

Licensing Sub-Committee Report

Item No:	
Date:	14 February 2019
Licensing Ref No:	18/16088/LIPN - New Premises Licence
Title of Report:	Basement 57 Greek Street London W1D 3DX
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:	Kevin Jackaman Senior Licensing Officer
Contact details	Telephone: 0207 641 8094 Email: kjackaman@westminster.gov.uk

1. Application

1-A Applicant and premises			
Application Type:	New Premises Licence, Licensing Act 2003		
Application received date:	18 December 2018		
Applicant:	Ms Patricia Bergonzi		
Premises address:	Basement	Ward:	West End
	57 Greek Street London W1D 3DX	Cumulative Impact Area:	West End
Premises description:	According to the application the premises trade as a Proprietary club. The premises is currently licensed by way of club premises certificate. The application is for a premises licence to replace the club premises certificate whilst also seeking to increase hours as detailed in the application. The applicant is retaining the current membership requirements.		
Premises licence history:	This is a new premises licence application. The premises are currently licensed by way of a club premises certificate, reference number 06/06525/WCCMAC. In summary the current club premises certificate permits the following: Sale by Retail of Alcohol Monday to Saturday: 11:00 to 23:00 Sunday: 12:00 to 22:30 Opening hours Monday to Saturday: 11:00 to 23:30 Sunday: 12:00 to 23:00 For a full history please refer to Appendix 3		
Applicant submissions:	There are no submissions from the applicant.		

1-B Proposed licensable activities and hours							
Sale by retail of alcohol				On or off sales or both:			Both
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	11:00	11:00	11:00	11:00	11:00	11:00	12:00
End:	01:00	01:00	01:00	01:00	01:00	01:00	01:00
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.						

Hours premises are open to the public							
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	11:00	11:00	11:00	11:00	11:00	11:00	12:00
End:	01:30	01:30	01:30	01:30	01:30	01:30	01:30
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:	Ian Watson
Received:	15 January 2019
<p>I refer to the application for a New Premises Licence for the above premises.</p> <p>The premises is located within the West End Cumulative Impact Area as stated in the City of Westminster's Statement of Licensing Policy.</p> <p>The applicant has submitted floor plans of the premises.</p> <p>This representation is based on the plans and operating schedule submitted.</p> <p>The applicant is seeking the following</p> <ol style="list-style-type: none"> To provide for the Supply of Alcohol 'On' and 'Off' the premises Monday to Saturday between 11.00 and 01.00 hours and Sunday between 12.00 to 01.00 hours. New Year's Day to New Year's Eve. <p>I wish to make the following representation</p> <ol style="list-style-type: none"> The hours requested for the Supply of Alcohol will have the likely effect of causing an increase in Public Nuisance within the West End CI Area. <p>The applicant has provided additional information with the application which is being addressed against the pre-application advice given by Environmental Health. A check will be made against the premises for relevant nuisance or premises inspector complaints.</p>	
Responsible Authority:	Licensing Authority
Representative:	Steve Rowe
Received:	30 January 2019
<p>I write in relation to the application submitted for a New Premises Licence for the following premises –</p> <p>As a responsible authority under section 13 (4) of the Licensing Act 2003 as amended under the Police and Social Responsibility Act 2011 the Licensing Authority have considered your application in full. The Licensing Authority has concerns in relation to this application and how the premises would promote the Licensing Objectives:</p> <ul style="list-style-type: none"> • Public Nuisance • Prevention of Crime & Disorder • Public Safety <p>The premises is located within the West End Cumulative Impact Area and as such a number of policy points must be considered. CIP1 states that it is the Licensing Authority's policy is to refuse applications in the Cumulative Impact areas that are not within core hours. The premises currently falls within policy points 2.4.10 and 2.4.12 of CIP1. Point 2.4.12 highlights that <i>in the cumulative impact areas premises which restrict access to general members of the public, such as proprietary clubs and premises used for private functions will not be considered to be exceptions to cumulative impact policies for that reason alone</i> '.</p> <p>This application seeks to replace their Club Premises Certificate whilst retaining membership requirements. The application is requesting licensable activities between</p>	

11:00 and 01:00 Monday to Saturday and 12:00 to 01:00 on Sunday. The hours exceed the core hours as set out in the Councils Statement of Licensing Policy HRS1.

As members of the public can have access to the bar, policy PB2 also applies. PB2 states that it is the Licensing Authority's policy to refuse applications in the Cumulative Impact Areas'. Additionally policy point 2.5.23 states that the 'grant of new licences for pubs or bars in the Cumulative Impact Area should be limited to exceptional circumstances'. The list of examples of what may be considered an exceptional circumstance can be found at paragraphs 2.4.2 – 2.4.13 of the Council's Statement of Licensing Policy.

