



City of Westminster

Licensing Sub-Committee Report

Item No:

Date:

11 January 2024

Licensing Ref No:

23/06200/LIPN - New Premises Licence

Title of Report:

10 Berkeley Square
London
W1J 6AA

Report of:

Director of Public Protection and Licensing

Wards involved:

West End

Policy context:

City of Westminster Statement of Licensing Policy

Financial summary:

None

Report Author:

Miss Jessica Donovan
Senior Licensing Officer

Contact details

Telephone: 020 7641 6500
Email: jdonovan@westminster.gov.uk

1. Application

1-A Applicant and premises			
Application Type:	New Premises Licence, Licensing Act 2003		
Application received date:	20 September 2023		
Applicant:	Amazonico UK Ltd		
Premises:	N/A		
Premises address:	10 Berkeley Square London W1J 6AA	Ward:	West End
		Cumulative Impact Area:	None
		Special Consideration Zone:	Mayfair
Premises description:	The premises intends to operate as a Restaurant and Bar.		
Premises licence history:	<p>The premises has had the benefit of a premises licence since 2018.</p> <p>The current premises licence (22/02608/LIPDPS) can be viewed at Appendix 3 of this report.</p> <p>A full licence history and Temporary Event Notice history for the premises appears at Appendix 4.</p>		
Applicant submissions:	<p>On the application form, the applicant states save for an additional one hour within the basement on Monday to Saturday nights only, this application for a new premises licence is applied for on the same terms and subject to the same list of conditions as the existing premises licence no. 22/02608/LIPDPS, which is proposed to be surrendered if this application is granted.</p> <p>The applicant has provided the following submissions:</p> <ul style="list-style-type: none"> • Mediation with an interested party • A summary of proposals • A dispersal policy • An expert report from Dr. Philip Hadfield • A Freedom of information request response <p>A copy of the documents can be seen at Appendix 2.</p>		
Applicant amendments:	None		

1-B Proposed licensable activities and hours							
Live Music:				Indoors, outdoors or both			Indoors
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	10:00	10:00	10:00	10:00	10:00	10:00	12:00
End:	02:00	02:00	02:00	02:00	02:00	02:00	00:00
Seasonal variations/ Non-standard timings:		From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day. On Sundays prior to bank holidays 10:00 to 00:00.					

Recorded Music:				Indoors, outdoors or both			Indoors
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	10:00	10:00	10:00	10:00	10:00	10:00	12:00
End:	02:00	02:00	02:00	02:00	02:00	02:00	00:00
Seasonal variations/ Non-standard timings:		From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day. On Sundays prior to bank holidays 10:00 to 00:00.					

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:	02:00	02:00	02:00	02:00	02:00	02:00	00:00
Seasonal variations/ Non-standard timings:		From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.					

Sale by retail of alcohol				On or off sales or both:			Both
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	10:00	10:00	10:00	10:00	10:00	10:00	12:00
End:	02:00	02:00	02:00	02:00	02:00	02:00	00:00
Seasonal variations/ Non-standard timings:		From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day. On Sundays prior to bank holidays 10:00 to 00:00.					

Hours premises are open to the public							
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	07:00	07:00	07:00	07:00	07:00	07:00	09:00
End:	02:00	02:00	02:00	02:00	02:00	02:00	00:00
Seasonal variations/ Non-standard timings:		From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.					

2. Representations

2-A Responsible Authorities	
Responsible Authority:	Environmental Health Service
Representative:	Ayesha Bolton
Received:	18 October 2023

I refer to the application for a new Premises Licence for the above premises.

The applicant has submitted floor plans of the premises.

This representation is based on the plans and operating schedule submitted.

The applicant is seeking the following:

1. To provide Regulated Entertainment of Live Music and Recorded Music Indoors at the premises Monday to Saturday 10.00 to 02.00 and Sunday 12.00 to 00.00 hours. From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day. On Sundays prior to bank holidays 10:00 to 00:00 hours
2. To provide Late Night Refreshments Indoors only Monday to Saturday 23.00 to 02.00 hours and Sunday 23.00 to 00.00 hours. From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.
3. To provide Supply of Alcohol both On and Off the premises Monday to Saturday 10.00 to 02.00 and Sunday 12.00 to 00.00 hours. From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day. On Sundays prior to bank holidays 10:00 to 00:00 hours.

I wish to make the following representation:

1. The provision and the hours requested for Regulated Entertainment will the likely effect of causing an increase in Public Nuisance within the area and may impact on Public Safety.
2. The provision and the hours requested for Late Night Refreshment will have the likely effect of causing an increase in Public Nuisance within the area.
3. The provision and the hours requested for Supply of Alcohol will the likely effect of causing an increase in Public Nuisance within the area and may impact on Public Safety.

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

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

Responsible Authority:	Metropolitan Police Service
Representative:	PC Tom Stewart
Received:	18 October 2023

I am writing on behalf of the Commissioner of the Metropolitan Police Service ("The Police") to make representations opposing the grant of a premises licence application for **Amazonica, 10 Berkeley Square, London, W1J 6AA**

The application seeks the following:

- **Performance of Dance, Live Music, Recorded Music:** Monday to Saturday 10:00 to 02:00 and 12:00 00:00 on Sunday
- **Late Night Refreshment:** 23:00 to 02:00 Monday to Saturday and 23:00 to 00:00 on Sunday
- **Sale by Retail of Alcohol:** Monday to Saturday 10:00 to 02:00 and 12:00 00:00 on Sunday
- Replicate the conditions attached to the current premises licence (22/02608/LIPDPS) and,
- Add the following conditions:
 - The provision of licensable activities to customers on the ground floor shall cease, and customers shall not be permitted on the ground floor except for the purposes of access / egress or to use the toilet, after 01:00 hours on Monday to Saturday nights until the premises next opens.
 - This licence shall not have effect until premises licence reference 22/02608/LIPDPS (or such other number subsequently issued for the premises) has been surrendered.

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

The proposed extension of licensable activities is likely to undermine the following licensing objectives:

- The Prevention of Crime and Disorder

The premises is located within the Mayfair Special Consideration Zone (MSCZ) and the applicant is required to take this into account. Westminster's Statement of Licensing Policy states the following in relation to the MSCZ:

"The 2020 Cumulative Impact Assessment reviewed the same area of Mayfair as was assessed by the 2016 Behavioural Study. The zone for Mayfair is 0.24km² in size and accounts for 1% of

the borough's footprint. From the findings of the 2020 Cumulative Impact Assessment this area had numerous incidents, which were nearly twice as concentrated in space as the borough average.

The local issues that need to be considered by applicants are:

- *General crime.*
- *Noise nuisance (noise).*
- *Incidents relating to ambulance call outs at night to the locations of licensed premises for intoxication, injury related to intoxication and/or assault.”*

The applicant will need to ensure that the extension of hours is mitigated sufficiently via conditions to prevent an increase in crime in the area.

2-B Other Persons			
Name:		[REDACTED]	
Address and/or Residents Association:		[REDACTED]	
Status:	Valid	In support or opposed:	Opposed
Received:	17 October 2023		
<p>[REDACTED] objects to the new licence application '23/02711/LIPN' (10 Berkeley Square London W1J 6AA) on grounds of 'prevention of public nuisance' and 'prevention of crime and disorder'. [REDACTED]</p> <p>[REDACTED]</p> <p>The application seeks to extend the hours for the basement compared to the previous licence. We strongly object to any extension of the hours and the expansion of activities. Berkeley Street and its environs are under stress as a result of the number of licensed premises, including a significant number of new premises licences over the years. This has led to Berkeley Street being identified by a detailed study in 2016 as an area with all the characteristics of a 'cumulative impact area', and, more recently, as an area of concern under the City Council's recent 'cumulative impact assessment'. As a result of the latter, the area has been designated as a 'Special Consideration Zone' ("SCZ").</p> <p>[REDACTED] successful in recent years at keeping licence hours in Berkeley Street within reasonable bounds – this will go against that and the extension of hours proposed would act as an unfortunate precedent for the area.</p> <p>Further, it is not clear how the application to extend the hours complies with the Special Consideration Zone policy for Berkeley Street. This states that:</p> <p>The local issues that need to be considered by applicants are: • General crime. • Noise nuisance (noise). • Incidents relating to ambulance call outs at night to the locations of licensed premises for intoxication, injury related to intoxication and/or assault</p> <p>The policy states that 'The Licensing Authority has created this policy to alert future licensing applicants to the importance of taking such significant local issues fully into account in their operating schedules, by particularising the steps that they are proposing to take to promote the licensing objectives in light of those issues in addition to all other matters. This policy will apply</p>			

to areas of the city that were, until recently a Cumulative Impact Zone, or show significant level of incident rates that are above the borough average but are not yet linked to cumulative impact. This policy aims to prevent areas that have a high concentration of licensed premises and significant levels of incidents from reverting to or becoming a Cumulative Impact Zone.'

There is an absence of any indication that the applicant has considered these points.

Name:	[REDACTED]		
Address and/or Residents Association:	[REDACTED] [REDACTED] [REDACTED] [REDACTED]		
Status:	Valid	In support or opposed:	Opposed
Received:	13 October 2023		

[REDACTED] an area affected by late night revelers, deliveries, waste/recycling collections and premises servicing. Both customers and servicing of premises during late evenings and night-times create noise problems [REDACTED]

[REDACTED] As the area has many residents, closing time Sun-Thurs should be no later than 11.00pm, and Fri-Sat 12.00am midnight.

As vehicles servicing late night premises drive all over this area, including rat-running in residential streets at all times of night, please add conditions limiting deliveries, servicing (except emergencies), waste/recycling collections (except WCC) and movement of goods outside the premises to between 8pm and 8am.

It would be preferable if the premises could use the WCC waste and recycling services, as these call at premises throughout the area anyway. This would reduce the numbers of noisy and polluting large vehicles using the area (especially as some WCC waste/recycling vehicles run on electricity).

Name:	[REDACTED]		
Address and/or Residents Association	[REDACTED] [REDACTED] [REDACTED] [REDACTED]		
Status:	Valid	In support of opposed:	Opposed
Received:	16 October 2023		

The additional hour sought for the basement has the potential for nuisance especially as the use is believed to be akin to night club use.

Local residents are objecting on these grounds and [REDACTED] wishes to support those objections.

3. Policy & Guidance

The following policies within the City Of Westminster Statement of Licensing Policy apply:	
Policy SCZ1 applies	<p>A. In addition to meeting the other policies within this statement, applications within a designated Special Consideration Zone should demonstrate that they have taken account of the issues particular to the Zone, in question as identified within the 2020 Cumulative Impact Assessment, and should set out any proposed mitigation measures in relation to those issues within their operating schedule.</p> <p>B. For the purpose of Clause A, the designated Special Consideration Zones are:</p> <ul style="list-style-type: none"> • West End Buffer • Queensway/Bayswater • Edgware Road • East Covent Garden • Mayfair • Victoria
Policy HRS1 applies	<p>A. Applications within the core hours set out below in this policy will generally be granted for the relevant premises uses, subject to not being contrary to other policies in the Statement of Licensing Policy.</p> <p>B. Applications for hours outside the core hours set out in Clause C will be considered on their merits, subject to other relevant policies, and with particular regard to the following:</p> <ol style="list-style-type: none"> 1. The demonstration of compliance in the requirements of policies CD1, PS1, PN1 and CH1 associated with the likelihood of the effect of the grant of a licence for later or earlier hours on crime and disorder, public safety, public nuisance and the protection of children from harm. 2. If the application is located within a Special Consideration Zone they have demonstrated that they have taken account of the issues identified in that area and provided adequate mitigation. 3. Whether there is residential accommodation in the proximity of the premises that would likely be adversely affected by premises being open or carrying out operations at the hours proposed. 4. The proposed hours of the licensable activities and when customers will be permitted to remain on the premises. 5. The proposed hours when any music, including incidental music, will be played. 6. The hours when customers will be allowed to take food or drink outside the premises or be within open areas which form part of the premises. 7. The existing hours of licensable activities and the past operation of the premises (if any) and hours of licensable premises in the vicinity. 8. Whether customers and staff have adequate access to public transport when arriving at and leaving the premises, especially at night. 9. The capacity of the premises. 10. The type of use, recognising that some venues are more likely to impact the licensing objectives than others; for example, pubs and bars are higher risk than theatres, cinemas and other cultural and sporting venues due to the nature of the operation. 11. The Licensing Authority will take into account the active measures proposed for a 'winding down' period including

	<p>arrangements for people to be collected from the premises to travel home safely.</p> <p>12. Conditions on hours may be attached that require that the supply of alcohol for consumption on the premises ceases a suitable period of time before customers are required to leave the premises.</p> <p>13. The council, acting as the Licensing Authority, may reduce hours if, after review, it is necessary to impose conditions specifying shorter hours in order to promote the licensing objectives.</p> <p>14. Specific days for non-standard hours should be identified and justified as part of the application to allow responsible authorities and interested parties to evaluate the impact that these licensable activities may have, and to plan accordingly. The consideration of applications for later hours for Bank Holiday Mondays will take into account that later hours are generally granted for preceding Sundays and that the next day is a working day. Non-specific days are expected to be covered by Temporary Event Notices or variation applications.</p> <p>C. For the purpose of Clauses A and B above, the Core Hours for applications for each premises use type as defined within this policy are:</p> <ol style="list-style-type: none"> 1. Casinos: Up to 24 hours a day whilst casino gaming is permitted by a premises licence under the Gambling Act 2005. 2. Cinemas, Cultural Venues and Live Sporting Premises: Monday to Sunday: 9am to 12am 3. Hotels: Monday to Thursday: 9am to 11.30pm. Friday and Saturday: 9am to 12am. Sunday: 9am to 10.30pm. Sundays immediately prior to a bank holiday: 9am to 12am. For the sale of alcohol to guests for consumption in hotel/guest rooms only: Anytime up to 24 hours. 4. Off licences: Monday to Saturday: 8am to 11pm. Sunday: 9am to 10.30pm. 5. Outdoor Spaces: Monday to Thursday: 9am to 11.30pm. Friday and Saturday: 9am to 12am. Sunday: 9am to 10.30pm. Sundays immediately prior to a bank holiday: 9am to 12am. 6. Pubs and bars, Fast Food and Music and Dance venues: Monday to Thursday: 10am to 11.30pm. Friday and Saturday: 10am to 12am. Sunday: 9am to 10.30pm. Sundays immediately prior to a bank holiday: 12pm to 12am. 7. Qualifying Clubs: Monday to Thursday: 9am to 12am.. Friday and Saturday: 9am to 12am. Sunday: 9am to 10.30pm. Sundays immediately prior to a bank holiday: 9am to 12am. 8. Restaurants: Monday to Thursday: 9am to 11.30pm. Friday and Saturday: 9am to 12am. Sunday: 9am to 10.30pm. Sundays immediately prior to a bank holiday: 9am to 12am. 9. Sexual Entertainment Venues and Sex Cinemas: Monday to Thursday: 9am to 11.30pm. Friday and Saturday: 9am to 12am. Sunday: 9am to 10.30pm. Sundays immediately prior to a bank holiday: 9am to 12am. <p>D. Core hours are when customers are permitted to be on the premises and therefore the maximum opening hours permitted will be to the same start and terminal hours for each of the days where licensable activity is permitted.</p> <p>E. For the purposes of this policy, 'premises uses' are defined within the relevant premises use policies within this statement.</p>
Policy RNT1 applies	A. Applications outside the West End Cumulative Impact Zone will generally be granted subject to:

	<ol style="list-style-type: none">1. The application meeting the requirements of policies CD1, PS1, PN1 and CH1.2. The hours for licensable activities being within the council's Core Hours Policy HRS1.3. The operation of any delivery services for alcohol and/or latenight refreshment meeting the council's Ancillary Delivery of Alcohol and/or Late-Night Refreshment Policy DEL1.4. The applicant has taken account of the Special Consideration Zones Policy SCZ1 if the premises are located within a designated zone.5. The application and operation of the venue meeting the definition of a restaurant as per Clause C. <p>B. Applications inside the West End Cumulative Impact Zone will generally be granted subject to:</p> <ol style="list-style-type: none">1. The application meeting the requirements of policies CD1, PS1, PN1 and CH1.2. The hours for licensable activities are within the council's Core Hours Policy HRS1.3. The operation of any delivery services for alcohol and/or latenight refreshment meeting the council's Ancillary Delivery of Alcohol and/or Late-Night Refreshment Policy DEL1.4. The applicant has demonstrated that they will not add to cumulative impact within the Cumulative Impact Zone.5. The application and operation of the venue meeting the definition of a restaurant as per Clause C. <p>C. For the purposes of this policy a restaurant is defined as:</p> <ol style="list-style-type: none">1. A premises in which customers are shown to their table or the customer will select a table themselves to which food is either served to them or they have collected themselves.2. Which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at a table.3. Which do not provide any takeaway service of food and/or drink for immediate consumption, except if provided via an ancillary delivery service to customers at their residential or workplace address.4. Where alcohol shall not be sold, supplied, or consumed on the premises otherwise than to persons who are bona fide taking substantial table meals and provided always that the consumption of alcohol by such persons is ancillary to taking such meals.5. The sale and consumption of alcohol prior to such meals may be in a bar area but must also be ancillary to the taking of such meal.
--	---

4. Equality Implications

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

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

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

5. Appendices

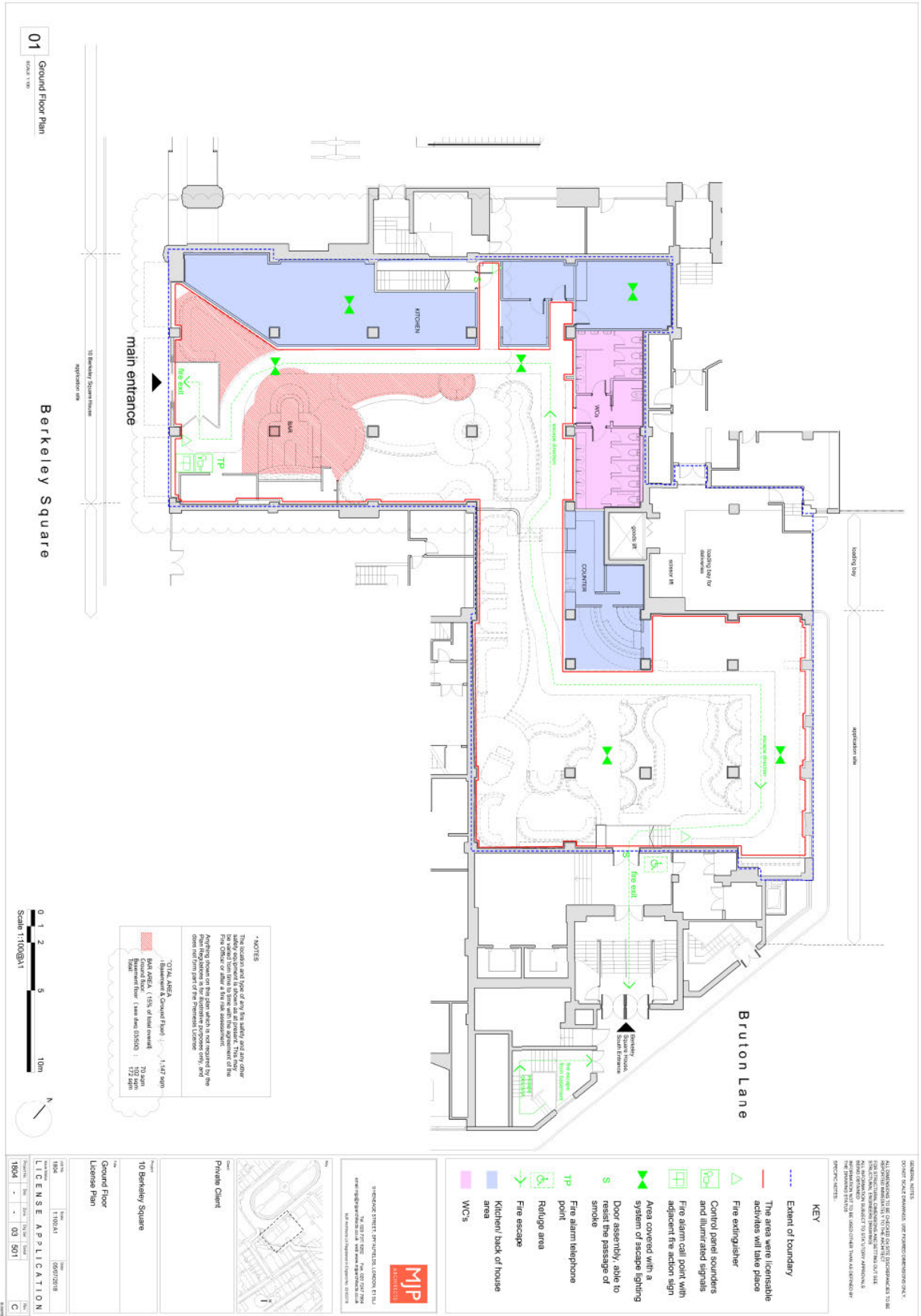
Appendix 1	Premises plans
Appendix 2	Applicant supporting documents
Appendix 3	Existing premises licence 22/02608/LIPDPS
Appendix 4	Premises history
Appendix 5	Proposed conditions
Appendix 6	Residential map and list of premises in the vicinity

