LICENSING SUB-COMMITTEE No. 1  
Thursday 1 November 2012

Membership: Councillor Michael Brahams (Chairman), Councillor Andrew Havery and Councillor Nicholas Evans

Legal Adviser: Harjinder Bhela  
Policy Adviser: Chris Wroe  
Committee Officer: Reuben Segal

Relevant Representations: Mr Brian Woodham on behalf of the St James’s Conservation Trust (Applicant), Environmental Health Service, two local residents in support of the review, three local residents against the review application and licensee including witness statements in relation to the review.


Declaration of Interest: Councillors Michael Brahams and Nick Evans declared that they did not know the Designated Premises Supervisor who had previously worked as Membership Secretary for a political party.

| Scotch St James’s, Ground Floor, 13 Mason’s Yard, London, SW1Y 6BU |
| 12/08005/LIREVP |

An application was submitted by Mr Brian Woodham on behalf of the St James’s Conservation Trust for a Review of the Premises licence for Scotch St James’s Street, Ground Floor, 13 Mason’s Yard, London, SW1Y 6BU. The application was received by the Licensing Authority on 11 September 2012, on the grounds of the Prevention of Crime and Disorder, Public Safety and Prevention of Public Nuisance.

Guidance issued under Section 182 of the Licensing Act 2003 (para 11.2) states that at any stage following the grant of a Premises Licence, a responsible authority, such as the Police or the Environmental Health Service, or any other person who can seek a review, may ask the Licensing Authority to review the Premises Licence because of a matter arising at the premises in connection with any of the four licensing objectives.

As such, in accordance with Section 52(2) of the above-mentioned Act, the Licensing Authority must hold a hearing to consider the application and any relevant representations.
The premises benefits from a Premises licence that permits:

**Performance of Dance**
Monday to Sunday: 09:00 to 05:00

**Provision of facilities for Dancing**
Monday to Saturday: 09:00 to 05:00

**Provision of facilities for making Music**
Monday to Sunday: 09:00 to 03:00

**Performance of Live Music**
Monday to Saturday: 09:00 to 05:00
Sunday: 09:00 to 03:00

**Playing of Recorded Music**
Unrestricted.

**Provision of facilities for entertainment of a similar description to making music or dancing**
Monday to Saturday: 09:00 to 03:00

**Provision of facilities for entertainment of a similar description to making music**
Sunday: 09:00 to 03:00

**Anything of a similar description to Live Music, Recorded Music or Performance of Dance**
Monday to Saturday: 09:00 to 03:00

**Anything of a similar description to Live Music or Recorded Music**
Sunday: 09:00 to 03:00

**Late Night Refreshment**
Monday to Saturday: 23:00 to 05:00
Sunday: 23:00 to 03:00

**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: 11:00 to 05:00
Sunday: 12:00 to 22:30

The review proceedings were brought under the Licensing Objectives for the Prevention of Crime and Disorder, Public Safety and the Prevention of Public Nuisance.
The applicants for the review alleged that there had been a numerous instances of noise nuisance caused from the premises by patrons of the venue constituting a public nuisance. This nuisance consisted of urination, noise from bands practising, vehicles arriving and departing late at night, groups arriving and departing late at night, litter nuisance, roped enclosures to which there is no planning consent, report of attempted break-in and burglar alarms being set off from the art galleries.

The St James’s Conservation Trust sought that the terminal hours be reduced for the premises, conditions proposed be added to the licence and the capacity of the club be reduced if regulatory authorities deemed it appropriate. A representation had been received in support of this review from the Environmental Health Service who believed the licensing objectives were being undermined. They also submitted a history of complaints for these premises and a witness statement from Francis Keegan – Licensing Inspector.

Representations were also received in support of this review from two local residents under the licensing objectives.

Representations were received from 3 local residents against the review application.

The Licensee had submitted documentation, including witness statements in relation to the review application.

The Authority must, having regard to the application and the representations, take such steps (if any), as it considers appropriate for the promotion of the licensing objectives. The steps are:

(a) to modify the conditions of the licence.
(b) to exclude a licensable activity from the scope of the licence.
(c) to remove the designated Premises Supervisor.
(d) to suspend the licence for a period not exceeding three months.
(e) to revoke the licence

And for this purpose the conditions of the licence are modified if any of them is altered or omitted or any new condition added.

