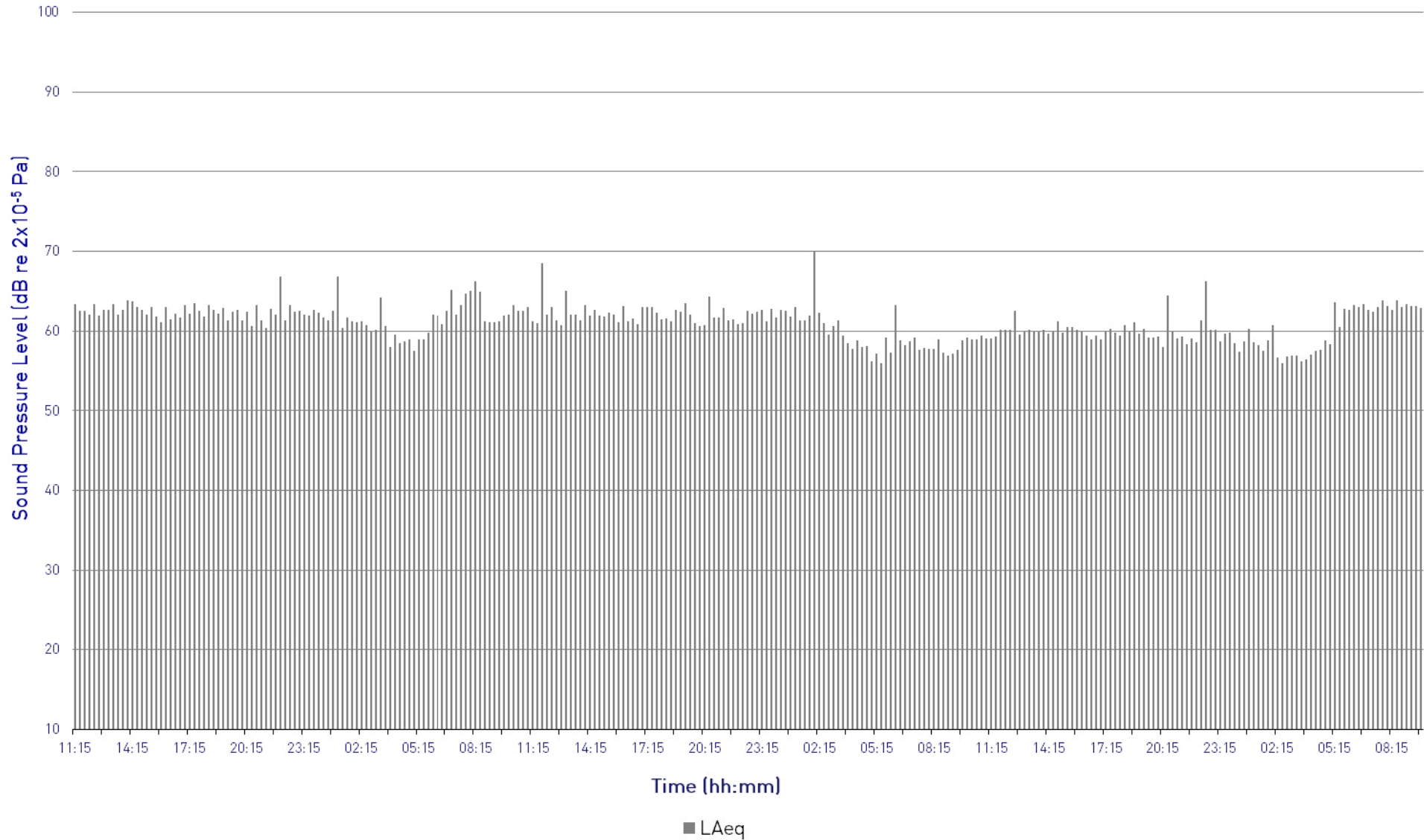
11 Berkeley Street, London W1

L_{Aeq} Time History

Measurement Position 1, Friday 8 January to Monday 11 January 2016



Graph 7194/G1



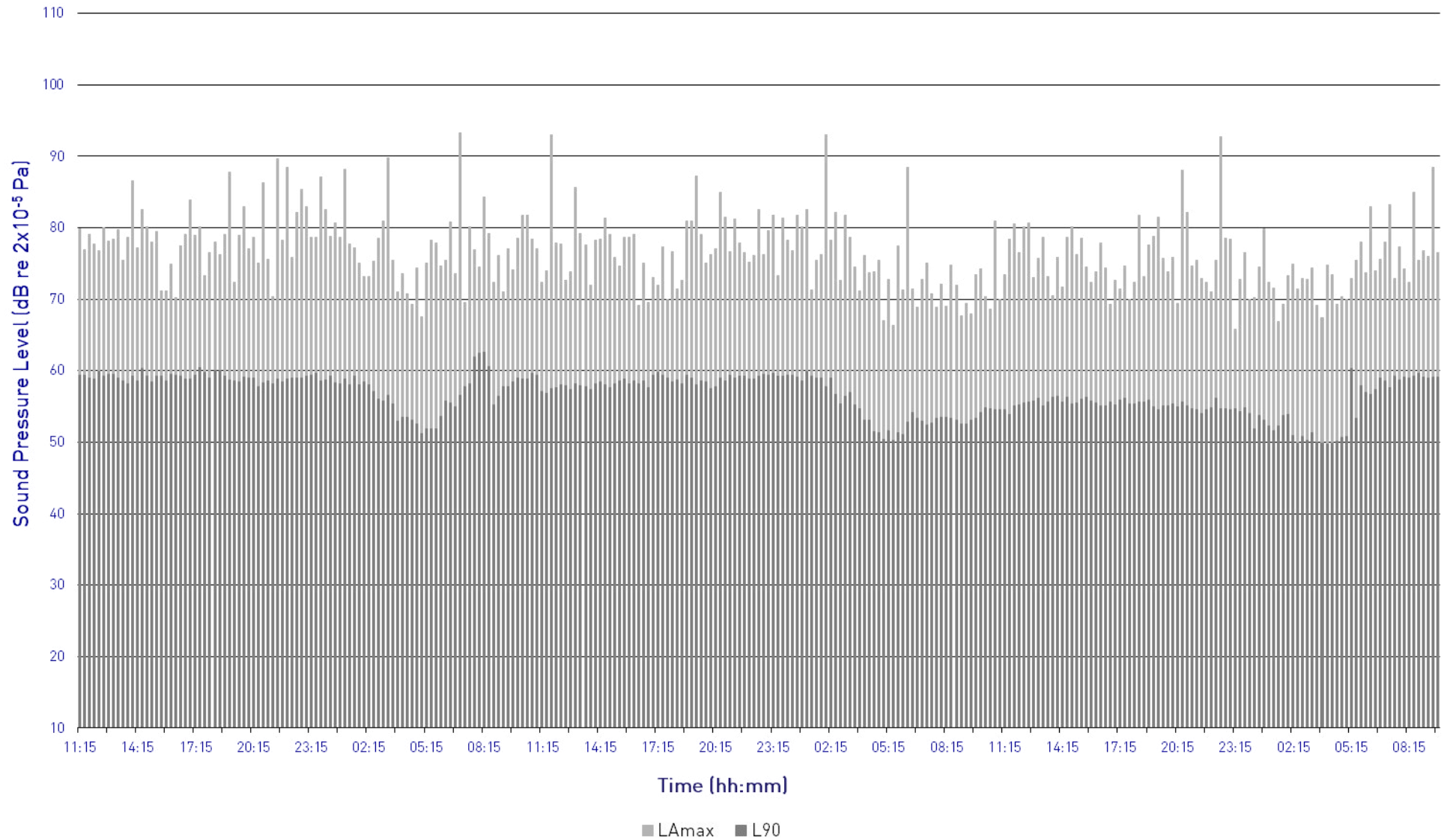
11 Berkeley Street, London W1

L_{Amax} and L_{A90} Time History

Measurement Position 1, Friday 8 January to Monday 11 January 2016



Graph 7194/G2



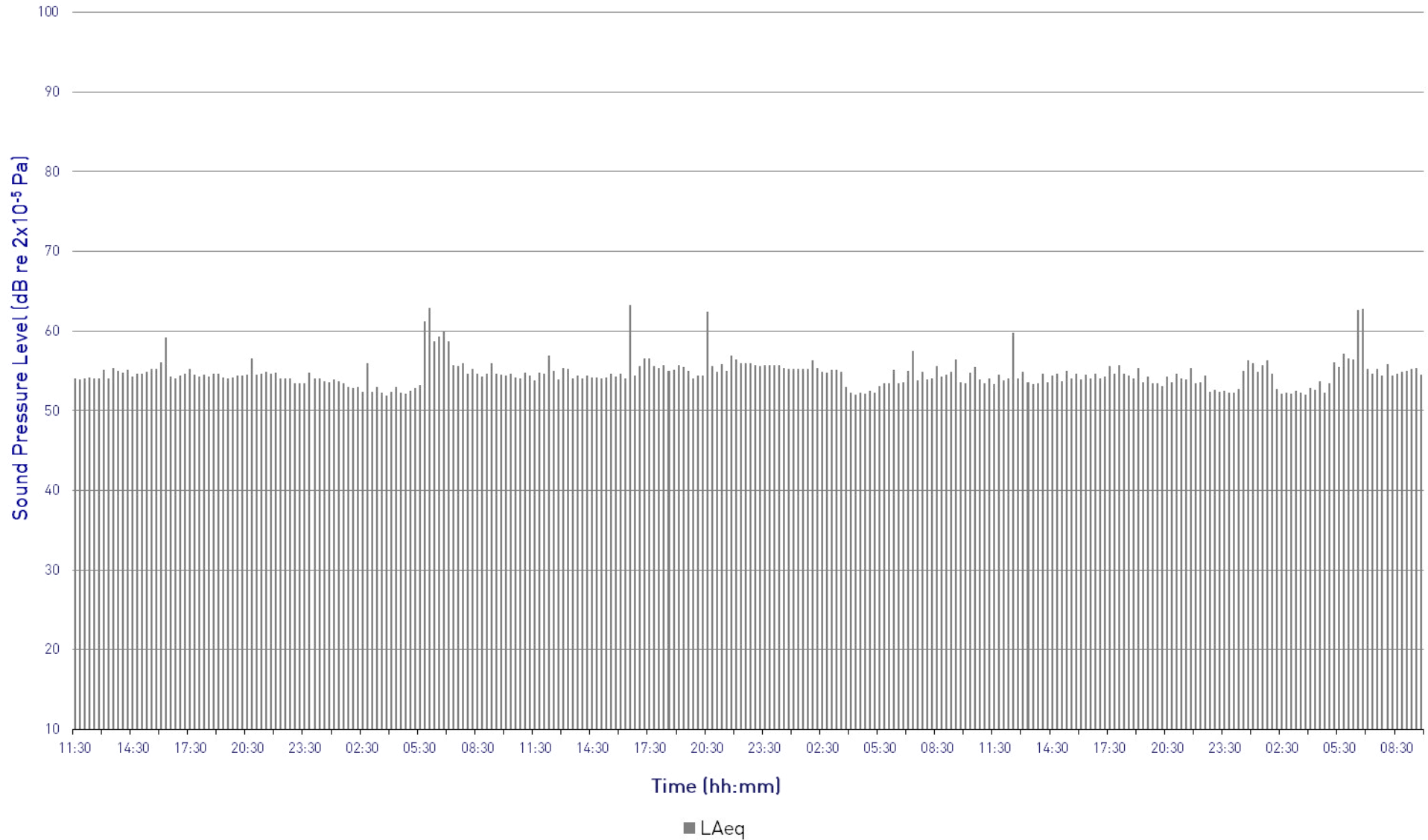
11 Berkeley Street, London W1

L_{Aeq} Time History

Measurement Position 2, Friday 8 January to Monday 11 January 2016



Graph 7194/G3



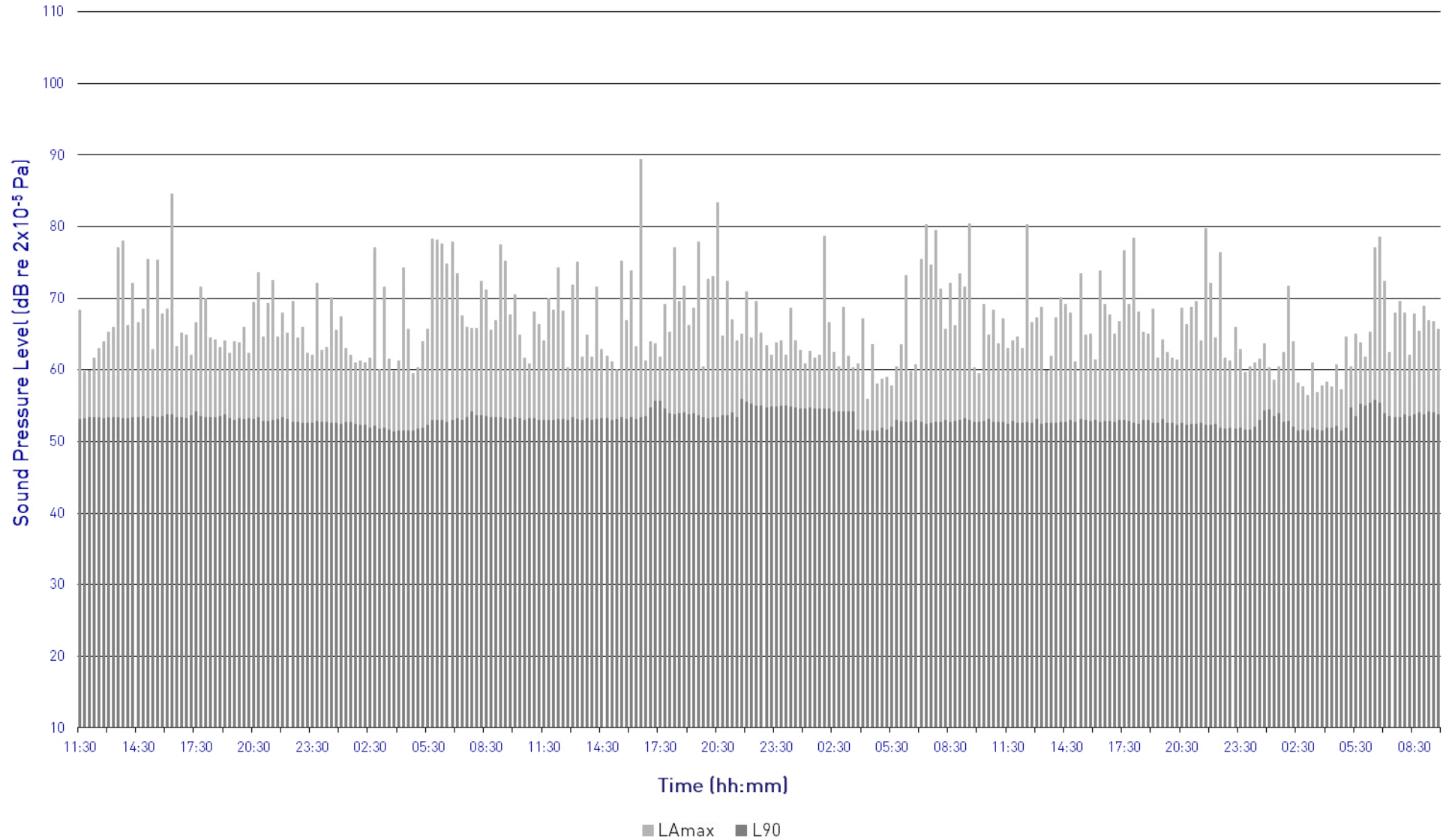
11 Berkeley Street, London W1

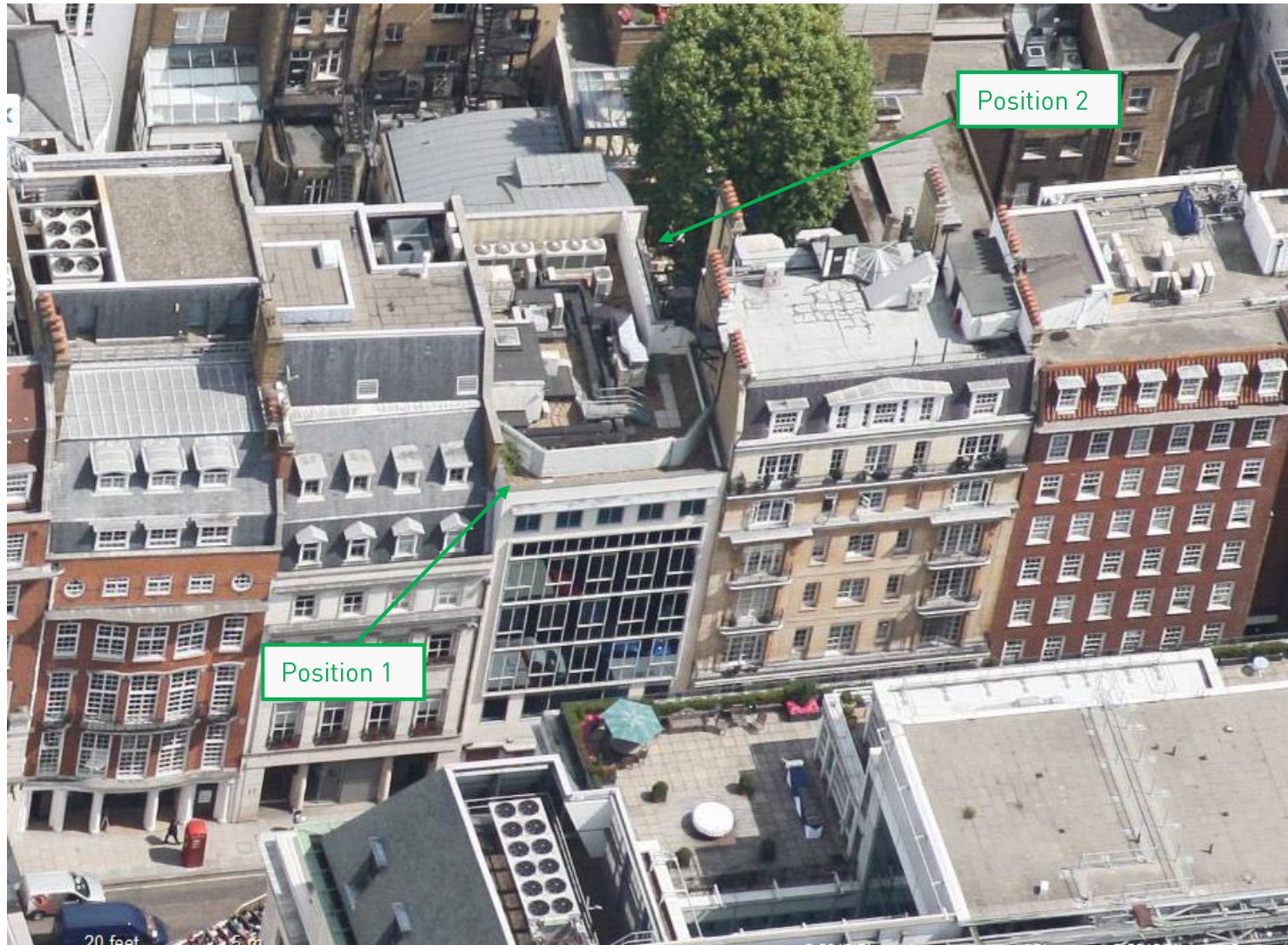
L_{Amax} and L_{A90} Time History

Measurement Position 2, Friday 8 January to Monday 11 January 2016



Graph 7194/G4





11 Berkeley Street, LONDON W1

Site Plan detailing Plant Location

Site Plan 7194/SP1

17February 2016

Not to Scale



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DRAFT

BERKELEY STREET

BEST PRACTICE MANAGEMENT PLAN

AIMS

The objective of the Best Practice Management Plan are to establish a set of agreed principles:-

- 1. To promote high standards of operations in all premises in or affecting Berkeley Street**
- 2. To promote ways of operating to prevent nuisance, noise, litter, traffic, parking problems and other antisocial behaviour**
- 3. To maintain good neighbourly relationships with all who live, work and visit Berkeley Street and the surroundings.**

Set out below are issues identified so far and are for discussions with proposed action points and conditions. The proposed actions and conditions below are not exclusive or to be seen as an exhaustive list. It does not restrict any local resident, applicant, responsible authority or other person from proposing any alternative conditions/principles and it will not affect any relevant committee from imposing any reasonable condition/principles they think fit. One of the key objectives that is to be encouraged is the need to support this monitoring group.

Current problems with proposed Actions for discussion

1. STREET RUBBISH

There appears to be a lot of rubbish put out onto the street for lengthy periods. This makes the street look untidy.

Action

- Invite all businesses to sign up and take pride in the street
- Rubbish should not be stored on the street until 30 mins before the due pick up time
- Agree a schedule of collection times and try to organise the times for collection as close to the Westminster allocated time slots without causing traffic congestion
- Establish if the Council collection times are the best for the street.
- Consider whether businesses should be responsible to clean there area of the street after their rubbish collection.

Proposed conditions/principles for all businesses

MC34	All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
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MC35	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.
MC42	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.

2. CRIME

Berkeley Street is currently experiencing some serious crimes as well as antisocial behaviour. There are sometimes fights in the street and within premises. There are people who are sleeping rough and asking for charity, which is causing petty antisocial behaviour.

Action

- CCTV systems should so far as possible cover their businesses and the street provided compliance with the Data Protection Act
- This situation should be improved with the proposed new Berkeley Street Marshalls and businesses should seek to support the scheme
- Help should be given to those who are sleeping rough and information provided to help them
- Those asking for charity and touting should not be encouraged and should be moved on
- If the council has a number of a department that can assist in this area then this should be circulated.

Proposed Conditions/Principles for all businesses

MC01	The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.
MC02	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.