Report author:	Miss Jessica Donovan Senior Licensing Officer
Contact:	Telephone: 020 7641 6500 Email: jdonovan@westminster.gov.uk

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

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

1	Licensing Act 2003	N/A
2	City of Westminster Statement of Licensing Policy	01 October 2021
3	Amended Guidance issued under section 182 of the Licensing Act 2003	December 2022
4	Environmental Health Service representation	18 October 2023
5	Metropolitan Police Service representation	18 October 2023
6	Interested party 1 representation	17 October 2023
7	Interested party 2 representation	13 October 2023
8	Interested party 3 representation	16 October 2023



GENERAL NOTES

1. ALL DIMENSIONS TO FACE UNLESS OTHERWISE STATED.

2. ALL DIMENSIONS TO FACE UNLESS OTHERWISE STATED.

3. ALL DIMENSIONS TO FACE UNLESS OTHERWISE STATED.

4. ALL DIMENSIONS TO FACE UNLESS OTHERWISE STATED.

5. ALL DIMENSIONS TO FACE UNLESS OTHERWISE STATED.

6. ALL DIMENSIONS TO FACE UNLESS OTHERWISE STATED.

7. ALL DIMENSIONS TO FACE UNLESS OTHERWISE STATED.

8. ALL DIMENSIONS TO FACE UNLESS OTHERWISE STATED.

9. ALL DIMENSIONS TO FACE UNLESS OTHERWISE STATED.

10. ALL DIMENSIONS TO FACE UNLESS OTHERWISE STATED.

11. ALL DIMENSIONS TO FACE UNLESS OTHERWISE STATED.

12. ALL DIMENSIONS TO FACE UNLESS OTHERWISE STATED.

13. ALL DIMENSIONS TO FACE UNLESS OTHERWISE STATED.

14. ALL DIMENSIONS TO FACE UNLESS OTHERWISE STATED.

15. ALL DIMENSIONS TO FACE UNLESS OTHERWISE STATED.

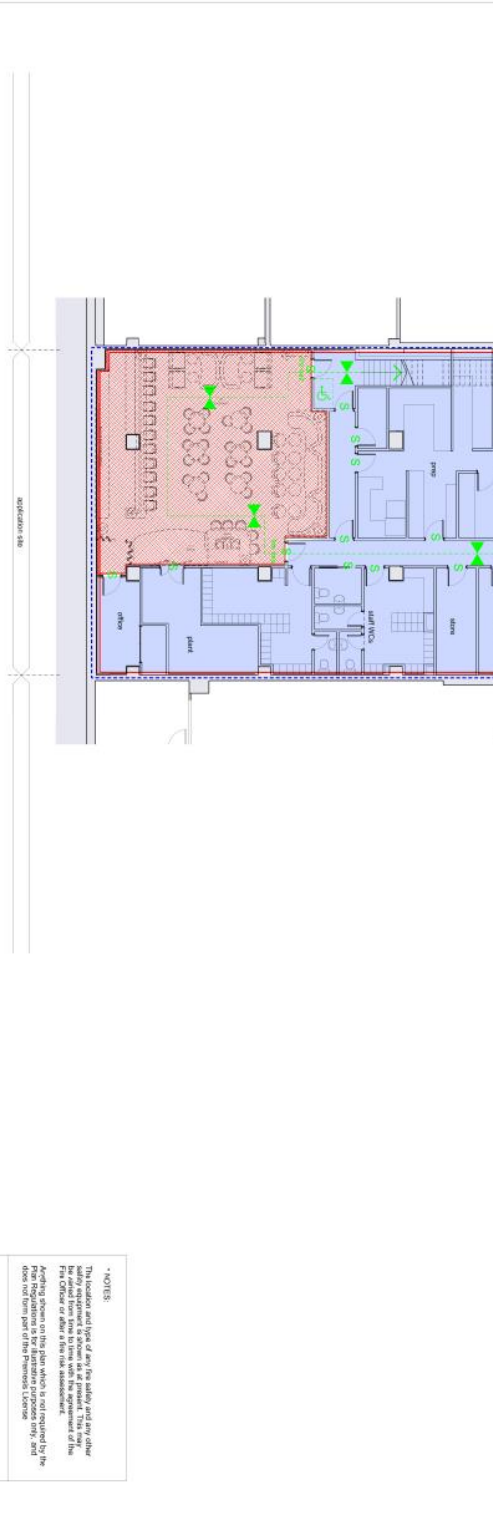
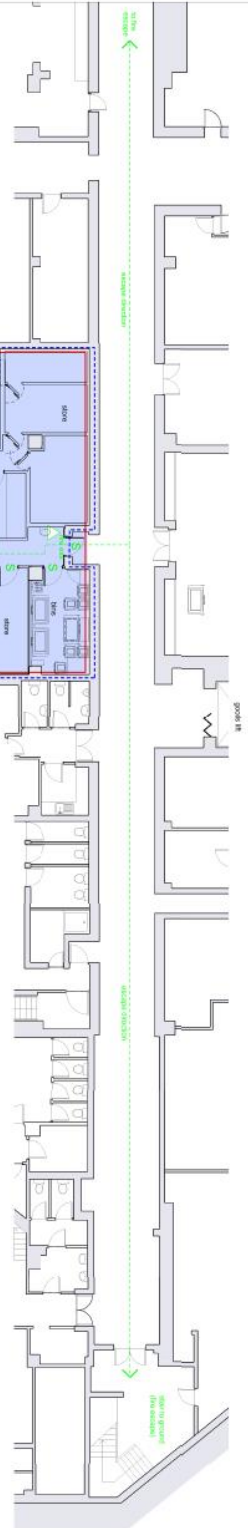
16. ALL DIMENSIONS TO FACE UNLESS OTHERWISE STATED.

17. ALL DIMENSIONS TO FACE UNLESS OTHERWISE STATED.

18. ALL DIMENSIONS TO FACE UNLESS OTHERWISE STATED.

19. ALL DIMENSIONS TO FACE UNLESS OTHERWISE STATED.

20. ALL DIMENSIONS TO FACE UNLESS OTHERWISE STATED.



NOTES

1. This location and layout are for advice only and are subject to change. The client is responsible for ensuring that the layout and equipment is suitable for the intended use of the premises. The client is responsible for ensuring that the layout and equipment is suitable for the intended use of the premises. The client is responsible for ensuring that the layout and equipment is suitable for the intended use of the premises.

2. Nothing shown on this plan which is not required by the Fire Regulations is for fire safety purposes only, and does not form part of the fire safety scheme.

TOTAL AREA

(Statement & Ground Floor) : 1,147 sqm

800 AREA, 1.15% of total overall : 13.2 sqm

Ground Floor : 172 sqm

Total : 1,160 sqm

01 Basement Plan
Scale: 1:100 (B&A)



KEY

- Extent of boundary
- The area where licensable activities will take place
- △ Fire extinguisher
- ▽ Area covered with a system of escape lighting
- ⊞ Door assembly - able to resist the passage of smoke
- Refuge area
- Fire escape
- ⊞ Kitchen back of house area

9 PRINCE STREET SPAINFIELD, LONDON E1 1AU
 TEL: 020 7766 2000 FAX: 020 7766 2002
 WWW.MJPARCHITECTS.CO.UK
 4th Avenue, The National Centre, London E11 1AB

MJP
ARCHITECTS



10 Berkeley Square

Basement
 License Plan

1804 - 03 1500
 DRAWN

Mediation with an interested party

Thomas & Thomas

Partners LLP

Your ref: 23/06200/LIPN
Our ref: AT/AMA.11.1

38a Monmouth Street
London WC2H 9EP
tel: 020 7042 0410
info@tandtp.com
www.tandtp.com



Sent by email

22 November 2023

Dear Madam

Amazonico, 10 Berkeley Square
Application for New Premises Licence 23/06200/LIPN

We refer to our application for new premises licence. The City Council's Licensing Officer has kindly provided copy of your representation.

Our client would be very grateful for the opportunity to meet with you at Amazonico to discuss your concerns. Please kindly contact the undersigned should you wish to arrange a convenient time.

Yours sincerely

Thomas and Thomas

Alun Thomas
Thomas & Thomas Partners LLP



Subject: Re: Teams Meeting - 23/06200/LIPN -10 Berkeley Square, London, W1J 6AA [AMA.11.1]

Date: Tuesday, 12 December 2023 at 03:30:20 Greenwich Mean Time

From: [REDACTED]

To: [REDACTED]

CC: [REDACTED]

Hi [REDACTED]

Thank you for the call, it was nice meeting you and [REDACTED] as well! I'll discuss with [REDACTED], but as you mentioned those are our main concerns.

Best

[REDACTED]

On Mon, 11 Dec 2023 at 09:45, Alun Thomas [REDACTED] wrote:

[REDACTED]

It was lovely to speak to you earlier.

As I understand it, Amazonico per se isn't the concern but you will speak to [REDACTED] relating to your concerns of:

1. The levels of traffic, particularly in Berkeley Street and any increase caused by this application.
2. The precedent that the grant of such an application would give rise to.

As [REDACTED] and I explained, we are an open book for comments and suggestions and we have already agreed with the police to increase our security and have body worn cameras outside.

Please let me know if there is anything else we can do or if we can come to any form of agreement? It was lovely to speak to you in any event and have a cordial, open and constructive conversation. As [REDACTED] said, if you would like to see any of the venues, please do let [REDACTED] know.

With kind regards

Yours sincerely

[REDACTED]

Amazónico
10 Berkeley Square
W1J 6AA

SUMMARY OF PROPOSALS



THOMAS & THOMAS PARTNERS LLP
38A MONMOUTH STREET
LONDON
WC2H 9EP

Reference: AT/AMA.11.1

Solicitors for the Applicant

Introduction

1. Husband and wife team Sandro Silva and Marta Seco first opened Amazónico in Madrid in 2010. Mr. Silva is a Brazilian chef, and the concept takes inspiration from the culinary heritage of the Amazon region, with lush greenery and Latin American warmth and vibrancy. The restaurant was a hit in Spain, and a few years later the couple decided to bring the concept to London for their first venture abroad, having partnered with D.ream International.
2. The premises opened at 10 Berkeley Square for the first time in November 2019, following a project to transform the former Allied Irish Bank building. They have operated seamlessly since – including for extended hours under 49 temporary event notices (TENs) across 2019 to 2023¹ - without causing any issues whatsoever.

The application

3. The existing premises licence (enclosed for the Sub-Committee) authorises alcohol, recorded music, live music and late night refreshment until 1am Monday to Saturday, and midnight on Sunday.
4. This application for a new licence is made on exactly the same terms as the existing licence, save for an additional hour of service in the basement (until 2am) on Monday to Saturday nights. No change is proposed on Sunday, and there is no change to the layout or the capacity of the premises. The existing licence will be surrendered if this application is granted.

The licence conditions

5. The conditions to be replicated in the new licence are comprehensive in their promotion of the licensing objectives, including by:
 - a) restricting alcohol service at all times (including in the basement, which has a food menu) to people who have consumed, are consuming or are going to consume a table meal. No standalone service of alcohol is permitted - the whole concept is centred around customers enjoying a meal;
 - b) limiting the outside area in front of the premises (and any off sales) to 23:00;

¹ 4 in 2019; 5 in 2020; 11 in 2021; 14 in 2022; and 15 in 2023 - all authorising opening until 3am.

- c) requiring a noise limiter set to the satisfaction of a Council officer; and
 - d) prohibiting servicing or waste collection between 23:00 and 07:00 (as recommended by the Council's model conditions).
6. The dispersal policy has also been updated to reflect:
- a) the new staggered egress of customers that will be instituted by having the the basement open slightly later than the ground floor (see section 7); and
 - b) the premises' existing practices on safeguarding at night (see section 11).
7. This updated policy is enclosed for the Sub-Committee. In this way, the staggered extension of hours applied for will itself promote the licensing objectives, as it will smooth dispersal even more, over a longer period of time. The premises has a maximum capacity of 350 overall (with a maximum of 281 on the ground floor), but the basement has a capacity of just 100 (secured by condition) – so, the majority of customers will disperse gradually until 1am, and then the remaining, smaller group will disperse gradually until 2am.

Responsible authorities

8. The Police and Environmental Health have submitted representations, expressing concern about the possible impact on the licensing objectives. The Licensing Authority have not objected. The Police refer to paragraph D57 in the Council's statement of licensing policy, which sets out the boundary of the Mayfair 'Special Consideration Zone' – with reference to the 2020 Cumulative Impact Assessment and the 2016 Behavioural Study in Mayfair completed for the Council by Dr. Philip Hadfield.
9. There are two initial points to note here:
- a) The Licensing Committee has since adopted the new 2023 Cumulative Impact Assessment, as of 4 December 2023. This now supersedes the 2020 Cumulative Impact Assessment.
 - b) The applicant has commissioned the same Dr. Philip Hadfield to complete a new independent behavioural study in light of the new Cumulative Impact Assessment, with a focus on the premises and its surroundings – and this report is enclosed for the Sub-Committee (with peoples' faces in the pictures redacted for data protection reasons).

10. We discuss these in more detail below.
11. Also, two additional conditions have been agreed with the Police, to address their concerns:

(1) After 01:00, a minimum of (2) SIA licensed door supervisors shall be on duty at the premises whilst it is open for business and they must correctly display their SIA licence(s) when on duty so as to be visible.

(2) The licensee shall ensure that:

- a) All licensed SIA door staff on duty at the entrance to the premises shall be equipped with Body Worn Video (BWV), capable of recording audio and video in any light condition as per the minimum requirements of the Westminster Police Licensing Team.*
- b) All recordings shall be stored for a minimum period of 31 days with date and timestamping, and*
- c) Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.*

Interested parties

12. Three residents have submitted representations – two of whom represent [REDACTED] [REDACTED] respectively. They express concern that the change proposed might be “akin to nightclub use” and that there is a concentration of premises causing issues generally. They too refer to Dr. Hadfield’s 2016 Behavioural Study and the Council’s 2020 Cumulative Impact Assessment.

Dr. Hadfield’s 2023 report and the 2023 Cumulative Impact Assessment

13. The premises operated under 6 TENs during November and December at the end of 2023 (spanning 16 evenings in total), which permitted them to open until 3am.
14. Dr. Hadfield conducted unannounced (and incognito) observations in and around the premises on two of these evenings - Friday 24 November and Saturday 25 November.
15. The applicant would like to highlight the following points drawn from Dr. Hadfield’s report:

- 1) The situation in Berkeley Square is markedly different to when Dr. Hadfield conducted his behavioural study in 2016 – and Amazónico is a key part of that improvement.

Page 4 (Executive Summary): *“Westminster’s 2023 Cumulative Impact Assessment describes Cumulative Impact in Mayfair, as measured by its analysis of local partnership data, to be: “pale in comparison to the West End” (p7). In my research for this report I have sought to unpack and fact-check this evidence on the basis of direct observation. I focused on the area immediately outside and around Amazónico and did not find evidence of cumulative impacts. The situation in Berkeley Square was seen to have improved since my intensive work in the area in 2016-17, following two licensed premises closures, including that of Fifty9 Bar, a negatively impactful venue. The Square was observed to be now largely unaffected by the activities of other licensed premises on Berkeley Street. The main issues appeared to surround parking and traffic congestion, but these were being managed through vigilant attention by Amazónico’s valet and also by the door supervisors at the neighbouring venue, Sexy Fish. These improvements form part of a general shift upmarket and towards more diverse, less impactful and fewer purely drink-led offers throughout the SCZ [Mayfair Special Consideration Zone].”*

Paragraph 7.2 (Conclusion): *“Westminster’s 2023 Cumulative Impact Assessment makes clear that the impacts measured in Mayfair are significantly less intense than found in the West End. The CI report therefore does not identify Mayfair as a candidate location for CIA designation as part of Westminster’s forthcoming Review of its Statement of Licensing Policy.”*

- 2) Amazónico is a destination venue that drives up standards in the area and is unusually well run, with a gender-balanced crowd, proactive door and dispersal policies, active guardianship of the public realm and very little discernible footprint on the environment.

Page 7 (Executive Summary): *“The findings of this report suggest that Amazonico is an exclusive ‘destination venue’ and as such is not in ‘competition’ with most other night venues in Mayfair. It operates within its own niche and has found its own audience which it seeks to preserve and better serve. Amazonico is unusually well-run. As such it has helped to drive-up standards in the ENTE on Berkeley Square. Amazonico’s proactive door and dispersal policies ensure its patrons create very little discernible footprint on the environment and a degree of active guardianship of the public realm.*

Paragraph 6.3 (Amazónico's positioning within the Mayfair ENTE): “[Amazónico's] approach, focused on relaxation and comfort, is popular with their core audience of affluent 25-to-early-40s-year-olds, with a roughly equal gender split (and not (apparently) large male groups). It is a very different approach to that of the licensed premises on a ‘drinking circuit’ that have open frontages, with open windows and doors, with loud music escape, and often advertise drinks promotions to lure in trade from their neighbouring competitors. Amazónico do things differently and in a way which attracts customers who seek a more relaxed and comfortable experience.”

- 3) The use of the discreet basement bar until 2am will allow Amazónico to retain a small sub-set of customers for a little longer after dinner so they are not tempted to move on to other licensed premises to end their evening out. It will not change the overall use of the premises as a food-led restaurant.

Paragraph 6.2 (Amazónico's positioning within the Mayfair ENTE): “The application for use of the Basement lounge for an extra hour appears to reflect that Amazonico would like to retain its ‘best’ customers for a little longer after dinner so they are not tempted to move on to other licensed premises at the end of their night-out.”

Page 5 (Executive Summary): “Amazonico is unequivocally a Table-Service Restaurant (with over 600 dinner bookings on Night 2), but its drinks and entertainment offer and the vibrant ‘internationalist atmosphere’ created offers a full ‘night-out’ experience under one roof, rather than simply the provision of high-quality dining.”

Page 7 (Executive Summary): “The Basement Bar is a small discreet lounge area of the premises to which only a few of the already highly-selected customers are granted access. Given the considerations discussed in this report I do not believe that an additional 1-hour of trading in this relatively small capacity area of the premises would result in any negative impacts on the Licensing Objectives in Berkeley Square, the SCZ, or Mayfair more generally.”

- 4) The basement bar is a relaxed environment, with no dance floor, and where music is just a backdrop. Dispersal at close is straightforward because of the premises’ procedures and high staff-to-customer ratio, and because the environment is already relaxed. Dispersel is generally via black cabs or private car, aided by Amazónico’s valet service.

Page 4 (Executive Summary): *"I found no dancefloor/s, or vertical drinking spaces. The spaces within and outside the premises are highly controlled environments partly as a result of Amazonico's unusually high staff-to-customer ratio."*

Paragraph 5.1.28 (Location and premises visit observations): *"the number of patrons began to 'thin out' well before these [closing] times. Twenty minutes before each closure it was clear that the premises team were preparing to clear the venue. The light levels throughout the premises were increased at this time and the music volume was reduced to a very low level. A floor-staff member visited each table to politely inform customers that the premises were about to close."*

Paragraph 5.3.14 (Mayfair's changing late night scene): *"Very few Amazonico patrons were seen to walk south in the direction of Berkeley Street as their typical chosen modes of transport were Black Cabs and private hire vehicles accessible directly outside the premises with assistance from a valet."*

Paragraph 6.4 (Amazonico's positioning within the Mayfair ENTE): *"Customers at Amazonico drifted away gradually towards the end of the trading period and did not need to be 'herded-out' by door staff at closing time. The premises operated the usual industry-standard methods for 'winding down' the entertainment ahead of closing. However, Amazonico had not 'wound people up' in the first place, so these procedures and non-verbal 'cues' indicating it was time to leave were easy to execute."*

Paragraph 7.4 (Conclusion): *"The Applicant has an extensive track record of demonstrating strong management of its later-night operations using Temporary Events Notices. As well as exerting tight control over admissions to their premises and patron activities and movements within the premises, Amazonico pay a great deal of attention to the safe and orderly dispersal of customers and to avoiding traffic congestion and parking infringements associated with their business. This has the dual function of expressing 'good neighbourliness' to the surrounding users and businesses in Berkeley Square, as well as adding to the general approach of providing a premium service to valued patrons. In my opinion, these factors instil confidence that their proposals would not give rise to negative impacts on the Licensing Objectives."*

Complaints history

16. To check our understanding of the operating history of the premises, we submitted a freedom of

information request to the Council to check for any public noise complaints relating to the premises in the 4 years since opening. The response is enclosed for the Sub-Committee (dated 17 October 2023). There has been just an unsubstantiated single report of an argument outside the premises on 27 November 2021 – and nothing since then, including during the 3 TENs operating to extended hours at the end of 2021, the 14 TENs in 2022 and the 9 further TENs up to 17 October 2023.

Policy

17. While the 2023 Cumulative Impact Assessment has now been adopted, the statement of licensing policy of course remains unchanged for the time being.