The premises currently has a club premises certificate and the applicants have stated that if this application were granted it would operate as proprietary club.

Paragraphs 2.4.9 and 2.4.10 make reference to premises operating with a club premises certificate compared to those operating as a proprietary club. It states that the policy recognises that well managed members clubs which meet the criteria in the act to operate have little association with crime and disorder and public nuisance because of their membership controls and strict criteria which the premises must meet. In contrast many proprietary clubs may allow members to join online with little or no prior contact with the member. Individuals attending the premises are not necessarily know to the management.

Under paragraph 2.4.11, the council is therefore of the view that there is clear distinction in the character and operation between "qualifying clubs" and proprietary and premises which promote private functions and considers that proprietary clubs and premises which promote private functions are very likely to contribute to cumulative impact in the cumulative impact area and will often not offer sufficient control over their members to promote the licensing objectives.

And further in relation to cumulative impact areas premises which restrict access to general members of the public, such as proprietary clubs and premises used for private functions, will not be considered to be exceptions to cumulative impact area policies for that reason alone.

Please accept this formal representation

3. Policy & Guidance

The following policies within the City Of Westminster Statement of Licensing Policy apply:	
Policy CIP1 applies	(i) It is the Licensing Authority's policy to refuse applications in the Cumulative Impact Areas for: pubs and bars, fast food premises, and premises offering facilities for music and dancing; other than applications to vary hours within the Core Hours under Policy HRS1. (ii) Applications for other licensable activities in the Cumulative Impact Areas will be subject to other policies, and must demonstrate that they will not add to cumulative impact in the Cumulative Impact Areas. Policy
Policy PB2 applies	It is the Licensing Authority's policy to refuse applications in the Cumulative Impact Areas other than applications to vary hours within the Core Hours under Policy HRS1.
Policy HRS1 applies	(i) Applications for hours within the core hours set out below in this policy will generally be granted, subject to not being contrary to other policies in the Statement of Licensing Policy. (ii) Applications for hours outside the core hours set out below in this policy will be considered on their merits, subject to other relevant policies.

4. 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, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.

5. Appendices

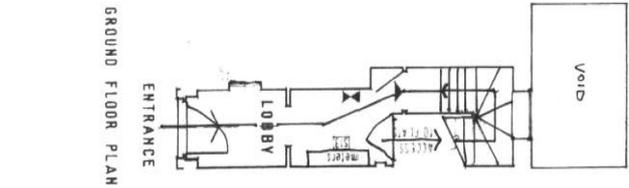
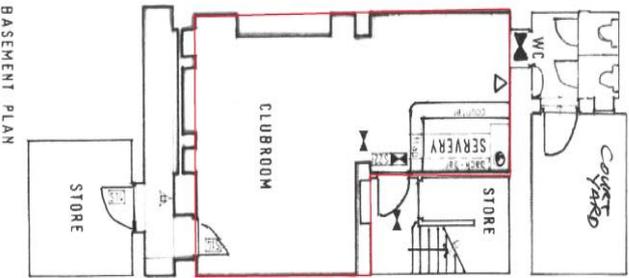
Appendix 1	Premises plans
Appendix 2	Applicant supporting documents
Appendix 3	Premises history
Appendix 4	Existing Club Premises Certificate
Appendix 5	Proposed conditions
Appendix 6	Residential map and list of premises in the vicinity

Report author:	Kevin Jackaman Senior Licensing Officer
Contact:	Telephone: 0207 641 8094 Email: kjackaman@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	7 th January 2016
3	Amended Guidance issued under section 182 of the Licensing Act 2003	April 2018
4	Environmental Health Representation	15 January 2019
5	Licensing Authority Representation	30 January 2019



