



City of Westminster

Licensing Sub-Committee Report

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| Item No: | |
| Date: | 16 June 2022 |
| Licensing Ref No: | 21/10307/LIPN - New Premises Licence |
| Title of Report: | Shadow Licence 4 - 5 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: | Jessica Donovan Senior Licensing Officer |
| Contact details | Telephone: 020 7641 6500 Email: Jdonovan@westminster.gov.uk |

1. Application

| 1-A Applicant and premises | | | |
|-----------------------------------|--|------------------------------------|------------|
| Application Type: | New Premises Licence, Licensing Act 2003 | | |
| Application received date: | 27 September 2021 | | |
| Applicant: | Crowdale Limited | | |
| Premises: | Shadow Licence | | |
| Premises address: | 4 - 5 Duke Of York Street London | Ward: | St James's |
| | | Cumulative Impact Area: | None |
| | | Special Consideration Zone: | None |
| Premises description: | This application seeks a premises licence to be held by the freeholder of the premises Crowdale Limited on the same terms as existing licence 21/07741/LIPDPS. The premises currently operate as a gentleman's club and has the benefit of a Sexual Entertainment Venue licence. | | |
| Premises licence history: | <p>The premises has had the benefit of a premises licence since 2005. The current premises licence (21/07741/LIPDPS) can be viewed at Appendix 3 of this report along with the premises history.</p> <p>The premises also holds a Sexual Entertainment Venue licence (21/09720/LISEVR) which is valid until 30th September 2022.</p> | | |
| Applicant submissions: | There are no supporting documents from the applicant. | | |
| Applicant amendments: | None | | |

| 1-B Proposed licensable activities and hours | | | | | | | |
|---|------------|-------------|------------|----------------------------------|------------|------------|------------|
| Live Music: | | | | Indoors, outdoors or both | | | Indoors |
| Day: | Mon | Tues | Wed | Thur | Fri | Sat | Sun |
| Start: | 09:00 | 09:00 | 09:00 | 09:00 | 09:00 | 09:00 | 09:00 |
| End: | 03:00 | 03:00 | 03:00 | 03:00 | 03:00 | 03:00 | 03:00 |
| Seasonal variations/ Non-standard timings: | | | N/A | | | | |

| Recorded Music: | | | | | | | |
|---|------------|-------------|------------|----------------------------------|------------|------------|------------|
| | | | | Indoors, outdoors or both | | | Indoors |
| Day: | Mon | Tues | Wed | Thur | Fri | Sat | Sun |
| Start: | 00:00 | 00:00 | 00:00 | 00:00 | 00:00 | 00:00 | 00:00 |
| End: | 00:00 | 00:00 | 00:00 | 00:00 | 00:00 | 00:00 | 00:00 |
| Seasonal variations/ Non-standard timings: | | | N/A | | | | |

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|---|------------|-------------|------------|----------------------------------|------------|------------|----------------|
| Performance of Dance: | | | | Indoors, outdoors or both | | | Indoors |
| Day: | Mon | Tues | Wed | Thur | Fri | Sat | Sun |
| Start: | 09:00 | 09:00 | 09:00 | 09:00 | 09:00 | 09:00 | 09:00 |
| End: | 03:00 | 03:00 | 03:00 | 03:00 | 03:00 | 03:00 | 00:00 |
| Seasonal variations/ Non-standard timings: | | N/A | | | | | |

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|--|------------|-------------|------------|----------------------------------|------------|------------|----------------|
| Anything of a similar description to Live Music, Recorded Music or Performance of Dance | | | | Indoors, outdoors or both | | | Indoors |
| Day: | Mon | Tues | Wed | Thur | Fri | Sat | Sun |
| Start: | 09:00 | 09:00 | 09:00 | 09:00 | 09:00 | 09:00 | 09:00 |
| End: | 03:00 | 03:00 | 03:00 | 03:00 | 03:00 | 03:00 | 00:00 |
| Seasonal variations/ Non-standard timings: | | N/A | | | | | |

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|---|------------|-------------|------------|----------------------------------|------------|------------|----------------|
| Late Night Refreshment: | | | | Indoors, outdoors or both | | | Indoors |
| Day: | Mon | Tues | Wed | Thur | Fri | Sat | Sun |
| Start: | 23:00 | 23:00 | 23:00 | 23:00 | 23:00 | 23:00 | 23:00 |
| End: | 03:30 | 03:30 | 03:30 | 03:30 | 03:30 | 03:30 | 00:00 |
| Seasonal variations/ Non-standard timings: | | N/A | | | | | |

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|---|------------|-------------|------------|---------------------------------|------------|------------|-------------|
| Sale by retail of alcohol | | | | On or off sales or both: | | | Both |
| Day: | Mon | Tues | Wed | Thur | Fri | Sat | Sun |
| Start: | 10:00 | 10:00 | 10:00 | 10:00 | 10:00 | 10:00 | 12:00 |
| End: | 03:00 | 03:00 | 03:00 | 03:00 | 03:00 | 03:00 | 00:00 |
| Seasonal variations/ Non-standard timings: | | N/A | | | | | |

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|---|------------|---|------------|-------------|------------|------------|------------|
| Hours premises are open to the public | | | | | | | |
| Day: | Mon | Tues | Wed | Thur | Fri | Sat | Sun |
| Start: | 09:00 | 09:00 | 09:00 | 09:00 | 09:00 | 09:00 | 09:00 |
| End: | 03:30 | 03:30 | 03:30 | 03:30 | 03:30 | 03:30 | 00:30 |
| Seasonal variations/ Non-standard timings: | | N/A | | | | | |
| Adult Entertainment: | | The premises has the benefit of a sexual entertainment venue licence (21/09720/LISEVR). | | | | | |

