



City of Westminster

# Committee Agenda

Title: **Licensing Sub-Committee (6)**

Meeting Date: **Thursday 9th May, 2019**

Time: **10.00 am**

Venue: **Room 18.01-03, 18th Floor, Westminster City Hall, 64 Victoria Street, London, SW1E 6QP**

Members: **Councillors:**

Angela Harvey (Chairman)  
Peter Freeman  
Shamim Talukder

**Members of the public are welcome to attend the meeting and listen to the discussion Part 1 of the Agenda.**

**Admission to the public gallery is via a visitor's pass which is available from the main ground floor reception at 64 Victoria Street from 9.30am. If you have a disability and require any special assistance please contact the Committee Officer (details listed below) in advance of the meeting.**



**An Induction loop operates to enhance sound for anyone wearing a hearing aid or using a transmitter. If you require any further information, please contact the Committee Officer, Kisi Smith-Charlemagne, Senior Committee and Governance Officer.**

**Email: [kscharlemagne@westminster.gov.uk](mailto:kscharlemagne@westminster.gov.uk) Tel: 020 7641 2783**

**Corporate Website: [www.westminster.gov.uk](http://www.westminster.gov.uk)**

**Note for Members:** Members are reminded that Officer contacts are shown at the end of each report and Members are welcome to raise questions in advance of the meeting. With regard to item 2, guidance on declarations of interests is included in the Code of Governance; if Members and Officers have any particular questions they should contact the Head of Committee and Governance Services in advance of the meeting please.

**AGENDA**

**PART 1 (IN PUBLIC)**

**1. MEMBERSHIP**

To report any changes to the membership.

**2. DECLARATIONS OF INTEREST**

To receive declarations by Members and Officers of any personal or prejudicial interests in matters on this agenda.

**Licensing Applications for Determination**

**1. THE GASLIGHT CLUB, 4 DUKE OF YORK STREET, LONDON, SW1Y 6LA**

**(Pages 1 - 52)**

Ap p No	Ward / Cumulative Impact Area	Site Name and Address	Application	Licensing Reference Number
1.	St James's Ward/ Westminster Core CAZ	The Gaslight Club, 4 Duke of York Street, London, SW1Y 6LA	Sexual Establishment Venue	19/02770/LISE VV

**2. THE GASLIGHT OF ST JAMES'S, 4 DUKE OF YORK STREET, LONDON, SW1Y 6LA**

**(Pages 53 - 90)**

App No	Ward / Cumulative Impact Area	Site Name and Address	Application	Licensing Reference Number
2.	St James's Ward/ Not in a Cumulative Impact Area	The Gaslight of St James's 4 Duke of York Street, London, SW1Y 6LA	Premises Licence Variation	19/02741/LIPV

**3. BASEMENT AND GROUND FLOOR, 117 MOUNT STREET, LONDON, W1K 3LA**

**(Pages 91 - 110)**

App No	Ward / Cumulative Impact Area	Site Name and Address	Application	Licensing Reference Number
3.	West End Ward/ Not in a Cumulative Impact Area	Basement and Ground Floor, 117 Mount Street, London, W1K 3LA	New Premises Licence	19/02973/LIPN

**4. CAVELL HOUSE, 2A CHARING CROSS ROAD, LONDON, WC2H 0NN**

**(Pages 111 - 146)**

Ap p No	Ward / Cumulativ e Impact Area	Site Name and Address	Application	Licensing Reference Number
4.	St James's Ward/ West End Cumulativ e Impact Area	Cavell House, 2A Charing Cross Road, London, WC2H 0NN	New Premises Licence	19/02049/LIPN

**Stuart Love  
Chief Executive  
1 May 2019**

In considering applications for premises licences under the Licensing Act 2003, the sub-committee is advised of the following:

### **POLICY CONSIDERATIONS**

The Licensing Sub-Committee is required to have regard to the City of Westminster statement of Licensing Policy, effective from 7<sup>th</sup> January 2016.

### **GUIDANCE CONSIDERATIONS**

The Licensing Sub-Committee is required to have regard to any guidance issued by the Secretary of State under Section 182 of the Licensing Act 2003. The most recent version was published in April 2018.

### **CORE HOURS WHEN CUSTOMERS ARE PERMITTED TO BE ON THE PREMISES** (As set out in the Council's Statement of Licensing Policy 2016)

- For premises for the supply of alcohol for consumption on the premises:

Friday and Saturday: 10:00 to midnight  
Sundays immediately prior to Bank Holidays: Midday to midnight  
Other Sundays: Midday to 22:30  
Monday to Thursday: 10:00 to 23:30.

- For premises for the supply of alcohol for consumption off the premises:

Monday to Saturday: 08:00 to 23:00  
Sundays: 10:00 to 22:30.

- For premises for the provision of other licensable activities:

Friday and Saturday: 09.00 to midnight  
Sundays immediately prior to Bank Holidays: 09.00 to midnight  
Other Sundays: 09.00 to 22.30  
Monday to Thursday: 09.00 to 23.30.

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## City of Westminster Licensing Sub-Committee

<b>Meeting:</b>	<i>Licensing Sub-Committee</i>
<b>Date:</b>	<i>9 May 2019</i>
<b>Classification:</b>	<i>General Release</i>
<b>Premises:</b>	<i>The Gaslight Club, 4 Duke of York Street, London, SW1Y 6LA.</i>  <i>19/02770/LISEVV</i>
<b>Wards Affected:</b>	<i>St James's</i>
<b>Financial Summary:</b>	<i>None</i>
<b>Report of:</b>	<i>Operational Director for Public Protection &amp; Licensing</i>

### **1. Executive Summary**

- 1.1 The City Council ("the Council") has received an application for the variation of the Sex Establishment Licence under the Local Government (Miscellaneous Provisions) Act 1982 (the Act) for The Gaslight Club, 4 Duke of York Street, London, SW1Y 6LA . The Gaslight Club is licensed to operate as a sexual entertainment venue under the Act. The report sets out the application details, objections, policy and legal context along with other considerations that the Licensing Sub-Committee requires to determine this application.

### **2. Recommendations**

- 2.1 That following consideration of this report, any information given orally at the hearing and/or in writing by the applicants and objectors the Licensing Sub-Committee may determine to:
- 2.1.1 Vary the licence as applied for;
  - 2.1.2 Vary the licence subject to any modifications to any part of the application and imposition of any additional conditions or restrictions as they think fit, or
  - 2.1.3 Refuse the application

### 3. Application

3.1 On 6 March 2019, Gaslight of James's Limited applied to vary the Sexual Entertainment Venue premises licence to:

Vary the layout of the premises to:

- the location of fixed seating, stage and podium;
- the configuration of the bar servery;
- WC provision and
- To include a staff area as part of the public area.

To amend the following conditions:

- Condition 35:

No admission or re-admission to the premises shall be permitted, except for smokers, later than one hour before the terminal hour for the provision of relevant entertainment.

**to be varied to read as follows:**

No admission or re-admission to the premises shall be permitted, except for smokers, later than half an hour before the terminal hour for the provision of relevant entertainment

- Condition 25 - by adding the wording as contained within the square brackets and bold:

The maximum number of persons accommodated at any one time in the basement (excluding staff) shall not exceed 110 persons after 2.30 am **[on Mondays to Saturdays and 22.30 on Sundays]**. The number of persons on the premises (excluding performers and staff) will be reduced from 110 to 70 save for any private pre-booked functions in respect of which the booking shall have been made at least 24 hours beforehand and the records relating to such booking shall be retained for a maximum period of 30 days following the function.

### 4. Objections

4.1 A member of the public and the Environmental Health Service have submitted objections the application.

#### 4.2 Objector 1

**Received from Ian Watson of the Environmental Health Service on 1 April 2019:**

I refer to the application for variation of the Sexual Entertainment Licence.

**The premises are located within the Westminster Core Commercial Activity Zone.**

The applicant has submitted floor plans of the premises.



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

The applicant is seeking the following

1. To vary condition 25 and 35 regarding Sunday trading hours and last admissions.
2. To vary the layout of the premises to include, fixed seating, configuration of the bar, public toilets and new public area.

I wish to make the following representation

1. The variation of conditions concerning Sunday trading hours and last admissions will have the likely effect of causing an increase in Public Nuisance within the area.
2. The alterations will need to be assessed to ensure they do not impact on Public Safety.

No additional information has been provided and a visit will need to be made to the premises to fully assess the variation.

#### 4.3 **Objector 2**

**Received on 14<sup>th</sup> March 2019 from an anonymous objector:**

Current issues I have with the applications are as follows;

Antisocial behaviour outside the Gaslight Club. Outside the Gaslight Club on Duke of York St a number of affiliated and unaffiliated men solicit people on the street for dancers during opening hours. This is unacceptable for people living on Duke of York Street that have a right not to be solicited for sexual entertainment on the way to their homes. Also, men on Duke of York St standing outside their cars are soliciting massages with woman at a different venue after 3am when the Gaslight Club is closed. These men blend in with clients parked cars and loiter around the Gaslight club.

Clients cars are parked for significant amounts of time on double yellow lines in April Tree Yard and Ormond Yard both adjacent to Duke of York St. Sometimes clients urinate in these side streets before and after entering the Gaslight Club.

Management other than security stand outside the Gas Light club for a long amount of time more than necessary during opening hours when only workers should be outside for a cigarette break. Those members of staff stand on the steps blocking the entrance to 4-5 Duke of York Street next door chatting amongst each other.

Bottles are sometimes found in the plant box next door at 4-5 Duke of York Street. The entrance to 4-5 Duke of York Street has 19 apartments and their entrance should remain clear and clean at all times.

Any renewal or variation of this application and all other Gas Light applications including References: 19/02770/LISEVV and 19/02741/LIPV should consider addressing these series issues before these applications are accepted.

4.4 The objector has not confirmed to the Licensing Service that they wish to waive their right to anonymity, and for this reason the objector will remain anonymous.

## 5. Relevant history

5.1 The Gaslight of St James's has operated as a sex establishment (Sexual Entertainment Venue) since 2012 under Schedule 3 of the Local Government (Miscellaneous Provisions) although the premises has traded for many years prior to 2012. In 2013, the licence was transferred to the current Premises Licence Holder and the renewal of the Licence in 2013 was determined by the Licensing Sub-Committee. A variation to extend the hours of licensable activities was submitted in 2014, public objections were received and was determined by the Licensing Sub-Committee. Subsequent renewals have been granted under delegated authority. The last renewal application for this venue was submitted on the 28 August 2018 and was granted under delegated authority. The current licence (reference 18/10043/LISEVR) expires on the 30 September 2019. A copy of the licence is attached at **Appendix A1**.

5.2 A copy of the full sex establishment licence history for this premises since 2012 is attached as **Appendix B1**.

## 6. Licensing Act 2003 Premises Licence

6.1 The premises currently benefits from a premises licence (reference 18/00126/LIPDPS) issued under the provisions of the Licensing Act 2003. An application has also been made in relation to the Premises Licence. A copy of the current premises licence is provided at **Appendix E1** of this report.

## 7. Policy Considerations

### 7.4 Character of the relevant locality – LO1

Duke of York Street is a minor road leading from St James's Square to Jermyn Street. The character of the area is predominantly office and residential properties together with a mix of food and drink venues within the vicinity.

### 7.5 Use of premises in the vicinity – LO2

The main use of the premises in the area is mainly business based. There are some residential premises in the area and in particular directly above the premises. There are various licensed premises in the vicinity, adjacent is a licensed restaurant and there is public house. Directly opposite the junction of Duke of York Street and Jermyn Street is St James's Church. Therefore there is 1 place of worship and two faith groups within 100 metres of the premises. A map of the relevant locality is attached to this report as **Appendix F1**.

7.6 Layout, character or condition of the venue – LO3

The main entrance to the premises is a discrete doorway on Duke of York Street. No indications of the nature of the premises are visible from the exterior of the premises. The entrance is simply a doorway with an awning displaying the name.

8. Applicant's Supporting Documentation

On 1 May 2019, the applicant's solicitor provided a letter of support attached at **Appendix G1**.

**8. Legal Implications**

8.1 The Licensing Sub-Committee may determine to:

- (a) Vary the licence as applied for;
- (b) Vary the licence subject to any modifications to any part of the application and imposition of any additional conditions or restrictions as they think fit; or
- (c) Refuse the application.

8.2 Before refusing to renew an application, the Licensing Authority shall give the licence holder an opportunity to appear before and of being heard by the Licensing Sub-Committee (Para 10(19) Schedule 3 LG(MP)A1982).

8.3 In considering this application, the Licensing Sub-Committee shall have regard to any observations submitted to them by the Chief Officer of Police and any objections that have been received in writing within the 28 day consultation period (Para 10(18) Schedule 3 LG(MP)A1982).

8.4 The Licensing Sub-Committee may refuse to grant or renew a licence for the following reasons set out in (Para 12(3) Schedule 3 LG(MP)A1982):

- (a) that the applicant is unsuitable to hold a licence by reason of having been convicted of an offence or for any other reason;
- (b) that if the licence were to be granted the business to which it relates would be managed by or carried on for the benefit of a person, other than the applicant, who would be refused the grant of such a licence if he made the application himself;
- (c) that the number of sex establishments, or of sex establishments of a particular kind, in the relevant locality at the time the application is determined is equal to or exceeds the number which the authority consider is appropriate for that locality;
- (d) that the grant or renewal of the licence would be appropriate, having regard:
  - (i) to the character of the relevant locality; or
  - (ii) to the use to which any premises in the vicinity are put; or
  - (iii) to the layout, character or condition of the premises, vehicle, vessel or stall in respect of which the application is made.

An applicant whose application for the grant or renewal of a licence is refused on either ground specified in paragraph (c) or (d) above shall not have the right to appeal to the magistrates' court.

8.5 If the Licensing Sub-Committee determine to grant a Sexual Entertainment Venue licence, the licence will be subject to the Standard Conditions for Sexual Entertainment

Venue licences, unless the Sub-Committee determines that certain Standard Conditions should be expressly excluded or varied (Para 13(4) Schedule 3 LG(MP)A1982).

- 8.6 Should the Licensing Sub-Committee determine to refuse the application for the renewal of a licence under Paragraph 12(3)(a) or (b) Schedule 3 LG(MP)A 1982, the applicant may appeal to the Magistrates' Court within 21 days beginning with the date on which the applicant is notified of the refusal of his application (Para 27(1) Schedule 3 LG(MP)A1982). The licence will remain in force until the time for bringing an appeal has expired and, if such an appeal is brought, until the determination or abandonment of that appeal (Para 27(10) Schedule 3 LG(MP)A1982).

## **9. Human Rights and Equality Issues**

- 9.1.1 In making a decision consideration will need to be given to the applicant's rights under the European Convention on Human Rights. The right to peaceful enjoyment of possessions (Article 1 of the First Protocol) and freedom of expression (Article 10) may be relevant.
- 9.1.2 The Council in its capacity as Licensing Authority has a duty to have regard to its public sector equality duty under section 149 of the Equality Act 2010. In summary section 149 provides that a Public Authority must, in the exercise of its functions, have due regard to the need to-
- (a) eliminate discrimination harassment, victimisation and any other conduct that is prohibited by or under this Act;
  - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
  - (c) foster good relations between persons who share a relevant protected characteristics and persons who do not share it.
- 9.3.1 149 (7) of the Equality Act 2010 defines the relevant protected characteristics as age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.

## **Appendices**

- A1 – Copy of sex establishment licence 18/10043/LISEVR
- B1 – Sex establishment licence history
- C1 – Application form
- D1 - Plans
- E1 - Decision of Sub Committee 15 May 2014
- F1 – Copy of premises licence 15/03179/LIPDPS
- G1 – Letter of Support
- H1 – Map of locality

**If you have any queries about this Report or wish to inspect any of the Background Papers please contact: Michelle Steward on 020 7641 6500 or at [msteward1@westminster.gov.uk](mailto:msteward1@westminster.gov.uk)**

## **BACKGROUND PAPERS**

Local Government (Miscellaneous Provisions) Act 1982  
Policing and Crime Act 2009  
Sexual Entertainment Venues Statement of Licensing Policy 2012  
Sexual Entertainment Venues Guidance and Procedure effective 17 February 2012  
Home Office Guidance March 2010

**SEX ESTABLISHMENT LICENCE**  
**Sexual Entertainment Venue**

Premises licence number:	18/10043/LISEVR
Original Reference:	12/02594/LISEVN

The CITY OF WESTMINSTER, under the provisions of the Local Government (Miscellaneous Provisions) Act 1982 as amended by the Policing and Crime Act 2009

hereby licences:  
to use the premises:

**THE GASLIGHT OF ST JAMES'S LIMITED  
THE GASLIGHT CLUB  
4 DUKE OF YORK STREET  
LONDON  
SW1Y 6LA**

as a Sexual Entertainment Venue.

This licence commences on 1 October 2018 and will expire on 30 September 2019.

Relevant Entertainment (namely table dancing and pole dancing and involves implied nudity, full and partial nudity) may be provided during the following times:

Monday to Sunday	19:00 to 03:00*
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Relevant Entertainment may only be provided in the permitted areas outlined in red shown on the plans attached at Appendix 1.

This licence is granted subject to the conditions attached at Appendix 2.

**DATE: 1 OCTOBER 2018**

**SIGNED:**



**On behalf of the Director – Public Protection  
and Licensing**

## **Appendix 1 – Plans**

Attached

## Appendix 2 – Conditions

### Standard Conditions:

1. Whilst Relevant Entertainment is taking place no person under the age of 18 shall be on the licensed premises and a clear notice to that effect shall be displayed at the entrance in a prominent position so that it can be easily read by persons entering the premises.
2. Whenever persons under the age of 18 are admitted to the premises there will be no promotional or other material on display within the premises which depicts nudity or partial nudity.
3. The licence or a clear copy shall be prominently displayed at all times so as to be readily and easily seen by all persons using the premises.
4. No provision of relevant entertainment, or material depicting nudity or relevant entertainment, shall be visible from outside the premises.
5. Menus and drinks price lists shall be clearly displayed at the front entrance of the club, reception area, tables and bar at such a position and size as to be easily read by customers. This price list shall show all consumable items and any minimum tariff including charges and fees applicable to Performers.
6. Except with the consent of the Licensing Authority, no advertisements of any kind (including placard, poster, sticker, flyer, picture, letter, sign or other mark) shall be inscribed or affixed at the premises, on the surface of the highway or on any building, structure, works, street furniture, tree or any other property or be distributed in the street to the public that advertises or promotes the relevant entertainment at the premises.
7. The licence holder or other person concerned in the conduct or management of the premises shall not seek to obtain custom by means of personal solicitation or touting, nor enter into any agreement with a third party to do so.
8. Adequate toilets, washing and changing facilities for use by the Performers shall be provided.
9. Either the licence holder or a named responsible person shall be present throughout the time the Relevant Entertainment takes place.
10. The premises will install and maintain a comprehensive CCTV system as per the minimum requirements of a Metropolitan Police Crime Prevention Officer that ensures all areas of the licensed premises are monitored including all entry and exit points will be covered enabling frontal identification of every person entering any light condition. All cameras 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 together with facilities for viewing.

11. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open to the public and this staff member should be able to show Police recent data and footage with the absolute minimum of delay of the request.
12. An incident log shall be kept at the premises, and made available on request to the Licensing Authority or the Police, which will record the following:
  - (a) all crimes reported to the venue;
  - (b) all ejections of patrons;
  - (c) any complaints received;
  - (d) any incidents of disorder;
  - (e) seizures of drugs or offensive weapons;
  - (f) any faults in the CCTV system or searching equipment or scanning equipment;
  - (g) any refusal of the sale of alcohol;
  - (h) any visit by a relevant authority or emergency service;
  - (i) any breach of licence conditions reported by a Performer.
13. The licence holder shall produce a Code of Conduct setting out rules and obligations between the licence holder and performers whilst performing. All Performers shall sign the Code of Conduct in their proper name acknowledging that they have read, understood and are prepared to abide by the said Code of Conduct, and a copy so signed shall be retained by the licence holder and shall be readily available for inspection by the Police and/or authorised persons upon reasonable request.
14. Individual records shall be kept at the premises of the real names, stage names and addresses of all Performers working at the premises. The record will include either a copy of their birth certificate, current passport, EU driving licence or national identity card and shall be made immediately available for inspection by the Police and/or the Licensing Authority upon request.
15. Details of all work permits and/or immigration status relating to persons working at the premises shall be retained by the licence holder and be readily available for inspection by the Licensing Authority, a Police Officer or Immigration Officer.
16. Relevant entertainment shall be given only by Performers and the audience shall not be permitted to participate in the relevant entertainment.

17. There shall be no physical contact between Performers whilst performing.
18. Performers will not request or give out any telephone number, address or any other contact information from or to any customer. Any such information given by a customer shall be surrendered to the premises manager as soon as is practicable.
19. Relevant Entertainment shall take place only in the designated areas approved by the Licensing Authority as shown on the licence plan. Arrangements for access to the dressing room shall be maintained at all times whilst Relevant Entertainment is taking place and immediately thereafter.
20. Customers must remain fully clothed at all times. The Performer must not remove any of the customer's clothing at any time.
21. Where relevant entertainment is provided in booths, or other areas of the premises where private performances are provided, the booth or area shall not have a door or other similar closure, the area shall be constantly monitored by CCTV, and access to the booth or other area shall be adequately supervised.
22. Whenever Relevant Entertainment is being provided there shall be no physical contact between Performers and customers or between customers and Performers except for the exchanging of money or tokens at the beginning or conclusion of the performance and only for the purpose of that performance. Clearly legible notices to this effect shall clearly be displayed in each private booth and in any performance area.
23. Performers must redress fully immediately after each performance.

**Additional Conditions:**

24. All public areas of the premises shall be sufficiently illuminated to afford the licensee a clear view of the hostesses.
25. The maximum number of persons accommodated at any one time in the basement (excluding staff) shall not exceed 110 persons. After 2.30am the number of persons on the premises (excluding performers and staff) will be reduced from 110 to 70 save for any private pre-booked functions in respect of which the booking shall have been made at least 24 hours beforehand and the records relating to such booking shall be retained for a minimum period of 30 days following the function.
26. All emergency doors shall be maintained effectively self closing and not held open other than by an approved device.

27. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.
28. Curtains and hangings shall be arranged so as not to obstruct emergency signs.
29. 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.
30. 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.
31. All exit doors shall be available at all material times without the use of a key, code, card or similar means.
32. 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.
  - i. pyrotechnics including fireworks
  - ii. firearms
  - iii. lasers
  - iv. explosives and highly flammable substances.
  - v. real flame.
  - vi. strobe lighting.
33. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
34. Customers will be encouraged to utilize the preferred taxi company of the licence holder and also to remain in the premises whilst awaiting arrival of their taxi.
35. No admission or re-admission to the premises shall be permitted, except for smokers, later than one hour before the terminal hour for the provision of Relevant Entertainment.
36. At times when a Temporary Event Notice is in force extending the permitted hours for licensable activities at these premises under the Licensing Act 2003, the hours for the provision of relevant entertainment (as defined in the Local Government (Miscellaneous Provisions) Act 1982) will be similarly extended without the need for a separate variation application in respect of this licence.