-  Fire extinguisher
-  Emergency lighting
-  Smoke detector

Red Line indicates licensable area

New Evaristo Club - 57 Greek Street London W1D 3DX

Thomas & Thomas
Partners LLP

NEW EVARISTO CLUB
57 Greek Street, London, W1D 3DX

RULES AND REGULATIONS

December 2018

Club Name and Organisation

- 1.1 The name of the club is the New Evaristo Club ('the Club').
- 1.2 The Club is a proprietary club, owned and operated by Patricia Bergonzi (the "Proprietor").
- 2 **Objects**
- The objects of the Club are to provide recreational facilities for its Members and Members' guests in a sociable environment
- 3 **Primary concepts**
- 3.1 The Membership Committee shall be nominated by the Proprietor from time to time ('the Membership Committee').
- 3.2 The Club premises are located at 57 Greek Street, London, W1D 3DX.
- 3.3 The Proprietor is responsible for providing the Club with the Club premises and all necessary facilities for carrying on the Club in accordance with the Objects of the Club and these Rules and Regulations.
- 3.4 Membership shall consist of Members (hereinafter called "Members" and "Membership" shall be construed accordingly).
- 3.5 The Rules and Regulations shall be applicable to all Members and as appropriate Members' guests and permitted guests.
- 4 **Membership Committee**
- 4.1 The Membership Committee shall exercise the powers given to it under these Rules and Regulations together with such other powers of management as it may from time to time undertake at the request of the Proprietor, who may veto or vary any decision of the Membership Committee.
- 4.2 The Membership Committee may delegate to the Club any of its powers relating to Membership.

5 Control and Management

The Membership Committee shall have all administrative powers necessary to carry out the Objects of the Club in accordance with these Rules and Regulations.

6 Details of Membership

6.1 Every candidate for Membership must be at least 18 years of age.

6.2 Proposals for Membership shall be made on the form provided for that purpose by the Club and a valid form of identification is required to verify Membership and eligibility for Membership.

6.3 The Club charges all new members a joining fee and this must be paid before membership is finalized. Thereafter an annual membership fee is paid by all members and is payable on demand. Joining and annual membership fees are decided by the Membership Committee. The Membership Committee's decision shall be final and binding and the Membership Committee will not enter into any correspondence in relation to fees.

6.4 The Membership Committee shall have sole discretion as to who shall become a Member of the Club and shall have the right to refuse any application for Membership for any reason without giving any explanation.

6.5 A successful candidate shall be notified of his/her election and shall become a Member of the Club and shall thereafter be entitled to all the benefits and privileges of such Membership. Members will be issued with a Membership card (which shall remain the property of the Club).

6.6 All Members agree to be bound by, and to observe at all times, these Rules and Regulations.

6.7 Any omission from, or inaccuracy in, the particulars relating to, or the description of, any candidate for Membership may render the candidate's election void at the discretion of the Membership Committee.

6.8 Membership is non transferable.

- 6.9 Members shall have the right to propose potential candidates for the Membership Committee's consideration. The Membership Committee's decision shall be final and binding and the Membership Committee will not enter into any correspondence or consider any appeals.
- 6.10 A list of the names and addresses of all Members of the Club must be kept on the Club premises and produced on demand for inspection by a police officer. By accepting Membership all Members agree to acknowledge that their personal information shall be subject to this Rule 6.11.
- 6.11 The Membership Committee reserves the right, in its absolute discretion, to terminate the Membership of any Member for any reason and at any time.
- 6.12 The name of a Member whose Membership is terminated will be removed from the list of registered Members and he/she will immediately cease to be a Member of the Club.
- 7 **Guests**
- 7.1 Members may invite up to 5 guests.
- 7.2 The Management reserves the right to admit non-members as his or her guest up to the capacity as shown on the Premises Licence.
- 7.3 The following may not be admitted as guests to the Club:
- 7.3.1 former Members who have been expelled;
 - 7.3.2 persons who, having applied for Membership, have been rejected; and
 - 7.3.3 Members who are under suspension.
- 8 **Conduct of Members**
- 8.1 The Membership Committee, or any person(s) designated by the Membership Committee, shall have the right to refuse any Member entrance to the Club.

8.2 All Members and guests are required to maintain an acceptable standard of dress in the Club. The Membership Committee's decision on what is acceptable shall be final and binding.

8.3 The Membership Committee may require any Member infringing these Rules and Regulations to leave the Club premises immediately and his/her Membership may be withdrawn as detailed in Rule 9 below.

9 Expulsion of Members

9.1 The Membership Committee, or any Club manager/employee so authorised by the Membership Committee, may expel from the Club (and subsequently terminate or suspend from Membership for a specific period) any Member whose conduct inside or outside the Club premises, in the opinion of the Membership Committee, or such Club manager/employee might be injurious to the character or interests of the Club or render him unfit to associate with Members or if any Member should willfully remove, destroy or damage any item, article or property belonging to the Club, another Member, or a guest, whilst at the Club.

