



City of Westminster Licensing Sub-Committee

Meeting:	<i>Licensing Sub-Committee</i>
Date:	<i>16 January 2020</i>
Classification:	<i>General Release</i>
Premises:	<i>The Gaslight Club, 4 Duke of York Street, London, SW1Y 6LA.</i> <i>19/12275/LISEVR</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 to renew 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 Renew 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 20 September 2019, Gaslight of James's Limited applied to renew the Sexual Entertainment Venue premises licence to:

The Gaslight Club, 4 Duke of York Street, London, W1Y 6LA.

A copy of the application form is attached as **Appendix C1**.

4. Objections

- 4.1 A member of the public has submitted an objection to the application.

4.2 Objector 1

Received on 2 October 2019 from an anonymous objector and the representation can be seen at **Appendix D1:**

- 4.3 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 25 September 2018 and was granted under delegated authority. On the 6 March 2019 an application to vary the licence was submitted and was granted at Licensing Sub Committee on the 9 May 2019. A copy of the Decision Notice is attached as **Appendix E1**. The current licence (reference 19/02770/LISEVV) expired 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 19/02741/LIPV) 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 F1** 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 H1**.

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. Legal Implications

8.1 The Licensing Sub-Committee may determine to:

- (a) Renew 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 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.
- 9.2 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 Section 149 (7) of the Equality Act 2010 defines the relevant protected characteristics as age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.
- 9.4 An Equalities Impact Assessment (EIA) has been conducted and the Council is satisfied that the determination of this application will not have an adverse impact or unlawfully discriminate against any person having a relevant protected characteristic as defined in the Equality Act 2010.

Appendices

- A1 – Copy of sex establishment licence 19/02770/LISEVV
- B1 – Sex establishment licence history
- C1 – Application Form
- D1 – Representation
- E1 – Decision Notice in respect of the variation application determined by the Licensing Sub-Committee on 9 May 2019
- F1 – Copy of premises licence 19/02741/LIPV
- G1 – 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:	19/02770/LISEVV
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 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.

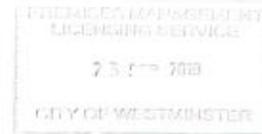
Sex establishment licence history

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



City of Westminster



APPLICATION TO RENEW A SEXUAL ENTERTAINMENT VENUE LICENCE

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

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

apply to renew 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**
We are still awaiting the SEV Licence renewed in 2018 (reference number 18/10043/LISEVR) as subsequently varied in 2019 (reference number 19/02770/LISEVV)

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 renewing 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 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 LTD
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)	UNITED KINGDOM
Registered Address:	SUITE 9, 2 ND FLOOR, CRYSTAL HOUSE, NEW BEDFORD ROAD, LUTON
Postcode:	LU1 1HS
Directors, Partners, Owners and Managers	
You must provide details of all DIRECTORS (if the applicant is a company), all PARTNERS (if it is a partnership), and all MANAGERS of the business or organisation, including day-to-day MANAGERS OF THE PREMISES.	
Have there been any changes to the directors, partners or managers involved with the premises?	Yes <input type="checkbox"/> (please see below) No <input checked="" type="checkbox"/>
If yes, please provide details of the changes on a separate sheet, including the full name, private address and capacity of each director, partner and manager involved with the operation of the premises.	

Other Business Interests

Is the applicant, or any person named in this application, involved in any way with any other sex establishment (e.g. sexual entertainment venue, sex shop, sex cinema, hostess bar)?

Yes (please complete below) No

Please provide details, including the name and address of the establishment and the nature and extent of the interest. (If necessary please provide a separate sheet).

SECRETS, 62 GLENTHORNE ROAD, LONDON, W6 0LR (DIRECTOR)
SECRETS, 3 GRAYS INN ROAD, LONDON, W1X 8HG (DIRECTOR)
SECRETS, 51 PARKER STREET, LONDON, WC2B 5PS (DIRECTOR)

PART 2 – Premises Details

Premises name:	THE GASLIGHT CLUB
Premises address:	4 DUKE OF YORK STREET
Postcode:	SW1Y 6LA
Premises telephone number:	0207 930 3095
Email:	INFO@GASLIGHTCLUB.CO.UK
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:	N/A
Have there been any changes to the nature of the relevant entertainment since the licence was last granted / renewed?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If yes, please provide details below.