M58	No person on behalf of the premises or on behalf of a person carrying or attempting to carry on a licensable activity shall cause, permit, employ or allow, directly or indirectly, whether on payment or otherwise, any person(s) to importune, solicit or tout members of the public on any public highway within the specified area outlined below for the purpose of bringing customers to the premises. The distribution of leaflets or similar promotional material is also prohibited within the specified area. For the purpose of this section, 'Directly' means:- employ, have control of or instruct. 'Indirectly' means allowing / permitting the service of or through a third party. 'Specified' Area' means the area encompassed within (Berkeley Street insert name of boundary roads.)
NEW	Support shall be given to the Berkeley Street monitoring Scheme that may exist including contributing to any paid for policing scheme

3. TRAFFIC

The problem of traffic is the cause of a lot of late night disturbance. There is a lot of double parking sometimes triple parking. Traffic jams are appearing caused by taxi's stopping off, buses not being able to get through and car drivers/chauffeurs waiting for their guests and illegally parking.

Action

- Door supervisors should be trained to encourage to move people on. Guests should also understand that this is unacceptable behaviour
- Websites and booking policies should contain more information to encourage people nearest transfer facilities, parking information and a reminder of the local area
- All businesses including offices/other unlicensed businesses to schedule any rubbish collections away from peak hours
- Look at future plans of any traffic management schemes and recommending approvals
- Taxi companies that are signed up should have be sent "Terms of reference" setting out the standards expected of them.

Proposed Conditions/Principles for all businesses

M58	No person on behalf of the premises or on behalf of a person carrying or attempting to carry on a licensable activity shall cause, permit, employ or allow, directly or indirectly, whether on payment or otherwise, any person(s) to importune, solicit or tout
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	members of the public on any public highway within the specified area outlined below for the purpose of bringing customers to the premises. The distribution of leaflets or similar promotional material is also prohibited within the specified area. For the purpose of this section, 'Directly' means:- employ, have control of or instruct. 'Indirectly' means allowing / permitting the service of or through a third party. 'Specified' Area' means the area encompassed within (Berkeley Street insert name of boundary roads.)
MC35	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

4. NOISE AND ODOURS FROM BUSINESSES

There are problems with noise coming from late night operations. Customers are also causing noise in the streets and the other associated noise problems mentioned above from traffic etc.

Action

- Businesses should review their procedures to look at ways of minimising noise and ensure that they have their own best practice policies
- They should remind customers that this Berkeley Street is a mixed use area with local residents that would not want to be disturbed.

Proposed Conditions/Principles for all businesses

MC12	No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
MC21	Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
MC22 Amended	Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall be limited to (15) persons at any one time and shall be reminded that there are residents nearby and to keep their voices down.
MC24 Amended	A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number is to be made available to residents and businesses in the vicinity. If the manager changes then the name and contact number shall be distributed as soon as possible

MC26	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.
MC87	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.

Raw And BBQ - 11 Berkeley Street London W1J 8DS

Proposed Conditions:

1. The premises shall operate as a restaurant:
 - i) In which customers are shown to their table
 - ii) Where the supply of alcohol is by waiter or waitress service only,
 - iii) Which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table using non disposable crockery,
 - iv) Which do not provide any take away service of food or drink for immediate consumption,
 - v) Which do not provide any take away service of food or drink after 23:00, and
 - vi) Where alcohol shall not be sold or supplied, otherwise than for consumption by persons who are seated in the premises and bona fide taking a substantial table meal 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.