In accordance with Section 52(6) of the 2003 Act, if the authority takes measures to modify conditions or exclude licensable activities from the licence, it may stipulate that the modification or exclusion is to have effect for only such period (not exceeding three months) as it may specify.

The Licensing Authority’s determination of this application does not have effect until the 21 day appeal period has expired or if the decision is appealed the date the appeal is determined and/or disposed of.

Amendments to application advised at hearing:
Decision (including reasons if different from those set out in report):

In determining the application the Sub-committee took into account the written representations that had been circulated and the verbal representations from those present.

The Sub-committee heard from Mr Woodham who explained that the Trust, with the permission of the other applicants, had coordinated their representations for the application. He provided a background to the Trust which is a charity whose area of benefit includes Mason’s Yard. One of its charitable purposes is to maintain the character and atmosphere of the area which includes protecting residents against noise and preserving amenity. He stated that the Trust is provided with expert advice on noise by Rupert Thornely-Taylor, Consultant in Acoustics and Noise Control, who had advised that the World Health Organisation’s guidelines for community noise states “at night, sound pressure levels at the outside facades of the living spaces should not exceed 45 db and 60 db, so that people may sleep with the windows open”. With reference to the witness statement produced by Matthew Gillies, Head of Security, Scotch St James’s, Mr Woodham stated that he took exception to his question of why a resident should leave their window open at night.

Mr Brown, representing the St James's Conservation Trust, summarised the review application as set out in Annex A1 to the committee report. He also referred the Committee Members to a summary of noise complaints for Scotch St James’s over the last few months as set out at Annex B1 (I). In response to a question from Mr Kolvin on behalf of the licensee Mr Brown acknowledged that the Licensee had attempted to try and resolve resident’s concerns which included moving the smoking area to Ormond’s Yard and that some residents were appreciative of the steps that had been taken.

The Sub-committee then heard from Mr Springett who summarised his support for the review which was set out in his witness statement at pages 51 to 53 of the agenda. He advised that he was representing flats 2, 3, 4, 5 and 6, 19 Mason’s Yard. He stated that the nature of the area had become much more residential over a number of years. Since Scotch St James’s opened residents had found the level of noise generated in the small hours of the morning to be intolerable. This was mainly due to customers spilling out into Mason’s Yard to smoke. He stated that the ground floor seating and tables are crowded around a central dance area and there is nowhere inside to gather and talk away from the entertainment. It seemed that smokers are also joined by people wishing to have a break from the music. He believed that the conditions attached to the licence did not give residents sufficient protection and he believed that a reduction in licensable hours would address this in addition to limiting the number of people that can smoke outside and restricting vehicular access to Mason’s Yard to residents vehicles only in the small hours.
Councillor Tim Mitchell addressed Committee Members on behalf of St James Conservation Trust. He stated that the style of club provided by Scotch St James's was preferable to the licensed premises that had previously occupied the site. His desire was to ensure that the applicant’s promises to resolve residents concerns were kept by imposing or modifying conditions to the existing licence.

The Sub-committee then heard from Mr Drayon on behalf of the Environmental Health Service who summarised its support for the review as set out on Page 61 of the Committee Agenda. He explained that the way the premises operated had changed significantly since the current and previous operators which had resulted in noise complaints. The premises are located in a commercial area where many of the buildings’ commercial units are located on the ground to third floor. Although the residential units are set back on upper floors due to the enclosed nature of Mason's Yard noise will reverberate. When comparing complaints to the conditions attached to the licence he was of the view that the main issue was a lack of management of the premises in its new guise. He stated that the Environmental Health Service had tried to address this in the proposed conditions in consultation with the Licensee and residents. He advised that Mr Springett’s suggestion of limiting vehicle access was not practical as Mason’s Yard is a public road. Licensing inspectors had undertaken visits to the premises and on one occasion identified there was not as much cooperation as there could have been. This was verified verbally by Mr Francis Keegan, Licensing Inspector. In response to questions from Members regarding the applicant’s concerns on public safety with regard to the capacity of the premises Mr Drayon stated that the Environment Health Service had visited the site accompanied by the Licensing District Surveyor who determined that the premises is in line with the District Surveyor’s technical standards for places of entertainment. He also confirmed that since the last noise complaint on 22 September there had been no further complaints to the council's noise team or premises licensing inspectors.