**Sex establishment licence history**

**Appendix B1**

<b>Application reference</b>	<b>Details of application</b>	<b>Date of determination</b>	<b>Decision</b>
12/02594/LISEVN	Application for a new Sexual Entertainment Venue licence.	Granted by Licensing Sub-Committee	12 June 2012
13/01640/LISEVT	Transfer of SEV licence from Smarter Partnership to Gaslight of James's Limited	Granted under delegated authority	26 April 2013
13/06773/LISEVR	Application to renew Sexual Entertainment Venue licence	Granted by Licensing Sub-Committee	17 December 2013
14/00928/LISEVV	Application to vary Sexual Entertainment Venue licence	Granted by Licensing Sub-Committee	15 May 2015
14/07533/LISEVR	Application to renew Sexual Entertainment Venue licence	Granted under delegated authority	23 December 2014
15/06974/LISEVR	Application to renew Sexual Entertainment Venue licence	Granted under delegated authority	17 November 2015
16/10519/LISEVR	Application to renew Sexual Entertainment Venue licence	Granted under delegated authority	13 January 2013
17/08943/LISEVR	Application to renew Sexual Entertainment Venue licence	Granted under delegated authority	1 October 2017
18/10043/LISEVR	Application to renew Sexual Entertainment Venue licence	Granted under delegated authority	25 September 2018

Appendix 6 – Application to vary a licence



City of Westminster

APPLICATION TO VARY A SEXUAL ENTERTAINMENT VENUE LICENCE

IMPORTANT: This form is open to inspection by the public.

We THE GASLIGHT OF ST JAMES'S LIMITED (Insert name(s) of applicant)

apply to vary the Sexual Entertainment Venue licence under the Local Government (Miscellaneous Provisions) Act 1982 for the following premises:

Premises name: THE GASLIGHT CLUB

Premises address: 4 DUKE OF YORK STREET, LONDON, SW1Y 6LA

Licence reference number: 17/08943/LISEVR

Important Note: Before completing this application, please read the following:

- WCC's Statement of Licensing Policy for Sexual Entertainment Venues
WCC's Standard Conditions for Sexual Entertainment Venues
WCC's Rules of Procedure governing Sexual Entertainment Venue applications

PART 1 – Applicant Details

Please state whether you are varying the Sexual Entertainment Venue licence as:

- a) an individual or individuals [ ] complete section (A)
b) a person other than an individual:
i. as a body corporate [X] complete section (B)
ii. as an unincorporated body [ ] complete section (B)

**Section A – Individual Licensee Details**

First name(s):	
Surname:	
Former names (if any):	
Title:	
Home address:	
Postcode:	
Email address:	
Contact telephone number:	
Date of Birth:	
Have you been a resident of an EEA state throughout the period of 6 months immediately preceding the date the application was made?	Yes <input type="checkbox"/> No <input type="checkbox"/>

**Additional Licensee Details (if necessary)**

First name(s):	
Surname:	
Former names (if any):	
Title:	
Home address:	
Postcode:	
Email address:	
Contact telephone number:	
Date of Birth:	
Have you been a resident of an EEA state throughout the period of 6 months immediately preceding the date the application was made?	Yes <input type="checkbox"/> No <input type="checkbox"/>

**Section B – Body Corporate or Unincorporated Body Details**

Business Name: (if your business is registered, use its registered name)	THE GASLIGHT OF ST JAMES'S LIMITED
Is your business registered in the UK with Companies House?	Yes <input checked="" type="checkbox"/> Registered Number: 08380467
	No <input type="checkbox"/>
Is your business registered in another EEA state:	Yes <input type="checkbox"/> EEA State: Registered Number:
	No <input checked="" type="checkbox"/>
Legal Status: (e.g. Company Partnership, etc)	PRIVATE LIMITED COMPANY
Home Country: (the country where the headquarters of your business is located)	U.K.
Registered Address:	THE STOCKWOOD SUITE A BRITANNIA HOUSE LEAGRAVE ROAD LUTON
Postcode:	LU3 1RJ

**PART 2 – Premises Details**

Premises name:	THE GASLIGHT CLUB
Premises address:	4 DUKE OF YORK STREET LONDON
Postcode:	SW1Y 6LA
Premises telephone number:	020 8 942 2501
Email:	
Website address:	www.gaslightclub.co.uk
Where the licence is for a vehicle, vessel or stall, state where it is used as a sexual entertainment venue:	

## PART 3 – Variation Details

State the nature of the proposed variation:

CONDITION 35 TO BE VARYED TO READ AS FOLLOWS:

"NO ADMISSION OR RE-ADMISSION TO THE PREMISES SHALL BE PERMITTED, EXCEPT FOR SMOKERS, LATER THAN ONE HOUR BEFORE THE TERMINAL HOUR FOR THE PROVISION OF RELEVANT ENTERTAINMENT" SHALL BE REPLACED WITH:

"NO ADMISSION OR RE-ADMISSION TO THE PREMISES SHALL BE PERMITTED, EXCEPT FOR SMOKERS, LATER THAN HALF AN HOUR BEFORE THE TERMINAL HOUR FOR THE PROVISION OF RELEVANT ENTERTAINMENT."

TO VARY THE LAYOUT OF THE PREMISES TO:

- INDICATE THE LOCATION OF FIXED SEATING, STAGE AND PODIUM
- TO INDICATE THE CONFIGURATION OF THE BAR SERVICE;
- INDICATE WC PROVISION AND
- INCLUDE A STAFF AREA AS PART OF THE PUBLIC AREA.

CONDITION 25 TO BE AMENDED. SEE BELOW \* (AMENDMENT PROPOSED SHOWN IN SQUARE BRACKETS AND UNDERLINED)

**Amendment to hours for relevant entertainment:**

If the variation is to amend the hours for relevant entertainment, specify the proposed hours below:

Day:	Start:	Finish:
Monday		
Tuesday		
Wednesday		
Thursday		
Friday		
Saturday		
Sunday		

\* "THE MAXIMUM NUMBER OF PERSONS ACCOMMODATED AT ANY ONE TIME IN THE ESTABLISHMENT (EXCLUDING STAFF) SHALL NOT EXCEED 110 PERSONS. AFTER 2.30 AM [ON MONDAYS TO SATURDAYS AND 22.30 ON SUNDAYS] THE NUMBER OF PERSONS ON THE PREMISES (EXCLUDING PERFORMERS AND STAFF) WILL BE REDUCED FROM 110 TO 70 TO SAVE FOR ANY PRIVATE PRE-BOOKED FUNCTIONS IN RESPECT OF WHICH THE BOOKING SHALL HAVE BEEN MADE AT LEAST 24 HOURS BEFOREHAND AND THE RECORD RELATING TO SUCH BOOKING SHALL BE RETAINED FOR A MINIMUM PERIOD OF 30 DAYS FOLLOWING THE FUNCTION"



## PART 4 – Policy

Please refer to the Council's Statement of Licensing Policy for Sexual Entertainment Venues.

State how your variation application will promote the following licensing objectives:

<b>Prevention of crime and disorder:</b>
TO ALLOW ENTRY TO THE PREMISES UNTIL A LATER TIME WILL MINIMISE ANY POSSIBLE IMPACT OF CUSTOMERS ATTENDING THE VENUE WHO MUST CURRENTLY BE ADVISED ENTRY WHO WILL THEN SEEK ADMISSION TO PREMISES ELSEWHERE IN THE CITY.
<b>Public safety:</b>
SEE ABOVE
<b>Prevention of public nuisance:</b>
SEE ABOVE
<b>Protection of children from harm:</b>
SEE ABOVE
<b>Improvement in the character and function of the city, or areas of it:</b>
SEE ABOVE
<b>Please use a separate sheet if necessary</b>

**Amendment to condition attached to the licence / standard conditions**

If the variation is to add / remove a condition (including standard conditions), state the condition and the reasons for adding / removing the condition below:

Condition:	Reason for adding / removing the condition:
NUMBER 35.	TO ALLOW ENTRY TO THE PREMISES HAVE AN HOUR BEFORE THE TERMINAL HOUR FOR THE PROMOTION OF RELEVANT ENTERTAINMENT (ON MONDAYS TO SATURDAYS) ; 22:30 SUNDAYS
NUMBER 25.	TO EXTEND THE EXISTING CONDITION TO INCLUDE SUNDAYS (AT 22:30) SHOULD THE APPLICATION TO EXTEND THE TERMINAL HOUR FOR THE STATE OF ALCOHOL UNTIL 00:00 BE GRANTED.
<b>Please use a separate sheet if necessary</b>	

## PART 5 – Convictions / Disqualifications

Have you, or any person named in or associated with this application, been convicted of any crime or offence?	
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
If yes, please provide details on a separate sheet	
Have you been refused the renewal of a licence for this premises, vehicle, vessel or stall within the last 12 months?	
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
If yes, has the refusal been reversed on appeal?	
Yes <input type="checkbox"/>	No <input type="checkbox"/>
Have you had a sex establishment licence revoked in Westminster within the last 12 months?	
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>

## PART 6 - Checklist

Please tick as appropriate:

All relevant sections of the application form have been completed in full	<input checked="" type="checkbox"/>
Payment of the fee has been made in full (refer to Part 8 of this form)	<input checked="" type="checkbox"/>
Where the variation relates to a change of layout, a plan of the premises in accordance with the Rules of Procedure for Sexual Entertainment Venues has been included	<input checked="" type="checkbox"/>
The current licence has been returned with this application	<input checked="" type="checkbox"/>

If your application is in conflict with any of the policies listed in the Statement of Licensing Policy, state why you believe an exception should be made in your particular circumstances:

Policy:	Reason for exception:
<del>POLICY</del> <del>POLICY</del> <del>POLICY</del>	
<b>Please use a separate sheet if necessary</b>	

## PART 7 - Declaration

APPLICANTS ARE WARNED THAT ANY PERSON WHO, IN CONNECTION WITH AN APPLICATION FOR THE VARIATION OF A LICENCE MAKES A FALSE STATEMENT WHICH HE KNOWS TO BE FALSE IN ANY MATERIAL RESPECT, OR WHICH HE DOES NOT BELIEVE TO BE TRUE, IS GUILTY OF AN OFFENCE AND LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING TWENTY THOUSAND POUNDS (£20,000).

I ANGELA JONES declare that the information given above is true and complete in every respect.

Signed	<i>A Jones</i>
Date:	<i>4/3/19</i>
Capacity:	<i>DIRECTOR</i>

For joint applications:

Signed	
Date:	
Capacity:	

### Agent Details

Are you an authorised agent acting on behalf of the applicant?

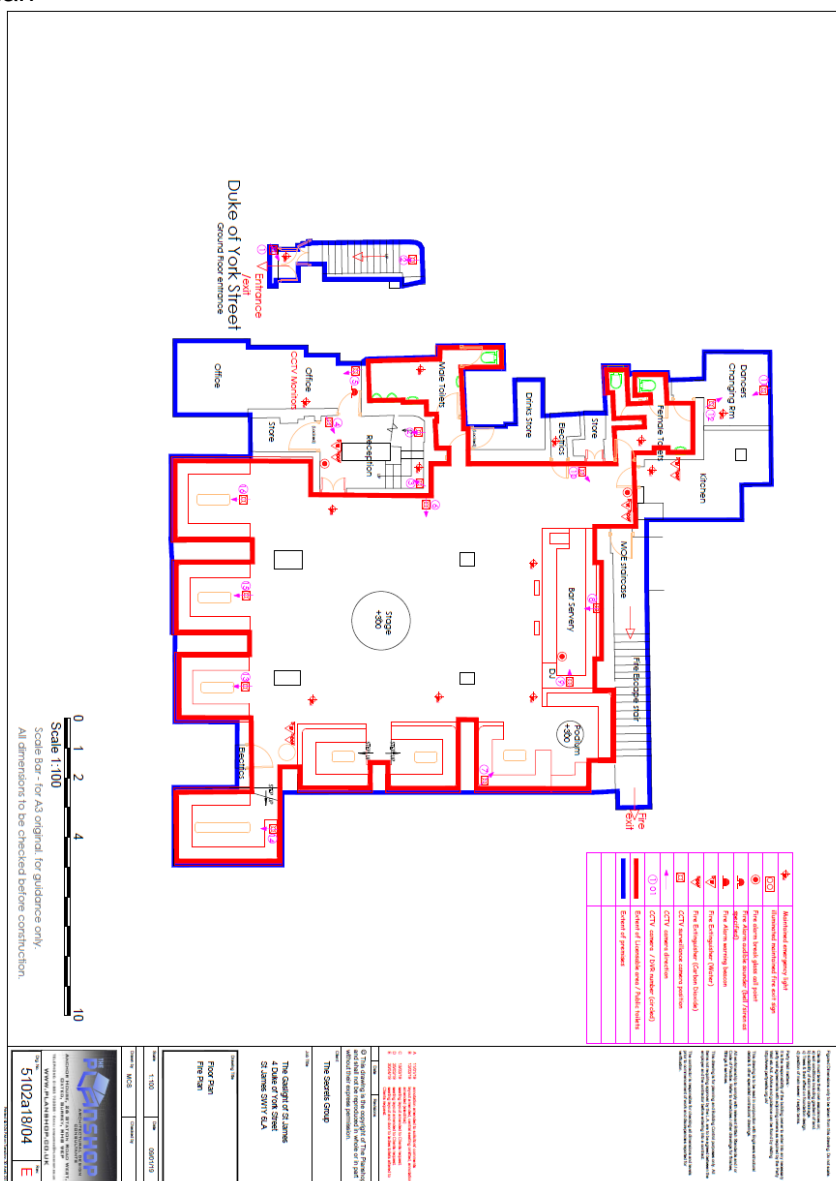
Yes  No

If yes, please provide the following:

Agent name:	<i>SUZANNE DAVIES</i>
Agent Address:	<i>CLIFFTON DAVIES CONSULTANCY LTD 6 LETTICE STREET LONDON</i>
Postcode:	<i>SW6 4EH</i>
Agent Telephone Number:	<i>07767 666300</i>
Agent Email:	<i>sd@cliffondavies.com</i>



# Fire Layout Plan



**LICENSING SUB-COMMITTEE No. 4**  
*Thursday 15 May 2014*

Membership: Councillor Jean-Paul Floru (Chairman), Councillor Heather Acton and Councillor Aziz Toki

Legal Adviser: Barry Panto  
Policy Adviser: Chris Wroe  
Committee Officer: Jonathan Deacon

Relevant Representations: Environmental Health and 10 objectors

Present: Mr David Clifton (Representing the Applicant), Mr Stephen Less and Ms Gina Gallagher (Applicant Company), Mr Cong Van Lee (Manager of premises), Mr Derek Garwood (Doorman at the premises), Mr Ian Watson (Environmental Health), Councillor Tim Mitchell (Ward Councillor) and Mr Peter Heath (St James's Conservation Trust)

**The Gaslight Club, 4 Duke of York Street, SW1  
14/00928/LISEVV**

**Application:**

An application for a variation of the sexual entertainment venue premises licence to:

- Extend the permitted hours for relevant entertainment to allow such licensable activities from 19:00 to 03:00 on the day following Mondays to Saturdays.
- To extend the permitted hours at time when a temporary event notice under the Licensing Act 2003 is in force extending the permitted hours for the premises, so that the hours for the provision of relevant entertainment will be similarly extended without the need for a separate application in respect of the Sexual Entertainment Venue licence.

The applicant proposes that the following is added to the front page of the licence:

(The relevant entertainment is permitted) Monday to Saturday 19:00 to 03:00, save that at times when a temporary event notice under the Licensing Act 2003 is in force extending the permitted hours under that Act, the hours for the provision of relevant entertainment (As defined in the Local Government



(Miscellaneous Provisions) Act 1982) will be similarly extended.

Amendments to application advised at hearing:

None.

Decision (including reasons if different from those set out in report):

Granted, subject to conditions as set out below.

The Sub-Committee considered that the application would promote the policy objectives. One key aspect of this was the conditions proposed by the Applicant. There would be no admission or re-admission to the premises except for smokers later than one hour before the terminal hour for relevant entertainment which meant that there would be no additional customers entering the premises after the terminal hour for regulated entertainment on the existing premises licence. Mr Clifton, representing the Applicant, stated that the purpose of the application was to have an additional hour for licensable activities so the establishment was able to cater for its existing customers. He also referred to a condition on the application under the Licensing Act legislation which had been agreed with the Police which had resulted in them withdrawing their representation. This was that the capacity after 02:30 hours would reduce from 110 to 70 customers, save for any private pre-booked functions in respect of which the booking shall have been made at least 24 hours beforehand and the records relating to such booking shall be retained for a minimum period of 30 days following the function. This was also attached to the Sexual Entertainment Venues licence.

A second contributor to the Sub-Committee's decision to grant was that there had been no issues at The Gaslight of St James's since the Applicant had obtained the premises licence in February 2013. PC Sollars had set out in an e-mail to the Applicant that 'no allegations of crime had been made at the venue in the last 12 months'. Mr Watson for Environmental Health informed Members at the hearing that he had no objections in terms of customers' conduct inside the premises or outside the premises and there had been no noise complaints over the last 12 months. Mr Hayes confirmed that he visited all SEV establishments and Gaslight did not cause a concern. The Sub-Committee considered having taken into account the length of time that the venue had operated in its current format and that the premises was able to operate without causing nuisance or crime and disorder that there was no evidence that granting the application would adversely affect the character of the locality. Mr Clifton made the point at the hearing that the management of the venue had experience of operating 6 SEVs in London and were the largest operator of SEVs there. They had managed to bring in a chosen clientele. The Applicant had

also submitted a draft dispersal policy for Gaslight in the event that the variation applications were granted and also instructions to the Gaslight regarding smokers. A detailed note had been circulated by the Applicant following a meeting with Bray House residents in March 2014. This sought to explain the application and to explain the benefits to the residents if the Gaslight continued in operation with the variations to the licence that had been requested.

Mr Watson stated that his initial representation objecting to the application took into account that the Applicant had sought a terminal hour of 04:00 but had since reduced this to an extension of one hour beyond what had been permitted on the existing licence. The Applicant had agreed a condition with Environmental Health that after 02:00 hours the sale of alcohol would be ancillary to the use of the premises for relevant entertainment as defined in the Local Government (Miscellaneous Provisions) Act 1982. He had also discussed with the Applicant the reduction in capacity.

The Sub-Committee heard from Councillor Mitchell. He commented that there had been dialogue between the residents and the venue and some of the residents had maintained their representations. The entrance to Bray House was next to the entrance of The Gaslight of St James's and the flats above. There had been a history of noise nuisance at the premises, particularly from people arriving and leaving and the previous operator had not always met the high standards expected in Westminster. There had been consumer protection complaints and the involvement of the Police. New owners had been at the premises since February 2013. Councillor Mitchell had been in contact with residents on a number of occasions and was able to confirm that there had been no further complaints from residents. Residents' concerns now was that the problems in the past did not re-occur and sufficient conditions were in place to ensure swift enforcement if there were issues. Councillor Mitchell welcomed the Applicant's reduction in the additional hours sought from 2 hours to 1 hour. He did remain concerned that the later the hour the greater the potential for noise disturbance.

Mr Heath represented the St James's Conservation Trust. The Trust's position was that it wished to protect the unique nature of St James's. It was not the same as West End where there was considerable entertainment late at night. Policies for the area sustained the aim to ensure the residential community remained intact. He was objecting to an increase in hours at the premises. He recognised that the Applicant had made some effort in terms of reducing the extent of the increase from 2 hours to 1 hour and the conditions proposed. He asked the Applicant to clarify the position on the clientele. Mr Clifton replied that it was an upmarket, business orientated clientele. There was no draft beers sold at the premises.

The Chairman asked Mr Heath whether the venue after 66 years could also be considered to be part of the fabric of the community. Mr Heath replied that the Trust had not been in existence for 66 years. Circumstances changed and the Trust reacted accordingly. He wished to reiterate his concern that there was a contrast

between the Trust's wish for a distinct area providing quality and calm and a late night premises seeking extended hours.

In response to the comments made, Mr Clifton made the point that the SEV licence which had to be renewed on an annual basis had been permitted without there being any objections. He was also offering a condition that a direct telephone number for the manager at the premises would be publicly available at all times the premises is open. This telephone number would be made available to residents and businesses in the vicinity. The condition was attached to the premises licence 14/00831/LIPV when the Sub-Committee granted the application.

In reaching their decision, the Members had regard to the policy considerations set out at section 7 of the report and the ten objections that had been received. However, there was no objection from the Police and the licensing authority had withdrawn its objection. There had been concerns about the hours under the SEV licence being extended to match those that might be allowed pursuant to a TEN under the 2003 Act but Mr Clifton submitted in correspondence that it was impossible to perceive circumstances in which an extension of hours for the provision of relevant entertainment under the 1982 Act would give rise to issues that would be of any greater concern than those that might arise under the 2003 Act. The members agreed with that analysis.

### **Conditions attached to the Licence**

#### **Standard Conditions**

1. Whilst Relevant Entertainment is taking place no person under the age of 18 shall be on the licensed premises and a clear notice to that effect shall be displayed at the entrance in a prominent position so that it can be easily read by persons entering the premises.
2. Whenever persons under the age of 18 are admitted to the premises there will be no promotional or other material on display within the premises which depicts nudity or partial nudity.
3. The licence or a clear copy shall be prominently displayed at all times so as to be readily and easily seen by all persons using the premises.
4. No provision of relevant entertainment, or material depicting nudity or relevant entertainment, shall be visible from outside the premises.
5. Menus and drinks price lists shall be clearly displayed at the front entrance of the club, reception area, tables and bar at such a position and size as to be easily read by customers. This price list shall show all consumable items and any minimum tariff including charges and fees applicable to Performers.

6. Except with the consent of the Licensing Authority, no advertisements of any kind (including placard, poster, sticker, flyer, picture, letter, sign or other mark) shall be inscribed or affixed at the premises, on the surface of the highway or on any building, structure, works, street furniture, tree or any other property or be distributed in the street to the public that advertises or promotes the relevant entertainment at the premises.
7. The licence holder or other person concerned in the conduct or management of the premises shall not seek to obtain custom by means of personal solicitation or touting, nor enter into any agreement with a third party to do so.
8. Adequate toilets, washing and changing facilities for use by the Performers shall be provided.
9. Either the licence holder or a named responsible person shall be present throughout the time the Relevant Entertainment takes place.
10. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.
11. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
12. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police, which will record the following:
  - (a) all crimes reported to the venue
  - (b) all ejections of patrons
  - (c) any complaints received
  - (d) any incidents of disorder
  - (e) all seizures of drugs or offensive weapons
  - (f) any faults in the CCTV system or searching equipment or scanning equipment
  - (g) any refusal of the sale of alcohol
  - (h) any visit by a relevant authority or emergency service

(i) any breach of licence conditions reported by a Performer.

13. The licence holder shall produce a Code of Conduct setting out rules and obligations between the licence holder and performers whilst performing. All Performers shall sign the Code of Conduct in their proper name acknowledging that they have read, understood and are prepared to abide by the said Code of Conduct, and a copy so signed shall be retained by the licence holder and shall be readily available for inspection by the Police and/or authorised persons upon reasonable request.
14. Individual records shall be kept at the premises of the real names, stage names and addresses of all Performers working at the premises. The record will include either a copy of their birth certificate, current passport, EU driving licence or national identity card and shall be made immediately available for inspection by the Police and/or the Licensing Authority upon request.
15. Details of all work permits and/or immigration status relating to persons working at the premises shall be retained by the licence holder and be readily available for inspection by the Licensing Authority, a Police Officer or Immigration Officer.
16. Relevant Entertainment shall be given only by Performers and the audience shall not be permitted to participate in the relevant entertainment.
17. There shall be no physical contact between Performers and the audience shall not be permitted to participate in the relevant entertainment.
18. Performers will not request or give out any telephone number, address or any other contact information from or to any customer. Any such information given by a customer shall be surrendered to the premises manager as soon as is practicable.
19. Relevant Entertainment shall take place only in the designated areas approved by the Licensing Authority as shown on the licence plan. Arrangements for access to the dressing room shall be maintained at all times whilst Relevant Entertainment is taking place and immediately thereafter.
20. Customers must remain fully clothed at all times. The Performer must not remove any of the customer's clothing at any time.
21. Where Relevant Entertainment is provided in booths, or other areas of the premises where private performances are provided, the booth or area shall not have a door or other similar closure, the area shall be constantly monitored by CCTV, and access to the booth or other area shall be adequately supervised.
22. Whenever Relevant Entertainment is being provided there shall be no physical

contact between Performers and customers or between customers and Performers except for the exchanging of money or tokens at the beginning or conclusion of the performance and only for the purpose of that performance. Clearly legible notices to this effect shall clearly be displayed in each private booth and in any performance area.