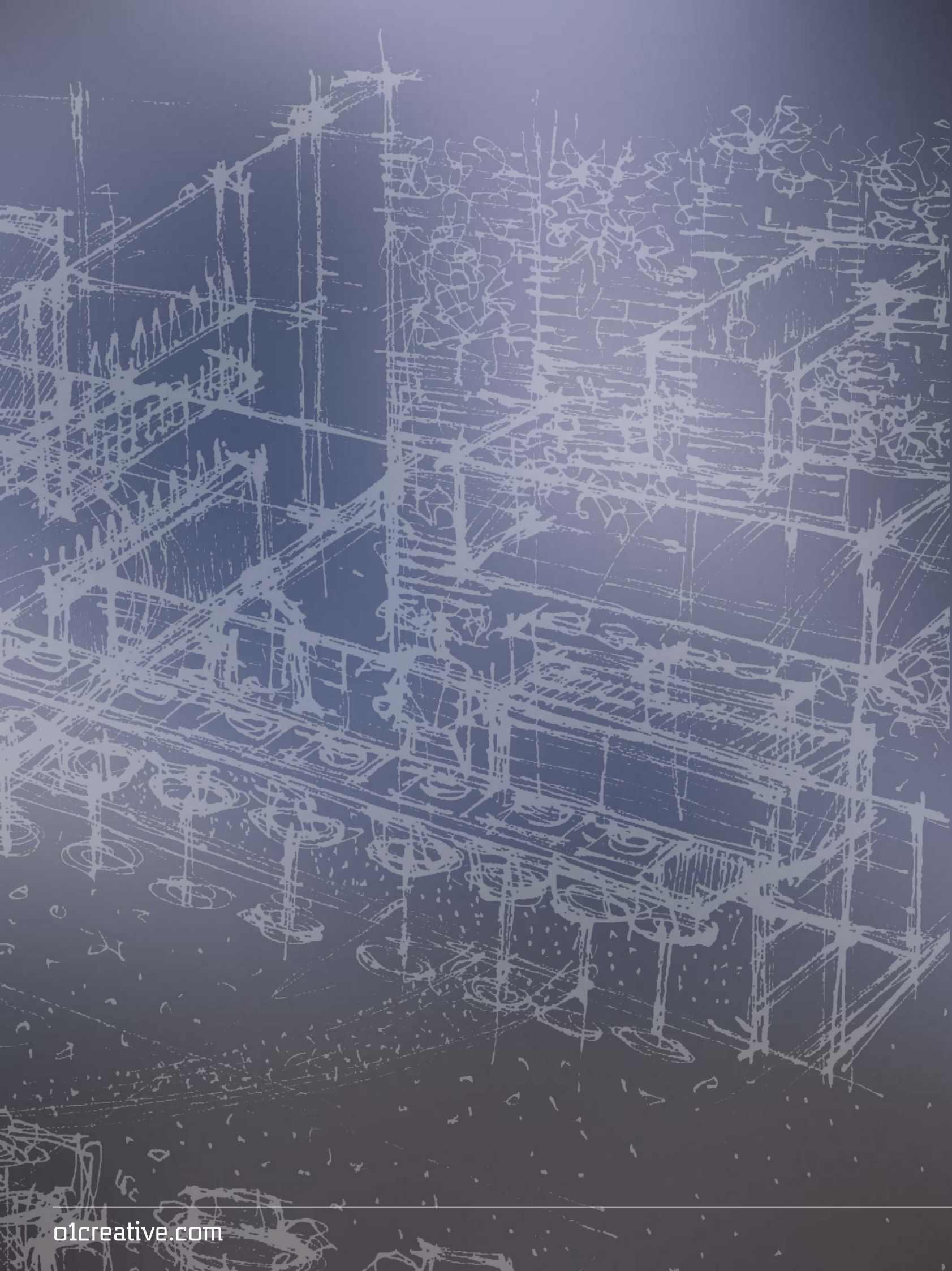
2. Notwithstanding condition [1], alcohol may be sold to and consumed by persons in the holding bar area hatched red on the plan, during, prior to or after their meal.
3. At least 1 SIA licensed door supervisor shall be on duty at the entrance of the premises at all times whilst it is open for business.
4. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31 day period.
5. 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.
6. 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.
7. 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 any visit by a relevant authority or emergency service.
 - (h) any visit by a relevant authority or emergency service.
8. 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, 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.
 9. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
 10. A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number is to be made available to residents and businesses in the vicinity.
 11. Loudspeakers shall not be located in the entrance lobby or outside the premises building.
 12. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall be limited to 10 persons at any one time.
 13. 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.
 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. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
 16. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 23:00 and 08:00 hours on the following day.
 17. Deliveries to the premises shall only take place between the hours of 07:30 and 12:00 (midday) Monday to Saturday and between 09:00 and 12:00 Sundays and Bank Holidays.
 18. 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 sweeping collected and stored in accordance with the approved refuse storage arrangements by close of business.

19. There shall be no striptease or nudity, and all persons shall be decently attired at all times.
20. No person on behalf of the premises or on behalf of a person carrying or attempting to carry on a licensable activity shall cause, permit, employ or allow, directly or indirectly, whether on payment or otherwise, any person(s) to importune, solicit or tout members of the public on any public highway within the specified area outlined below for the purpose of bringing customers to the premises. The distribution of leaflets or similar promotional material is also prohibited within the specified area.
For the purpose of this section,
'Directly' means:- employ, have control of or instruct.
'Indirectly' means allowing / permitting the service of or through a third party.
'Specified' Area' means the area encompassed within (insert name of boundary roads.)
21. The number of persons permitted within the premises at any one time (excluding staff) shall not exceed:
- Basement [x – to be determined by the Environmental Health Consultation Team]
 - Ground floor [x – to be determined by the Environmental Health Consultation Team]
- Subject to an overall maximum of [175] persons at any one time.
22. The Licence will have no effect until the works shown on the plans appended to the application (or as subsequently amended) have been assessed as satisfactory by the Environmental Health Consultation Team and this condition has been removed from the Licence.

Additional Conditions Proposed by the Berkeley Street Monitoring Group:

23. Support shall be given to the Berkeley Street monitoring Scheme that may exist including contributing to any paid for policing scheme.
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. A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number is to be made available to residents and businesses in the vicinity. If the manager changes then the name and contact number shall be distributed as soon as possible.
26. 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.
27. 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.



Raw and Barbecue

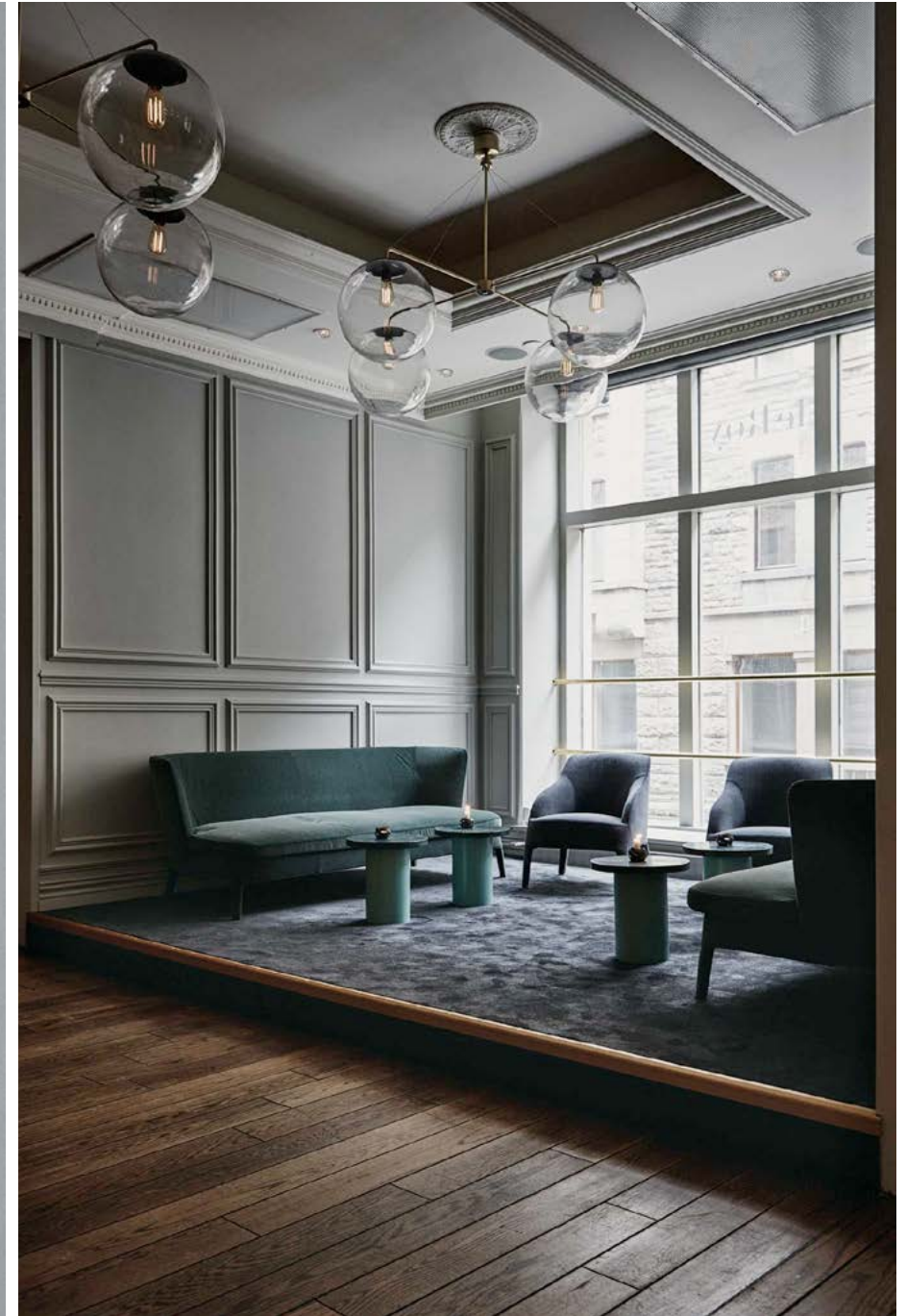
concept: work in progress

8th March 2016

R+B CONCEPT - Anteroom : Palette Development



R+B CONCEPT - Anteroom : Palette Development

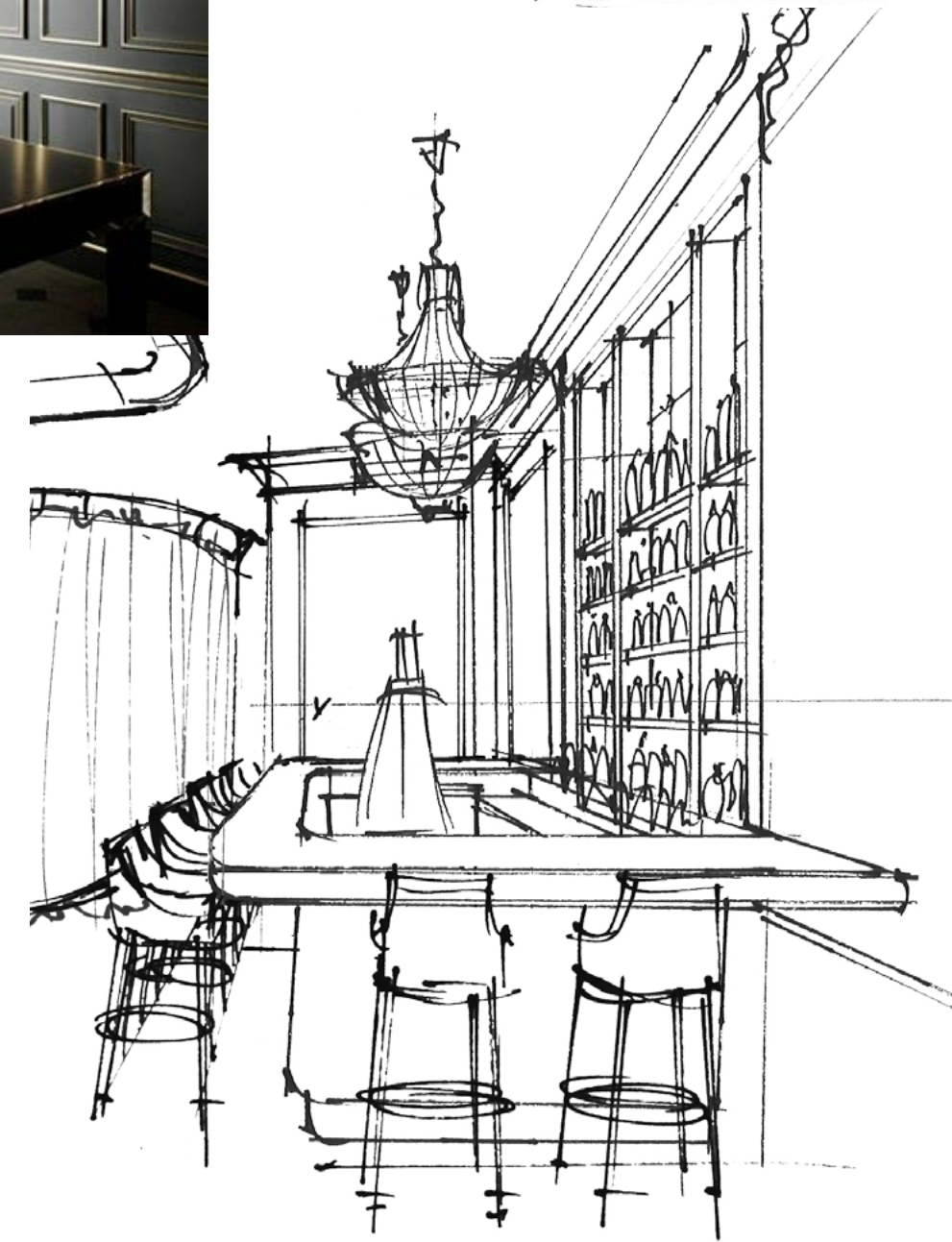
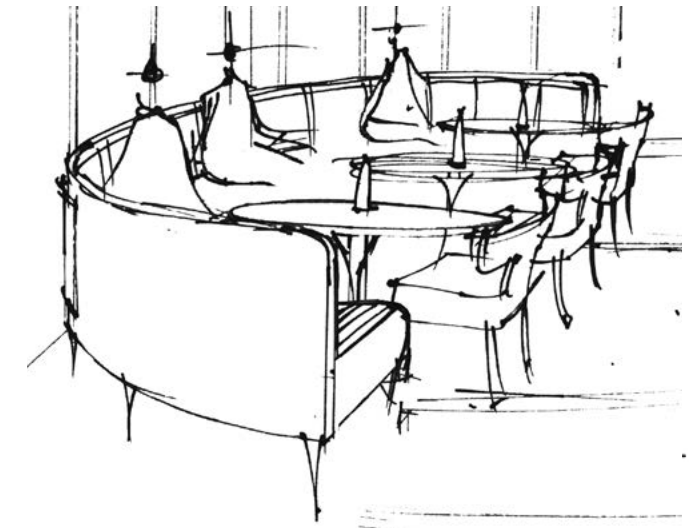
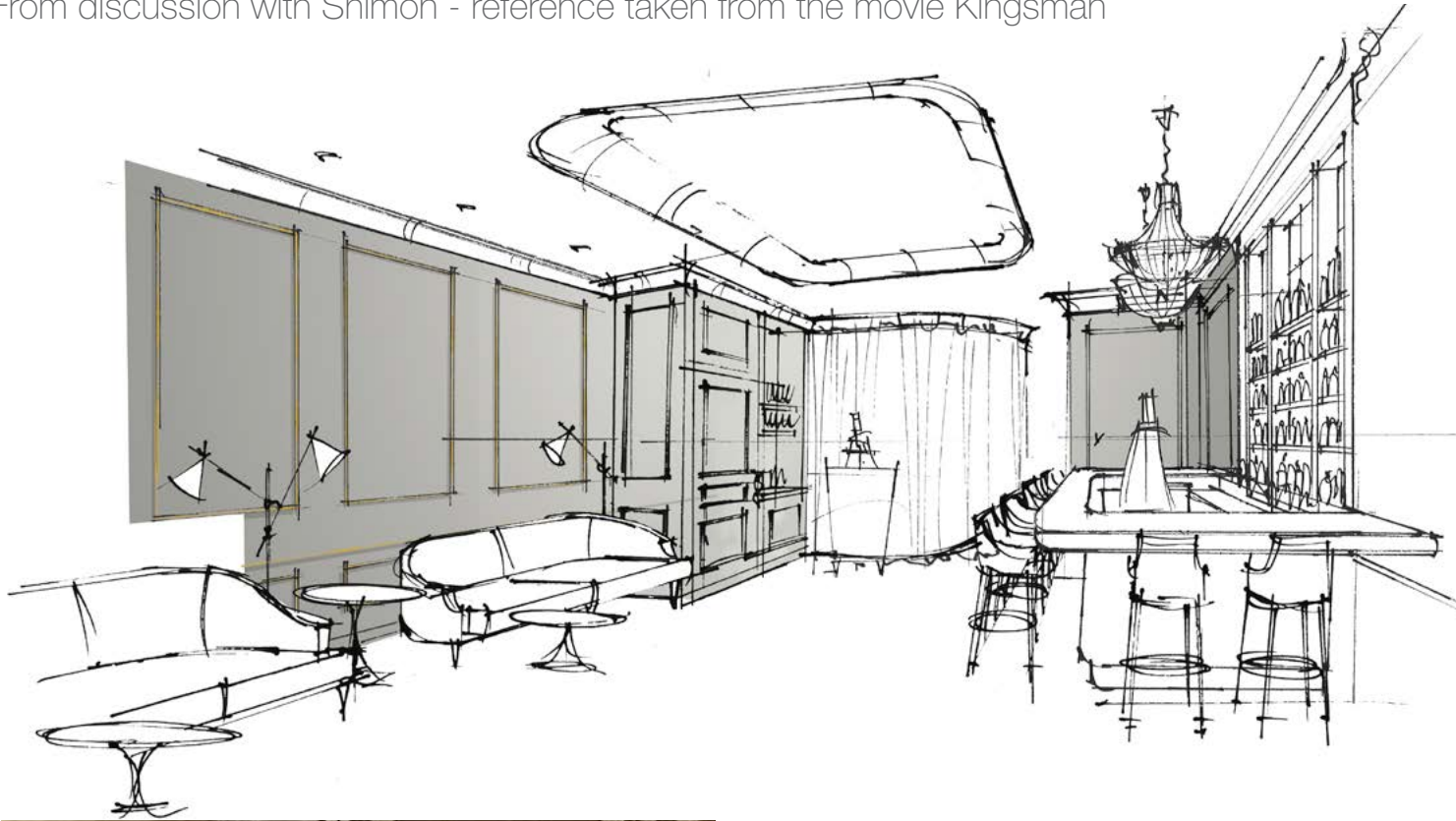


