



City of Westminster

Licensing Sub-Committee Report

Item No:	
Licensing Ref No:	14/07347/LIPV
Date:	30 October 2014
Classification:	For General Release
Title of Report:	Black's Basement To First Floor 67 Dean Street London, W1D 4QH
Report of:	Operational Director – Premises Management
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Miss Bina Patel, Environmental Health Case Officer
Contact Details:	Telephone: 020 7641 2125 E-mail: bpatel@westminster.gov.uk

1. APPLICATION DETAILS

Application Type:	Variation of the premises licence under the Licensing Act 2003.		
Applicant:	Blacks Limited	Date Application Received:	01 September 2014
Premises Name and Address:	Black's Basement To First Floor 67 Dean Street London W1D 4QH		
Ward Name:	West End	Stress Area	West End
Premises Description:	The premises operate as a private members club. The premises comprises of a basement, ground and first floors.		
Variation description	<p>The application submitted is to add a new bar counter on the ground floor and to permit guests of members to purchase their own alcohol.</p> <p>Please note: The application form refers to an extension of hours for Alcohol on the First Floor. This part of the application has been withdrawn as the applicants completed this section in error. (Appendix A4)</p>		
<i>Note: Where the committee is minded to grant the licence it will be granted subject to the mandatory conditions and conditions consistent with the operating schedule modified to such extent as the authority considers appropriate for the promotion of the licensing objectives detailed in Appendix D to this report.</i>			
Proposed Licensable Activities, Proposed Hours:			References / Notes
1	<p>Alterations to layout of premises.</p> <p>To add a bar counter to the ground floor as shown on the plan attached at Appendix A3</p> <p>Relevant representations and policies applicable:</p> <p>1A An adverse representation has been made against the application by the Environmental Health Service stating that the proposal are likely to impact on public safety and have the likely effect of causing an increase in public nuisance. However, they have no objection in respect of the change in layout other than a capacity to be confirmed for the basement floor. Conditions have been proposed to the applicants for consideration. Please refer further to Appendix B1</p> <p>1B An adverse representation has been made against the application by the Metropolitan Police Service stating that the application undermines the licensing objectives. Please refer further to Appendix B2</p> <p>1C The Soho Society, Covent Garden Community Trust, 2 local residents and a Councillor have made adverse representation to this application. Their concerns are as follows:</p> <ul style="list-style-type: none"> The application seeks to introduce a new bar on the ground floor 		<p>Environmental Health representation</p> <p>Metropolitan Police Service representation</p> <p>2 Amenity Societies, 2 Local residents and Councillor's representations</p>

to allow guests of members to purchase alcohol. This raises concerns.

- The entrance has been moved from the basement to the ground floor. This entrance is often left open.
- The new owners have changed the nature of the club and is frequented with events often noisy with loud music and noise.
- Blacks have begun to use the back area as an outdoor courtyard/garden for members and guests. The sound created by users is loudly amplified to all houses along this space.
- Widening the existing licence to allow for general members of the public to buy alcohol will serve to fuel problems further.

Please refer further to Appendices B3 to B7

1D The following policies within the City of Westminster Statement of Licensing Policy apply:

Prevention of crime and disorder (CD1)
 Public Safety (PS1)
 Prevention of public nuisance (PN1)
 Protection children from harm (CH1)
 Stress Area (STR1)
 Music and dancing or similar entertainment within the Stress Areas (MD2)
 Pubs and Bars within the Stress Area (PB2)

1E **Policy STR1 applies:** (i) It is the Licensing Authority's policy to refuse applications in the Stress Areas for: pubs and bars; late night refreshment premises offering hot food and drink to take-away 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 Stress Areas will be subject to other policies and must demonstrate that they will not add to cumulative impact in the Stress Areas.

1F **Policy MD2 :** It is the Licensing Authority's policy to refuse applications in the Stress Areas, other than applications to vary hours within the Core Hours, under Policy HRS1.

1G **Policy PB2:** It is the Licensing Authority's policy to refuse applications in the Stress Area other than applications to vary the hours within Core Hours under policy HRS1

1H The Licensing Sub-committee may refuse, grant in full or grant in part this proposal, having taken into account the representations received and Westminster's Statement of Licensing Policy. The decision taken should promote the licensing objectives of:

- prevention of public nuisance
- prevention of crime & disorder
- public safety and
- protection of children from harm.

Policies applicable

Summary

2 **Sale of Alcohol for consumption on and off the premises.**

To permit guests of members to purchase their own alcohol

**Opposed by
Environmental**

Health, Metropolitan
Police Service, 2
Amenity Societies, 2
Local residents and
Councillor's

Relevant representations and policies applicable:

2A Please refer to 1A to 1G above.

2B The Licensing Sub-committee may refuse, grant in full or grant in part this proposal, having taken into account the representations received and Westminster's Statement of Licensing Policy. The decision taken should promote the licensing objectives of:

- prevention of public nuisance
- prevention of crime & disorder
- public safety and
- protection of children from harm.

Licensable activities permitted under the existing Premises Licence 14/05708/LIPDPS

Variation to Licensable Activities

Regulated Entertainment:

Performance of Live Music

Monday to Saturday 10:00 to 01:30
Sunday 12:00 to 00:30

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

Regulated Entertainment:

No change

Late Night Refreshment: Indoors

Basement & Ground

Monday to Saturday 23:00 to 01:30
Sunday 23:00 to 01:00

First Floor

Monday to Saturday 23:00 to 23:30

Late Night Refreshment: Indoors

No Change

Sale of Alcohol: On and Off the premises

Basement & Ground

Monday to Saturday 10:00 to 01:00
Sunday 12:00 to 00:30

First Floor

Monday to Saturday 10:00 to 23:00
Sunday 12:00 to 22:30

Sale of Alcohol: On and Off the premises

Basement & Ground

No Change

First Floor

No Change

Non Standard Timings		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		No Change
Capacity		Capacity
The maximum numbers of persons, including staff, to be present inside the building at the licensed premises shall not exceed the numbers specified from time to time by the proper officer of the London Fire and Civil Defence Authority. The numbers currently specified are:- (a) as to the Ground Floor 30 persons; (b) as to the First Floor 30 persons.		No change
Opening Hours		Opening Hours
Monday to Saturday 10:00 to 01:30 Sunday 12:00 to 01:00		No Change
Current Licensing Position	The premises currently holds a premises licence 14/05708/LIPDPS (Appendix A1) See Appendix C for full Licensing History	
Current Planning Position	There are no applications open or under investigation at these premises.	
Residential Density:	131 of the 298 units are residential or proposed residential units within a 75m radius of the premises (44%), please refer to Appendix E	
List of Appendices:	A1 – Existing Premises Licence 14/05708/LIPDPS A2 – Application A3 – Proposed plan Ground floor submitted with application on 1/09/14 A4 – Applicant submissions: alcohol hours withdrawn and further submissions B1 – Environmental Health Service representation and Licensing Inspectors report B2 – Metropolitan Police representation B3 to B4 – Amenity Societies representations B5 to B6 - Local residential representations B7 – Local Councillor representation C – Licence History D - Proposed Conditions E – Residential Map and list of premises in the vicinity F – Photograph of the premises	
Relevant Representations:	Environmental Health Service Metropolitan Police Service Soho Society Covent Garden Community Trust 2 local residents A Councillor	

2. APPLICANT SUBMISSIONS AND EVIDENCE

2.1 The evidence submitted by the applicant in support of the Licensing Objectives is provided in **Appendix A2**

3. LICENSING ACT 2003 APPLICATIONS AND APPEAL HISTORY

3.1 Any chronology relating to appeals is set out in Appendix C.

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

- Licensing Act 2003
- City of Westminster Statement of Licensing Policy (7th January 2011)
- Amended Guidance issued under section 182 of the Licensing Act 2003 (Oct 2014)

APPENDIX A1



Schedule 12
Part A

WARD: West End
UPRN: 010033570853

City of Westminster

64 Victoria Street, London, SW1E 6QP

Premises licence

Regulation 33, 34

Premises licence number:

14/05708/LIPDPS

Original Reference:

05/06523/LIPCV

Part 1 – Premises details

Postal address of premises:

Black's
Basement To First Floor
67 Dean Street
London
W1D 4QH

Telephone Number: 020 7287 3381

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
Private Entertainment consisting of dancing, music or other entertainment of a like kind for consideration and with a view to profit
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 01:30
Sunday: 12:00 to 00:30

Playing of Recorded Music

Unrestricted

Late Night Refreshment

Monday to Saturday: 23:00 to 01:30 (Basement and Ground Floors)
Sunday: 23:00 to 01:00 (Basement and Ground Floors)
Monday to Saturday: 23:00 to 23:30 (First Floor)

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

Sale by Retail of Alcohol

Monday to Saturday: 10:00 to 01:00 (Basement and Ground Floors)
Sunday: 12:00 to 00:30 (Basement and Ground Floors)
Monday to Saturday: 10:00 to 23:00 (First Floor)

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

The opening hours of the premises:

Monday to Saturday: 10:00 to 01:30
Sunday: 12:00 to 01:00

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:

Blacks Limited
67 Dean Street
London
W1D 4QH
Electronic Mail : moira@blacksclub.com

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

02721400

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

Name: Mr David John Seccombe

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: WBC
Licensing Authority: Warrington Borough Council

Date: 20th August 2014

Signed: pp



Operational Director - Premises Management

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 shall take all reasonable steps to 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 in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children;
 - (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 (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);
 - (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;
 - (d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on;
 - (i) the outcome of a race, competition or other event or process, or
 - (ii) the likelihood of anything occurring or not occurring;
 - (e) 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.
5. The responsible person shall ensure that no alcohol is dispensed 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).

6. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.
7. (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.
- (2) 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 a holographic mark.
8. The responsible person shall 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; and
- (b) customers are made aware of the availability of these measures.

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.

9(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.

9(ii) For the purposes of the condition set out in paragraph 9(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.
- 9(iii). Where the permitted price given by Paragraph 9(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.
- 9(iv). (1) Sub-paragraph 9(iv)(2) below applies where the permitted price given by Paragraph 9(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 reproducing the effect of conditions subject to which the relevant existing licenses have effect.

Conditions for Sale of Alcohol

Such parts of the basement, ground and first floors as are shown more particularly coloured and edged in red on the deposited plans.

- 10. Intoxicating liquor may be sold only to members of the club meeting at the club premises for the consumption by those members and their bona fide guests.
- 11. No person shall be admitted to membership of the said club without an interval of at least two days between membership and admission. The name and address of the person so applying must be prominently displayed in the club premises, in a part frequented by the members, for at least two days before election.
- 12. The maximum numbers of persons, including staff, to be present inside the building at the licensed premises shall not exceed the numbers specified from time to time by the proper officer of the London Fire and Civil Defence Authority. The numbers currently specified are:-
 - (a) as to the Ground Floor 30 persons;
 - (b) as to the First Floor 30 persons.

Conditions which reproduce the effect of any restriction imposed on the use of the premises by specified enactments.

- 13. (i) Alcohol may be sold or supplied:
 - (a) On weekdays, other than Christmas Day, Good Friday or New Year's Eve, 10:00 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 Christmas Day, 12:00 to 15:00 and 19:00 to 22:30.
- (e) On New Year's Eve except on a Sunday, 10:00 to 23:00.
- (f) On New Year's Eve on a Sunday, 12:00 to 22:30.
- (g) 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).

Basement and Ground Floor

- (ii) Alcohol may be sold or supplied for one hour following the hours set out above (other than Christmas Day and New Year's Eve) and on Christmas day, between 15:00 and 19:00 to persons taking table meals in the premises in a part of the premises usually set apart for the service of such persons and for consumption by such a person in that part of the premises as an ancillary to his meal. For other purposes or in other parts of the premises the hours set out above shall continue to apply.
- (iii)
 - (a). Alcohol may be sold or supplied until 01.00 in the morning following weekdays (other than Good Friday and Christmas Day), 00.30 a.m. in the morning following Sundays (other than Christmas Day) and 00.30 in the morning following Good Friday to persons taking table meals in the premises in a part of the premises usually set apart for the service of such persons and for consumption by that person in that part of the premises as an ancillary to his meal.
 - (b) That part of the premises must also be used for the provision of entertainment by persons present and performing to which the sale or supply of alcohol is also ancillary.
 - (c) The alcohol must be sold or supplied at a time before (i) the provision of entertainment by persons present and performing or (ii) the provision of substantial refreshment, has ended. For other purposes or in other parts of the premises the hours set out above shall continue to apply.
 - (d) This condition does not authorise any sale or supply to any person admitted to the premises either after midnight (23.00 on Sunday) or less than half an hour before the entertainment is due to end, except in accordance with condition number 12(ii) above.

NOTE - The above restrictions do not prohibit:

- (a) during the first thirty minutes in the basement and ground floor and twenty minutes on the first floor 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 as ancillary to the meals;
- (d) the sale or 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;
- (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 sale or 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.

14. No person under fourteen shall be in the bar of the licensed premises during the permitted hours unless one of the following applies:
- (a) He is the child of the holder of the premises licence.
 - (b) He resides in the premises, but is not employed there.
 - (c) He is in the bar solely for the purpose of passing to or from some part of the premises which is not a bar and to or from which there is no other convenient means of access or egress.
 - (d) The bar is in railway refreshment rooms or other premises constructed, fitted and intended to be used bona fide for any purpose to which the holding of the licence is ancillary.

In this condition "bar" includes any place exclusively or mainly used for the consumption of intoxicating liquor. But an area is not a bar when it is usual for it to be, and it is, set apart for the service of table meals and alcohol is only sold or supplied to persons as an ancillary to their table meals.

15. The terminal hour for late night refreshment on New Year's Eve is extended to 05:00 on New Year's Day.

Annex 2 – Conditions consistent with the operating Schedule

None

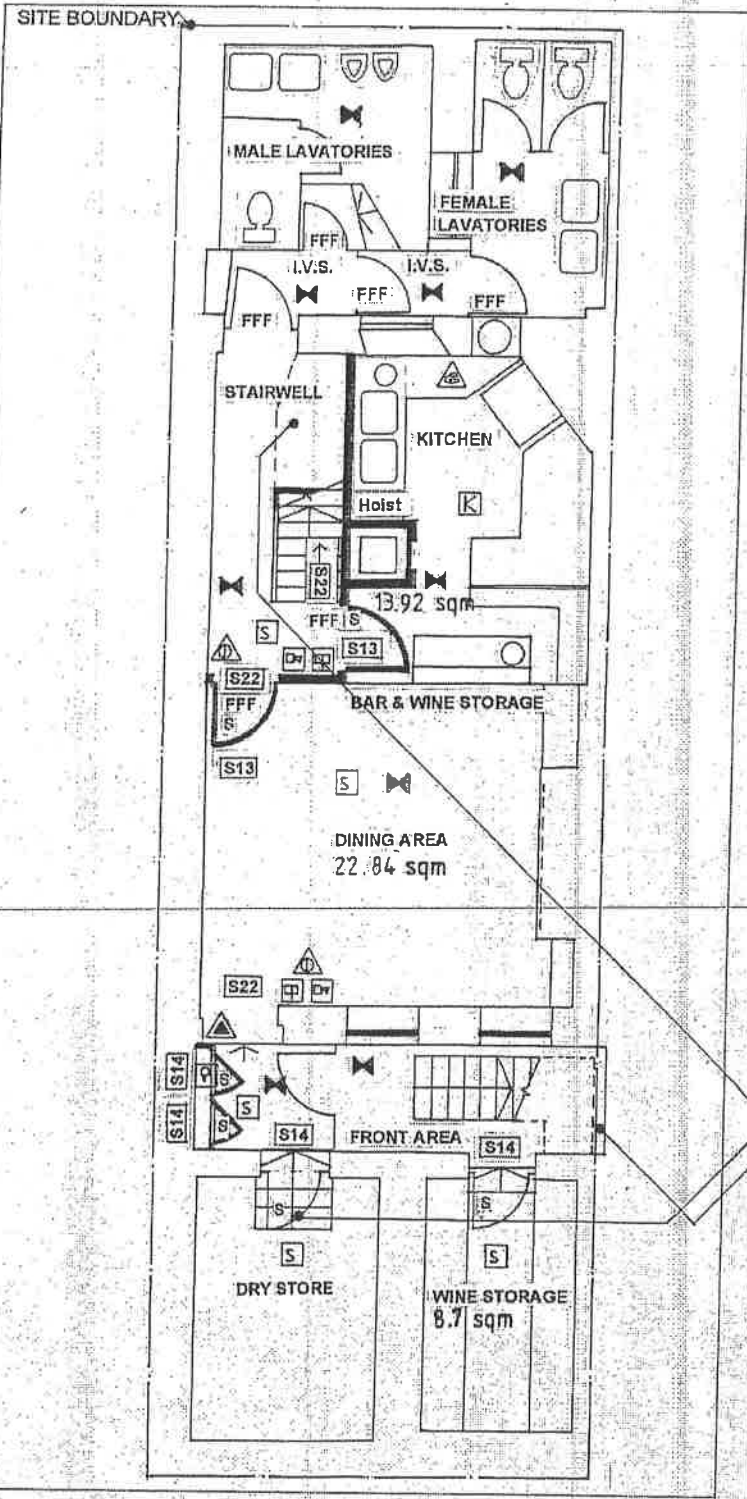
Annex 3 – Conditions attached after a hearing by the licensing authority

None

Annex 4 – Plans

Attached

BLACKS LTD.
 67 DEAN STREET, LONDON W1V 5HD TEL:- 0207 287 3381
 CONVERSION OF EXISTING LICENCE



- Legend**
- All doors, walls, partitions, screens and glazing shown in thick black lines on plan comply with the definition of FIRE RESISTING.
 - Fire Alarm Call Point with Fire Action sign adjacent.
 - FFF** Doors which are free from all fastenings (other than a ball or roller fastening or a lever handed latch). In order to ensure that these doors are always available for escape from either side.
 - Control Panel Sounders.
 - Control Panel Sounders and illuminated signals. MENVIER MF930B Fire Alarm Controller to BS 5839 Pt1:1988
 - S** Door assembly, which is able to resist the passage of smoke when tested in accordance with the British Standard in force at the date of manufacture, and is a 1/2 hour fire resistant self-closing fire door.
 - Area covered with a system of Escape Lighting that illuminates the area upon failure of the normal lighting power supply, to a sufficient standard to enable persons to leave the area safely. The escape lighting system conforms to the British Standard current at the time of its installation and a certificate to that effect is kept on the premises.
 - Area covered by an Automatic Heat Detector.
 - Areas covered by Automatic Smoke Detectors.
 - Parts of premises not covered by this application.
 - Water Fire Extinguisher. (9 litre capacity)
 - Carbon Dioxide Fire Extinguisher. (2 kilogram capacity)
 - Fire Blanket in container.
 - Fire curtain to gas fires.