PART 3 – 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 4 - 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 6 of this form)	<input checked="" type="checkbox"/>
Notice of this application has been published in a local newspaper / will be published in a local newspaper within the next 7 days, a full copy of the newspaper to be provided to the Licensing Authority as soon as possible	<input checked="" type="checkbox"/>
Notice of this application has been displayed at the premises	<input checked="" type="checkbox"/>
The application has been served on the Metropolitan Police Service	<input checked="" type="checkbox"/>

PART 5 - Declaration

APPLICANTS ARE WARNED THAT ANY PERSON WHO, IN CONNECTION WITH AN APPLICATION FOR THE RENEWAL 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 NICOLA RICHARDS declare that the information given above is true and complete in every respect.

Signed	<i>N. Richards</i>
Date:	<i>19-9-2019</i>
Capacity:	<i>Technical Manager</i>

For joint applications:

Signed	
Date:	
Capacity:	

Agent Details

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

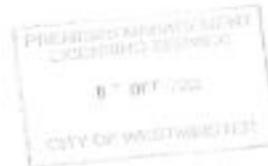
Yes No

If yes, please provide the following:

Agent name:	
Agent Address:	
Postcode:	
Agent Telephone Number:	
Agent Email:	

Ref: 19/12275/LISEVR

Licensing Service
Westminster City Hall
64 Victoria Street
London
SW1E 6QP



30 September 2019

Dear Licensing

I refer to the application for a sexual entertainment venue licence by The Gaslight Club, 4 Duke of York Street, London, SW1Y 6LA.

This is an objection letter to the application for this licence and I call for the council to refuse it.

I believe that the Council should refuse the licence application under the Discretionary Grounds for Refusal of the current Sheffield City Council's Sexual Entertainment Venues Licensing Policy on the following grounds:

The Public Sector Equality Duty and Gender Equality

City of Westminster has "statutory obligations in relation to disability race and gender" ensuring that these factors are not used to discriminate against anyone. I believe that a sexual entertainment venue directly discriminates against women by normalising the sexualisation and objectification of women, and that this contributes to their sexualisation and objectification in other areas of society. The Council has a fundamental and non-delegable role to give due regard to the Public Sector Equality Duty, including tackling gender inequality. This applies notwithstanding the fact that Parliament has legislated to allow the possibility for SEVs to be licensed in specific areas – subject to the choices of the local communities.

When walking around this area, which as a Council you encourage people to do due to the other businesses and services in the area, women feel nervous because of the SEV and have to change their behaviour because of it being there, for example having to look around to see if there are people coming out of the SEV, take a different route walking to the centre of town so that they do not have to go past the SEV. Women should not have to feel like this in their city and this is discriminatory.

As Philip Kolvin (2010) cites the Royal Town Planning Institute's *Gender and Spatial Planning Good Practice Note*:

'In relation to the 24-hour economy policy, ensure that the views of women are considered. Evidence shows that in certain locations, lap-dancing and exotic dancing club make women feel threatened or uncomfortable'[1]

Kolvin continues with:

'If a woman, whether objectively justified or not, fears to use part of the town centre characterised by sex establishments, this may be argued to amount to discrimination, in that her access to the public infrastructure of the town is impaired in comparison to that of men. Where relevant these considerations ought properly to be taken into account by authorities at the decision-making stage, and possibly at the policy-making stage' [2].

This is further corroborated by 2012 research published in *Criminal Justice Matters* which states that:

'... the women describe feeling frightened, disempowered, violated, embarrassed, unsafe (particularly if men are around) and avoid certain streets at night where they know there is a lap dancing club.' [3]

Location

In its current policy, the Council states:

"Whilst the Council has not imposed a numerical limit on the number of premises that may be licensed in any area, and whilst it will treat each application upon its own merits, the Council will not licence premises that it feels are in close proximity to:-

- 1. a church or other place of religious worship;**

St James's Church operates from Jermyn Street and they hold daily services, as well as funerals, etc.

- 2. the Cultural Hub of the City:**

this is very close to IISS, Piccadilly, art galleries, St James's square, Pall Mall etc.

- 3. a central gateway to the city or other city landmark, historic building or tourist attraction.**

Additional grounds for refusal

This image of a high-end establishment portrayed by this SEV goes in some way to normalising this type of venue in a very active part of the city, and as such giving the impression that City of Westminster condones both the sexualisation and objectification of women, which is in complete contradiction to the Council's equality policies. Renewing a licence would be contradictory to other work that the Council does, funds and promotes. Has the Council for example, as per its own policy, carried out an Equality Impact Assessment?