R+B CONCEPT - Anteroom : Palette Development



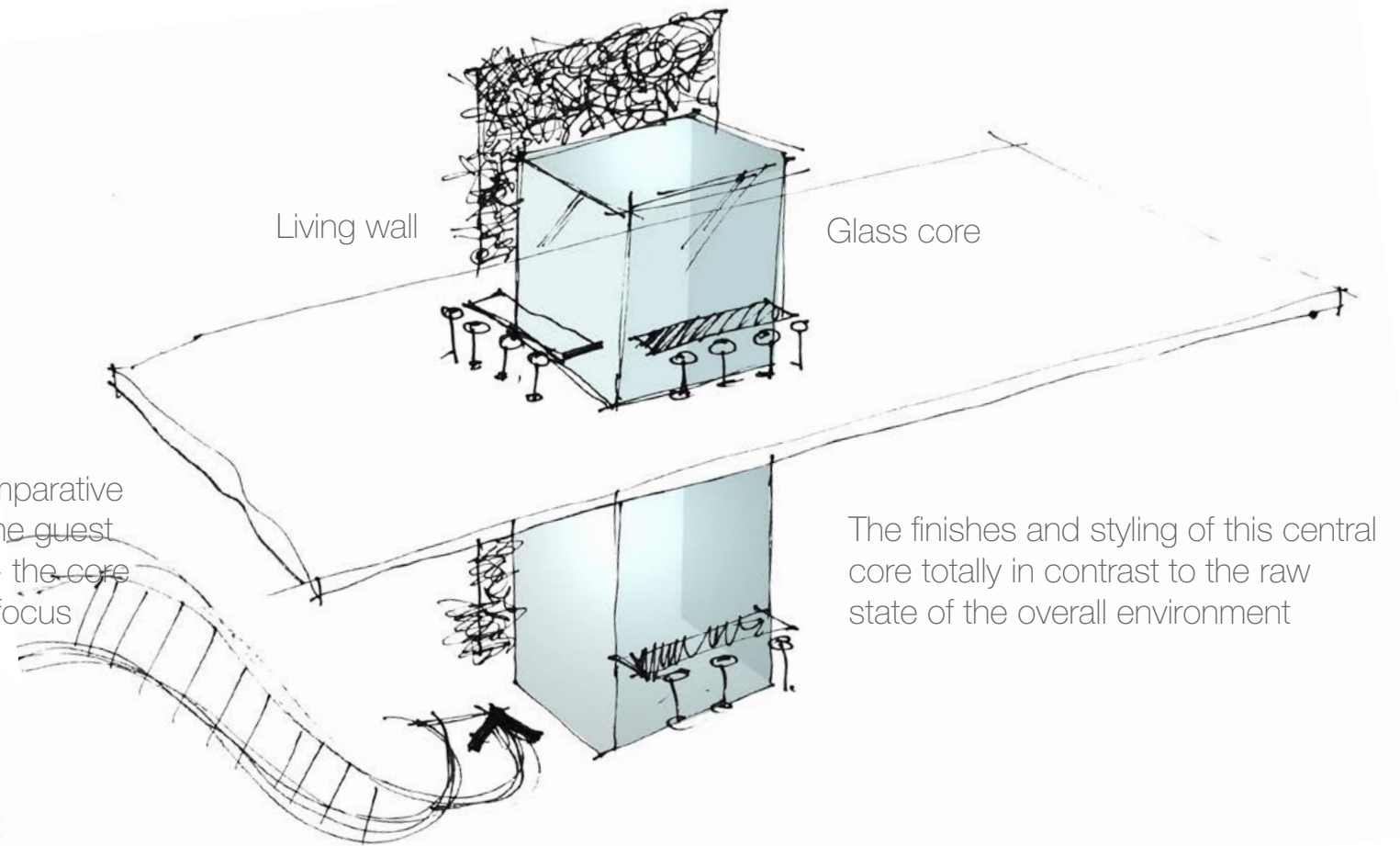
R+B CONCEPT - Anteroom : Sketches

A few sketches to illustrate our intent to refine the anteroom experience. From discussion with Shimon - reference taken from the movie Kingsman



R+B CONCEPT - Core Development : Glass Box

The glass core dramatically bisecting the space will be the central feature of the restaurant and the focal point around which primary activities will revolve



Living wall

Glass core

Create a comparative parallax for the guest vertical flow - the core remains the focus

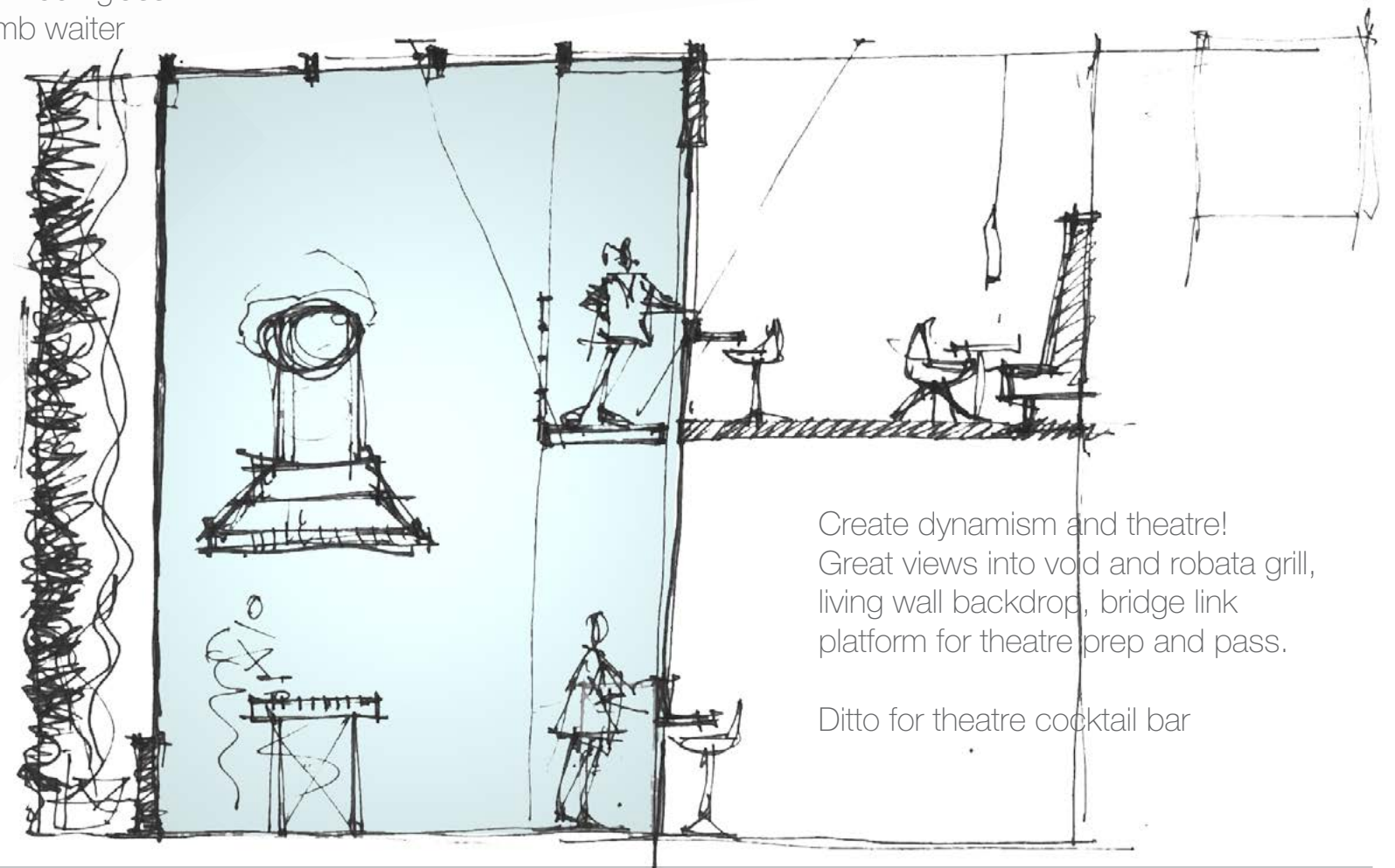
The finishes and styling of this central core totally in contrast to the raw state of the overall environment

High tech glass dumb waiter

Steel doors

Living wall

Bright stainless steel cooker hood



Create dynamism and theatre!
Great views into void and robata grill, living wall backdrop, bridge link platform for theatre prep and pass.