9.2 For the avoidance of doubt, the following (non-exhaustive) list of behaviour or offences will lead to the immediate expulsion of a Member from the Club premises and may lead to suspension or termination of their Membership:

- Violent, abusive or intimidating conduct
- Sexual, racial or any other form of discrimination, harassment or bullying towards any other Member or employee of the Club
- Rudeness or bad language to a Member or an employee of the Club
- Any action likely to bring the Club into disrepute
- Any action likely to prejudice the Club's Premises Licence
- Serious insubordination under the influence of alcohol
- Deliberate damage to Club property
- Illegal gaming or betting in the Club
- Any action, within or outside the Club, likely to cause a disturbance to residents in neighbouring properties

- 9.3 Before a Member is suspended or his/her Membership terminated, the alleged offender's conduct shall be inquired into and the person involved shall be given the opportunity to defend himself/herself and to justify or explain his/her behaviour.
- 9.4 Having inquired into the events, if the Membership Committee is of the opinion that the Member is guilty of such conduct as mentioned above and has failed to justify or explain it satisfactorily, the Committee may either suspend or terminate the Membership of the offender at its discretion.
- 10 Sale and Supply of Alcohol
- 10.1 Sale or supply of alcohol in the Club is permitted within the hours and conditions permitted under the Premises Licence in respect of the Club premises.
- 11 General Rules
- 11.1 The Club shall use all reasonable endeavors to ensure that no Member receives less favourable treatment on the grounds of their sex, race, religion or belief, disability, marital status, age, religion, sexual orientation, nationality, colour or ethnic origin.
- 11.2 Nothing in these Rules and Regulations shall be deemed to exclude the Club's liability for death and/or personal injury arising out of any negligent or unlawful act by the Club.
- 11.3 All property brought into the Club premises by any Member or his/her guest shall be at the sole risk of the person bringing such property onto the Club premises and neither the Proprietor, the Membership Committee nor any employee or agent of the Club shall be liable for any loss or damage to any such article, howsoever occasioned.
- 11.4 The Club has established a Privacy Policy in respect of the confidence its Members places in it and in conformity with high standards of data protection to which it is committed. By becoming a Member it is acknowledged that any personal information ("Personal Information") that Members and/ or their guests make available to the Club either through the Membership process, access to the Club, and/or the Club web site or otherwise is done so voluntarily and with the relevant Member's/ guest's knowledge and consent. The Club holds and processes data in accordance with the Data Protection Act 2018 and the General Data Protection Regulation 2018.

11.5 CCTV Operating Procedures

The Club takes Members' rights to privacy very seriously. The Club employs the use of CCTV cameras and operates them within a strict Code of Practice. All CCTV Operators are thoroughly trained to operate within this Code of Practice and all relevant legislation. The system has also been fitted with 'privacy zones' to ensure that private areas cannot be looked into. The system has been registered under the Data Protection Act 1998 and operates within the guidelines laid down by the Information Commissioner. The system is operated in accordance with the Human Rights Act 1998, the Regulation of Investigatory Powers Act 2000 and the Freedom of Information Act 2000. Images recorded by the CCTV cameras are retained for 31 days and are then wiped unless required for an ongoing investigation by an enforcement agency. No images are provided for commercial, entertainment or any other purposes.

12 Alteration of rules

These Rules and Regulations may be revoked, supplemented or altered by the Proprietor at any time. Any such revocation, alteration or addition shall be deemed to have been brought to the notice of Members provided that a copy thereof is displayed at the Club.

13 Dissolution

The Club may be dissolved by the Proprietor at any time.

14 Disputes

- 14.1 Any dispute or difference which may arise in respect of these Rules and Regulations and/or in relation to Membership or operation of the Club shall be determined by the Proprietor, whose decision shall be final and binding on all Members.

Licence & Appeal History

Application	Details of Application	Date Determined	Decision
05/05771/LICC	Conversion of Club Premises Certificate	24 November 2005	Granted under delegated authority
06/06525/WCCMAC	Variation of Club Premises Certificate	24 May 2007	Granted by LSC
07/03238/LICV	Variation of Club Premises Certificate	24 May 2007	Granted by LSC
09/08236/LIPN	New Premises Licence	28 January 2010	Withdrawn

There is no appeal history



Schedule 13
Part A

WARD: West End
UPRN: 999000051343

City of Westminster

64 Victoria Street, London, SW1E 6QP

Club premises certificate

Regulation 35, 36

Club premises certificate number:

06/06525/WCCMAC

Club details

Name of club in whose name this certificate is granted and relevant postal address of club:

New Evaristo Club
Ground Floor
57 Greek Street
London
W1D 3DX

Telephone Number: 020 7437 9536

If different from above, the postal address of club premises to which this certificate relates, if any, or if none, ordnance survey map reference or description:

New Evaristo Club
Ground Floor
57 Greek Street
London
W1D 3DX

Telephone Number: 020 7437 9536

Where the club premises certificate is time limited the dates:

N/A

Qualifying club activities authorised by the licence:

Regulated Entertainment:
- Playing of Recorded Music
- Private Entertainment consisting of dancing, music or other entertainment of a like kind for consideration and with a view to profit
Supply of Alcohol

The times the certificate authorises the carrying out of qualifying club activities:

Regulated Entertainment:
- Playing of Recorded Music: Unrestricted
- Private Entertainment consisting of dancing, music or other entertainment of a like kind for consideration and with a view to profit: Unrestricted
Supply of Alcohol: Monday to Saturday - 11:00 to 23:00
Supply of Alcohol: Sunday - 12:00 to 22:30

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

The opening hours of the club:

Monday to Saturday - 11:00 to 23:30 (for licensable activities)
Sunday - 12:00 to 23:00 (for licensable activities)

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

On and Off

Date: _____

Signed: _____
Director of Legal & Administrative Services

Annex 1 – Mandatory conditions

1. The supply of alcohol for consumption off the premises must be made at a time when the premises are open for the purposes of supplying alcohol to members of the club for consumption on the premises.
2. Any alcohol supplied for consumption off the premises must be in a sealed container.
3. Any alcohol supplied for consumption off the premises must be made to a member of the club in person.

Conditions which produce the effect of any restriction imposed on the use of the premises by specified enactment.

Conditions for the supply of alcohol

4. Alcohol shall not be sold or supplied except during permitted hours.

In this condition, permitted hours means:

- (a) On weekdays, other than Christmas Day, Good Friday or New Year's Eve, 11.00 to 23.00.
- (b) On Sundays, other than Christmas Day or New Year's Eve, 12.00 to 22.30
- (c) On Good Friday, 12.00 to 22.30
- (d) On New Year's Eve, except on a Sunday, 11.00 to 23.00
- (e) On New Year's Eve on a Sunday, 12.00 to 22.30
- (f) On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December).
- (g) On Christmas day, as provided by the rules of the club and notified in writing by the chairman or secretary of the club to the chief executive of the justices for the petty sessions area in which the premises are. The said hours shall:
 - (i) not exceed six and a half hours;
 - (ii) not begin earlier than 12.00;
 - (iii) not end later than 22.30;
 - (iv) provide for a break of at least 2 hours, including 15.00 to 17.00;
 - (v) not extend for more than three and a half hours after 17.00.

NOTE - The above restrictions do not prohibit:

- (a) during the first twenty minutes after the above hours the consumption of the alcohol on the premises;
- (b) during the first twenty minutes after the above hours, the taking of the alcohol from the premises unless the alcohol is supplied or taken in an open vessel;
- (c) during the first thirty minutes after the above hours the consumption of the alcohol on the premises by persons taking table meals there if the alcohol was supplied for consumption ancillary to the meals;
- (d) the supply of alcohol to or the consumption of alcohol by any person residing in the licensed premises;
- (e) the ordering of alcohol to be consumed off the premises or the despatch by the vendor of the alcohol so ordered (a member of a registered club in person);
- (f) the sale of alcohol to a trader or registered club for the purposes of the trade or club;

(g) the sale or supply of alcohol to any canteen or mess, being a canteen in which the supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces;

(h) the taking of alcohol from the premises by a person residing there;

(i) the supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of alcohol by persons so supplied;

(j) the supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence, or the consumption of liquor so supplied, if the liquor is supplied at the expense of their employer or of the person carrying on or in charge of the business on the premises.

In this condition, any reference to a person residing in the premises shall be construed as including a person not residing there but carrying on or in charge of the business on the premises.

Annex 2 – Conditions consistent with the Club operating Schedule

None

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

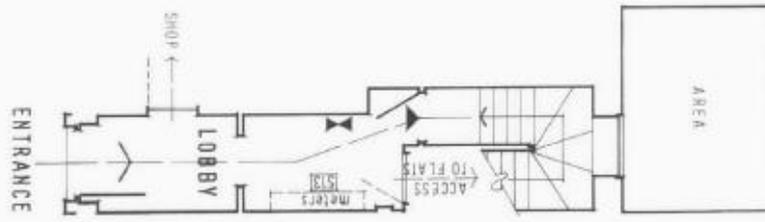
None

Annex 4 – Plans

BASEMENT PLAN



GROUND FLOOR PLAN





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

Part B

WARD: West End
UPRN: 999000051343

Club premises certificate
summary

Regulation 35, 36

Club premises certificate number:

06/06525/WCCMAC

Club details

Name of club in whose name this certificate is granted and relevant postal address of club:

New Evaristo Club
Ground Floor
57 Greek Street
London
W1D 3DX

Telephone Number: 020 7437 9536

If different from above, the postal address of club premises to which this certificate relates, if any, or if none, ordnance survey map reference or description:

New Evaristo Club
Ground Floor
57 Greek Street
London
W1D 3DX

Telephone Number: 020 7437 9536

Where the club premises certificate is time limited, the dates:

N/A

Qualifying club activities authorised by the certificate:

Regulated Entertainment:

- Playing of Recorded Music
 - Private Entertainment consisting of dancing, music or other entertainment of a like kind for consideration and with a view to profit
- Supply of Alcohol

The times the licence authorises the carrying out of qualifying club activities:

Regulated Entertainment:

- Playing of Recorded Music: Unrestricted
- Private Entertainment consisting of dancing, music or other entertainment of a like kind for consideration and with a view to profit: Unrestricted

Supply of Alcohol: Monday to Saturday - 11:00 to 23:00

Supply of Alcohol: Sunday - 12:00 to 22:30

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

The opening hours of the club:

Monday to Saturday - 11:00 to 23:30 (for licensable activities)

Sunday - 12:00 to 23:00 (for licensable activities)

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

On and Off

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

Restricted

Date: _____

Signed: _____
Director of Legal & Administrative Services

Appendix 5

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. Alcohol may only be sold for consumption by members of a private club and their bona fide guests (not exceeding 5 guests per member) and guests of the management. No person shall be admitted to membership of the private club or be entitled to take advantage of any of the privileges of membership without an interval of at least 24 hours between their nomination or application for membership and their admission.
10. A list of the names and addresses of members of the Club shall be kept on the premises at all times together with a book showing the names and dates of attendance of any guests introduced by members. Both the list and the book shall be produced on demand for inspection by the police or an authorised officer of the Council.
11. The number of persons permitted in the premises at any one time (including staff) shall not exceed 60 persons.
12. Off sales of alcohol are restricted to the consumption of alcohol within the open courtyard.
13. No drinks shall be consumed outside the premises or removed from the premises by patrons when leaving.
14. 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.
15. 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.
16. 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.
17. 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.
18. The door that opens directly onto the courtyard shall be fitted with a self-closing mechanism and shall be kept closed after 23:00 hours or at any time that regulated entertainment is provided, except for immediate access/egress.
19. Loudspeakers shall not be located in the entrance lobby or outside the premises building including the courtyard

20. The basement internal door onto the accommodation staircase shall be kept closed after 23:00 hours or at any time that regulated entertainment is provided.
21. 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.
22. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
23. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police, which will record the following:
 - (a) all crimes reported to the venue
 - (b) all ejections of patrons
 - (c) any complaints received 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.
24. The approved arrangements at the premises, including means of escape provisions, emergency warning equipment, the electrical installation and mechanical equipment, shall at all material times be maintained in good condition and full working order.
25. The means of escape provided for the premises shall be maintained unobstructed, free of trip hazards, be immediately available and clearly identified in accordance with the plans provided.
26. All emergency exit doors shall be available at all material times without the use of a key, code, card or similar means.
27. All emergency doors shall be maintained effectively self-closing and not held open other than by an approved device.
28. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.
29. Curtains and hangings shall be arranged so as not to obstruct emergency safety signs or emergency equipment.
30. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.

31. A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number is to be made available to residents and businesses in the vicinity.
32. Flashing or particularly bright lights on or outside the premises shall not cause a nuisance to nearby properties, save insofar as they are necessary for the prevention of crime.
33. During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that this area shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business.
34. 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 common parts of the premises on the ground floor.
35. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 23.00 hours and 08.00 hours on the following day.
36. All waste to be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times. If the waste is not collected during the scheduled time then it must be removed from the highway.
37. All members and their guests shall be off the premises by 01.30 hours daily and all staff off the premises by 02.00 hours daily.
38. No licensable activities shall take place at the premises until Club Premises Certificate number 06/06525/WCCMAC has been surrendered and is incapable of resurrection