A sexual entertainment venue in the heart of the city, or anywhere in the city, is simply completely contradictory to everything that the council says it stands for, everything that the council should stand for, and has a duty to work towards.

It was held that a council can "take a fresh look" despite no changes to the character of locality. The Council is also asked to note the following from Philip Kolvin regarding licence renewal:

'Given that there is potential for the discretion to be exercised afresh, the renewal should not just be a rubber stamping exercise, but an opportunity, if needed, to review the principle and content of the license.'^[4].

The case of *Thompson v Oxford City Council* (2014) was also supported at court of appeal, and the Council told they could "take a fresh look" at any application for renewal. If the panel feel that they cannot make a refusal decision without further discussion, I would ask that a hearing is held so that the application can be discussed in more detail.

I wish to remain anonymous, but [REDACTED] I don't want to feel uncomfortable in [REDACTED] environment knowing that there are men using that venue as a way to treat their clients to some women's flesh.

In this day and age with the Me-Too movement and the new laws in force regarding Up-skirting, we should not condone that men (or women) use women as playthings to make money.

We are not objects. We should not allow the objectification of women to continue in this brazen way. We should stand up to this blatant injustice and end it once and for all.

Or else men and women will feel that they have the right to use women's bodies as trivial things and we will never be taken seriously, not matter how hard we work towards equality.

I know that a woman own the venue and I am ashamed of her frankly, being of the same gender myself.

<

Ref:

[1] Kolvin, P (2010) *Sex Licensing*, The Institute of Licensing p.87

[2] Patiniotis, J. & Standing, K. (2012) 'License to cause harm? Sex entertainment venues and women's sense of safety in inner city centres' in *Criminal Justice Matters*, 88:1, 10-12.

[3] Kolvin, P (2010) *Sex Licensing*, The Institute of Licensing p.87

[4] p. 90

LICENSING SUB-COMMITTEE No. 6

Thursday 9th May 2019

Membership: Councillor Angela Harvey (Chairman), Councillor Peter Freeman and Councillor Shamim Talukder.

Legal Adviser: Horatio Chance
Committee Officer: Kisi Smith-Charlemagne
Presenting Officer: Michelle Steward

Relevant Representations: Gaslight of James’s Limited, Environmental Health Services and one Anonymous objector.

Present: Ms Suzanne Davis (Agent for the Applicant), Mr Paul Philport (Manager, Applicant), Mr Gary Nichols (Venue Manager) and Mr Dereck Jarwood Doorman all appearing on behalf of the Applicant and Mr Ian Watson (Environmental Health Services)

The Gaslight Club, 4 Duke of York Street, London, SW1Y 6LA (“The Premises”) 19/02770/LISEVV	
1.	Variation of Sexual Entertainment Licence
	<p>1. To vary the layout of the premises as follows:</p> <ul style="list-style-type: none"> • the location of fixed seating, stage and podium; • the configuration of the bar servery; • WC provision and • include a staff area as part of the public area. <p>2. To amend the following Condition 35:</p> <p>No admission or re-admission to the premises shall be permitted, except for smokers, later than one hour before the terminal hour for the provision of relevant entertainment.</p> <p>To be varied to read as follows:</p> <p>No admission or re-admission to the premises shall be permitted, except for smokers, later than half an hour before the terminal hour for the provision of</p>

	<p>relevant entertainment.</p> <p>3. To amend condition 25:</p> <p>By adding the wording as contained within the square brackets and bold:</p> <p>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.</p>
	<p>Amendments to application advised at hearing:</p> <p>None.</p>
	<p>Decision (including reasons if different from those set out in report):</p> <p>The Chair noted that the objector was anonymous and therefore was unable to say with any certainty, that she or any member of the Sub-Committee did in fact know the objector. The Chair advised that she wanted to make this point clear for it could potentially impact on any declarations of interest by the Sub-Committee.</p> <p>Ms Michelle Stewart (Presenting Officer), advised the Sub-Committee that they had before them an application for a variation of a sexual entertainment venue licence and the Applicant sought to vary the layout of the Premises and to amend conditions 25 and 35 regarding re-admission of smokers and capacity in the basement area. Ms Stewart confirmed that the Premises was in St James's ward and not within the cumulative impact area.</p> <p>Ms Suzanne Davis (Agent for the Applicant addressed the Sub-Committee and explained that she approached the Licensing Authority when the anonymous objection was received as it did cause some practical issues, for example trying to serve the appropriate notices or engage with the objector. The Legal Advisor, to the Sub-Committee stated that Ms Davis's point regarding the objector was</p>

noted by the Sub-Committee, however the objection was still valid. Ms Davis advised that her arguments were merely trying to put the objection in to context.