Ditto for theatre cocktail bar

Centralised dining activities around the glass core at both ground and lower ground levels

R+B CONCEPT - Core Development : Glass Box

The glass core dramatically bisecting the space will be the central feature of the restaurant and the focal point around which primary activities will revolve

Centralised dining activities around the glass core at both ground and lower ground levels

Living wall

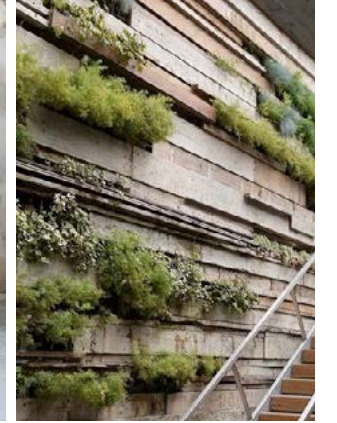
Glass core

High tech glass dumb waiter

Bar dining

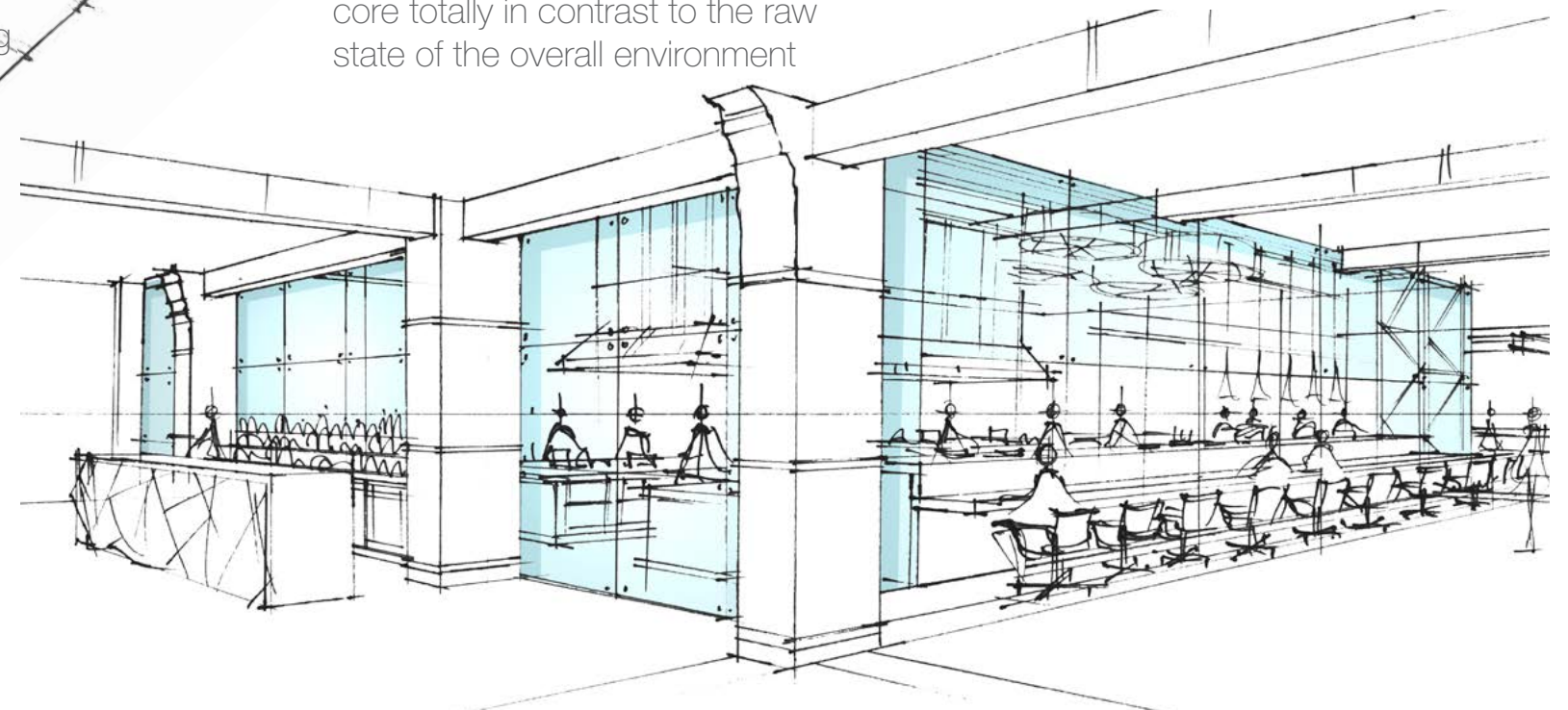
Steel panels

Bar drinking



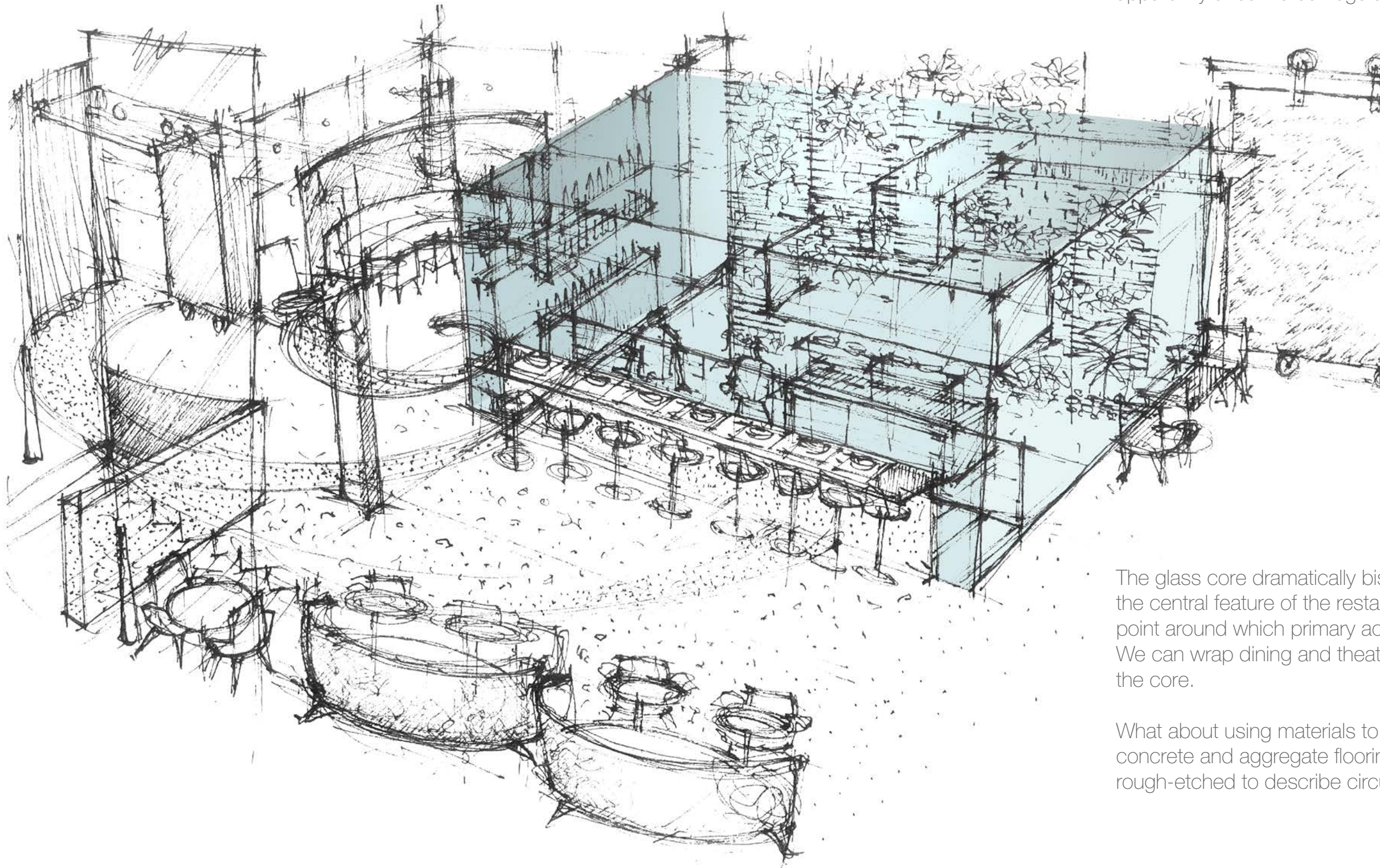
Create dynamism and theatre!
Great views into void and robata grill, living wall backdrop, bridge link platform for theatre prep and pass.

The finishes and styling of this central core totally in contrast to the raw state of the overall environment



R+B CONCEPT - Core Development Sketch :

The living wall as a backdrop to the theatre kitchen will provide massive visual interest - looking through all the highly polished stainless steel finishes to the apparently uncultivated vegetation behind.

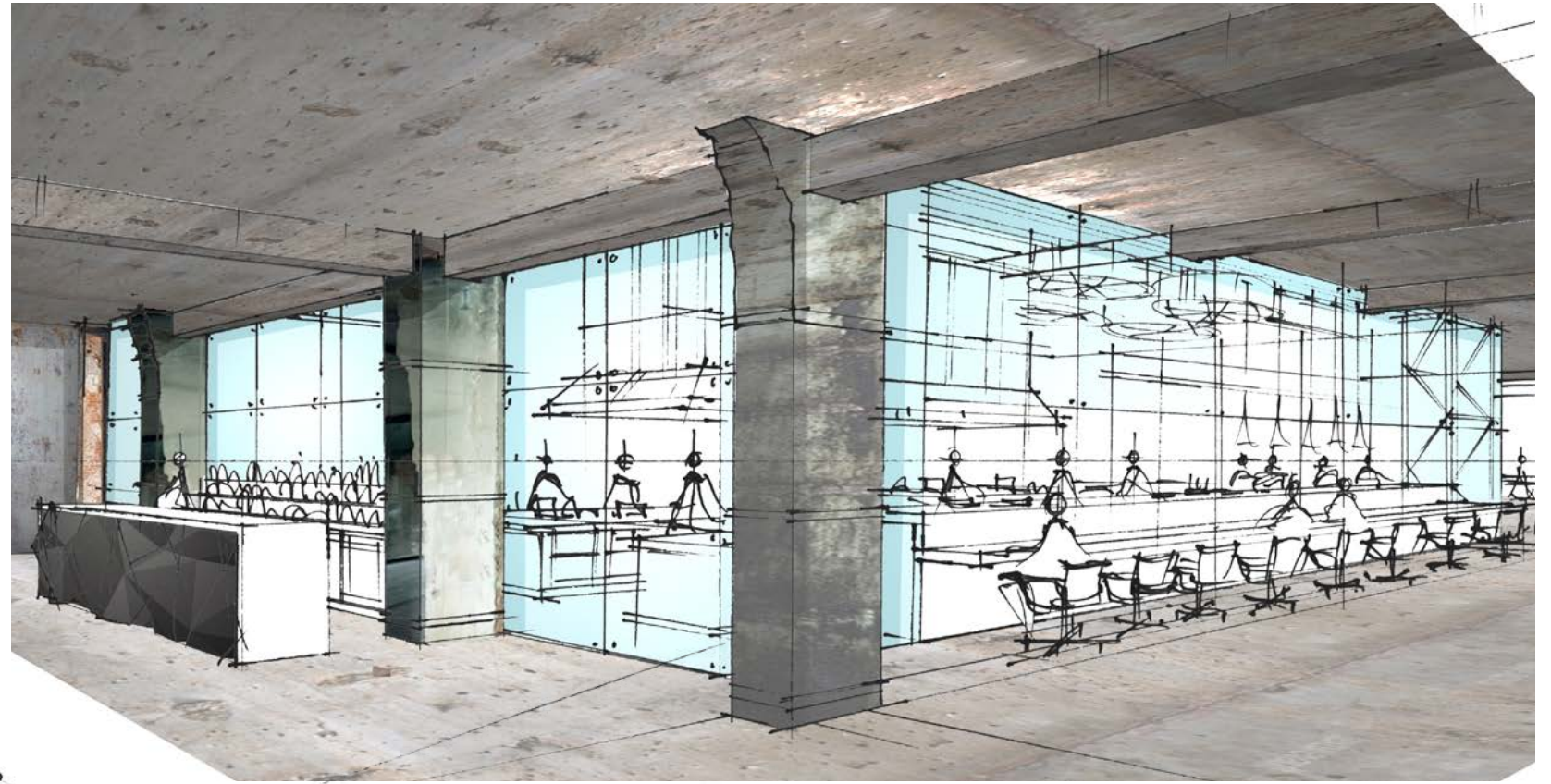


The glass core dramatically bisecting the space will be the central feature of the restaurant and the focal point around which primary activities will revolve. We can wrap dining and theatre cocktail bar around the core.