23. Performers must redress fully immediately after each performance.

**Additional Conditions**

24. All public areas of the premises shall be sufficiently illuminated to afford the licensee a clear view of the hostesses.
25. The maximum number of persons accommodated at any one time in the basement (excluding staff) shall not exceed 110 persons. After 2.30am the number of persons on the premises (excluding performers and staff) will be reduced from 110 to 70 save for any private pre-booked functions in respect of which the booking shall have been made at least 24 hours beforehand and the records relating to such booking shall be retained for a minimum period of 30 days following the function.
26. All emergency doors shall be maintained effectively self closing and not held open other than by an approved device.
27. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.
28. Curtains and hangings shall be arranged so as not to obstruct emergency signs.
29. 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.
30. 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.
31. All exit doors shall be available at all material times without the use of a key, code, card or similar means.
32. 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.

- i. pyrotechnics including fire works
- ii. firearms
- iii. lasers
- iv. explosives and highly flammable substances.
- v. real flame.
- vi. strobe lighting.

- 33. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
- 34. Customers will be encouraged to utilize the preferred taxi company of the licence holder and also to remain in the premises whilst awaiting arrival of their taxi.
- 35. No admission or re-admission to the premises shall be permitted, except for smokers, later than one hour before the terminal hour for the provision of Relevant Entertainment.
- 36. At times when a Temporary Event Notice is in force extending the permitted hours for licensable activities at these premises under the Licensing Act 2003, the hours for the provision of relevant entertainment (as defined in the Local Government (Miscellaneous Provisions) Act 1982) will be similarly extended without the need for a separate variation application in respect of this licence'.







**Schedule 12  
Part A**

**WARD: St James's  
UPRN: 010033533670**

**City of Westminster**

64 Victoria Street, London, SW1E 6QP

**Premises licence**

Regulation 33, 34

<b>Premises licence number:</b>	18/00126/LIPDPS
<b>Original Reference:</b>	05/08028/LIPCV

**Part 1 – Premises details**

**Postal address of premises:**

The Gaslight Of St Jamess Ltd  
4 Duke Of York Street  
London  
SW1Y 6LA

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**Telephone Number:** 0208 942 2501

**Where the licence is time limited, the dates:**

Not applicable

**Licensable activities authorised by the licence:**

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

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

**Playing of Recorded Music** Unrestricted

**Anything of a similar description to Live Music, Recorded Music or Performance of Dance**

Monday to Saturday: 09:00 to 03:00

Sunday: 09:00 to 00:00

**Late Night Refreshment**

Monday to Saturday: 23:00 to 03:30  
Sunday: 23:00 to 00:00

**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: 10:00 to 03:00  
Sunday: 12:00 to 22:30

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

**The opening hours of the premises:**

Monday to Saturday: 09:00 to 03:30  
Sunday: 09:00 to 00:00

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

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

**Part 2****Name, (registered) address, telephone number and email (where relevant) of holder of premises licence:**

The Gaslight Of St James's Ltd  
The Stockwood Suite A  
Britannia House  
Leagrave Road  
Luton  
LU3 1RJ

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

8380467

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

Name: XXXXXXXXXX

*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:** [REDACTED]

**Licensing Authority:** City Of Westminster Council

**Date:** 9 April 2018

**This licence has been authorised by Mr Steve Rowe on behalf of the Director - Public Protection and Licensing.**

## Annex 1 – Mandatory conditions

1. No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.
2. No supply of alcohol may be made at a time when the designated premises supervisor does not hold a personal licence or the personal licence is suspended.
3. Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.
4. (1) The responsible person 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.
- 10. 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.

**Annex 2 – Conditions consistent with the operating Schedule**

None



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

11. From 8:00pm on Thursdays, Fridays and Saturdays when licensable activities are taking place and premises are being used as a hostess club, then at least one personal licence holder shall be present on the premises.
12. CCTV with time and date recording facility shall be installed at the premises in accordance with the advice of a Metropolitan Police Officer Prevention Officer. Recordings shall be made and retained for at least thirty-one days and shall be readily available for inspection by the Police or Westminster City Council.
13. On Mondays to Saturdays, when the premises are being used as a hostess club, after 11:00pm intoxicating liquor shall not be sold or supplied to persons unless a minimum entry fee of £7 has been paid for admission to the premises or an annual admission fee of £250 (not to be credited against consumables). However, notwithstanding the above, intoxicating liquor may be sold or supplied after 11:00pm to the following persons who have not paid an admission fee:-
  - a) Persons who are taking a table meal where the consumption of alcohol is ancillary to that meal;
  - b) Any person attending a bona fide private function at the premises;
  - c) Artistes or persons working at the premises;
  - d) Bona fide guests of the proprietor, a list of whom shall be kept at the reception for inspection by the appropriate authorities;
14. Suitable beverages other than intoxicating liquor including drinking water shall be available at the premises.
15. The sound limiting device shall be set at such a level and sealed and maintained to the satisfaction of the Environmental Health Office and noise and vibration from mechanical equipment or from music provided at the premises shall not be audible in nearby residential property so as to constitute a nuisance.
16. Should there be any change to the management structure plan, deposited with Westminster City Council Licensing Authority, the licensee shall notify the Licensing Authority as soon as reasonable practical and, in any event, within seven days.
17. Whenever the premises are used for the provision of regulated entertainment, the internal lobby doors shall remain closed except for customer access and exit and in the event of emergency.
18. Clearly legible notices shall be displayed at all exits from the premises requesting patrons to respect the needs of the local residents and to leave the premises and area quietly.
19. The licensee and managers shall ensure that staff do not cause noise or disturbance when entering or exiting the premises or when carrying out their duties at the door or outside the premises.
20. Noise and disturbance arising from taxis picking up and setting down clients at the premises shall be minimised as far as possible.
21. At least one registered door supervisor shall be employed at the premises when the premises are open for the provision of regulated entertainment to the public.
22. Whenever hostesses are working at the premises, customers shall be informed as soon as their bills reach £2,000 (such figure may be adjusted with the written agreed of the Police or Licensing Authority to take inflation into account) and customers should sign their agreement at this point and again upon the bills reaching £4,000, £6,000 and such further multiples of £2,000. All bills

shall clearly show the numbers of customers in the party and the number and names of the hostesses who have entertained them and be signed by the customer. All bottles of champagne shall be signed for. These bills shall be retained for ninety days and shall be readily available to the Police and/or the Licensing Authority upon reasonable request.

23. Menus and drinks price lists shall be clearly displayed at the front entrance of the club, reception area, tables and bar at such a position and size as to be easily read by customers. This price list shall show all consumable items and any minimum tariff including charges and fees applicable to hostesses.
24. A permanent written record shall be maintained in the form of a "refusals book" kept at the premises. This record shall be signed by or on behalf of the licensee on a daily basis and record the details of any customer who refuses to pay his/her bill giving details of the customer's name, contact details and a detailed copy of the bill. These records shall be retained for a period of ninety days and be made available to the Police and/or the Licensing Authority upon reasonable request.
25. A notice outlining the Code of Conduct for the customer "as agreed with the Police" shall be positioned at the entrance, reception, bar area and table menus. It shall be of an adequate size (font 16) so that it can be easily read by the customer.
26. All hostesses activities shall be conducted openly and at no time shall hostesses entertain customers in areas to the premises that are screened, hidden by curtains or not in public use.
27. No payment shall be made by on behalf of the licensee to unlicensed minicabs for bringing customers to the premises and there shall be no soliciting of custom by means of persons on the public highway other than by means of handing out flyers outside the vicinity of the premises.
28. All refuse is paid, properly presented and placed out for collection no earlier than thirty minutes before collection time. Refuse cannot be left on the highway for more than two hours and thirty minutes.
29. No unauthorised advertisements of any kind (including placard, poster, sticker, flyer, picture, letter, sign or other mark) is indicated or affixed up on the surface of the highway or up on any building, structure, works, street furniture, tree or any other property or is distributed in the street to the public that advertises or promotes the establishment its premises or any of its events, facilities, goods or services.
30. The maximum capacity at the premises when licensable activities consisting of the sale or supply of alcohol or the provision of late night refreshment are taking place shall be 150 persons (including staff). Whenever regulated entertainment is also provided or provided independently, then the maximum capacity of the premises shall be 110 (excluding staff). After 2.30am the number of persons on the premises (excluding performers and staff) will be reduced from 110 to 70 save for any private pre-booked functions in respect of which the booking shall have been made at least 24 hours beforehand and the records relating to such booking shall be retained for a minimum period of 30 days following the function.
31. Draught beer shall not be sold or supplied within the premises without the approval of the Environmental Health Officer and if necessary an amendment to the layout drawings of the premises.
32. Music and/or dancing and/or food shall be available within the premises.
33. No admission or re-admission to the premises shall be permitted, except for smokers, later than one hour before the terminal hour for the sale of alcohol.

34. After 02:00 on the morning following Monday to Saturday the sale of alcohol must be ancillary to the use of the premises for relevant entertainment (as defined in the Local Government (Miscellaneous Provisions) Act 1982).
35. There shall be no off-sales after 02:00 hours.
36. Customers will be encouraged to utilize the preferred taxi company of the licence holder and also to remain in the premises whilst awaiting arrival of their taxi.
37. 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.

**Annex 4 – Plans**

Attached



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

Schedule 12  
Part B

**WARD: St James's**  
**UPRN: 010033533670**

**Premises licence  
summary**

Regulation 33, 34

**Premises licence number:**

18/00126/LIPDPS

**Part 1 – Premises details**

**Postal address of premises:**

The Gaslight Of St Jamess Ltd  
4 Duke Of York Street  
London  
SW1Y 6LA

**Telephone Number:** 0208 942 2501

**Where the licence is time limited, the dates:**

Not applicable

**Licensable activities authorised by the licence:**

Performance of Dance  
Performance of Live Music  
Playing of Recorded Music  
Anything of a similar description to Live Music, Recorded Music or Performance of Dance  
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 Dance**

Monday to Saturday: 09:00 to 03:00  
Sunday: 09:00 to 00:00

**Performance of Live Music**

Monday to Saturday: 09:00 to 03:00  
Sunday: 09:00 to 03:00

**Playing of Recorded Music**

Unrestricted

**Anything of a similar description to Live Music, Recorded Music or Performance of Dance**

Monday to Saturday: 09:00 to 03:00  
Sunday: 09:00 to 00:00

**Late Night Refreshment**

Monday to Saturday: 23:00 to 03:30  
Sunday: 23:00 to 00:00

**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: 10:00 to 03:00  
Sunday: 12:00 to 22:30

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

**The opening hours of the premises:**

Monday to Saturday: 09:00 to 03:30  
Sunday: 09:00 to 00:00

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

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

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

The Gaslight Of St James's Ltd  
The Stockwood Suite A  
Britannia House  
Leagrave Road  
Luton  
LU3 1RJ

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

8380467

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

Name: [REDACTED]

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

Restricted

**Date: 9 April 2018**

**This licence has been authorised by Mr Steve Rowe on behalf of the Director - Public Protection and Licensing.**

**3 Bray House, 4 Duke of York Street,  
St James's London, SW1Y 6LA**

Mr Stephen Less  
The Gaslight of St James's Limited  
4 Duke of York Street  
St James's  
SW1Y 6LA

Wednesday 1<sup>st</sup> May 2019

Dear Mr Less,

To the Westminster Licencing Team

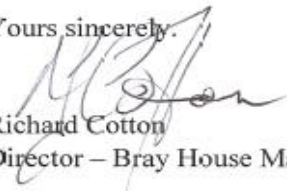
You have been a tenant at The Gaslight for about seven years.

I refer to the telephone call you made to me some weeks ago, prior to your making the current application to slightly vary your hours, and I would confirm that I advised that Bray House Management would not have any objection.

In all of that time you have managed the club to a very high standard and we have not had any cause to complain about the conduct of your customers or the operation of the club.

It may be that other operators in the area cause problems and you get blamed but we, as Directors of Bray House Management Limited, who also live in Bray House, do not have any such complaints.

Yours sincerely,

  
Richard Cotton  
Director – Bray House Management Limited.



**Map of locality**

**Appendix H1**



0 = Sex establishment

1 = Place of Worship

2 = Faith Groups

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City of Westminster

# Licensing Sub-Committee Report

## Agenda Item 2

Item No:	
Date:	9 May 2019
Licensing Ref No:	19/02741/LIPV - Premises Licence Variation
Title of Report:	The Gaslight Of St James's 4 Duke Of York Street London SW1Y 6LA
Report of:	Director of Public Protection and Licensing
Wards involved:	St James's
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Michelle Steward Senior Licensing Officer
Contact details	Telephone: 020 7641 1872 Email: msteward1@westminster.gov.uk

## 1. Application

1-A Applicant and premises			
<b>Application Type:</b>	Variation of a Premises Licence, Licensing Act 2003		
<b>Application received date:</b>	6 March 2019		
<b>Applicant:</b>	The Gaslight Of St James's Ltd		
<b>Premises:</b>	The Gaslight Of St James's		
<b>Premises address:</b>	4 Duke Of York Street London SW1Y 6LA	<b>Ward:</b>	St James's
		<b>Cumulative Impact Area:</b>	None
<b>Premises description:</b>	The premises currently operates as a gentleman's club and has the benefit of a sexual entertainment venue licence.		
<b>Variation description:</b>	<p>To vary the existing premises licence as follows:</p> <p><b>1.To amend condition 30 which states:</b></p> <p>The maximum capacity at the premises when licensable activities consisting of the sale of supply of alcohol or the provision of late night refreshment are taking place shall be 150 persons (including staff). Whenever regulated entertainment is also provided or provided independently, then the maximum capacity of the premises shall be 110 (excluding staff). After 2.30 am the number of persons on the premises (excluding performers and staff) will be reduced from 110 to 70 save for any private pre-booked functions in respect of which the booking shall have been made at least 24 hours beforehand and the records relating to such booking shall be retained for a minimum period of 30 days following the function.</p> <p><b>to the following:</b></p> <p>The maximum capacity at the premises when licensable activities consisting of the sale of supply of alcohol or the provision of late night refreshment are taking place shall be 150 persons (including staff). Whenever regulated entertainment is also provided or provided independently, then the maximum capacity of the premises shall be 110 (excluding staff). <b>[After 2.30am on Mondays to Saturdays and after 22.30 pm on Sundays]</b>the number of persons on the premises (excluding performers and staff) will be reduced from 110 to 70 save for any private pre-booked functions in respect of which the booking shall have been made at least 24 hours beforehand and the records relating to such booking shall be retained for a minimum period of 30 days following the function.</p> <p><b>2.To amend condition 33 which states:</b></p> <p>No admission or re-admission to the premises shall be permitted, except for smokers, later than one hour before the terminal hour for the sale of alcohol.</p> <p><b>to the following:</b></p> <p>No admission or re-admission to the premises shall be permitted, except for smokers, later than half an hour before the terminal hour for the sale of alcohol, Mondays to Saturdays and on 22.30pm on Sundays.</p>		

	<p><b>3. To amend the terminal hour for the sale of alcohol to 00:00 on Sundays.</b></p> <p><b>4. To vary the layout at the premises as follows:</b></p> <ul style="list-style-type: none"> <li>• Location of fixed seating, podium and stage</li> <li>• Configuration of the bar servery</li> <li>• WC provision</li> <li>• Staff area as part of public area</li> </ul>
<b>Premises licence history:</b>	These premises currently hold a Premise Licence 18/00126/LIPDPS. For a full history, please refer to <b>Appendix 3.</b>
<b>Applicant submissions:</b>	The applicant provided a letter of support and is attached to this report at <b>Appendix 2.</b>

1-B Current and proposed licensable activities, areas and hours						
Regulated Entertainment						
Performance of Dance, Anything of a similar description to Live Music, Recorded Music or Performance of Dance						
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
<b>Monday</b>	09:00	03:00	No Change		Basement Only	No Change
<b>Tuesday</b>	09:00	03:00				
<b>Wednesday</b>	09:00	03:00				
<b>Thursday</b>	09:00	03:00				
<b>Friday</b>	09:00	03:00				
<b>Saturday</b>	09:00	03:00				
<b>Sunday</b>	09:00	00:00				
<b>Seasonal variations:</b>	<b>Current:</b>				<b>Proposed:</b>	
	None				No Change	
<b>Non-standard timings:</b>	<b>Current:</b>				<b>Proposed:</b>	
	None				No Change	

Late night refreshment						
Indoors, outdoors or both			Current :		Proposed:	
			Indoors		No Change	
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
<b>Monday</b>	23:00	03:30	No Change		Basement Only	No Change
<b>Tuesday</b>	23:00	03:30				
<b>Wednesday</b>	23:00	03:30				
<b>Thursday</b>	23:00	03:30				
<b>Friday</b>	23:00	03:30				
<b>Saturday</b>	23:00	03:30				
<b>Sunday</b>	23:00	00:00				
<b>Seasonal variations/ Non-standard</b>	<b>Current:</b>				<b>Proposed:</b>	
	None				No Change	

timings:		
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Sale by Retail of Alcohol						
On or Off Sales			Current :		Proposed:	
			Both		No Change	
	Current Hours		Proposed Hours		Licensable Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	10:00	03:00	No Change		Basement Only	No Change
Tuesday	10:00	03:00				
Wednesday	10:00	03:00				
Thursday	10:00	03:00				
Friday	10:00	03:00				
Saturday	10:00	03:00				
Sunday	12:00	22:30	12:00	00:00		
Seasonal variations/ Non-standard timings:	Current: None				Proposed: No Change	

Hours premises are open to the public						
	Current Hours		Proposed Hours		Premises Area	
	Start:	End:	Start:	End:	Current:	Proposed:
Monday	09:00	03:30	No Change		Basement Only	No Change
Tuesday	09:00	03:30				
Wednesday	09:00	03:30				
Thursday	09:00	03:30				
Friday	09:00	03:30				
Saturday	09:00	03:30				
Sunday	09:00	00:00	09:00	00:30		
Seasonal variations/ Non-standard timings:	Current: None				Proposed: No Change	

<b>1-C      Layout alteration</b>
To vary the layout at the premises as follows:
<ul style="list-style-type: none"> <li>• To indicate the location of fixed seating, podium and stage;</li> <li>• To indicate the configuration of the bar servery;</li> <li>• To indicate the wc provision and</li> <li>• To include a staff area as part of the public area;</li> </ul>

<b>1-D      Conditions proposed by the applicant to be amended:</b>
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<b>Condition</b>		<b>Proposed variation</b>
30. The maximum capacity at the premises when licensable activities consisting of the sale of supply of alcohol or the provision of late night refreshment are taking place shall be 150 persons (including staff). Whenever regulated entertainment is also provided or provided independently, then the maximum capacity of the premises shall be 110 (excluding staff). After 2.30 am the number of persons on the premises (excluding performers and staff) will be reduced from 110 to 70 save for any private pre-booked functions in respect of which the booking shall have been made at least 24 hours beforehand and the records relating to such booking shall be retained for a minimum period of 30 days following the function.		30. The maximum capacity at the premises when licensable activities consisting of the sale of supply of alcohol or the provision of late night refreshment are taking place shall be 150 persons (including staff). Whenever regulated entertainment is also provided or provided independently, then the maximum capacity of the premises shall be 110 (excluding staff). <b>After 2.30am on Mondays to Saturdays and after 22.30 pm on Sundays</b> the number of persons on the premises (excluding performers and staff) will be reduced from 110 to 70 save for any private pre-booked functions in respect of which the booking shall have been made at least 24 hours beforehand and the records relating to such booking shall be retained for a minimum period of 30 days following the function.
33. No admission or re-admission to the premises shall be permitted, except for smokers, later than one hour before the terminal hour for the sale of alcohol.		33. No admission or re-admission to the premises shall be permitted, except for smokers, later than half an hour before the terminal hour for the sale of alcohol, Mondays to Saturdays and on 22.30pm on Sundays.
<b>Relevant entertainment:</b>	<b>Current position:</b>	<b>Proposed position:</b>
	The premises has the benefit of Sexual Entertainment Venue Licence, 18/10043/LISEVR as shown at <b>Appendix 3.</b>	No Change

## 2. Representations

2-A Responsible Authorities	
<b>Responsible Authority:</b>	Metropolitan Police Service ( <i>Withdrawn</i> )
<b>Representative:</b>	PC Bryan Lewis
<b>Received:</b>	21 March 2019
<p>Police object to this application, as it does not promote the licensing objectives, namely the prevention of crime and disorder for the following reasons:</p> <ul style="list-style-type: none"> <li>• Insufficient conditions</li> <li>• Some existing conditions require updating</li> </ul> <p><b>Following discussions with the Metropolitan Police Service and the subsequent agreement of conditions, the Metropolitan Police Service withdrew their representation on the 3 April 2019.</b></p>	
<b>Responsible Authority:</b>	Environmental Health Service
<b>Representative:</b>	Ian Watson
<b>Received:</b>	1 April 2019
<p>I refer to the application for variation of the Premises Licence.</p> <p>The applicant has submitted floor plans of the premises.</p> <p>This representation is based on the plans and operating schedule submitted.</p> <p>The applicant is seeking the following</p> <ol style="list-style-type: none"> <li>1. To vary the hours for the Supply of Alcohol on a Sunday from 22.30 hours to 00.00 hours.</li> <li>2. To vary condition 30 and 33 regarding Sunday trading hours and last admissions.</li> <li>3. To vary the layout of the premises to include, fixed seating, configuration of the bar, public toilets and new public area.</li> </ol> <p>I wish to make the following representation</p> <ol style="list-style-type: none"> <li>1. The additional hours requested for the Supply of Alcohol on a Sunday will have the likely effect of causing an increase in Public Nuisance within the area.</li> <li>2. The variation of conditions concerning Sunday trading hours and last admissions will have the likely effect of causing an increase in Public Nuisance within the area.</li> <li>3. The alterations will need to be assessed to ensure they do not impact on Public Safety.</li> </ol> <p>No additional information has been provided and a visit will need to be made to the premises to fully assess the variation.</p>	



2-B Other Persons			
<b>Name:</b>		[REDACTED]	
<b>Address and/or Residents Association:</b>		[REDACTED]	
<b>Status:</b>	Valid	<b>In support or opposed:</b>	Opposed
<b>Received:</b>	15 March 2019		
<p>Please acknowledge this anonymous objection to both applications 19/02770/LISEVV and 19/02741/LIPV for the Gaslight Club, 4 Duke of York Street, London, SW1Y 6LA</p> <p>Current issues I have with the applications are as follows;</p> <p>Antisocial behaviour outside the Gaslight Club. Outside the Gaslight Club on Duke of York St a number of affiliated and unaffiliated men solicit people on the street for dancers during opening hours. This is unacceptable for people living on Duke of York Street that have a right not to be solicited for sexual entertainment on the way to their homes. Also, men on Duke of York St standing outside their cars are soliciting massages with woman at a different venue after 3am when the Gaslight Club is closed. These men blend in with clients parked cars and loiter around the Gaslight club.</p> <p>Clients cars are parked for significant amounts of time on double yellow lines in April Tree Yard and Ormond Yard both adjacent to Duke of York St. Sometimes clients urinate in these side streets before and after entering the Gaslight Club.</p> <p>Management other than security stand outside the Gas Light club for a long amount of time more than necessary during opening hours when only workers should be outside for a cigarette break. Those members of staff stand on the steps blocking the entrance to 4-5 Duke of York Street next door chatting amongst each other.</p> <p>Bottles are sometimes found in the plant box next door at 4-5 Duke of York Street. The entrance to 4-5 Duke of York Street has 19 apartments and their entrance should remain clear and clean at all times.</p> <p>Any renewal or variation of this application and all other Gas Light applications including References: 19/02770/LISEVV and 19/02741/LIPV should consider addressing these series issues before these applications are accepted.</p> <p>Please let me know if these issues will be addressed. I wish to remain anonymous.</p>			

