



City of Westminster Licensing Sub-Committee

Meeting:	<i>Licensing Sub-Committee</i>
Date:	<i>9 May 2019</i>
Classification:	<i>General Release</i>
Premises:	<i>The Gaslight Club, 4 Duke of York Street, London, SW1Y 6LA.</i> <i>19/02770/LISEVV</i>
Wards Affected:	<i>St James's</i>
Financial Summary:	<i>None</i>
Report of:	<i>Operational Director for Public Protection & 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 14th 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

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

Application reference	Details of application	Date of determination	Decision
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 RESERVES 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:

Prevention of crime and disorder:
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.
Public safety:
SEE ABOVE
Prevention of public nuisance:
SEE ABOVE
Protection of children from harm:
SEE ABOVE
Improvement in the character and function of the city, or areas of it:
SEE ABOVE
Please use a separate sheet if necessary

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 PROMISION 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.
Please use a separate sheet if necessary	

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:
POLICY POLICY POLICY	
Please use a separate sheet if necessary	

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>

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

Premises licence number:

18/00126/LIPDPS

Original Reference:

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

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: XXXXXXXXXX

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 1st May 2019

Dear Mr Less,

To the Westminster Licencing Team

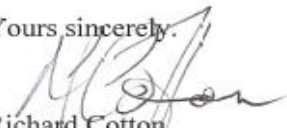
You have been a tenant at The Gaslight for about seven years.

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