Conditions proposed by the Environmental Health

None



Resident Count: 65

Licensed Premises within 75 metres of 57 Greek Street

06/06525 /WCCMA C	New Evaristo Club	Ground Floor 57 Greek Street London W1D 3DX	Night clubs and discos	Monday to Saturday; 11:00 - 01:30 Sunday; 12:00 - 01:30
18/06760 /LIPDPS	The Chipping Forecast	Basement And Ground Floor 58 Greek Street London W1D 3DY	Restaurant	Monday to Thursday; 12:00 - 23:30 Friday to Saturday; 12:00 - 00:00 Sunday; 12:00 - 22:30
18/03674 /LIPN	Not Recorded	59 Greek Street London W1D 3DZ	Cafe	Monday to Thursday; 10:00 - 00:00 Friday to Saturday; 10:00 - 00:30 Sunday; 10:00 - 23:00 Sundays before Bank Holidays; 12:00 - 23:00 New Year's Eve; 00:00 - 00:00
06/05103 /WCCMA P	Jazz After Dark	Ground Floor 9 Greek Street London W1D 4DQ	Night clubs and discos	Monday to Thursday; 09:00 - 02:30 Monday to Saturday; 10:00 - 00:30 Friday to Saturday; 09:00 - 03:30 Sunday; 12:00 - 00:00 Sunday; 12:00 - 00:00
14/02772 /LIPV	Thirst	23 - 24 Bateman Street London W1D 3AW	Night clubs and discos	Monday to Saturday; 09:00 - 03:30 Sunday; 12:00 - 23:00
18/09852 /LIPDPS	Bar Hercules	7 Greek Street London W1D 4DF	Pub or pub restaurant with lodge	Monday to Thursday; 10:00 - 23:30 Friday to Saturday; 10:00 - 00:00 Sunday; 12:00 - 23:00 Sundays before Bank Holidays; 12:00 - 00:00
17/11842 /LIPDPS	Bonnie Gull	Ground Floor 22 Bateman Street London W1D 3AN	Cafe	Monday to Saturday; 10:00 - 00:30 Sunday; 12:00 - 00:00
13/05652 /LIPN	21 Bateman Street	Ground Floor 21 Bateman Street London W1D 3AL	Restaurant	Friday to Saturday; 12:00 - 03:00 Sunday to Thursday; 12:00 - 00:00
14/07710 /LIPDPS	La Capannina Club	Basement 21 Bateman Street London W1D 3AL	Night clubs and discos	Monday to Saturday; 09:00 - 03:30 Sunday; 09:00 - 00:30
11/08277 /LIPN	10 Greek Street	10 Greek Street London W1D 4DH	Restaurant	Monday to Thursday; 11:00 - 23:30 Friday to Saturday; 11:00 - 00:00 Sunday; 11:00 - 22:30
18/08786 /LIPDPS	Gamma Gamma	Basement And Ground Floor 6 Greek Street London W1D 4DE	Restaurant	Monday to Thursday; 08:00 - 23:30 Friday to Saturday; 08:00 - 00:00 Sunday; 08:00 - 22:30

09/09864 /LIPN	Bibimbap Korean Restaurant	11 Greek Street London W1D 4DJ	Restaurant	Monday to Wednesday; 17:00 - 00:00 Monday to Sunday; 12:00 - 15:00 Thursday to Saturday; 17:00 - 02:00 Sunday; 17:00 - 00:00
16/10460 /LIPVM	68 And Boston	4 Greek Street London W1D 4DB	Night clubs and discos	Monday to Saturday; 09:00 - 02:30 Sunday; 09:00 - 02:00 Sundays before Bank Holidays; 09:00 - 02:30
16/10525 /LIDPSR	Miabella	Basement 12-13 Greek Street London W1D 4DL	Restaurant	Monday to Saturday; 09:00 - 03:30 Sunday; 09:00 - 23:00
17/09067 /LIPV	Miabella London	Basement 12-13 Greek Street London W1D 4DL	Restaurant	Monday to Saturday; 09:00 - 03:30 Sunday; 09:00 - 23:00
17/09323 /LIPST	Unit 4	Development Site At 111-119 Charing Cross Road, 1-12 Manette Street, 1-4 Wedgwood Mews And 12 - 14 Greek Street London	Restaurant	Monday to Saturday; 08:00 - 01:00 Sunday; 08:00 - 23:30
17/09330 /LIPST	Unit 2	Development Site At 111-119 Charing Cross Road, 1-12 Manette Street, 1-4 Wedgwood Mews And 12 - 14 Greek Street London	Restaurant	Monday to Saturday; 08:00 - 01:00 Sunday; 08:00 - 23:30
18/01285 /LIPDPS	Hazlitts Hotel	6 Frith Street London W1D 3JA	Hotel, 3 star or under	Monday to Saturday; 10:00 - 23:30 Sunday; 12:00 - 23:00
17/13397 /LIPV	Milroys Of Soho	Basement And Ground Floor 3 Greek Street London W1D 4NX	Shop	Monday to Thursday; 10:00 - 23:00 Friday to Saturday; 10:00 - 00:00 Sunday; 12:00 - 22:30
06/05119 /WCCMA P	San Valentino Bar	13A Greek Street London W1D 4DN	Shop	Monday to Saturday; 23:00 - 03:00
18/03606 /LIPDPS	Lina Stores	Basement And Ground Floor 51 Greek Street London W1D 4EH	Restaurant	Monday to Saturday; 10:00 - 00:30 Sunday; 12:00 - 00:00