'Special Consideration Zone' Policy SCZ1

18. Policy SCZ1 says that the premises are within the Mayfair "Special Consideration Zone". This does not create any presumption to refuse the application – as the Police allude to, the policy is just targeted at requiring applicants to *"demonstrate that they have taken account of the issues particular to the Zone in question, as identified in the 2020 Cumulative Impact Assessment, and [...] set out any proposed mitigation measures in their operating schedule"*.²
19. Those particular issues for Mayfair are said to be general crime, noise nuisance and incidents relating to ambulance call outs for intoxication, injury related to intoxication and/or assault.³ Dr. Hadfield's original report in 2016 is cited as one of the bases for introducing the SCZ policy for Mayfair.⁴
20. The applicant has taken close account of all of these issues in the comprehensive conditions in its operating schedule, in its dispersal policy and in its staff-to-customer ratios. They are also taken into account in the design of the entire food-led experience for customers, which is *"highly controlled"*⁵ by staff, end-to-end. Customers are closely tended to from arrival early in the evening to safe departure (largely by car) later at night. Safeguarding, avoidance of excessive intoxication and minimising impact on the external environment are inherent in the design of Amazónico's business model – and the last four years of operation have proved how affective these measures are. Indeed, the premises have not only run without issue during that period, but have demonstrably improved standards in the area – as now highlighted by Dr. Hadfield. This application is only going to help

² Per SCZ1.A.

³ Per D57.

⁴ See policy paragraph D41.

⁵ Per Dr. Hadfield at page 4 (Executive Summary).

cement this end-to-end control of the customer experience (and therefore the issues identified in the SZC policy) even further, as it will allow Amazónico to “hold on” to those few customers who like to stay out later, rather than have them migrate elsewhere.

Restaurants Policy RNT1, Bars Policy PB1 and Core Hours Policy HRS1

21. Both policies RNT1 and PB1 provide that applications outside the West End Cumulative Impact Zone (such as this one) *will generally be granted*, subject to consideration of the Special Consideration Zones policy (see above), specific licensing objectives policies and the Core Hours policy HRS1.
22. The application - and indeed the existing licence as originally granted – are beyond Core Hours. But that does not mean the application is outside policy HRS1. It just means the application must be considered on its merits - per HRS1.B, and as required by the law and statutory guidance.⁶
23. In considering the merits, the policy is clear that regard should be had to: (1) the existing hours and the past operation of the premises (if any);⁷ (2) the capacity of the premises;⁸ and (3) active measures proposed for a ‘winding down’ period, including arrangements for people being collected from the premises to travel home safely.⁹
24. All three of these points weigh in favour of grant here, since:
 - (1) the premises already has a licence beyond Core Hours, and has proved itself capable of operating without causing any issues (including under numerous extended-hours TENS);
 - (2) the capacity of the basement for which longer hours are sought is very small in the context of both the premises and the area as a whole – and importantly will not constitute new capacity being brought into the area, but rather just be a more effective means of staggering the departure of existing capacity, who are persons who have dined on the premises, rather than them migrating to other premises; and
 - (3) the dispersal policy contains active measures for winding down and safeguarding (bolstered by the valet service and high staff-to-customer ratio), the effectiveness of which have been

⁶ See paragraph 13.42.

⁷ HRS.B.7.

⁸ HRS.B.9.

⁹ HRS.B.11.

corroborated by Dr. Hadfield.

Conclusion

25. Granting this application is in line with policy, and will support an exemplary business continuing to raise standards in the area. The effectiveness of Amazónico's operation – in providing a food-led, relaxed experience, safeguarding customers and minimising any impact on the surrounding environment – is evident from the last four years of service. That has now been appraised and affirmed by Dr. Hadfield, whose past work informed the Council's policy – and it will be further protected by the additional conditions agreed with the Police.

Thomas & Thomas Partners LLP

January 2024



10 Berkeley Square

DISPERSAL POLICY

1. OBJECTIVE

- 1.1 The objective of this Dispersal Policy is to ensure a quiet, controlled and swift dispersal of our patrons at all times, but particularly in the evening when the premises closes.
- 1.2 By following this Dispersal Policy patrons will be managed professionally and responsibly to ensure they make their onward journey without any adverse impact on our neighbours.
- 1.3 The Policy prevents public nuisance from the following risks:
 - 1.3.1 Noisy or anti-social behaviour by patrons leaving the premises.
 - 1.3.2 Large numbers of people leaving the premises at the same time.
- 1.4 The Policy also helps to ensure patrons make their onward journey safely and do not become victims of crime.

2. LOCATION

- 2.1 The premises resides at ground floor and basement levels of 10 Berkeley Square. The premises is located to the east of the square, which consists solely of commercial units at ground floor. Above the premises is Berkeley Square House offices with their entrance located next door.
- 2.2 There are no residential properties in the immediate vicinity.

3. HOURS OF OPERATION

- 3.1 All staff must be aware of the [proposed] authorised hours of operation, as follows:

Ground Floor:-

- 3.1.1 Monday to Saturday: 07:00 – 01:00 (with licensable activities from 10:00)
- 3.1.2 Sunday: 09:00 – 00:00 (with licensable activities from 12:00)

Amazónico

10 Berkeley Square

Basement:-

- 3.1.3 Monday to Saturday: 07:00 – 02:00 (with licensable activities from 10:00)
- 3.1.4 Sunday: 09:00 – 00:00 (with licensable activities from 12:00)

3.2 After 01:00, licensable activities on the ground floor shall cease, and patrons shall not be permitted on the ground floor except for the purposes of access/egress or to use the toilet facilities.

4. DEDICATED TELEPHONE NUMBER

4.1 A dedicated telephone number for the Designated Premises Supervisor or the duty manager will be maintained for use by any person who may wish to speak to an appropriate member of staff for any issues arising, including dispersal of customers from the premises at night.

5. GENERAL ENTRY/EGRESS

5.1 The single entrance and exit is located at ground floor level fronting Berkeley Square. This door shall be monitored by greeting staff stationed at the reception desk immediately inside the entrance whenever the premises are open.

5.2 When leaving the premises patrons will be reminded to respect the needs of local residents and businesses and leave the area quietly. Signage will be displayed to this effect.

5.3 At the later hour, door supervisors will ensure an orderly dispersal of customers until they have left the vicinity of the premises.

6. FRONT OF HOUSE

6.1 An appointed front of house greeter shall be stationed at the reception desk immediately inside the entrance at all times when the premises is open. This staff member shall be trained to ensure: -

Amazónico

10 Berkeley Square

- 6.1.1 Customers are greeted on arrival, coats and bags are stored within the cloakroom, and directed to either a pre-booked or waiting table;
- 6.1.2 An orderly departure from the premises in a timely manner. This will include asking the means of transport and, where necessary, arranging a taxi collection.
- 6.2 All staff working at the later hour will be trained on the dispersal procedure outlined below to assist the managed exit of customers from the premises.

7. DISPERSAL

- 7.1 The sole point of dispersal is afront the premises directly onto Berkeley Square.
- 7.2 30 minutes prior to closing of the respective floor, the premises will begin a dispersal procedure. This will seek to alert remaining patrons of the approaching closure and entice a gradual dispersal.

This will include: -

- 7.2.1 Ultimately ceasing the sale of alcohol and food service;
- 7.2.2 Informing patrons they have 30 minutes to consume any remaining beverages;
- 7.2.3 Music will gradually reduce in volume to a cease; and
- 7.2.4 Lighting will be gradually raised.
- 7.3 Members of staff will be trained to ensure patrons are managed professionally and leave quickly and quietly. The management will not tolerate unruly or anti-social behaviour from customers whether inside the premises or when leaving.
- 7.4 The dispersal procedure shall be replicated for both the ground floor and basement separately, in accordance with the respective terminal hour for each level.
- 7.5 Staff will be made aware of local transport links (see section 8) and be able to inform customers where required.

8. TRANSPORT

Amazónico

10 Berkeley Square

- 8.1 The majority of customers arrive either by private car, taxi or public transport, and will depart usually by the same method.
- 8.2 The premises are well serviced by public transport links, as set out below. Staff at the reception desk will be familiar with these transport links so they can inform patrons where required.
- 8.3 **TUBE**
- 8.3.1 The premises are well situated near the following easily accessible tube stations: -
- (a) Green Park Station: 0.2 mile / 5 minute walk / Piccadilly, Jubilee & Victoria
 - (b) Bond Street: 0.4 mile / 9 minute walk / Central, Jubilee & Elizabeth
 - (c) Oxford Circus: 0.5 mile / 12 minute walk / Victoria, Central and Bakerloo
- 8.3.2 All of the above stations have the benefit of the extended night tube services, which run 24hours on Friday and Saturday evenings.
- 8.3.3 Where necessary customers will be given directions to the station and, at night, will be reminded to respect the local area and leave quietly.
- 8.4 **TAXI**
- 8.4.1 Immediately adjacent to the premises is a TFL taxi rank with capacity for 2 Black cabs 24hours Monday to Sunday. Additional taxi ranks are located at each side of Berkeley Square and Bruton Street. Black cabs and other app-based taxi services are available throughout the day and night around Berkeley Square.
- 8.4.2 Front of house may arrange a taxi on request.
- 8.4.3 Patrons wishing to leave the premises by private hire vehicle will be encouraged to make their booking in advance and wait inside the premises.
-

Amazónico

10 Berkeley Square

- 8.4.4 Patrons will be encouraged to quickly and quietly disperse towards their waiting vehicle to minimise disruption.

9. SIGNAGE

- 9.1 A notice will be displayed at the sole exit reminding patrons to respect the needs of local residents and businesses and to leave as quickly and quietly as possible.

10. SMOKING

- 10.1 Patrons leaving the premises temporarily to smoke will be managed to ensure they do not cause obstruction or nuisance in the vicinity, and will not be permitted to take drinks outside with them.

11. SAFEGUARDING AND STAFF TRAINING

- 11.1 Safeguarding the welfare of both patrons and staff is paramount. All front of house staff will receive training, including on the dispersal policy.
- 11.2 Waiters/waitresses/hosts/floor staff shall be trained to spot potential incidents or causes for concern and report to managers or security immediately.

12. GENERAL MANAGER'S ROLE

- 12.1 It is ultimately the responsibility of the General Manager and/or Designated premises supervisor to:
- a) ensure that any door supervisors, other managers and staff act effectively and responsibly to comply with this policy;
 - b) use all reasonable endeavours to dissuade customers from causing any disturbance or nuisance within the vicinity of the premises; and

Amazónico

10 Berkeley Square

- c) prioritise and assist wherever possible in ensuring a quiet and orderly dispersal as possible.

**Premises Licence Variation
Application / Surrender**

Amazónico

Ground Floor and Basement

***10 Berkeley Square
London
W1J 6AA***

Proposed Operations and Licensing
Authority Policy Assessment (December,
2023)

Dr Philip Hadfield

BA Hons (Keele) Mphil (Cantab) PhD (Durham)

Director: www.philhadfield.co.uk

**Consultant: Arcola Research LLP, Ingenium
Research, Institute of Alcohol Studies**

Advisory Board (formerly Senior Research Fellow)

**Centre for Criminal Justice Studies, School of
Law, University of Leeds**

Contents

	Page
Executive Summary	3
Introduction	
1. The Author	8
2. Amazónico: case overview and research methods	10
3. Amazónico Premises Licence Variation Application	13
4. City of Westminster Statement of Licensing Policy 2021-26	16
Location and premises visits observations	
5.1 Amazónico at 10 Berkeley Square, London, W1J 6AA	21

5.2 Overview	51
5.3 The Mayfair ‘Special Consideration Zone’ and ‘Buffer’	55
Policy Context	
6. Amazónico: positioning within the Mayfair ENTE	85
7. Conclusions	87
8. Declaration	89
Appendix: Professional Biography of the Author (December 2023)	90

Executive Summary

This report contains observations of Amazonico and the vicinity of 10 Berkeley Square, W1J 6AA conducted from 18:00-03.45 hours on Friday 24-Saturday 25 November 2023 (Night 1) and from 23:30-02:40 hours on the following day (Night 2). It includes findings from two unannounced visits to the Amazonico premises to observe operating standards and licensing compliance. Days and hours when the premises were trading with 'seasonally extended hours' under Temporary Event Notices (TENs) were chosen as appropriate to inform the Licensing Committee as to how an extension of hours in the Basement of the Amazonico premises might 'fit' within the Evening and Night-time Economy (ENTE) of Mayfair and the vicinity of Berkeley Square specifically.

An audit of *all* licensed premises was conducted covering the natural cluster of premises within Berkeley Square, Berkeley Street, Dover Street, Mount Street and surrounding locations within a 5-minute' walking distance radius of the Amazonico premises. This patrol area encompassed Westminster's Mayfair 'Special Consideration Zone' in its entirety, together with a number of licensed premises found just outside of the SCZ boundary. The audit includes premises closing both before and after the subject premises. The exercise was conducted in order to assess if Amazonico might be likely to be negatively impactful on the Licensing Objectives were a part of the premises to trade to a later hour of 02:00 hrs, given current circumstances 'on the ground'. It was necessary to understand the general noise and disturbance environment, the flow of pedestrians and vehicles at night, to observe the use of public and private transport and to explore all aspects of the Licensing Objectives, such as the presence (or absence) of crime and disorder. I also sought to record any activity by the police, or other public or private agents, as well as the efforts of Amazonico and other licensed

operators in terms of safety and security management with respect to their premises and the public realm.

Westminster's 2023 Cumulative Impact Assessment describes Cumulative Impact in Mayfair, as measured by its analysis of local partnership data, to be: "*pale in comparison to the West End*" (p7). In my research for this report I have sought to unpack and fact-check this evidence on the basis of direct observation. I focused on the area immediately outside and around Amazonico and did not find evidence of cumulative impacts. The situation in Berkeley Square was seen to have improved since my intensive work in the area in 2016-17, following two licensed premises closures, including that of Fifty9 Bar, a negatively impactful venue. The Square was observed to be now largely unaffected by the activities of other licensed premises on Berkeley Street. The main issues appeared to surround parking and traffic congestion, but these were being managed through vigilant attention by Amazonico's valet and also by the door supervisors at the neighbouring venue, Sexy Fish. These improvements form part of a general shift upmarket and towards more diverse, less impactful and fewer purely drink-led offers throughout the SCZ.

Within the Amazonico premises I found distinct Dining Areas and Lounge Areas on the Ground Floor containing pre-booked tables to which drinks, food and card payments were delivered by staff. Use of the Basement Bar area was strictly controlled and unadvertised within the premises, some of the patrons may not have been aware of its existence. The ordering of drinks at the bar was permitted, but all customer areas were dominated by seating and table service. I found no dancefloor/s, or vertical drinking spaces. The spaces within and outside the premises are highly controlled environments partly as a result of Amazonico's unusually high staff-to-customer ratio.

The appeal of Amazonico for patrons appeared to be the combination of a strong food offer and an inventive connoisseur drinks menu with 'theatrical' elements to these services in their presentation and delivery. Amazonico's style of operations do not fit easily within the more traditional categories of 'Restaurant' v 'Bar'; categories which are treated differentially within the City of Westminster's 'Hours Policies'. Amazonico is unequivocally a Table-Service Restaurant (with over 600 dinner bookings on Night 2), but its drinks and entertainment offer and the vibrant 'internationalist atmosphere' created offers a full 'night-out' experience under one roof, rather than simply the provision of high-quality dining. The popularity of this style of offer when combined with the high-end pricing and spending power of its existing customer base allows Amazonico to be very selective as to which and how many persons are permitted entry. Amazonico then apply even further discretion as to which patrons are 'invited' to use the Basement.

I found the younger adult (18-24-year-olds) age group to be almost completely absent amongst customers. The typical age-range of Amazonico patrons was 25-40 years old; however, around 20% appeared to be in their 40s and some slightly older. Customers were notably well-dressed and appeared affluent; there were a high proportion of females, with the gender split never being less than approximately 50:50, sometimes as high as 60% female. This customer profile departs significantly from that of Fifty9 Bar, a venue that recently closed on Berkeley Square, as well from the audiences typically found in Cumulative Impact Areas across London, in which many premises are male-dominated and/or attract the youngest legal audiences.

The Mayfair SCZ has an absence of late-opening fast food restaurants and off-sales alcohol stores, licensable activities which, within London's CIAs, typically delay the dispersal of ENTE patrons from the streets and have their own impacts in terms of noise, disturbance and street fouling.

Mayfair also stands apart in having a strong supply of Black Cabs, the drivers of whom appear to be expressing their preference for the area and its affluent customer base. Amazonico provide a valet service which directs patrons swiftly from the premises' lobby to waiting cabs, private hire vehicles and chauffeur-driven transport. The valet also assists the small number of patrons who drive their own vehicles in finding safe and legal parking spaces in Berkeley Square.

Amazonico do things differently and in a way which attracts customers who seek a more relaxed and comfortable atmosphere. The management apply the usual industry-standard methods for preparing customers for closing time, including floor staff personally informing each table of customers of 'last orders'. However, as the provision of entertainment from DJs and live musicians is distinctly low-key this is not a 'winding down' period; Amazonico have not 'wound up' their customers in the first place!

Some of the biggest drivers of cumulative impacts are the competition between persons who are drunk for 'scarce resources', often involving the necessity to queue or wait for services such as fast-food or transport, thus delaying dispersals. Given the Applicant's Dispersal Policy and the proximity and choice of transport options, customers can find easy and direct access to transport without having to walk south to join the patrons of premises from in and around Berkeley Street. I found no evidence to suggest that Amazonico's customers were using public transport. If one considers the exclusive positioning of the premises and its pricing this is perhaps less surprising. It also brings benefits for the Licensing Objectives as, when Amazonico patrons begin to disperse, there is negligible impact on footfall within the SCZ late at night.

If negative impacts did occur at around 02:00hrs in the immediate vicinity of Berkeley Square these would likely be attributable to particular licensed premises (only three premises, including Amazonico, currently operate to 01:00 hrs or beyond). The absence of a premises 'cluster' and the staggered nature of the different trading hours produces a situation in which impacts are not 'cumulative'. Section 182 Guidance from the Home Office proposes a suite of targeted Conditions on the Premises Licence as the appropriate method for promoting the Licensing Objectives where there is no policy 'presumption to deny' a licence application as may be applied within a CIA.

The findings of this report suggest that Amazonico is an exclusive 'destination venue' and as such is not in 'competition' with most other night venues in Mayfair. It operates within its own niche and has found its own audience which it seeks to preserve and better serve. Amazonico is unusually well-run. As such it has helped to drive-up standards in the ENTE on Berkeley Square. Amazonico's proactive door and dispersal policies ensure its patrons create very little discernible footprint on the environment and a degree of active guardianship of the public realm. The Basement Bar is a small discreet lounge area of the premises to which only a few of the already highly-selected customers are granted access. Given the considerations discussed in this report I do not believe that an additional 1-hour of trading in this relatively small capacity area of the premises would result in any negative impacts on the Licensing Objectives in Berkeley Square, the SCZ, or Mayfair more generally.

Introduction

1. The author

1.1 I am currently Director of www.philhadfield.co.uk a research and training consultancy working in the alcohol licensing and crime prevention field. I have previously held posts as a Senior Research Fellow at the University of Leeds, a Research Officer at the University of Durham and a Lecturer in Criminology at the University of York.

1.2 My consultancy and research interests focus upon crime prevention, policing and regulatory matters, with special reference to the Evening and Night-Time economy (ENTE). I have managed and worked on research projects on these topics since 1998 and have authored and co-authored a number of the leading books, reports and articles in this field, alongside contributing to the national and international 'conversation' on the ENTE at conferences and networking events. In recent years, I have focused, in particular, upon improving the methodology and conceptual bases for ENTE studies, ensuring they better match client requirements; providing evidence that supports complex problem solving and pragmatic decision-making. Further details of my professional activities and credentials may be found in Appendix 1 to this report.

1.3 In licensing consultancy matters, my approach is premised upon an independent assessment of operating standards, public policy and regulatory issues, which take the reduction of harm as their key goal.¹ This involves assessing each set of circumstances as they relate to the statutory

¹ See Robson, G. and Marlatt, A. (2006) 'Harm Reduction and its Application to Alcohol Policy,' *International Journal of Drug Policy*, 17(4) Special Issue: 255-376.

Licensing Objectives and associated legislation, Home Office Guidance and best practice. I have particularly lengthy experience in matters of assessing licensed premises whose Premises Licences are under Review and in making assessments of cumulative impact, helping councils weigh the evidence that might underpin such area designations (or alternative interventions). I have worked in such capacities since first implementation of the Licensing Act in 2005 and previously under the Licensing Act 1964 regime, bringing broad insight into the recent development of licensing policy and practice, particularly as it relates to the gathering of empirical evidence.

- 1.4 In 2016 - 2017 I was commissioned by the City of Westminster to conduct a 'Mayfair Cumulative Impact Assessment observational exercise'. My report is referenced in the current Westminster Statement of Licensing Policy (as revised in October 2021) at Paragraph D41. In this work, I attributed negative cumulative impacts on the Licensing Objectives to the proliferation of late-night licensed premises operating in Berkeley Street, Berkeley Square and Dover Street (but not Shepherd Market).
- 1.5 The City of Westminster later, in October 2020, produced their own 'Cumulative Impact Assessment' which considered the statistical evidence of cumulative impacts on the Licensing Objectives in Mayfair. This exercise informed the decision by the Council that they: "*could not identify a conclusive connection with the number of licensed premises in the area and cumulative stress on the licensing objectives*" (Policy Statement at Para. D41). It was decided to allocate the core ENTE locations I had identified in Mayfair to a new category of 'Special Consideration Zone' (SCZ), within Westminster's Spatial Policies. This Mayfair SCZ remains, with very tightly-drawn boundaries, as defined on the map within Westminster's Policy at Page 60. It is important to note that Westminster repeated their City-wide CIA exercise in 2023, using more recent post-pandemic statistical data

sources from 2022. The findings of this 2023 exercise, as they relate to Mayfair, are outlined in Section 4 of this report.