The Sub-Committee then heard from Mr Neil Braude, Hotel Manager, The Cavendish. He outlined previous disturbance to guests from Scotch St James but confirmed that since September there had been no problems.

Mr Kolvin explained the circumstances surrounding the brief obstruction of entry to Mr Keegan who visited the premises on 16 June 2012. He explained that this was the action of a taxi coordinator employed by the taxi firm retained by the Licensees. This shouldn’t have happened and the Licensees had offered their sincere apologies to Mr Keegan. The Licensees informed the taxi firm the day after the event that the man in question was not welcome to work at the premises again. In response to questions from members regarding the use of SIA registered door supervisors, Mr Kolvin advised that such a person was on duty at the time but as it was raining had left the entrance unattended briefly to obtain an umbrella from his car. This coincided with Mr Keegan’s arrival and the whole matter covered 22 seconds.

Mr Kolvin then addressed the Sub-committee on behalf of the Licensees. He
stated that his clients had endeavoured to address the concerns raised by residents since being alerted to problems. This included employing a dedicated Noise officer, whose sole responsibility would be to ensure residents are not disturbed by the club or its patrons and a Noise consultant to assess noise from the premises. He further stated that the City Council’s Environmental Health Officers have visited the club on numerous occasions in recent months and seen the progress the Licensees had made to date. His clients wish to improve further on the measures put in place and had commissioned acoustic screening to be installed in the newly designated smoking area and wish to set up a local area forum to be chaired by an independent person where residents could air any issues of concern.

Mr Kolvin went on to highlight the style and nature of the operation which aimed to attract high quality, non-West End customers. This included the capacity being limited to no more than 100 people, the club having no active website and not undertaking active promotion, not selling cheap alcohol, not playing urban or gang related music, not admitting footballers or reality TV stars, having no paparazzi outside the premises and employing a large complement of staff to manage the venue. He further highlighted that there was no record of disorder or 999 calls associated with the club and that the Police had not submitted any representations in support of the review. He contended that the club had actually been beneficial to the area having replaced a sex entertainment venue. There had formerly been issues with rough sleeping, urination and drugs in Mason’s Yard but that since the high security presence employed by the club this had changed. The Licensees had also taken responsibility for cleaning the whole of Mason’s Yard regardless of whether the mess had been generated by the club or its customers. He also advised that since the 4th July there had been 11 visits by City Council officers where no complaints were noted or raised.

Mr Kolvin then called witnesses to answer questions. The Designated Premises Supervisor, advised that in addition to those measures that had been put in place to mitigate resident’s concerns the club had also improved signage which included asking customers to leave the premises quietly, limited the number of smokers that could use the designated smoking area, had provided a direct phone number for the Manager at the premises for residents and businesses so that they could raise any concerns about the running of the venue and had instructed taxis waiting to pick up customers not to play music or sound their horns, keep their windows closed and the ir engines off. He explained in relation to taxis that the club had tried to be relocate the picking up of customers to Duke Street but found that this spread noise further down the Yard and was quickly reversed. In response to questions he explained that the club had a gradual dispersal policy which worked well which meant that they were never large numbers of people leaving the venue at the same time in the early hours.

Mr Kolvin then called Mr Vivian, Principal Consultant at Big Sky Acoustics Ltd, who had been commissioned by the Licensees to undertake a noise assessment of the normal commercial operations at the premises. He advised that Mason’s Yard was not a quiet residential area, there were other commercial premises in operation in the vicinity and evidence of continuous commercial plant in use. With reference to noise levels inside residential properties he stated, as set out
in his report, that any noise from people entering and leaving the venue is generally masked by the average noise level from other activity in the area. A number of significantly louder noise sources exist at this location considerably in excess of the noise of cars entering and leaving the yard, or people talking. In relation to Mr Woodham’s reference to WHO guidelines on community noise the activity in figure 3 of his report reveals that even when Scotch is closed and there is no activity outside the club background noise levels still reach 50 db. He concluded that if the club was not there the background noise would still be in excess of the guidelines which were in any case ideal standards. He also confirmed that in his professional opinion the dispersal of customers was well managed.