2. Representations

| 2-A Responsible Authorities | |
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| Responsible Authority: | Metropolitan Police Service (<i>Withdrawn 23 November 2021</i>) |
| Representative: | PC Bryan Lewis |
| Received: | 22 October 2021 |
| <p>Police object to this application, as we believe it will not promote the licensing objectives contained within the 2003 Licensing Act, namely the prevention of crime and disorder. Police object to this application for the following reasons.</p> <ul style="list-style-type: none"> • There are insufficient conditions proposed to support the licensing objectives (namely a model condition pertaining to shadow licence applications). • More information required to properly assess this application <p>I will send you further details to enable me to withdraw my representation.</p> <p>Following the agreement of a condition with the applicant, the Metropolitan Police Service withdrew their representation on 23 November 2021. Please see the agreed condition at Appendix 4.</p> | |

| 2-B Other Persons | | | |
|--|--|-------------------------------|---------|
| Name: | [REDACTED] | | |
| Address and/or Residents Association: | [REDACTED] [REDACTED] [REDACTED] [REDACTED] | | |
| Status: | Valid | In support or opposed: | Opposed |
| Received: | 07 December 2021 | | |
| <p>[REDACTED] to the Gaslight of St James'.</p> <p>We understand that an application for a new shadow premises licence has been made by Crowdale Ltd which, if granted, would have the potential to operate as a late Night Club or late Night Bar with very late hours throughout the week. We object to the application.</p> <p>We believe that as a residential building the last thing we need is potential for significant nuisance, disturbance, noise (music, people dispersing etc), litter, smoking or crime and disorder and matters of this nature. The current commercial tenants in the building do not disturb us. There are also other residential buildings on the street that will equally object. For these reasons we feel very strongly that our quiet enjoyment of the property would no longer be possible and urge you to refuse the application.</p> <p>[REDACTED]</p> <p>[REDACTED]</p> | | | |

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|--|--|-------------------------------|---------|
| Name: | [REDACTED] | | |
| Address and/or Residents Association: | [REDACTED] [REDACTED] [REDACTED] [REDACTED] | | |
| Status: | Valid | In support or opposed: | Opposed |
| Received: | 22 October 2021 | | |

[REDACTED]
[REDACTED]

I understand that an application has been made by Crowdale Ltd which, if granted, would have the potential to operate as a late Night Club or late Night Bar with very late hours throughout the week. I object to the application. Under the current operation there have not been many problems but with this requested change I fear there will be a return to the many problems I have experienced in the past including noisy taxis and other vehicles, rowdy "guests", loud voices outside the club, smoking directly [REDACTED].

For these reasons I feel very strongly that the quiet enjoyment of the property would no longer be possible and urge you to refuse the application.

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|---|--|-------------------------------|---------|
| Name: | [REDACTED] | | |
| Address and/or Residents Association | [REDACTED] [REDACTED] [REDACTED] [REDACTED] | | |
| Status: | Valid | In support of opposed: | Opposed |
| Received: | 24 October 2021 | | |

We understand that an application for a new shadow premises licence has been made by Crowdale Ltd, which, if granted, would have the potential to operate as a late night club with very late hours throughout the week. [REDACTED] and it will terribly affect my family's quiet enjoyment of our home. [REDACTED] and the nature of the proposal which will transform the current discrete Gaslight Club (gentleman's club) to a night club will generate lots of noise during the night and it will be the cause of potential anti social behaviour, in particular, while the potentially drunk customers will be waiting outside for their taxis . We also feel that this will cause huge traffic issues with taxis waiting and blocking our very narrow street . We therefore strongly object.

Further Submission received from the interested party on 25 October 2021:

1. Building - Vibrations and micro cracks in basement - the Speakers give out huge energy in late night 'club venues', and due to structure the vibrations will pass through walls and Pipework causing huge nuisance to residence. To make this acceptable will take a huge amount of work with no guarantees. 'Room within a room' and would not be possible as I assume the idea is to have exposed brickwork. Noise vibrations from club venue will result in micro cracks and weakening the integrity of the building foundation. this will likely impact Building insurance costs.
2. Smoking areas would be at rear or in front.....vandalism, fights, litter, Noise nuisance/Pollution - implications on building insurance and associated costs.
3. FIRE HAZARD - for rest of Building as the property was not designed for such Venues - The fire systems/escapes are inadequate to deal with a fire caused in basement spreading via risers, and along pipe ducts. This will significantly compromise fire escape for residence, the fire could also cause damage to foundation of building due to temperatures. more electrical equip,

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|--|-----------------|--|---------|
| Name: | | [REDACTED] | |
| Address and/or Residents Association | | [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] | |
| Status: | Valid | In support or opposed: | Opposed |
| Received: | 22 October 2021 | | |
| <p>We object to the application due to its association with loud noise and anti-social incidents.</p> <p>[REDACTED]</p> <p>We understand that an application for a new shadow premises licence has been made by Crowdale Ltd which, if granted, would have the potential to operate as a late Night Club or late Night Bar with very late hours throughout the week. We object to the application due to its association with loud noise and anti-social incidents.</p> <p>For these reasons we feel very strongly that our quiet enjoyment [REDACTED] would no longer be possible and urge you to refuse the application.</p> <p>[REDACTED] [REDACTED]</p> <p>Further submission received from the interested party on 08 December 2021:</p> <p>[REDACTED]</p> <p>We understand that an application for a new shadow premises licence has been made by Crowdale Ltd which, if granted, would have the potential to operate as a late Night Club or late Night Bar with very late hours throughout the week.</p> <p>We object to the application due to its unavoidable impact on the neighbourhood, such as noise, littering, smoking, drugs, gathering of people with drunken & antisocial behaviour, and potential crime.</p> <p>For these reasons we feel very strongly that our quiet enjoyment [REDACTED] would no longer be possible and urge you to refuse the application.</p> <p>[REDACTED]</p> | | | |
| Name: | | [REDACTED] | |
| Address and/or Residents Association: | | [REDACTED] [REDACTED] [REDACTED] [REDACTED] | |
| Status: | Valid | In support or opposed: | Opposed |
| Received: | 22 October 2021 | | |
| <p>[REDACTED]</p> <p>I understand that an application for a new shadow premises licence has been made by Crowdale Ltd which, if granted, would have the potential to operate as a late Night Club or late Night Bar with very late hours throughout the week. I object to the application.</p> <p>I feel very strongly that my quiet enjoyment [REDACTED] would no longer be possible were the shadow licence granted and urge you to refuse the application.</p> <p>[REDACTED]</p> | | | |