Notes

- Area beneath stair faced with 1/2 hr. fire resisting material.
- SIGN = "MIND YOUR HEAD"
- SIGN = "THIS GATE TO BE LOCKED OPEN WHILST PREMISES ARE IN USE"
- MINIMUM EXIT WIDTH THROUGHOUT = 850mm

Fire Notices

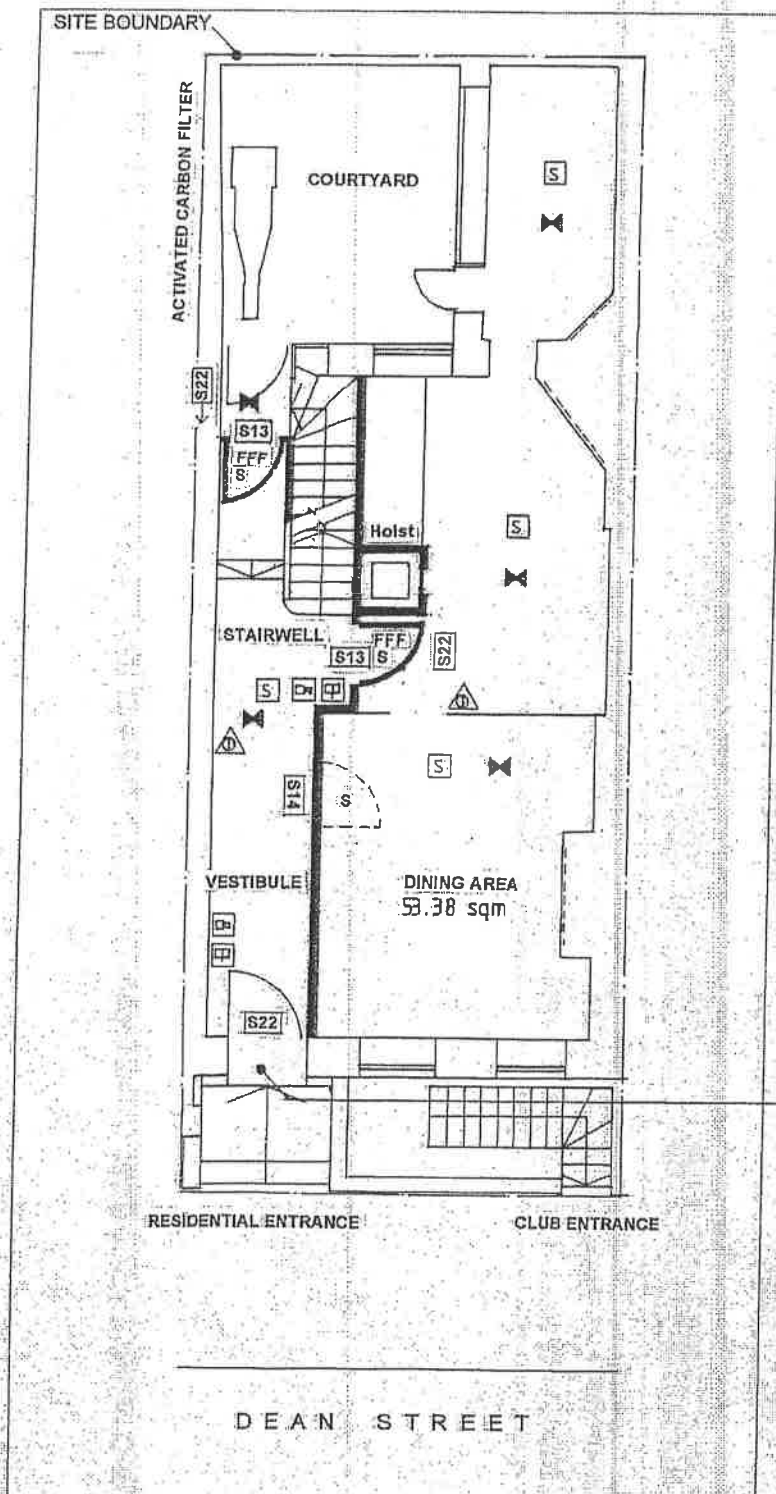
S22	Boxes like this indicate signs. The following codes show the wording displayed on the notices. All notices conform to the British Standard for signs current at the date of installation and the minimum size of lettering is as indicated below.	
S22 →	(a) Directional arrow.	
S22	FIRE EXIT, EMERGENCY EXIT or EXIT notice graphic symbol.	Lettering Size 76mm
S13	FIRE DOOR KEEP SHUT.	16mm
S14	FIRE DOOR KEEP LOCKED.	22mm

THE MAXIMUM NUMBER OF PERSONS [INCLUDING STAFF] TO BE ACCOMMODATED AT ANY ONE TIME IN THE BASEMENT SHOULD NOT EXCEED 30 PERSONS.

LI- BASEMENT LEVEL PLAN AS EXISTING. SCALE - 1:100

GORDON STUART McLEAN JULY 2005 MOBILE:- 07905 190 237

BLACKS LTD.
 67 DEAN STREET, LONDON W1V 5HD TEL:- 0207 287 3381
 CONVERSION OF EXISTING LICENCE



THE MAXIMUM NUMBER OF PERSONS [INCLUDING STAFF] TO BE ACCOMMODATED AT ANY ONE TIME ON THE GROUND FLOOR SHOULD NOT EXCEED 30 PERSONS.

Legend

All doors, walls, partitions, screens and glazing shown in thick black lines on plan comply with the definition of FIRE RESISTING.

- Fire Alarm Call Point with Fire Action sign adjacent.
- FFF** Doors which are free from all fastenings (other than a ball or roller fastening or a lever handled latch). In order to ensure that these doors are always available for escape from either side.
- Control Panel Sounders.
- Control Panel Sounders and illuminated signals. MENVIER MF9308 Fire Alarm Controller to BS 5839 Pt1:1988
- S** Door assembly, which is able to resist the passage of smoke when tested in accordance with the British Standard in force at the date of manufacture, and is a 1/2 hour fire resistant self closing fire door.
- Area covered with a system of Escape Lighting that illuminates the area upon failure of the normal lighting power supply, to a sufficient standard to enable persons to leave the area safely. The escape lighting system conforms to the British Standard current at the time of its installation and a certificate to that effect is kept on the premises.
- Area covered by an Automatic Heat Detector.
- Areas covered by Automatic Smoke Detectors.
- Parts of premises not covered by this application.
- Water Fire Extinguisher. (9 litre capacity)
- Carbon Dioxide Fire Extinguisher. (2 kilogram capacity)
- Fire Blanket in container.
- Fire curtain to gas fires.

Notes
 SIGN = "ENTER CLUB BY BASEMENT"
 MINIMUM EXIT WIDTH THROUGHOUT = 850mm

Fire Notices

Boxes like this indicate signs. The following codes show the wording displayed on the notices. All notices conform to the British Standard for signs current at the date of installation and the minimum size of lettering is as indicated below.

Additional Notes

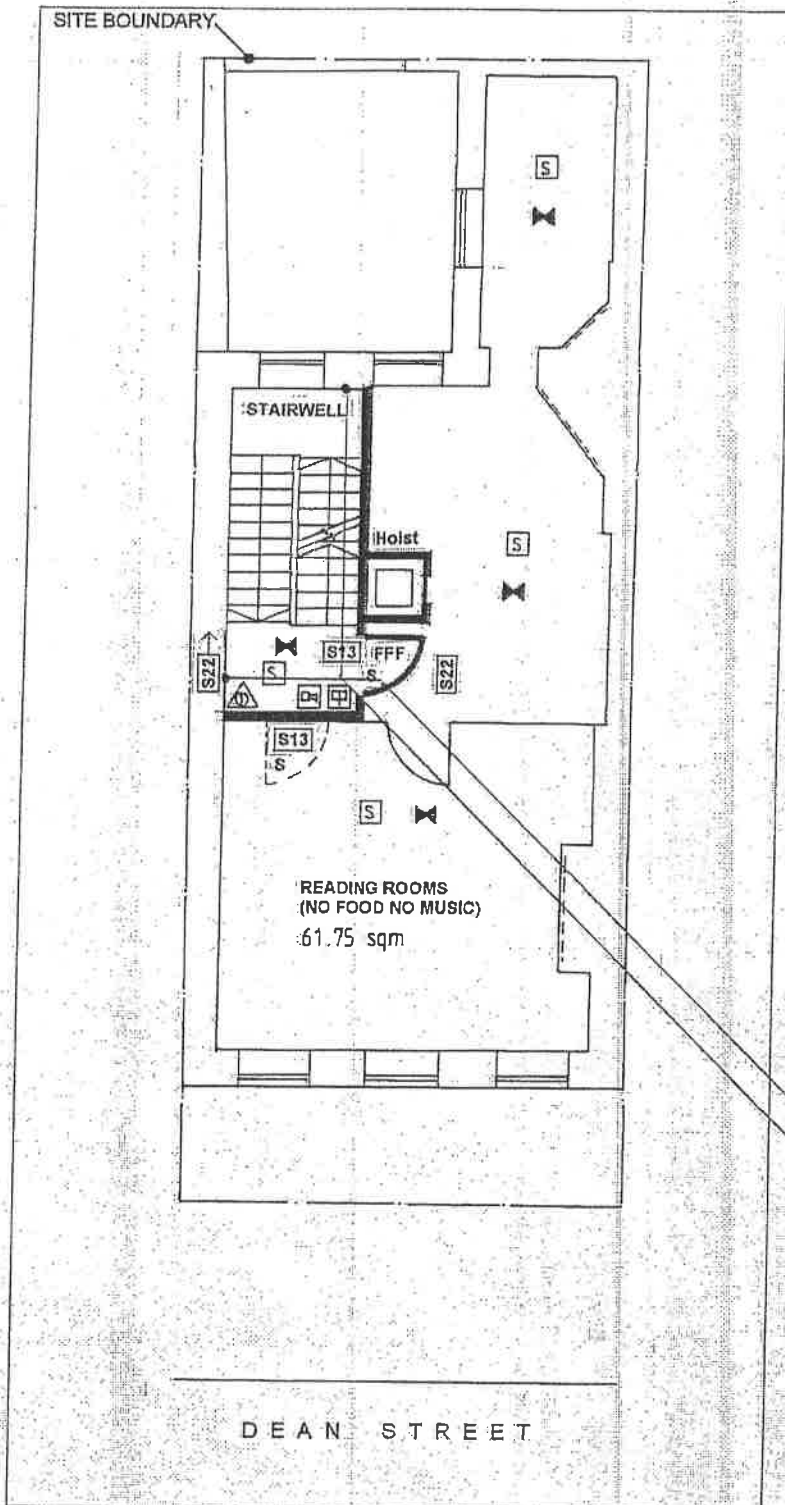
(a) Directional arrow.

Code	Wording	Lettering Size
	FIRE EXIT, EMERGENCY EXIT or EXIT notice graphic symbol.	76mm
	FIRE DOOR KEEP SHUT.	16mm
	FIRE DOOR KEEP LOCKED.	22mm

L2- GROUND FLOOR PLAN AS EXISTING. SCALE - 1:100

GORDON STUART McLEAN JULY 2005 MOBILE- 07905 190 237

BLACKS LTD.
 67 DEAN STREET, LONDON W1V 5HD TEL:- 0207 287 3381
 CONVERSION OF EXISTING LICENCE



- Legend**
- Fire Alarm Call Point with Fire Action sign adjacent.
 - FFF** Doors which are free from all fastenings (other than a ball or roller fastening or a lever handled latch). In order to ensure that these doors are always available for escape from either side.
 - Control Panel Sounders.
 - Control Panel Sounders and illuminated signals. MENVIER MF930B Fire Alarm Controller to BS 5839 Pt1:1988.
 - S** Door assembly, which is able to resist the passage of smoke when tested in accordance with the British Standard in force at the date of manufacture, and is a 1/2 hour fire resistant self closing fire door.
 - Area covered with a system of Escape Lighting that illuminates the area upon failure of the normal lighting power supply, to a sufficient standard to enable persons to leave the area safely. The escape lighting system conforms to the British Standard current at the time of its installation and a certificate to that effect is kept on the premises.
 - Area covered by an Automatic Heat Detector.
 - Areas covered by Automatic Smoke Detectors.
 - Parts of premises not covered by this application.
 - Water Fire Extinguisher. (9 litre capacity)
 - Carbon Dioxide Fire Extinguisher. (2 kilogram capacity)
 - Fire Blanket in container.
 - Fire curtain to gas fires.

Notes

- SIGN = "IN CASE OF FIRE AN ESCAPE TO THE ROOF IS AVAILABLE ON TOP FLOOR"
- SIGN = "PRIVATE PROPERTY NO ENTRY EXCEPT IN FIRE EMERGENCY This is not a part of Blacks Club. Please respect the Tenants privacy"
- MINIMUM EXIT WIDTH THROUGHOUT = 850mm

Fire Notices

Boxes like this indicate signs. The following codes show the wording displayed on the notices. All notices conform to the British Standard for signs current at the date of installation and the minimum size of lettering is as indicated below.

Additional Notes

(a) Directional arrow.

	Lettering Size
FIRE EXIT, EMERGENCY EXIT or EXIT notice graphic symbol.	76mm
FIRE DOOR KEEP SHUT.	16mm
FIRE DOOR KEEP LOCKED.	22mm

THE MAXIMUM NUMBER OF PERSONS (INCLUDING STAFF) TO BE ACCOMMODATED AT ANY ONE TIME ON THE FIRST FLOOR SHOULD NOT EXCEED 30 PERSONS.



Schedule 12
Part B

WARD: West End
UPRN: 010033570853

City of Westminster

64 Victoria Street, London, SW1E 6QP

Premises licence summary

Regulation 33, 34

Premises licence number:

14/05708/LIPDPS

Part 1 – Premises details

Postal address of premises:

Black's
Basement To First Floor
67 Dean Street
London
W1D 4QH

Telephone Number: 020 7287 3381

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
Private Entertainment consisting of dancing, music or other entertainment of a like kind for consideration and with a view to profit
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 01:30
Sunday: 12:00 to 00:30

Playing of Recorded Music

Unrestricted

Late Night Refreshment

Monday to Saturday: 23:00 to 01:30 (Basement and Ground Floors)
Sunday: 23:00 to 01:00 (Basement and Ground Floors)
Monday to Saturday: 23:00 to 23:30 (First Floor)

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

Sale by Retail of Alcohol

Monday to Saturday: 10:00 to 01:00 (Basement and Ground Floors)
Sunday: 12:00 to 00:30 (Basement and Ground Floors)
Monday to Saturday: 10:00 to 23:00 (First Floor)

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

The opening hours of the premises:

Monday to Saturday: 10:00 to 01:30
Sunday: 12:00 to 01:00

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:

Blacks Limited
67 Dean Street
London
W1D 4QH

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

02721400

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

Name: Mr David John Seccombe

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

Restricted

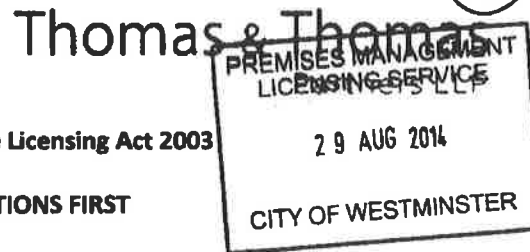
Date: 20th August 2014

Signed: pp



Operational Director - Premises Management

APPENDIX A2



Application to vary a premises licence under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I/We **Blacks Ltd**

(Insert name(s) of applicant)

being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

Premises licence number

14/03609/LIPT

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description

Black's
Basement to First Floor
67 Dean Street

Post town

London

Postcode

W1D 4QH

Telephone number at premises (if any)

Non-domestic rateable value of premises

£38,750

Part 2 – Applicant details

Daytime contact
telephone number

E-mail address (optional)

Current postal address if
different from premises address

Post town

Postcode

Part 3 - Variation

Please tick as appropriate

Do you want the proposed variation to have effect as soon as possible?

Yes

No

If not, from what date do you want the variation to take effect?

DD	MM	YYYY

Do you want the proposed variation to have effect in relation to the introduction of the late night levy?
(Please see Guidance Note 1)

Yes

No

Please describe briefly the nature of the proposed variation (Please see guidance note 2)

So as:

- 1) to introduce a new bar counter on the Ground Floor
- 2) to allow guests of members to purchase their own alcohol

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend:

Part 4 Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

Provision of regulated entertainment

Please tick all that apply

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)

Provision of late night refreshment (if ticking yes, fill in box I)

Sale by retail of alcohol (if ticking yes, fill in box J)

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 7)			Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			<u>Please give further details here</u> (please read guidance note 4)	Both	<input type="checkbox"/>
Tue					
Wed			<u>State any seasonal variations for performing plays</u> (please read guidance note 5)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 7)			<u>Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 3)</u>	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here (please read guidance note 4)</u>		
Mon					
Tue			<u>State any seasonal variations for the exhibition of films (please read guidance note 5)</u>		
Wed					
Thur			<u>Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 6)</u>		
Fri					
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 7)			<u>Please give further details (please read guidance note 4)</u>	
Day	Start	Finish		
Mon			<u>State any seasonal variations for indoor sporting events (please read guidance note 5)</u>	
Tue				
Wed				<u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list (please read guidance note 6)</u>
Thur				
Fri				
Sat				
Sun				

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 7)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (please read guidance note 3)</u>	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
Both	<input type="checkbox"/>				
Day	Start	Finish	<u>Please give further details here (please read guidance note 4)</u>		
Mon					
			<u>State any seasonal variations for boxing or wrestling entertainment (please read guidance note 5)</u>		
Tue					
			<u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list (please read guidance note 6)</u>		
Wed					
Thur					
Fri					
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 7)			<u>Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 3)</u>	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here (please read guidance note 4)</u>		
Mon					
Tue					
Wed					
Thur			<u>State any seasonal variations for the performance of live music (please read guidance note 5)</u>		
Fri					
Sat			<u>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 6)</u>		
Sun					

F

Recorded music Standard days and timings (please read guidance note 7)			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>			
				Outdoors	<input type="checkbox"/>			
				Both	<input type="checkbox"/>			
Day	Start	Finish	Please give further details here (please read guidance note 4)					
Mon								
Tue								
Wed						State any seasonal variations for the playing of recorded music (please read guidance note 5)		
Thur								
Fri						Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list (please read guidance note 6)		
Sat								
Sun								

G

Performances of dance Standard days and timings (please read guidance note 7)			Will the performance of dance take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 4)		
Mon					
Tue			State any seasonal variations for the performance of dance (please read guidance note 5)		
Wed					
Thur			Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list (please read guidance note 6)		
Fri					
Sat					
Sun					

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 7)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	Will this entertainment take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			Please give further details here (please read guidance note 4)		
Wed					
Thur			State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 5)		
Fri					
Sat			Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list (please read guidance note 6)		
Sun					

Late night refreshment Standard days and timings (please read guidance note 7)			<u>Will the provision of late night refreshment take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4)		
Mon					
Tue			<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 5)		
Wed					
Thur			<u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</u> (please read guidance note 6)		
Fri					
Sat					
Sun					

J

Supply of alcohol Standard days and timings (please read guidance note 7)			Will the supply of alcohol be for consumption – please tick (please read guidance note 6)	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 5)		
Mon	10.00	23.30			
Tue	10.00	23.30			
Wed	10.00	23.30			
Thur	10.00	23.30			
Fri	10.00	00.00			
Sat	10.00	00.00			
Sun	12.00	22.30			

K

<p>Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 9).</p> <p>None</p>

L

Hours premises are open to the public Standard days and timings (please read guidance note 7)			State any seasonal variations (please read guidance note 5)
Day	Start	Finish	
Mon			
Tue			
Wed			
Thur			
Fri			
Sat			
Sun			

Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 6)

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking.