Mr Benn and Miss Watson answered questions relating to their witness statements in support of the Licensees which were included in the committee papers. The former stated that he regarded the operation of the club as an improvement to the area to what had been there previously. The latter considered that the presence of the club made the environment in the Yard safer. Mr Kolvin also referred Committee Members to statements in support of the premises from Mr John Shannon and Mr Jack Bell which were included in the agenda and subsequent emails of support circulated from Guy Peppiatt, Lara Smith-Bosanquet and Stephen Ongpin. He clarified that Mason’s Yard was largely a commercial environment and that only seven residential addresses were registered there. Six were at 19 Mason’s Yard and only 3 of these had complained about the premises. Of these three, two had been in contact with his clients and one of these (Mr Donson) no longer had any complaints. Mr Donson had stated that he considered the newly designated smoking area was working relatively well.

In relation to Jessica Bright, Mr Kolvin stated that she had clearly misunderstood the application for review and believed that the consultation notice related to a new application. With regards to the concerns raised by Mr Woods this related to the one off taxi experiment where patrons were picked up on Duke Street. Since the pick-up has reverted back to Mason’s Yard his concerns have now been satisfied. Concerning the representation from Mr Matthieisen in relation to noise nuisance caused by bands rehearsing this only occurred on one occasion when the club’s doors had been propped open when equipment was being unloaded and had not been shut before rehearsals began. On the issue of drink cans, bottles and coffee cups being left in the Yard, he stated that this could not be caused by the Club’s customers as patrons are not allowed to take any items outside of the Club when they leave.

Mr Kolvin highlighted to Members the proposed conditions that had been discussed with the Environmental Health Service which incorporated conditions requested by the St James’s Conservation Trust and others. He contended that these were both a balanced and fair set of conditions and would address resident’s concerns. Mr Brown requested in relation to the conditions on the use of the smoking area that this be limited to ten people at any one time and should apply after 23:00.

In coming to it’s decision, the Sub-Committee recognised that the Licensees had
taken actions to address concerns raised by residents and that some residents were pleased with the steps taken. They also recognised that there had been no complaints noted by officers since July. In light of this, Members did not consider there was a justification to reduce the terminal hours for the premises. They also did not consider, given the advice of the Environmental Health Service, the relatively small capacity of the venue and the way in which the venue managed the dispersal of customers late at night that there was a justification to reduce the capacity of the club. However, the Sub-Committee did agree to modify the conditions of the licence as set out below on the grounds that they believed that these were sufficiently stringent so as to address concerns that gave rise to the review application.
## 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

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

10. On New Year's Eve the premises can remain open for the purpose of providing regulated entertainment from the time when the provision of regulated entertainment must otherwise cease on New Year's Eve to the time when regulated entertainment can commence on New Year's Day (or until midnight on New Year's Eve where no regulated entertainment takes place on New Year's Day).
11. An attendant shall be stationed in the vicinity of the cloakroom during the whole time it is in use.

12. Intoxicating liquor shall not be sold or supplied on the premises otherwise than to:
   (a) Persons taking table meals there and for consumption by any such person as an ancillary to his meal.
   (b) Persons attending and paying a minimum attendance fee of £3 for admission to the premises for the purposes of music and dancing.

13. Suitable beverages, other than intoxicating liquor including drinking water, shall be equally available for consumption with or otherwise as an ancillary to food supplied in the premises.

14. Alcohol shall not be sold, supplied, consumed in or taken from the premises except during permitted hours.

   In this condition, permitted hours means:

   (a) On Sundays, other than Christmas Day or New Year's Eve, 12.00 noon to 22.30.
   (b) On Christmas Day, 12.00 to 15.00 and 19.00 to 22.30.
   (c) On New Year's Eve on a Sunday, 12.00 to 22.30.
   (d) 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, 00.00 midnight on 31st December).