Ms Davis requested that the Sub-Committee view the submitted plans and explained the very slight changes, which included new fix seating, new booths and the layout of the toilet provisions. The Sub-Committee also queried the changes to the staff area, Mr Paul Philport (Manager, appearing on behalf of the Applicant) advised that the changes to the staff area included a new staff changing area which is closer to the toilet facilities. Ms Davis advised that the principle changes related to the reduction in hours for last entry time for both licences. She explained that currently there was a one-hour difference between last entry and closing time and what was sought was an amended last entry time to half an hour before the terminal hour. Ms Davis stated that the Police had raised objections, but the Applicant had since agreed those specific conditions with the Police. She confirmed that she had met with Mr Ian Watson from the Environmental Health (EH) services, who confirmed he had not received any complaints or any issues with enforcement.

Ms Davis felt that in her opinion the proposed variation to the Premises was modest and confirmed that there were no changes sought to the entertainment element of the licence. She stated that the primary reason the Applicant was seeking the variation was due to the closure of one their premises in London, Euston which stayed open until 06:00hrs. Ms Davis went on to explain that when patrons arrived after last entry or wanted a venue that was open much later, the Applicant would refer these patrons to their venue in Euston. Ms Davis advised the other change sought would be to Sunday evening and the later terminal hour in order to accommodate a Sunday evening charity event that was held at the premises in Euston.

Ms Davis advised that as far as she was aware there were no objections from local residents in the building next door to the Premises, and that the Applicant liaised with the management company to ensure resident engagement had taken place during the application process. The Sub-Committee duly noted the letter of support provided by the Applicant from Bray Housing Management Limited, who confirmed that the Applicant was indeed a good neighbour and they had no concerns with the application. Returning to the anonymous objector, Ms Davis advised that the objection should carry no weight due to the reasons she gave at the start of the hearing.

Ms Davis advised that with regards to the objector, she did not believe that this was a resident from the actual building or a local resident at all. She referred to the complaint made regarding the bottles found in plant box, "The entrance to 4-5 Duke of York Street has 19 apartments and their entrance should remain clear and clean at all times", pointing out that the word "their" suggested that this was not a resident of the building and possibly not a local resident at all. Ms Davis advised the Sub-Committee that the main concern raised in the objection related to men soliciting people on the street for dancers, she advised that the Applicant did not accept this or had understood the objection as dancers are not permitted outside of the Premises other than to smoke and even then they are only permitted on at a time and must wear a long coat to cover themselves when outside in accordance with company policy and procedures.

With regards to the other complaints from the objections, Ms Davis advised that the head doorman had been employed by the Applicant since 2013 and had worked for the operator prior to 2013 so there had been consistency to the operation, and there was zero tolerance for the kind of behaviour suggested in the objection. Ms Davis advised the Sub-Committee that with regards to parking, regular users were known to staff and most walked or used taxis', she also confirmed that there are double yellow lines outside the Premises so parking is not permitted in any event. Ms Davis stated that the premise next door is often rented for Airbnb use and could quite possibly be the source of people standing on the steps.

Ms Davis advised that with regards to the urination allegation, the Premises had more than adequate facilities available, the Premises was rarely at capacity, so the facilities are not busy. She advised further that the doormen are responsible for recording any occurrences and no such incidences have occurred and that all doormen were SIA approved. Ms Davis concluded by advising that with regards to the parking complaints from Apple Tree Yard and Ormond Yard, she confirmed that there had been no complaints from any residents in that area.

Dereck Jarwood (Doorman appearing on behalf of the Applicant), addressed the Sub-Committee and advised that he had worked for the Applicant for seven and a half years. He advised that the Premises received some patrons from other clubs in St James's Square and like the East India Club and the Royal Automobile Club (RAC) in Pall Mal. He confirmed that taxis arrive with patrons for the Gaslight Club or some arrive by foot. He stated that he and the Applicant had a good relationship with their neighbours upstairs and that only 5 or 6 owner

occupiers that still live in the building.