### 3. Policy & Guidance

The following policies within the City Of Westminster Statement of Licensing Policy apply:	
<b>Policy HRS1 applies:</b>	<p>(i) Applications for hours within the core hours set out below in this policy will generally be granted, subject to not being contrary to other policies in the Statement of Licensing Policy.</p> <p>(ii) Applications for hours outside the core hours set out below in this policy will be considered on their merits, subject to other relevant policies.</p> <p><u>For premises for the supply of alcohol for consumption on the premises:</u>  Monday to Thursday: 10:00 to 23:30  Friday and Saturday: 10:00 to midnight  Sundays immediately prior to Bank Holidays: Midday to midnight  Other Sundays: Midday to 22:30</p> <p><u>For premises for the supply of alcohol for consumption off the premises:</u>  Monday to Saturday: 08:00 to 23:00  Sundays: 10:00 to 22:30</p> <p><u>For premises for the provision of other licensable activities:</u>  Monday to Thursday: 09:00 to 23.30  Friday and Saturday: 09:00 to midnight  Sundays immediately prior to Bank Holidays: 09:00 to midnight  Other Sundays: 09:00 to 22:30</p>
<b>Policy COMB1 applies:</b>	<p>(i) Where a premises proposes to operate as a combined use premises applications will be considered on their merits with regard to each of the relevant policies e.g. Policies CD1, PS1, PN1 CH1 CIP1 and HRS1.</p> <p>(ii) The Licensing Authority will take into account the current and proposed use of the premises when considering what weight is to be given to the relevant uses and policies.</p> <p>It will take into account what is the primary use of the premises, if any, and which licensable activities are proposed outside the core hours (see policy HRS1).</p> <p>(iii) It will consider any premises which include any pub or bar use or provide facilities for fast food and drink or for music and dancing primarily under the policies specific to those uses e.g. PB1&amp;PB2, FFP1 &amp; FFP2, MD1 &amp; MD2.</p>
<b>Policy NS1 applies:</b>	<p>(i) Applications involving nudity or striptease or sex related entertainment will only be granted in exceptional circumstances and if the proposal meets the relevant criteria specified in Policies CD1, PS1, PN1, CH1 and HRS1.</p> <p>(ii) Applications will be subject to appropriate conditions which promote the licensing objectives.</p>

	<p>(iii) Applications will not be granted in proximity to:</p> <p>(a) residential accommodation</p> <p>(b) schools</p> <p>(c) places of worship</p> <p>(d) community facilities or public buildings.</p> <p>(iv) The Licensing Authority will have regard to the cumulative effect of the number of such premises in proximity to each other and in the vicinity.</p>
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#### 4. Equality Implications

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

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

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

#### 4. Appendices

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

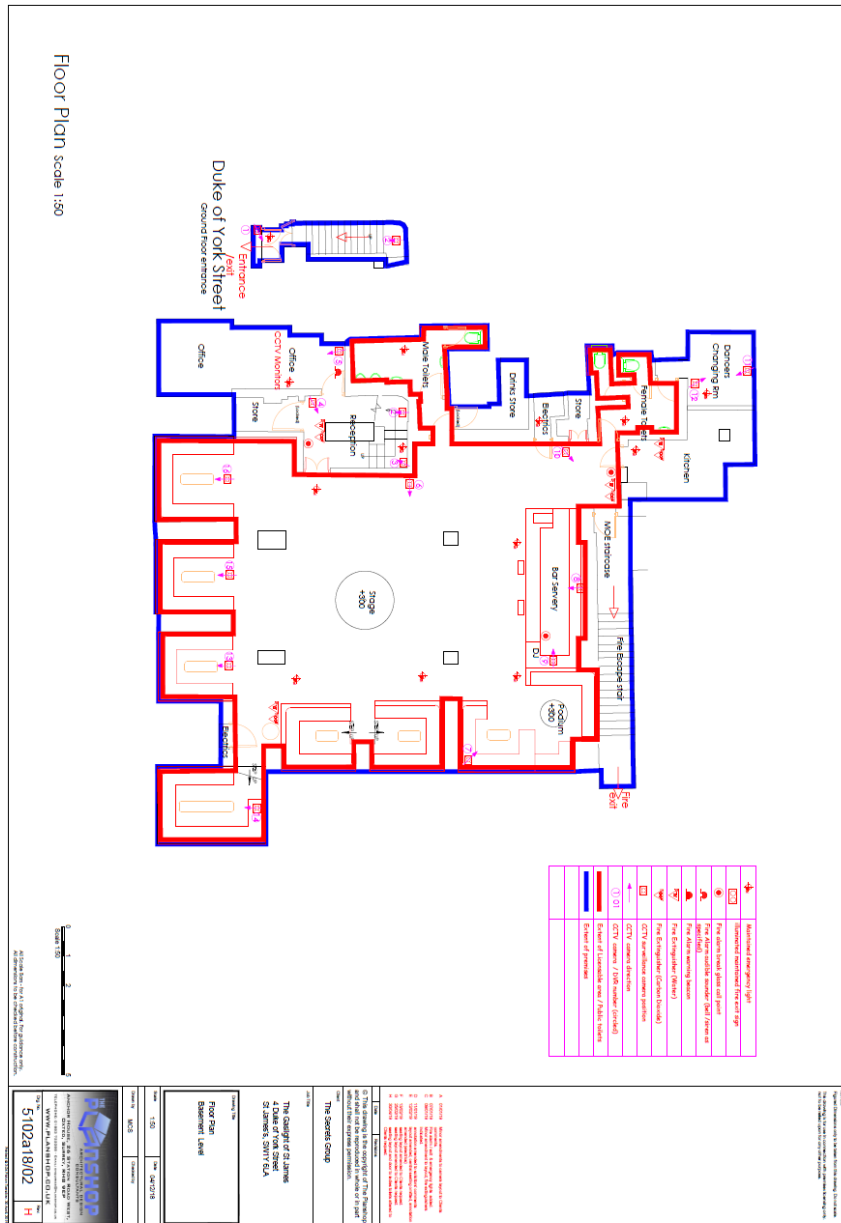
<b>Report author:</b>	Michelle Steward Senior Licensing Officer
<b>Contact:</b>	Telephone: 020 7641 1872 Email: msteward1@westminster.gov.uk

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

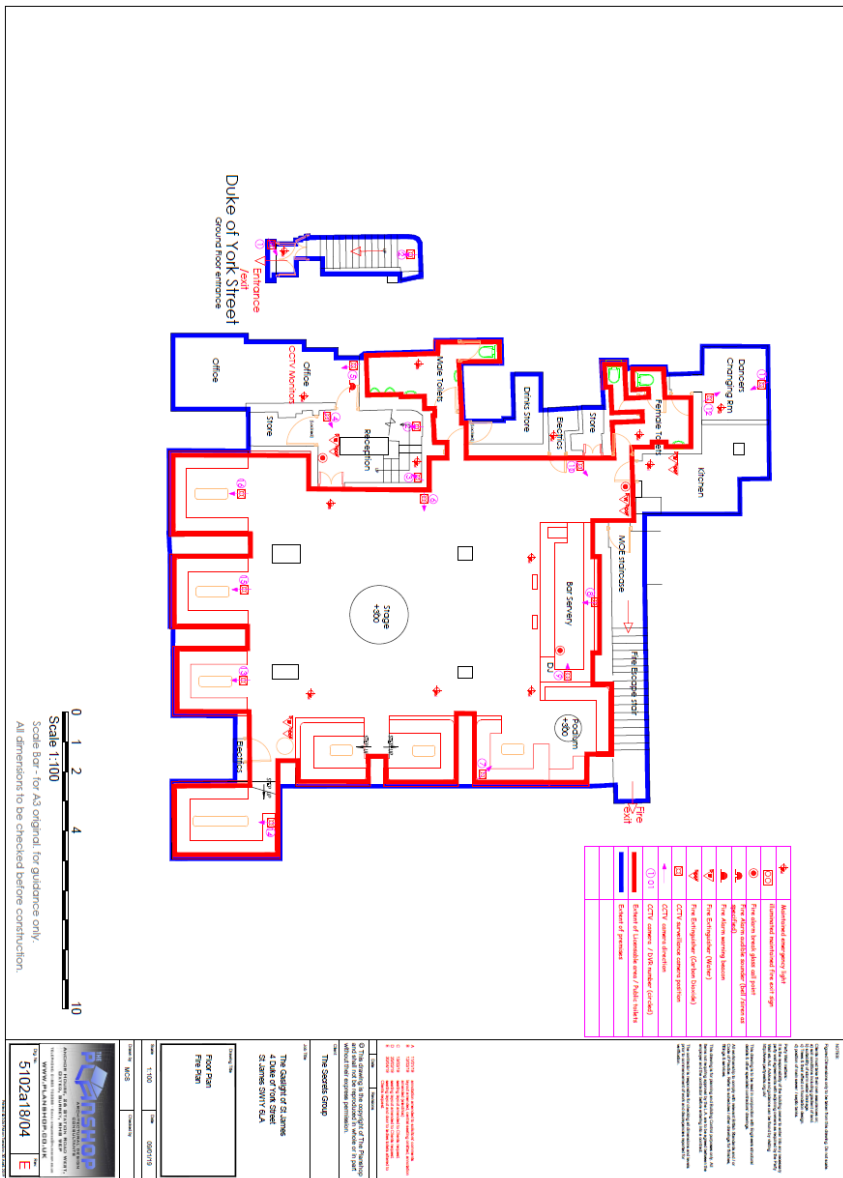
**Background Documents – Local Government (Access to Information) Act 1972**

<b>1</b>	Licensing Act 2003	N/A
<b>2</b>	City of Westminster Statement of Licensing Policy	7 <sup>th</sup> January 2016
<b>3</b>	Amended Guidance issued under section 182 of the Licensing Act 2003	April 2018
<b>4</b>	Metropolitan Police Service Representation (Withdrawn)	21 March 2019
<b>5</b>	Environmental Health Service Representation	1 April 2019
<b>6</b>	Anonymous Representation	15 March 2019

Licensing Plan



# Fire Plan



Letter of Support

**3 Bray House, 4 Duke of York Street,  
St James's London, SW1Y 6LA**

Mr Stephen [REDACTED]  
The Gaslight of St James's Limited  
4 Duke of York Street  
St James's  
SW1Y 6LA

Wednesday 1<sup>st</sup> May 2019

Dear [REDACTED]

To the Westminster Licencing Team

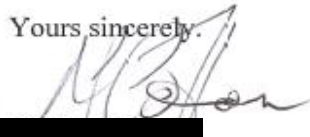
You have been a tenant at The Gaslight for about seven years.

I refer to the telephone call you made to me some weeks ago, prior to your making the current application to slightly vary your hours, and I would confirm that I advised that Bray House Management would not have any objection.

In all of that time you have managed the club to a very high standard and we have not had any cause to complain about the conduct of your customers or the operation of the club.

It may be that other operators in the area cause problems and you get blamed but we, as Directors of Bray House Management Limited, who also live in Bray House, do not have any such complaints.

Yours sincerely,



[REDACTED]  
Director – Bray House Management Limited.

## Current Premises Licence



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

Schedule 12  
Part A

WARD: St James's  
UPRN: 010033533670

Premises licence

Regulation 33, 34

Premises licence  
number:

18/00126/LIPDPS

Original Reference:

05/08028/LIPCV

## Part 1 – Premises details

## Postal address of premises:

The Gaslight Of St James Ltd  
4 Duke Of York Street  
London  
SW1Y 6LA

Telephone Number: 0208 942 2501

## Where the licence is time limited, the dates:

Not applicable

## Licensable activities authorised by the licence:

Performance of Dance  
Performance of Live Music  
Playing of Recorded Music  
Anything of a similar description to Live Music, Recorded Music or Performance of Dance  
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 Dance**

Monday to Saturday: 09:00 to 03:00  
Sunday: 09:00 to 00:00

**Performance of Live Music**

Monday to Saturday: 09:00 to 03:00  
Sunday: 09:00 to 03:00

**Playing of Recorded Music**

Unrestricted



**Anything of a similar description to Live Music, Recorded Music or Performance of Dance**

Monday to Saturday:	09:00 to 03:00
Sunday:	09:00 to 00:00

**Late Night Refreshment**

Monday to Saturday: 23:00 to 03:30  
Sunday: 23:00 to 00:00

**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: 10:00 to 03:00  
Sunday: 12:00 to 22:30

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

**The opening hours of the premises:**

Monday to Saturday: 09:00 to 03:30  
Sunday: 09:00 to 00:00

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

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

**Part 2****Name, (registered) address, telephone number and email (where relevant) of holder of premises licence:**

The Gaslight Of St James's Ltd  
The Stockwood Suite A  
Britannia House  
Leagrave Road  
Luton  
LU3 1RJ

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

8380467

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

Name: XXXXXXXXXX

*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:** 0 [REDACTED]  
**Licensing Authority:** City Of Westminster Council

**Date:** 9 April 2018

**This licence has been authorised by Mr Steve Rowe on behalf of the Director - Public Protection and Licensing.**

## Annex 1 – Mandatory conditions

1. No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.
2. No supply of alcohol may be made at a time when the designated premises supervisor does not hold a personal licence or the personal licence is suspended.
3. Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.
4. (1) The responsible person 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.

10. 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.

## **Annex 2 – Conditions consistent with the operating Schedule**

None

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

11. From 8:00pm on Thursdays, Fridays and Saturdays when licensable activities are taking place and premises are being used as a hostess club, then at least one personal licence holder shall be present on the premises.
12. CCTV with time and date recording facility shall be installed at the premises in accordance with the advice of a Metropolitan Police Officer Prevention Officer. Recordings shall be made and retained for at least thirty-one days and shall be readily available for inspection by the Police or Westminster City Council.
13. On Mondays to Saturdays, when the premises are being used as a hostess club, after 11:00pm intoxicating liquor shall not be sold or supplied to persons unless a minimum entry fee of £7 has been paid for admission to the premises or an annual admission fee of £250 (not to be credited against consumables). However, notwithstanding the above, intoxicating liquor may be sold or supplied after 11:00pm to the following persons who have not paid an admission fee:-
  - a) Persons who are taking a table meal where the consumption of alcohol is ancillary to that meal;
  - b) Any person attending a bona fide private function at the premises;
  - c) Artistes or persons working at the premises;
  - d) Bona fide guests of the proprietor, a list of whom shall be kept at the reception for inspection by the appropriate authorities;
14. Suitable beverages other than intoxicating liquor including drinking water shall be available at the premises.
15. The sound limiting device shall be set at such a level and sealed and maintained to the satisfaction of the Environmental Health Office and noise and vibration from mechanical equipment or from music provided at the premises shall not be audible in nearby residential property so as to constitute a nuisance.
16. Should there be any change to the management structure plan, deposited with Westminster City Council Licensing Authority, the licensee shall notify the Licensing Authority as soon as reasonable practical and, in any event, within seven days.
17. Whenever the premises are used for the provision of regulated entertainment, the internal lobby doors shall remain closed except for customer access and exit and in the event of emergency.
18. Clearly legible notices shall be displayed at all exits from the premises requesting patrons to respect the needs of the local residents and to leave the premises and area quietly.
19. The licensee and managers shall ensure that staff do not cause noise or disturbance when entering or exiting the premises or when carrying out their duties at the door or outside the premises.
20. Noise and disturbance arising from taxis picking up and setting down clients at the premises shall be minimised as far as possible.
21. At least one registered door supervisor shall be employed at the premises when the premises are open for the provision of regulated entertainment to the public.
22. Whenever hostesses are working at the premises, customers shall be informed as soon as their bills reach £2,000 (such figure may be adjusted with the written agreed of the Police or Licensing Authority to take inflation into account) and customers should sign their agreement at this point and again upon the bills reaching £4,000, £6,000 and such further multiples of £2,000.



All bills shall clearly show the numbers of customers in the party and the number and names of the hostesses who have entertained them and be signed by the customer. All bottles of champagne shall be signed for. These bills shall be retained for ninety days and shall be readily available to the Police and/or the Licensing Authority upon reasonable request.

23. Menus and drinks price lists shall be clearly displayed at the front entrance of the club, reception area, tables and bar at such a position and size as to be easily read by customers. This price list shall show all consumable items and any minimum tariff including charges and fees applicable to hostesses.

24. A permanent written record shall be maintained in the form of a "refusals book" kept at the premises. This record shall be signed by or on behalf of the licensee on a daily basis and record the details of any customer who refuses to pay his/her bill giving details of the customer's name, contact details and a detailed copy of the bill. These records shall be retained for a period of ninety days and be made available to the Police and/or the Licensing Authority upon reasonable request.

25. A notice outlining the Code of Conduct for the customer "as agreed with the Police" shall be positioned at the entrance, reception, bar area and table menus. It shall be of an adequate size (font 16) so that it can be easily read by the customer.

26. All hostesses activities shall be conducted openly and at no time shall hostesses entertain customers in areas to the premises that are screened, hidden by curtains or not in public use.

27. No payment shall be made by or on behalf of the licensee to unlicensed minicabs for bringing customers to the premises and there shall be no soliciting of custom by means of persons on the public highway other than by means of handing out flyers outside the vicinity of the premises.

28. All refuse is paid, properly presented and placed out for collection no earlier than thirty minutes before collection time. Refuse cannot be left on the highway for more than two hours and thirty minutes.

29. No unauthorised advertisements of any kind (including placard, poster, sticker, flyer, picture, letter, sign or other mark) is indicated or affixed up on the surface of the highway or up on any building, structure, works, street furniture, tree or any other property or is distributed in the street to the public that advertises or promotes the establishment its premises or any of its events, facilities, goods or services.

30. The maximum capacity at the premises when licensable activities consisting of the sale or supply of alcohol or the provision of late night refreshment are taking place shall be 150 persons (including staff). Whenever regulated entertainment is also provided or provided independently, then the maximum capacity of the premises shall be 110 (excluding staff). After 2.30am the number of persons on the premises (excluding performers and staff) will be reduced from 110 to 70 save for any private pre-booked functions in respect of which the booking shall have been made at least 24 hours beforehand and the records relating to such booking shall be retained for a minimum period of 30 days following the function.

31. Draught beer shall not be sold or supplied within the premises without the approval of the Environmental Health Officer and if necessary an amendment to the layout drawings of the premises.

32. Music and/or dancing and/or food shall be available within the premises.

33. No admission or re-admission to the premises shall be permitted, except for smokers, later than one hour before the terminal hour for the sale of alcohol.

34. After 02:00 on the morning following Monday to Saturday the sale of alcohol must be ancillary to the use of the premises for relevant entertainment (as defined in the Local Government (Miscellaneous Provisions) Act 1982).
35. There shall be no off-sales after 02:00 hours.
36. Customers will be encouraged to utilize the preferred taxi company of the licence holder and also to remain in the premises whilst awaiting arrival of their taxi.
37. 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.

**Annex 4 – Plans**

Attached



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

Schedule 12  
Part B

WARD: St James's  
UPRN: 010033533670

Premises licence  
summary

Regulation 33, 34

Premises licence  
number:

18/00126/LIPDPS

Part 1 – Premises details

Postal address of premises:

The Gaslight Of St Jamess Ltd  
4 Duke Of York Street  
London  
SW1Y 6LA

Telephone Number: 0208 942 2501

Where the licence is time limited, the dates:

Not applicable

Licensable activities authorised by the licence:

Performance of Dance  
Performance of Live Music  
Playing of Recorded Music  
Anything of a similar description to Live Music, Recorded Music or Performance of Dance  
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 Dance**

Monday to Saturday: 09:00 to 03:00  
Sunday: 09:00 to 00:00

**Performance of Live Music**

Monday to Saturday: 09:00 to 03:00  
Sunday: 09:00 to 03:00

**Playing of Recorded Music**

Unrestricted

Anything of a similar description to Live Music, Recorded Music or Performance of Dance

Monday to Saturday:  
Sunday:

09:00 to 03:00  
09:00 to 00:00

**Late Night Refreshment**

Monday to Saturday: 23:00 to 03:30  
Sunday: 23:00 to 00:00

**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: 10:00 to 03:00  
Sunday: 12:00 to 22:30

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

**The opening hours of the premises:**

Monday to Saturday: 09:00 to 03:30  
Sunday: 09:00 to 00:00

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

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

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

The Gaslight Of St James's Ltd  
The Stockwood Suite A  
Britannia House  
Leagrave Road  
Luton  
LU3 1RJ

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

8380467

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

Name: [REDACTED]

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

Restricted

Date: 9 April 2018

**This licence has been authorised by Mr Steve Rowe on behalf of the Director - Public Protection and Licensing.**

### Licence & Appeal History

<b>Application</b>	<b>Details of Application</b>	<b>Date Determined</b>	<b>Decision</b>
05/08028/LIPCV	Conversion of Licence	4 October 2005	Granted under delegated authority
06/02983/LIPDPS	Variation of Designated Premises Supervisor	21 April 2006	Granted under delegated authority
06/12027/LIPV	Variation of Premises Licence	18 October 2007	Granted under delegated authority
07/09433/LIPT	Transfer of Premises Licence	17 October 2007	Granted under delegated authority
06/06504/WCCMAP	Master Licence		
08/00190/LIPDPS	Variation of Designated Premises Supervisor	10 January 2008	Granted under delegated authority
13/01253/LIPT	Transfer of Premises Licence	19 April 2013	Granted under delegated authority
13/01504/LIPDPS	Variation of Designated Premises Supervisor	19 April 2013	Granted under delegated authority
14/00831/LIPV	Variation of Premises Licence	15 May 2015	Granted at Licensing Sub-Committee
16/01917/LIPDPS	Variation of Designated Premises Supervisor	4 March 2016	Granted under delegated authority
18/00126/LIPDPS	Variation of Designated Premises Supervisor	9 April 2018	Granted under delegated authority

**There is no appeal history**



*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: On Current Licence -**

**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 must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
  - (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—
    - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to;
      - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
      - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
    - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;

- (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
  - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
  - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
5. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
6. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
- (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
- (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
- (a) a holographic mark, or
  - (b) an ultraviolet feature.
7. The responsible person must ensure that—
- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
    - (i) beer or cider: ½ pint;
    - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
    - (iii) still wine in a glass: 125 ml;
  - (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
  - (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

A responsible person in relation to a licensed premises means the holder of the premise licence in respect of the premises, the designated premises supervisor (if any) or any individual aged 18 or over who is authorised by either the licence holder or designated premises supervisor.

For premises with a club premises certificate, any member or officer of the club present on the premises in a capacity that which enables him to prevent the supply of alcohol.