   NOTE - The above restrictions do not prohibit:

   (a) during the first twenty minutes after the above hours the consumption of the alcohol on the premises;
   (b) during the first twenty minutes after the above hours, the taking of the alcohol from the premises unless the alcohol is supplied or taken in an open vessel;
   (c) during the first thirty minutes after the above hours the consumption of the alcohol on the premises by persons taking table meals there if the alcohol was supplied for consumption 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;

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

(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.

15. 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.

16. If any entertainment is provided for children or if an entertainment is provided at which the majority of persons attending are children, then, if the number of children attending the entertainment exceeds 100, it shall be the duty of the holder of this premises licence / club premises certificate:

(a) to station and keep stationed wherever necessary a sufficient number of adult attendants, properly instructed as to their duties, to prevent more children or other persons being admitted to the building, or to any part thereof, than the building or part can properly accommodate,
(b) to control the movement of the children and other persons admitted while entering and leaving the building or any part thereof, and
(c) to take all other reasonable precautions for the safety of the children.
17. The terminal hour for late night refreshment on New Year's Eve is extended to 05.00 on New Year's Day

18. No advertisements of any kind (including placard, poster, sticker, flyer, picture, letter, sign or other mark) that advertises or promotes the establishment, its premises, or any of its events, facilities, goods or services shall be inscribed or affixed upon the surface of the highway, or upon any building, structure, works, street furniture, tree, or any other property, or be distributed to the public.

19. There shall be no payment made by or on behalf of the licence holder to any person for bringing customers to the premises.

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

21. All windows and external doors shall be kept closed at any time when regulated entertainment takes place, except for the immediate access and egress of persons.

22. The pavement from the building line to the kerb edge immediately outside the premises, including gutter/channel at its junction with the kerb edge, shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements.

23. There shall be no striptease or nudity, and all persons shall be decently attired at all times unless a sexual entertainment venue licence is in operation.

24. No person shall give at the premises any exhibition, demonstration or performance of hypnotism, mesmerism or any similar act or process which produces or is intended to produce in any other person any form of induced sleep or trance in which susceptibility of the mind of that person to suggestion or direction is increased or intended to be increased. NOTE: (1) This rule does not apply to exhibitions given under the provisions of Section 2(1A) and 5 of the Hypnotism Act 1952.

25. Any special effects or mechanical installations shall be arranged and stored so as to minimise any risk to the safety of those using the premises. The following special effects will only be used on 10 days prior notice being given to the Licensing Authority where consent has not previously been given.

- dry ice and cryogenic fog
- smoke machines and fog generators
- pyrotechnics including fire works
- firearms
- lasers
- explosives and highly flammable substances.
- real flame.
- strobe lighting.
26. The approved arrangements at the premises, including means of escape provisions, emergency warning equipment, the electrical installation and mechanical equipment, shall at all material times be maintained in good condition and full working order.

27. 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.

28. All exit doors shall be available at all material times without the use of a key, code, card or similar means.

29. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.

30. All emergency doors shall be maintained effectively self closing and not held open other than by an approved device.

31. All fabrics, curtains, drapes and similar features including materials used in finishing and furnishing should be either non-combustible or be durably or inherently flame-retarded fabric. Any fabrics used in escape routes, other than foyers, entertainment areas or function rooms, should be non-combustible.

32. Curtains and hangings shall be arranged so as not to obstruct emergency signs or means of escape.

33. All electrical sockets used to supply power for hand held electrical equipment shall be protected by a residual current device of 30 milliamps sensitivity complying with British Standard Specification 4293: 1993.

34. The certificates listed below shall be submitted to the Licensing Authority upon written request.

- Any emergency lighting battery or system
- Any electrical installation
- Any emergency warning system

35. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.

36. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of a Metropolitan Police Crime Prevention Officer. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.
37. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open to the public. This staff member must be able to show a Police or authorised council officer recent data or footage with the absolute minimum of delay when requested.