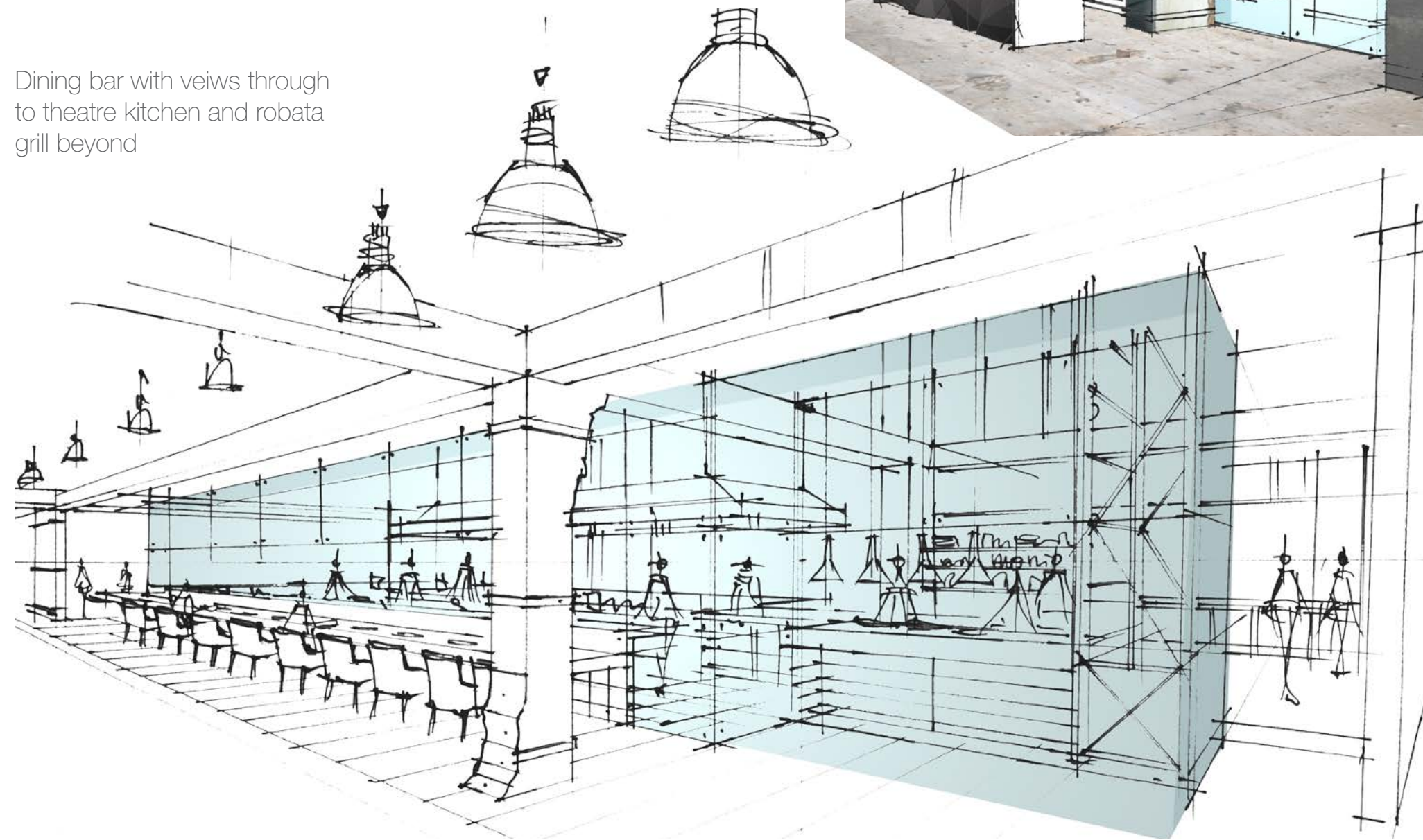
What about using materials to emphasise flow - concrete and aggregate flooring polished in areas but rough-etched to describe circulation

All furniture contemporary and stylish 'placed' within the space. The aesthetic principle we are working to is that anything architectural/fixed is 'decayed' or raw and anything decorative or 'placed' in the environment is highly finished. The dramatic exception being the glass core and kitchen - startling by its contrast.

R+B CONCEPT - Core Development : Glass Box Central Kitchen



Dining bar with views through to theatre kitchen and robata grill beyond



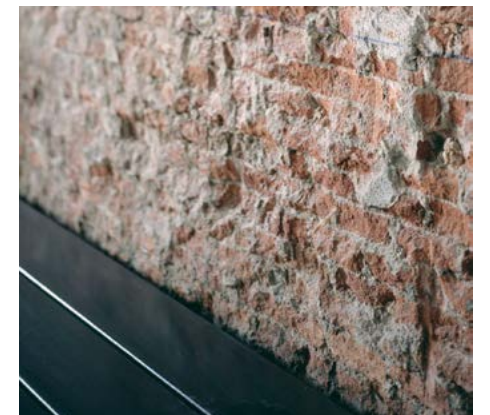
Central kitchen will provide a glow of activity with illumination contrasting that of the raw surroundings

R+B CONCEPT - Cocktail Bar Sketch

Drinks bar with glass core as backdrop.
Theatre cocktail prep with good views across
to bar dining, down into kitchen grill and across
to living wall.

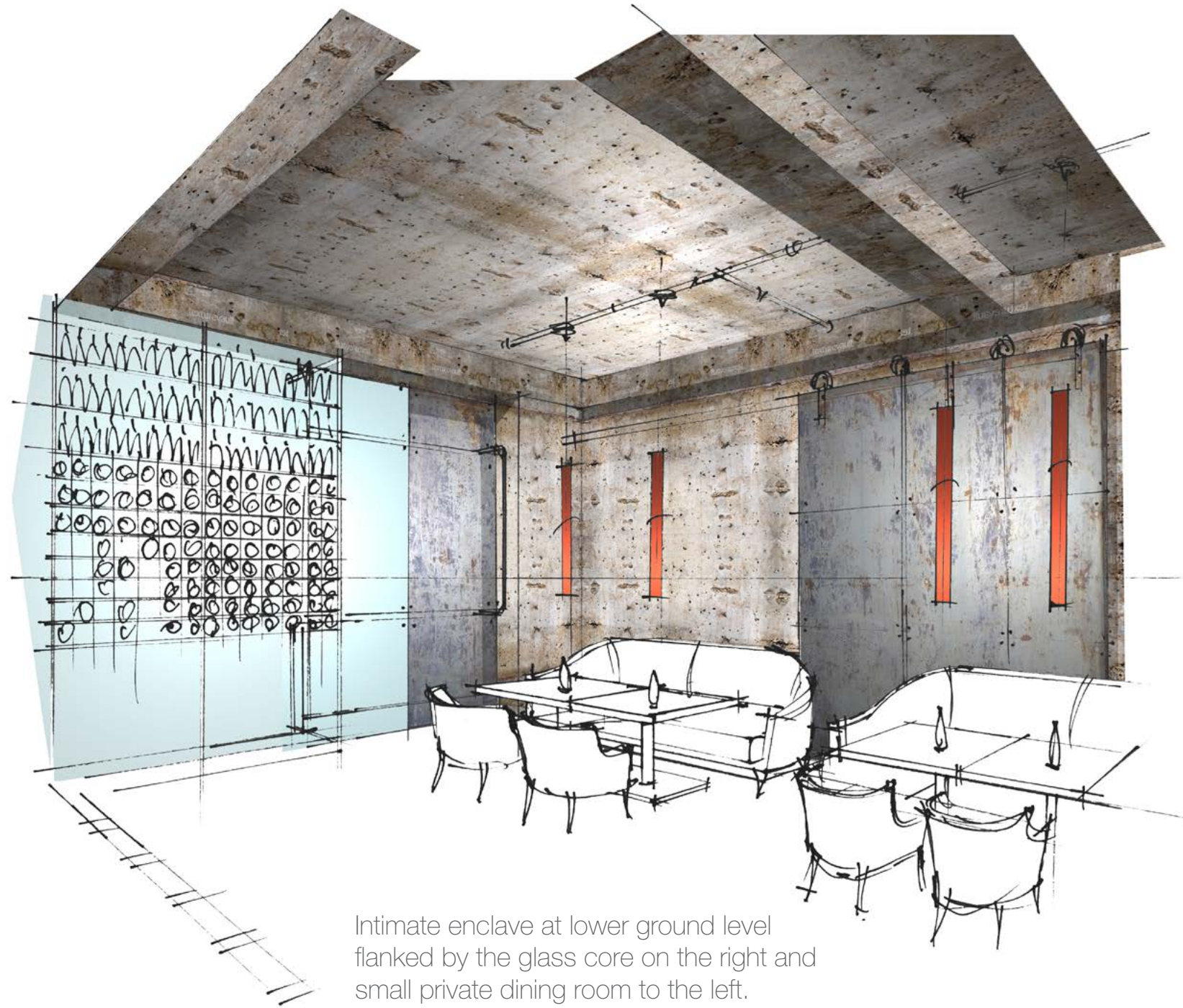


Radial planning emphasises
circulation and commune



R+B CONCEPT - Core Development : Glass Box

Good opportunity to incorporate a wine wall adjacent to PDR entrance



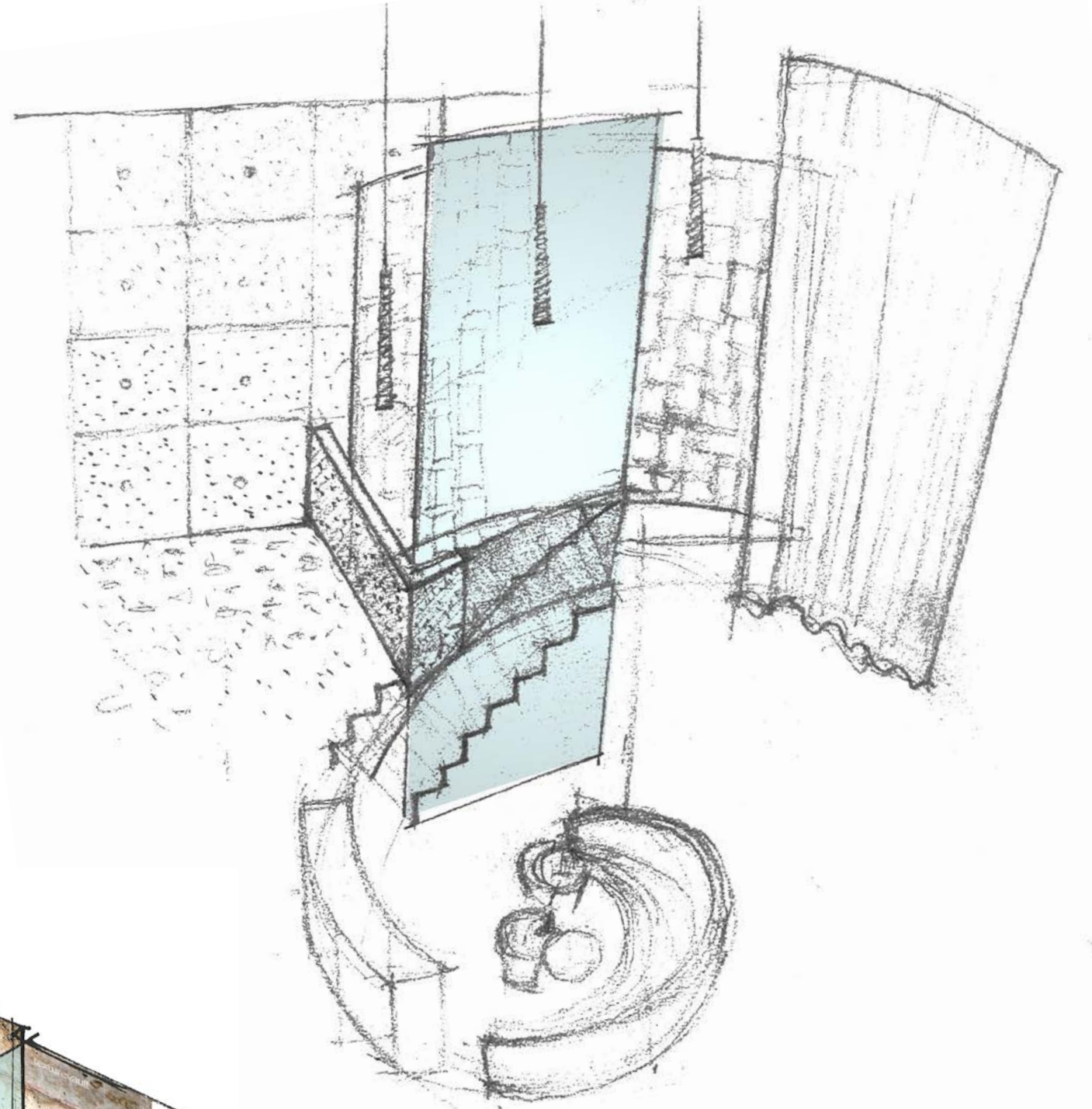
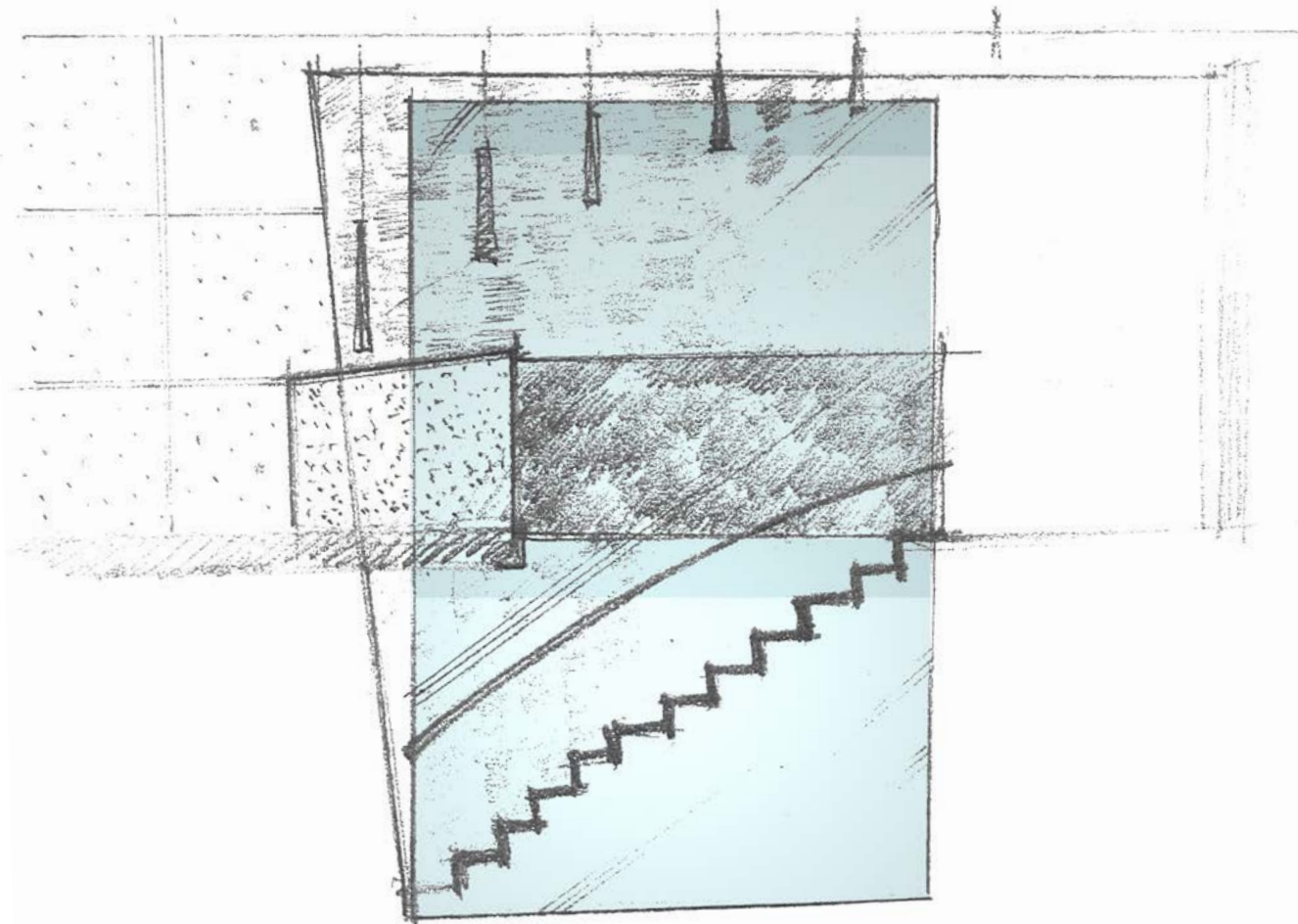
Intimate enclave at lower ground level flanked by the glass core on the right and small private dining room to the left.