| | | | |
|--|-----------------|--|---------|
| [REDACTED] | | | |
| Name: | | [REDACTED] | |
| Address and/or Residents Association: | | [REDACTED] [REDACTED] [REDACTED] | |
| Status: | Valid | In support or opposed: | Opposed |
| Received: | 25 October 2021 | | |
| The activity of Gaslight is a risk for the peace and the health of [REDACTED]. The behavior of the employees and of the patrons is antisocial and continues loudly well into the night. | | | |
| Name: | | [REDACTED] | |
| Address and/or Residents Association | | [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] | |
| Status: | Valid | In support or opposed: | Opposed |
| Received: | 25 October 2021 | | |
| [REDACTED] | | | |
| <p>We understand that an application for a new shadow premises licence has been made by Crowdale Ltd which, if granted, would have the potential to operate as a late Night Club or late Night Bar with very late hours throughout the week. We object to the application.</p> <p>For these reasons we feel very strongly that our quiet enjoyment of [REDACTED] would no longer be possible and urge you to refuse the application.</p> <p>[REDACTED] [REDACTED]</p> | | | |
| Name: | | [REDACTED] | |
| Address and/or Residents Association | | [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] | |
| Status: | Valid | In support or opposed: | Opposed |
| Received: | 08 October 2021 | | |
| <p>To the attention of Westminster's Licensing Service: We are getting in touch [REDACTED] with regards to licence application ref: 21/10307/LIPN by Crowdale Limited in 4-5 Duke of York Street.</p> <p>[REDACTED] [REDACTED] wants to make a representation to this licence application for the following reasons: disturbance during sleeping hours from music and from patrons leaving the premises; reduction in the property's value due to club's long opening hours right on the door step; and reduction of security at night due to secondary attraction of people as a result of longer opening hours. We kindly ask you to take our representation into account when deliberating about granting this licence.</p> <p>Further submission received from the interested party on 25 October 2021:</p> | | | |

[REDACTED]

We understand that an application for a new shadow premises licence has been made by Crowdale Ltd which, if granted, would have the potential to operate as a late Night Club or late Night Bar with very late hours throughout the week. We object to the application because we feel very strongly that our quiet enjoyment [REDACTED] would no longer be possible and urge you to refuse the application.

[REDACTED]

[REDACTED]

Further submission received from the interested party on 09 December 2021:

[REDACTED]

We understand that an application for a new shadow premises licence has been made by Crowdale Ltd which, if granted, would have the potential to operate as a late Night Club or late Night Bar with very late hours throughout the week. We object to the application.

We object to the application because we feel very strongly that our quiet enjoyment of [REDACTED] [REDACTED] would no longer be possible and urge you to refuse the application. In particular we are concerned about:

- o disturbance during sleeping hours from music and from patrons leaving the premises;
 - o reduction in the property's value due to club's long opening hours right on the doorstep;
- and
- o reduction of security at night due to secondary attraction of people as a result of longer opening hours.

For these reasons we feel very strongly that our quiet enjoyment of the property would no longer be possible and urge you to refuse the application.

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|--|-----------------|--|---------|
| Name: | | [REDACTED] | |
| Address and/or Residents Association: | | [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] | |
| Status: | Valid | In support or opposed: | Opposed |
| Received: | 22 October 2021 | | |

[REDACTED]

[REDACTED]

We understand that an application for a new shadow premises licence has been made by Crowdale Ltd which, if granted, would have the potential to operate as a late Night Club or late Night Bar with very late hours throughout the week. We object to the application.

For these reasons we feel very strongly that our quiet enjoyment [REDACTED] would no longer be possible and urge you to refuse the application.

[REDACTED]

[REDACTED]

| | | | |
|--|-----------------|--|---------|
| Name: | | [REDACTED] | |
| Address and/or Residents Association: | | [REDACTED] [REDACTED] [REDACTED] [REDACTED] | |
| Status: | Valid | In support or opposed: | Opposed |
| Received: | 22 October 2021 | | |

[REDACTED]

We understand that an application for a new shadow premises licence has been made by Crowdale Ltd which, if granted, would have the potential to operate as a late Night Club or late Night Bar with very late hours throughout the week. We object to the application.

For these reasons we feel very strongly that our quiet enjoyment [REDACTED] would no longer be possible and urge you to refuse the application.

[REDACTED]

[REDACTED]

| | | | |
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| Name: | | [REDACTED] | |
| Address and/or Residents Association | | [REDACTED] [REDACTED] [REDACTED] [REDACTED] | |
| Status: | Valid | In support of opposed: | Opposed |
| Received: | 10 December 2021 | | |

[REDACTED] premises licence and SEV licence in respect of Gaslight of St James at 4 Duke of York Street, London, SW1Y 6LA ("the Gaslight") and have been asked to lodge a representation on behalf of our client against the grant of a shadow licence by the Landlords of the premises, Crowdale Ltd.

Our client wishes the following to be taken into account:

The owner of the Gaslight is Stephen Less and he has operated the premises for the last seven years. The premises operate as a Gentlemen's club and the principal reason that customers resort to the premises is for the provision of relevant entertainment permitted by the SEV licence. The provision of alcohol as permitted by the premises licence is an ancillary service. Prior to the premises being acquired by Mr Less, the premises were operated as a night club. For the avoidance of doubt, Mr Less did not have any involvement in the premises when they operated as a night club. Mr Less is a responsible operator and has a good working relationship with his commercial and residential neighbours who have not had cause to complain to Mr Less about the running of the venue with regard to issues of nuisance or otherwise by contrast with their experiences, as Mr Less understands the position, when the premises operated previously as a night club.

The applicant seeks a 'shadow' licence. Usually, a shadow licence application is made by a Landlord on the basis of exactly the same conditions as the licence held by the tenant's principal licence, which is the case in this scenario. In addition, the applicant proposes a condition stating that the licence will be dormant whilst the principal licence remains in force. Should it be necessary to utilise the shadow licence, then an application would be necessary to

transfer the licence to any new tenant which, if granted, would then become the principal licence. Interested parties such as a current tenant or local resident are not afforded an opportunity to object to a transfer of the licence which is why our client is raising objections to the application for a new licence.