Condition 13

Please tick as appropriate

- I have enclosed the premises licence
- I have enclosed the relevant part of the premises licence

If you have not ticked one of these boxes, please fill in reasons for not including the licence or part of it below

Reasons why I have not enclosed the premises licence or relevant part of premises licence.

M

Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 10)

The premises operate as a Private Member's Club and the conditions currently endorsed on the licence address the licensing objectives. No further measures are considered necessary.

b) The prevention of crime and disorder

See above

c) Public safety

See above

d) The prevention of public nuisance

See above

e) The protection of children from harm

See above

Checklist:

Please tick to indicate agreement

- I have made or enclosed payment of the fee.
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- I understand that I must now advertise my application.
- I have enclosed the premises licence or relevant part of it or explanation.
- I understand that if I do not comply with the above requirements my application will be rejected.

IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION.

Part 5 – Signatures (please read guidance note 11)

Signature of applicant (the current premises licence holder) or applicant's solicitor or other duly authorised agent (please read guidance note 12). If signing on behalf of the applicant, please state in what capacity.

Signature	<i>Thomas & Thomas</i>
Date	29 th August 2014
Capacity	Thomas & Thomas Partners LLP, Solicitors on behalf fo the applicant

Where the premises licence is jointly held, signature of 2nd applicant (the current premises licence holder) or 2nd applicant's solicitor or other authorised agent (please read guidance note 13). If signing on behalf of the applicant, please state in what capacity.

Signature	
Date	
Capacity	

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 14)

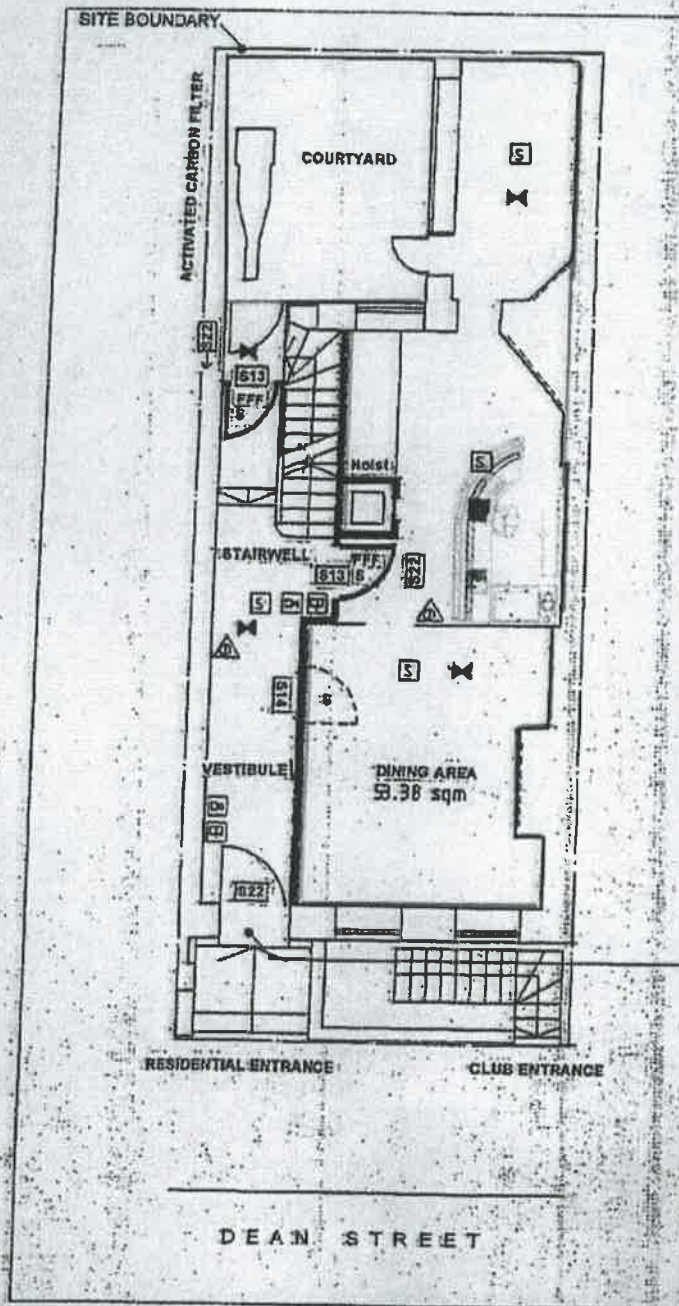
Thomas & Thomas Partners LLP
38a Monmouth Street

Post town	London	Post code	WC2H 9EP
Telephone number (if any)	020 7042 0417		
If you would prefer us to correspond with you by e-mail, your e-mail address (optional) rhepworth@tandtp.com			

3

 SUBMITTED WITH VARIATION
 APPLICATION - 01/09/14

BLACKS LTD.
 67 DEAN STREET, LONDON W1V 5HD TEL:- 0207 287 3381
 CONVERSION OF EXISTING LICENCE



- Legend — AREA OF LICENSABLE ACTIVITY**
- All doors, walls, partitions, screens and glazing shown in thick black lines on plan comply with the definition of FIRE RESISTING.
 - CP** Fire Alarm Call Point with Fire Action sign adjacent.
 - FFF** Doors which are free from all fastenings (other than a ball or roller fastening or a lever handled latch). In order to ensure that these doors are always available for escape from either side.
 - CP** Control Panel Sounders.
 - CP** Control Panel Sounders and illuminated signals. MENVER MFS306 Fire Alarm Controller to BS 5839 Pt1:1988
 - B** Door assembly, which is able to resist the passage of smoke when tested in accordance with the British Standard in force at the date of manufacture, and is a 12 hour fire resistant self closing fire door.
 - X** Area covered with a system of Escape Lighting that illuminates the area upon failure of the normal lighting power supply, to a sufficient standard to enable persons to leave the area safely. The escape lighting system conforms to the British Standard current at the time of its installation and a certificate to that effect is kept on the premises.
 - K** Area covered by an Automatic Heat Detector.
 - S** Areas covered by Automatic Smoke Detectors.
 - X** Parts of premises not covered by this application.
 - B12** Water Fire Extinguisher. (8 litre capacity)
 - B12** Carbon Dioxide Fire Extinguisher. (2 kilogram capacity)
 - B12** Fire Blanket in container.
 - Fire curtain to gas fires.

Notes
 SIGN = "ENTER CLUB BY BASEMENT"
 MINIMUM EXIT WIDTH THROUGHOUT = 850mm

Fire Notices

B12	Boxes like this indicate signs. The following codes show the wording displayed on the notices. All notices conform to the British Standard for signs current at the date of installation and the minimum size of lettering is as indicated below.	
B22 →	Additional Notes (a) Directional arrow.	
B12	FIRE EXT. EMERGENCY EXIT or EXIT notice graphic symbol.	Lettering Size 76mm
B13	FIRE DOOR KEEP SHUT.	16mm
B14	FIRE DOOR KEEP LOCKED.	22mm

THE MAXIMUM NUMBER OF PERSONS (INCLUDING STAFF) TO BE ACCOMMODATED AT ANY ONE TIME ON THE GROUND FLOOR SHOULD NOT EXCEED 30 PERSONS.

L2- GROUND FLOOR PLAN AS EXISTING. SCALE - 1:100

GORDON STUART McLEAN JULY 2005 MOBILE- 07905 190 237

Patel, Bina

From: Alun Thomas [Athomas@tandtp.com]
Sent: 22 October 2014 16:01
To: Patel, Bina
Cc: Watson, Ian; Coleman, Cliona; Jack Spiegler
Subject: Re: Blacks - Dean Street 14/07347/LIPV

Bina

Confirmed. The hours section was completed in error. There was no intention to extend hours.

Apologies for the confusion

Alun

On 22 Oct 2014, at 15:59, Patel, Bina <bpatel@westminster.gov.uk> wrote:

Dear Alun

Further to my email below, it has been brought to my attention the hours applied for the sale of alcohol have not been advertised in accordance to the Licensing Act 2003. Therefore, this part of the application cannot be considered.

I ask you to withdraw this part of the application if you wish to proceed with the application in respect of 1. the addition of the bar on the ground floor and 2. allowing of guest to purchase alcohol.

Regards
Bina

From: Patel, Bina

Thomas & Thomas

Partners LLP

Your ref: 14/07347/LIPV
Our ref: JS/BLA.48.1

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

Premises Licensing
Westminster City Council
64 Victoria Street
London
SW1E 6QP

By post and email: premiseslicensing@westminster.gov.uk

23 October 2014

Dear Sirs

Application to vary a Premises Licence - Ref: 14/07347/LIPV
Black's Club, 67 Dean Street, London W1D 4QH (the "Premises")

We refer to our client's application listed for hearing next Thursday. We would be grateful if the following documents could be included in the Committee's papers, which we hope will assist Members:

1. Report of Mr Adrian Studd
2. Letters of support
3. Menu
4. Black's Club presentation
5. E mail correspondence with Mr Bieda

There is no increase to the licensed area or increase in hours. The application is limited to the following two proposals:

- a. the introduction of new bar counter; and
- b. the amendment of condition 10 (grandfathered from the Licensing Act 1964), which currently restricts the sale of alcohol to members only, to allow guests of members to purchase their own drinks.

The new bar counter is proposed to improve servicing on the ground floor and create more space in the kitchen, which will help support the new food offering. No other changes to the Premises Licence or licensable activities are sought.

Various concerns and allegations have been presented by local residents objecting to the application, which whilst being addressed by the applicant, are not relevant to the application. Paragraph 9.4 of

the s.182 Guidance states that: *"For representations in relation to variations to be relevant, they should be confined to the subject matters of the variation"*.

Our client respectively submits that only matters and conditions relevant to the scope of the application ought to be considered by the Licensing Sub-Committee, those changes being in respect of a new servery on the ground floor and the provision for guests to purchase drinks.

There is also comment in respect of the club entrance and *'no food no music'* on the first floor. The first floor is now used for dining with background music, both of which are not licensable activities and therefore do not require an amendment of the licence.

Access to the Premises is now at ground floor level. Here members and guests are greeted by reception staff on arrival and have to sign in. No members of the public can be admitted. The ground floor door was left open during the warmer weather and due to previous residential concerns regarding slamming doors. The previous basement entrance was unsafe for general access and noisy.

Since taking over the Premises in April this year, our client has taken various steps to improve the operation of the club and regularise the Premises Licence which include:

1. New controlled entry policy.
2. New management controls and procedures relating to the use of external areas.
3. Improved food offering. Food sales have increased by over 300% compared to like for like sales in 2013, with just over 50% of sales attributed to food.
4. Removal of cheap price alcoholic drinks from the drinks list.
5. Installation of electronically controlled Sonos background music system.
6. Refurbishment works sympathetic to the Premises listed building status.
7. Regular dialogue with local residents, including complimentary membership.
8. Instruction of Mr Adrian Studd to undertake a covert licensing visit and produce the enclosed report.
9. Instruction of acoustic consultants to undertake noise surveys (a survey was intended to take place this week although unfortunately Mr Bieda was unable to provide access to his property).
10. Regular dialogue with Mr Bieda in particular to address any concerns he may have. Our client hopes to meet all of the residents on Monday.

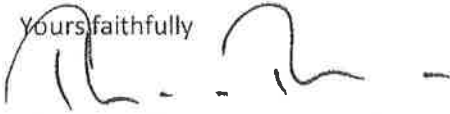
Even though the Premises is within the Stress Area, the nature and effect of the variation does not impact upon the immediate amenity, neither does it add to cumulative impact in the West End Stress Area, or indeed undermine the reasons for the Policy.

The Premises operates with a strict membership policy in accordance with the City Council's model conditions and are therefore premises included in Policy PVC2.

Our client seeks to preserve the history and culture of the Premises as an epicurean member's club, which for many years has provided a quiet environment for members to meet, converse, work and eat. Conditions have been sent to the Environmental Health Officer for comment and will follow this letter later this week.

Please do not hesitate to contact Alun Thomas of this office should you have any queries arising.

Yours faithfully



Thomas & Thomas Partners LLP

tell: 020 7042 0413

email: athomas@tandtp.com

Encl.

Introduction.

I have been instructed to carry out observations on Blacks club which is situated at 67, Dean Street, W1D4QH. I conducted observations between 5pm and 11.45pm on Thursday 16th October. The weather was unseasonably warm and dry and the area generally was very busy with the after work crowd and tourists.

Personal summary – Adrian Studd.

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

In addition to leading my team I visited and worked with both the Olympic park management and many other venues, reviewing their policies and procedures and ensuring that the Games were delivered safely and securely. The success of this operation not only protected the reputation of the MPS but provided positive benefits for the profile of the MPS and the United Kingdom. I have been awarded an Assistant Commissioners Commendation for this work. Prior to this role, between Jan 2002 and January 2012, I was employed first as an Inspector and then as a Chief Inspector on the MPS Clubs and Vice Unit (Now SCD9 Serious and Organised crime command). My responsibilities over this period focussed on licensing and included day to day supervision of the licensing team that had a London wide remit to support the Boroughs with licensing activity.

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

violence and gun crime at licensed premises by 20% whilst I was there.

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

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

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

Contents.

- 1) Observations.
- 2) Conclusions.
- 3) Application to vary licence.

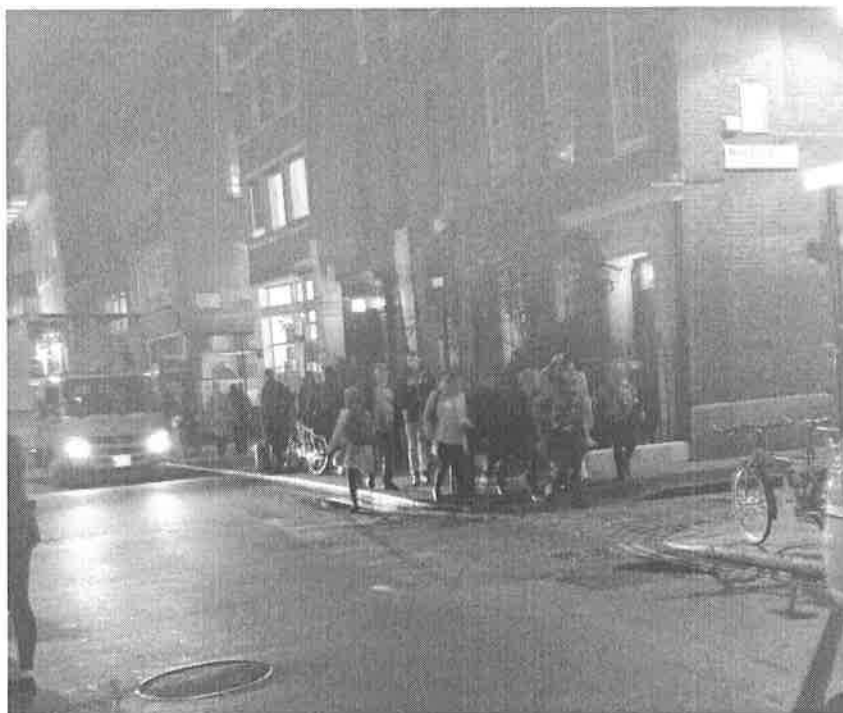
1) **Observations.**

1. I arrived at 17.00 on Thursday 16th October 2014. The weather was unseasonably warm and dry and Dean Street was busy. Along Dean Street are many bars, clubs and restaurants which were all busy and most had seating set outside. The atmosphere was busy, loud and vibrant.
2. Blacks Club is the centre property of a terrace of 3, to the left is Bouchier Street which is a well-used cut through from Wardour Street. To the right is Meard Street which is a busy cut through and pedestrian Street and has two licensed premises in it. I understand that there is a rear courtyard area behind Blacks but this is not visible from the Street.
3. The front door to Blacks club was open and I could see that in the hallway there was a receptionist who was greeting customers as they arrived and they spent a few minutes talking to her before going on and into the premises. I could see customers seated through the first floor windows and walking past I could look down and see customers seated in the basement, they appeared to be working and had papers spread across the table.



Blacks Club, 5.31pm 16/10/14.

4. There was a steady flow of customers going into Blacks during the evening. The front door remained opened but I could not hear any noise or music escape even when standing immediately outside. All the customers I saw stopped at the reception area in the hallway and spoke to the female sat there but I could not hear what was said.
5. The customers going into the club were a wide range of ages and males and females which is a good indication that it has a broad appeal to members. I did not see any that appeared to be drunk or were behaving in a loud or boisterous manner. There was no queuing to get into the premises.
6. Due to the busy nature of Dean Street there was, on occasion, individuals and groups not connected with the premises standing outside the club chatting. Unlike a large part of Dean Street the pavement outside Blacks and the adjoining properties is not set out for dining and is not in front of a restaurant window or entrance, this appears to make it a popular place to stop and catch up with friends or use the mobile phone.



Dean Street from Meard St. to Bouchier St. 6.53 pm. 16/10/14



Dean Street, looking towards Bourchier St, the entrance to Blacks is on the right. 6.53pm 16/10/14.

7. During the course of the evening I saw no more than three people from the club smoking at any one time outside the premises. These customers were well behaved, speaking in moderate tones and were not audible above the ambient noise of Dean Street even when I stood close by.



Smokers outside Blacks, 7.01 pm.

8. Dean Street and the surrounding premises remained busy all evening with customers sat outside drinking and dining. The pavement outside Blacks was busy with pedestrians and there was a constant stream of vehicles moving along the road. At about 10.30pm there was a brass band of buskers moving slowly along Dean Street that could be heard above all the ambient noise.