38. The maximum number of persons accommodated in the whole of the premises at any one time (excluding staff) shall not exceed 100 persons with the following further restrictions also applying:

   i) Basement - 100
   ii) Ground Floor - 50
   iii) in the whole of the premises between 03:00 and 05:00 hours – 50

39. Alcohol shall not be sold, supplied, consumed in or taken from the premises except during permitted hours. In this condition permitted hours means:

   (a) The permitted hours on Monday to Saturday shall commence at 11:00 and extend until 04:45 on the following morning, except that –

      i) The permitted hours shall end at 00:00 midnight on any day on which music and dancing is not provided after midnight; and

      ii) On any day that music and dancing end between 00:00 midnight and 05:00, the permitted hours shall end half hour before the music and dancing end;

   (b) In relation to the morning on which summer time begins, paragraph (a) of this condition shall have effect –

      i) With the substitution of reference to 06:00 for references to 05:00 and 05:45 for references to 04:45;

   (c) The sale of alcohol must be ancillary to the use of the premises for music and dancing and substantial refreshment

   (d) The permitted hours on New Year’s Eve will extend to the start of permitted hours on the following day;

NOTE – The above restrictions do not prohibit:

   (a) during the first 45 minutes after the above hours the consumption of alcohol on the premises;

   (b) during the first thirty minutes after the above hours off sales which must be in sealed containers only;

   (c) the sale or supply of alcohol to or the consumption of alcohol by any person residing in the licensed premises;

   (d) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
(e) the sale of alcohol to a trader or registered club for the purposes of the
trade or club;

(f) 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;

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

(h) 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;

(i) 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.

40. Flashing or particularly bright lights from the premises shall not cause a nuisance
to nearby properties.

41. After 23:00 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.

42. Patrons permitted to temporarily leave and then re-enter the premises, eg to
smoke, shall not be permitted to take drinks or glass containers with them.

43. After 23:00 patrons permitted to smoke shall be restricted to the external area
between 9 and 13 Mason's Yard which shall be supervised by staff from the
premises together with notices prominently displayed there requesting patrons to
respect the needs of local residents and use the area quietly.

44. After 23:00 the designated smoking area shall be enclosed within appropriate
barriers to ensure that the footway is kept clear.

45. The licence holder shall ensure that any queue to enter the premises which forms
outside the premises is orderly and supervised by door staff so as to ensure that
there is no public nuisance or obstruction of the public highway.

46. All staff engaged outside the entrance to the premises, or supervising or
controlling queues and external areas, shall wear high visibility armbands.

47. A direct telephone number for the manager at the premises shall be publicly
available at all times the premises is open. This telephone number is to be made
available to residents and businesses in the vicinity.
48. The licence holder shall enter into an agreement with a hackney carriage and/or private carriage firm to provide transport for customers, with contact numbers made readily available to customers who will be encouraged to use such services.

49. Patrons waiting for taxis shall be encouraged to wait inside the premises until the taxi arrives.

50. After 23:00 hours a minimum of two door supervisors shall be on duty at the entrance of the premises at all times whilst it is open for business.

51. A sound limiting device located in a separate and remote lockable cabinet from the volume control shall be fitted to any musical amplification system and set at a level determined by and to the satisfaction of an authorised officer of the Environmental Health Service to ensure that no noise nuisance is caused to local residents. The operational panel of the noise limiter shall then be secured to the satisfaction of officer from the Environmental Health Service. The keys securing the noise limiter cabinet shall be held by the licence holder or authorised manager only, and shall not be accessed by any other person. The limiter shall not be altered without prior agreement with the Environmental Health Service.

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

53. No waste or recyclable materials, including bottles, shall be moved, removed or placed in outside areas between 23:00 hours and 08:00 hours.

54. No deliveries to the premises shall be arranged to occur between (23.00) and (08.00).

55. The premises will employ a SIA Registered Door Supervisor who will act as a Noise Control Officer in the immediate vicinity of Mason’s Yard after 23:00 hours when there are patrons present in the premises. He will endeavour to ensure persons depart the premises quietly.

56. The licensee shall take counts of customers on the premises at 02.00, 02.30 and 03.00 and shall have records of such counts available for inspection by an authorised officer of the Council or Police.