18/07780 /LIPT	The Gay Hussar	2 Greek Street London W1D 4NB	Restaurant	Monday to Thursday; 11:00 - 23:30 Friday to Saturday; 11:00 - 00:00 Sunday; 12:00 - 22:30
17/07004 /LIPV	Simmons	2 Bateman Street London W1D 4AE	Public house or pub restaurant	Monday to Thursday; 10:00 - 23:30 Friday to Saturday; 10:00 - 00:00 Sunday; 12:00 - 22:30 Sundays before Bank Holidays; 12:00 - 00:00
17/08427 /LIPV	Nandos	Ground Floor 10 Frith Street London W1D 3JF	Restaurant	Monday to Saturday; 10:00 - 00:30 Sunday; 12:00 - 00:00
16/13059 /LIPVM	Union Club	50 Greek Street London W1D 4EQ	Restaurant	Monday to Saturday; 10:00 - 01:30 Sunday; 12:00 - 01:00
13/07317 /LIPVM	House Of St Barnabas	The House Of St Barnabas In Soho 1 Greek Street London W1D 4NQ	Civic/public building	Monday to Sunday; 08:00 - 01:30
15/03152 /LIPVM	Club 49	Basement And Ground Floor 49 Greek Street London W1D 4EG	Restaurant	Monday to Saturday; 10:00 - 03:30 Sunday; 12:00 - 23:00
18/03103 /LIPN	Mapa Cafe	3-5 Bateman Street London W1D 4AG	Cafe	Monday to Saturday; 11:00 - 23:00 Sunday; 12:00 - 16:00
18/16222 /LIPDPS	Chotto- Matte	11-13 Frith Street London W1D 4RB	Restaurant	Monday to Saturday; 10:00 - 01:30 Sunday; 12:00 - 00:30
16/08065 /LIPDPS	Patara	Basement And Ground Floor 15 Greek Street London W1D 4DP	Restaurant	Monday to Saturday; 10:00 - 00:30 Sunday; 12:00 - 00:00
14/03450 /LIPDPS	L'Escargot	48 Greek Street London W1D 4EF	Restaurant	Monday to Sunday; 10:00 - 01:00
16/12862 /LIPCH	Be At One	16-17 Greek Street London W1D 4DR	Night clubs and discos	Monday to Saturday; 09:00 - 06:00 Sunday; 09:00 - 00:00
17/08562 /LIPDPS	Flavour Bastard	63 - 64 Frith Street London W1D 3JW	Restaurant	Monday to Saturday; 10:00 - 00:30 Sunday; 12:00 - 00:00

17/09349 /LIPRW	Circa	Basement And Ground Floor 62 Frith Street London W1D 3JN	Night clubs and discos	Monday to Sunday; 11:00 - 01:00
06/07744 /WCCMA P	Garlic & Shots	Basement And Ground Floor 14 Frith Street London W1D 4RD	Restaurant	Monday to Saturday; 10:00 - 01:00 Sunday; 12:00 - 23:30
18/10608 /LIPDPS	Dog & Duck Public House	18 Bateman Street London W1D 3AJ	Public house or pub restaurant	Monday to Thursday; 07:00 - 23:30 Monday to Saturday; 07:00 - 00:30 Friday to Saturday; 07:00 - 00:00 Sunday; 07:00 - 00:00 Sunday; 07:00 - 22:30 Sundays before Bank Holidays; 07:00 - 00:00
18/07708 /LIPV	Mimis	56-57 Frith Street London W1D 3JG	Hotel, 3 star or under	Monday to Thursday; 07:00 - 23:30 Friday to Saturday; 07:00 - 00:00 Sunday; 07:00 - 22:30 Sundays before Bank Holidays; 12:00 - 00:00
16/07867 /LIPN	Frith Street Hotel	56-57 Frith Street London W1D 3JG	Hotel, 4+ star or major chain	Monday to Saturday; 07:00 - 23:30 Monday to Sunday; 00:00 - 00:00 Sunday; 08:00 - 00:00 Sundays before Bank Holidays; 12:00 - 23:30 New Year's Eve; 00:00 - 00:00
18/13290 /LIPT	Gourmet Burger Kitchen	15 Frith Street London W1D 4RE	Restaurant	Monday to Saturday; 10:00 - 00:30 Sunday; 12:00 - 00:00
17/07375 /LIPN	Zebrano	Basement And Ground Floor 18 Greek Street London W1D 4DS	Night clubs and discos	Monday to Saturday; 09:00 - 03:30 Sunday; 09:00 - 23:00 New Year's Eve; 00:00 - 00:00
14/11103 /LIPVM	Zebrano	Basement And Ground Floor 18 Greek Street London W1D 4DS	Public house or pub restaurant	Monday to Saturday; 09:00 - 03:30 Sunday; 09:00 - 23:00