Outside dining at the junction with Meard Street, 9.14 pm.

9. At about 10.30pm I saw a group of four, males and females, attempt to enter Blacks club. They spoke to the male, who I had seen at the door on a number of occasions, for a minute or two. I could not hear what was said but he appeared to be explaining that they could not come in and directed them off along the road.
10. It was 11pm before Dean Street started to get a little less busy. The bars, restaurants and pavements were still busy but there were fewer people generally about. There was a slow exodus of customers coming from Blacks mainly in twos and threes. All customers left quietly, most walked off along Dean Street. I saw no drunkenness or boisterous behaviour from any customer leaving the premises.
11. By 11.45pm it had started to rain a little and nearby restaurants were closing and clearing away the rubbish. A rubbish collection vehicle moved slowly along Dean Street collecting sacks and empty bottles in bags. Blacks was quiet and the upstairs lights appeared to have been turned off. The front door was still open but I could not see any customers inside. Dean Street was still busy with loud background noise.

2) Conclusion.

12. I did not go inside Blacks Club but based on my knowledge of the area, experience and observations the premises is well run and attracts a good mix of customers who were well behaved. There was no escape of noise and I could hear nothing from the premises above the ambient noise in Dean Street.
13. Externally the premises was well managed, there was no queuing outside with customers being quickly admitted inside. There were customers smoking outside the premises but only in small numbers and they did not cause a nuisance.
14. Customers dispersed gradually from the premises and quickly made their way from the premises. Customers were well behaved there was no noise or boisterous behaviour. During the latter part of the evening there was a male who appeared to be a member of staff regularly by the front entrance monitoring the dispersal.

3) Application to vary the licence.

15. I understand that the premises has applied to vary the licence to include the following;
- I. Vary the plans to introduce a new bar counter on the ground floor; and
 - II. Vary condition 10 of the premises licence to allow guests of members to purchase their own alcohol.
16. The important difference between Blacks club and the other licensed premises in the area is that it is a members club. This application does not change that. Provided the premises continues to operate as a members club and enforce the membership regulations this application will have no adverse impact on the promotion of the licensing objectives or on the area generally.

I understand that my duty is to the court and this report has been prepared in compliance with that duty. All matters relevant to the issues on which my expert evidence is given have been included in this report. I believe the facts I state in this report are honest and true and that the opinions I have expressed are correct to the best of my judgement. The fee for this report is not conditional on the outcome of the case in anyway whatsoever.

Adrian Studd
Independent Licensing Consultant,
17/10/2014.



Ref – Alex Tate

To whom it may concern,

As a resident of Bouchier Street, located directly behind Blacks Members Club, I highly support any current and future plans or licence variations the new owners have.

Blacks Club is a Soho Institution and as such needs support on all fronts from local residents and businesses. I have the utmost confidence in the new owner and management of the club, all aspects of the services offered by the club have improved ten fold since the new change of ownership, I believe the new highlight for the club will be to specialise in great food, wine and classic drinks and wants to be known as "The Epicurean Club". I do not believe Blacks in any way adds to the stress zone that is Soho in general but is in fact a veritable sanctuary away from the hustle and bustle of the west end.

In my opinion Blacks has over the last 6 months strengthened its membership and door policy and the management have improved the Bohemian, diverse and select membership base.

Kind Regards,

Alex Tate

A large, stylized handwritten signature in black ink, appearing to read 'Alex Tate'.



12 Bouchier Street, Suite 6, London, W1D 4HZ UK | T: +44 207 434 0185

www.carnabysales.com

Registration No.: 04726332


CARNABY
INTERNATIONAL

Ref – Andrew Loveday

To whom it may concern,

As a resident of Bouchier Street, located directly behind Blacks Members Club, I wholeheartedly support any current and future plans or licence variations the new owners have.

Blacks Club is a longstanding, and respected Soho institution. As a result, it needs support on all fronts from local residents and businesses. I am entirely confident in the new owner and management of the club. The improvements made since their taking over have been revolutionary, and it is a joy to see this historic members club return to its hay day. I believe the new highlight for the club will be to specialise in great food, wine and classic drinks and wants to be known as "The Epicurean Club". I do not believe Blacks in any way adds to the stress zone that is Soho in general but is in fact a veritable sanctuary away from the hustle and bustle of the west end.

In my opinion Blacks has over the last 6 months strengthened its membership and door policy and the management have improved the Bohemian, diverse and select membership base.

Kind Regards,



Andrew Loveday



12 Bouchier Street, Suite 6, London, W1D 4HZ UK | T: +44 207 434 0185

www.carnabysales.com

Registration No.: 04726332

From: Richard Beatty <richard@polpo.co.uk>
Date: 15 October 2014 20:53:53 BST
To: Caroline Towing <Caroline@BlacksClub.com>
Subject: Improvements at Black's

To whoever it may concern.

I am a resident of 27a St Anne's Court, Soho and I own a number of restaurants in the Soho area including Polpo on Beak Street and Spuntino on Rupert Street. I have also been member of Blacks since 2005. During that time I had noticed the deterioration of the club and I am glass to say that there have been a significant number of improvements under the aegis of the new management.

The Club is now checking the membership of the people coming through the door and therefore ensures a better atmosphere.

The Club is now generally better run. The new management has invested in the food offer and the Club now boasts a destination restaurant as well as a more appealing members area.

The new management has invested in a number of new features to ensure that the Club meets goods health and safety standards.

Noise complaints relating to the Club have fallen dramatically.

The Club is now filling a real niche as it is attracting significant people from London's restaurant community.

It is the view of most of the members that prior to April 2014 even though the Club is a Soho institution it really wasn't working and provided poor value for its membership. Since April a huge number of improvements have been made at the Club. The Club is now being run to a high professional standard and many of the changes that have been made will reduce the stress levels on Dean Street and its environs. Members are asked to leave quietly and non-members are excluded.

I know that Caroline and her team are looking for ways that they can build bridges with the local community and play their part in ensuring that the impact of the Club on local residents is minimised and I know that she has made a number of attempts to reach out to local residents. I am sure that the on-going improvements that are being made will continue to reduce the impact that the more successful Club will have.

Best wishes

Richard Beatty

From: Mark Edwards <mark@hardrainproject.com>
Date: 17 October 2014 11:16:14 BST
To: "Caroline@BlacksClub.com" <Caroline@BlacksClub.com>
Subject: Blacks Club

To whom it may concern,

I'm a long standing member of Blacks. The management have introduced a new door policy with security and a receptionist to make absolutely sure that only members and their guests are allowed in to the club. I understand the entrance through the main door was reinstated in order to reduce noise from the metal steps used in the past. I would also like to add that members, as well as staff, are very aware of our neighbours and do respect their wishes.

Mark Edwards
Founder Director, Hard Rain Project

Mark Edwards
Hard Rain Project is a charity registered in England.
Charity Number 1153955

199 Shooters Hill Road, London SE3 8UL, UK
+44 (0) 20 8858 8307
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www.hardrainproject.com

Skype: mark.edwards.hrp
mark@hardrainproject.com

From: MoSoho <t_shrimplin@themuseumofsoho.org.uk>
Date: 7 October 2014 00:17:21 BST
To: "caroline@blacksclub.com" <caroline@blacksclub.com>
Subject: In Support Of Black's Members Club
Reply-To: MoSoho <t_shrimplin@themuseumofsoho.org.uk>

To whom it may concern.

Having been a member of Black's for over twenty years I can quite comfortably say that if recent developments are anything to go by Black's is an even more exclusive and discerning establishment in regards to whom it let's through its hallowed doors than the previous management ever was.

A very strictly enforced door policy is adhered to by its members and staff. It has always limited its members to bringing in a maximum of 2 guests unless negotiated prior to arrival.

Members are not reckless hooligans and generally conduct themselves in a calm and civilized manner.

Black's is not a dance club nor is it a DJ bar; it promotes the art of conversation in sympathetic surroundings.

I look forward to spending the next twenty years in what for me is still the best members club in Soho.

Your sincerely,

Tony Shrimplin (Chair) | The museum of Soho.

Postal Address: 55 Dean Street | London W1D 6AF | Registered Charity 1003879 The Museum Of Soho Ltd.

From: Anna Smith <annasmithjourno@googlemail.com>

Date: 8 October 2014 11:17:07 BST

To: Caroline Towning <Caroline@blacksclub.com>

Subject: Blacks Club

To whom it may concern,

As a longstanding customer and a member of Blacks I would like to support the private members' club in its new management and reassure you that the club is more exclusive than ever. Door staff are particularly diligent these days and I feel reassured that the club only ever admits carefully vetted members and their guests, all of whom behave with great consideration. It is a convivial club and an asset to Soho, and personally it is a valued venue for meeting clients and having a quiet drink with friends.

Best wishes,

Anna

Anna Smith

Film critic and Acting Film Editor, Metro

Chair of the Critics' Circle Film Section

50A Albert St

London NW1 7NR

Twitter: @annasmithjourno

uk.linkedin.com/in/annasmithjourno/

TV showreel:

https://absolutepost.chillivault.tv/pa/384aba5369eabaec9433929e3b534a10/h2641P/Anna_Smith_Reel_mov.mp4

BLACKS

• 67 DEAN STREET •



Sourdough breads, organic olive oil,
olives & pickled garlic £7

Starters

Rabbit terrine, pickled carrots & toast £8

Celeriac & English apple soup with toasted hazelnuts* £7

Grilled mackerel with horseradish yoghurt, cucumber, apple & soft herbs £8

Ceps & chanterelles with garlic butter, fried duck egg & crystal bread £10

Mains

Pan-roasted monkfish with crushed avocado, lentils & crispy seeded bread £19

Sirloin steak, triple cooked chips & béarnaise sauce £23

Potimarron squash roasted with garlic & rosemary served with ricotta,
kale & smoked chestnuts* £14

Roast rump of lamb with crushed potatoes, slow roasted onions & sage £18

Sides

Sweet potato fries £5

Wilted spinach, garlic oil £5

Rocket, watercress & Parmigiano-Reggiano salad £5

Desserts

Dark chocolate ganache, sea salt crumble & vanilla ice cream* £8

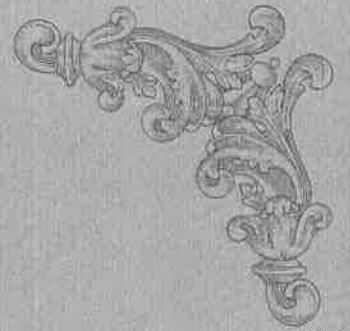
Poached pear with almond sponge & vanilla cream* £8

Brown bread ice cream with orange & cinnamon shortbread £6

Blacks cheese board, fig chutney & oatcakes £10

A discretionary 12.5% service charge will be added to your bill

*Items containing nuts - VVF included



"The Epicurean Members Club"

The History of Blacks

The home of Blacks is a wonderful Georgian townhouse located at 67 Dean Street. Built in 1732 by John Meard, the apprentice to the highly acclaimed English architect Sir Christopher Wren, who's work includes his masterpiece St. Paul's Cathedral. It was also once home to Charles Fortnum of Fortnum & Mason.

"The Club" was first formed in the 18th century where Samuel Johnson, David Garrick and Joshua Reynolds formed a supper club where they would meet and discuss the issues of the day with favourable food and wine.

Nearly 300 years later in 1992, "Blacks Club" was founded by Tom Bantock, a famous Norfolk poacher. It was named Blacks Club as the antithesis to White's Club, London's oldest gentlemen's club, it is said that many Blacks Club members had been black balled from White's or considered black sheep of the family. Blacks Club over the next 20 years would become a famously "louche" bohemian drinking den.

In more recent years, with Tom disappearing from the London scene due to years of over indulgence, Blacks started to rapidly decline. The building had fallen into dis-repair and was sadly looking overly shabby and become the forgotten Dame of Soho,

In 2014 with the sad news of Tom Bantock passing, Caroline Towing purchased Blacks Club with the main aim to restore the shabby building back to its original Georgian heritage, as well as revitalising the clubs 18th century roots as the original "Supper Club". Members have nicknamed this new era as "The New Blacks"





The Ethos of The New Blacks

Blacks Club has a simple ethos, which is

“Enjoying marvelously engaging conversation while indulging in sumptuous food and drink”

The only requirement for membership is that you are extraordinarily interesting and interested.

Blacks is a place to leave your career and ego at the door; it's a place of simplicity, elegance and honesty. Where members can congregate to set the world to rights while enjoying the setting of a beautiful 18th century townhouse.



About the food and Chef

Matt Dryden walked through the doors of 67 Dean Street only a few weeks after Caroline Towning had purchased Black's. Matt was initially involved temporarily to help re-structure the kitchen team and menu, he soon found himself falling in love with Blacks and the vision for the future.

Matt has great pedigree, for the past 10 years he has gained enviable experience passing through some of London's finest kitchens such as Petrus (under Marcus Wareing), Texture and more recently as Sous Chef at Dabbous.

Matt has found his home behind the stoves as the Head Chef, leading a great team with passion for developing a new menu and direction for the food.

"Our menus are driven by season, therefore changing accordingly with a heavy emphasis on a spectacular selection of specials and sharing dishes such as a decadent rib of beef for two or traditional pigeon pie for the whole table.

We carry a strong belief in working with trusted suppliers, continuously looking for new opportunities to enhance and enrich our offerings. Our relationship with these suppliers is key to the ethos of our food.

Considered cooking coupled with outstanding produce is what Black's kitchen is about."





Last Word

The club is currently undergoing a subtle refurbishment with future plans to develop a new kitchen, a new bar, gaining an upper level and building a whimsical garden in the back where members can enjoy a smoke or lounging by the fire enjoying a drink while gazing out into the garden.

It is an exciting time for all who are part of The New Blacks - we are excited about the new love and excitement for a club that has spent the last few years being lost in an ever-changing Soho.

While Blacks has remained open, we are looking to officially launch as "London's Epicurean Members Club" in early 2015.



BLACKS

67 Dean Street
London W1D 4PH
E. Membership@BlacksClub.com
T. +44 (0)20 7367 3301

BlacksClub.com

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Patel, Bina

From: Alun Thomas [Athomas@tandtp.com]
Sent: 23 October 2014 10:03
To: 'David Bieda'
Cc: Patel, Bina
Subject: RE: Blacks

Dear David

Thank you very much indeed for your prompt reply.

The purpose of the test is obviously to enquire as to whether there is any noise breakout through the party wall. The survey can take place at whatever place and time you think appropriate and convenient. I understand either this or next week is not convenient for you.

The system is a "sonos" based wireless system which are controlled through an electronic system.

I look forward to discussing your concerns before the hearing if that is possible.

Yours sincerely

Alun Thomas
Partner

Thomas & Thomas Partners LLP
38a Monmouth Street
London WC2H 9EP

D: 020 7042 0412
M: 07956 805464
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W: www.tandtp.com



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From: David Bieda [<mailto:db@sixty8.com>]
Sent: 21 October 2014 23:35
To: Alun Thomas
Cc: Jack Spiegler; 'Patel, Bina'
Subject: RE: Blacks

Alun,

I was out of London & then had a meeting with your clients.

What is the purpose of this acoustic test & how will it measure base sounds? Where would it be taken?

What is the proposed sound equipment in Blacks which, I assume, will create the sound?

I have building works here this week & possibly early next week, so it would not be a suitable moment for any acoustic tests.

I have copied this to Ms. Patel in case this matter arises at the hearing.

I hope this email finds you well,

Best regards,

David Bieda

-----Original Message-----

From: Alun Thomas [<mailto:Athomas@tandtp.com>]

Sent: 21 October 2014 16:30

To: David Bieda

Cc: Jack Spiegler

Subject: Blacks

David

I have obviously seen your representation in respect of the above premises.

If it would help to have a meeting to discuss your concerns, please let me know. In the meantime, I would like to arrange an acoustic test at your premises on Wednesday or Thursday this week and I would be grateful if you could let me know if this would be convenient so I can make the appropriate arrangements.

Could you do 10 AM this Wednesday?

I hope you are well.

Yours sincerely

Alun

TO Licensing Officer

REFERENCE 14/07347/LIPV

FROM EH Consultation Team
BEING DEALT WITH BY Cliona Coleman (ccoleman@westminster.gov.uk)
TELEPHONE 020 7641 6830
DATE 16th September 2014

The Licensing Act 2003

Basement To First Floor 67 Dean Street London W1D 4QH

I refer to the application for variation of the Premises Licence.

The applicant is seeking the following:

1. To introduce a new bar counter on the Ground Floor
2. To allow guests of members to purchase their own alcohol

I wish to make the following representation

1. No objection is made to the change of layout as outlined in the drawings submitted with the application. New plans of the ground floor are submitted reference same as previous plans submitted to this office showing the new bar counter.
2. Representation is made as the proposed amendment of the condition will result in public nuisance in the West End stress area.

Although no objection is being made to the change of layout of the ground floor condition 12 only has capacities for ground floor and first floor, this appears to be an omission with regards to the capacity in the basement. Applicant is asked to clarify whether the fire brigade has provided a capacity for the basement.

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

Cliona Coleman
Environmental Health Officer

TO Licensing Officer

REFERENCE 14/07347/LIPV

FROM EH Consultation Team
BEING DEALT WITH BY Cliona Coleman (ccoleman@westminster.gov.uk)
TELEPHONE 020 7641 6830
DATE 22nd October 2014

The Licensing Act 2003

Basement To First Floor 67 Dean Street London W1D 4QH

In addition to the inspectors report please see below recent noise history:

Sunday 10th August 2014 @ 17:42 Loud music coming from pub next door. Complainant contacted @ 18:20 and visited. Very loud bass heavy music heard while standing in customers property. Loudest in the basement where some bass elements of music were causing vibration through party wall and detectable when touching the mantelpiece. Also very intrusive on ground floor. Statutory Nuisance notice to be served.

Tuesday 19th August 2014 @ 21:10 Environmental Protection Act 1990, Section 80. Noise Abatement Notice hand delivered - received by David Seccombe (General Manager).

If you have any questions please do not hesitate to contact.

Cliona Coleman
EHCT

Black's, 67 Dean Street, W1, West End Ward, 26.09.2014 23:29 hrs

Black's Private Member's club has applied to Westminster Council to vary their Premises Licence as follows: (1) Introduce a new bar counter on the Ground Floor and (2) Allow guests of members to purchase their own alcohol. The last date of objection is the 29th of September 2014.