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

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

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

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

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

Where -

(i) P is the permitted price,

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

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

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

(i) the holder of the premises licence,

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

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

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

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

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

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

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

## **Annex 2 – Conditions consistent with the operating Schedule**

None

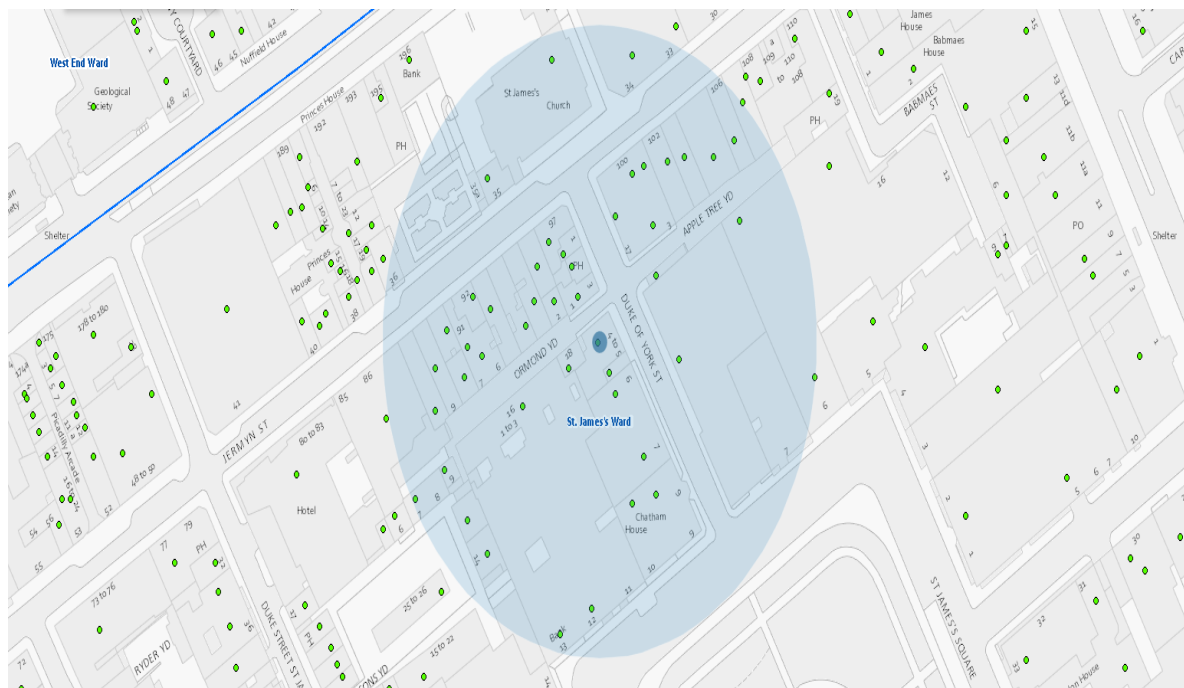
### **Annex 3 – Conditions attached after a hearing by the licensing authority**

11. From 8:00pm on Thursdays, Fridays and Saturdays when licensable activities are taking place and premises are being used as a hostess club, then at least one personal licence holder shall be present on the premises.
12. CCTV with time and date recording facility shall be installed at the premises in accordance with the advice of a Metropolitan Police Officer Prevention Officer. Recordings shall be made and retained for at least thirty-one days and shall be readily available for inspection by the Police or Westminster City Council.
13. On Mondays to Saturdays, when the premises are being used as a hostess club, after 11:00pm intoxicating liquor shall not be sold or supplied to persons unless a minimum entry fee of £7 has been paid for admission to the premises or an annual admission fee of £250 (not to be credited against consumables). However, notwithstanding the above, intoxicating liquor may be sold or supplied after 11:00pm to the following persons who have not paid an admission fee:-
  - a) Persons who are taking a table meal where the consumption of alcohol is ancillary to that meal;
  - b) Any person attending a bona fide private function at the premises;
  - c) Artistes or persons working at the premises;
  - d) Bona fide guests of the proprietor, a list of whom shall be kept at the reception for inspection by the appropriate authorities;
14. Suitable beverages other than intoxicating liquor including drinking water shall be available at the premises.
15. The sound limiting device shall be set at such a level and sealed and maintained to the satisfaction of the Environmental Health Office and noise and vibration from mechanical equipment or from music provided at the premises shall not be audible in nearby residential property so as to constitute a nuisance.
16. Should there be any change to the management structure plan, deposited with Westminster City Council Licensing Authority, the licensee shall notify the Licensing Authority as soon as reasonable practical and, in any event, within seven days.
17. Whenever the premises are used for the provision of regulated entertainment, the internal lobby doors shall remain closed except for customer access and exit and in the event of emergency.
18. Clearly legible notices shall be displayed at all exits from the premises requesting patrons to respect the needs of the local residents and to leave the premises and area quietly.
19. The licensee and managers shall ensure that staff do not cause noise or disturbance when entering or exiting the premises or when carrying out their duties at the door or outside the premises.
20. Noise and disturbance arising from taxis picking up and setting down clients at the premises shall be minimised as far as possible.
21. At least one registered door supervisor shall be employed at the premises when the premises are open for the provision of regulated entertainment to the public.
22. Whenever hostesses are working at the premises, customers shall be informed as soon as their bills reach £2,000 (such figure may be adjusted with the written agreed of the

Police or Licensing Authority to take inflation into account) and customers should sign their agreement at this point and again upon the bills reaching £4,000, £6,000 and such further multiples of £2,000. All bills shall clearly show the numbers of customers in the party and the number and names of the hostesses who have entertained them and be signed by the customer. All bottles of champagne shall be signed for. These bills shall be retained for ninety days and shall be readily available to the Police and/or the Licensing Authority upon reasonable request.

23. Menus and drinks price lists shall be clearly displayed at the front entrance of the club, reception area, tables and bar at such a position and size as to be easily read by customers. This price list shall show all consumable items and any minimum tariff including charges and fees applicable to hostesses.
24. A permanent written record shall be maintained in the form of a "refusals book" kept at the premises. This record shall be signed by or on behalf of the licensee on a daily basis and record the details of any customer who refuses to pay his/her bill giving details of the customer's name, contact details and a detailed copy of the bill. These records shall be retained for a period of ninety days and be made available to the Police and/or the Licensing Authority upon reasonable request.
25. A notice outlining the Code of Conduct for the customer "as agreed with the Police" shall be positioned at the entrance, reception, bar area and table menus. It shall be of an adequate size (font 16) so that it can be easily read by the customer.
26. All hostesses activities shall be conducted openly and at no time shall hostesses entertain customers in areas to the premises that are screened, hidden by curtains or not in public use.
27. No payment shall be made by on behalf of the licensee to unlicensed minicabs for bringing customers to the premises and there shall be no soliciting of custom by means of persons on the public highway other than by means of handing out flyers outside the vicinity of the premises.
28. All refuse is paid, properly presented and placed out for collection no earlier than thirty minutes before collection time. Refuse cannot be left on the highway for more than two hours and thirty minutes.
29. No unauthorised advertisements of any kind (including placard, poster, sticker, flyer, picture, letter, sign or other mark) is indicated or affixed up on the surface of the highway or up on any building, structure, works, street furniture, tree or any other property or is distributed in the street to the public that advertises or promotes the establishment its premises or any of its events, facilities, goods or services.
30. The maximum capacity at the premises when licensable activities consisting of the sale or supply of alcohol or the provision of late night refreshment are taking place shall be 150 persons (including staff). Whenever regulated entertainment is also provided or provided independently, then the maximum capacity of the premises shall be 110 (excluding staff). After 2.30am the number of persons on the premises (excluding performers and staff) will be reduced from 110 to 70 save for any private pre-booked functions in respect of which the booking shall have been made at least 24 hours beforehand and the records relating to such booking shall be retained for a minimum period of 30 days following the function.
31. Draught beer shall not be sold or supplied within the premises without the approval of the Environmental Health Officer and if necessary an amendment to the layout drawings of the premises.

32. Music and/or dancing and/or food shall be available within the premises.
33. No admission or re-admission to the premises shall be permitted, except for smokers, later than one hour before the terminal hour for the sale of alcohol.
34. After 02:00 on the morning following Monday to Saturday the sale of alcohol must be ancillary to the use of the premises for relevant entertainment (as defined in the Local Government (Miscellaneous Provisions) Act 1982).
35. There shall be no off-sales after 02:00 hours.
36. Customers will be encouraged to utilize the preferred taxi company of the licence holder and also to remain in the premises whilst awaiting arrival of their taxi.
37. 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.



Resident Count: 44

<b>Premises within 75 metres of The Gaslight of St James's, 4 Duke of York Street, London, SW1Y 6LA</b>					
<b>Licence Number</b>	<b>Trading Name</b>	<b>Address</b>	<b>Premises Type</b>	<b>Time Period</b>	<b>Application Type</b>
06/07266/WCCMAP	Al Duca Restaurant	Bray House 4 - 5 Duke Of York Street London SW1Y 6LA	Restaurant	Monday to Saturday; 10:00 - 00:00   Sunday; 12:00 - 23:30	Master Licence - Premises Licence
18/00126/LIPDPS	The Gaslight Of St James Ltd	4 Duke Of York Street London SW1Y 6LA	Night clubs and discos	Monday to Saturday; 09:00 - 03:30   Sunday; 09:00 - 00:00	Premises Licence - Change of DPS
14/06965/LIPDPS	Red Lion Public House	2 Duke Of York Street London SW1Y 6JP	Pub or pub restaurant with lodge	Monday to Saturday; 10:00 - 23:30   Sunday; 12:00 - 23:00	Premises Licence - Change of DPS
17/00744/LIPDPS	SG Hambros Private Banking	Ground Floor To Top Floor Ensearch House 8 St	Office	Monday to Sunday; 00:00 - 00:00	Premises Licence - Change of DPS

		James's Square London SW1Y 4JU			
18/12303/LIPDPS	Paxton & Whitfield Ltd	Basement And Ground Floor 93 Jermyn Street London SW1Y 6JE	Shop	Monday to Saturday; 10:00 - 23:30   Sunday; 12:00 - 23:00	Premises Licence - Change of DPS
18/03038/LIPN	Not Recorded	91 Jermyn Street London SW1Y 6JB	Night clubs and discos	Monday to Sunday; 09:00 - 03:30	Premises Licence - New
18/12722/LIPRW	The Wellington Club	91 Jermyn Street London SW1Y 6JB	Night clubs and discos	Monday to Sunday; 09:00 - 03:30	Premises Licence - Removal of Works
18/15638/LIPVM	The Scotch Of St James	Basement And Ground Floor 13 Mason's Yard London SW1Y 6BU	Night clubs and discos	Monday; 09:00 - 05:30   Tuesday; 09:00 - 05:30   Wednesday; 09:00 - 05:30   Thursday; 09:00 - 05:30   Friday; 09:00 - 05:30   Sunday; 09:00 - 03:30	Premises Licence - Variation - Minor
18/01013/LIPVM	The Scotch Of St James	Basement And Ground Floor 13 Mason's Yard London SW1Y 6BU	Night clubs and discos	Monday to Saturday; 09:00 - 05:30   Sunday; 09:00 - 03:30	Premises Licence - Variation - Minor
18/15737/LIPDPS	Rio Tinto	6 St James's Square London SW1Y 4JU	Not Recorded	Monday to Sunday; 00:00 - 00:00	Premises Licence - Change of DPS



Item No:	
Date:	9 May 2019
Licensing Ref No:	19/02973/LIPN - New Premises Licence
Title of Report:	Basement and Ground Floor 117 Mount Street London W1K 3LA
Report of:	Director of Public Protection and Licensing
Wards involved:	West End
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Kevin Jackaman Senior Licensing Officer
Contact details	Telephone: 020 7641 8094 Email: kjackaman@westminster.gov.uk

## 1. Application

1-A Applicant and premises			
<b>Application Type:</b>	New Premises Licence, Licensing Act 2003		
<b>Application received date:</b>	12 March 2019		
<b>Applicant:</b>	Marchesi 1824 UK		
<b>Premises address:</b>	Basement and Ground Floor 117 Mount Street London W1K 3LA	<b>Ward:</b>	West End Ward
		<b>Cumulative Impact Area:</b>	None
<b>Premises description:</b>	According to the application form the premises will trade as a Café on the ground floor with external seating. Kitchen and back of house facilities in the basement.		
<b>Premises licence history:</b>	This is a new premises licence and therefore no history exists.		
<b>Applicant submissions:</b>	None		

1-B Proposed licensable activities and hours							
<b>Sale by retail of alcohol</b>				<b>On or off sales or both:</b>			Both
<b>Day:</b>	<b>Mon</b>	<b>Tues</b>	<b>Wed</b>	<b>Thur</b>	<b>Fri</b>	<b>Sat</b>	<b>Sun</b>
<b>Start:</b>	10:00	10:00	10:00	10:00	10:00	10:00	12:00
<b>End:</b>	21:00	21:00	21:00	21:00	21:00	21:00	21:00
<b>Seasonal variations/ Non-standard timings:</b>		None					

Hours premises are open to the public							
<b>Day:</b>	<b>Mon</b>	<b>Tues</b>	<b>Wed</b>	<b>Thur</b>	<b>Fri</b>	<b>Sat</b>	<b>Sun</b>
<b>Start:</b>	08:00	08:00	08:00	08:00	08:00	08:00	08:00
<b>End:</b>	21:00	21:00	21:00	21:00	21:00	21:00	21:00
<b>Seasonal variations/ Non-standard timings:</b>		None					

## 2. Representations

2-A Responsible Authorities	
<b>Responsible Authority:</b>	Environmental Health Service
<b>Representative:</b>	Anil Drayan
<b>Received:</b>	5 April 2019
<p>I refer to the application for a new Premises Licence at the above premises.</p> <p><b>The following plans have been submitted in support of the application:</b></p> <ul style="list-style-type: none"> <li>• Ground floor drawing no 4001, Rev 1 dated 05/02/2019</li> <li>• Basement, drawing no 4000, Rev 0 dated 05/02/2019</li> </ul> <p><b>The applicant is seeking the following licensable activities:</b></p> <ol style="list-style-type: none"> <li>1. Supply of alcohol 'on' and 'off' the premises from 10:00 to 21:00 hours Monday to Saturday and 12:00 to 21:00 hours Sunday.</li> </ol> <p><b>I wish to make the following representations based on the plans and operating schedule submitted:</b></p> <ol style="list-style-type: none"> <li>1. The supply of Alcohol 'on and 'off' and for the hours requested may have the effect of increasing Public Nuisance in the area.</li> </ol> <p><b>Environmental health also makes the following further comments:</b></p> <ul style="list-style-type: none"> <li>• Although an extensive list of conditions have been offered in the operating schedule further clarification is requested on the nature of the operation at the premises. Also it is unclear from the plans if the outside tables and chairs are on the public highway or on a private forecourt</li> <li>• In addition it is unclear if the premises has already been constructed for the proposed use and will in any case need to be inspected for Public Safety prior to commencement of any licensable activities</li> <li>• The food preparation/cooking facilities will need to be assessed in order to evaluate whether Public Nuisance may arise from cooking odour and/or noise from the operation of any plant and machinery.</li> </ul> <p>The applicant is therefore requested to contact the undersigned to discuss the above issues and arrange a site visit after which Environmental Health may propose additional conditions for the proposed use.</p>	

2-B Other Persons	
<b>Name:</b>	██████████
<b>Address and/or Residents Association:</b>	██
<b>Received:</b>	6 April 2019
<p>As a ██████████ who is well aware how outside activities are impinging on the quiet amenity of a largely residential street I support all the licensing and planning conditions proposed by my neighbour ██████████</p> <p>For four years we have been promised a delicatessen which would have provided a genuine amenity in the street. Instead we have one more licensed premises with the potential to attract</p>	

huge vehicular and pedestrian activity right next to a church, a garden of reflection, opposite a hitherto discreet hotel and beneath the windows of genuine residents.  
 I have asked Richard Brown to represent my interests at an eventual hearing. Above all conditions should ensure there is no drinking without food served to people seated at tables, that drinks are not taken outside by smokers and consumed standing and that there is someone in charge at all times

<b>Name:</b>	██████████ed
<b>Address and/or Residents Association:</b>	██████████ ██████████
<b>Received:</b>	7 April 2019

I am writing ██████████ to make a representation in relation to the application by Marchesi 1824 UK.

Marchesi applied for a premises license to use the premises at 117 Mount street, W1K 3LA for the sale by retail of alcohol. I am proposing the following licensing and planning conditions before approving and granting this application:

- o There should be a doorman/doorwoman all the time, i.e., a person who is always in front of the main entrance to ensure that any patrons smoking outside the premises do so in an orderly manner and to ensure that there is no public nuisance or obstruction of the public highway.
- o Only 4 chairs to be placed in the outside dining area.
- o All tables and chairs shall be removed from the outside area by 20:00 each day.
- o Patrons permitted to temporarily leave and then re-enter the premises, e.g to smoke, shall be limited to 5 persons at any one time.
- o 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.
- o The supply of alcohol for consumption 'On' the premises shall be by waiter or waitress service.
- o Food and non-intoxicating beverages, including drinking water, shall be available in all parts of the premises where alcohol is sold or supplied for consumption 'On' the premises.
- o There shall be no self-service of alcohol on the premises.
- o Alcohol consumed on the premises shall only be consumed by persons seated at tables.
- o Alcohol consumed outside the premises building shall only be consumed by patrons seated at tables and limited to 4 persons.
- o All sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises.
- o No waste or recyclable materials, including bottles, shall be moved, removed or placed in outside areas between 20.00 hours and 09.00 hours.
- o No Delivery of takeaways (e.g., no Deliveroo, no Uber Eats or any other type of delivery firms, etc.).
- o A clear commitment from Marchesi's top management that they will not make any future applications requesting the extension of the opening hours.
- o A clear commitment from Marchesi's top management that they will not make any future applications requesting to expand the outside dining area (in terms of number of tables and chairs).

Currently, the neighbourhood is already plagued by problems and nuisance from those restaurants and wine cellars that serve alcohol and/or have outside tables (e.g., Delfino and Fino's). If the proposed Marchesi plans are approved without the above-mentioned conditions, then the Mount Street Mews will be transformed from its current beautiful residential character to a meeting point of smokers and drunkards.

Mr Richard Brown (Licensing Advice Project, Citizens Advice Westminster) will represent me at

any hearing related to this application.

<b>Name:</b>	██████████ Law
<b>Address and/or Residents Association:</b>	██████████ ██████████
<b>Received:</b>	7 April 2019

I have been a ██████████ and have witnessed considerable changes over the course of the last two decades. The street sadly has become a something of a commercial strip, a farfetched cry from the safe respectful residential hub it used to be. This application by a fashion brand (at the site of what used to be ██████████ - serving the local community) exactly sums up my above concerns and therefore I must whole heartily object to the granting of an alcohol licence to this site. If people wish to drink there is already an abundance of established pubs, hotels, cafes and restaurants on Mount Street. I must also add that this hybrid of alcohol and retail I believe to be unhealthy and will attract a certain demographic that is ultimately irresponsible. On a final note, I am a ██████████ and formulate my above opinions from many years of experience working beverage industry.

<b>Name:</b>	██████████
<b>Address and/or Residents Association:</b>	██████████ ██████████ ██████████ ██████████
<b>Received:</b>	8 April 2019

Our offices are at the ██████████, 115 Mount St - above ██████████. We have been in ██████████.

The ██████████ is not air conditioned and during the summer we rely on opening the period, single glazed, sash windows to the front and side elevation to provide adequate ventilation.

Even with the windows closed throughout the rest of the year, we can hear traffic noise and conversations on the street quite clearly, owing to the specific acoustics of the building and its location.

The applicant's amended ground floor plan includes an area of external customer seating (which is the subject of a separate planning application under consultation 19/02079/TCH) within a pink shaded area - see attached.

We note that this is included within an area that will permit the playing of recorded music. Being one of the preminent streets within Mayfair we do not think that the broadcasting of music into the public realm is at all appropriate and if permitted it will be clearly audible within our offices, which is not acceptable to us and we therefore object to the proposal. Our property also includes residential units on the third and fourth floors, whilst our landlord's Presbytery with its residential use is adjoining.

However, we would not object if the playing of recorded music is restricted to within the envelope of the building but we do object if it is audible externally.

I have copied in our managing agents for our building who may have their own comments and note that tomorrow, the 9th April, is the last day for comments to be made.

### 3. Policy & Guidance

The following policies within the City Of Westminster Statement of Licensing Policy apply:	
<b>Policy HRS1 applies:</b>	<p>(i) Applications for hours within the core hours set out below in this policy will generally be granted, subject to not being contrary to other policies in the Statement of Licensing Policy.</p> <p>(ii) Applications for hours outside the core hours set out below in this policy will be considered on their merits, subject to other relevant policies.</p> <p><u>For premises for the supply of alcohol for consumption on the premises:</u>  Monday to Thursday: 10:00 to 23:30  Friday and Saturday: 10:00 to midnight  Sundays immediately prior to Bank Holidays: Midday to midnight  Other Sundays: Midday to 22:30</p> <p><u>For premises for the provision of other licensable activities:</u>  Monday to Thursday: 09:00 to 23.30  Friday and Saturday: 09:00 to midnight  Sundays immediately prior to Bank Holidays: 09:00 to midnight  Other Sundays: 09:00 to 22:30</p>
<b>Policy RNT1 applies:</b>	Applications will generally be granted and reviews determined, subject to the relevant criteria in Policies CD1, PS1, PN1 and CH1.

### 4. Equality Implications

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

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

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

## 5. Appendices

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

<b>Report author:</b>	Kevin Jackaman Senior Licensing Officer
<b>Contact:</b>	Telephone: 020 7641 8094 Email: kjackaman@westminster.gov.uk

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

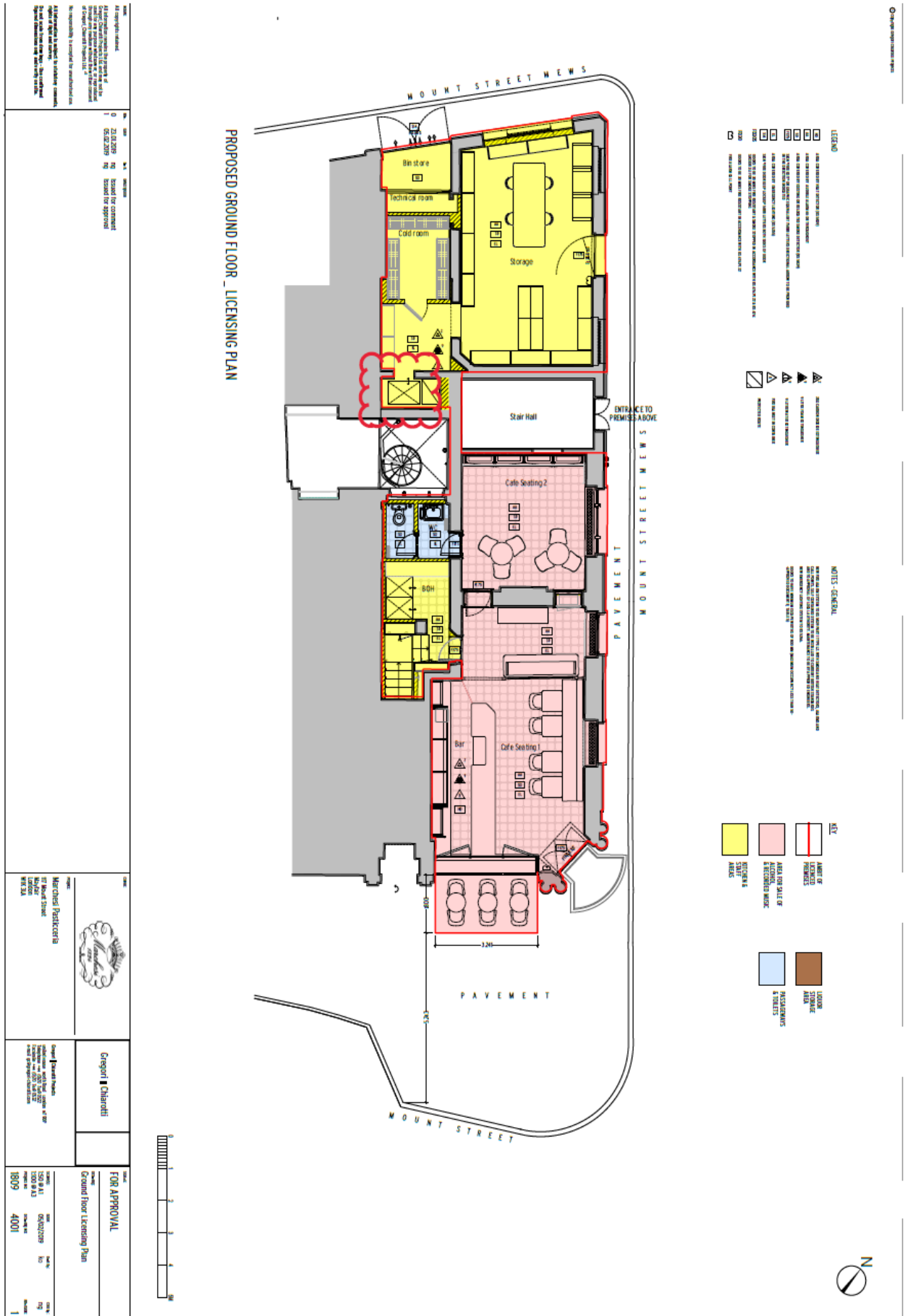
### **Background Documents – Local Government (Access to Information) Act 1972**

<b>1</b>	Licensing Act 2003	N/A
<b>2</b>	City of Westminster Statement of Licensing Policy	7 <sup>th</sup> January 2016
<b>3</b>	Amended Guidance issued under section 182 of the Licensing Act 2003	April 2018
<b>4</b>	Environmental Health Service Representation	5 April 2019
<b>5</b>	Resident Representation 1	6 April 2019
<b>6</b>	Resident Representation 2	7 April 2019
<b>7</b>	Resident Representation 3	7 April 2019
<b>8</b>	Resident Representation 4	8 April 2019





Ground floor



None submitted

There is no licence or appeal history for the premises.