Crucially, a shadow licence is made on the basis that it mirrors the principal licence but it is also important to consider why the shadow licence is required to mirror the principal licence; it is so that the same style of operation will be permitted at the venue should a tenant lose the principal licence albeit that a new operator will be responsible for the running of the premises. By way of example, if a tenant had the benefit of a 'restaurant licence', the Landlord would apply for a 'shadow restaurant licence' and a new restaurant operator would replace the previous tenant. The same situation does not prevail as far as this application is concerned.

As stated, the premises licence which currently applies to the venue is ancillary to the activities permitted by the SEV licence. Should the tenant's licence fall, then in all likelihood the premises would be marketed to the widest market possible, particularly in the current economic climate, which would include night club operators due to the late hours permitted by the current premises licence. It is therefore extremely unlikely that the premises would be acquired by an SEV licence operator (who would need to apply for an SEV licence in order to replicate the current operation) but extremely likely that the premises would transition from an SEV led venue to a night club operation. Such a significant change in the style of operation is not what was envisaged by the shadow licence process. Given that if the application is granted interested parties other than primarily the police would not be able to object to the transfer application, there is a distinct possibility that these premises would transition to a distinctly different type of late night operation with many customers disgorging from the venue all at once in the middle of the night, causing noise nuisance, alcohol related issues, anti-social behaviour and issues of crime and disorder which was previously but is not currently the case. Accordingly, the grant of the shadow licence would not promote the licensing objectives.

In conclusion, this is not an application for a 'pure' shadow licence given the very particular circumstances of this case, as set out. We invite you to refuse the application for the reasons set out in this representation.

3. Policy & Guidance

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

Policy HRS1 applies

- A. Applications within the core hours set out below in this policy will generally be granted for the relevant premises uses, subject to not being contrary to other policies in the Statement of Licensing Policy.
- B. Applications for hours outside the core hours set out in Clause C will be considered on their merits, subject to other relevant policies, and with particular regard to the following:
1. The demonstration of compliance in the requirements of policies CD1, PS1, PN1 and CH1 associated with the likelihood of the effect of the grant of a licence for later or earlier hours on crime and disorder, public safety, public nuisance and the protection of children from harm.
 2. If the application is located within a Special Consideration Zone they have demonstrated that they have taken account of the issues identified in that area and provided adequate mitigation.
 3. Whether there is residential accommodation in the proximity of the premises that would likely be adversely affected by premises being open or carrying out operations at the hours proposed.
 4. The proposed hours of the licensable activities and when customers will be permitted to remain on the premises.
 5. The proposed hours when any music, including incidental music, will be played.
 6. The hours when customers will be allowed to take food or drink outside the premises or be within open areas which form part of the premises.
 7. The existing hours of licensable activities and the past operation of the premises (if any) and hours of licensable premises in the vicinity.
 8. Whether customers and staff have adequate access to public transport when arriving at and leaving the premises, especially at night.
 9. The capacity of the premises.
 10. The type of use, recognising that some venues are more likely to impact the licensing objectives than others; for example, pubs and bars are higher risk than theatres, cinemas and other cultural and sporting venues due to the nature of the operation.
 11. The Licensing Authority will take into account the active measures proposed for a 'winding down' period including arrangements for people to be collected from the premises to travel home safely.
 12. Conditions on hours may be attached that require that the supply of alcohol for consumption on the premises ceases a suitable period of time before customers are required to leave the premises.
 13. The council, acting as the Licensing Authority, may reduce hours if, after review, it is necessary to impose conditions specifying shorter hours in order to promote the licensing objectives.
 14. Specific days for non-standard hours should be identified and justified as part of the application to allow responsible authorities and interested parties to evaluate the impact that these licensable activities may have, and to plan accordingly. The consideration of applications for later hours for Bank Holiday Mondays will take into account that later hours are generally granted for preceding Sundays and that the next day is a working day. Non-specific days

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| | <p>are expected to be covered by Temporary Event Notices or variation applications.</p> <p>C. For the purpose of Clauses A and B above, the Core Hours for applications for each premises use type as defined within this policy are:</p> <ol style="list-style-type: none"> 1. Casinos: Up to 24 hours a day whilst casino gaming is permitted by a premises licence under the Gambling Act 2005. 2. Cinemas, Cultural Venues and Live Sporting Premises: Monday to Sunday: 9am to 12am 3. Hotels: Monday to Thursday: 9am to 11.30pm. Friday and Saturday: 9am to 12am. Sunday: 9am to 10.30pm. Sundays immediately prior to a bank holiday: 9am to 12am. For the sale of alcohol to guests for consumption in hotel/guest rooms only: Anytime up to 24 hours. 4. Off licences: Monday to Saturday: 8am to 11pm. Sunday: 9am to 10.30pm. 5. Outdoor Spaces: Monday to Thursday: 9am to 11.30pm. Friday and Saturday: 9am to 12am. Sunday: 9am to 10.30pm. Sundays immediately prior to a bank holiday: 9am to 12am. 6. Pubs and bars, Fast Food and Music and Dance venues: Monday to Thursday: 10am to 11.30pm. Friday and Saturday: 10am to 12am. Sunday: 9am to 10.30pm. Sundays immediately prior to a bank holiday: 12pm to 12am. 7. Qualifying Clubs: Monday to Thursday: 9am to 12am.. Friday and Saturday: 9am to 12am. Sunday: 9am to 10.30pm. Sundays immediately prior to a bank holiday: 9am to 12am. 8. Restaurants: Monday to Thursday: 9am to 11.30pm. Friday and Saturday: 9am to 12am. Sunday: 9am to 10.30pm. Sundays immediately prior to a bank holiday: 9am to 12am. 9. Sexual Entertainment Venues and Sex Cinemas: Monday to Thursday: 9am to 11.30pm. Friday and Saturday: 9am to 12am. Sunday: 9am to 10.30pm. Sundays immediately prior to a bank holiday: 9am to 12am. <p>D. Core hours are when customers are permitted to be on the premises and therefore the maximum opening hours permitted will be to the same start and terminal hours for each of the days where licensable activity is permitted.</p> <p>E. For the purposes of this policy, 'premises uses' are defined within the relevant premises use policies within this statement.</p> |
| <p>Policy SCEV1 applies</p> | <p>A. It is the Licensing Authority's policy to only grant applications for Sexual Entertainment Venues and Sex Cinemas in exceptional circumstances and subject to:</p> <ol style="list-style-type: none"> 1. The application meeting the requirements of policies CD1, PS1, PN1 and CH1. 2. The premises are not located in the proximity of: <ul style="list-style-type: none"> • Residential accommodation. • Schools. • Places of worship. • Community facilities or public buildings. 3. The hours for licensable activities being within the council's Core Hours Policy HRS1. 4. The sale by retail of alcohol, regulated entertainment and/or late-night refreshment must be an ancillary function to the primary purpose of the venue as providing nudity, striptease or sex related |