We watched the outside of the venue for a few minutes prior to entry. The front door (on the plans The Residential Entrance) was wide open. The Club Entrance on the plans was not in use and the gate leading to the basement stairs at the front of the venue was secured with a bungee cord. There were two ground floor windows open and one window open on the first floor. The Blue Variation Notice was still in situ on the front fence. We entered the front door (Residential Entrance) un-opposed and walked through the vestibule to the small reception desk. There was no signage on the door 'ENTER CLUB BY BASEMENT' as per the plans. The members signing in book was facing us and open at today's date. Seated behind the small desk was a White Female. We introduced ourselves and showed our identity badges. We asked to speak with the DPS. She informed us that he was not on duty and summoned a Duty Manager, Matt. I had dealt with Matt on my first visit to the venue five weeks ago, which was unsatisfactory. I explained to Matt why we were there and he phoned the DPS-who was nearby-and informed us that he would be there in 15 minutes. We checked the membership book and there had been 28 (twenty-eight) members in that day and 29 (twenty-nine) guests. Matt asked if he could check 'his restaurant' and went upstairs. When he returned we asked Matt to accompany us to the Basement floor. We had with us the plans for the venue. It was apparent that the activities in the basement had changed from that on the plans. We marked the changes on the plans in red ink. On checking the Fire Exit-which is the Club Entrance marked on the plans, we found it to be blocked with bottles and Cooking Oil. The Fire Exit was impassable. Matt cleared the obstructions immediately. There was a sign on the fire Exit door, 'IT IS FORBIDDEN TO TAKE DRINKS OUTSIDE-NO SMOKING ON THE STAIRS'. The area marked on the plans 'DINING AREA' is now a 'LOUNGE AREA'. There were 12 (twelve) persons seated around tables in the basement. There were bottles of wine on the tables and no food. There is also a small bar stocked with Spirits and other alcoholic drinks which we marked on the plans. Behind the small bar counter was a Till. The Chef was cleaning the kitchen which was closing. The plans show the whole of the basement as being

covered for licensable activities. We then went up to the Ground Floor. The area marked on the Plans as being 'DINING AREA' is now a LOUNGE AREA'. There were 19 (nineteen) people seated at tables in the now 'LOUNGE AREA'. There was alcohol on all tables and no food. We then checked the 'COURTYARD'. This is area is even smaller than on the plans as there is now a storage shed, which we marked on the plans. The DPS had joined us by this stage. We went up to the First floor. The area marked on the plans as 'READING ROOMS (NO FOOD NO MUSIC)' is now the main DINING AREA. There are 7 (seven) tables and 22 (twenty two) chairs in this part of the 1st Floor. In the area next to the Hoist on the plans, there are 2(two) tables and 11(eleven) chairs. In the small area at the rear of the 1st floor there is one table and three chairs as well as the Bed. There were 7 (seven) persons on the 1st floor. We then discussed a few matters with the DPS. The change of entrance came into force in June 2014. He confirmed that Dining was now on the 1st Floor and only Bar snacks are available in the basement and on the Ground Floor. There is no sound limiter, but the Club have purchased a hand held sound recorder and will be using that in the future. There is no live music as a rule, only background music. The kitchen closes at 22:30 hours.

Condition 12 on the current licence indicates that the capacity for the Ground and First floors are 30 (thirty) on each. These figures include staff.

Condition 13 (i) (a) restricts the sale/supply of alcohol on weekdays to 23:00 hrs.

Condition 13 (ii) which relates solely to the Basement and Ground Floor reads; Alcohol may be sold or supplied for one hour following the hours set out above (10:00 -23:00)to persons taking table meals in the premises in a part of the premises usually set aside for the service of such persons and for consumption by such a person in that part of the premises as an ancillary to his meal

Condition 13 (iii) (a) reads: 'Alcohol may be sold or supplied until 01:00 in the morning following weekdays.....by persons taking table meals in the premises in a part of the premises usually set apart for the service of such persons and for consumption by that person in that part of the premises as an ancillary to his meal'.

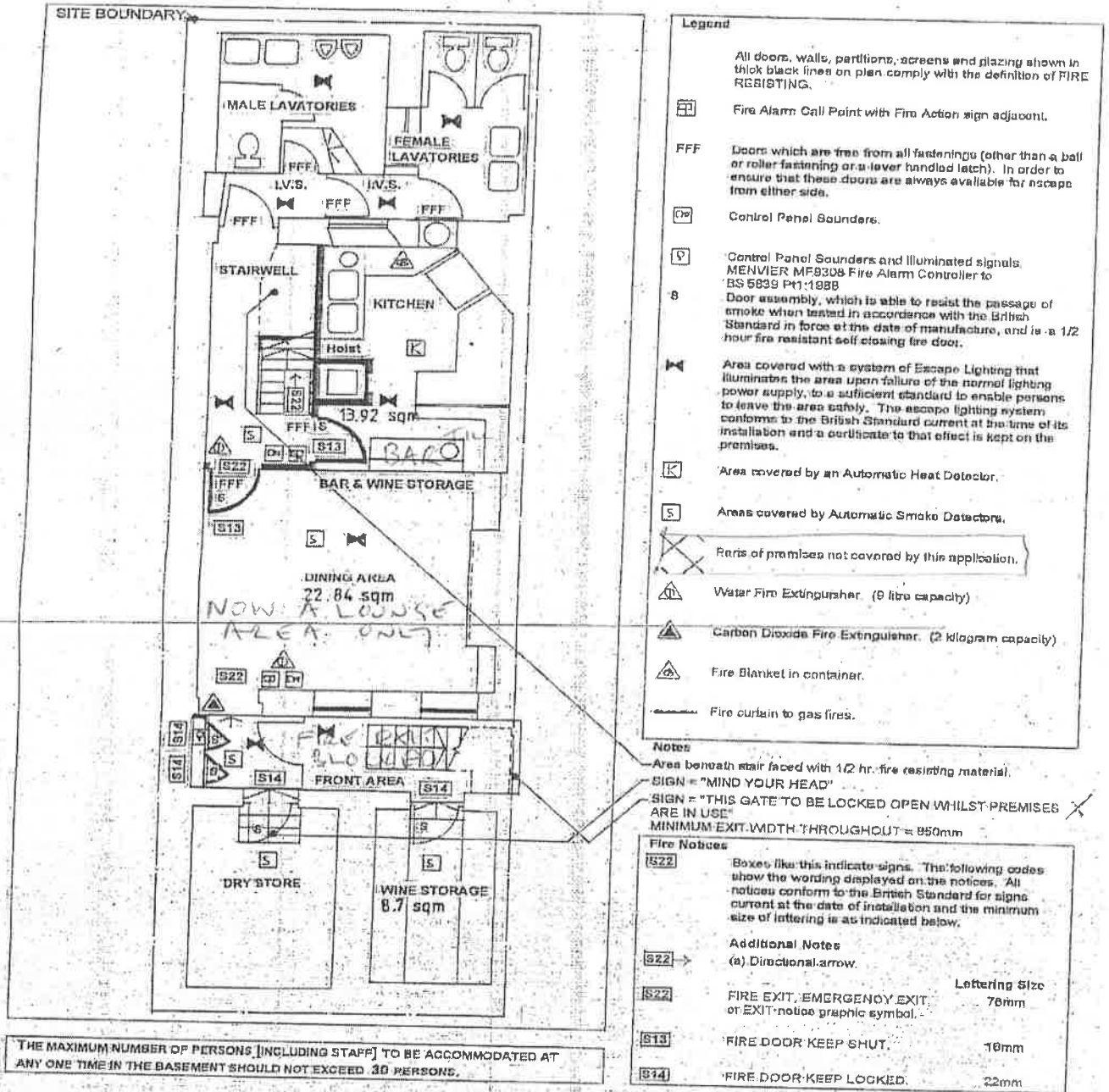
13 (iii) (b) reads: 'That part of the premises must also be used for the provision of entertainment by persons present and performing to which the sale or supply of alcohol is also ancillary'.

13 (iii) (c) reads: 'The alcohol must be sold or supplied at a time before (i) the provision of entertainment by persons present and performing or (ii) the provision of substantial refreshment, has ended...'

13 (iii) (d) reads: 'This condition does not authorise any sale or supply to any person admitted to the premises either after midnight (23:00 on Sunday) or less than half an hour before the entertainment is due to end, except in accordance with condition 12 (ii) above.'

The above hour cannot be used as the kitchen closes at 10:30, and there is no live entertainment. The Dining room has also been moved from the basement to the first floor.

BLACKS LTD.
 67 DEAN STREET, LONDON W1V 5HD TEL:- 0207 287 3381
 CONVERSION OF EXISTING LICENCE

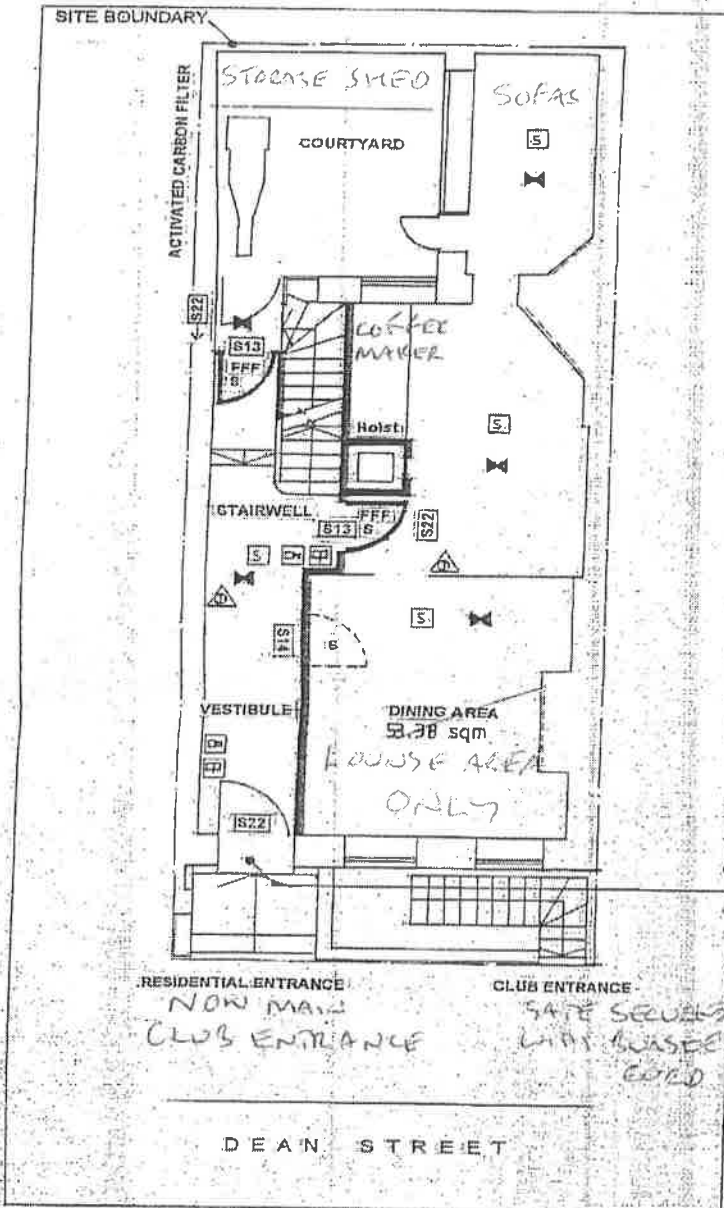


LI- BASEMENT LEVEL PLAN AS EXISTING. SCALE - 1:100

GORDON STUART McLEAN JULY 2005 MOBILE- 07905 190 237

26/9/07

BLACKS LTD.
 67 DEAN STREET, LONDON W1V 5HD TEL:- 0207 287 3381
CONVERSION OF EXISTING LICENCE



- Legend**
- All doors, walls, partitions, screens and glazing shown in thick black lines on plan comply with the definition of FIRE RESISTING.
 - CP** Fire Alarm Call Point with Fire Action sign adjacent.
 - FFF** Doors which are free from all fastenings (other than a ball or roller fastening or a lever handed latch). In order to ensure that these doors are always available for escape from either side.
 - CP** Control Panel Rounders.
 - CS** Control Panel Sounders and illuminated signals. MENVER MF9305 Fire Alarm Controller to BS 5839 Pt1:1998
 - S** Door assembly, which is able to resist the passage of smoke when tested in accordance with the British Standard in force at the date of manufacture, and is a 1/2 hour fire-resistant self-closing fire door.
 - X** Area covered with a system of Escape Lighting that illuminates the area upon failure of the normal lighting power supply, to a sufficient standard to enable persons to leave the area safely. The escape lighting system conforms to the British Standard current at the time of its installation, and a certificate to that effect is kept on the premises.
 - K** Area covered by an Automatic Heat Detector.
 - S** Area covered by Automatic Smoke Detectors.
 - X** Parts of premises not covered by this application.
 - △** Water Fire Extinguisher. (9 litre capacity)
 - △** Carbon Dioxide Fire Extinguisher. (2 kilogram capacity)
 - △** Fire Blanket in container.
 - Fire curtain to gas fires.

Notes
 SIGN = "ENTER CLUB BY BASEMENT". MISSING
 MINIMUM EXIT WIDTH THROUGHOUT = 850mm

Fire Notices

S22	Boxes like this indicate signs. The following codes show the wording displayed on the notices. All notices conform to the British Standard for signs current at the date of installation and the minimum size of lettering is as indicated below.	
S22 →	Additional Notes (e) Directional arrow.	
S22	FIRE EXIT, EMERGENCY EXIT or EXIT notice graphic symbol.	Lettering Size 70mm
S13	FIRE DOOR KEEP SHUT.	18mm
S14	FIRE DOOR KEEP LOCKED.	22mm

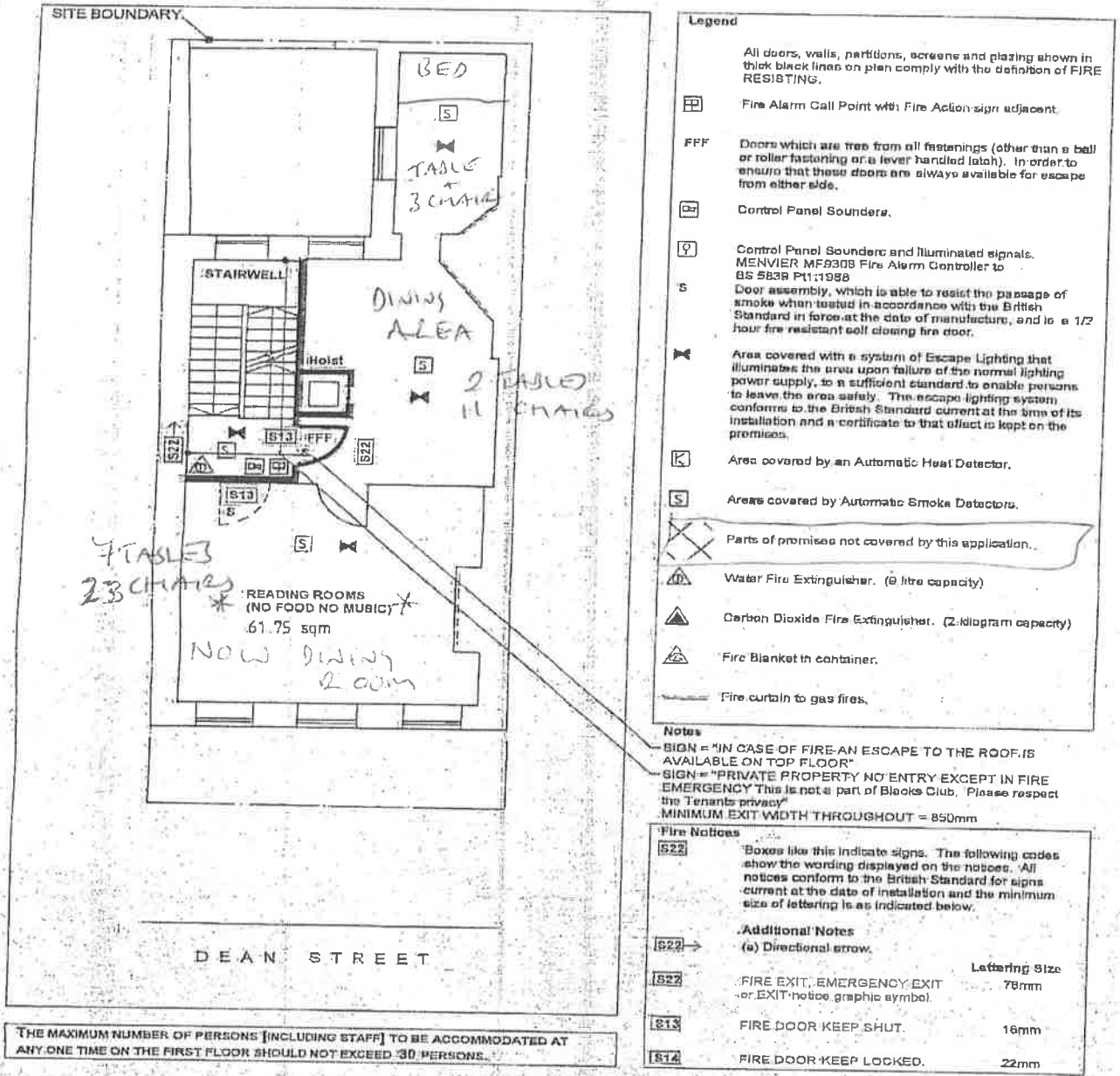
THE MAXIMUM NUMBER OF PERSONS [INCLUDING STAFF] TO BE ACCOMMODATED AT ANY ONE TIME ON THE GROUND FLOOR SHOULD NOT EXCEED 30 PERSONS.

L2- GROUND FLOOR PLAN AS EXISTING. SCALE - 1:100

GORDON STUART McLEAN JULY 2005 MOBILE:- 07905 190 237

Handwritten signature and date: 26/9/07

BLACKS LTD.
 67 DEAN STREET, LONDON W1V 5HD TEL:- 0207 287 3381
 CONVERSION OF EXISTING LICENCE



L3- FIRST FLOOR PLAN AS EXISTING. SCALE - 1:100

GORDON STUART MCLEAN JULY 2005 MOBILE:- 07905 190 237

Handwritten signature and date: 26/9/04

We left the venue at 23:29 hours.

McVitie and Hayes

TO Licensing Officer

REFERENCE 14/07347/LIPV

FROM EH Consultation Team
BEING DEALT WITH BY Cliona Coleman (ccoleman@westminster.gov.uk)
TELEPHONE 020 7641 6830
DATE 23rd October 2014

The Licensing Act 2003

Basement To First Floor 67 Dean Street London W1D 4QH

I understand there has been new owners from April 2014, since then there has been a noise abatement notice served on Tuesday 8th August 2014 which was hand delivered and received by David Seccombe (General Manager).