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

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

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

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

### Mandatory Conditions

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

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

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

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

- 8(i) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
- 8(ii) For the purposes of the condition set out in paragraph 8(i) above -
- (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
- (b) "permitted price" is the price found by applying the formula -
- $$P = D + (D \times V)$$
- Where -
- (i) P is the permitted price,
- (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
- (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -
- (i) the holder of the premises licence,
- (ii) the designated premises supervisor (if any) in respect of such a licence, or
- (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
- (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
- (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.
- 8(iii). Where the permitted price given by Paragraph 8(ii)(b) above would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
- 8(iv). (1) Sub-paragraph 8(iv)(2) below applies where the permitted price given by Paragraph 8(ii)(b) above on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

## Conditions consistent with the operating schedule

9. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises . All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.
10. 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 premise is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
11. The supply of alcohol for consumption 'On' the premises shall be by waiter or waitress service.
12. Food and non-intoxicating beverages, including drinking water, shall be available in all parts of the premises where alcohol is sold or supplied for consumption 'On' the premises.
13. The number of persons consuming alcohol on the ground floor of the premises building shall be limited to a maximum of 24 persons (plus 6 in the external area) at any one time.
14. An incident log shall be kept at the premises, and made available on request to an authorise officer of the City Council or the Police, which will record the following :
  - (a) all crimes reported to the venue
  - (b) all ejections of patrons
  - (c) any complaints received concerning crime and disorder
  - (d) any incidents of disorder
  - (e) all seizures of drugs or offensive weapons
  - (f) any faults in the CCTV system
  - (g) any visit by a relevant authority or emergency service.
15. No super-strength beer, lagers or ciders of 5.5% ABV (alcohol by volume) or above shall be sold at the premises except for premium beers sold in glass bottles.
16. 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.
17. 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.
18. 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.
19. All emergency exit doors shall be available at all material times without the use of a key, code, card or similar means.

20. All emergency doors shall be maintained effectively self-closing and not held open other than by an approved device.
21. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.
22. Alcohol consumed outside the premises building shall only be consumed by patrons seated at tables and limited to 6 persons.
23. There shall be no self-service of alcohol on the premises.
24. All tables and chairs shall be removed from the outside area by 21:00 each day.
25. No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
26. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
27. A direct telephone number and email address for the manager at the premises shall be publicly available at all times the premises is open. This telephone number and email address is to be made available to residents and businesses in the vicinity.
28. 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.
29. No waste or recyclable materials, including bottles, shall be moved, removed or placed in outside areas between 20.00 hours and 08.00 hours.
30. No collections of waste or recycling materials (including bottles) from the premises shall take place between 20.00) and 08.00 on the following day.
31. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
32. Save for fresh produce delivered between 07:00 and 08:00 hours, no deliveries to the premises shall take place between 21.00 and 08.00 hours.
33. The premises licence holder shall ensure that any patrons drinking and/or smoking outside the premises do so in an orderly manner and are supervised by staff so as to ensure that there is no public nuisance or obstruction of the public highway.
34. A Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
35. A record shall be kept detailing all refused sales of alcohol. The record should include the date and time of the refused sale and the name of the member of staff who refused the sale. The record shall be available for inspection at the premises by the police or an authorised officer of the City Council at all times whilst the premise is open.
36. The premises shall be used primarily as a retail gourmet delicatessen and the provision of alcohol shall remain ancillary to the main use of the premises as a retail gourmet delicatessen.



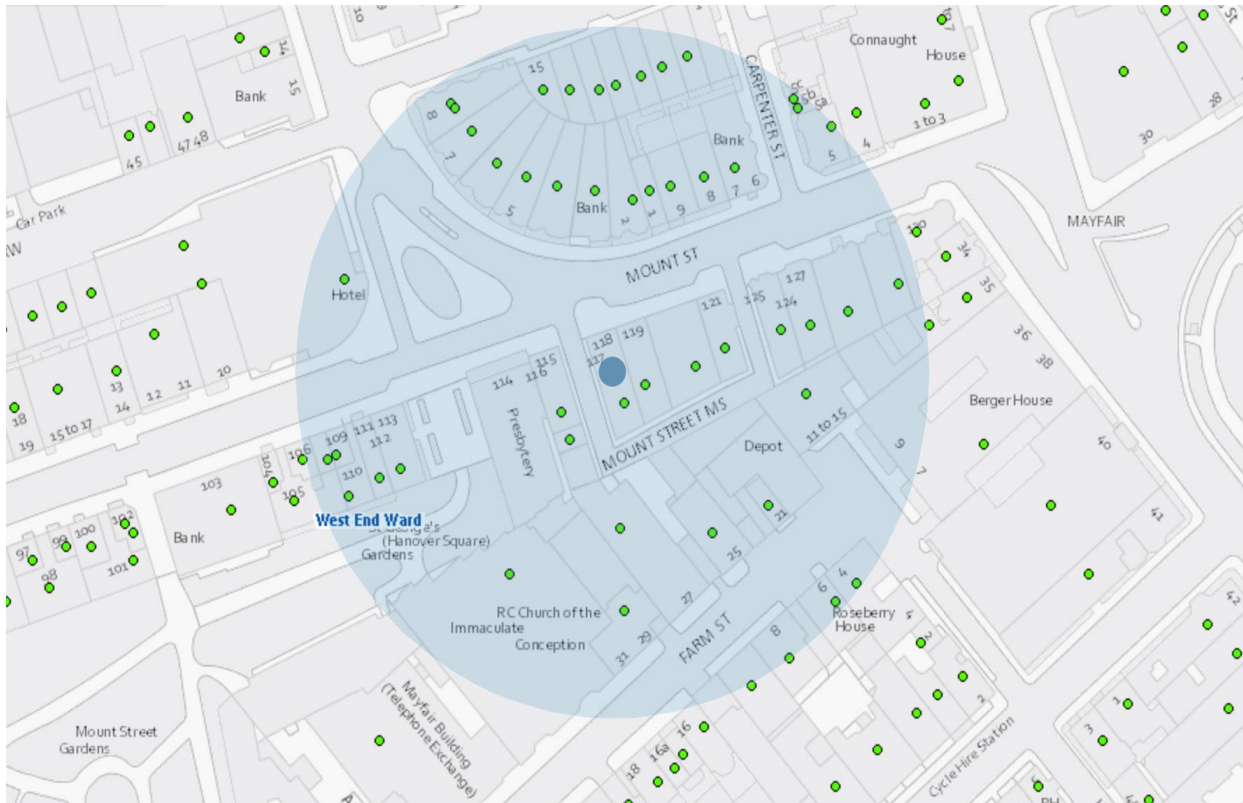
37. Delivery of takeaways shall only be permitted between 09:00 and 18:00 Monday to Sunday.
38. The Licence will have no effect until the premises have been assessed as satisfactory by the Environmental Health Consultation Team and this condition has been removed from the Licence.
39. Before the premises open to the public, the plans as deposited will be checked by the Environmental Health Consultation Team to ensure they are an accurate reflection of the premises constructed. Where the premises layout has changed during the course of construction new plans shall be provided to the Environmental Health Consultation Team and the Licensing Authority.

**Conditions proposed by the Environmental Health**

None

**Conditions proposed by the Police**

None



Resident Count: 106

Premises within 75 metres of Basement and Ground Floor, 117 Mount Street, London, W1K 3LA				
Licence Number	Trading Name	Address	Premises Type	Time Period
17/04250/LIPN	Dean And DeLuca	117 Mount Street London W1K 3LA	Cafe	Monday to Saturday; 07:00 - 23:30   Sunday; 07:00 - 22:30
06/03894/WCCMAP	Delfino	Ground Floor 121 Mount Street London W1K 3NW	Restaurant	Monday to Saturday; 10:00 - 00:00   Sunday; 12:00 - 23:30
16/05506/LIPVM	Finos	Basement 123 Mount Street London W1K 3NP	Restaurant	Monday to Saturday; 10:00 - 00:30   Sunday; 12:00 - 00:00
17/00683/LIPRW	8 Mount Street	8 Mount Street London W1K 3NF	Restaurant	Monday to Saturday; 10:00 - 00:30   Sunday; 12:00 - 00:00

16/09782/LIPDPS	Connaught Hotel Restaurant And Bars	Restaurant Connaught Hotel Carlos Place London W1K 2AL	Hotel, 4+ star or major chain	Monday to Saturday; 10:00 - 01:30   Sunday; 12:00 - 01:30
17/07945/LIPV	Connaught Hotel	Connaught Hotel Carlos Place London W1K 2AL	Hotel, 4+ star or major chain	Monday to Sunday; 00:00 - 00:00

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Item No:	
Date:	9 May 2019
Licensing Ref No:	19/02049/LIPN - New Premises Licence
Title of Report:	Cavell House 2A Charing Cross Road London WC2H 0NN
Report of:	Director of Public Protection and Licensing
Wards involved:	St James's
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Michelle Steward Senior Licensing Officer
Contact details	Telephone: 0207 641 1872 Email: msteward1@westminster.gov.uk

## 1. Application

1-A Applicant and premises			
<b>Application Type:</b>	New Premises Licence, Licensing Act 2003		
<b>Application received date:</b>	19 February 2019		
<b>Applicant:</b>	Arboretum Lounge Ltd		
<b>Premises address:</b>	Cavell House 2A Charing Cross Road London WC2H 0NN	<b>Ward:</b>	St James's
		<b>Cumulative Impact Area:</b>	West End
<b>Premises description:</b>	According to the application, the premises will operate as a refreshment and function area for employees working in the offices within the premises building. The premises will be accessible by employees and their guests; persons attending pre-booked and private functions; members of the Library Private Members Club situated at 112 St Martin's Lane, London which is owned by Arboretum Lounge Limited. There will be no access to general members of the public.		
<b>Premises licence history:</b>	This is a new premises licence application and therefore no premises licence history is available.		
<b>Applicant submissions:</b>	There are no submissions from the applicant.		

1-B Proposed licensable activities and hours							
<b>Late Night Refreshment:</b>				<b>Indoors, outdoors or both</b>			Indoors
<b>Day:</b>	<b>Mon</b>	<b>Tues</b>	<b>Wed</b>	<b>Thur</b>	<b>Fri</b>	<b>Sat</b>	<b>Sun</b>
<b>Start:</b>	23:00	23:00	23:00	23:00	23:00	23:00	23:00
<b>End:</b>	00:00	00:00	00:00	00:00	00:30	00:30	23:30
<b>Seasonal variations/ Non-standard timings:</b>			00:30 on Sundays before Bank Holiday Mondays. From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Eve Day.				

<b>Sale by retail of alcohol</b>				<b>On or off sales or both:</b>			On Sales
<b>Day:</b>	<b>Mon</b>	<b>Tues</b>	<b>Wed</b>	<b>Thur</b>	<b>Fri</b>	<b>Sat</b>	<b>Sun</b>
<b>Start:</b>	10:00	10:00	10:00	10:00	10:00	10:00	12:00
<b>End:</b>	00:00	00:00	00:00	00:00	00:30	00:30	23:30
<b>Seasonal variations/ Non-standard timings:</b>			00:30 on Sundays before Bank Holiday Mondays. From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Eve Day.				

<b>Live Music</b>				<b>Indoors, outdoors or both:</b>			Indoors
<b>Day:</b>	<b>Mon</b>	<b>Tues</b>	<b>Wed</b>	<b>Thur</b>	<b>Fri</b>	<b>Sat</b>	<b>Sun</b>
<b>Start:</b>	10:00	10:00	10:00	10:00	10:00	10:00	12:00
<b>End:</b>	00:00	00:00	00:00	00:00	00:30	00:30	23:30
<b>Seasonal variations/ Non-standard timings:</b>		00:30 on Sundays before Bank Holiday Mondays. From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Eve Day.					

<b>Recorded Music</b>				<b>Indoors, outdoors or both:</b>			Indoors
<b>Day:</b>	<b>Mon</b>	<b>Tues</b>	<b>Wed</b>	<b>Thur</b>	<b>Fri</b>	<b>Sat</b>	<b>Sun</b>
<b>Start:</b>	10:00	10:00	10:00	10:00	10:00	10:00	12:00
<b>End:</b>	00:00	00:00	00:00	00:00	00:30	00:30	23:30
<b>Seasonal variations/ Non-standard timings:</b>		00:30 on Sundays before Bank Holiday Mondays. From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Eve Day.					

<b>Hours premises are open to the public</b>							
<b>Day:</b>	<b>Mon</b>	<b>Tues</b>	<b>Wed</b>	<b>Thur</b>	<b>Fri</b>	<b>Sat</b>	<b>Sun</b>
<b>Start:</b>	08:00	08:00	08:00	08:00	08:00	08:00	08:00
<b>End:</b>	00:00	00:00	00:00	00:00	00:30	00:30	23:30
<b>Seasonal variations/ Non-standard timings:</b>		00:30 on Sundays before Bank Holiday Mondays. From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Eve Day.					

## 2. Representations

<b>2-A Responsible Authorities</b>	
<b>Responsible Authority:</b>	Licensing Authority
<b>Representative:</b>	Roxsana Haq
<b>Received:</b>	7 March 2019
<p>I write in relation to the application (19/02049/LIPN) submitted for a New Premises Licence for the following premises:</p> <p>Cavell House, 2A Charing Cross Road, London, WC2H 0NN</p> <p>As a responsible authority under section 13 (4) of the Licensing Act 2003 as amended under the Police and Social Responsibility Act 2011 the Licensing Authority have considered your application in full. The Licensing Authority has concerns in relation to this application and how the premises would promote the Licensing Objectives:</p> <ul style="list-style-type: none"> <li>• Public Nuisance</li> <li>• Prevention of Crime &amp; Disorder</li> <li>• Public Safety</li> <li>• Protection of Children from harm</li> </ul>	

This application seeks the following:

- Supply of Alcohol ('on' the premises):

Monday to Thursday 10:00 – 00:00

Friday and Saturday 10:00 – 00:30

Sundays 12:00 – 23:30

Non Standard Timings: 00:30 on Sundays before bank holiday Mondays

From the end of permitted hours on New Years' Eve to the start of permitted hours on New Years' Eve.

- Provision of regulated entertainment (indoors):

Live Music

Monday to Thursday 10:00 – 00:00

Friday and Saturday 10:00 – 00:30

Sundays 12:00 – 23:30

Non Standard Timings: 00:30 on Sundays before bank holiday Mondays

From the end of permitted hours on New Years' Eve to the start of permitted hours on New Years' Eve.

Playing of recorded Music

Monday to Thursday 10:00 – 00:00

Friday and Saturday 10:00 – 00:30

Sundays 12:00 – 23:30

Non Standard Timings: 00:30 on Sundays before bank holiday Mondays

From the end of permitted hours on New Years' Eve to the start of permitted hours on New Years' Eve.

- Provision of Late Night Refreshments (indoors):

Monday to Thursday 23:00 – 00:00

Friday and Saturday 23:00 – 00:30

Sundays 23:00 – 23:30

Non Standard Timings: 00:30 on Sundays before bank holiday Mondays

From the end of permitted hours on New Years' Eve to the start of permitted hours on New Years' Eve.

The premises is located within the West End Cumulative Impact area and as such a number of policy points must be considered such as HRS1 & CIP1.

The premises currently falls within policy points 2.4.10 and 2.4.11 of CIP1. The Licensing Authority require the applicant to demonstrate how the membership applications will operate. We invite additional information that addresses whether there will be a membership committee that considers applications or membership, and information as to how membership is approved.

Additionally, there is no information relating to the management of private events at the premises. Point 2.4.10 highlights that 'individuals attending premises operating private functions, which could include corporate or personal events, are not necessarily known to the management of the premises, although will be known to the event organiser'. We would propose that a limit on the number of private events might be offered to mitigate the effect of cumulative impact.

The Councils core hours policy as defined in HRS1 state the hours for the supply of alcohol on the premises and for the provision of other licensable activity, these are:

For premises for the supply of alcohol for the consumption on the premises:

Monday to Thursday: 10:00 to 23:30

Friday and Saturday: 10:00 to midnight



Sundays immediately prior to Bank Holidays: Midday to midnight  
Other Sundays: Midday to 22:30

For premises for the provision of other licensable activities:

Monday to Thursday: 09:00 to 23:30

Friday and Saturday: 09:00 to midnight

Sundays immediately prior to Bank Holidays: 09:00 to midnight

Other Sundays: Midday to 22:30

The application as it stands falls outside of these hours as the proposed terminal hours for the supply of alcohol are outside the core hours policy on each day and the terminal hours for other licensable activity are also later than the core hours policy. Therefore, we encourage the applicant to consider reducing the hours for licensable activity in line with the core hours policy.

The above, alongside with any exceptions to policy can be submitted by the applicant for consideration to demonstrate that the granting of this new licence in the West End Cumulative Impact Area will not add to cumulative impact.

Further discussions will be held with the applicant prior to the hearing and any further submissions will be forwarded on for Members information

Please accept this as a formal representation and I look forward to receiving any further submissions.

<b>Responsible Authority:</b>	Environmental Health Service
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<b>Representative:</b>	Anil Drayan
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<b>Received:</b>	15 March 2019
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I refer to the application for a new Premises Licence for the above Premises which is located in the West End Cumulative Impact Area

The applicant has submitted plans of the premises showing the ground floor, drawing no. 185SK001, revision B, dated January 2019.

The following licensable activities are being sought:

1. To provide for the Supply of Alcohol 'On' the premises between 10:00 and 00.00 Monday to Thursday, 10:00 to 00:30 Friday and Saturday and 12:00 to 23:30 Sunday. Also, non-standard times of: From end of permitted hours on New Year's Eve to start of permitted hours on New Year's Day and Sundays prior to bank holiday Mondays to 00:30 hours.

2. Provision of Late Night Refreshment 'Indoors' between 23:00 and 00.00 Monday to Thursday, 23:00 to 00:30 Friday and Saturday and 23:00 to 23:30 Sunday. Also, non-standard times of: From end of permitted hours on New Year's Eve to start of permitted hours on New Year's Day and Sundays prior to bank holiday Mondays to 00:30 hours.

3. Provision of Live Music and Recorded Music 'Indoors' between 10:00 and 00.00 Monday to Thursday, 10:00 to 00:30 Friday and Saturday and 12:00 to 23:30 Sunday. Also, non-standard times of: From end of permitted hours on New Year's Eve to start of permitted hours on New Year's Day and Sundays prior to bank holiday Mondays to 00:30 hours.

I wish to make the following representations based on the plans submitted and the supporting operating schedule:

1. The hours requested for and the Supply of Alcohol 'On' the premises may lead to an increase in Public Nuisance in the West End Cumulative Impact Area

2. The hours requested for Late Night Refreshment may lead to an increase in Public Nuisance in the West End Cumulative Impact Area

3. The hours requested for and the Provision of Live Music and Recorded Music may lead to an increase in Public Nuisance in the West End Cumulative Impact Area

Environmental Health also makes the following further comments:

i. An extensive list of conditions has been offered in the operating schedule and these are under consideration as to whether they there are sufficient to allay Environmental Health concerns.

ii. It is unclear if the premises have already been constructed for the proposed use and will in any case need to be inspected for Public Safety prior to commencement of any licensable activities

iii. Also, the premises food preparation/cooking facilities will need to be assessed in order to evaluate whether Public Nuisance may arise from cooking odour and/or from the operation of any plant and machinery.

iv. The provision of sanitary accommodation for any proposed capacity must be in line with at least the minimum requirements as set out in British Standard 6465 in order to help with preventing an increase in Public Nuisance in the West End Cumulative Impact Area.

The applicant is therefore requested to contact the undersigned to discuss the above issues and to arrange a site visit after which Environmental Health may propose additional conditions for the proposed use. Please note any capacity for the premises shall be based on whichever gives the lower figure from an assessment for safety or from the sanitary accommodation.

2-B Other Persons	
Name:	[REDACTED]
Address and/or Residents Association:	[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
Received:	18 March 2019
I am writing as [REDACTED] [REDACTED]. [REDACTED] [REDACTED] which are the subject of this applications. I object to the licence application as I feel that it is highly likely to impact adversely on the promotion of the licensing objectives, particularly in respect of the 'prevention of public nuisance' objective. The Prevention of Public Nuisance — It is unclear from the Licensing application and supporting documents how the risk of noise nuisance will be prevented from travelling into the wholly [REDACTED]. The proposed Ground Floor and Mezzanine Licensed area will have an adjoining wall to [REDACTED] and while it is clear that the performance of live or recorded music will take place inside the building, sound and in particular the bass level of music move through buildings and adjacent spaces. Part of the adjoining wall also connects to the stair well of [REDACTED] and as such any noise transference (music or otherwise) would travel to all floors of the building. The wall of the premises also abuts up directly to the residential units which could easily lead to direct noise transfer or vibrations into those residential units. Additionally the Courtyard space at the back of the proposed Licensing property also backs onto	

so any noise transference into the courtyard will also impact the 1 St . That risk will increase in the warm months when doors and windows of the Licensed Premises could be opened and the windows in need to be opened for the comfort of the residential occupiers.

In addition, it is not clear from the application the exact primary nature of this premises in regards to the License application. Will there be the provision of food in a restaurant where the sale of alcohol and the licensing activities applied for are ancillary thereto or is this intended to be an entertainment venue in the evenings when office workers have gone home, with vertical drinking as a key purpose? The potential for the latter is a significant worry to us and is underpinned further by the lack of clarity as to where any kitchen may be situated or indeed exist in the building.

While the use of the premises is stated to be restricted to those working in the Office and their guests and the members of the private members club and their guests reference is also made to pre booked private functions. These private functions do not seem to have the same restrictions as to attendance or who can book those events. The application also seeks a licence for the premises to be open for access by the public which with the restrictions referred to above seems contradictory.

Additionally Clause 25 of the proposed conditions states that members guests must be accompanied by a member after a late specified hour. We do not understand why guests of a member should not have to be accompanied by a member at all times.