2. Amazónico licence variation: case overview and research methods

2.1 I have received instructions from Thomas and Thomas Partners LLP acting on behalf of the Amazonico brand and concept of licensed premises, in respect of their Application for a Premises Licence surrender / variation pertaining to their premises which operates at 10 Berkeley Square, W1J 6AA.

2.2 In November 2023, Thomas and Thomas provided me with various documents pertaining to the application. These comprised: the existing Premises Licence, the Application, the Premises' Plan, the Premises' Dispersal Policy and a comprehensive list of Temporary Event Notices obtained for numerous selected dates in November and December 2023. I understand that the Dispersal Plan was drafted in response to Westminster's Licensing Policy and the application falling within the Council's Mayfair 'Special Consideration Zone'.

2.3 I was also provided with Representations from the Metropolitan Police, Westminster's Environmental Consultation Team and from three local residents. I understand there are no Representations from the other Responsible Authorities or from other Interested Parties.

2.4 These documents informed my understanding of the Applicant's proposed ambitions for the site and associated licensing requirements.

2.5 In preparing this report, I also read the City of Westminster's 'Statement of Licensing Policy, 2021-2026' and Cumulative Impact Analysis documents published to supplement the Licensing Policy in 2020 and 2023. Read in combination, these documents gave insight into both the specifics of the proposed licensable activities at the site and their 'fit' within the broader policy context of the Amazonico application and its proposed modes of operation.

2.6 Upon reading this documentation, I agreed to prepare this report setting out my professional assessment of how Amazonico's proposals might influence promotion of the Licensing Objectives in this part of Mayfair. I make reference to Licensing Policy with respect to 'Licensing Hours' and 'Area Designations' across Westminster and to my experience of gathering and assessing research data to inform the drafting of Licensing Policies, and particularly Cumulative Impact Policies, in other areas, including London Boroughs such as Hackney, Camden and Southwark. These areas provide useful comparisons to the Mayfair SCZ as they have large vibrant ENTEs and operate long-standing CI policies in support of the statutory Licensing Objectives.

2.7 In preparing this report I made two unannounced night-time visits to the Amazonico premises. Neither the Applicant, nor staff at Thomas and Thomas, knew the dates and times I would visit the premises, although it was requested that I visit on one of 10 occasions in November and December 2023 that Amazonico were trading under 'seasonally extended hours' using Temporary Event Notices (TENs). Due to Amazonico's table bookings being over-subscribed with long waiting lists during this period it proved impossible for my assistant to make a reservation. Thomas and Thomas informed me that I was unlikely to gain entry to the premises without a pre-arranged table booking. For this reason, Thomas and Thomas arranged for Amazonico to place me on their 'Guest List' for all 10 of the

nights in question. I was therefore able to secure entry to the premises without pre-announcing my visit to the management or staff of Amazonico.

2.8 As a result of the above, I was able to gain access to the premises unannounced on Friday-Saturday 24-25th November and again on Saturday 25-26th November. On these occasions proceedings within the premises were in 'full flow' and it would not have been possible for the Applicant to pre-empt my visits by 'stage managing' a particular impression of their usual operations, or clientele. I believe these are very important considerations for preserving independence, which allow me to now offer local decision-makers more valid and accurate observations of Amazonico, their mode of business and their potential 'fit' within the Mayfair ENTE at marginally later trading hours.

2.9 On both occasions I remained within or just outside the premises as they prepared for closing. I then stayed in the vicinity to watch dispersals from Amazonico up until the time all patrons had left. In addition to looking at the immediate vicinity and interior operations of the premises, I worked across a radius of 5-minutes' walking distance, encompassing Berkeley Square, Berkeley Street, Dover Street, Mount Street and several adjoining thoroughfares. The geography and times were chosen in order to assess the location, size and nature of the local Evening and Night-Time Economy, to consider the location of any existing noise-sensitive uses, to understand the flow of pedestrians and vehicles at night, to observe the use of public transport hubs and to explore other aspects of the Licensing Objectives, such as the presence (or absence) of crime and disorder. I also sought to record any activity by the police, or other agencies, and from licensed operators in terms of safety and security management.

2.10 I was particularly interested to examine how Amazonico operations were organised and managed so as to prevent any possible noise disturbance or other negative impacts to their immediate neighbours and

therefore support the Licensing Objectives. I specifically looked in detail at the activity levels and dispersal patterns relating to ENTE users in the key 00:30-02:30 period. It was important to understand the street scene into which customers from Amazonico would enter were the premises to change its mode of operation by trading to 02:00 hrs.

2.11 Within the premises my focus was on the operating modes and standards of Amazonico and the way in which the premises managed the transition from night-time to later-night period. This involved the premises evolving in terms of their operations, safety and security management and control of the access and departure of customers. In order to make this assessment I was positioned both inside and outside the premises for extended periods. I was present within the premises as they prepared for closing time and then went on to observe the dispersal of remaining customers from the premises from out on the street, up until all customers had left and the premises were locked. On both occasions I went on to spend some time assessing the behaviour and dispersal of the customers of other licensed premises in the early-morning period, up until 03:45hrs.

3. The Amazonico Premises Licence Variation Application

3.1 Amazonico is seeking the following authorisations for Licensable Activities, as described in the Application:

'Save for an additional one hour (up until 02:00 hrs) within the basement on Monday to Saturday nights only, this application for a new premises licence is applied for on the same terms and subject to the same list of conditions as the existing premises licence no. 22/02608/LIPDPS, which is proposed to be surrendered if this application is granted. Two additional conditions are proposed to reflect this:

1.The provision of licensable activities to customers on the ground floor shall cease, and customers shall not be permitted on the ground floor except for the purposes of access / egress or to use the toilet, after 01:00 hours on Monday to Saturday nights until the premises next opens.

2.This licence shall not have effect until premises licence reference 22/02608/LIPDPS (or such other number subsequently issued for the premises) has been surrendered.'

3.2 On a number of weekends during November and December 2023 Amazonico has traded with a 'seasonal extension of hours' on selected dates, using Temporary Events Notices (TENs). These TENs served to:

- a) Increase the terminal hour to 03:00 hrs;
- b) Dis-apply conditions 9 and 10 (the restaurant conditions) during the later hours.
- c) All remaining conditions of premises licence to remain in effect for duration of the TEN, as well as additional undertakings of:
 - 4 SIA door supervisors on duty;
 - No admittance or re-admittance to the premises after 01:00 hrs except for patrons permitted to temporarily leave the premises (e.g. to smoke, make a phone call).

The TENs were applied for on the same terms as previous TENs.

3.3 The TENs arrangements as set out in 3.2 were those that applied on the occasion of my visit to the premises.

3.4 The Basement area to which the extension of 1-hour is requested has a capacity of 100 persons. Its current and intended use is as a 'retiring bar',

wherein: “*alcohol can only be served to persons before, during or after a table meal consumed at the premises*” (Condition 10 attached to the Premises Licence). It is not intended that members of the public will be permitted to ‘walk-in’ and access this Basement facility to use as a public bar.

3.5 On the occasions of my visits, with TENs in place, Conditions 9 and 10 had been removed beyond 00:00 hrs (as noted in Para 3.2). However, when planning my visits, I discovered that in this busy pre-Christmas trading period, Amazonico had filled its capacity with pre-bookings for dinner weeks in advance for the 17:00-23:00 hrs period. The venue had opened an extensive ‘waiting list’ for its TENs evenings and were not accepting any admissions at the door that had not been pre-booked. Patrons occupying the premises beyond closure of the dinner sittings at 23:00 hrs would therefore all have dined in the venue earlier that evening.

3.6 The premises operate with a small amount of pavement seating to the street frontage only, up until 23:00 hrs. The applicant is not requesting any extension to these hours, or to the capacity of pavement activity.

4. The Westminster Statement of Licensing Policy, 2021-2026

4.1 The policy context for this application is the City of Westminster's 'Statement of Licensing Policy 2021-2026' ('The Policy'). Amazonico inhabits a prominent location on Berkeley Square. The Square falls within a small area of Westminster identified in the Policy as the Mayfair 'Special Consideration Zone' (SCZ).

4.2 The Statement of Policy document provides an outline of the rationale for the creation of 'Special Consideration Zones' within Westminster and how these might inform the preparation and deliberation of licence applications within such zones. It is worth quoting the Policy wording at length:

4.3 *"D42. These areas do have above average or sporadic levels of crime and disorder and public nuisance (noise and waste). As a result, the Licensing Authority has developed this policy to highlight areas of concern within the City of Westminster where there are increased levels of incidents that are linked to licensed premises, but are not conclusively identifiable as being under cumulative stress. These areas will be designated as Special Consideration Zones under this policy. The Licensing Authority believes that any designated area would require a higher level of consideration due to the incident rates in these areas. Applicants who wish to operate within these areas or wish to vary their existing licences will be expected under this policy to consider and identify, within their operating schedules how they will mitigate the risks associated with their premises and the higher levels of incidents within the area...*

4.4 *D43. Applications for premises licences and club premises certificates within these Special Consideration Zone (SCZ) will not be subject to the presumption of refusal, but applicants should consider, when drawing up their operating schedules the 2020 Cumulative Impact Assessment findings*

for these areas. These are summarised in list form above for each designated Special Consideration Zone.

4.5 Applicants may need to consider additional measures and mitigation above that which would normally be put in place to ensure that their operation will not negatively contribute to local issues. The proposed measures to mitigate the risks to the licensing objectives may be more or less appropriate depending upon the style of operation applied for.

4.6 D44. Applicants within a SCZ that receive representations should consider the points that have been raised and whether the proposed mitigation is sufficient. If they are not, additional mitigation should be proposed in an attempt to reduce any potential impact on the licensing objectives. The Licensing Authority will consider the measures proposed within the applicants' operating schedule and whether the application meets the criteria within other relevant policies within this statement.

4.7 D45. The Licensing Authority may consider additional conditions to be appropriate where representations are received but insufficient mitigation has been put forward to address those concerns. In some cases, where there is significant concern associated with an application and its impact on the licensing objectives, and insufficient mitigation has been proposed within the applicants' operating schedule or through further submissions, the Licensing Authority may have no other option than to refuse the application.

4.8 D46. The Licensing Authority will keep the Special Consideration Zones under review. However, attention will be given to the West End Buffer, Queensway/Bayswater, Edgware Road and East Covent Garden SCZs as these were areas that were formally Cumulative Impact Zones. The Licensing Authority wants to closely monitor the SCZ's so as to identify if they reach a point where there is ongoing detrimental impact on the licensing objectives that can be conclusively linked with the number of licensed

premises in the area. If that does occur and it is deemed to be as a result of cumulative impact the Licensing Authority may designate the relevant area as a Cumulative Impact Zone which would then mean the Cumulative Impact Policy would apply. The aim, however, is that this policy approach will prevent any increase in the local issues identified within the 2020 Cumulative Impact Assessment and therefore there will be no need to consider applying a more restrictive policy approach.”

4.9 The “2020 Cumulative Impact Assessment” is no longer the most up-to-date source, although the above policy wording remains pending revision by Westminster in the light of a subsequent 2023 CIA exercise (that was subject to a public consultation that closed on 5 November 2023). During the consultation period a new CIA document was available for public scrutiny (it has since been removed from the Council’s Licensing webpage). In relation to Mayfair the 2023 CIA states:

4.10 *“In 2022, 2% (546) of Westminster’s overnight crime came from within the Mayfair area. 61% (333) of overnight criminal offences in the Mayfair area were thefts, the next most common criminal offence was violence against person, which accounted for 29% (157) of crimes in the area. The Mayfair area was the location for 2% of robberies (41) and violence against person (149) offences across the whole of Westminster, as well as 1% (227) of thefts. Hotter spots in this area appear down Berkeley Street, Shepherd Street and the surrounding area around Green Park station.*

4.11 *Mayfair contributed to 2% (92) of overnight noise complaints and 3% (168) of anti-social behaviour reports, similar proportions to that of Bayswater & Queensway”. (p.71)*

4.12 It is important to note that although Westminster’s Policy states that the data mappings for CI show incidents that are “linked to licensed premises” an unknown proportion of the ambulance call-outs (for example) indicated in the 2020 and 2023 CIA mappings will have no demonstrable connection to the

supply of alcohol from licensed premises in the Mayfair SCZ. As the (unnamed) authors of the 2023 CIA acknowledge their ‘regression analysis’ of available partnership data, although easily replicable, provides only: *“models’ estimates (that) should be interpreted as approximations of correlations between the prevalence of licensed premises (types) and crimes in their vicinity, not as a relationship of cause and effect”* (p.95).

4.13 The ability to ‘drill down’ as closely as possible to the supply of alcohol in defined locations is essential to all types of CI analysis (and other types of regulatory and enforcement intervention) so that one can be sure policies are appropriate, justified and not overly-generalised.

4.14 Westminster have made good efforts with their 2020 and 2023 statistical data analysis in order to develop licensing policies that have a regularly updated evidence-base and rationale for CIA and SCZ designations. However, the process of policy development would have been further enhanced by the addition of structured observational research to run alongside the data analysis. This triangulation of quantitative and qualitative approaches allows for ‘sense-making’ of the causes and attributions of any alcohol-related harms indicated in the Partnership data. Reliance upon statistical sources alone can result in policy provisions that are unsuitably blunt; for example, on its own terms the data does not indicate what sorts of interventions might help promote the Licensing Objectives and protect communities within those locations identified as ‘hot spots’, nor demonstrate with accuracy where the geographical boundaries of area designations should be set.

4.15 Whilst it is essential to consider matters of Policy when developing Operating Schedules and the broad data trends as context-setting, there are no ‘policy reasons’ that introduce a presumption to deny the Applicant’s proposals in this location. The nub of this matter therefore surrounds the question of whether a variation of hours at Amazonico would indeed have potentially negative impacts on promotion of the Licensing Objectives in

Berkeley Square and whether the Applicant has the capacity and willingness to ameliorate or remove any such potential impacts. One of the best ways to assess this is to look at what is occurring in and around the premises at night, notably when it trades at temporarily extended later hours.

5. Location and premises visit observations

5.1 Amazónico at 10 Berkeley Square, London, W1J 6AA

Dates of visits: Pre-Christmas weekend period, 2023

Night 1: Friday 24 November-Saturday 25 November, 18:00-03:45 hrs, dry, 6C, falling to 1C.

Night 2: Saturday 25 November-Sunday 26 November, 19:00-03:45 hrs, dry 5C falling to 0C.





5.1.1 The images above show the frontage of the premises on Berkeley Square at just after 22:00hrs. At this point in the evening the terrace area to each side of the entrance door is still in operation and patrons are free to use this area. This is also around the busiest part of the night in terms of pavement footfall and traffic movements on Berkeley Square. The front door is the only customer access point to the premises and is controlled by two, sometimes three, Door Supervisors at all times. Fixed CCTV cameras are attached to the wall on each side of the building just below the awning which allow further surveillance of activities outside for the management team. As one can see, the front of the premises is formed of long full-coverage glass windows which add to the feeling of an 'active' welcoming frontage with maximised natural light. The outdoor seating within the terrace, comprising dining tables and chairs is removed in the evening, ahead of full closure of the terrace (apart from the standing enclosure of patrons who wish to smoke) from 23:00 hrs onwards.

5.1.2 The premises are located in what has historically been the most vibrant area of Mayfair, but are not in and amongst the main cluster of shops or of licensed

premises, which is to be found on Berkeley Street and Dover Street. Amazonico has two neighbouring licensed premises on the eastern flank of Berkeley Square, Sexy Fish to the south and Benares to the north. Both are food-led restaurant businesses which also feature cocktail bars. To the west flank of Berkeley Square one finds Annabel's a long-established members-only club with late trading hours. Clermont Club, a high-end gaming venue lies just to the north of Annabel's but is temporarily closed. Two other venues that recently operated on the Square have closed permanently: Morton's and Fifty9 Bar.

5.1.3 Once patrons have been permitted to enter Amazonico they find a staffed reception desk immediately adjacent to the entrance door. This is where bookings for dinner and lounge tables are checked-in and staff then take customers to their seats, see image below:



5.1.4 Amazonico operates the large majority of its licensable activities on the Ground Floor. The Ground Floor is organised into a variety of demarcated spaces which are all airy, open-plan and organised around seating and tables, as shown on the Plan which accompanies Amazonico's current Application. An at-seat service is provided to customers throughout. The large majority of transactions involved customers paying their bills 'restaurant-style' in total and on request from their seats, once they were ready to leave.

5.1.5 There are no stools next to the bar on the Ground Floor or the Basement and whilst over-the-bar-service is possible it is not encouraged. Indeed, one is immediately struck by the high staff-to-customer ratio and attentive service to tables. This is clearly part of the high-end service-focused positioning of the business, with a Discretionary Service Charge of 15% added to all Bills. As a result of the table-service orientation it is noticeable that customers tend to remain in their seats and generally do not move around the premises. This is quite unusual in ENTE settings and means that even when the venue is full (most or all seats are occupied) it never appears 'crowded'.

5.1.6 The image below shows the Bar Area. The customers here have been 'greeted' by staff at reception and are awaiting members of their parties before taking up dining and lounge bookings.



5.1.7 Next to the bar one finds the smallest and most informal of the lounge areas within the premises. The botanical 'rainforest' theme can be seen strongly in this space. With the glass frontage to the premises this space would be especially attractive for use during daylight hours as it affords views of Berkeley Square:



5.1.8 The following two images show different aspects of the main lounge area on the Ground Floor. There are a number of tables along the pathway which takes you to the rear of the premises, but most of the space is occupied by green coloured sofa-style seating and tables which are set back away from this thoroughfare.





5.1.9 A Disc Jockey plays from a booth located against the wall of the main lounge on the right-hand side of this space. The music has an upbeat Latin flavour but is presented as a backdrop to add atmosphere at the heart of the Ground Floor operations. The playlist is notably obscure and is not intended to dominate proceedings, or induce customers to dance. This area is probably the most atmospheric of the Ground Floor lounge areas as one has a view of activities in the open plan kitchen, a view of the Bar Area and most direct access to the music.



5.1.10 The lounge area has a partition to its rear which demarcates another section of the continuous lounge space. Here the lounge is slightly more secluded and intimate (see image above).

5.1.11 Directly opposite the Ground Floor lounge and dominating the left side of the premises one finds the open plan kitchen and food preparation areas. The activities of kitchen staff clearly on display adds to the sense of organised energy and atmosphere within the premises:







5.1.12 Argentine-style meat grill dishes form part of the premises' South American theme. Upon speaking to one of the floor staff I was told on Night 2 of my visits that the premises were serving over 600 'covers' (dinner sittings) that evening. Staff informed me that the kitchen closes nightly at 23:30 hrs.

5.1.13 To the rear of the premises one finds three more distinct spaces, all with the theme of a more formal dining experience. The tables here are laid-out for dining with tablecloths, cutlery and napkins, food menus and drinks menus. Service is exclusively to tables-only as this space is located some distance from the Bar. Movement through the space is dominated by serving staff with customers remaining seated for extended periods of dining.



5.1.14 In the first of the dining areas I found entertainment provided by a duo of musicians playing laid-back downtempo Smooth Jazz-style music on a mini stage area located in the far corner of the room. Again, the presentation is one of background music rather than a performance which draws the attention.

5.1.15 The following two images show the main dining areas which are quite distinct from other areas of the Ground Floor. Most customers here appearing to be dining in groups and these may well have included work colleagues having a festive meal together.







5.1.16 The Dining area also includes a small space which appears to be dedicated to sea food and tapas-style small plate dishes. To the right a member of staff can be seen pouring a customer's wine.



5.1.17 Finally on the Ground Floor, at the very rear of the premises one finds a separate area set aside for diners attending private functions where a degree of physical separation is required.

5.1.18 The drinks menu is elaborate and colourfully illustrated, showing cocktails that are presented each in unusual and uniquely shaped vessels. I saw cocktails delivered to tables of diners and to customers in the lounge areas; some were obviously delighted by the spectacle and many were capturing images, presumably to share on social media.

5.1.19 Within the drinks menu there is a section dedicated to 'Non-alcoholic' cocktails, whilst 'Low ABV' options are highlighted throughout. My assistant and I made purchases from this list. Alcoholic cocktails are priced from £14-£26, reduced to £11-12 for the non-alcoholic varieties.

5.1.20 In accordance with the National Mandatory Conditions the menu displays the availability of smaller '125ml' single measures of Wines and Champagne 'by the glass'. This allows customers informed choice as to their alcohol consumption. The relatively high prices will also act as a general disincentive for consuming in large quantities. Serving staff provide advice on 'tasting notes' for the various drinks which encourage customers to enjoy choosing and savouring their drinks, as opposed to rapidly consuming them.

5.1.21 A casual visitor to the premises might easily assume that the Ground Floor encompasses the entirety of Amazonico's offer. It is not immediately apparent that a Basement Bar exists as it is certainly not advertised, nor access to it visible. To access the Basement one must pass along a corridor which is just beyond the kitchen and then descent a 'hidden' staircase. A Door Supervisor is positioned at all times limiting access to this corridor, however his focus appeared to be on activities in the Lounge; so few people approach him that the real reason for his presence is not apparent.

5.1.22 As my name was on the 'Guest List' (for every TENs night in November and December) I was able to request access to the Basement Bar (having first asked a member of staff how to locate it!).