Consider coloured glass to the PDR wall only.

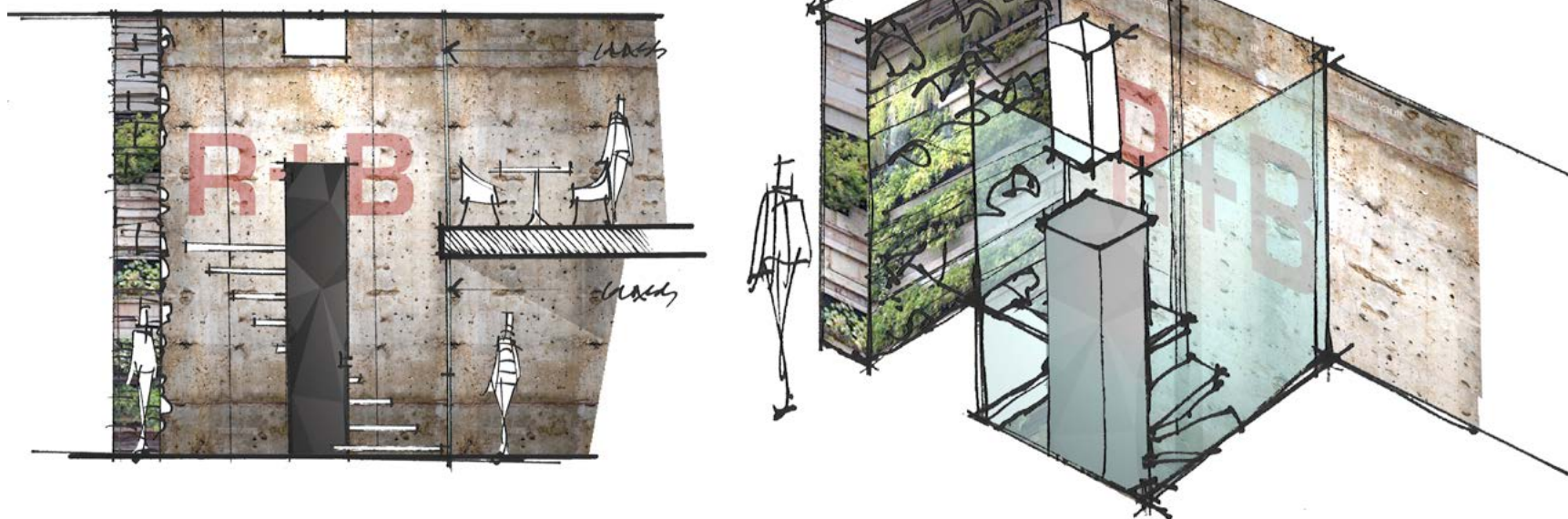


Juxtaposition/layering of materials will make this a unique space . . . raw concrete, clear glass, planting, coloured glass

R+B CONCEPT - Staircase Development exploration

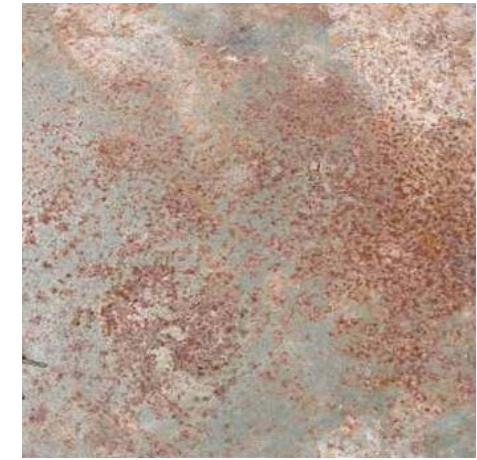
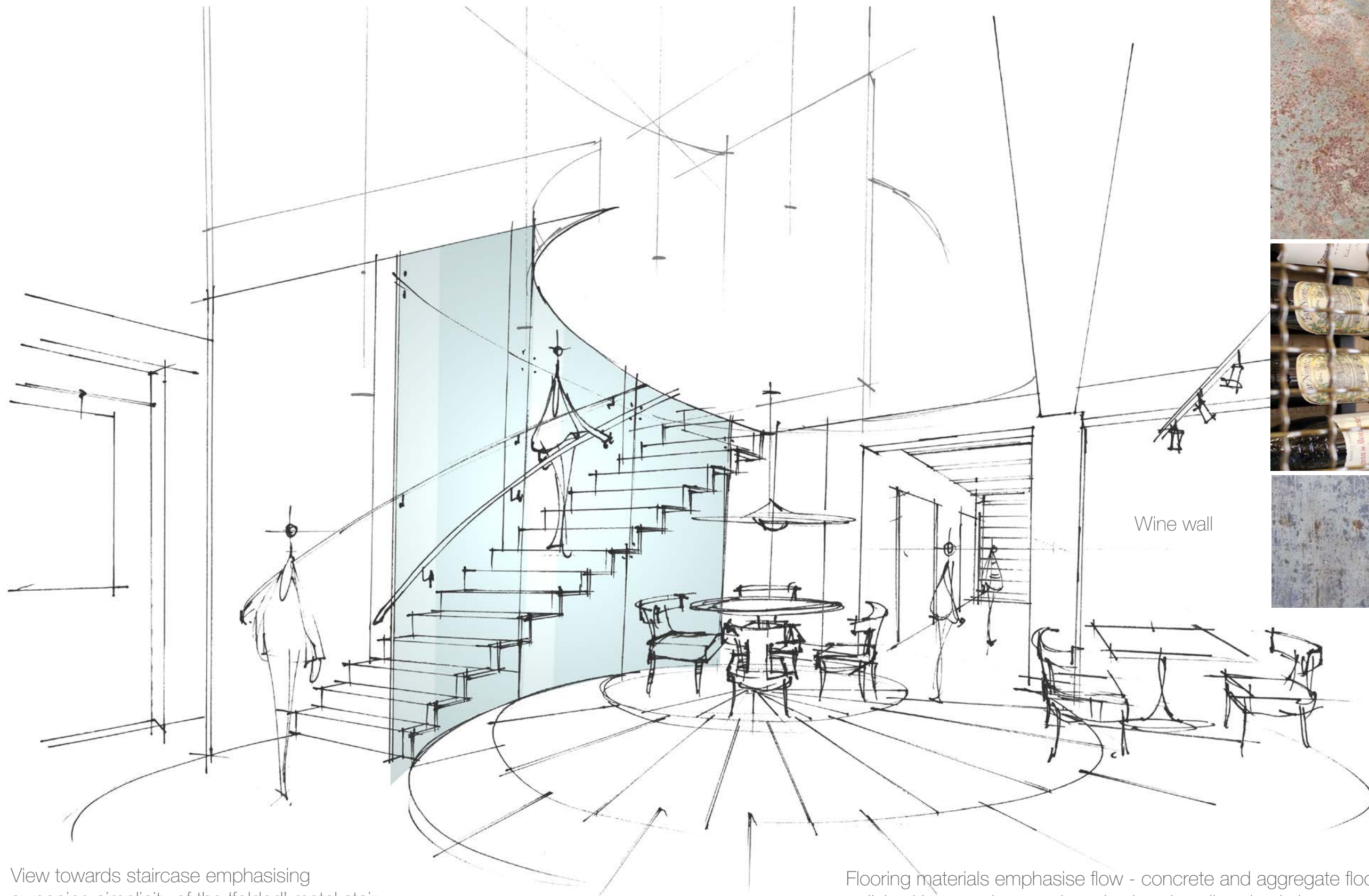


Staircase elements need to be bold and incisive.
An elegant aesthetic derived from the simplicity and
cleanliness of line in contrast with materials used



Elegant form of the staircase sweeping down
into the lower dining environment contrasts with
the urban materials its formed from . . . raw folded
steel, concrete etc but then an added twist setting
the stair against a wall of gold leaf

R+B CONCEPT - Staircase Development

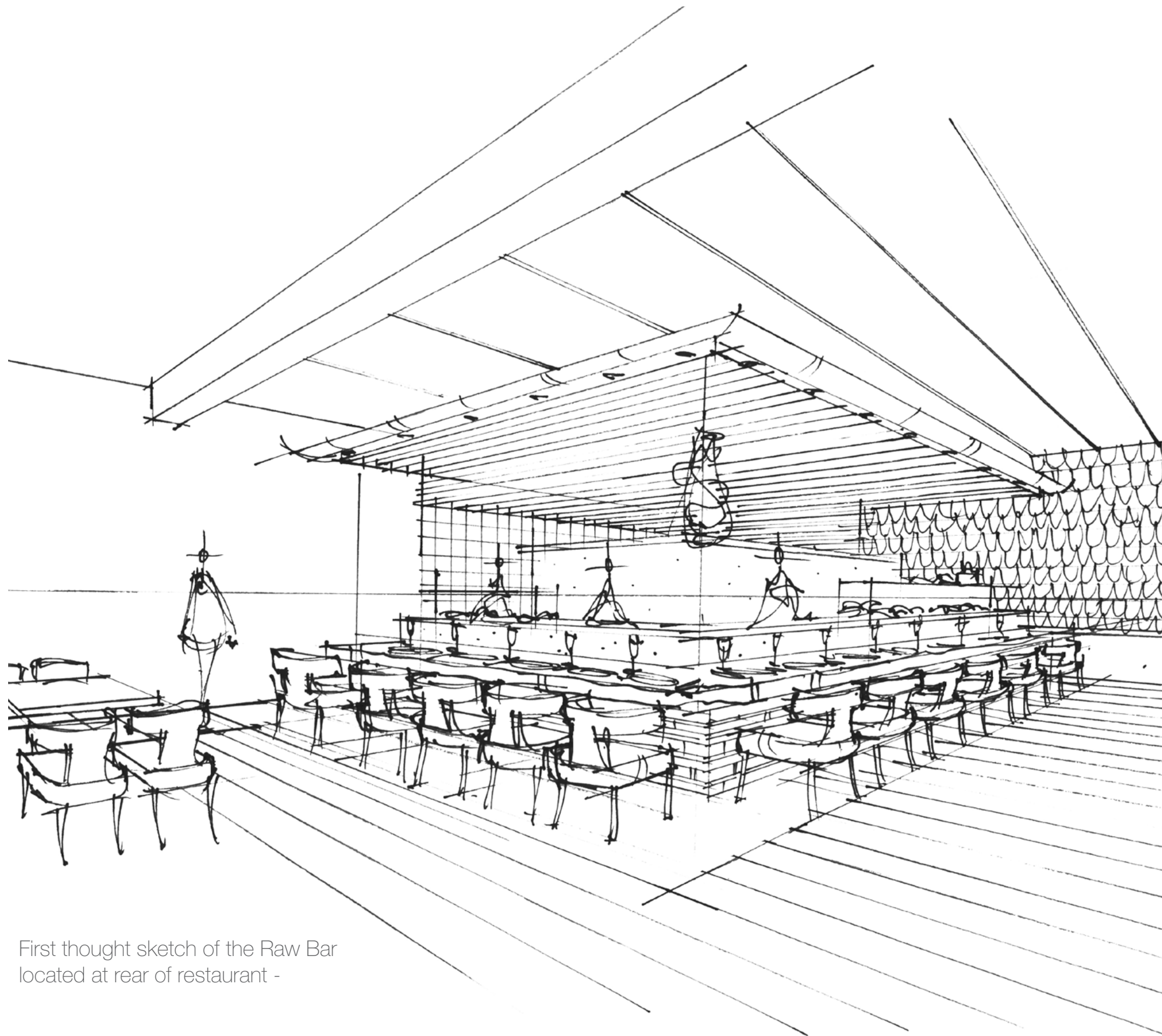


Wine wall

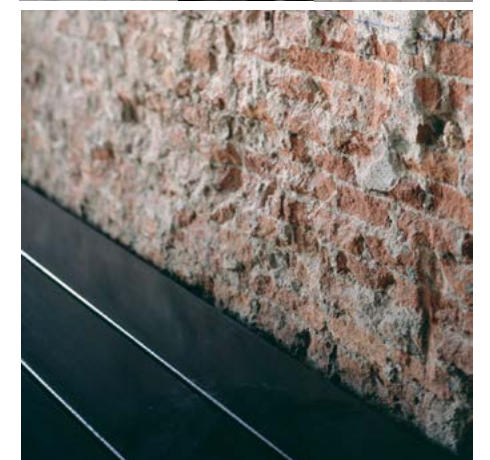
View towards staircase emphasising sweeping simplicity of the 'folded' metal stair