Without a full understanding of how noise levels from inside the building will be controlled throughout the year, for example by the use of noise limiters, clarity on people capacity levels in each of the licensed areas, clearly marked areas specifying the numbers of seats in each area and stipulating drinks can only be served by waiters to people taking a meal in those areas, further clearly marked areas which show the maximum numbers of people who can stand in the bar areas to prevent this becoming a vertical drinking establishment then serious concerns will remain as to the acceptability of any proposed licence for the premises.

It is also unclear as to how the delivery of provisions and services will take place to the premises. The front of the building backs onto the very busy Charing Cross road. Deliveries from the rear would need to be through the courtyard via 112 St Martins Place. In addition how will the clearing of rubbish including bottles take place? If this all takes place through the courtyard there will be a serious risk of major noise transference and disturbance when this takes place as late as 23:00 and as early as 07:00 each day. With, in fact, the 07.00 collection actually needing the licence operator to place rubbish and bottles outside at 06.30 in the morning. It is critical that how this will operate is understood and appropriate safe guards to minimise noise issues put in place.

We note that this licence application is linked to the licence obtained by 112 St Martins Lane. We would like to understand if there will be any proposed access / interaction through the external courtyard (or any other way) between these two related premises. Any such "traffic" between the two premises through the courtyard could itself create the potential for noise disturbance.

Given our comments about the proposed use of the premises, it is unclear how the applicant can justify the terminal hour applied for. Further, as the premises is part of the 'Cumulative Impact Area' we do not understand why the licence application seeks a terminal hour outside of core hours. I understand that a premises operating as a private members club or holding private functions will not be considered an exception to the Policy for these reasons alone.

Finally there is also the issue of customers leaving the premises late at night into St Martins Place.

It is not clear from the plan submitted which of the three doors is the entrance and exit to the premises, each door is shown as a fire Exit. To best limit the risk of noise disturbance to the residential block the door furthest from would be the most appropriate to use for both entrance to and exit from the premises. This would also steer people leaving the venue to smoke and return to actually smoke away from the residential block and reduce the significant numbers of people who would be entering St Martins Place itself late at night.

To help control the position there should be trained individuals present on the door at all times to ensure an orderly departure from the building. We would also strongly object to any bright lights attached to or outside the building as referred to in clause 42 of the applicant's conditions.

<b>Name:</b>	████████████████████
<b>Address and/or Residents Association:</b>	████████ ████████ ██████████ ████████ ████████████
<b>Received:</b>	5 March 2019

We are writing as ██████████ JL, we are ██████████ ██████████ for which the above application is made.

While we accept that background noise of a city centre nature comes with the location of our Flat we are objecting to the licence application as we feel that it is highly likely to impact adversely on the promotion of the licensing objectives in its current form. This representation is made chiefly in respect of the 'prevention of public nuisance' objective.

We note that the premises is described in the application as follows: 'The premises will operate as a refreshment and function area for persons working in offices within the premises building. The premises will be accessible by office workers and their guests; persons attending pre booked and private functions; and members of the premises licence holder's private members' club. There will be no access to general members of the public.' However, we are unsure how the provision of licensable activities to 'persons attending pre booked private functions' and to 'members of the premises licence holder's private members' club' is compatible with the stated purpose of the premises as 'a refreshment and function area for persons working in offices within the premises building', unless the private functions and membership of the private members club are restricted to the same category of persons.

The Prevention of Public Nuisance - It is unclear from the Licensing application and supporting documents how the risk of noise nuisance will be prevented from travelling into the wholly residential building ██████████ and the separate individual Flat units contained therein. The proposed Ground Floor and Mezzanine Licensed area will have an adjoining wall to ██████████ Martin Place and while it is clear that the performance of live or recorded music will take place inside the building, sound and in particular the bass level of music moves across spaces in odd ways. Part of the adjoining wall also connects to the stair well of ██████████ St Martins Place and as such any noise transference (music or otherwise) would travel to all floors of the building. The wall of the premises also abuts up directly to the residential units which could easily lead to direct noise transfer or vibrations into those residential units. In addition the Courtyard space at the back of the proposed Licensing property also backs onto 10 St Martins Place so any noise transference into the courtyard will also impact the 10 St Martin Place premises. That risk will increase in the warm months when doors and windows of the Licensed Premises could be opened and the windows in ██████████ St Martins Place need to be opened for the comfort of the residential occupiers. We regularly experience a high level of noise interference in the residences from buskers and events in the Square because sound bounces off buildings and becomes amplified.

In addition it is not clear from the application the exact primary nature of this premises in regards to the License application. Will there be the provision of food in a restaurant where the sale of alcohol and the licensing activities applied for are ancillary thereto or is this intended to be an entertainment venue in the evenings when office workers have gone home, with vertical drinking as a key purpose? The potential for the latter is a significant worry to us and is underpinned further by the lack of clarity as to where any kitchen may be situated or indeed exist in the building and the need for a clause specifically referring to the provision of special effects. As noted above, while the use of the premises is stated to be restricted to those working in the Office and their guests and the members of the private members club and their guests reference is also made to pre booked private functions. These private functions do not seem to have the same restrictions as to attendance or who can book those events. The application also seeks a licence for the premises to be open for access by the public which with the restrictions referred to above should be irrelevant. A final

concern exists in this regard in that Clause 25 of the proposed applicants conditions states that members guests must be accompanied by a member after a late specified hour, we do not

understand why guests of a member should not have to be accompanied by a member at all times.

Without a full understanding of how noise levels from inside the building will be controlled throughout the year, for example by the use of noise limiters, clarity on people capacity levels in each of the licensed areas, clearly marked hatched areas specifying the numbers of seats in each such area and stipulating drinks can only be served by waiter/ess to people taking a meal in those areas, further clearly marked areas which show the maximum numbers of people who can stand in the bar areas so that it is clear this will not be a vertical drinking establishment then serious concerns will remain as to the acceptability of any proposed licence for the premises. It is also unclear as to how the delivery of provisions and services will take place to the premises. The front of the building backs onto the very busy Charing Cross road, will such deliveries be made there or into the courtyard via 112 St Martins Place. In addition how will the clearing of rubbish including bottles take place? If this all takes place through the courtyard there will be a serious risk of major noise transference and disturbance when this takes place as late as 23:00 and as early as 07:00 each day. With, in fact, the 07:00 collection actually needing the licence operator to place rubbish and bottles outside at 06:30 in the morning. It is critical that how this will operate is understood and appropriate safe guards to minimise noise issues put in place. We note that this licence application is linked to the licence obtained by 112 St Martins Lane. We would like to understand if there will be any proposed access / interaction through the external courtyard (or any other way) between these two related premises. Any such "traffic" between the two premises through the courtyard could itself create the potential for noise disturbance.

Given our comments about the proposed use of the premises, it is unclear how the applicant can justify the terminal hour applied for. Further, as the premises is part of the 'Cumulative Impact Area' we do not understand why the licence application seeks a terminal hour outside of core hours. The licensing authority will be aware that the Statement of Licensing Policy 2016 makes it clear that a premises operating as a private members club or holding private functions will not be considered an exception to the Policy for these reasons alone. We think this is sensible, and indeed would point out that the vague nature of 'private functions' strongly suggests that this part of the application, far from constituting an exception, would certainly add to cumulative impact.

Finally there is also the issue of customers leaving the premises late at night into the St Martins Place location. It is not clear from the plan submitted which of the three doors is the entrance and exit to the premises, each door is shown as a fire Exit. To best limit the risk of noise disturbance to the residential block the door furthest from ■ St Martins Place would be the most appropriate to use for both entrance to and exit from the premises. This would also steer people leaving the venue to smoke and return to actually smoke away from the residential block and reduce the significant numbers of people who would be entering St Martins Place itself late at night. This is important given the regard needed for the homeless in the area who look to obtain respite from their troubles at the homeless refuge situated in the location and particularly given the potential 200 extra people who will also be leaving the newly licensed 6-8 St Martin's Place Hotel and roof top restaurant late in the evening as well.

To help control the position further there should be trained individuals present on the door at all times to ensure an orderly departure from the building. We would also strongly object to any bright lights attached to or outside the building as referred to in clause 42 of the applicant's conditions.

We are very happy to discuss our above objections and concerns in advance of any scheduled licensing hearing. We do note from the WCC Licensing Register that the proposed hearing date is currently given as 12 April 2019. Please can we respectfully request that it not be listed on that date as we will be away on vacation and unable to attend that week.

**Correspondence from ■ dated 29 April 2019:**

In advance of the licensing hearing scheduled for 09/05/19 with respect to the above application I wanted to update you of the current position;

- 1) We have not received any contact from the applicants lawyer with respect to the matters/ objections/ clarifications/ issues we have raised with respect to the above license

application. As sated we will make ourselves available where possible for such discussions to take place

2) We have received the attached letter from the "Applicants premises" (**Appendix 4**) with respect to the licence application and have responded to that letter as per attached. There is comment that an earlier letter was sent to us dated 28th March but we did not receive that

3) The attached letter from the "Applicants premises" (**Appendix 4**) was, it appears, hand delivered to [REDACTED] with similar envelopes addressed to each of the Flats. I do not recall seeing any similar envelopes in the reception of the building earlier so suspect none of the residents have rec'd such letters

On the basis that we have had no meaningful contact from either the Applicant or their lawyers on this matter please can I request that the attached letters are provided to the licensing committee as part of their committee pack so that they can be taken into account in their deliberations.

While writing, and in line with my e mail of 13/04/19 to Michelle Steward, I would also like to reconfirm that we would like Richard Brown to attend as our representative and I and my wife will also want to be able to make relevant comments at the hearing. We will all want to be able to raise points to the committee, discuss matters with the committee and raise questions of the Applicant relevant to or connected with the objections and concerns we have raised with respect to the license application.

**Correspondence received from the legal representative, Richard Brown acting for [REDACTED] d [REDACTED] dated 1 May 2019:**

As you know, I am representing [REDACTED] at the hearing on 9th May. I may also be representing others – I shall of course let you know in due course.

[REDACTED] made a number of points and proposals in his representation, but is still somewhat in the dark about the specifics of the application, particularly the nature of the private club and private functions, and whether there will be vertical drinking bar(s) on the premises. It is therefore difficult for [REDACTED] to make any meaningful proposals to reflect the concerns he raised in his representation.

[REDACTED] has however pulled together a number of conditions taken from points made in his representation. I thought it would be helpful to send these in prior to the hearing, although clearly some of these conditions may be otiose depending on any clarifications or amended conditions which may be received from the applicant. Equally, additional conditions may be necessary.

1. 'The premises shall operate as a refreshment and function area for persons working in offices within the premises building.'

2. 'Licensable activities shall only be provided to persons working in the offices located in the premises building and their bona fide guests with a maximum of 4 guests per adult office worker and such guests must be accompanied by the adult office worker at all times.'

NB Mr Ward may be prepared to consider the applicant's proposals for other categories of person to make use of the premises for licensable activities, but would obviously needed to be provided with more information as to the applicant's intentions in this regard.

3. 'A noise limiter must be fitted to the musical amplification system set at a level determined by and to the satisfaction of an authorised officer of the Environmental Health Service, so as to ensure that no noise nuisance is caused to local residents or businesses. The operational panel of the noise limiter shall then be secured by key or password to the satisfaction of officers from the Environmental Health Service and access shall only be by persons authorised by the Premises Licence holder. The limiter shall not be altered without prior agreement with the Environmental Health Service. No alteration or modification to any existing

sound system(s) should be effected without prior knowledge of an authorised Officer of the Environmental Health Service. No additional sound generating equipment shall be used on the premises without being routed through the sound limiter device.'

4. 'No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.'

5. 'The courtyard area as shown on the licence plan shall not be used by members of the public.'

6. There shall be no access through the courtyard from 2A Charing Cross Road and 112 St Martins Lane.' (Mr Ward point out that the application states the premises is adjacent to 112 St Martins Lane. That is not correct, [REDACTED] is positioned between the two buildings and would be adversely impacted by any movement between the two premises named in the application).

7. All windows and external doors shall be kept closed after [ ] hours, or at any time when regulated entertainment takes place, except for the immediate access and egress of persons.'

8. 'All guests of a club member must be accompanied by the club member at all times.'

9. 'The maximum number of persons accommodated at the premises at any one time (excluding staff) shall not exceed [ ] persons'. [REDACTED] points out that there should be strict control on the number of vertical spaces which should be restricted in capacity. Any areas where vertical drinking is permitted should be clearly identified on the proposed plan so that it can be clearly seen that this is not a vertical drinking venue.

10. 'Sale of alcohol shall be by waiter/waitress service only to persons seated'

11. 'No deliveries to the premises shall take place between 2100 and 08.00 on the following day.'

12. 'No collections of waste or recycling materials (including bottles) from the premises shall take place between 21.00 and 08.00 on the following day.'

13. 'Patrons shall be off the premises by 11.30pm Monday-Thursday, midnight Friday and Saturday, and 10.30pm Sunday.'

14. 'After 18.30, patrons shall only enter and leave the premises via the door marked [ ]' (For the avoidance of doubt, this proposal is for this to be the door furthest away from 10 St Martin's Place).

Additional points which [REDACTED] would like to make are:

- The location of the kitchens from which food will be provided to patrons should be clearly identified on the license application plan. Food should not be delivered to 2A Charing Cross Road from the related premises 112 St Martins lane.

- The location of service deliveries and the storage of and clearance of litter and bottles needs to be specified so that the potential impact on the residential property [REDACTED] can be considered.

- If the Licensing Sub-Committee is minded to permit a later terminal hour than 'core hours', there should be a last entry time to the premises.

- There should be no bright lights or illuminations either outside of the premises or visible outside the premises.

**The correspondence was forwarded to the applicant for their response on the 2 May 2019.**

<b>Name:</b>	██████████
<b>Address and/or Residents Association:</b>	██████████ ██████████ ██████████ ██████████ ██████████
<b>Received:</b>	18 March 2019

Re Application for the granting of a Premises Licence at Cavell House, 2A, Charing Cross Road London by Arboretum Lounge Ltd . Application Reference Number 19/02049/LIPN.

I am writing as the owner and on behalf of the occupants of ██████████. Our names are ██████████

While we accept that background noise of a city centre nature comes with the ██████████ we are objecting to the license application under the following area of the licensing act:

The Prevention of Public Nuisance - It is unclear from the Licensing application and supporting documents how the risk of noise nuisance will be prevented from travelling into the wholly residential building ██████████ and the separate individual flat units contained therein.  
Noise Transfer

The proposed Ground Floor and Mezzanine Licensed area will have an adjoining wall to ██████████ and while it is clear that the performance of live or recorded music will take place inside the building, sound and in particular the base level of music moves across spaces in odd ways. Part of the adjoining wall also connects to the stair well of ██████████ and as such any noise transference (music or otherwise) would travel to all floors of the building. The wall of the premise also abuts up directly to the residential Units which could easily lead to direct noise transfer or vibrations into those residential Units. In addition the Courtyard space at the back of the proposed Licensing property also backs onto ██████████ place so any noise transference into the courtyard will also impact the ██████████. That risk will increase in the summer months when doors and windows of the Licensed Premises could be opened and the windows in ██████████ need to be opened for the comfort of the residential occupiers, since that is the only cooling available.

Without a full understanding of how noise levels from inside the building will be controlled throughout the year, for example by the use of noise limiters, clarity on people capacity levels in each of the licensed areas, clearly marked hatched areas specifying the numbers of seats in each such area and stipulating drinks can only be served by waiters to people taking a meal in those areas, further clearly marked areas which show the maximum numbers of people who can stand in the bar areas so that it is clear this will not be a vertical drinking establishment then serious concerns will remain as to the acceptability of any proposed license for the premises. As the premises is part of the Cumulative Impact Area we do not understand why the license application seeks for hours outside of core hours. There have recently been other applications approved in the recent area, so this cumulative impact needs to be assessed in great detail before, not after it causes issue to the local residents.

Type of Licence

In addition it is not clear from the application the exact primary nature of this premises in regards to the License application. Is it that of the provision of food in a restaurant where the sale of alcohol and the licensing activities applied for are ancillary there to or is this intended to be an entertainment venue with vertical drinking as a key purpose. The potential for the latter is a significant worry to us and is underpinned further by the lack of clarity as to where any kitchen may be situated or indeed exist in the building and the need for a clause specifically referring to the provision of special effects

Deliveries

How will the delivery of provisions and services will take place to the premises?

The front of the building backs onto the very busy Charing Cross road, will such deliveries be



made there or into the courtyard via 112 St Martins Place. In addition how will the clearing of rubbish including bottles take place?

If this all takes place through the courtyard there will be a series risk of major noise transference and disturbance when this takes place as late as 2300 and as early as 0700 each day. With, in fact, the 0700 collection actually needing the license operator to place rubbish and bottles outside at 0630 in the morning.

It is critical that how this will operate is understood and appropriate safe guards to minimise noise issues put in place. We note that this license application is linked to the license obtained by 112 St Martins Lane. We would like to understand if there will be any proposed access / interaction through the external courtyard (or any other way) between these two related premises. Any such "traffic" between the two premises through the courtyard could itself create the potential for noise disturbance.

#### Exits and Entrances

There is also the issue of customers leaving the premises late at night into the St Martins Place location.

It is not clear from the plan submitted which of the three doors is the entrance and exit to the premises, each door is shown as a fire Exit.

To best limit the risk of noise disturbance to the residential block the door furthest from 10 St Martins Place would be the most appropriate to use for both entrance to and exit from the premises. This would also steer people leaving the venue to smoke and return to actually smoke away from the residential block and reduce the significant numbers of people who would be entering St Martins Place itself late at night.

This is important given the regard needed for the homeless in the area who look to obtain respite from their troubles at the homeless refuge situated in the location and particularly given the potential 200 extra people who will also be leaving the newly licensed 6-8 St Martina Place Hotel and roof top restaurant late in the evening as well.

To help control the position further there should be trained individuals present on the door at all times to ensure an orderly departure from the building. We would also strongly object to any bright lights attached to or outside the building as referred to in clause 42 of the proposed applicants conditions.

<b>Name:</b>	[REDACTED]
<b>Address and/or Residents Association:</b>	[REDACTED] P [REDACTED] [REDACTED] [REDACTED]
<b>Received:</b>	18 March 2019

i write as [REDACTED], which is a private residence.

I wish to object to the granting of a premises licence at Cavell House, 2A Charing Cross Road, London on the basis that it will add to noise levels and commercial disturbance generally in the area and because my flat has an adjacent party wall to that of the applicant

[REDACTED] is a residential property. The area has been aggressively commercialised in recent years by Westminster City Council. Both the private properties and public spaces like the Cavell monument Piazza and Trafalgar Square itself have become increasing sources of noise and disturbance at anti-social hours. Most recently at the st martins place hotel now under construction will add to the general discomfort of residents.

I echo the points of detail made by [REDACTED] in their own objection.

<b>Name:</b>	[REDACTED]
--------------	------------

**Address and/or Residents Association:**

██████████  
 ██████████ P ██████████  
 ██████████  
 ██████████

**Received:**

11 March 2019

We are writing as ██████████ of ██████████, we are ██████████. We ██████████ the Premises for which the above application is made. ██████████ ██████████ Premises.

While we accept that background noise of a city centre nature comes with the location of our Flat we are objecting to the licence application as we feel that it is highly likely to impact adversely on the promotion of the licensing objectives in its current form. This representation is made chiefly in respect of the 'prevention of public nuisance' objective.

We note that the premises is described in the application as follows: 'The premises will operate as a refreshment and function area for persons working in offices within the premises building. The premises will be accessible by office workers and their guests; persons attending pre booked and private functions; and members of the premises licence holder's private members' club. There will be no access to general members of the public.' However, we are unsure how the provision of licensable activities to 'persons attending pre booked private functions' and to 'members of the premises licence holder's private members' club' is compatible with the stated purpose of the premises as 'a refreshment and function area for persons working in offices within the premises building', unless the private functions and membership of the private members club are restricted to the same category of persons.

The Prevention of Public Nuisance - It is unclear from the Licensing application and supporting documents how the risk of noise nuisance will be prevented from travelling into the wholly residential building ██████████ and the separate individual Flat units contained therein. The proposed Ground Floor and Mezzanine Licensed area will have an adjoining wall to ██████████ and while it is clear that the performance of live or recorded music will take place inside the building, sound and in particular the bass level of music moves across spaces in odd ways. Part of the adjoining wall also connects to the stair well of ██████████ and as such any noise transference (music or otherwise) would travel to all floors of the building. The wall of the premises also abuts up directly to the residential units which could easily lead to direct noise transfer or vibrations into those residential units. In addition the Courtyard space at the back of the proposed Licensing property also backs onto ██████████ so any noise transference into the courtyard will also impact the ██████████ That risk will increase in the warm months when doors and windows of the Licensed Premises could be opened and the windows in ██████████ need to be opened for the comfort of the residential occupiers. We regularly experience a high level of noise interference in the residences from buskers and events in the Square because sound bounces off buildings and becomes amplified.

In addition it is not clear from the application the exact primary nature of this premises in regards to the License application. Will there be the provision of food in a restaurant where the sale of alcohol and the licensing activities applied for are ancillary thereto or is this intended to be an entertainment venue in the evenings when office workers have gone home, with vertical drinking as a key purpose? The potential for the latter is a significant worry to us and is underpinned further by the lack of clarity as to where any kitchen may be situated or indeed exist in the building and the need for a clause specifically referring to the provision of special effects. As noted above, while the use of the premises is stated to be restricted to those working in the Office and their guests and the members of the private members club and their guests reference is also made to pre booked private functions. These private functions do not seem to have the same restrictions as to attendance or who can book those events. The application also seeks a licence for the premises to be open for access by the public which with the restrictions referred to above should be irrelevant. A final concern exists in this regard in that Clause 25 of the proposed applicants conditions states that members guests must be accompanied by a member after a late specified hour, we do not understand why guests of a member should not have to be accompanied by a member at all times.

Without a full understanding of how noise levels from inside the building will be controlled throughout the year, for example by the use of noise limiters, clarity on people capacity levels in each of the licensed areas, clearly marked hatched areas specifying the numbers of seats in each such area and stipulating drinks can only be served by waiter/ess to people taking a meal in those areas, further clearly marked areas which show the maximum numbers of people who can stand in the bar areas so that it is clear this will not be a vertical drinking establishment then serious concerns will remain as to the acceptability of any proposed licence for the premises. It is also unclear as to how the delivery of provisions and services will take place to the premises. The front of the building backs onto the very busy Charing Cross road, will such deliveries be made there or into the courtyard via 112 St Martins Place. In addition how will the clearing of rubbish including bottles take place? If this all takes place through the courtyard there will be a serious risk of major noise transference and disturbance when this takes place as late as 23;00 and as early as 07;00 each day. With, in fact, the 07;00 collection actually needing the licence operator to place rubbish and bottles outside at 06;30 in the morning. It is critical that how this will operate is understood and appropriate safe guards to minimise noise issues put in place. We note that this licence application is linked to the licence obtained by 112 St Martins Lane. We would like to understand if there will be any proposed access / interaction through the external courtyard (or any other way) between these two related premises. Any such "traffic" between the two premises through the courtyard could itself create the potential for noise disturbance.

Given our comments about the proposed use of the premises, it is unclear how the applicant can justify the terminal hour applied for. Further, as the premises is part of the 'Cumulative Impact Area' we do not understand why the licence application seeks a terminal hour outside of core hours. The licensing authority will be aware that the Statement of Licensing Policy 2016 makes it clear that a premises operating as a private members club or holding private functions will not be considered an exception to the Policy for these reasons alone. We think this is sensible, and indeed would point out that the vague nature of 'private functions' strongly suggests that this part of the application, far from constituting an exception, would certainly add to cumulative impact.