5.1.23 On Night 1 very little activity was found in the Basement Bar despite this being a night on which the premises traded with a TEN and the Ground Floor having around 250 customers present. The image above shows the distinctive shell-design bar facade in this space at 00:17hrs, with no one at the bar.



5.1.24 Table-service was again the mode of operation with a very high staff to patron ratio. The image above was taken at 01:27hrs on Night 1 as staff visit tables to announce 'last orders'.



5.1.25 Night 2 revealed more activity, with a DJ positioned behind a booth on the left-hand wall of the space. The music was slightly more up-tempo than on the Ground Floor, but still at a volume which allowed easy conversation in this relatively small space and again clearly intended as a backdrop to proceedings rather than in any way a focus. There was no dance floor, or flashing lights and indeed no dancing at any point during our visits.



5.1.26 Further images from Night 2 show the extent of seating in the Basement Bar and also the maturity of a proportion of its clientele.



5.1.27 In this image, taken from the entrance to the space, one can see that the room is of a relatively modest size in comparison to the spaces on the Ground Floor.

5.1.28 Making flexible use of their TENs provisions the premises closed at 02:00hrs on Night 1 and at 03:00hrs on Night 2. However, the number of patrons began to 'thin out' well before these times. Twenty minutes before each closure it was clear that the premises team were preparing to clear the venue. The light levels throughout the premises were increased at this time and the music volume was reduced to a very low level. A floor-staff member visited each table to politely inform customers that the premises were about to close.

5.1.29 Numbers gradually reduced until the staff team began to indicate that the night was coming to an end. The light levels were raised significantly, floor-staff

visited tables to complete all outstanding customer transactions. Customer exits increased.

5.1.30 Lights were then turned to full brightness and staff began to clean and sweep the premises. The music was turned off. Remaining customers finished their drinks at their tables and began to leave without prompting. There was no 'mass exodus' as the premises had begun to empty for some time.

5.1.31 I saw no evidence to suggest that Amazonico had sought to advertise the fact that it was offering 'Seasonally Extended Hours' by means of its TENs. It seemed to be simply the case that patrons could make bookings to later hours than normal over the pre-Christmas period and that the extra demand had filled the additional supply.

5.1.32 Moving to the outside of the premises at various points and after having left the premises it was possible to learn more about how Amazonico's operations interact with their surroundings. The images below show how the terrace area is used after 23:00hrs. The terrace effectively acts as a screen and barrier to the street; all customers who wish to smoke are retained within it and all persons wishing to gain entry must pass through it if given permission to do so by the door staff positioned at the barrier's edge:





5.1.33 As well as exerting tight control over admissions to their premises and patron activities and movements within the premises, Amazonico pay a great deal of attention to the safe and orderly dispersal of customers and to avoiding traffic congestion and parking infringements associated with their business. This has the dual function of expressing 'good neighbourliness' to the surrounding users and businesses in Berkeley Square, as well as adding to the general approach of providing a premium service to valued patrons.



5.1.34 In this image Amazonico's Valet directs a chauffeur-driven customer vehicle into a parking space outside the venue at 23:55 hrs. The blue Audi shown to the left of the image was, I assume, owned by a member of staff. On a number of occasions, I saw the Valet move the positioning of this vehicle slightly to allow customers better access to the most desirable parking spaces directly outside the venue.



5.1.35 When not taken by customer vehicles this spot was also available to Private Hire operators.



5.1.36 Chauffeur-driven vehicles also deliver customers in groups. Vehicles like the one shown above could also use parking spaces across the road in the centre of Berkeley Square.

5.1.37 Black Cabs were the most popular mode of exit for Amazonico customers and were readily available to 'hail' due to the number of drivers attracted to the area and its affluent clientele. The following two images show cabs obtained directly outside the premises:





5.2 Overview

5.2.1 I noted that that the customers were generally equally split in gender mix, there were no large single-sex groups (this may have been due to the selection process at the door). Some groups appeared to be work colleagues. Another obvious presence was that of couples dining and relaxing at their tables.

5.2.2 The younger adult, 18-24-year-olds age group, were almost entirely absent amongst customers. Typical ages of customers would be 25-40; however, around a quarter appeared to be in their 40s and some slightly older. Most patrons looked as though they had made an effort to dress well for their night out.

5.2.3 It was noticeable that Amazonico was a popular venue for female customers to attend with friends, colleagues, or partners. Amazonico does not operate as a 'pick-up' place with people searching or competing for partners, partly because it is a very ordered environment with very little space or opportunity for 'mingling' with strangers. This adds to the relaxed ambience and a more comfortable experience for female visitors; with the gender split being approximately 50:50 male-female throughout night-time trading period.

5.2.4 As seating was adequate for the number of patrons permitted entry there was no 'vertical drinking'. Some customers visited the bar area on arrival whilst waiting for friends, but only a minority, most customers were taken straight to their tables. The elaborate cocktail preparations do not facilitate fast delivery of drinks over the bar and many customers appeared to enjoy the spectacle of elaborately presented drinks being delivered by staff to their table.

5.2.5 Many customers were consuming alcohol alongside, or just after, their meal. Food is known to slow the absorption of alcohol in the body, thereby decreasing the likelihood of drunkenness. This was apparent from my visits as no drunkenness was observed. Given the high staff-to-customer ratio and attentive table service any issues that might arise would be very swiftly noticed by the staff team, even moving around the premises attracted staff attention as customers generally remain seated.

5.2.6 The food offering is substantial and popular. The enticing 'buzzy' ambience attracts customers seeking a destination venue for a 'night out', as well as an after-work crowd seeking to move from dining to drinks within one comfortable, relaxed and enticing space. Amazonico provides an entertaining but calm and controlled hospitality service to a 'grown up' and discerning audience who appreciate the products and services on offer and appear to deliberately seek the premises out, in preference to more conventional restaurant, or pub / bar offers.

5.2.7 My general impression was of orderly, managed spaces with customer groups divided spatially by fixtures and furniture and customer movements controlled by check-in staff and numerous floor staff. Most of the floor space was covered by chairs, tables and soft furnishings with little accommodation for standing. Tight control of the door allows Amazonico to ensure that the numbers of customers permitted entry does not exceed the capacity of the venue to seat everyone.

5.2.8 The extensive Drinks Menu appears to be a major attraction, as it offers more choice than is usually found in licensed premises, notably in the case of the free-poured cocktails. It is important to note that as well as having tempting offers for 'drinks connoisseurs', the Drinks menu offers a good selection of 'Non-Alcoholic' and 'Low-ABV' options.

5.2.9 I think these are enlightened approaches which allow customers informed choice to control their alcohol intake, pace their drinking, or avoid alcohol altogether, whilst not feeling excluded from the social occasion. This assists in broadening the appeal of the offer to wider audiences who may sometimes feel excluded from participation in the Evening and Night-time Economy. Amazonico's approach also chimes with Home Office thinking, as has informed the national Mandatory Licensing Conditions, but, in fact, goes further in not only allowing customers informed choice as to how much alcohol they consume, but also offers viably attractive non-alcoholic alternatives.

5.2.10 Due to the style of music selected and the volume at which it is presented the music generated by the DJs and musicians is such that it does not dominate the space. Customers could continue to sit comfortably and enjoy conversation, but with the added 'atmosphere' provided by music in the background. This contrasts sharply with the presentation of live and recorded music in many other venues, where the music is dominant, accompanied by flashing lights and provided alongside dancefloors and/or extensive vertical drinking space. As a result, I saw little need for the venue to encourage customers to 'wind down' ahead of closing

time, as the operators of Amazonico had not 'wound customers up' in the first place!

5.2.11 Amazonico do things differently, very differently from many licensed premises that operate in London's CIAs, and in ways which attract customers who seek a more relaxed and comfortable atmosphere. As a result, Amazonico is not actually in 'competition' with most other night venues. It operates within a different more select and selective niche.

5.3 The Mayfair ‘Special Consideration Zone’ (SCZ) / and SCZ Buffer:

5.3.1 December 2023 Premises’ Audit

The immediate area (0-5 minutes’ radius)

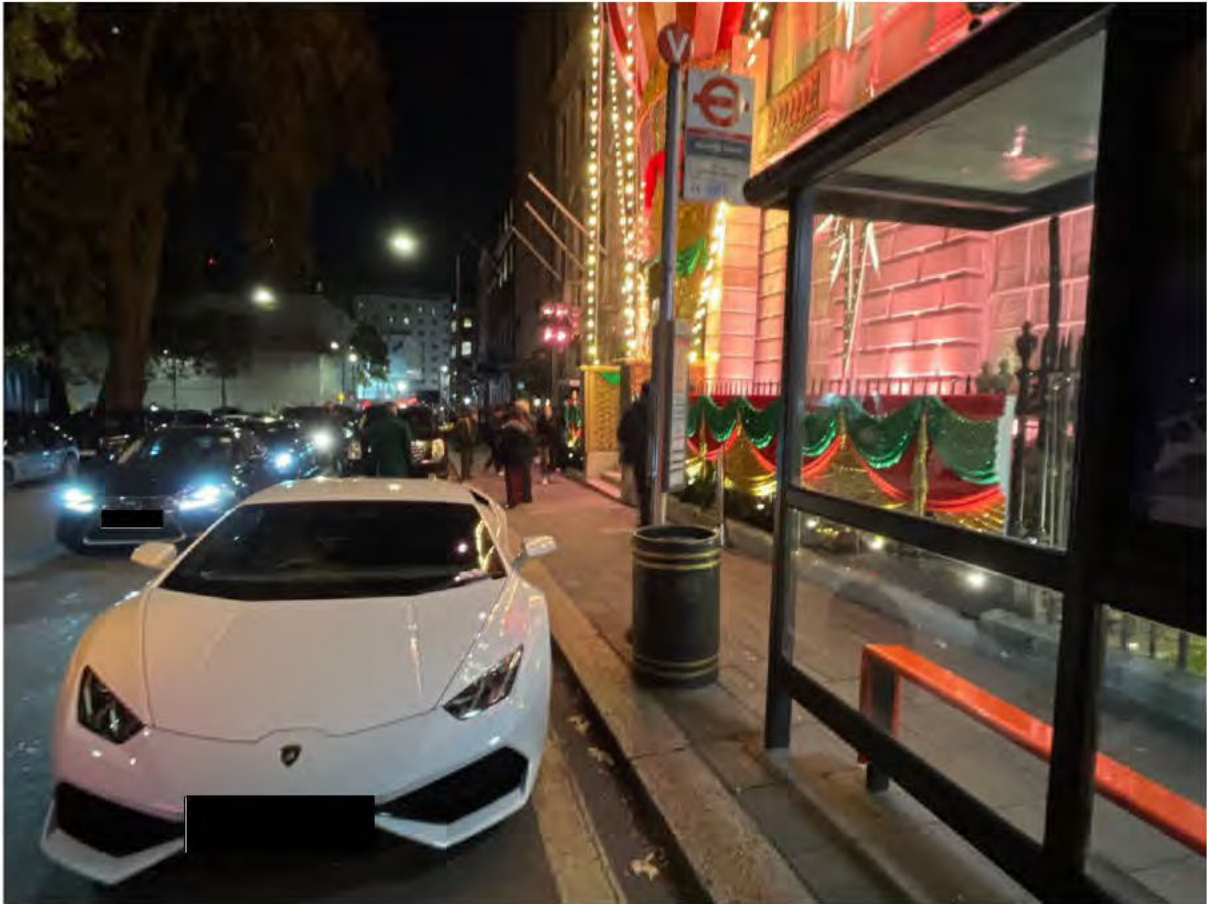
5.3.1.1 As one might expect in this part of Central London there are a number of other licensed premises in the immediate vicinity (within 5-minutes’ walking distance of Amazonico). These premises are varied and their location and main functions are described in the following premises’ audit. The audit includes all locations within the SCZ and also goes slightly wider to encompass any ‘spread’ of premises just beyond the boundary lines. The audit updates a similar audit I conducted in 2016-2017 in my report for the City of Westminster Licensing Policy Review exercise. The auditing exercise is not an observational Cumulative Impact Assessment, however, it does provide important context for such assessments. In what follows, I highlight how the area has evolved, with many licensed premises remaining the same, a significant number of new openings and some permanent closures at several key addresses. These changes may have been driven by a number of factors including the requirements of the SCZ Policy, major building redevelopment schemes involving change of use, the impact of the pandemic, and broader shifts in the hospitality industries’ offers as operators respond to changing consumer attitudes and preferences:

Berkeley Square:

1. Benares Restaurant and Bar; 12a Berkeley Square, Mayfair, London W1J 6BS. A Michelin-starred fusion Indo-British fusion restaurant and cocktail bar. Overlooking Berkeley Square on its east side, this restaurant is open until 22:30 Mon-Sat, and 21:30 on Sundays.

2. Sexy Fish; Berkeley Square House, Berkeley Square, London W1J 6BR. This is a large Asian-influenced fish and seafood restaurant offering Japanese spirits and inventive cocktails. Situated at the south east end of Berkeley Square on the corner of Bruton Lane and the top of Berkeley Street. The premises were renovated in August 2023. There is a first floor private dining room with an integral bar as well as extensive table and bar space on the ground floor. The bars are open until 02:00 Fri-Sat, and 01:00 on all other days,

3. Annabel's, 46 Berkeley Square, Mayfair, London W1J 5QB. An elegant and exclusive club on the west side of Berkeley Square and next door to the Claremont private members dining and dancing club. Annabel's boasts a starlit dance floor, liveried doormen and indulgent foods, champagne, wines, cigars, liqueurs, spirits and cocktails, with performance events. Frequented by the rich and famous. Event bookings and specialty nights are advertised. Annabel's is open until 03:00 hours, Monday-Saturday and to midnight on Sundays.



The illegal parking of 'show cars' remains a problem throughout the SCZ. Seen here with enforcement ticket attached, this vehicle is blocking the Night Bus stop outside Annabel's. No door staff or valet intervention was observed and the vehicle was eventually removed by its owner.

4. The Clermont Club (advertised currently as 'temporarily closed'); 44 Berkeley Square, Mayfair, London W1J 5AR. Exclusive private members dining and gaming club, in a sumptuous townhouse overlooking the west side of Berkeley Square. Has operated previously with liveried doormen and an elegant Georgian interior from 13:00-06:00 seven days a week. The Clermont and Annabel's occupy adjacent Georgian townhouses overlooking Berkeley Square.

5. Licensed premises operating until recently in Berkeley Square include Morton's and the Fifty9 Bar which have now both permanently closed, the latter I described in my 2017 report to Westminster as: "*one of a number of core venues in and around Berkeley Street and Square that have a significant late-night impact*". The impact of these closures and of the temporary closure of The Clermont Club means that there are, at the time of writing, only three licensed premises operating on Berkeley Square.

Mount Street:

1. Bacchanalia / Apollo's Muse, 1-3 Mount St, London W1K 3NB is a recent opening, an exclusive Mediterranean-inspired restaurant, with a Mezzanine floor and private members' area named 'Apollo's Muse'. The premises has a sumptuous interior design and liveried door staff who were seen to assist patrons with obtaining transport home. Operating Hours are to 01:00hrs daily, midnight on Sundays.
2. Del Fino Pizzeria; 121A Mount St, Mayfair, London W1K 3NW. Situated on the corner of Mount Street Mews, this simple Italian Trattoria/Pizza restaurant is a few metres west of Berkeley Square. Opening times: 12:00-22:30 Mon-Sat, closed Sundays.
3. Jamavar, 8 Mount Street is a recently opened restaurant served Indian Street-Food style dishes. Open until 22:30 daily, 21:30 on Sundays.

Davies Street:

1. Hedonism Wines, 3-7 Davies Street is a very upmarket, specialist off-licence with a focus on fine wines and spirits. It lies just north of the SCZ. Closing times: 21:00hrs daily, 18:00hrs Sundays.
2. Mister Nice, 14-16 Davies Street is a recently opened Modern French Restaurant with a large dining area. Closing times are 00:30hrs Fri-Sat, midnight Mon-Thurs; closed Sundays.
3. Nikita (Mr Nice, Private Members' Lounge) at 22 Davies Street is described by the 'Urbanologie' reviews website as: *"An intimate and luxurious private members' 'cocktails-and-caviar' restaurant and nightclub, with chic Parisian styled interiors"*. The Lounge is connected to Mister Nice by a "secret passage", whilst there is also an entrance on Davies Street. Advertised Opening Hours are to 01:30hrs Tuesday to Saturday, closed Sundays and Mondays.
4. Capriani Restaurant 23-25 Davies Street is an Italian Restaurant that forms the London outlet of an international chain. It trades to 23:00hrs daily, 22:00hrs on Sundays.

Bruton Street:

1. Hakkasan Restaurant; 17 Bruton St, Mayfair, London W1J 6QB. This is a Michelin-Starred modern Cantonese/dim sum and cocktail bar/restaurant on two floors. Advertised opening times: Thursday-Saturday to 00:30 and Sunday-Wednesday to 23:30 hrs.
2. The Coach and Horses; 5 Bruton St, Mayfair, London W1J 6PT. This is a traditional, narrow, mock Tudor pub (now operated by Greene King), serving real ales and bar food. Open until 23:00 daily, 22:30 on Sundays.

3. The Square restaurant previously at 6-10 Bruton St, Mayfair is now permanently closed.

Bruton Lane

1. Mr Fogg's Residence at 15 Bruton Lane is a recently opened cocktail bar open Thursday-Saturday until 03:00, Monday-Wednesday until 02:00 and to midnight on Sundays. The venue does have a simple menu of 'pub-style' dishes, but the concept of the venue appears to be largely drinks-led.
2. Secret Garden (temporarily closed) is a 100-capacity cocktail and shisha bar operated by 'Mr Fogg's' at 15A Bruton Lane. The premises operates in the open-air until 23:30 hrs during the warmer months.

Bruton Place:

3. UMU; 14-16 Bruton Pl, Mayfair, London W1J 6LX. Japanese cuisine with a Kyoto-inspired, artistically presented, theme. Key offers are wine and sake. The premises have an unusual minimalist, low-key, external appearance. Opening hours: to 22:00hrs daily, closed on Sundays and Mondays.
4. Bellamy's Bar and Oyster Bar; 18 Bruton Pl, Mayfair, London W1J 6LY. "Winner of Tatler Magazine's Most Civilised Restaurant Award". Next to UMU on Bruton Place, this French-inspired, high-class Brasserie, operates as a restaurant, Oyster Bar and Wine/Cocktail Bar. Open to 23:30 Monday-Friday, currently closed Saturdays and Sundays.

5. The Guinea and the Guinea Grill; 30 Bruton Pl, Mayfair, London W1J 6NL. Long established (1888), popular and cosy steak specialty restaurant, also offering private dining and events, in the upstairs boardroom, for up to 28 people. Bar opening hours are: 11:00-23:00 Mon-Sat and 12:00-23:00 on Sundays.
6. Tosi Gorgonzola Bar is a recent opening at 46 Bruton Place. The premises operate as an Italian wine bar and restaurant, Monday-Friday to 23:30 hrs, closed Saturdays and Sundays.
7. The Greigs, Steak and Winehouse and Pizza Express premises, formerly at 26 and 23 Bruton Place are now both permanently closed.

Hill Street:

1. The Coach and Horses; 5 Hill St, Mayfair, London W1J 5LD. A traditional long-established Public House, serving pub meals. The premises are located close to Berkeley Square, on the corner of Hay's Mews. Opening times: Mon-Tue to 22:00hrs, Weds-Fri to 23:00 hrs, closed Saturday and Sundays.



The Coach and Horses, viewed from Hay's Mews.