Additionally the report by the licensing inspectors has shown the premises to be operated differently by the new owners.

Environmental Health therefore propose these conditions for this application. (Please Note: Conditions 1,2 and 3 below replaces conditions 10, 11 on the current license and condition 4 below replaces existing condition 12 on the current license):

1. Alcohol may only be sold for consumption by members of a private club and their bona fide guests not exceeding 4 guests per member. 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 48 hours between their nomination or application for membership and their admission.
2. 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.
3. Guests of members can only purchase alcohol whilst that member is present on the premises.
4. The number of persons accommodated at any one time (including staff) shall not exceed the following:

First Floor- 30 persons
Ground Floor – 30 persons
Basement – 30 persons

5. No drinks shall be consumed outside the premises nor glasses/bottles removed from the premises by patrons when leaving.
6. A noise limiter must be fitted to the musical amplification system set at a level determined by and to the satisfaction of an authorised officer of the Environmental Health Service, Premises Management so as to ensure that no noise nuisance is caused to local residents or businesses. The operational panel of the noise limiter shall then be secured by key or password to the satisfaction of officers from the Environmental Health Service and access shall only be by persons authorised by the Premises Licence holder. The limiter shall not be altered without prior agreement with the Environmental Health Service. No alteration or modification to any existing sound system(s) should be effected without prior knowledge of an authorised Officer of the Environmental Health Service. No additional sound generating equipment shall be used on the premises without being routed through the sound limiter device.
7. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
8. Loudspeakers shall not be located in the entrance lobby or outside the premises building.
9. All windows and external doors shall be kept closed after 21:00 hours, or at any time when regulated entertainment takes place, except for the immediate access and egress of persons.
10. 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.
11. The garden area shall cease to be used after 21:00 hours.
12. 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.
13. 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.
14. Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly.
15. After 23.00 hours patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall be limited to 10 persons at any one time.
16. 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.

17. The variation of the Premises Licence (14/07347/LIPV) will have no effect until the Licensing Authority are satisfied that the premises is constructed or altered in accordance with the appropriate provisions of the District Surveyor's Association – Technical Standards for Places of Entertainment and the reasonable requirements of Westminster Environmental Health Consultation Team, at which time this condition will be removed from the Licence.

Cliona Coleman

Environmental Health

APPENDIX B2

Your

Our 14/07347/LIPV

Date: 8th September, 2014



**METROPOLITAN POLICE
SERVICE**

Constable Sandy Russell 4167CW
Westminster Police Licensing Unit
Westminster City Hall
Fourth Floor
64 Victoria Street
London
SW1E 6QP

Telephone: 020 7641 1705
mob
Facsimile: 020 7641 4236
Email: srussell@westminster.gov.uk

Application for a Premises Licence Variation: Blacks, 67 Dean Street, W1.

Dear Ms Hepworth

With reference to the above application, I am writing to inform you that the Metropolitan Police, as a responsible authority, will be objecting to this application. It is our belief that if granted the application would undermine the Licensing Objectives.

The venue is situated within the West End Stress Area, a locality where there is traditionally high crime and disorder. There are concerns that this application will cause further policing problems in an already demanding area.

It is for this reason that we are objecting to the application.

Should you wish to discuss the matter further please contact me on **0207 641 3179** or via email srussell@westminster.gov.uk

Yours sincerely

Sandy Russell.

From: "David Gleeson" <dgleeson@live.co.uk>

Sent: 29/09/2014 01:34:27

To: Premises Licensing

Cc: Gary Hayes; John Raynham; Margaret Bloomer; Marina Tempia; Richard Utting; Richard Brown

Subject: Objection: 14/07347/LIPV - Black's, 67 Dean Street, Soho W1

Objections

Westminster Licensing Service

4th Floor (West) City Hall

64 Victoria Street

London SW1E 6QP

29 September 2014

Dear Sir/Madam

Ref: 14/07347/LIPV Black's, 67 Dean Street, Soho W1

I write to make a relevant representation to the above application on behalf of the Soho Society.

The Soho Society is a charitable company limited by guarantee established in 1972. The Society is a recognised amenity society and was formed to make Soho a better place to live, work or visit by preserving and enhancing the area's existing diversity of character and uses, and by improving its facilities, amenities and environment. In particular, the Society supports the City Council's policies, including the cumulative impact policy, as set out in the Statement of Licensing Policy.

The Society objects to this application as it is currently presented, on the grounds of prevention of public nuisance, prevention of crime and disorder and cumulative impact in the West End Stress Area.

The application seeks to introduce a new bar counter on the ground floor of the premises and to allow guests of members to purchase alcohol. These two aims raise concerns about the premises. I understand that since its inception over twenty years ago, Black's has operated as a private members club which, unlike similar establishments, currently allows members to introduce as many guests as they please. Recently the entrance to the premises has been moved from the basement – which preserved an air of club exclusivity – to the ground floor. To introduce a new bar at ground level, with a new entrance that, we hear from residents, is often left open, will likely encourage many more guests who will all be able to purchase alcohol. This will therefore add to the cumulative impact on this particular stretch of Dean Street, which will be hugely unfair to residents living close by. The house immediately alongside Black's – 68 Dean Street – is residential and the owner has suffered from noise nuisance from the premises for the last few years. I believe residents in Meard and Bouchier Streets are also complaining of noise nuisance. Earlier this month, Westminster served a noise abatement notice on the premises (14/26829/ENAC).

This area has been identified by the City Council (2.4.1 of the Statement of Licensing Policy, as amended) as under stress because the cumulative effect of the concentration of late night and drink led premises and night cafes has led to serious problems of disorder and/or public nuisance affecting residents, visitors and other businesses.

The policies in relation to the Stress Areas are directed at the global and cumulative effects of licences on the area as a whole (2.4.5 of the Policy). The policies are intended to be strict and will only be overridden in genuinely exceptional circumstances (2.4.2 of the Policy). The growth in the entertainment industry in Soho has led to a marked deterioration in the quality of life and well-being of local residents and it has jeopardised the sustainability of the community. Soho has a substantial residential community and many of these residents suffer from problems such as, but not limited to, high levels of noise nuisance, problems with waste, urinating and defecating in the streets, threats to public safety, anti-social behaviour, crime and disorder and the change in character of historic areas.

For the reasons I have set out, we believe that the application, if granted in its present form, would fail to promote the licensing objectives of prevention of public nuisance and prevention of crime and disorder. I respectfully urge the Sub-Committee to reject this application.

Yours faithfully,

David Gleeson

Licensing Chair, The Soho Society
55 Dean Street

APPENDIX B4

LICENSE APPLICATION 14/07347/LIPV

BLACKS CLUB BASEMENT TO FIRST FLOOR 67 DEAN STREET LONDON W1D 4QH

OBJECTION TO THE APPLICATION

David Bieda 67 Dean Street London W1D 4QJ

In making this objection I do wish the new owners well, as long as Blacks reverts to its former incarnation as a quiet member club for members & up to two guests.

Reasons for Objecting:

I object to this application as it will not, in my view, forward the Licensing Objectives, and in particular 'The prevention of public nuisance.' As the current license does not restrict the number of guests a member may introduce the current application will enable members to introduce unlimited numbers of guests. This may be ideal for an events venue. Whilst there is no legal definition of what constitutes a 'club' I assume I must involve a degree of exclusivity or it would, in effect, become a form of bar. Such a change will in my view increase the amount of alcohol consumed, is likely to increase the number of 'events' and will exacerbate existing public nuisance issues. The nearby Groucho Club only allows two guests per member.



Crowd outside Blacks. Note windows open as no air conditioning.

Locus:

I am the owner occupier adjacent to Blacks and have lived here since August 3rd 1993 which was the time when Blacks opened. I was one of the key-holders until recently & had to attend many times during the night to turn the fire alarm off due to activities by one of the elderly tenants. In return I was made an honorary member. The third floor was occupied by Edith Stewart and the second by Gino Santinelli, both borne there and have been residential since c.1732. I understand that the new owners have turned the 2nd floor into an office.

Recent Changes in the nature of the operation:

Until about 3 years ago Blacks was an exemplary operation for an adjacent resident. However when new investors were brought in the nature of the club changed with frequent events often very noisy with loud music and much noise outside. I attach (ATTACHMENT 1) a log I have kept giving an indication of these issues. It did appear that many of those attending were not members. There are no restrictions on Black's license as to the number of guests a member may introduce. There are also no restrictions as to the playing of amplified music, such as 'quiet background music only', nor are there any restrictions as to private

entertainment. Is this a suitable license for 'club' in an 18c timber frame house with residential above and adjacent?

Which Licensing Policies Apply?

There are events planned for October 8, 13th, 14th, 30th and 31st. I am not objecting to these per se but they raise the above issue, especially as it then becomes unclear which policies apply in relation to the Stress Area? Which policies should adjacent residents refer to? Is this an events venue or a private members club?

The current application & confusing issues.

There are a number of issues which appear to need clarification.

1. The plan attached to the application has the 10+ year old postcode and it is unclear whether the rear yard is part of the licensed area? Its recent use under the new owners is causing a public nuisance to residents in Meard Street;
2. The plan submitted states 'GROUND FLOOR PLAN AS EXISTING' yet it appears it might be the plan as proposed as it shows a bar in the ground middle room where there is none at present. Which is it?
3. The above plan shows the basement as the club entrance and the ground floor as the residential entrance. In fact Blacks recently (about 6 weeks ago) changed to having their entrance on the ground floor with the front door open at all times. Should there not be an application for this alteration? The past arrangement was to safeguard the 2nd & 3rd floor residential. If this is a private members club why have the front door open at all times?
4. License conditions 12 (ii) & 12 (iii) allow an additional hour for the sale of alcohol for the dining area – yet the plan submitted shows that area on the ground floor when, in fact, it is now on the first floor. Should there not have been an application for variation? Does this mean the plan submitted is in fact inaccurate?
5. Should the plans submitted show all the area's they occupy as they now appear to occupy the 2nd floor residential? Should their current planning application (14/09055/LBC) also be a variation?

All the above is slightly confusing.



New 'open door' policy unlike any other club in Soho or possibly London.

Current License conditions & permitted hours.

As far as I can understand the current license it is License conditions 12 (ii) & 12 (iii) which allow an additional hour for the sale of alcohol. Possibly the unrestricted nature of 'private entertainment' also allows these additional hours, but if this is the case is this a private members club or an entertainment venue?

S.12a (i) Sets out the hours alcohol may be supplied & they are: Weekdays (appears to include Saturdays which is not a weekday) 10.00 – 23.00 & Sundays 10.00 – 22.30;

S.12a (ii) Appears to allow the above for a further hour, i.e. weekdays Midnight & Sundays 23.30 for 'persons taking table meals in the premises in a part of the premises usually set apart for the service of such persons and for the consumption by such a person in that part of the premises as an ancillary to his meal.'

See below under 'entertainment'. It is unclear from the application what area is 'set apart' for dining. It was the ground floor (as on the plan submitted) but I gather is now the first floor. Were the applicants to claim that meals can be served wherever, then the license needs to be altered | reviewed.

Then there are two sections b and c referring to '...the provision of entertainment'. Does this mean that the hours are extended by an hour when there is 'entertainment'? If not what does it mean?

Under the section headed **NOTE** – there are a number of provisions a – c which are difficult to understand. Which hours do they refer to? 12a (i) or 12a (ii) - the extended hours?

In my view this license should have conditions attached such as below:-

1. Quiet background music only, not be heard outside the premises or in adjacent premises;
2. There should be some form of restriction on 'entertainment' as the house is not sound-proofed and loud music with windows open in the summer causes a public nuisance;
3. Members may only bring in two guests who's names shall be recorded in the entrance book;
4. The rear yard may not be used as this causes a nuisance to neighbouring residential in Meard Street;
5. Alcohol may not be taken off the premises (to prevent outside nuisance);
6. Various clauses to be clarified for all concerned, in particular the extended hours in Para's 12a i) & ii).

David Bieda

26 09 14

BLACKS LOG

EVENT	DATE	ISSUE
Event with band	30 06 12	Band in basement loud noise
Wedding	01 07 12	Loud talking outside loud thumping music & screaming from Blacks basement
Noise Team	01 07 12	Reference: 12/21900/ENAC
None	04 07 12	Screaming outside
Amplified music	17 08 12	Back home 10.30 loud bass noises & percussion with windows open...
None	05 09 12	Loud talking outside - telephoned to ask them to move
None	20 09 12	Loud talking outside took pic
None	21 09 12	As above
Performance	25 09 12	As above 22.40 no pic
Ditto	25 09 12	Thumping bass guitar type sound

None	28 09 12	Loud talking outside
None	02 10 12	Shouting & screaming outside
Gallery Show	09 10 12	Crowds outside + bikes chained to my fire sign gate
		exit etc told Gennaro @ Blacks & emailed pic to Roald Piper @ WCC
None	12 10 12	Very noisy crown outside
		See various emails...
Works	11 11 12	Noisy drilling on a Sunday @ 1.30 afternoon
Wedding	11 11 12	Jazz band in basement clearly audible on ground & basement. I dd not call as not wishing to upset the wedding
Event Art Saves Lives	09 12 12	Sunday - loud bongo music in basement
Event	14 04 13	Very noisy crow outside @ 12.15 am
Opera event	16 04 13	Loud music heard throughout
	18 04 13	Rowdy crown outside shrieking
	30 07 13	Rowdy crowd outside
Music Event	04 09 13	Lots of loud noise from premises windows open
		<u>Society of The Golden Slippers return on September 4th with Kristina Train. She'll be performing a mix of songs from her catalogue and support is courtesy of The Bonfires (who recently supported US country sensation Kacey Musgraves.) If you would like to join us for this very special evening please email in your requests.</u>
		<u>http://www.youtube.com/watch?v=erx-4cnyTSY</u>
	12 09 13	Very noisy crowd outside @ 10.30pm
		Very noisy crown outside @ 9.30pm rang them up yet again to ask them to get people to move to the other side of Blacks where there are no residents which they did.
	21 09 13	
Event • Monday 21st October		
7.30pm Society of the Golden Slippers - Live Music	21 10 13	very noisy event & chatter outside
	26 10 13	very loud outside midnight
	26 10 13	lots of noise at 01.15am
	31 10 13	lots of noise outside at 11pm
		Bike parked on my fire exist when I complained I was met with a negative response by staff who refused to have it removed immediately. It was still there one after bneing reported causing a health & safety hazard.
Birthday party	17 11 13	

	18 11 13	Lots of noise outside
	30 11 13	As above
	01 12 13	As above Sunday party
	03 12 13	Intermittently as above
Event	05 12 13	Lots of banging & screaming inside & outside
	12 12 13	Very noisy outside
Pop Up Event	12 01 14	Event appears to be full of non members
	13 01 14	Lot of loud talking outside
	24 01 14	Very noisy outside
Event?	15 02 14	Very noise outside - lot of people drinking & talking very loudly
Private Party	23 01 13	Loud music & people outside (Sunday)
Conference	01 03 14	Lot of noise outside @ 18.00 hrs
Live Music FRANKY AND THE JACKS	28 03 13	Lot of noise outside 8.20
	06 04 14	Lot of noise outside @ 00.52
No event	27 04 14	Lot of noise outside @ 1.30am
Party Barney	10 08 14	Loud thumping music Noon to 9pm
	12 09 14	WCC served noise abatement notice
5 Forty		Noise number: 14/26829/ENAC
	19 08 14	Lot of loud talking outside

Patel, Bina

From: David Bieda [db@sixty8.com]
Sent: 22 October 2014 16:24
To: Patel, Bina
Cc: 'Holter, Michael'; 'Ana & Steven Potter & Crinan @ 1 Meard Street'; 'David Gleeson'; Roberts, G (cldr); McVitie, Martin; 'Richard Brown'
Subject: 14/07347/LIPV BLACKS CLUB 67 DEAN STREET W1D 4QJ

Dear Ms. Patel,

Richard Brown will represent me at the hearing.

Following a friendly meeting I had with the MD and Manager of Blacks Club yesterday I make the following comments which I hope might assist in resolving issues of concern.

REAR YARD

Blacks Club indicated they would be pleased to meet the nearby residents in Meard Street to discuss the use of the rear yard, which hitherto has not been used by members & guests, notwithstanding that it appears to be part of the licensed area. I gather from neighbours that the use stopped but has re-started. Blacks felt that sound attenuation measures might work but I doubt this due to the funnel nature of the rear yards in Meard Street, which abut a tall building along Bouchier Street, thus sounds are amplified.

PLANS

I request that Blacks provide a complete set of plans showing the actual current uses, entrance and exit, and proposals for planned changes to same. I also request that a complete set of the plans for the current license is available so the two may be compared. I think it would have assisted had this been done in the first place and a variation made for all changes to the existing plans. I cannot see the point of such plans if an operator can change them unilaterally; it can also lead to mis-understandings which may be the case currently.

THE EXISTING LICENSE & PROPOSALS

In my Representation I made suggestions at the end as to proposed Conditions and wish to modify them as below. It may be that they are unsuitable for the current hearing. It seems to me that 'unrestricted' music and entertainment is unsuitable and needs to be refined as more akin to a bar or performance venue.

Sound transmission: Model Condition 11 to apply, however this would not deal with noise from open windows. In effect quiet background music seems appropriate to a club (which is not a bar);

Members & guests: To replace Condition 10 by: *'Alcohol may only be sold for consumption by members of a private club and their bona fide guests (not exceeding 2 guests per member). 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 and interval of at least 48 hours between their nomination or application for membership and their admission.'*

Blacks have put it to me that on occasion guests may wish to book tables for larger numbers. Also on occasion the Club is rented out by members for private parties. I would think the above wording might be accommodated to encompass the above. What I (and others) object to is members being able to introduce unlimited numbers of guests who can buy drinks. At what point does a private members club cease to be same?

'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.' I believe this is already done.

First floor as restaurant: - *'After 11pm, sale of alcohol on the first floor shall only be to a person seated taking a table meal there and for consumption by such a person as ancillary to their meal.'* This would appear to accord with terms of the current license.

Outside noise: *'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'*.

REAR YARD

'The external area at the rear of the premises marked as 'Courtyard' on the approved plan shall not be used by members or guests.'