Finally there is also the issue of customers leaving the premises late at night into the St Martins Place location. It is not clear from the plan submitted which of the three doors is the entrance and exit to the premises, each door is shown as a fire Exit. To best limit the risk of noise disturbance to the residential block the door furthest from [REDACTED] would be the most appropriate to use for both entrance to and exit from the premises. This would also steer people leaving the venue to smoke and return to actually smoke away from the residential block and reduce the significant numbers of people who would be entering St Martins Place itself late at night. This is important given the regard needed for the homeless in the area who look to obtain respite from their troubles at the homeless refuge situated in the location and particularly given the potential

200 extra people who will also be leaving the newly licensed 6-8 St Martin's Place Hotel and roof top restaurant late in the evening as well.

To help control the position further there should be trained individuals present on the door at all times to ensure an orderly departure from the building. We would also strongly object to any bright lights attached to or outside the building as referred to in clause 42 of the applicant's conditions.

We are very happy to discuss our above objections and concerns in advance of any scheduled licensing hearing.

<b>Name:</b>	[REDACTED]
<b>Address and/or Residents Association:</b>	[REDACTED] [REDACTED] [REDACTED] [REDACTED]
<b>Received:</b>	17 March 2019

As the [REDACTED], I am writing to object to the above licensing application. I live in the building next to the Premises for which the

application is made.

This application concerns me a great deal because it could impact my quality of life severely. I am particularly concerned about high noise levels stated in the application for two reasons:

Firstly, [REDACTED]. Out of all the residents in [REDACTED] would be worst affected from any noise in the adjoining building.

Secondly, my personal circumstances mean that I would be impacted severely. I work long hours at my job and have to arrive at work early each morning. This means that I need to go to bed very early in order to get the normal amount of sleep. The provision of 'Live & recorded music' next door till late at night would make this impossible.

There is an additional issue of customers leaving the venue late at night or indeed smoking throughout the evening on the street. Our building has inadequate ventilation systems such that opening windows become absolutely necessary during hot weather in the summer. The combination of noise and smoke would constitute a significant nuisance to residents, particularly me occupying my first floor flat.

An equally important point I wish to make is that this licensing change is not in keeping with the area. Firstly, the Edith Cavell War Memorial is situated at the centre of St Martins Place. One could argue that it would be disrespectful to have a late night entertainment venue in such a place and would attract significant public criticism.

And secondly, does Westminster Council really want such a venue directly opposite the National Portrait Gallery? It is one of the best galleries in the world and it would be terrible if visitors were put off from visiting because of licensing changes made over the road. The council should be making efforts to increase the cultural attractiveness of the area, not to degrade it. The borough has plenty of late night entertainment venues and does not need another one in area so unsuitable for it. There are far more suitable uses for 2A Charing Cross Road that are more in keeping with the existing area.

And for that reason, I would also object to any bright lights attached to or outside the building as referred to in the applicant's conditions.

I am very happy to discuss my objections and concerns in advance of any scheduled licensing hearing.

<b>Name:</b>	[REDACTED]
<b>Address and/or Residents Association:</b>	[REDACTED] [REDACTED] [REDACTED] [REDACTED]
<b>Received:</b>	15 March 2019

I object to granting of a licence at the above property

I have studied the proposal and have concluded it will detrimental of the quality of life for all [REDACTED] This proposed development is next to a building full of residential flats.

The proposed hours for licensable activities particularly at the weekend, could be a case of great public nuisance. The occupants of [REDACTED] place enter the building through a main door next to one of the proposed entrances to the Arboretum development. Apart from the noise, there is the possibility of "members" standing outside smoking and chatting, possibly intoxicated, on a very busy public thoroughfare, next to the building entrance and directly opposite the pedestrian crossing leading to the National Portrait Gallery.

This is not a side street, it fronts onto one of the busiest tourist areas in the world, with a constant pedestrian flow until late night/early morning. this should be considered.

The nature of the membership, and the conditions attached, lead me to believe this could be a Trojan Horse allowing an expansion of activities at a later date. I would draw your attention to proposed conditions 10d, 19 and 29. possibility in the last part of the sentence in condition 19 should be removed altogether.

Arboretum Lounge Ltd was incorporated on 25 January 2019. one of the two directors is responsible for establishing and running "The Library" at 112 St Martins Lane. This is a literary/singing venue with accommodation. The proposed development at 2a Charing Cross

Road is of a completely different type and, despite the membership restrictions, appears to be more an entertainment club, with all of the possibilities that brings.

### 3. Policy & Guidance

The following policies within the City Of Westminster Statement of Licensing Policy apply:	
<b>Policy HRS1 applies</b>	<p>(i) Applications for hours within the core hours set out below in this policy will generally be granted, subject to not being contrary to other policies in the Statement of Licensing Policy.</p> <p>(ii) Applications for hours outside the core hours set out below in this policy will be considered on their merits, subject to other relevant policies.</p> <p><u>For premises for the supply of alcohol for consumption on the premises:</u>  Monday to Thursday: 10:00 to 23:30  Friday and Saturday: 10:00 to midnight  Sundays immediately prior to Bank Holidays: Midday to midnight  Other Sundays: Midday to 22:30</p> <p><u>For premises for the supply of alcohol for consumption off the premises:</u>  Monday to Saturday: 08:00 to 23:00  Sundays: 10:00 to 22:30</p> <p><u>For premises for the provision of other licensable activities:</u>  Monday to Thursday: 09:00 to 23.30  Friday and Saturday: 09:00 to midnight  Sundays immediately prior to Bank Holidays: 09:00 to midnight  Other Sundays: 09:00 to 22:30</p>
<b>Policy CIP1 applies</b>	<p>(i) It is the Licensing Authority's policy to refuse applications in the Cumulative Impact Areas for: pubs and bars, fast food premises, and premises offering facilities for music and dancing; other than applications to vary hours within the Core Hours under Policy HRS1.</p> <p>(ii) Applications for other licensable activities in the Cumulative Impact Areas will be subject to other policies, and must demonstrate that they will not add to cumulative impact in the Cumulative Impact Areas.</p>
<b>Policy PB1 applies</b>	<p>Applications will only be granted if it can be demonstrated that the proposal meets the relevant criteria in Policies CD1, PS1, PN1 and CH1.</p>

#### 4. Equality Implications

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

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

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

#### 4. Appendices

<b>Appendix 1</b>	Premises plans
<b>Appendix 2</b>	Applicant supporting documents
<b>Appendix 3</b>	Premises history
<b>Appendix 4</b>	Additional Submission from Mr Stephen Ward
<b>Appendix 5</b>	Proposed conditions
<b>Appendix 6</b>	Residential map and list of premises in the vicinity

<b>Report author:</b>	Michelle Steward Senior Licensing Officer
<b>Contact:</b>	Telephone: 0207 641 1872 Email: msteward1@westminster.gov.uk

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

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

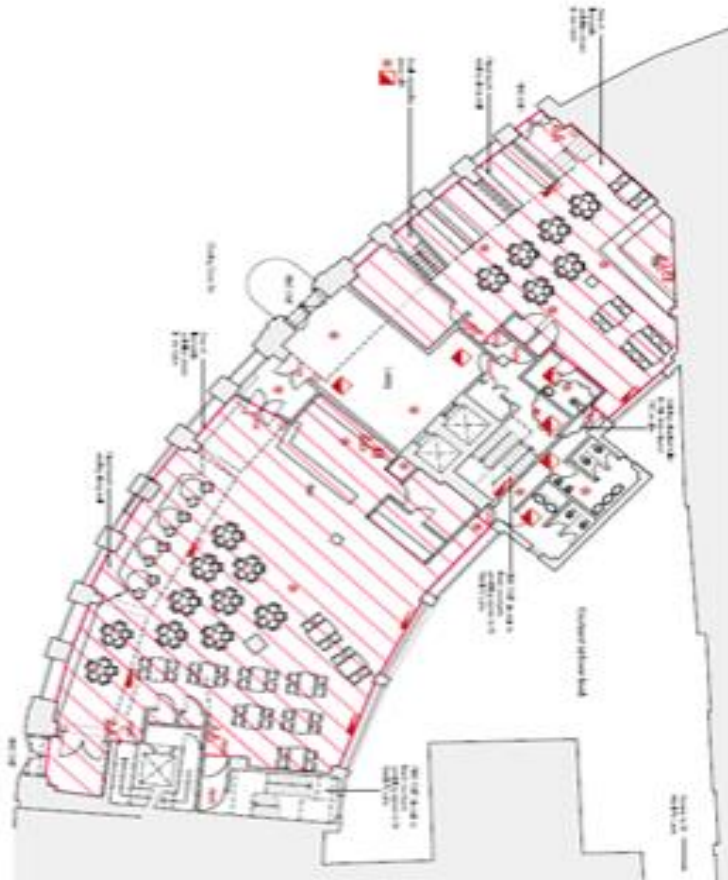
<b>1</b>	Licensing Act 2003	N/A
<b>2</b>	City of Westminster Statement of Licensing Policy	7 <sup>th</sup> January 2016
<b>3</b>	Amended Guidance issued under section 182 of the Licensing Act 2003	April 2018
<b>4</b>	Licensing Authority Representation	7 March 2019
<b>5</b>	Environmental Health Representation	15 March 2019
<b>6</b>	Public Representation 1	18 March 2019
<b>7</b>	Public Representation 2	5 March 2019
<b>8</b>	Public Representation 3	18 March 2019
<b>9</b>	Public Representation 4	18 March 2019
<b>10</b>	Public Representation 5	11 March 2019
<b>11</b>	Public Representation 6	15 March 2019
<b>12</b>	Public Representation 7	17 March 2019





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**Owner: The Board**  
The Board is the sole proprietor of the property and is the owner of the property. The Board is the owner of the property and is the owner of the property. The Board is the owner of the property and is the owner of the property.



**Legend**  
RECEPTION  
OFFICE  
CONFERENCE  
RESTROOM  
STAIR

**Scale**  
1" = 1'-0"

**Notes**  
1. All dimensions are in feet and inches.  
2. All dimensions are to the center of the wall unless otherwise noted.

## **Applicant Supporting Documents**

## **Appendix 2**

There are no supporting documents from the applicant.

There is no licence or appeal history for the premises.

Further Submissions from Mr Stephen Ward

Correspondence from Premises to [REDACTED]



2A Charing Cross road  
WC2H 0HF

24th April 2019

**Application for a Premises Licence – ARBORETUM Cavell House**

Dear [REDACTED]

I refer further to my letter dated 28 March 2019.

Please do not hesitate to contact me if you have any feedback following our launch event earlier this month and/or would like to discuss our application further.

Thank you for your consideration of this letter. I hope to meet you soon.

Arboretum  
2A Charing Cross Road  
London  
WC2H 0HF

Flat 41  
10 St Martin's Place  
London  
WC2N 4JL  
26/04/2014

Licensing Application: 19/02049/LIPN

Dear Sirs/Madam,

Thank you for your letter attached. We have not received a letter from you dated 28th March 2014 and we did not receive notification of your Land event and as such did not attend that.

Please can you <sup>resend</sup> ~~resend~~ your letter dated 28th March 2014 without delay to the above address and also to Chalford House, Chalford Road, Prestbury SK10 4PT.

Please can you also at the same time send through any proposals you may have made in response to our objections to your application or details of conditions you intend to attach to your application. To expedite matters further please send the letter of 28/03/14 together with any proposals/conditions you are looking to make to [REDACTED] (my work email) and [REDACTED]

(my Home email)

We would very much like to discuss your licensing application. You can also contact me on [REDACTED]

Yours faithfully

[REDACTED]

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

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

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

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

### Mandatory Conditions

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

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

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

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

- 8(i) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
- 8(ii) For the purposes of the condition set out in paragraph 8(i) above -
- (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
- (b) "permitted price" is the price found by applying the formula -
- $$P = D + (D \times V)$$
- Where -
- (i) P is the permitted price,
- (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
- (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -
- (i) the holder of the premises licence,
- (ii) the designated premises supervisor (if any) in respect of such a licence, or
- (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
- (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
- (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.
- 8(iii). Where the permitted price given by Paragraph 8(ii)(b) above would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
- 8(iv). (1) Sub-paragraph 8(iv)(2) below applies where the permitted price given by Paragraph 8(ii)(b) above on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.



## Conditions consistent with the operating schedule

10. Licensable activities may only be provided to:
  - a) Persons working in the offices located in the premises building and their bona fide guests with a maximum of 4 guests per adult office worker;
  - b) Members of the private club operating at the premises and their bona fide guests (not exceeding 4 guests per member) who have paid a minimum annual admission fee of at £250. 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. A list of 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 guest 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;
  - (c) Persons attending a pre-booked and bona fide private function or event to which members of the public are not admitted. A register of persons attending the event shall be kept at the premises and made available for immediate inspection by police or an authorised officer of the Council.
  - (d) Artistes or persons employed on the premises.
11. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.
12. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
13. Substantial food and non-intoxicating beverages, including drinking water, shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.
14. A Challenge 21 or Challenge 25 scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as driving licence, passport or proof of age card with the PASS Hologram.
15. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police, which will record the following:
  - (a) all crimes reported to the venue
  - (b) all ejections of patrons
  - (c) any complaints received regarding crime disorder
  - (d) any incidents of disorder
  - (e) any faults in the CCTV system
  - (f) any refusal of the sale of alcohol
  - (g) any visit by a relevant authority or emergency service.

16. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which give rise to a nuisance
17. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of the local residents and businesses and leave the area quietly.
18. Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the need of local residents and use the area quietly.
19. There shall be no striptease or nudity, and all persons shall be decently attired at all times, except when the premises are operating under the authority of a Sexual Entertainment Venue Licence.
20. The pavement from the building line to the kerb edge immediately outside the premises, including gutter/channel; at its junction with the kerb edge, is swept and or washed and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements.
21. No collection of waste or recycling materials (including bottle) from the premises shall take place between 23:00 and 07:00 on the following day.
22. No deliveries to the premises shall take place between 23:00 and 07:00 on the following day.
23. All waste is to be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
24. After 23.30 Monday to Thursday; 00.00 Friday and Saturday; and 22.30 Sunday the number of club member's guests permitted entry to the Premises shall be limited to 3 per club member (save for persons leaving temporarily to smoke).
25. After 23.30 Monday to Thursday; 00.00 Friday and Saturday; and 22.30 Sunday all guests of a club member must be accompanied by the club member.
26. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
27. The maximum number of persons accommodated at the premises at any one time (excluding staff) shall not exceed [TBC] persons.

**Environmental Health proposed condition 27**

27. **The maximum number of persons accommodated at the premises at any one time (excluding staff) shall not exceed [TBC – but it shall not be more than 300] persons.**
28. 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 fireworks
  - firearms
  - lasers

- explosives and highly flammable substances. - real flame.
- strobe lighting.

29. 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.

30. 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.
31. All external emergency exit doors shall be fitted with sensor alarms and visible indicators to alert staff when the doors have been opened.
32. The premises licence holder shall ensure that any patrons smoking outside the premises do so in an orderly manner and are supervised by staff so as to ensure that there is no public nuisance or obstruction of the public highway.
33. 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.
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. All emergency exit doors shall be available at all material times without the use of a key, code, card or similar means.
36. All emergency doors shall be maintained effectively self closing and not held open other than by an approved device.
37. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.
38. Curtains and hangings shall be arranged so as not to obstruct emergency safety signs or emergency equipment.
39. All fabrics, curtains, drapes and similar features including materials used in finishing and furnishing shall 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, shall be non-combustible.
40. The certificates listed below shall be submitted to the Licensing Authority upon written request.
- a) Any permanent or temporary emergency lighting battery or system
  - b) Any permanent or temporary electrical installation
  - c) Any permanent or temporary emergency warning system

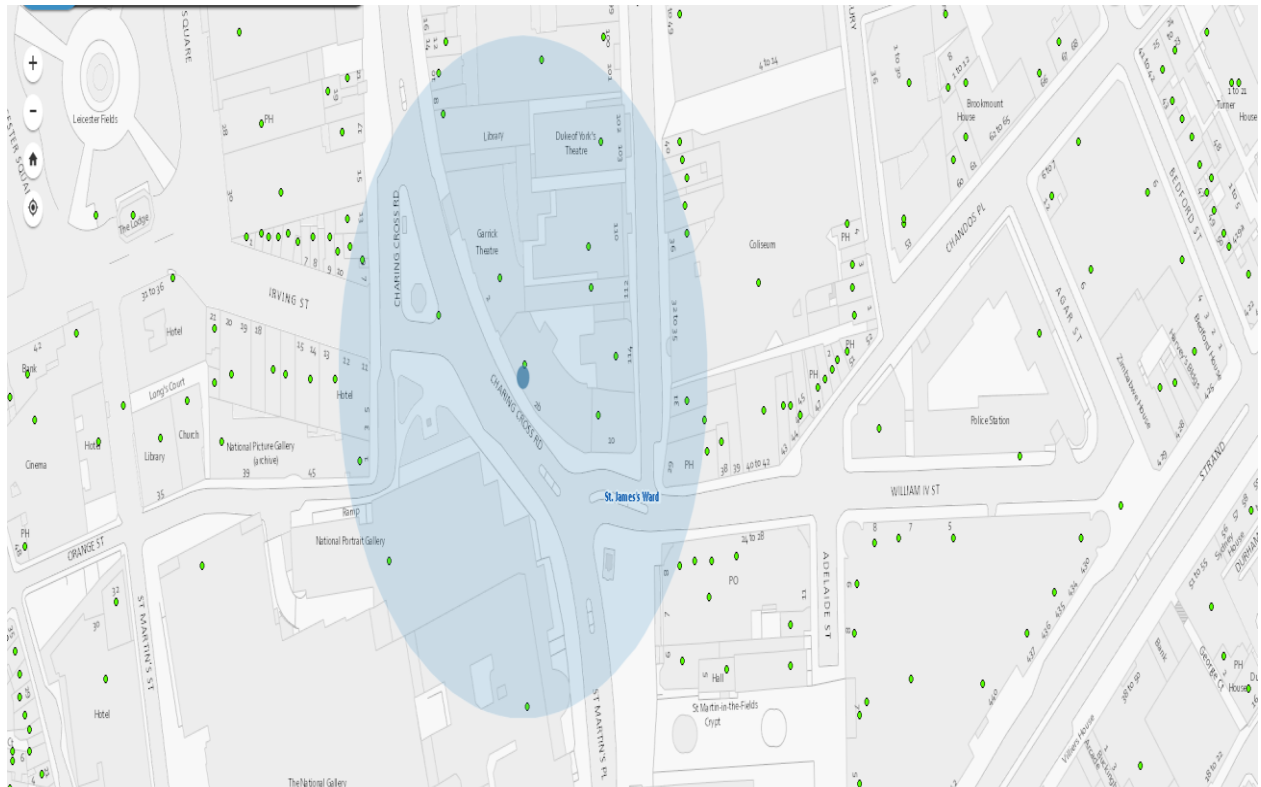
42. Flashing or particularly bright lights on or outside the premises shall not cause a nuisance to nearby properties, save insofar as they are necessary for the prevention of crime.
43. The entrance lobby will have a manned concierge whenever licensable activities are taking place.
44. No licensable activities shall take place at the premises until the premises has been assessed as satisfactory by the Environmental Health Consultation Team at which time this condition shall be removed from the Licence by the licensing authority.

#### **Conditions proposed by the Environmental Health**

45. A suitable and sufficient Event Management Plan shall be drawn up by a competent person for each event which must be made available on request to the Responsible Authorities. This should be kept for at least one year and must contain information and assessments, as a minimum, on the following aspects where relevant:
  - i. Details of responsible persons including at least one person with management responsibilities of the licence holder
  - ii. Stewarding and Emergency Evacuation Plan
  - iv. Use of Special Effects
  - iv. Noise Management Plan including arrival and dispersal arrangements
  - v. Maximum capacity and provision of sanitary accommodation
46. A noise limiter must be fitted to the musical amplification system in the Drill Hall set at a level determined by and to the satisfaction of an authorised officer of the Environmental Health Service, so as to ensure that no noise nuisance is caused to local residents or businesses. The operational panel of the noise limiter shall then be secured by key or password to the satisfaction of officers from the Environmental Health Service and access shall only be by persons authorised by the Premises Licence holder. The limiter shall not be altered without prior agreement with the Environmental Health Service. No alteration or modification to any existing sound system(s) should be effected without prior knowledge of an authorised Officer of the Environmental Health Service. No additional sound generating equipment shall be used on the premises without being routed through the sound limiter device.

#### **Conditions proposed by the Police**

None



Resident Count: 17

Licensed Premises within 75 metres of Cavell House, 2a Charing Cross Road, London, WC2H 0NN					
Licence Number	Trading Name	Address	Premises Type	Time Period	Application Type
15/08053/LIPVM	Garrick Theatre	2 Charing Cross Road London WC2H 0HH	Theatre	Monday to Saturday; 09:00 - 00:00   Sunday; 09:00 - 23:00	Premises Licence - Variation - Minor
18/11762/LIPDPS	Prezzo	Ground 10 St Martin's Place London WC2N 4JL	Wine bar	Monday to Saturday; 09:00 - 02:30   Sunday; 09:00 - 23:00	Premises Licence - Change of DPS

15/09567/LIPT	The Library	112 St Martin's Lane London WC2N 4BD	Club or institution	Monday to Thursday; 10:00 - 00:00   Monday to Sunday; 00:00 - 00:00   Friday to Saturday; 10:00 - 00:30   Sunday; 12:00 - 23:30   Sundays before Bank Holidays; 12:00 - 00:30	Premises Licence - Transfer
18/10067/LIPDPS	Hub By Premier Inn	110 St Martin's Lane London WC2N 4BA	Hotel, 3 star or under	Monday to Thursday; 06:00 - 23:30   Monday to Sunday; 00:00 - 00:00   Friday to Saturday; 06:00 - 00:30   Sunday; 06:00 - 23:00	Premises Licence - Change of DPS
18/06381/LIPV	Duke Of Yorks Theatre	Duke Of York's Theatre 103 - 104 St Martin's Lane London WC2N 4BG	Theatre	Monday to Sunday; 09:00 - 00:00	Premises Licence - Variation
11/08058/LIPDPS	Notes Music And Coffee	31 St Martin's Lane London WC2N 4ER	Cafe	Monday to Thursday; 10:00 - 23:30   Friday to Saturday; 10:00 - 00:00   Sunday; 12:00 - 22:30	Premises Licence - Change of DPS
19/00668/LIPDPS	National Portrait Gallery	National Portrait Gallery 2 St Martin's Place London WC2H 0HE	Museums & Art Galleries	Monday to Sunday; 08:00 - 01:00	Premises Licence - Change of DPS

18/15530/LIPDPS	The National Gallery	Concession 3 Trafalgar Square London WC2N 5DN	Museums & Art Galleries	Monday; 00:00 - Tuesday; 00:00 - Wednesday; 00:00 - Thursday; 00:00 - Friday; 00:00 - Saturday; 00:00 - Sunday; 00:00 -	Premises Licence - Change of DPS
17/04868/LIPDPS	Trafalgar Square	Concession 3 Trafalgar Square London WC2N 5DN	Park / Open Space	Monday to Sunday; 00:00 - 00:00	Premises Licence - Change of DPS
18/05907/LIPDPS	Bancone	39 William IV Street London WC2N 4DD	Restaurant	Monday to Saturday; 10:00 - 00:30   Sunday; 12:00 - 00:00	Premises Licence - Change of DPS
16/12993/LIPN	Not Recorded	30 St Martin's Lane London WC2N 4ER	Restaurant	Monday to Saturday; 10:00 - 00:30   Sunday; 12:00 - 00:00	Premises Licence - New

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