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| | <p>entertainment.</p> <p>5. The operation of any delivery services for alcohol and/or latenight refreshment meeting the council's Ancillary Delivery of Alcohol and/or Late-Night Refreshment Policy DEL1.</p> <p>6. The applicant has taken account of the Special Consideration Zone Policy SCZ1 if the premises are located within a designated zone.</p> <p>7. The application and operation of the venue meeting the definition of a sexual entertainment venue or as a sex cinema as per Clause B.</p> <p>B. For the purpose of this policy a sexual entertainment venue and sex cinemas are defined as:</p> <p>1. Sexual Entertainment Venue: a venue that meets the definition of a Sexual Entertainment Venue as defined under paragraph 2A of Schedule 3 Local Government (Miscellaneous Provisions) Act 1982.</p> <p>2. Sex Cinema: a venue that meets the definition of Sex Cinema as defined under paragraph 3 of Schedule 3 Local Government (Miscellaneous Provisions) Act 1982.</p> <p>C. Venues that are operating under their entitlement to provide relevant entertainment (nudity, striptease, etc) on up to 11 occasions, not lasting any more than 24 hours and the occasion has not begun within a period of one month beginning with the end of any previous occasion under paragraph 2A(3)(b) of schedule 3 of the Local Government Miscellaneous Provisions Act 1982 shall not be subject to this policy and will be considered under other relevant policies within this statement as appropriate.</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, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.

5. Appendices

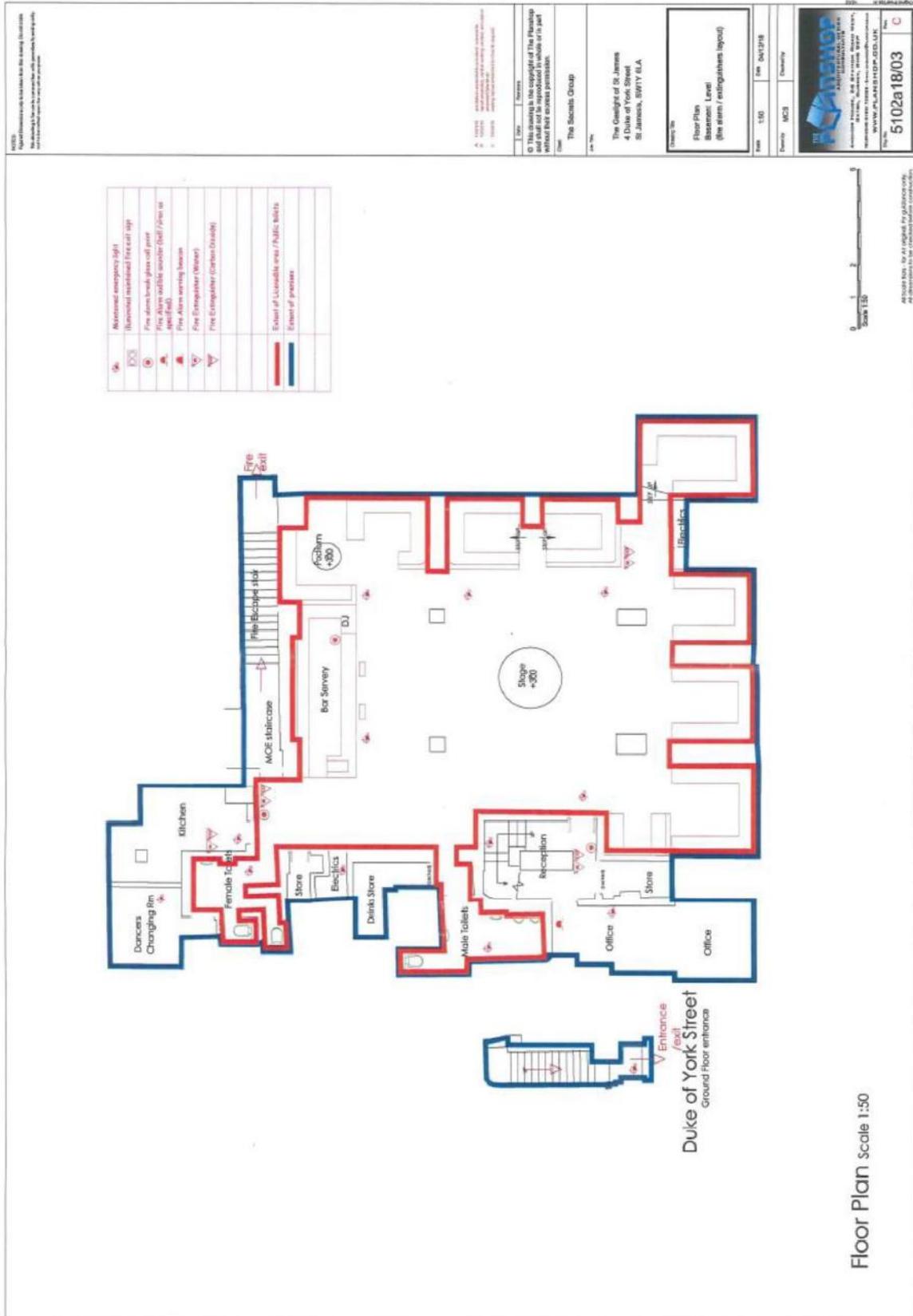
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| Appendix 1 | Premises plans |
| Appendix 2 | Applicant supporting documents |
| Appendix 3 | Existing premises licence and premises history |
| Appendix 4 | Proposed conditions |
| Appendix 5 | Residential map and list of premises in the vicinity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