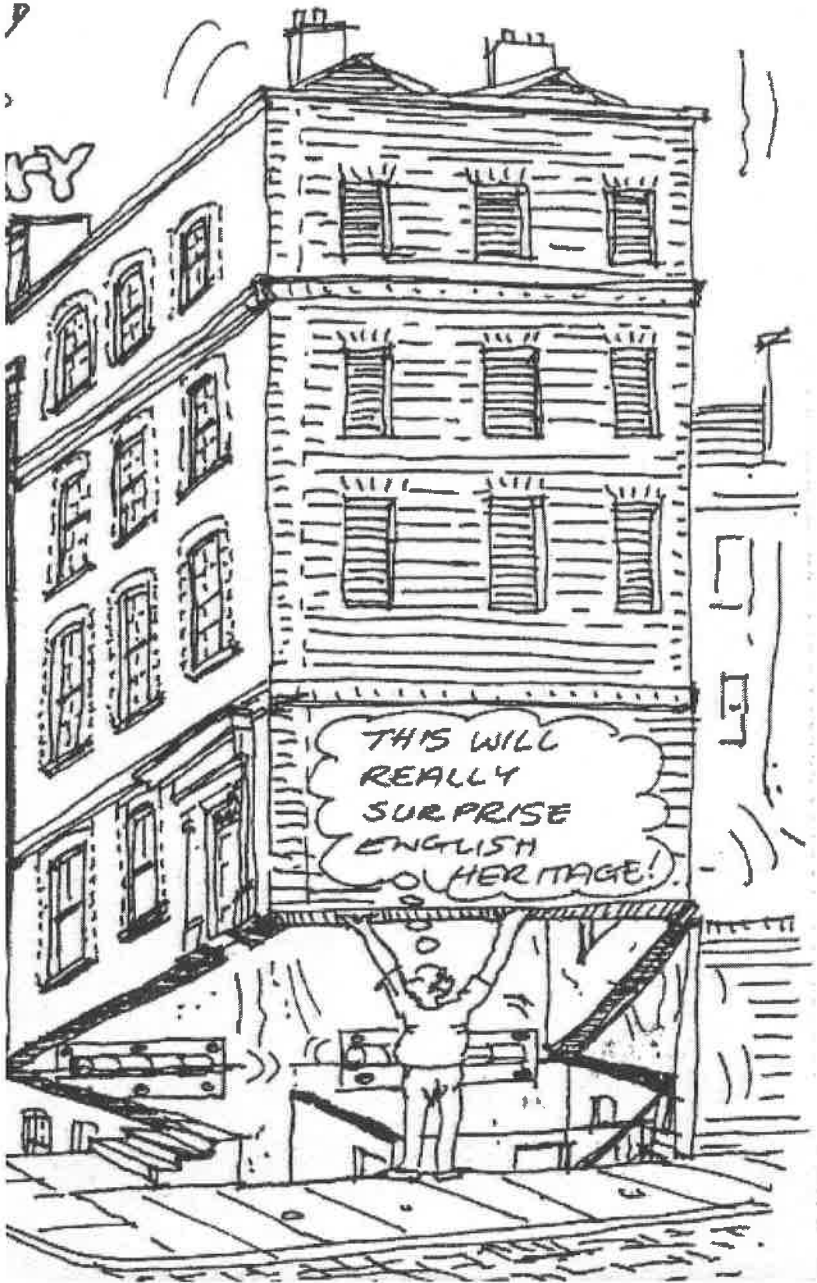
Whilst this does not affect me it clearly disturbs neighbours. In the event of a way round this being found, this could be lifted or modified, but this is not my call.

Best regards,

David Bieda

PS

It has occurred to me that below would help noise escape from 68 Dean Street so I may make a Listed Building application for necessary works.



David Bieda
68 Dean Street Soho London W1D 4QJ
Tel 020-7437-5512 Fax 020-7437-6612
Mob. 07855-256860
www.sixty8.com (under reconstruction)

Patel, Bina

From: Steven & Ana [Mail@StevenandAna.com]
Sent: 28 September 2014 16:56
To: David Bieda
Cc: Michael Holter; Roberts, G (crr); McVitie, Martin; Sollars, Jim; Patel, Bina
Subject: Re: 14/07347/LIPV- BLACKS CLUB DEAN STREET W1
Attachments: Blacks Sound Files.zip; ATT00001.htm; Blacks garden day.JPG; ATT00002.htm; Blacks garden night.JPG; ATT00003.htm; Blacks Club sound files.zip; ATT00004.htm

Categories: Green Category

Ms Patel,

I am writing in support of my neighbour David Bieda's objections for Blacks's Club.

Our house backs onto the opening between Meard Street / Bouchier Street in Soho and this has always been very calm and peaceful. Recently, since change of ownership, Black's have begun using the back area (previously a pass-through for the kitchen) as an outdoor courtyard garden / smoking area for members and guests.

Unfortunately, due to the tunnel-like construction of the buildings facing back to back in this space, the sound created by the drinking club members travels and is loudly amplified to all the houses along this space. We have also had to close windows due to cigarette smoke when there are many smokers using the space.

I have attached a zip file with a few recordings I have made from my kitchen on random evenings in the past few weeks. I've also recorded a few evenings when there were no members in the courtyard garden so you can hear the contrast (windows were still open with guests inside - this is the noise level we have had on a regular basis until the courtyard was opened as a smoking / drinking area).

I have also attached two images so you can see the space being referred to.

Please let me know if you require anything further.

Kind regards,

Ana Potter
One Meard Street
07817 720 725





Patel, Bina

From: Steven & Ana [Mail@StevenandAna.com]
Sent: 28 September 2014 20:56
Cc: David Bieda; Michael Holter; Roberts, G (cllr); McVitie, Martin; Sollars, Jim; Patel, Bina
Subject: Re: 14/07347/LIPV- BLACKS CLUB DEAN STREET W1

Categories: Green Category

Ms Patel,

Just a quick follow up in case it is unclear, I am making a representation re 14/07347/LIPV- BLACKS CLUB DEAN STREET W1 - in support of the objections outlined by David Bieda, and agreeing that the application and the Club as currently run do not promote several Licensing Objectives of the 2003 Act including:

- public safety,
- prevention of public nuisance

Please let em know if I can be of further assistance.

Kind regards,

Ana Potter

On 28 Sep 2014, at 16:55, Steven & Ana <mail@stevenandana.com> wrote:

Ms Patel,

I am writing in support of my neighbour David Bieda's objections for Blacks's Club.

APPENDIX B6

Patel, Bina

From: Holter, Michael [Michael.Holter@wilmerhale.com]
Sent: 29 September 2014 17:10
To: Patel, Bina
Cc: 'mail@StevenandAna.com'; Roberts, G (cldr); 'armaiti.bedford@hotmail.co.uk'; 'h.proctor@etoncollege.org.uk'; 'db@sixty8.com'; McVitie, Martin; Sollars, Jim
Subject: Re: 14/07347/LIPV BLACKS CLUB 67 DEAN STREET W1D 4QH

Categories: Green Category

Apologies, Ms Patel. I should, of course, have referred to the Licensing (not the Planning) Committee.

Kind regards, Michael Holter

From: Holter, Michael
Sent: Monday, September 29, 2014 02:42 PM
To: Patel, Bina <bpatel@westminster.gov.uk>
Cc: Ana & Steven Potter & Crinan @ 1 Meard Street <mail@StevenandAna.com>; Cllr Glenys Roberts @ WCC <glenys.roberts@dailymail.co.uk>; Armaiti Bedford & Terry Bedford @ 1 Meard Street (armaiti.bedford@hotmail.co.uk) <armaiti.bedford@hotmail.co.uk>; Henry Proctor @ Meard Street (h.proctor@etoncollege.org.uk) <h.proctor@etoncollege.org.uk>; David Bieda <db@sixty8.com>; mmcvitie@westminster.gov.uk <mmcvitie@westminster.gov.uk>; Jim Sollars <jsollars@westminster.gov.uk>; Holter, Michael
Subject: RE: 14/07347/LIPV BLACKS CLUB 67 DEAN STREET W1D 4QH

Dear Ms Patel,

I should like to make a representation in order to object to 14/07347/LIPV- BLACKS CLUB DEAN STREET W1.

As you can see from the exchange below, since changing hands recently Blacks Club has been causing a real public nuisance to the surrounding residential properties and I fear that a widening of their existing licence to allow general members of the public buy alcohol on their premises will only serve to fuel this problem still further.

I should be grateful if you and the Planning Committee could take account of these objections.

Many thanks,

Michael Holter (5 Meard Street)

From: Holter, Michael
Sent: 24 September 2014 10:29
To: David Bieda; mmcvitie@westminster.gov.uk
Cc: Ana & Steven Potter & Crinan @ 1 Meard Street; Cllr Glenys Roberts @ WCC; Peter Schulz (peterschulz11@yahoo.co.uk); Armaiti Bedford & Terry Bedford @ 1 Meard Street (armaiti.bedford@hotmail.co.uk); Barbara Follett MP at 9 Meard Street (barbaraprivate@barbara-follett.org.uk); Henry Proctor @ Meard Street (h.proctor@etoncollege.org.uk); kenprivate@ken-follett.com; Holter, Michael
Subject: RE: 14/07347/LIPV BLACKS CLUB 67 DEAN STREET W1D 4QH

David,

Thank you so much for bringing to WCC's attention the very real problems that Blacks has started to present to our immediate neighbourhood since changing hands a few weeks ago.

Even though I live at 5 Meard Street, which is about 50 yards down the road from Blacks, the noise now coming from Black's back yard, which all of a sudden appears to have been opened up to guests, has completely changed for the worse the atmosphere and feel of our own outside areas along the length of Meard Street, in particular in the evening and at night times. Because of the sound funnel created by our row of terraced houses on Meard Street, on the one hand, and the Goldcrest building along Bouchier Street, on the other, the cacophony of loud and inebriated voices now coming from Black's newly opened-up outside area echoes around the back of our properties at all hours and is truly a nuisance, not least because many of us have bedrooms located towards the back of our properties, for what was until now additional peace and quiet.

Mr McVitie: I should be most grateful if you could look into the various issues raised by David Bieda below and if we could then perhaps arrange a meeting to see what can be done to restore the quiet enjoyment of our homes.

Many thanks and kind regards,

Michael Holter (020 7645 2574)

From: David Bieda [<mailto:db@sixty8.com>]

Sent: 23 September 2014 19:53

To: mmcvitie@westminster.gov.uk

Cc: Holter, Michael; Ana & Steven Potter & Crinan @ 1 Meard Street; Cllr Glenys Roberts @ WCC

Subject: 14/07347/LIPV BLACKS CLUB 67 DEAN STREET W1D 4QH

Dear Mr. McVitie,

I & others will be commenting on the above application and I have some questions as below having read the current license which I do find confusing. I have printed out the application & plan. Also we would welcome a meeting with you if possible.

1. Is there a section on clubs in the WCC Licensing Statement?
2. Does WCC have any definition of what constitutes a club?
3. Is the rear yard part of the licensed area (very difficult to tell from the plan submitted)?
4. The plan submitted is very old with the old postcode – it states 'GROUND FLOOR PLAN AS EXISTING' yet it appears it might be the plan as proposed as it shows a bar in the ground middle room where there is none at present. Which is it?
5. The above plan shows the basement as the club entrance and the ground floor as the residential entrance. In fact Blacks recently (about 6 weeks ago) changed to having their entrance on the ground floor with the front door open at all times. Should there not be an application for this alteration? The past arrangement was to safeguard the 2nd & 3rd floor residential;
6. License conditions 12 (ii) & 12 (iii) allow an additional hour for the sale of alcohol for the dining area – yet the plan submitted shows that area on the ground floor when, in fact, it is now on the first floor. Should there not have been an application for variation? Does this mean the plan submitted is in fact inaccurate?
7. Should the plans submitted show all the area's they occupy? They appear to have changed the 2nd floor residential into an office;
8. The current license does not have a restriction on how many guests a members may bring in. Am I correct that their current application would therefore enable a member to have unlimited guests all buying drinks?

The current license.

The unrestricted nature of recorded music creates a problem;

The members & guests outside causes endless problems of noise nuisance;

S.12a (i) Sets out the hours alcohol may be supplied & they are: Weekdays (appears to include Saturdays which is not a weekday) 10.00 – 23.00 & Sundays 10.00 – 22.30;

S.12a (ii) Appears to allow the above for a further hour, i.e. weekdays Midnight & Sundays 23.30 for *'persons taking table meals in the premises in a part of the premises usually set apart for the service of such persons and for the consumption by such a person in that part of the premises as an ancillary to his meal.'*

See below under 'entertainment'. It is unclear from the application what area is 'set apart' for dining. It was the ground floor (ass on the plan submitted) but I gather is now the first floor. Were the applicants to claim that meals can be served wherever, then the license needs to be altered | reviewed.

Then there are two sections b and c referring to '*...the provision of entertainment*'. Does this mean that the hours are extended by an hour when there is 'entertainment'? If not what does it mean?

Under the section headed **NOTE** – there are a number of provisions a – c which are difficult to understand. Which hours to they refer to? 12a (i) or 12a (ii) - the extended hours?

Some proposed new conditions:

1. Quiet background music only, not be heard outside the premises or in adjacent premises;
2. Members may only bring in two guests who's names shall be recorded in the entrance book;
3. The rear yard may not be used as this causes a nuisance to neighbouring residential in Meard Street;
4. Alcohol may not be taken of the premises (to prevent outside nuisance);
5. Various clauses to be clarified for all concerned.

Many thanks,

David Bieda

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www.sevendials.com (nb under reconstruction).

13/10/2014 11:04:44

APPENDIX B7

From: "Glenys Roberts" <Glenys.Roberts@dailymail.co.uk>
Sent: 24/09/2014 12:29:10
To: Premises Licensing
Subject: 14/07347/LIPV BLACKS CLUB 67 DEAN STREET W1D 4QH

I should like to support residents in their objections to the new variations proposed on the grounds of public nuisance, prevention of crime and disorder. I also query whether the premises are currently trading according to the terms of the current licence and whether in fact the garden is part of the licensed premises. Please keep me informed Cllr Roberts

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Licence & Appeal History

Application	Details of Application	Date determined	Decision
Conversion 05/06523/LIPCV	Application to convert the existing licences	15.09.2005	Granted under delegated authority
Transfer 14/03609/LIPT	Application to transfer the licence	30.06.2014	Granted under delegated authority
DPS 14/05673/LIDPSR	Request to remove the designated premises supervisor	20.08.2014	Request acknowledged
DPS 14/05708/LIPDPS	Application to vary the designated premises supervisor	20.08.2014	Granted under delegated authority

There is no history of appeal relating to these premises

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

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

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

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

Conditions: attached to the existing premises licence at Appendix A1 – 14/05708/LIPDPS**Mandatory:**

1. No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.
2. No supply of alcohol may be made at a time when the designated premises supervisor does not hold a personal licence or the personal licence is suspended.
3. Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.
4. (1) The responsible person shall take all reasonable steps to 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 in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children;
 - (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 (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);

- (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;
 - (d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on;
 - (i) the outcome of a race, competition or other event or process, or
 - (ii) the likelihood of anything occurring or not occurring;
 - (e) 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.
5. The responsible person shall ensure that no alcohol is dispensed 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).
6. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.
7. (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.
- (2) 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 a holographic mark.
8. The responsible person shall 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; and
 - (b) customers are made aware of the availability of these measures.

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.

- 9(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.
- 9(ii) For the purposes of the condition set out in paragraph 9(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.

9 (iii). Where the permitted price given by Paragraph 9(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.

- 9(iv). (1) Sub-paragraph 9(iv)(2) below applies where the permitted price given by Paragraph 9(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 reproducing the effect of conditions subject to which the relevant existing licenses have effect.

Conditions for Sale of Alcohol: Such parts of the basement, ground and first floors as are shown more particularly coloured and edged in red on the deposited plans.

10. *Intoxicating liquor may be sold only to members of the club meeting at the club premises for the consumption by those members and their bona fide guests.*

Alternative to condition 10 proposed by resident

10. *Alcohol may only be sold for consumption by members of a private club and their bona fide guests (not exceeding 2 guests per member). 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 48 hours between their nomination or application for membership and their admission.*

Alternative to condition 10 proposed by EHS

10. *Alcohol may only be sold for consumption by members of a private club and their bona fide guests not exceeding 4 guests per member. 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 48 hours between their nomination or application for membership and their admission. (agreed by applicants)*
11. No person shall be admitted to membership of the said club without an interval of at least two days between membership and admission. The name and address of the person so applying must be prominently displayed in the club premises, in a part frequented by the members, for at least two days before election.
12. *The maximum numbers of persons, including staff, to be present inside the building at the licensed premises shall not exceed the numbers specified from time to time by the proper officer of the London Fire and Civil Defence Authority. The numbers currently specified are:- (a) as to the Ground Floor 30 persons; (b) as to the First Floor 30 persons.*

Alternative to condition 12 proposed by EHS

12. *The number of persons accommodated at any one time (including staff) shall not exceed the following:*

*First Floor- 30 persons
Ground Floor – 30 persons
Basement – 30 persons*

Conditions which reproduce the effect of any restriction imposed on the use of the premises by specified enactments.

Conditions which reproduce the effect of any restriction imposed on the use of the premises by specified enactments.

13. (i) Alcohol may be sold or supplied:
- (a) On weekdays, other than Christmas Day, Good Friday or New Year's Eve, 10:00 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 Christmas Day, 12:00 to 15:00 and 19:00 to 22:30.
 - (e) On New Year's Eve except on a Sunday, 10:00 to 23:00.
 - (f) On New Year's Eve on a Sunday, 12:00 to 22:30.
 - (g) 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).

Basement and Ground Floor

- (ii) Alcohol may be sold or supplied for one hour following the hours set out above (other than Christmas Day and New Year's Eve) and on Christmas day, between 15:00 and 19:00 to persons taking table meals in the premises in a part of the premises usually set apart for the service of such persons and for consumption by such a person in that part of the premises as an ancillary to his meal. For other purposes or in other parts of the premises the hours set out above shall continue to apply.

(iii) (a). Alcohol may be sold or supplied until 01.00 in the morning following weekdays (other than Good Friday and Christmas Day), 00.30 a.m. in the morning following Sundays (other than Christmas Day) and 00.30 in the morning following Good Friday to persons taking table meals in the premises in a part of the premises usually set apart for the service of such persons and for consumption by that person in that part of the premises as an ancillary to his meal.

(b). That part of the premises must also be used for the provision of entertainment by persons present and performing to which the sale or supply of alcohol is also ancillary.

(c) The alcohol must be sold or supplied at a time before (i) the provision of entertainment by persons present and performing or (ii) the provision of substantial refreshment, has ended. For other purposes or in other parts of the premises the hours set out above shall continue to apply.

(d) This condition does not authorise any sale or supply to any person admitted to the premises either after midnight (23.00 on Sunday) or less than half an hour before the entertainment is due to end, except in accordance with condition number 12(ii) above.

NOTE - The above restrictions do not prohibit:

- (a) during the first thirty minutes in the basement and ground floor and twenty minutes on the first floor 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 as ancillary to the meals;
- (d) the sale or 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;
- (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 sale or 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.