Flooring materials emphasise flow - concrete and aggregate flooring polished in areas but rough-etched to describe circulation

R+B CONCEPT - Raw Bar Development

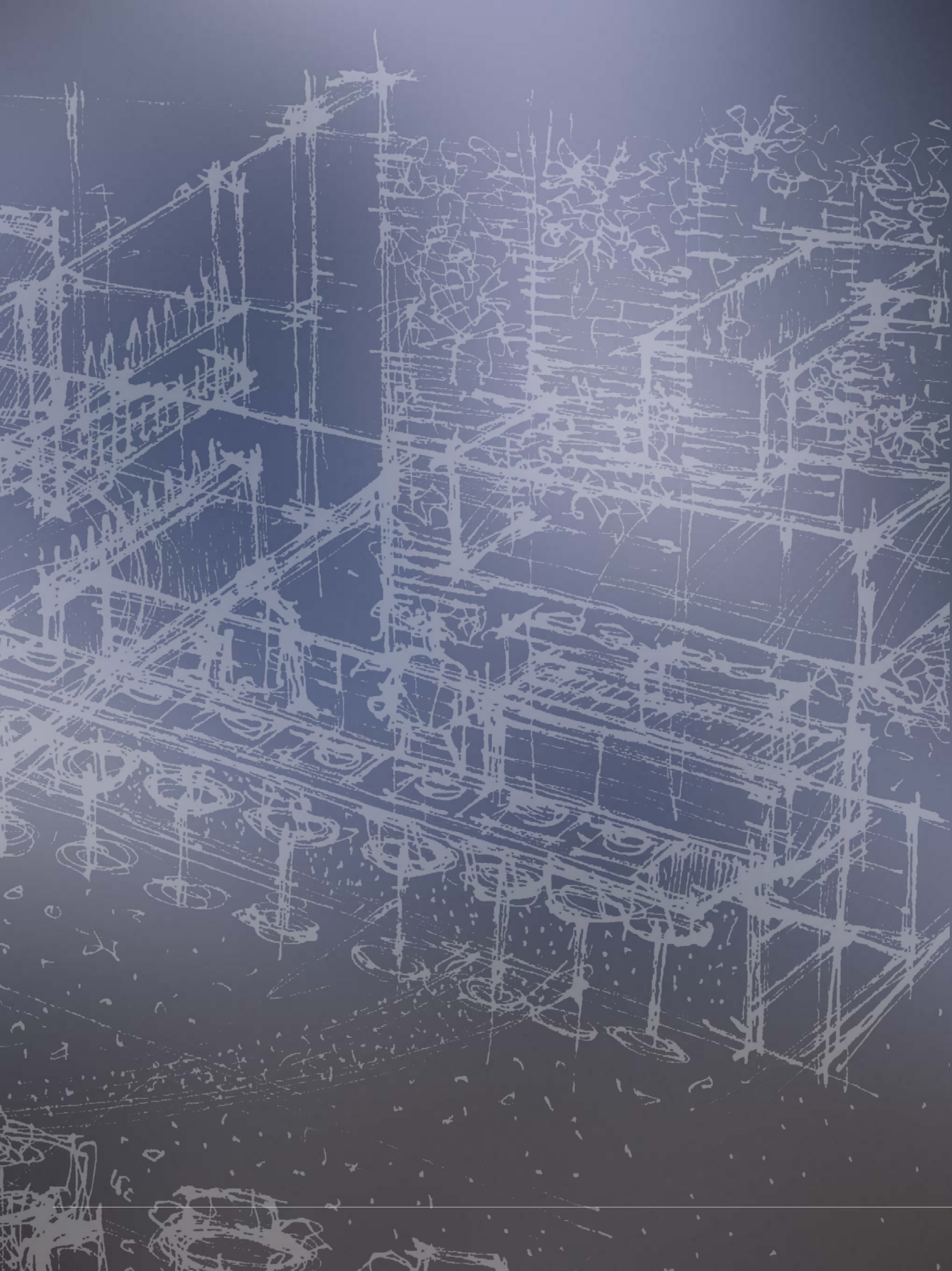


First thought sketch of the Raw Bar located at rear of restaurant -



R+B CONCEPT - Detail Development





end of document - thank you

There is no licence or appeal history for the premises

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.

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.

Conditions consistent with the operating schedule

10. The premises shall operate as a restaurant:
 - i) In which customers are shown to their table
 - ii) Where the supply of alcohol is by waiter or waitress service only,
 - iii) Which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table using non disposable crockery,
 - iv) Which do not provide any take away service of food or drink for immediate consumption,
 - v) Which do not provide any take away service of food or drink after 23:00, and
 - vi) Where alcohol shall not be sold or supplied, otherwise than for consumption by persons who are seated in the premises and bona fide taking a substantial table meal 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.
11. Notwithstanding condition [10], alcohol may be sold to and consumed by persons in the holding bar area hatched red on the plan, during, prior to or after their meal.
12. At least 1 SIA licensed door supervisor shall be on duty at the entrance of the premises at all times whilst it is open for business.
13. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31 day period.
14. 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.
15. 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.
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 any visit by a relevant authority or emergency service.
- (h) any visit by a relevant authority or emergency service.

17. 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, 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.
18. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
19. A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number is to be made available to residents and businesses in the vicinity.
20. Loudspeakers shall not be located in the entrance lobby or outside the premises building.
21. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall be limited to 10 persons at any one time.
22. 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.
23. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
24. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
25. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 23:00 and 08:00 hours on the following day.
26. Deliveries to the premises shall only take place between the hours of 07:30 and 12:00 (midday) Monday to Saturday and between 09:00 and 12:00 Sundays and Bank Holidays.
27. 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 sweeping collected and stored in accordance with the approved refuse storage arrangements by close of business.
28. There shall be no striptease or nudity, and all persons shall be decently attired at all times.
29. No person on behalf of the premises or on behalf of a person carrying or attempting to carry on a licensable activity shall cause, permit, employ or allow, directly or indirectly,

whether on payment or otherwise, any person(s) to importune, solicit or tout members of the public on any public highway within the specified area outlined below for the purpose of bringing customers to the premises. The distribution of leaflets or similar promotional material is also prohibited within the specified area.

For the purpose of this section,

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

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

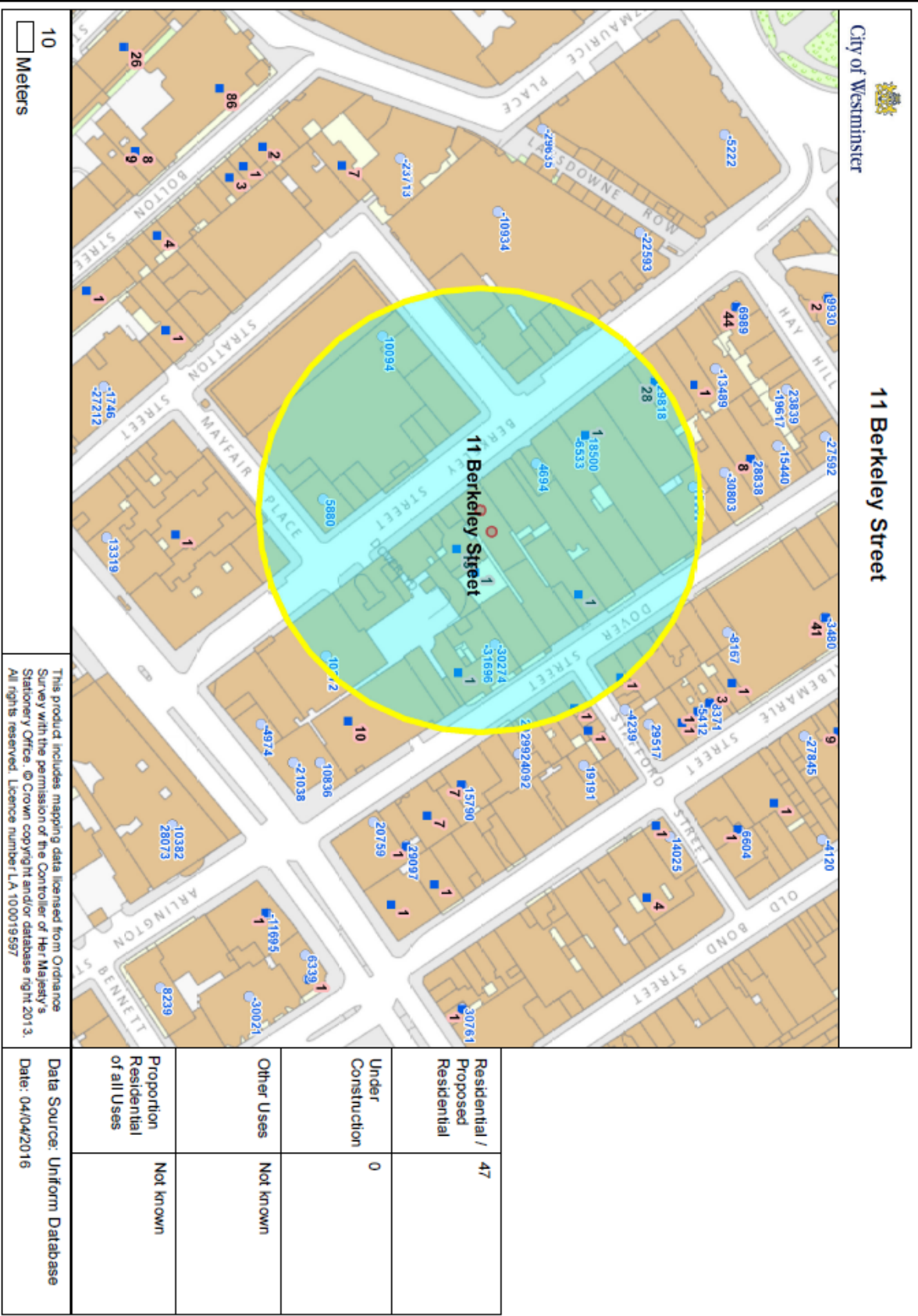
'Specified' Area' means the area encompassed within (insert name of boundary roads.)

30. The number of persons permitted within the premises at any one time (excluding staff) shall not exceed:

- Basement [x – to be determined by the Environmental Health Consultation Team]
- Ground floor [x – to be determined by the Environmental Health Consultation Team]

Subject to an overall maximum of [175] persons at any one time.

31. The Licence will have no effect until the works shown on the plans appended to the application (or as subsequently amended) have been assessed as satisfactory by the Environmental Health Consultation Team and this condition has been removed from the Licence.



Premises within 75 metres of: 11 Berkeley Street			
p / n	Name of Premises	Premises Address	Opening Hours
-30274	The Arts Club	Basement To First Floor 40 Dover Street London W1S 4NP	Monday to Sunday 00:00 - 00:00 Monday to Sunday 08:30 - 03:30
-6533	Nobu Berkeley	Ground Floor 15 Berkeley Street London W1J 8DY	Monday to Saturday 09:00 - 02:30 Sunday 12:00 - 00:00
10094	Sainsburys Local	38-40 Stratton Street London W1J 8LT	Monday to Sunday 07:30 - 05:00
15563	Quattro Passi	Basement And Ground Floor Dover House 34 Dover Street London W1S 4NG	Sunday 09:00 - 00:30 Monday to Saturday 09:00 - 01:00
-31696	The Arts Club	Basement To First Floor 40 Dover Street London W1S 4NP	Monday to Sunday 00:00 - 00:00 Sunday 08:30 - 00:00 Monday to Saturday 08:30 - 03:30
4694	The Fleming Collection	13 Berkeley Street London W1J 8DU	Tuesday to Saturday 10:00 - 17:30
18500	Charlie Berkeley Club	15 - 16 Berkeley Street London W1J 8DY	Monday to Saturday 09:00 - 03:30 Sunday 12:00 - 23:00
5880	Novikov	50A Berkeley Street London W1J 8DJ	Monday to Sunday 07:00 - 02:00
-29818	Park Chinois	Basement And Ground Floor 17 Berkeley Street London W1J 8EA	Monday to Saturday 08:00 - 02:00 Sunday 10:00 - 00:00
10272	Holiday Inn Mayfair	3 Berkeley Street London W1J 8NE	Monday to Sunday 00:00 - 00:00

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

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

1	Licensing Act 2003	N/A
2	City of Westminster Statement of Licensing Policy	7 th January 2016
3	Amended Guidance issued under section 182 of the Licensing Act 2003	March 2015
4	Application form	16/2/16
5	Plan	16/2/16
6	Ron Whelan representation	25/2/16
7	Jaleh Zand representation	25/2/16
8	Gordon Yeoman representation	26/2/16
9	Frank Salvoni representation	1/3/16
10	Ahmad Reza Salar Boroumand representation	2/3/16
11	Dimitrios Los representation	4/3/16
12	Victor and Diana Arbulu representation	6/3/16
13	Julia Scholar representation	8/3/16
14	Environmental Health representation	9/3/16
15	Louise Wirth representation	11/3/16
16	Irene Timofeeva representation	13/3/16
17	Hearing notifications	15/3/16
18	Jaleh Zand additional information	7/4/16
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