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| Report author: | Jessica Donovan Senior Licensing Officer |
| Contact: | Telephone: 020 7641 6500 Email: Jdonovan@westminster.gov.uk |

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

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

| | | |
|-----------|---|------------------|
| 1 | Licensing Act 2003 | N/A |
| 2 | City of Westminster Statement of Licensing Policy | 01 October 2021 |
| 3 | Amended Guidance issued under section 182 of the Licensing Act 2003 | April 2018 |
| 4 | Metropolitan Police Service (<i>Withdrawn 23 November 2021</i>) | 22 October 2021 |
| 5 | Interested party 1 | 07 December 2021 |
| 6 | Interested party 2 | 22 October 2021 |
| 7 | Interested party 3 | 24 October 2021 |
| 8 | Interested party 4 | 22 October 2021 |
| 9 | Interested party 5 | 22 October 2021 |
| 10 | Interested party 6 | 25 October 2021 |
| 11 | Interested party 7 | 25 October 2021 |
| 12 | Interested party 8 | 08 October 2021 |
| 13 | Interested party 9 | 22 October 2021 |
| 14 | Interested party 10 | 22 October 2021 |
| 15 | Interested party 11 | 10 December 2021 |



Floor Plan scale 1:50

Applicant Supporting Documents

Appendix 2

There are no supporting documents from the applicant.



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

Schedule 12
Part A

WARD: St James's
UPRN: 010033533670

Regulation 33, 34

Premises licence

Premises licence number:

21/07741/LIPDPS

Original Reference:

05/08028/LIPCV

Part 1 – Premises details

Postal address of premises:

Gaslight Of St James
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 00:00

The opening hours of the premises:

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

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:

St James' 4 Limited
62 Glenthorne Road,
Hammersmith,
London,
W6 0LR

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

12758431

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

Name: Cong Hong Le

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: 29323

Licensing Authority: London Borough Of Tower Hamlets

Date: 14 September 2021

This licence has been authorised by Kevin Jackaman 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 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 2.30am on Mondays to Saturdays and after 22.30 pm 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 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 half an hour before the terminal hour for the sale of alcohol, Mondays to Saturdays and on 22.30pm on Sundays.
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.



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

Schedule 12
Part B

Premises licence
summary

WARD: St James's
UPRN: 010033533670

Regulation 33, 34

Premises licence
number:

21/07741/LIPDPS

Part 1 – Premises details

Postal address of premises:

Gaslight Of St James
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 00:00

The opening hours of the premises:

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

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:

St James' 4 Limited
62 Glenthorne Road,
Hammersmith,
London,
W6 0LR

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

12758431

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

Name: Cong Hong Le

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

Restricted

Date: 14 September 2021

This licence has been authorised by Kevin Jackaman on behalf of the Director - Public Protection and Licensing.

Licence & Appeal History

Licensing Act 2003

| Application | Details of Application | Date Determined | Decision |
|-----------------|--|----------------------|-----------------------------------|
| 05/08028/LIPCV | Conversion of Licence Performance of Dance: Monday to Saturday 09:00 to 01:00 Sunday 09:00 to 00:00 Playing of Live Music: Monday to Saturday 09:00 to 01:00 Sunday 09:00 to 00:00 Playing of Recorded Music: Monday to Saturday 09:00 to 01:00 Sunday 09:00 to 00:00 Private Entertainment: Monday to Saturday 09:00 to 01:00 Sunday 09:00 to 00:00 Sale by Retail of Alcohol (On and Off sales): Monday to Saturday 10:00 to 01:00 Sunday 12:00 to 22:30 Late Night Refreshment: Monday to Saturday 23:00 to 01:00 Sunday 23:00 to 00:00 | 4 October 2005 | Granted under delegated authority |
| 06/02983/LIPDPS | Variation of Designated Premises Supervisor | 21 April 2006 | Granted under delegated authority |
| 07/09433/LIPT | Transfer of Premises Licence - Famous Clubs Limited to The Smarter Partnership (Mr Nick Smart & Mrs April Smart) | 17 October 2007 | Granted under delegated authority |
| 06/06504/WCCMAP | Master Licence | 21 April 2006 | Granted under |

| | | | |
|--|--|--|---------------------|
| | <p>Performance of Dance Monday to Saturday: 09:00 to 02:00 Sunday: 09:00 to 00:00</p> <p>Provision of facilities for Dancing Monday to Saturday: 09:00 to 02:00 Sunday: 09:00 to 00:00</p> <p>Provision of facilities for making Music Monday to Saturday: 09:00 to 02:00 Sunday: 09:00 to 00:00</p> <p>Performance of Live Music Monday to Saturday: 09:00 to 02:00 Sunday: 09:00 to 00:00</p> <p>Playing of Recorded Music Unrestricted</p> <p>Provision of facilities for entertainment of a similar description to making music or dancing Monday to Saturday: 09:00 to 02:00 Sunday: 09:00 to 00:00</p> <p>Anything of a similar description to Live Music, Recorded Music or Performance of Dance Monday to Saturday: 09:00 to 02:00 Sunday: 09:00 to 00:00</p> <p>Late Night Refreshment Monday to Saturday: 23:00 to 02:30 Sunday: 23:00 to 00:00</p> <p>Private Entertainment consisting of</p> | | delegated authority |
|--|--|--|---------------------|