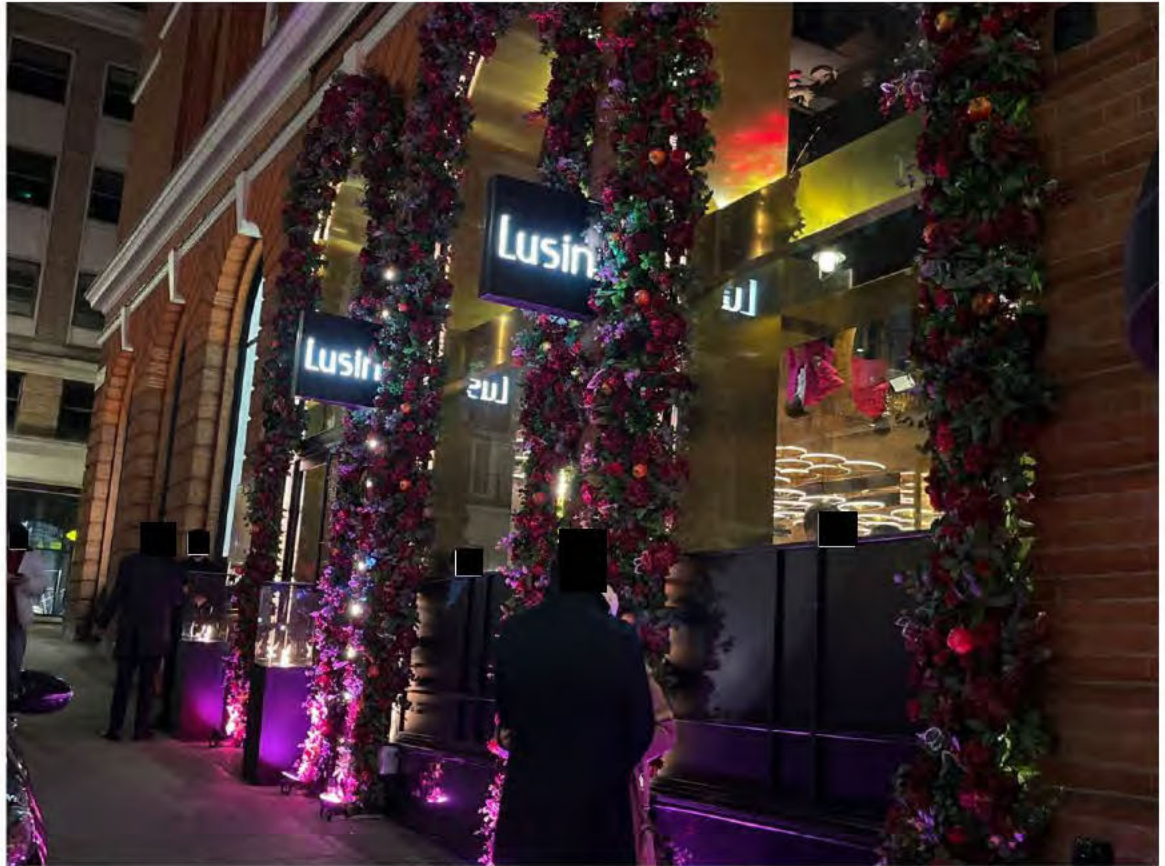
Charles Street

1. The Footman, 5 Charles St, Mayfair, London W1J 5DF. The Footman is a large traditional British pub, occupying three floors with an upstairs dining room. It is situated on the southern corner of Hay's Mews and Charles Street, with pavement seating on Charles Street. Open 12:00-23:00, Mon-Sat, 12-22:00 hrs on Sundays.
2. Mark's Club; 46 Charles St, Mayfair, London W1J 5EJ. A private members' dining club with a terrace and dining room in a townhouse located opposite the Footman. Operates to 00:30 hrs daily, closed Sundays.

3. The Chesterfield Mayfair; 35 Charles St, London W1J 5EB. The Chesterfield Hotel is situated further from Berkeley Square on the corner of Queen Street and Charles Street. It is an elegant 1740s building that has a restaurant (Butler's) and The Terrace Bar – serving champagne and cocktails. Private dining is also on offer. There are no advertised bar or restaurant opening hours for members of the public.

Hay Hill

1. 12 Hay Hill is a discreet Business and Private Members' Club. It contains a dining room, deli and lounge bar. Advertised trading hours are Monday-to-Fridays 07:30 to 01:00hrs. Closed Saturdays and Sundays. It appears to be possible for non-members to book tables within these facilities.
2. Socialista Lounge at 15A Hay Hill is a recently opened Cuban-inspired private members' lounge. It serves food, drinks and live music performances. Access to non-members appears possible with pre-booking. Advertised operating hours are Wednesday to Saturday 22:00 to 03:00 hrs, Closed Sundays-Tuesdays weekly. These premises appeared to be closed on the nights we visited.
3. Lusin Mayfair is an Armenian restaurant at 16 Hay Hill. A recent opening, it operates, sometimes with live entertainment in the evening, to midnight daily throughout the week.



Lusina on Hay Hill, with elaborate exterior decoration.

Lansdowne Row:

1. Lebaneats, 18 Lansdowne Row, Mayfair, London W1J 6DY is a Middle Eastern eatery/shisha bar, with indoor and pavement seating. Closes at 22:30 Fridays and Saturdays and at 22:00 on other days.
2. Subway at 19 Lansdowne Row is part of the national heated sandwich chain. It closes by 23:30hrs on Fridays and Saturdays and earlier through the week.
3. Hirmiz Café and Shisha Terrace at 21 Lansdowne Row operates to 23:00 hrs daily.

4. B Bistro is a recently opened Middle Eastern Bistro and shisha bar café at 22-24 Lansdowne Row. It operates to 23:00hrs daily.
5. Juliano's Bistro Italian Restaurant and Shisha is temporarily closed. It occupies the former premises of the Enoteca da Luca Mayfair restaurant at 11-12 Lansdowne Row, Mayfair, London W1J 6DY. Advertised hours are until 23:00 daily.

Fitzmaurice Place:

1. The Lansdowne Club; 9 Fitzmaurice Pl, Mayfair, London W1J 5JD. This is a large traditional, private members' club that has been in operation since 1935. It has allowed equal access for men and women since opening. The building itself is a very large detached townhouse and listed building and dates to the 18th Century. The club provides event booking spaces, performances, bar, dining and sports facilities and pool, for members and guests, as well as rooms and suites that are available for overnight stays. The bar and lounge areas are open until 23:00 hrs daily, closed Sundays.

Berkeley Street:

1. Bocconcino Mayfair at 19 Berkeley Street is a sophisticated dining room and bar, serving modern Italian cuisine, wine and cocktails. There is live music on the Lower Ground Floor. Open daily 12:00-00:30 Mon-Sat; 12:00-22:30 Sundays.
2. 20 Berkeley Street is Modern British Grill Restaurant. A recent opening on the corner with Hay Hill. It operates to 23:30 hrs on Fridays and Saturdays, to 23:00 hrs on all other days apart from Sundays when it is closed.

3. Palm Beach Casino, 30 Berkeley Street is a long-established gambling venue, advertised as “an icon of Mayfair for over 50 years”. The premises have very long trading hours, to 05:00 daily. The Casino operates its own Restaurant and Lounge cocktail bar, alongside the ‘live gaming’ and poker tables. As in 2017, I found there to be constant pedestrian activity around the entrance to this venue, with many people seeking to negotiate entry with the door staff.
4. Park Chinois/Club Chinois; 17 Berkeley St, Mayfair, London W1J 8EA. Park Chinois includes the Salon Chinois (restaurant/lounge), a bar (Duck de Chine) and the basement-located ‘Club Chinois’, which hosts live music events and dancing. There are also private dining rooms, some of which can be accessed from a Dover Street entrance at the rear. The restaurant, bar and nightclub are large, opulent, popular and active until late. The operating profile is reminiscent of opulent Franco-Chinese colonial dining and dancing clubs. Opening until 02:00 Monday-Saturday, it is one of a handful of busy and active late-night restaurant / clubs on Berkeley Street.
5. BuddhaBox, 16 Berkeley Street is a Boxing / Exercise club which operates to 21:30hrs Mon-Fri, mid-afternoon closures on Saturday and Sunday. It operates a juice bar / coffee bar at Ground Floor. The main space for training is in the Basement area. The name is very likely a reference to famous nightlife venue the Funky Buddha which operated next door at 15 Berkeley Street from 2001-2015 (now Luxx).



BuddhaBox Ground Floor

6. Luxx Club (formerly Charlie and Funky Buddha) is a nightclub, bar and lounge located at 15 Berkeley St, Mayfair W1J 8DY. It operates Thursday-Saturday late-nights-only from 22:45 to 03:30 hrs. In my 2017 report for the City of Westminster I highlighted Charlie as being: *“A very popular and busy nightclub. The high patron numbers, very busy pavement smoking area, large numbers of doormen, and Black Cab ranking outside on central Berkeley Street make this probably the most significant late-night venue in the area. Open Thursday-Saturday 23:00-late, observed to be closing at around 03:05, with clubbers exiting onto Berkeley Street mostly between 02.30-03.30 hours, but some as late as 03.45.”* In its latest incarnation as Luxx this nightclub was still observed to be impactful, largely because it attracts a younger audience than any of its neighbours, as well trading to later hours. However, the number of patrons was significantly lower than

that observed attending and leaving Charlie and there appeared to be more stringent checks on entry.

7. Il Boro Tuscan Bistro at 15 Berkeley Street replaces the permanently closed Nobu Japanese restaurant and bar. Like its predecessor, this is a popular two-floor premises with restaurant and bar spaces. In 2017, I noted how: *“located next to Charlie’s...(Nobu’s) patrons contributed to the general business and street presence in this section of Berkeley Street with opening times up to 01:00 Mon-Weds, 02:00 Thurs-Sat and midnight on Sundays.”* Il Boro Tuscan Bistro however, operates within Westminster’s ‘Core Hours’ closing 23:30hrs Thursday-Saturday and at 22:30 on all other days.
8. Jeru Restaurant, 11 Berkeley Street is a recently-opened Mediterranean eatery. It also operates a Wine Bar space and ‘Layla’ a Cocktail Bar with live events. Advertised Hours are until 01:00 Fri-Sat and 23:30 on all other nights, apart from Sundays which close at 22:30 hrs. The premises were observed to be notably ‘quiet’ with few customers on the nights of our visits.
9. Shot London at 10A Berkeley Street is another new opening. The premises operate as an upmarket coffee shop with outdoor seating and a door supervisor on duty at night to organise access to table reservations. The premises are very popular with the Arab community. No alcohol or shisha is served, although the premises operates until midnight daily.



Shot London: Alcohol-free, open daily to midnight.

10. Joe and the Juice at 8 Berkeley Street is another new opening. This being part of the large international chain of 'juice bars' with casual dining. The premises operates until 23:00 daily, 21:00 on Saturdays and Sundays.

11. 1 Hotel Mayfair is a major redevelopment of the former Holiday Inn location at 3 Berkeley St, Mayfair, London W1J 8NE. Within the hotel at ground floor is 'Dover Yard Bar', a cocktail bar and lounge that effectively replaces the Nightingales Bar/Nightingales within the Holiday Inn as the public face of this Mayfair hotel venue, being frequented by hotel residents and others. Thursday-Saturday nights offer a cocktail bar with resident Disc Jockey until 00:30 hrs.

12. Novikov Restaurant and Bar; 50A Berkeley St, Mayfair, London W1J 8HA.
This is a well-established three-floor restaurant/bar (Italian and Asian restaurant menus and areas, as well as a lounge bar area with DJs). Opening hours: restaurant areas until 00:30 hours, Lounge Bar up until 02:00 daily. In 2017, the venue self-described as a “see and be seen” venue. I described it as: *“an extremely busy place, both in terms of pavement queues and crowd presence in its cordoned/managed smoking area on the Berkeley Street pavement frontage and its car and taxi arrival and pickup/departure traffic”*. These circumstances appeared similar in November 2023, with one important exception (see below).
13. No longer present on my more recent visits was the: *“coming and going onto Berkeley Street from the Holiday Inn hotel throughout the night. The hotel car park is used for valet parking by the very busy Novikov restaurant / bar across the road. An alleyway leads across the car park from Dover Street and some foot traffic was noted entering and leaving this lower section of Berkeley Street, moving between licensed premises on the Mayfair circuit.”* This alleyway, Dover Yard, still exists, despite the major hotel renovations, although the car park has gone. The new operators at 1 Hotel Mayfair do not appear to have any valet-parking relationship with Novikov.

Berkeley Street/Stratton Street:

1. May Fair Bar; May Fair Hotel, Stratton St, Mayfair, London W1J 8LT.
The May Fair Bar, located in the Hotel ground floor, occupies the corner of Stratton Street and a large section of Berkeley Street, with an entrance onto Berkeley Street. It is also accessed via the Hotel main entrance on Stratton Street. The bar itself is a large area, with views onto Berkeley Street and Stratton Place. The bar offers cocktails, table service and food, with music from live DJs on Fridays and Saturdays.

Opening hours: up until 01.00 Thurs-Saturday, 00:15 Monday-Wednesday, closed Sundays.

2. The Crystal Room at The Mayfair Hotel; this is a bookable, licensed event/banquet space at the Mayfair Hotel. The Mayfair also houses a Theatre/Cinema Space. The main entrance to the Mayfair Hotel is on Stratton Street.

3. Sainsbury Local/off licence; 38 Stratton St, Mayfair, London W1J 8LT. This large Sainsbury's Local outlet is found on the corner of Berkeley Street and Stratton Street opposite the Mayfair Hotel and its various bar and restaurant spaces. Opening times: to 23:00 hrs daily. These premises are the only alcohol off-sales store outlet in the SCZ, and in the wider vicinity there is only one other outlet, Hedonism Wines at 3-7 Davies Street which operates until 21:00hrs with a very exclusive upmarket offer.

Stratton Street:

1. May Fair Kitchen; The Mayfair Hotel, Stratton St, Mayfair, London W1J 8LT. This restaurant in the Mayfair Hotel has independent access from Stratton Street, just beyond the Hotel's main entrance. There is a large glass pavement frontage, with pavement seating protected by awnings. The restaurant is on the ground floor with a lounge bar area and terrace access. Open for dining until 22:30 Fri-Sat and 22:00 on other days. The Lounge Bar is open until 00:30 Thursday-Saturday and 23:45 Sunday-Wednesday.



Further 'show car', also with enforcement ticket, this time outside Mayfair Kitchen, Stratton Street.

2. Langan's Brasserie; Stratton St, Mayfair, London W1J 8LB. This well-established, recently renovated, Anglo-French Brasserie is located on the section of Stratton Street adjoining Piccadilly. Opening times for the restaurant run until 22:30hrs daily, 21:00 on Sundays. However, there is also a first-floor 'private member's club' branded as 'Upstairs', which offers live music and DJ performances Thursdays-Saturdays to 02:00hrs and until 01:00hrs Tuesday and Wednesday. Sunday and Monday it is closed, but available for events hire.

Dover Street:

Dover Street has a rapidly evolving dining scene, together with the temporary or permanent closure of some of the later-operating drink-led nightclub-style premises.

1. Gaia Restaurant Mayfair is a soon-to-open Greek restaurant on the site of what was previously The Mayfair Club at 49-50 Dover Street and is part of the major re-development which includes the 1 Hotel Mayfair. The Mayfair Club was a 'Gentleman's Club' offering adult entertainment in the form of strippers, lap-dancing and other entertainments. It was one of the latest opening venues in the area, closing at 06:00 hrs and opening at 21:00 Monday to Saturday, closed on Sundays. In my 2017 report, I noted an instance of *"significant street corner presence and activity outside the club including up to 10-15 'street corner men' touting and suggesting other venue options, or directing revellers into the venue, or 'elsewhere'"*. At the time of writing, it is not possible to verify the opening hours of this yet-to-open restaurant. The removal of a very late opening Sexual Entertainment Venue and its replacement by a restaurant is likely to have a positive impact on the Licensing Objectives at this location.
2. Tabu London is a Japanese inspired Nightclub which occupies the former site of the famous celebrity-attended venue Mahiki at 1 Dover St, Mayfair, London W1S 4LD. In 2017 I noted Mahiki to be: *"busy, attracting a young-adult crowd. There were pavement queues and a busy pavement smoking area into the early hours, with much activity outside until after 03:00 hrs. Opening 18.00-03.00 Mon-Sat, closed on Sundays. The dispersal scene, involving minicabs, touts, door staff and patrons leaving en masse, particularly around 03.30-03.50 hours, was observed to have a significant impact at this end of Dover Street and Piccadilly"*. Operating hours for Tabu are Wednesday-Saturday 23:00hrs-03:30hrs. Closed Sunday-Tuesday. Tabu, like Luxx, is likely to have some impacts due to its long trading hours

and the younger audience it attracts, however it does not have the high media profile and intense popularity of its predecessor.

3. The Clarence public house at 4 Dover Street, Mayfair, London W1S 4LB. This is a traditional pub (Nicholson pubs) with a dedicated restaurant/dining room on the first floor for functions and events-hire. Popular and well placed for Piccadilly. Drinkers and smokers use the pavement frontage. Opening times run to 23:00hrs Monday-Wednesday, 23:30hrs, Thursday-Saturday and to 22:30 hrs on Sundays.
4. Mnky Hse; 10 Dover St, Mayfair, London W1S 4LQ. Temporarily closed for refurbishment. This venue was newly-opened at the time of my reporting for Westminster. It was developed on the site of what was the well-known Dover Street Wine. It has so far operated as a Latin American themed late-night 'fusion' restaurant, cocktail bar and nightclub, with DJ sets. The venue operated across two floors: the basement restaurant and a ground floor lounge bar area, with 'club sounds' throughout. Capacity exceeded 200 persons. Mnky Hse is situated across the road from and just south of the Arts Club. In my previous reporting it was: "*observed to be popular and busy into the early hours and along with those of the Arts Club, its patrons had a significant late-night impact in this section of Dover Street. Opening hours: 17.30-01.30 Mon-Weds, 17.30-03.30 Thurs-Sat. Closed on Sundays*". The closure of this premises during the key pre-Christmas period appeared unusual creating some doubt as to the future of this venture.
5. The Arts Club; 40 Dover St, Mayfair, London W1S 4NP. A world-famous private members' club founded by Charles Dickens in 1863. The club boasts numerous rooms and spaces for art shows, live music and other performances and a restaurant and drinking spaces, including an outdoor garden/courtyard area at the rear. It also offers prestigious boutique hotel rooms on the upper floors. Observed to be a popular refined entertainment venue. The club itself is open throughout the week up until: 01:00hrs Mon-

Wed, 03.00hrs Thursday-Saturday and 23:00 on Sundays. Whilst a members-only club, guest access to functions/performances seems apparent for pre-booking guests. The venue is also available for event hire. The main impacts of this venue relate to activity by taxis collecting and dropping off patrons. Dover Street, like Berkeley Street, is often heavily congested with vehicles.

6. El Norte Restaurant (previously QP London and Casa di Stefano), 19-20 Dover St, Mayfair, London W1S 4LU. Spanish Restaurant and Bar. Open Sunday-Thursday 00:30hrs, 01:30 hrs Friday-Saturday.
7. IT London 28-29 Dover Street, a newly-opened Italian restaurant that forms part of an international chain. The venue hosts a private event space on the first floor. Operates to 01:00hrs Fri-Sat, midnight Tues-Thurs, closed Sundays-Mondays.
8. Aubaine Restaurant; 31 Dover St, Mayfair, London W1S 4ND. A chic French Bistro-Café/Restaurant/Wine bar. Part of the Aubaine restaurants chain with several premises in London. The Aubaine also has a cocktail menu. Open until 22:00 hrs Mon-Sat and 18:00 on Sundays.
9. The Dover, 33 Dover Street, formerly Moncks. A newly-refurbished Italian Restaurant which has not yet opened to the public. However, we did see the premises operating private events. Opening Hours have been uploaded onto Google Maps as due to be to 02:00hrs Tuesday-Saturday, closed Sunday-Monday.



The Dover, closed to the public, but hosting a private event (25 November).

10. Bagatelle London, 34 Dover Street. A recently opened Mediterranean Restaurant that forms part of an international chain. Operates up until 01:00hrs Thursday-Saturdays, 00:30 Wednesdays, midnight Sundays, closed Mon-Tues. Offers 'unplugged' live music events on Wednesday evenings.

11. Chucs; 30 Dover St, Mayfair, London. A Riviera-inspired clothing shop, bar and restaurant. Opening hours are daily up to 23:00hrs, 19:00hrs on Sundays.

Piccadilly:

1. Sheesh at 67-69 Piccadilly on the corner with Dover Street is a recently opened Turkish Restaurant. It operates to 00:30hrs daily.
2. The Wolseley; 157-160 Piccadilly, London W1J 9EB. On the corner of Piccadilly and Arlington Street, this large European Brasserie offers fine dining options throughout the day. There is also a bookable private dining area. Open up to 23:00hrs Monday-Saturday and 22:00 hrs on Sundays.
3. The Ritz London: Rivoli Bar, Ritz Restaurant, Palm Court; 150 Piccadilly, London W1J 9BR. This iconic hotel, on Piccadilly and beside Green Park, has three publicly accessible bars and dining options. The Ritz restaurant is open until 22:30 for fine dining, the Palm Court tea rooms are open with entertainment until 21:00, whilst the Rivoli Bar offers cocktails, champagne and other beverages, as well as gourmet bar food until 23:30 Mon-Sat, and 22:30 on Sundays. Private dining and events are also catered for within the hotel.
4. Cafe de Pierre an Italian Restaurant at 73 Piccadilly, London W1J 88S, which had operated until 23:00 daily, opposite the Ritz Hotel has now closed permanently. The site has been re-developed as a showroom for Lotus Cars.
5. Henry's cafe and bar; 80 Piccadilly, London W1J 8HX. A café and bar opposite Green Park. One of a chain of stylish bar/restaurants – offering cocktails, and a wine list as well as craft beers and various food options. Operating profile is that of a bar first and foremost. Opening hours: to 23.00 Mon-Sat, and 22:30 Sundays.

SCZ / SCZ Buffer Premises' Audit Summary:

5.3.2 There are 21 licensed premises in this immediate area with advertised (and, where possible, observed) closing times of 01.00 hrs or later; this number includes premises which are temporarily closed, such as The Clermont and MNKY HSE, The Dover (a premises yet to open to the public), a Private Member's Club on Hay Hill which is closed at weekends and Private Member's venues the Socialista Lounge, The Arts Club and Nikita which are not accessible to non-members.

5.3.3 By 02:00 hrs the number of premises trading falls to 12 (including The Clermont and Socialista). The Palm Beach and The Clermont are primarily gaming venues, Tabu and Luxx are nightclubs with dancefloors and discernibly younger audiences attending for advertised DJ performances and events. The most clearly drink-led venues are Mr Fogg's Residence and Socialista as they do not appear to have any substantial food or entertainment offer. However, these are lounges with relatively small capacities and a high proportion of seating, they are not vertical drinking venues. Most, if not all venues, would be very difficult for the general public to access from 01:00hrs onwards, if not on the guest list for an event. By 02:00hrs Park Chinois, Il Boro, Sexy Fish and Novikov are closing their doors for the night. Beyond 02:00 large swathes of the area was found to have no licensed activity at all.