The Sub-Committee declared that they were members of a number of clubs in the area including Chattam House and the Royal Automobile Club (RAC), and apologised for the late mention, but this only came to mind when the St James's clubs were discussed. However, the Sub-Committee did not believe that these declarations would impact the application in any way but in the interests of openness and transparency were nevertheless noted.

The Sub-Committee then heard from Mr Watson (Environmental Health Services), who explained that this was an established premise with some 20 years' operating experience. He informed the Sub-Committee that the current licence still contained historical conditions which related to when it was a hostess bar, before the license was converted in 2012 to a Sexual Entertainment Venue. Mr Watson confirmed that he visited the premises with the Applicant representative in early April the site to look at the alterations. He advised the Sub-Committee that the actual scope of change is quite limited because it is a basement venue. Mr Watson advised the Sub-Committee that the changes to what was the downstairs changing room, which was previously a basic area had now become a seated area with CCTV as per conditions. He also advised that the changes to the toilets and the bar areas had been minimal in scope and were satisfactory, therefore he had no public safety concerns relating to the premises.

Mr Watson confirmed that the other two main points were the change of the last entry time and the extension on the Sunday hours. He advised that back in 2014 when the premises last came before the Sub-Committee which was for a variation to extend hours, it was the applicant who suggested a reduction in the last entry time to 1 hour in order to satisfy residents, however were now asking for that to be reduced by 30 minutes with the modification of conditions to reflect that. Mr Watson advised that he had looked at the conditions for this Premises going along way back, he confirms that the Premises were very well run and there was no history of complaints from activities associated inside or outside the Premises.

Mr Watson advised the Sub-Committee that he had also spoken to Mr Franks who inspected SEV premises and the comments from Mr Franks were about the consistency of the Doorman who was always on the door, he advised that his gives comfort to the inspectors. Mr Watson advised that he had looked at the

objections and reviewed Ormond Yard and Apple Tree Yard which are part residential and commercial areas and there had been no complaints in relation to the Premises. Mr Watson advised that the hours on Sunday would not change and the Premises has set capacities for when they provide SEV entertainment of 110, after 02:30hrs that will be reduced down to 70. He stated that if there is a private event the capacity is 150 which is inclusive of staff.

The Sub-Committee sought further confirmation from the EH officers visit and asked further questions regarding the plan and capacity for each of the new booths. Mr Gary Nichols (Venue Manager for the Applicant) addressed the Sub-Committee and confirmed that the capacity for each booth was six or seven however there was one larger booth which seats approximately 8 to 9 people. The Legal Advisor to the Sub-Committee asked Ms Davies whether the increase by one and a half hours on Sunday was to accommodate charitable events. In reply Ms Davies confirmed that in part this was correct but not exclusively. She advised that the increase in hours for this purpose afforded the Applicant a degree of flexibility and again referred to the closed premises in Euston which were open to 06:00hrs Ms Davis confirmed that the Premises did have parties and host special occasions which never reached the full capacity of 110 are usually for approximately 60 to 70 people.

The Sub-Committee sought further clarification on why the Applicant wanted to keep the capacity and how many special or private events they expected to take place over a 12-month period. Ms Davies responded to the query and advised the Sub-Committee that the Applicant required a degree of flexibility. The Sub-Committee carefully considered all of the evidence on its individual merits and decided to grant the application before them with the amended Conditions now imposed on the Licence. The Sub-Committee noted that it was advised by the Environmental Health Service that the Premises had a record of being well run and this gave trust and confidence to the Sub-Committee in the management of the Premises.

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 **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 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 half an 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:

19/02741/LIPV

Original Reference:

05/08028/LIPCV

Part 1 – Premises details

Postal address of premises:

The Gaslight Of St James's 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

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

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:

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: Gary Aaron Kearney Nicholls

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: 05/03912/LIPERS
Licensing Authority: City Of Westminster Council

Date: 6 December 2019

This licence has been authorised by Michelle Steward 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.

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:

19/02741/LIPV

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

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

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:

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: Gary Aaron Kearney Nicholls

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

Date: 6 December 2019

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

Map of locality

Appendix G1



0 = Sex establishment

1 = Place of Worship

2 = Faith Groups