| | | | |
|-----------------|--|-----------------|------------------------------------|
| | <p>dancing, music or other entertainment of a like kind for consideration and with a view to profit Unrestricted</p> <p>Sale by Retail of Alcohol Monday to Saturday: 10:00 to 02:00 Sunday: 12:00 to 22:30</p> | | |
| 08/00190/LIPDPS | Variation of Designated Premises Supervisor | 10 January 2008 | Granted under delegated authority |
| 13/01253/LIPT | Transfer of Premises Licence - The Smarter Partnership to The Gaslight Of St James's Ltd | 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 | <p>Variation of Premises Licence –</p> <p>To extend the terminal hour for live music, performance of dance and anything of a similar description to live music or performance of dance on Monday to Saturday from 02:00 to 03:00, late night refreshment Monday to Saturday from 02:30 to 03:30, the sale of alcohol Monday to Saturday from 02:00 to 03:00 & the opening hours Monday to Saturday from 02:30 to 03:30</p> | 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 |
| 19/02741/LIPV | Variation of Premises Licence – To vary the layout of the premises amended the terminal | 10 May 2019 | Granted by Licensing Sub-Committee |

| | | | |
|-----------------|--|-------------------|-----------------------------------|
| | hour for the sale of alcohol on Sundays to 00:00 & amend condition 30 & 33 | | |
| 20/08731/LIPT | Transfer of Premises Licence - The Gaslight Of St James's Ltd to St James' 4 Limited | 03 November 2020 | Granted under delegated authority |
| 21/02433/LIPCH | Change of details | 25 March 2021 | Granted under delegated authority |
| 21/07741/LIPDPS | Variation of Designated Premises Supervisor | 14 September 2021 | Granted under delegated authority |

Temporary Event Notices

| Application | Details of Application | Date Determined | Decision |
|--------------------|-------------------------------|------------------------|--------------------------|
| 17/12926/LITENP | Temporary Event Notice | 14.11.2017 | Event allowed to proceed |
| 17/12932/LITENP | Temporary Event Notice | 18.12.2017 | Event allowed to proceed |
| 17/12935/LITENP | Temporary Event Notice | 14.11.2017 | Event allowed to proceed |
| 17/12943/LITENP | Temporary Event Notice | 18.12.2017 | Event allowed to proceed |
| 17/12948/LITENP | Temporary Event Notice | 18.12.2017 | Event allowed to proceed |
| 18/13906/LITENP | Temporary Event Notice | 19.11.2018 | Event allowed to proceed |
| 18/13956/LITENP | Temporary Event Notice | 16.11.2018 | Event allowed to proceed |
| 18/13961/LITENP | Temporary Event Notice | 21.11.2018 | Event allowed to proceed |
| 18/13965/LITENP | Temporary Event Notice | 15.11.2018 | Event allowed to proceed |
| 18/13968/LITENP | Temporary Event Notice | 29.12.2018 | Event allowed to proceed |
| 19/14633/LITENP | Temporary Event Notice | 13.11.2019 | Event allowed to proceed |
| 19/14651/LITENP | Temporary Event Notice | 11.11.2019 | Event allowed to proceed |
| 19/14638/LITENP | Temporary Event Notice | 15.11.2019 | Event allowed to proceed |
| 19/14647/LITENP | Temporary Event Notice | 15.11.2019 | Event allowed to proceed |
| 21/12450/LITENP | Temporary Event Notice | 01.12.2021 | Event allowed to proceed |
| 21/12470/LITENP | Temporary Event Notice | 01.12.2021 | Event allowed to proceed |
| 21/12576/LITENP | Temporary Event Notice | 10.12.2021 | Event allowed to proceed |
| 21/12596/LITENP | Temporary Event | 10.12.2021 | Event allowed to |

| | | | |
|-----------------|------------------------|------------|--------------------------|
| | Notice | | proceed |
| 21/12759/LITENP | Temporary Event Notice | 10.12.2021 | Event allowed to proceed |

Sexual Entertainment Venue

| Application | Details of Application | Date Determined | Decision |
|--------------------|---|------------------------|------------------------------------|
| 12/02594/LISEVN | New Sexual Entertainment Licence | 12.06.2012 | Granted by Licensing Sub-Committee |
| 13/01640/LISEVT | Transfer of a Sexual Entertainment Licence | 26.04.2013 | Granted under delegated authority |
| 13/06773/LISEVR | Renewal of a Sexual Entertainment Licence | 17.12.2013 | Granted by Licensing Sub-Committee |
| 14/00928/LISEVV | Variation of a Sexual Entertainment Licence | 15.05.2014 | Granted by Licensing Sub-Committee |
| 14/07533/LISEVR | Renewal of a Sexual Entertainment Licence | 23.12.2014 | Granted under delegated authority |
| 15/06974/LISEVR | Renewal of a Sexual Entertainment Licence | 17.11.2015 | Granted under delegated authority |
| 16/10519/LISEVR | Renewal of a Sexual Entertainment Licence | 13.01.2017 | Granted under delegated authority |
| 17/08943/LISEVR | Renewal of a Sexual Entertainment Licence | 01.10.2017 | Granted under delegated authority |
| 18/10043/LISEVR | Renewal of a Sexual Entertainment Licence | 25.09.2018 | Granted under delegated authority |
| 19/02770/LISEVV | Variation of a Sexual Entertainment Licence | 10.05.2019 | Granted by Licensing Sub-Committee |
| 19/12275/LISEVR | Renewal of a Sexual Entertainment Licence | 16.01.2020 | Granted by Licensing Sub-Committee |
| 20/08737/LISEVT | Transfer of a Sexual Entertainment Licence | 02.11.2020 | Granted under delegated authority |
| 20/08738/LISEVR | Renewal of a Sexual Entertainment Licence | 02.11.2020 | Granted under delegated authority |
| 21/09720/LISEVR | Renewal of a Sexual Entertainment Licence | 09.11.2021 | Granted under delegated authority |

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.