Mayfair's changing late-night scene

5.3.4 As in 2017, the restaurant-with-cocktail-bar remains a popular format for late-night trading in Mayfair, however, there appears to be a more recent shift towards smaller, more exclusive (often member's-only) lounges which often host private events. These small venues, or defined spaces within venues, often offer 'live performances' in the form of DJs or live music nights, but are, first-and-foremost lounges, without dancefloors and only limited space for standing / vertical drinking. The notion of a 'hidden' exclusive area somewhere within a venue that is already

upmarket and highly selective in its door policy has a certain allure within post-pandemic nightlife. Amazonico's current application appears to fall within this micro-niche; one that could exist in few places other than Mayfair. This is not a rehash of the 20th Century 'VIP Lounge' which was found within venues that were otherwise accessible and egalitarian. Hospitality has seen a general shift away from the longer established formats of nightclubs with dancefloors, Sexual Entertainment Venues and drink-led vertical drinking offers. In Mayfair there is a further shift away from general access to licensed premises by the public without some form of pre-booking or membership arrangement, and this is especially the case after 01:00hrs (even for events).

5.3.5 Since my work for the City of Westminster, key permanent closures have included Private Members' Club Morton's, The Mayfair Club (a Sexual Entertainment Venue) and most notably in relation Berkeley Square (and to this application) the Fifty9 Bar. This latter venue featured vertical drinking, had full public access and was observed as trading often with open doors and windows. It was noted in my reporting as having a measurably negative impact on the Licensing Objectives in Berkeley Square when its patrons spilled onto the street.

5.3.6 Given that my 2023 visits were conducted in the busy pre-Christmas period there were some surprising temporary closures including the Clermont and MNKY House, the latter having been noted in 2017 as impactful in Dover Street. A number of venues, including pubs, restaurants and members' clubs, in the streets around Berkeley Square are focused on weekday, after-work audiences and were found to be closed at the weekend (and are advertised as closed at weekends).

5.3.7 In 2023, I found notably more health-conscious offers available beyond 21:00hrs— coffee, juice bars, non-alcoholic cocktail menus, a general shift towards more nutritional dishes in the restaurants. Quite a number of night-opening premises now sell no alcohol at all.

5.3.8 Illegal parking of 'show cars' despite enforcement efforts remains a challenge, as are pedi-cabs (but to an extent that is minor in comparison to the West End). There is general vehicle congestion, partly because traffic flows in a north-to-south direction only from the Stratton Street / Berkeley Street junction. Stratton Street provides the access to Piccadilly. However, part of this congestion is fuelled by the plentiful supply of Black Cabs and the Night Bus service, both of which also offer significant benefits for the Licensing Objectives.

5.3.9 In summary, the six years since my Westminster report have seen a general move up-market, even by Mayfair standards. There is also more diversity in the core function of hospitality venues and more choice for the consumers who can obtain access and have the funds to participate. It is likely that Mayfair has become (even) less accessible to audiences on lower and middle incomes.

5.3.10 There are several likely drivers of change: which notably may include Westminster's Mayfair SCZ policy having encouraged operators to trade with higher standards of professionalism and an eye to being 'good neighbours', social and market changes related to the pandemic and generational shifts and trends in patron preferences. More controlled and better-run premises may be evidence that Westminster's SCZ Policy is achieving its objectives, driving up standards and expectations, whilst still allowing new innovations from better quality operators. I found no evidence of a spread of premises to nearby 'buffer zones' which might imply that new entrants to the market were seeking to circumvent the SCZ guidance.

5.3.11 The Mayfair SCZ has no late-opening fast food takeaways and only one off-sales alcohol store, which does not operate beyond 23:00hrs. These factors are important as they make this location very different from the West End, or indeed other CIAs in London, such as Shoreditch, Camden Town and Borough and Bankside. This may be one reason why the area is designated as a SCZ, rather than a CIA. The attendance of ENTE patrons at late-night takeaways and off-licences delays their dispersals from the streets (and creates problems of littering

and street fouling). Customers of takeaways are likely to have earlier attended premises that were drink-led and so consumed their alcohol on an 'empty stomach' (which is known to increase levels of drunkenness in comparison with alcohol consumption that occurs alongside a meal). Takeaways and off licences typically have lower levels of security and supervision capabilities when compared to restaurants, public houses and bars and fewer security-focused Conditions attached to their licence.

5.3.12 Modes of patron transport use are also different in Mayfair and these reflect the generally more affluent consumer base, with much more pronounced use of taxis, including Black Cabs, by ENTE patrons than one sees in other areas where Night Tube and Night Bus services are dominant. The ease of access to privately hired transport is a factor which also promotes more rapid dispersals with Black Cabs in plentiful supply throughout our observation periods.

5.3.13 Berkeley Street is certainly the most 'impacted' location in the SCZ due to the number of licensed premises and there being some larger premises which trade into the early hours. However, there is little reason for the customers of these premises to walk north in the direction of Berkeley Square as transport options are readily available outside the premises they are leaving. All-night Night Tube services at weekends from Green Park Tube Station and the Night Buses on Piccadilly offer further options to the south for those who do wish to use them.

5.3.14 Very few Amazonico patrons were seen to walk south in the direction of Berkeley Street as their typical chosen modes of transport were Black Cabs and private hire vehicles accessible directly outside the premises with assistance from a valet. We did not witness any of Amazonico's customers using the bus services. However, should they wish to do so, a Bus / Night Bus stop on Berkeley Square offers options for the N22 and 22 service:

Business-Funded Street Patrol:



5.3.15 On both of my visits I observed the presence of the 'Airforce Solution, Samaritans Patrol'. On Night 1 I spoke with them about their work. They told me their patrol was funded by local businesses, although I am not aware of the identity of their clients. The patrol covers Berkeley Square, Mount Street and Davies Street, but does not go further south into the SCZ. The rationale of the patrol is to protect the customers of ENTE premises and their vehicles, as well as supporting general public protection through the deterrence of crime and reporting of suspicious activity. The patrol members have an armed services background and present themselves as friendly and approachable. In the image above they are seen assisting a group of female ENTE patrons on Berkeley Square, just north of Amazonico, at 02:02hrs on 26 November.



6. Amazonico's positioning within the Mayfair ENTE.

6.1 At Amazonico, dining and the daytime-into-evening trade is an important part of the business model; this is, of course, not the case in many other licensed premises that also operate after 23:00 hrs, including venues within Mayfair. As found and shown in this report, the food offer at Amazonico is far from 'tokenistic'. There are large dedicated dining areas, set for dining with full table service, which require pre-booking and have a popular take-up with customers. Many of Amazonico's customers are consuming alcohol alongside, or just after, their meal. Food is known to slow the absorption of alcohol in the body, thereby decreasing the likelihood of drunkenness.

6.2 The slower-paced 'theatrical' drinks preparation and attentive table service helps the business position itself as a destination venue for a discerning audience who appreciate the products and services on offer. This combined with the comfortable seating encourages longer customer stays, higher spends per head, and less churn (turnover of customers). The application for use of the Basement lounge for an extra hour appears to reflect that Amazonico would like to retain its 'best' customers for a little longer after dinner so they are not tempted to move on to other licensed premises at the end of their night-out.

6.3 The pricing point and entry requirements make the offer distinctly 'high-end'; accessible only to those who make the effort to seek the premises out, dress and behave appropriately and/or prebook tables. This approach, focused on relaxation and comfort, is popular with their core audience of affluent 25-to-early-40s-year-olds, with a roughly equal gender split (and not (apparently) large male groups). It is a very different approach to that of the licensed premises on a 'drinking circuit' that have open frontages,

sometimes with open windows and doors, with loud music escape, and often advertise drinks promotions to lure in trade from their neighbouring competitors. Amazonico do things differently and in a way which attracts customers who seek a more relaxed and comfortable experience.

6.4 Customers at Amazonico drifted away gradually towards the end of the trading period and did not need to be 'herded-out' by door staff at closing time. The premises operated the usual industry-standard methods for 'winding down' the entertainment ahead of closing. However, Amazonico had not 'wound people up' in the first place, so these procedures and non-verbal 'cues' indicating it was time to leave were easy to execute.

6.5 Use of the outdoor terrace area terminates at 23:00hrs (apart from supervised smokers) with patron activities retained indoors. There was no evidence of queues to gain access and the terrace is not used as a 'holding area' for this purpose. The Door Supervisors are positioned to the front of the terrace barrier so that there is no public access to the terrace. From 23:00hrs onwards the terrace is only used by patrons who have already gained access and wish to smoke. Their activities were supervised at all times by the Door Supervisors and held within the demarcated barriers of the street furniture. These aspects of management all assisted in reducing the external noise footprint of the premises and ensuring that the frontage of the premises presented as orderly and controlled at all times.

6.6 Residential properties may exist in the immediate area of Berkeley Square but were not directly apparent by external observation and are likely to be few in number.

6.7 Amazonico are proposing a closing time of 02:00 hrs for their Basement Bar area and this proposal involves going 1-hour beyond their existing hours. In the immediate vicinity we found only 3 other licensed premises currently trading, the location being now somewhat peripheral to the main entertainment zone following the closure of Fifty9 Bar and Morton's. In

Berkeley Square, the only externality impacts from accumulated licensable activities I witnessed were traffic congestion and parking offences. Much of the highway congestion was due to a build-up of vehicles attempting to access Berkeley Street from Berkeley Square.

6.8 Amazonico were using a valet to assist the small minority of customers who brought their own vehicles with finding appropriate parking in the Square. The efforts of the valet also allowed Amazonico patrons to move swiftly from the premises' lobby area to waiting Black Cabs, reducing the time involved in 'double parking' to an absolute minimum. Illegal parking by 'show cars' and 'double-parking' by taxis are some of the main causes of noise impacts from licensed premises in Mayfair.

6.9 As a result of the factors and actions above I think it is fair to conclude that Amazonico and its patrons do not create any negative impacts on the Licensing Objectives, including when the premises trade with Temporary Event Notices. It is therefore unlikely there would be any negative impacts from a small number of pre-selected patrons using the Basement Bar for a further hour on a more permanent basis.

7. Conclusions

7.1 The Home Office s182 Guidance is clear in framing 'area-based' restrictions as interventions of last-resort where attempts to address problems at an individual premises-level have proved ineffective and/or insufficient as a result of the high concentration of licensed premises and intensive use of the public realm by venue patrons. My observations of public behaviours and licensed premises' utilisation across the Mayfair SCZ suggest that such negative environmental factors are not to be found in the immediate vicinity of Amazonico (although, they may pertain around

the mid-south section of Berkeley Street and Dover Street). As Westminster's 2023 CI assessment notes: "*Hotter spots in this area appear down Berkeley Street, Shepherd Street and the surrounding area around Green Park station*" (p.71).

7.2 Westminster's 2023 Cumulative Impact Assessment makes clear that the impacts measured in Mayfair are significantly less intense than found in the West End. The CI report therefore does not identify Mayfair as a candidate location for CIA designation as part of Westminster's forthcoming Review of its Statement of Licensing Policy.

7.3 Westminster's SCZ policy has identified Mayfair as a sensitive location in licensing terms, but does not impose a 'presumption to deny' licence applications that *prima facie* run contrary to that policy. Such an approach would be out-of-step with the general thrust of the s182 Guidance in circumstances where evidence of cumulative impacts has not been established and other measures are available to secure the Licensing Objectives.

7.4 The Applicant has an extensive track record of demonstrating strong management of its later-night operations using Temporary Events Notices. As well as exerting tight control over admissions to their premises and patron activities and movements within the premises, Amazonico pay a great deal of attention to the safe and orderly dispersal of customers and to avoiding traffic congestion and parking infringements associated with their business. This has the dual function of expressing 'good neighbourliness' to the surrounding users and businesses in Berkeley Square, as well as adding to the general approach of providing a premium service to valued patrons. In my opinion, these factors instil confidence that their proposals would not give rise to negative impacts on the Licensing Objectives.

8. Declaration

I understand that my duty as an expert witness is to the Hearing 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 that the facts I have stated 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 upon the outcome of the case in any way whatsoever.



P.M. Hadfield

Director www.philhadfield.co.uk

Visiting Senior Research Associate, Centre for Criminal Justice Studies

School of Law,

University of Leeds

12 December 2023

Appendix: Professional biography of the author (December 2023)

Dr. Phil Hadfield is a Social Scientist and Director of www.philhadfield.co.uk an Independent Research Consultancy based in Leeds. Phil's work addresses research / data needs, problem-solving and cost v benefit analysis for clients in urban cultural planning, place management, community safety, public health and regulatory matters, with special reference to Evening and Night-time Economies (ENTEs).

Phil has a background in academia and Research Council / NGO-funded projects. He holds (or has held) Advisory Board / Steering Group roles at the University of Leeds, London School of Hygiene & Tropical Medicine, the Institute of Alcohol Studies and the City of Bordeaux. He is on the International Editorial Board of the journal Contemporary Drug Problems.

Phil has advised many Licensing Authorities, notably the City of Westminster, Camden, Hackney, Liverpool, and the City of London on their licensing policies, together with contributions to the City of Sydney, 'Open Sydney' research Programme and three EC-funded Pan-European Research Programmes.

He is the author or co-author of some of the leading (highest citation) books and research articles on the ENTE. Through his work as an Expert Witness, Phil has considerable practical experience of evidence-gathering and decision-making processes within a UK licensing framework.

Key recent projects:

The London Night-Time Data Observatory

In 2021, Phil worked in collaboration with Arcola Research LLP and the Greater London Authority (GLA) to develop a data-monitoring tool, producing outputs that can inform the future of nightlife policy across the Capital. 'Safety' is one of four 'Dashboard Indicators' of the Observatory now used to monitor the 'health' of London's ENTE.

The first iteration of the London Night-Time Observatory has been launched here: <https://data.london.gov.uk/night-time-observatory/>



City of Westminster



CityWide Operations
Westminster City Council
64 Victoria Street
London
SW1E 6QP

Telephone 0207 641 6000
Email: FOI@westminster.gov.uk

Our ref: 33260104

Your ref:

Date: 17 October 2023

Dear 

Environmental Information Regulations 2004

Thank you for your recent Freedom of Information request. You asked to be provided with the following information:

Please provide details of all noise complaints that Westminster City Council have received in relation to the premises known as Amazónico at 10 Berkeley Square, London W1J 6BR since (and including) November 2019 (without disclosing personal data in relation to the complainant(s)).

This information is environmental information within the meaning of Regulation 2(1) of the Environmental Information Regulations 2004 in that it concerns the state of the environment around that address and in particular the state of human health and safety and the conditions of human life as affected by the state of that environment.

Response

I can confirm that the information requested is held by Westminster City Council. I have detailed below the information that is being released to you.

1 noise report of a loud argument outside the premises on the 27/ 11/21 that lasted for 30 minutes.

If you are dissatisfied with the handling of your request, you have the right to ask for an internal review. Internal review requests should be submitted within two months of the date of receipt of the response to your original letter and should be addressed to:

Information Management Team
64 Victoria Street
London
SW1E 6QP
foi@westminster.gov.uk

If you are not content with the outcome of the internal review, you have the right to apply directly to the Information Commissioner for a decision. Further information is also available from the Information Commissioner at:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Tel: 0303 123 1113 or 01625 54 57 45

Fax: 01625 524510

Web: www.ico.org.uk

I will now close your request as of this date.

Yours sincerely

Westminster City Council



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

Schedule 12
Part A

WARD: West End
UPRN: 100023473638

Premises licence

Regulation 33, 34

Premises licence number:

22/02608/LIPDPS

Original Reference:

18/14709/LIPN

Part 1 – Premises details

Postal address of premises:

Amazonico
10 Berkeley Square
London
W1J 6AA

Telephone Number: Not Supplied

Where the licence is time limited, the dates:

Not applicable

Licensable activities authorised by the licence:

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

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

Performance of Live Music

Monday to Saturday: 10:00 to 01:00
Sunday: 12:00 to 00:00

Seasonal Details: From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

On Sundays prior to bank holidays 10:00 to 00:00

Playing of Recorded Music

Monday to Saturday: 10:00 to 01:00
Sunday: 12:00 to 00:00

Seasonal Details: From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

On Sundays prior to bank holidays 10:00 to 00:00

Late Night Refreshment

Monday to Saturday: 23:00 to 01:00

Sunday: 23:00 to 00:00

Seasonal Details: From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

On Sundays prior to bank holidays 10:00 to 00:00

Sale by Retail of Alcohol

Monday to Saturday: 10:00 to 01:00

Sunday: 12:00 to 00:00

Seasonal Details: From the end of permitted hours on New Years Eve to the start of permitted hours on New Years Day.

On Sundays prior to bank holidays 10:00 to 00:00

The opening hours of the premises:

Monday to Saturday: 07:00 to 01:00

Sunday: 09:00 to 00:00

Where the licence authorises supplies of alcohol, whether these are on and/or off supplies:

Alcohol is supplied for consumption both on and off the Premises.

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence:

Mosela Investments SI
19 Calle De Jorge Juan
Madrid
Spain
28001

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

B87638292

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

Name: Rita Dreyer

Please note: It is the policy of the Licensing Authority not to display the address details of a designated premises supervisor.

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol:

Licence Number: 13-134637-3

Licensing Authority: Royal Borough of Kensington and Chelsea

Date: 1st April 2022

Signed:

pp



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

Annex 1 – Mandatory conditions

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

- (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
- (a) a holographic mark, or
 - (b) an ultraviolet feature.

7. The responsible person must ensure that—

- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml;
- (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
- (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

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

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

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

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

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

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

Where -

- (i) P is the permitted price,
- (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
- (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

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

Annex 2 – Conditions consistent with the operating Schedule

None

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

9. The premises shall only operate as a restaurant where (save for the area hatched red on the deposited plans):
- i) Customers are shown to their table
 - ii) The supply of alcohol is by waiter or waitress service only,
 - iii) Food is provided 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) There is no provision of any take away service of food or drink for immediate consumption,
 - v) There is no provision of any take away service of food or drink after 23:00, and
 - vi) Where alcohol shall not be sold or supplied for consumption on the premises, 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.

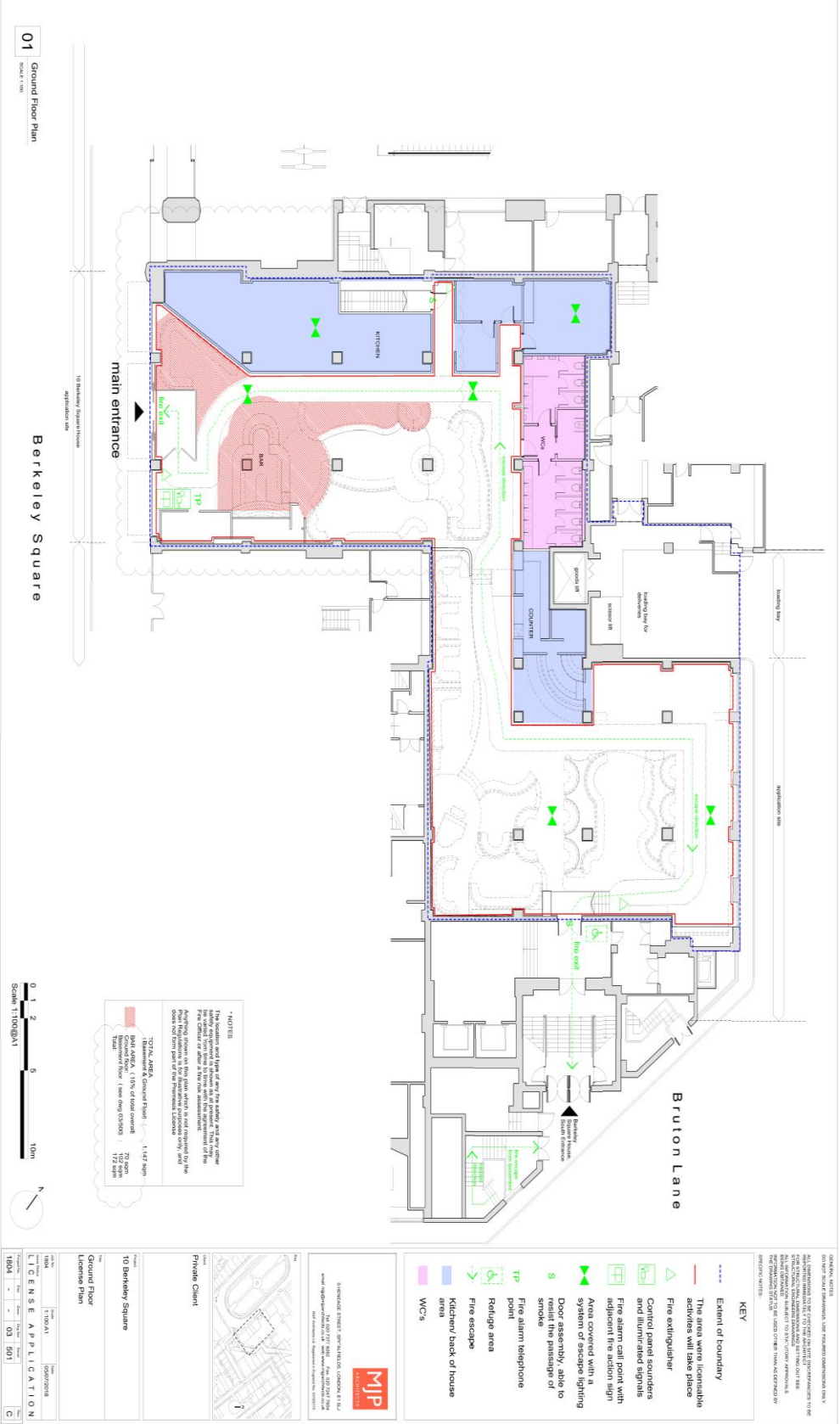
10. In the area hatched red, alcohol can only be served to persons before, during or after a table meal consumed at the premises.
11. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke shall not be permitted to take drinks or glass containers with them.
12. The sale or supply of alcohol for consumption off the premises shall either be (i) in sealed containers so as to ensure that it is not consumed on or in the immediate vicinity of the premises or (ii) for consumption by persons (not exceeding 12 at any one time) who are seated in an area appropriately authorised for the use of tables and chairs on the highway and bona fide taking a substantial table meal there; and where the consumption of alcohol by such persons is ancillary to taking such a meal; and where the supply of alcohol is by waiter or waitress service only.
13. There shall be no sales of alcohol for consumption off the premises after 23.00.
14. Substantial food and non-intoxicating beverages, including drinking water shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.
15. 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.
16. 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.