14. No person under fourteen shall be in the bar of the licensed premises during the permitted hours unless one of the following applies:
- (a) He is the child of the holder of the premises licence.
 - (b) He resides in the premises, but is not employed there.
 - (c) He is in the bar solely for the purpose of passing to or from some part of the premises which is not a bar and to or from which there is no other convenient means of access or egress.
 - (d) The bar is in railway refreshment rooms or other premises constructed, fitted and intended to be used bona fide for any purpose to which the holding of the licence is ancillary.

In this condition "bar" includes any place exclusively or mainly used for the consumption of intoxicating liquor. But an area is not a bar when it is usual for it to be, and it is, set apart for the service of table meals and alcohol is only sold or supplied to persons as an ancillary to their table meals.

15. The terminal hour for late night refreshment on New Year's Eve is extended to 05:00 on New Year's Day.

Annex 2 - Conditions consistent with the operating schedule

None

Annex 3 - Conditions attached after a hearing by a Licensing Sub Committee

None

Conditions proposed by parties under the variation application

Proposed By Residents

16. No music shall not be audible from outside the premises or in adjacent premises.
17. 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. ***(also proposed by EHS and agreed by applicants)***
18. The external area at the rear of the premises marked as 'Courtyard' on the approved plan shall not be used by members or guests.
19. There shall be no off sales of alcohol
20. **First floor as restaurant:** After 23:00, sale of alcohol on the first floor shall only be to a person seated taking a table meal there and for consumption by such a person as ancillary to their meal.
21. 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.

Proposed by EHS

22. Guests of members can only purchase alcohol whilst that member is present on the premises. ***(agreed by applicants)***

23. No drinks shall be consumed outside the premises nor glasses/bottles removed from the premises by patrons when leaving.
24. A noise limiter must be fitted to the musical amplification system set at a level determined by and to the satisfaction of an authorised officer of the Environmental Health Service, Premises Management so as to ensure that no noise nuisance is caused to local residents or businesses. The operational panel of the noise limiter shall then be secured by key or password to the satisfaction of officers from the Environmental Health Service and access shall only be by persons authorised by the Premises Licence holder. The limiter shall not be altered without prior agreement with the Environmental Health Service. No alteration or modification to any existing sound system(s) should be effected without prior knowledge of an authorised Officer of the Environmental Health Service. No additional sound generating equipment shall be used on the premises without being routed through the sound limiter device.
25. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
26. Loudspeakers shall not be located in the entrance lobby or outside the premises building.
27. All windows and external doors shall be kept closed after 21:00 hours, or at any time when regulated entertainment takes place, except for the immediate access and egress of persons.
28. 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.
29. The garden area shall cease to be used after 21:00 hours.
30. 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.
31. 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.
32. Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly.
33. After 23.00 hours patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall be limited to 10 persons at any one time.
34. 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.
35. The variation of the Premises Licence (14/07347/LIPV) will have no effect until the Licensing Authority are satisfied that the premises is constructed or altered in accordance with the appropriate provisions of the District Surveyor's Association – Technical Standards for Places of Entertainment and the reasonable requirements of Westminster Environmental Health Consultation Team, at which time this condition will be removed from the Licence.

The following mandatory conditions will replace mandatory conditions 1 to 9 above following the Licensing Act 2003 (Mandatory Licensing Conditions) (Amendment) Order 2014.

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 -

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

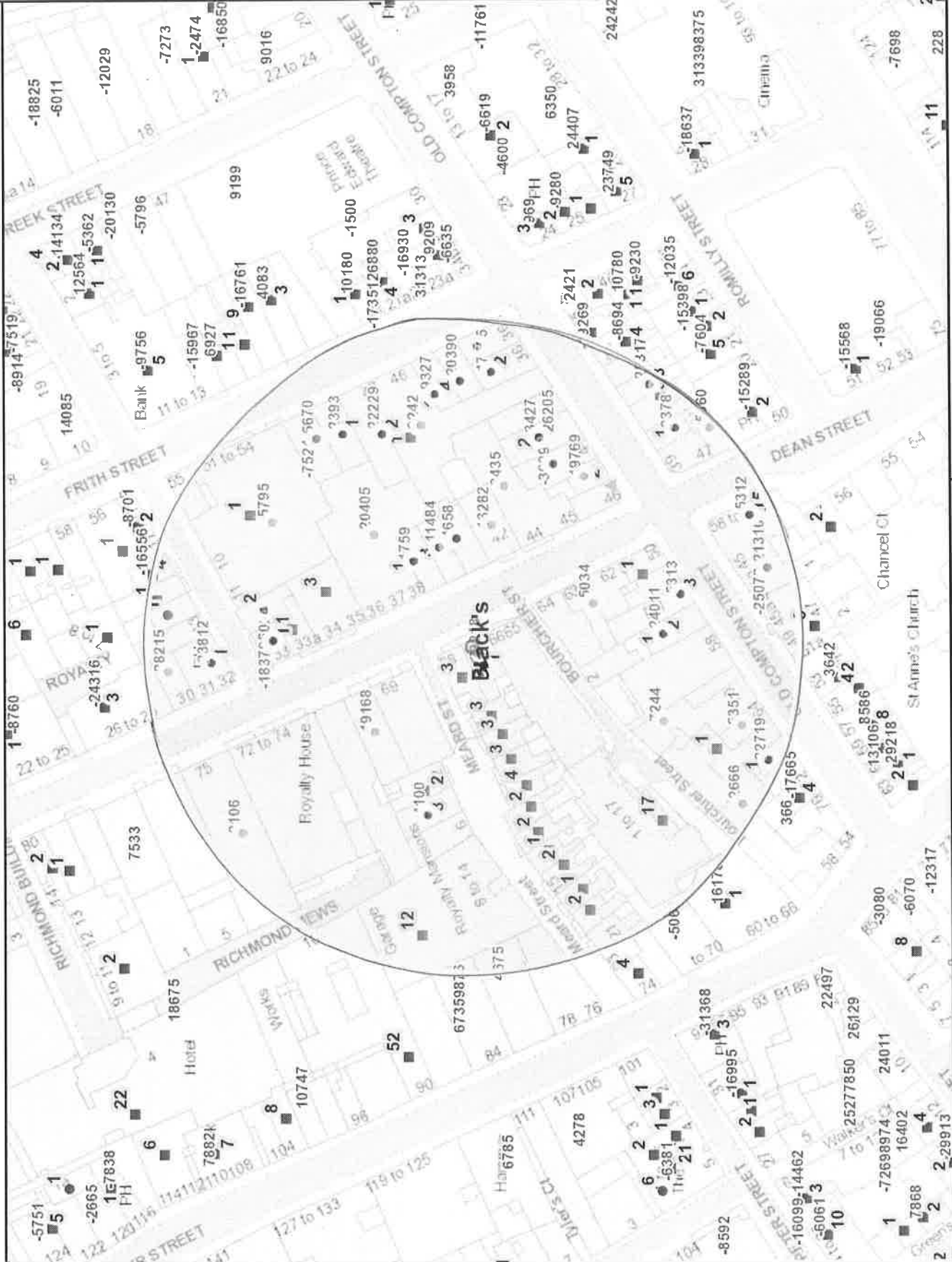
Where -

- (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.



Black's, Basement to First Floor, 67 Dean Street, London



Residential / Proposed Residential	129
Under Construction	2
Other Uses	167
Proportion Residential of all Uses	44 %

Data Source: Uniform Datab
Date: 14/10/2014

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Premises within 75 metres of: Black's, Basement to First Floors, 67 Dean Street, London

p / n	Name of Premises	Premises Address	Licensable Hours
19769	Compton News	48 Old Compton Street London W1D 4UA	Monday to Saturday 07:00 - 01:00 Sunday 08:00 - 22:00
23060	Caffe Nero	Ground Floor 43 Frith Street London W1D 4SA	Sunday to Wednesday 23:00 - 02:00 Thursday to Saturday 23:00 - 04:00
23812	The Crown & Two Chairmen	31-32 Dean Street London W1D 3SB	Friday to Saturday 10:00 - 00:00 Monday to Thursday 10:00 - 23:30 Sundays before Bank Holidays 12:00 - 00:00 Sunday 12:00 - 22:30
-26205	The Vintage House	Basement And Ground Floor 42 Old Compton Street London W1D 4TX	Monday to Saturday 08:00 - 23:00 Sunday 10:00 - 22:30
-25073	Amorino	41 Old Compton Street London W1D 6HF	Monday to Saturday 12:00 - 01:00 Sunday 12:00 - 23:00
-21310	Maoz Falafel	43 Old Compton Street London W1D 6HG	Sunday 11:00 - 00:00 Monday to Thursday 11:00 - 01:00 Friday to Saturday 11:00 - 02:00
-20390	The Delhi Brasserie	44 Frith Street London W1D 4SB	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
-11484	40 Dean Street	40 Dean Street London W1D 4PX	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
-9242	Ronnie Scott's Jazz Club	Basement And Ground Floor And Part First Floor 47 Frith Street London W1D 4SE	Sunday 09:00 - 00:30 Monday to Saturday 09:00 - 03:30
-7524	Koya Bar	Ground Floor 50 Frith Street London W1D 4SQ	Friday to Saturday 10:00 - 00:00 Monday to Thursday 10:00 - 23:30 Sunday 12:00 - 22:30
-5860	Rosa's	Ground Floor 48 Dean Street London W1D 5BF	Monday to Saturday 10:00 - 23:30 Sunday 12:00 - 23:00
-5312	&Pasta	60 Dean Street London W1D 6AW	Monday to Thursday 07:00 - 00:00 Friday to Saturday 07:00 - 00:30 Sunday 07:00 - 23:00
-3427	Soho Whisky Club	First Floor 42 Old Compton Street London W1D 4TX	Friday to Saturday 10:00 - 00:00 Sunday 10:00 - 22:00 Monday to Thursday 10:00 - 23:00
1100	Honest Burgers	Ground Floor 4 Meard Street London W1F 0EF	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
3435	The Groucho Club	44-45 Dean Street London W1D 4QB	Monday to Saturday 09:00 - 02:30 Sunday 12:00 - 00:00
17555	Muriel's Kitchen	36 Old Compton Street London W1D 4TT	Monday to Sunday 07:00 - 01:30
19168	Dean Street Town House	69 - 71 Dean Street London W1D 3SE	Monday to Sunday 00:00 - 00:00
28215	Sunset Strip	Basement To First Floor 30 Dean Street London W1D 3SA	Sunday 09:00 - 00:00 Monday to Saturday 09:00 - 01:30
32719	Selva Food & Wine	68 Old Compton Street London W1D 4UJ	Monday to Sunday 00:00 - 00:00
-30396	Patisserie Valerie	44 Old Compton Street London W1D 4TY	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
-29218	Black's	Basement To First Floor 67 Dean Street London W1D 4QH	Monday to Saturday 10:00 - 01:30 Sunday 12:00 - 01:00
-25317	Herman Ze German	Basement And Ground Floor 33 Old Compton Street London W1D 5JU	Friday to Saturday 11:00 - 00:00 Sunday 11:00 - 22:30 Monday to Thursday 11:00 - 23:30
-24011	Tuk Tuk	Basement And Ground Floor 56 Old Compton Street London W1D 4UN	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
-22229	Siam Thai Restaurant	Basement And Ground Floor 48 Frith Street London W1D 4SF	Friday to Saturday 10:00 - 00:00 Monday to Thursday 10:00 - 23:30 Sundays before Bank Holidays 12:00 - 00:00 Sunday 12:00 - 22:30
-20405	Burger Lobster	36 - 38 Dean Street London W1D 3TE	Monday to Thursday 10:00 - 00:30 Friday to Saturday 10:00 - 01:00 Sundays before Bank Holidays 12:00 - 00:30 Sunday 12:00 - 23:00

-18559	Gopal's Of Soho	Ground Floor 12 Bateman Street London W1D 4AH	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
-18378	Il Siciliano	33 Dean Street London W1D 4PW	Monday to Sunday 12:00 - 14:30 Friday to Sunday 18:00 - 00:00 Monday to Thursday 18:00 - 23:30
-13282	Cay Tre (Soho)	42-43 Dean Street London W1D 4QA	Monday to Sunday 09:30 - 01:30
-9327	El Cantara	45 Frith Street London W1D 4SD	Monday to Saturday 10:00 - 01:00 Sunday 12:00 - 00:00
-6670	The Arts Theatre Club	Ground Floor West 50 Frith Street London W1D 4SQ	Monday to Saturday 09:00 - 03:30 Sunday 09:00 - 23:00
-5795	Barrafina	54 Frith Street London W1D 4SL	Monday to Saturday 10:00 - 01:30 Sunday 12:00 - 01:00
-5034	Tonkotsu	Basement To First Floor 63 Dean Street London W1D 4QG	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
-2666	Jackson + Rye	56 Wardour Street London W1D 4JG	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
-2393	Koya	49 Frith Street London W1D 4SG	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 23:30
1759	Prix Fixe Brasserie	Basement And Ground Floor 39 Dean Street London W1D 4PU	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
4658	Duck Soup	Basement And Ground Floor 41 Dean Street London W1D 4PY	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00
5024	Cookhouse Joe	33 Dean Street London W1D 4PW	Friday to Saturday 09:00 - 00:00 Monday to Thursday 09:00 - 23:30 Sundays before Bank Holidays 12:00 - 00:00 Sunday 12:00 - 22:30
5313	Admiral Duncan Public House	54 Old Compton Street London W1D 4UD	Friday to Saturday 10:00 - 00:00 Monday to Thursday 10:00 - 23:30 Sunday 12:00 - 22:30
5351	La Polenteria	64 Old Compton Street London W1D 4TL	Friday 07:30 - 00:00 Monday to Thursday 07:30 - 23:30 Saturday 08:00 - 00:00 Sunday 08:00 - 23:00
7244	Balans Restaurant	Ground Floor 60-62 Old Compton Street London W1D 4UG	Monday 09:00 - 03:30 Tuesday to Sunday 09:00 - 05:00
8106	De Lane Lea Sports & Social Club	Ground Floor 75 Dean Street London W1D 3SQ	Monday to Saturday 11:00 - 23:00
8378	Pulcinella Restaurant	Basement To First Floor 37 Old Compton Street London W1D 5JY	Monday to Saturday 10:00 - 00:30 Sunday 12:00 - 00:00

Key : C(F) - Children's Films, Exh - Exhibitions, F - Films, IS - Indoor Sports, M - Weekday Music, M&D - Weekday Music & Dancing, NCL - Night Café, P - Plays, R(F) - Restricted Films, S(D) - Sunday Dancing, S(F) - Sunday Films, S(M) - Sunday Music, S(P) - Sunday Plays, ULP- Premises currently not licensed by the City of Westminster.

APPENDIX F

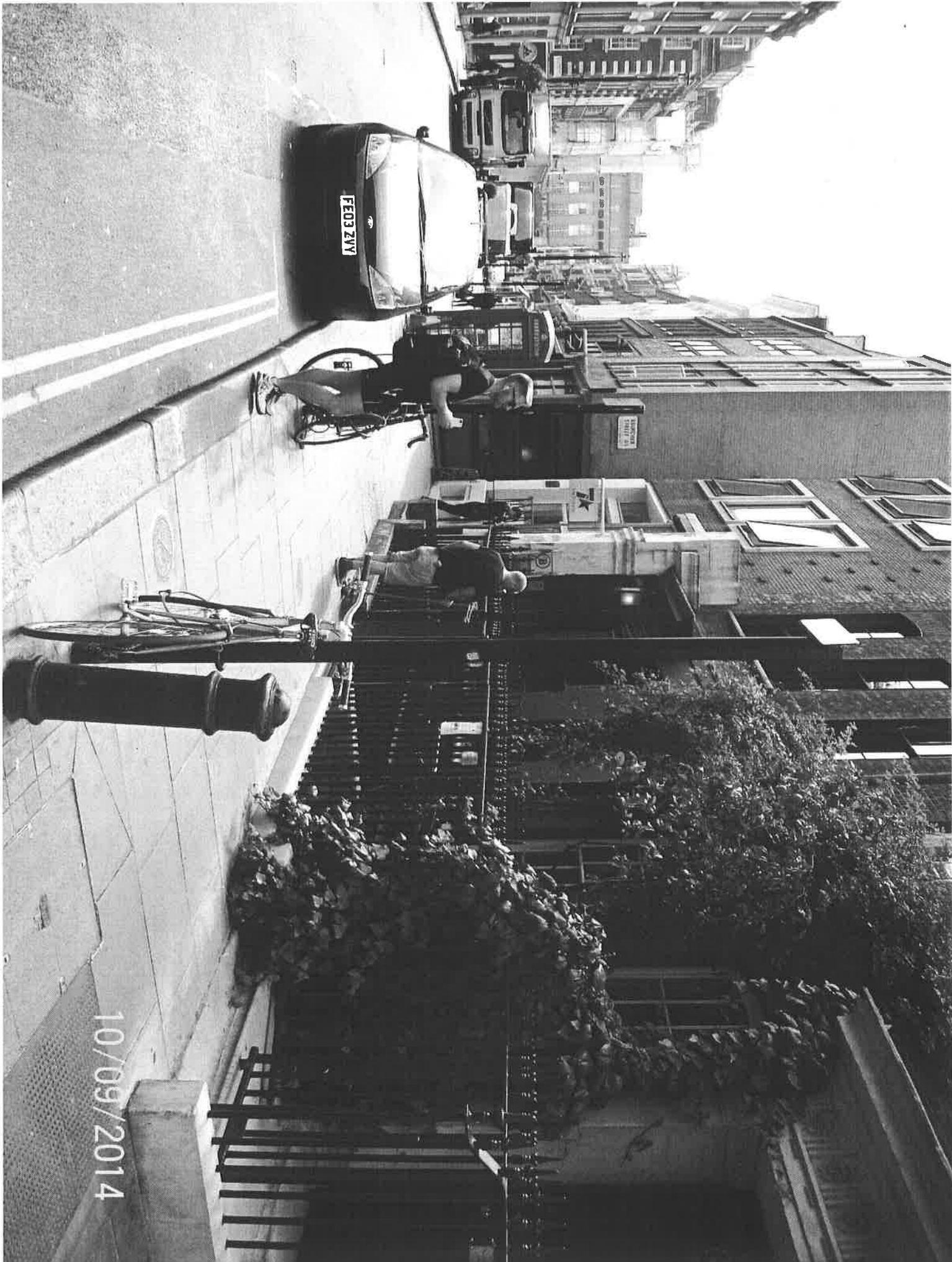




SCHUPPER STREET W1

9

10/09/2014



10/09/2014