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

Annex 2 – Conditions consistent with the operating Schedule

None

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

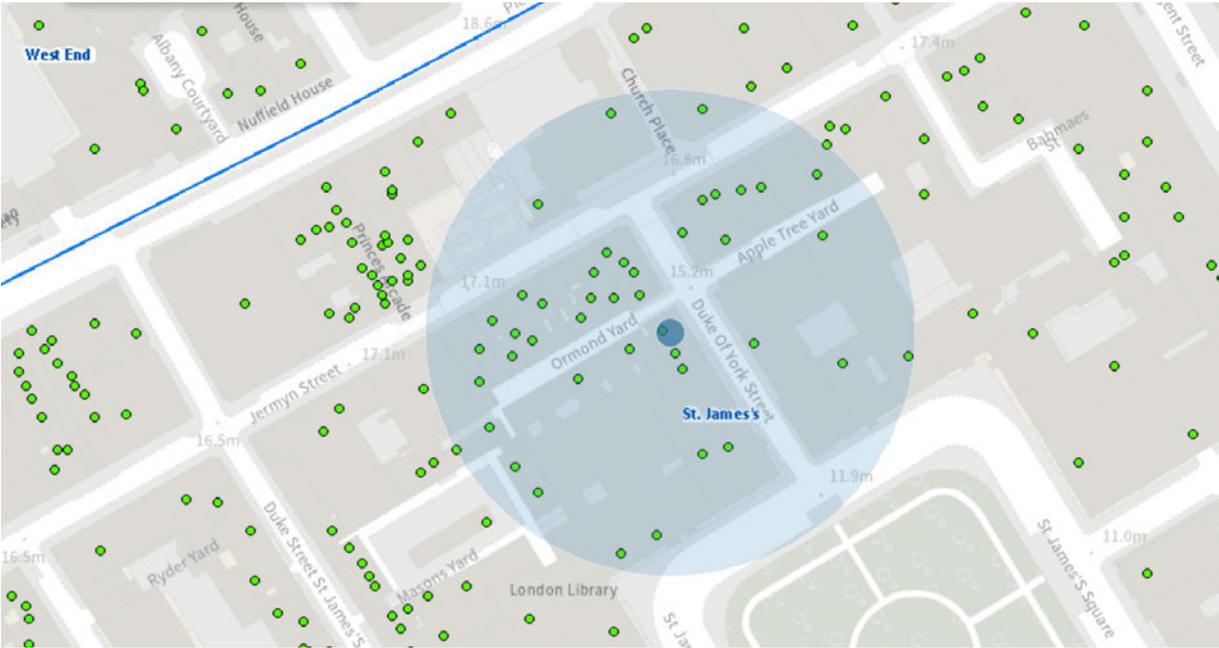
10. From 8:00pm on Thursdays, Fridays and Saturdays when licensable activities are taking place and premises are being used as a hostess club, then at least one personal licence holder shall be present on the premises.
11. CCTV with time and date recording facility shall be installed at the premises 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.
12. 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;
13. Suitable beverages other than intoxicating liquor including drinking water shall be available at the premises.
14. 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.
15. 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.
16. 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.
17. 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.
18. 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.
19. Noise and disturbance arising from taxis picking up and setting down clients at the premises shall be minimised as far as possible.

20. 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.
21. 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.
22. 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.
23. 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.
24. 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.
25. 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.
26. 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.
27. 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.
28. 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.
29. 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 2.30am on Mondays to Saturdays and after 22.30 pm 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 minimum period of 30 days following the function.

30. 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.
31. Music and/or dancing and/or food shall be available within the premises.
32. 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.
33. 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).
34. There shall be no off-sales after 02:00 hours.
35. 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.
36. 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.

Conditions proposed by the Metropolitan Police and agreed with the applicant so as to form part of the operating schedule

37. The shadow licence will not take effect when the current licence is in operation, until the current licence lapses, is surrendered or revoked and an application has been approved for a minor variation to remove this condition.



Resident count: 50

| Licensed premises within 75 Metres of 4 Duke Of York Street, London, SW1Y 6LA | | | | |
|--|------------------------|--|----------------------------------|---|
| Licence Number | Trading Name | Address | Premises Type | Time Period |
| 21/07741/LIPDPS | Gaslight Of St James | 4 Duke Of York Street London SW1Y 6LA | Night clubs and discos | Sunday; 09:00 - 00:30 Monday to Saturday; 09:00 - 03:30 |
| 18/11509/LIPDPS | Al Duca Restaurant | Bray House 4 - 5 Duke Of York Street London SW1Y 6LA | Restaurant | Sunday; 12:00 - 23:30 Monday to Saturday; 10:00 - 00:00 |
| 21/08124/LIPDPS | Red Lion Public House | 2 Duke Of York Street London SW1Y 6JP | Pub or pub restaurant with lodge | Sunday; 12:00 - 23:00 Monday to Saturday; 10:00 - 23:30 |
| 18/06783/LIPN | Not Recorded | Chatham House 10 St James's Square London SW1Y 4LE | Miscellaneous | Monday to Sunday; 08:00 - 00:00 |
| 18/12303/LIPDPS | Paxton & Whitfield Ltd | Basement And Ground Floor 93 Jermyn Street London SW1Y 6JE | Shop | Sunday; 12:00 - 23:00 Monday to Saturday; 10:00 - 23:30 |
| 22/00129/LIPN | Oscars | 91 Jermyn Street London SW1Y 6JB | Night clubs and discos | Monday; 09:00 - 03:30 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 - 03:30 |
| 21/09649/LIPDPS | Oscars London | 91 Jermyn Street London SW1Y 6JB | Night clubs and discos | Monday to Sunday; 09:00 - 03:30 |
| 21/11550/LIPVM | Oscars London | 91 Jermyn Street London SW1Y 6JB | Night clubs and discos | Monday; 09:00 - 03:30 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 - 03:30 |
| 18/03038/LIPN | Not Recorded | 91 Jermyn Street London SW1Y 6JB | Night clubs and discos | Monday to Sunday; 09:00 - 03:30 |
| 21/12938/LIPT | Oscars London | 91 Jermyn Street London SW1Y 6JB | Night clubs and discos | Monday; 09:00 - 03:30 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 - 03:30 |
| 21/03839/LIPN | SHADOW LICENCE | Basement And Ground Floor 13 Mason's Yard London SW1Y 6BU | Premises Licence - Shadow Licence | Sunday; 09:00 - 03:30 Monday to Saturday; 09:00 - 05:30 |
| 22/00694/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 |
| 20/04891/LIPDPS | Rio Tinto | 6 St James's Square London SW1Y 4JU | Not Recorded | Monday to Sunday; 00:00 - 00:00 |