17. A Challenge 21 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.
18. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police. It must be completed within 24 hours of the incident and will record the following:
 - (a) all crimes reported to the venue
 - (b) all ejections of patrons
 - (c) any complaints received concerning crime and disorder
 - (d) any incidents of disorder
 - (e) all seizures of drugs or offensive weapons
 - (f) any faults in the CCTV system
 - (g) any refusal of the sale of alcohol
 - (h) any visit by a relevant authority or emergency service.
19. No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
20. All windows and external doors shall be kept closed after 23:00 hours, or at any time when regulated entertainment takes place, except for the immediate access and egress of persons.
21. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
22. 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.
23. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 23.00 hours and 07.00 hours on the following day.
24. Except for deliveries of dairy, bakery products, fruit and vegetables, no deliveries to the premises shall take place between 23.00 and 07.00 on the following day.
25. No collections of waste or recycling materials (including bottles) from the premises shall take place between 23.00 and 07.00 on the following day.
26. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
27. There shall be no striptease or nudity, and all persons shall be decently attired at all times, except when the premises are operating under the authority of a sexual entertainment Venue Licence.
28. Loudspeakers shall not be located outside the premises building.
29. The maximum number of persons permitted on the premises (excluding staff) shall be as follows:
281 on the ground floor;
100 on the basement floor;
Subject to no more than 350 persons being on the premises at any one time.

Until the written agreement of the District Surveyor is received, the basement can only be used for licensable activities for a capacity of up to 80 (excluding staff).

30. 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.
31. All outside tables and chairs shall be removed from the outside area by 23.00 each day.

Annex 4 – Plans





01 Basement Plan
Scale: 1:100 @ A1



NOTES:
The location and type of any fire safety and any other fire related provisions to be provided shall be agreed with the Fire Authority prior to the start of the project. The location and type of any fire safety and any other fire related provisions to be provided shall be agreed with the Fire Authority prior to the start of the project. The location and type of any fire safety and any other fire related provisions to be provided shall be agreed with the Fire Authority prior to the start of the project.

TOTAL AREA
 (Basement & Ground Floor) : 1,147 sqm
 (Basement) : 72 sqm
 (Ground Floor) : 1,075 sqm

GENERAL NOTES:
DO NOT SCALE DRAWINGS. USE DIMENSIONS GIVEN.
ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE STATED.
THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITY PRIOR TO COMMENCING WORK.
THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITY PRIOR TO COMMENCING WORK.
THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITY PRIOR TO COMMENCING WORK.

- KEY**
- Extent of boundary
 - The area where licensable activities will take place
 - Fire extinguisher
 - Area covered with a system of escape lighting
 - Door assembly, able to smoke
 - Relief area
 - Fire escape
 - Kitchen/ back of house area



Project Name	10 Berkeley Square
Client	Basement
Location	London
Drawn By	1000A1
Checked By	100002018
Issue	STAGE 3 ISSUE
Scale	1:100
Sheet No.	03
Total Sheets	500
Client Name	CHARTER



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

Schedule 12
Part B

Premises licence
summary

WARD: West End
UPRN: 100023473638

Regulation 33, 34

Premises licence
number:

22/02608/LIPDPS

Part 1 – Premises details

Postal address of premises:

Amazonico
10 Berkeley Square
London
W1J 6AA

Telephone Number: Not Supplied

Where the licence is time limited, the dates:

Not applicable

Licensable activities authorised by the licence:

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

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

Performance of Live Music

Monday to Saturday: 10:00 to 01:00

Sunday: 12:00 to 00:00

Seasonal Details: From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

On Sundays prior to bank holidays 10:00 to 00:00

Playing of Recorded Music

Monday to Saturday: 10:00 to 01:00

Sunday: 12:00 to 00:00

Seasonal Details: From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

On Sundays prior to bank holidays 10:00 to 00:00

Late Night Refreshment

Monday to Saturday: 23:00 to 01:00

Sunday: 23:00 to 00:00

Seasonal Details: From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

On Sundays prior to bank holidays 10:00 to 00:00

Sale by Retail of Alcohol

Monday to Saturday: 10:00 to 01:00

Sunday: 12:00 to 00:00

Seasonal Details: From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

On Sundays prior to bank holidays 10:00 to 00:00

The opening hours of the premises:

Monday to Saturday: 07:00 to 01:00

Sunday: 09:00 to 00:00

Where the licence authorises supplies of alcohol, whether these are on and/or off supplies:

Alcohol is supplied for consumption both on and off the Premises.

Name and (registered) address of holder of premises licence:

Mosela Investments SI
19 Calle De Jorge Juan
Madrid
Spain
28001

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

B87638292

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

Name: Rita Dreyer

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

Restricted

Date: 1st April 2022

Signed:

pp



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

Licensing Act 2003

Application	Details of Application	Date Determined	Decision
18/14709/LIPN	<p>New premises licence</p> <p>Performance of Live Music Monday to Saturday: 10:00 to 01:00 Sunday: 12:00 to 00:00</p> <p>Seasonal Details: From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.</p> <p>On Sundays prior to bank holidays 10:00 to 00:00</p> <p>Playing of Recorded Music Monday to Saturday: 10:00 to 01:00 Sunday: 12:00 to 00:00</p> <p>Late Night Refreshment Monday to Saturday: 23:00 to 01:00 Sunday: 23:00 to 00:00</p> <p>Seasonal Details: From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.</p> <p>On Sundays prior to bank holidays 10:00 to 00:00</p> <p>Sale by Retail of Alcohol Monday to Saturday: 10:00 to 01:00 Sunday: 12:00 to 00:00</p> <p>Seasonal Details: From the end of permitted</p>	29.04.2019	Granted by Licensing Sub-Committee

	<p>hours on New Year's Eve to the start of permitted hours on New Year's Day.</p> <p>On Sundays prior to bank holidays 10:00 to 00:00</p>		
19/11345/LIPV	Variation application: To vary the layout of the premises	28.10.2019	Granted under delegated authority
19/14378/LIPV	Variation application: To vary the capacity condition	03.12.2019	Granted under delegated authority
19/14385/LIPDPS	Application to vary the designated premises supervisor	12.12.2019	Granted under delegated authority
20/01396/LIPV	<p>Variation application: To extend the permitted hours in the basement for all licensable activities, to read:-</p> <p>Monday to Tuesday: 10:00 to 01:00 (no change) Wednesday to Saturday: 10:00 to 02:30 Sunday: 12:00 to 01:00</p> <p>To extend the opening hours to 30 minutes beyond the permitted hours, to read:-</p> <p>Monday to Tuesday: 07:00 to 01:30 Wednesday to Saturday: 07:00 to 03:00 Sunday: 09:00 to 01:30</p> <p>To amend condition 11 and 13 and to add an additional conditions</p> <p>To remove non-standard timing On Sundays prior to Bank Holidays 10:00 to 00:00</p>	18.02.2021	Granted by Licensing Sub-Committee

20/07020/LIPDPS	Application to vary the designated premises supervisor	10.09.2020	Granted under delegated authority
22/02608/LIPDPS	Application to vary the designated premises supervisor	01.04.2022	Granted under delegated authority

Temporary Event Notices in the last 12 months

Temporary Event Notices	Date of Event	Activities/Hours	Decision
23/00188/LITENP	25.02.2023	Sale by Retail of Alcohol, Regulated Entertainment & Late Night Refreshment 00:00 to 03:00	Event allowed to proceed
23/02302/LITENP	06.05.2023	Sale by Retail of Alcohol, Regulated Entertainment & Late Night Refreshment 00:00 to 03:00	Event allowed to proceed
23/02331/LITENP	08.07.2023	Sale by Retail of Alcohol, Regulated Entertainment & Late Night Refreshment 00:00 to 03:00	Event allowed to proceed
23/02332/LITENP	10.06.2023	Sale by Retail of Alcohol, Regulated Entertainment & Late Night Refreshment 00:00 to 03:00	Event allowed to proceed
23/02333/LITENP	16.09.2023	Sale by Retail of Alcohol, Regulated Entertainment & Late Night Refreshment 00:00 to 03:00	Event allowed to proceed
23/02335/LITENP	07.10.2023	Sale by Retail of Alcohol, Regulated Entertainment & Late Night Refreshment 00:00 to 03:00	Event allowed to proceed
23/03777/LITENP	22.06.2023	Sale by Retail of Alcohol, Regulated Entertainment & Late Night Refreshment 00:00 to 03:00	Event allowed to proceed

23/05070/LITENP	20.08.2023	Sale by Retail of Alcohol, Regulated Entertainment & Late Night Refreshment 00:00 to 03:00	Event allowed to proceed
23/05978/LITENP	07.10.2023	Sale by Retail of Alcohol, Regulated Entertainment & Late Night Refreshment 00:00 to 03:00	Event allowed to proceed
23/05996/LITENP	23.09.2023	Sale by Retail of Alcohol, Regulated Entertainment & Late Night Refreshment 00:00 to 03:00	Event allowed to proceed
23/06888/LITENP	24.11.2023 - 26.11.2023	Sale by Retail of Alcohol, Regulated Entertainment & Late Night Refreshment 00:00 to 03:00	Event allowed to proceed
23/06889/LITENP	01.12.2023-03.12.2023	Sale by Retail of Alcohol, Regulated Entertainment & Late Night Refreshment 00:00 to 03:00	Event allowed to proceed
23/06890/LITENP	07.12.2023-10.12.2023	Sale by Retail of Alcohol, Regulated Entertainment & Late Night Refreshment 00:00 to 03:00	Event allowed to proceed
23/06891/LITENP	14.12.2023-17.12.2023	Sale by Retail of Alcohol, Regulated Entertainment & Late Night Refreshment 00:00 to 03:00	Event allowed to proceed
23/06955/LITENP	11.11.2023	Sale by Retail of Alcohol, Regulated Entertainment & Late Night Refreshment 00:00 to 03:00	Event allowed to proceed
23/08469/LITENP	22.12.2023	Sale by Retail of Alcohol, Regulated Entertainment & Late Night Refreshment 00:00 to 03:00	Event allowed to proceed

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

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

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

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

Mandatory Conditions

1. No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.
2. No supply of alcohol may be made at a time when the designated premises supervisor does not hold a personal licence or the personal licence is suspended.
3. Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.
4.
 - (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
 - (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to;
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or

less in a manner which carries a significant risk of undermining a licensing objective;

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

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

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

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

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

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

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

Where -

(i) P is the permitted price,

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

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

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

(i) the holder of the premises licence,

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

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

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

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

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

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

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

Conditions consistent with the operating schedule

9. The premises shall only operate as a restaurant where (save for the area hatched red on the deposited plans):
- i) Customers are shown to their table
 - ii) The supply of alcohol is by waiter or waitress service only,
 - iii) Food is provided 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) There is no provision of any take away service of food or drink for immediate consumption,
 - v) There is no provision of any take away service of food or drink after 23:00, and
 - vi) Where alcohol shall not be sold or supplied for consumption on the premises, 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.

10. In the area hatched red, alcohol can only be served to persons before, during or after a table meal consumed at the premises.
11. 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.
12. The sale or supply of alcohol for consumption off the premises shall either be (i) in sealed containers so as to ensure that it is not consumed on or in the immediate vicinity of the premises or (ii) for consumption by persons (not exceeding 12 at any one time) who are seated in an area appropriately authorised for the use of tables and chairs on the highway and bona fide taking a substantial table meal there; and where the consumption of alcohol by such persons is ancillary to taking such a meal; and where the supply of alcohol is by waiter or waitress service only.
13. There shall be no sales of alcohol for consumption off the premises after 23.00.
14. Substantial food and non-intoxicating beverages, including drinking water shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.
15. 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.
16. 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.

17. A Challenge 21 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.
18. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police. It must be completed within 24 hours of the incident and will record the following:
 - (a) all crimes reported to the venue
 - (b) all ejections of patrons
 - (c) any complaints received concerning crime and disorder
 - (d) any incidents of disorder
 - (e) all seizures of drugs or offensive weapons
 - (f) any faults in the CCTV system
 - (g) any refusal of the sale of alcohol
 - (h) any visit by a relevant authority or emergency service.
19. No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
20. All windows and external doors shall be kept closed after 23:00 hours, or at any time when regulated entertainment takes place, except for the immediate access and egress of persons.
21. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
22. 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.
23. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 23.00 hours and 07.00 hours on the following day.
24. Except for deliveries of dairy, bakery products, fruit and vegetables, no deliveries to the premises shall take place between 23.00 and 07.00 on the following day.
25. No collections of waste or recycling materials (including bottles) from the premises shall take place between 23.00 and 07.00 on the following day.
26. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
27. There shall be no striptease or nudity, and all persons shall be decently attired at all times, except when the premises are operating under the authority of a sexual entertainment Venue Licence.
28. Loudspeakers shall not be located outside the premises building.

29. The maximum number of persons permitted on the premises (excluding staff) shall be as follows:
- 281 on the ground floor;
100 on the basement floor;
Subject to no more than 350 persons being on the premises at any one time.
- Until the written agreement of the District Surveyor is received, the basement can only be used for licensable activities for a capacity of up to 80 (excluding staff).
30. 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.
31. All outside tables and chairs shall be removed from the outside area by 23.00 each day.
32. The provision of licensable activities to customers on the ground floor shall cease, and customers shall not be permitted on the ground floor except for the purposes of access/egress or to use the toilet, after 01:00 hours on Monday to Saturday nights until the premises next opens.
33. This licence shall not have effect until premises licence reference 22/02608/LIPDPS (or such other number subsequently issued for the premises) has been surrendered.

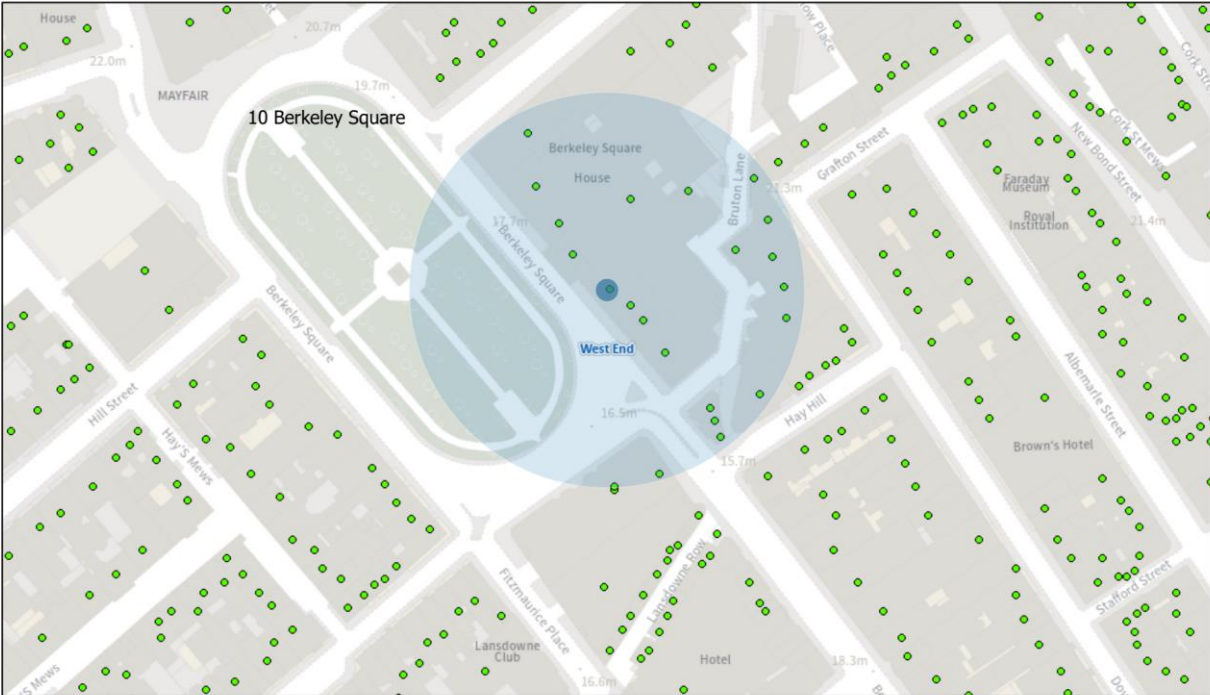
Conditions proposed by the Metropolitan Police Service and agreed with the applicant so as to form part of the operating schedule.

34. After 01:00, a minimum of (2) SIA licensed door supervisors shall be on duty at the premises whilst it is open for business and they must correctly display their SIA licence(s) when on duty so as to be visible.
35. The licensee shall ensure that:
- a) All licensed SIA door staff on duty at the entrance to the premises shall be equipped with Body Worn Video (BWV), capable of recording audio and video in any light condition as per the minimum requirements of the Westminster Police Licensing Team.
 - b) All recordings shall be stored for a minimum period of 31 days with date and timestamping, and
 - c) Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.

Conditions proposed by the Environmental Health Service

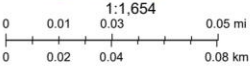
None

10 Berkeley Square, London, W1J 6AA



08/12/2023, 10:48:57

- Property Mailing List
- Ward Boundaries
- Ward Labels



Resident Count: 0

Licensed premises within 75 metres of 10 Berkeley Square, London, W1J 6AA

Licence Number	Trading Name	Address	Premises Type	Time Period
22/02608/LIPDPS	Not Recorded	1A St James's Street London SW1A 1EF	Not Recorded	Monday; 07:00 - 01:30 Tuesday; 07:00 - 01:30 Wednesday; 07:00 - 03:00 Thursday; 07:00 - 03:00 Friday; 07:00 - 03:00 Saturday; 07:00 - 03:00 Sunday; 09:00 - 01:30
18/15333/LIPDPS	Benares Restaurant & Bar	St Lukes C Of E Primary School Fernhead Road London W9 3EJ	Restaurant	Monday to Sunday; 11:00 - 01:30
23/03003/LIPDPS	Sexyfish	Flat 239 Chelsea Cloisters Sloane Avenue LONDON SW3 3DT	Restaurant	Sunday; 08:00 - 01:00 Monday to Saturday; 07:00 - 02:00
17/10979/LIPN	Warayaki	Basement Flat 70 Eaton Square London SW1W 9AS	Not Recorded	Sunday; 10:00 - 23:00 Monday to Saturday; 10:00 - 01:30 New Year's Eve; 10:00 - 00:00 New Year's Day; 00:00 - 01:30 Sundays before Bank Holidays; 10:00 - 01:30
23/04849/LIPDPS	Area Of Land Next To Mr Foggs Residence	30 Dorset Square London NW1 6QJ	Public house or pub restaurant	Monday to Sunday; 09:00 - 23:30
14/08468/LIPDPS	Mr Fogg's	30 Dorset Square London NW1 6QJ	Wine bar	Friday to Saturday; 08:00 - 02:30 Sunday to Thursday; 08:00 - 02:00

23/04848/LIPDPS	Mr Foggs	30 Dorset Square London NW1 6QJ	Wine bar	Monday; 08:00 - 02:30 Tuesday; 08:00 - 02:30 Wednesday; 08:00 - 02:30 Thursday; 08:00 - 02:30 Friday; 08:00 - 02:30 Sunday; 08:00 - 00:30
17/08787/LIPN	Warayaki, Starwash Building,	38 Fulham Palace Road London W6 9PH	Restaurant	Sunday; 12:00 - 23:00 Monday to Thursday; 10:00 - 00:00 Friday to Saturday; 10:00 - 00:30
23/01877/LIPV	Maison Estelle	Flat 29 St Edmunds Court 13-18 St Edmund's Terrace London NW8 7QL	Club or institution	Sunday; 07:00 - 01:30 Monday to Saturday; 07:00 - 03:00
19/11917/LIPDPS	12 Hay Hill Limited	130 Iffley Road London W6 0PE	Office	Not Recorded; XXXX - XXXX
22/07888/LIPDPS	Be At One	121 Goldhawk Road London W12 8EN	Night clubs and discos	Sunday; 09:00 - 01:00 Monday to Saturday; 09:00 - 03:30