



City of Westminster

Item No:	
Date:	30 September 2021
Licensing Ref No:	21/03839/LIPN - New Premises Licence
Title of Report:	Shadow Licence Basement and Ground Floor 13 Mason's Yard London
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:	Roxsana Haq Senior Licensing Officer
Contact details	Telephone: 020 7641 6500 Email: rhaq@westminster.gov.uk

Licensing Sub-Committee Report

1.	Application		
1-A	Applicant and premises		
Application Type:	New Premises Licence, Licensing Act 2003		
Application received date:	21 April 2021		
Applicant:	Milestone Investments Limited		
Premises:	Shadow Licence		
Premises address:	Basement and Ground Floor 13 Mason's Yard London SW1Y 6BU	Ward:	St James's
		Cumulative Impact Area:	None
		Special Consideration Zone:	None
Premises description:	According to the application this is for a shadow licence for a nightclub.		
Premises licence history:	The premises have had the benefit of a premises licence since 2005. A new premises licence was granted in March 2015 following an LSC hearing (18/15638/LIPVM). The current premises licence (18/15638/LIPVM) and full licence history is attached as appendix 3 of this report.		
Applicant submissions:	The applicant has provided proposed conditions which duplicate the current conditions found on licence 18/15638/LIPVM. The proposed conditions can be found at appendix 4 .		
Applicant amendments:	There are no amendments from the applicant.		

1-B	Proposed licensable activities and hours						
Live Music:				Indoors, outdoors or both			Both
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	09:00	09:00	09:00	09:00	09:00	09:00	09:00
End:	05:00	05:00	05:00	05:00	05:00	05:00	03:00
Seasonal variations/ Non-standard timings:		None					
Further information:		Live music in line with operation as a bar/nightclub					

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:	24:00	24:00	24:00	24:00	24:00	24:00	24:00
Seasonal variations/ Non-standard timings:		None					
Further information:		Unrestricted					

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:	05:00	05:00	05:00	05:00	05:00	05:00	03:00
Seasonal variations/ Non-standard timings:		None					
Further information:		Performance of Dance in line with operation as bar/nightclub.					

Performance of dance, film, performance of live music, recorded music and anything of a similar description:				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	02:00
Seasonal variations/ Non-standard timings:		None					
Further information:		Anything Similar in line with operation as bar/nightclub.					

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:	05:00	05:00	05:00	05:00	05:00	05:00	03:00
Seasonal variations/ Non-standard timings:		None					
Further information:		Late Night Refreshments in line with operation as bar/nightclub.					

Sale by retail of alcohol				On or off sales or both:			Both
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	11:00	11:00	11:00	11:00	11:00	11:00	12:00
End:	04:45	04:45	04:45	04:45	04:45	04:45	22:30
Seasonal variations/ Non-standard timings:		None					
Further information:		Supply of Alcohol in line with operation as bar/nightclub					

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:	05:30	05:30	05:30	05:30	05:30	05:30	03:30
Seasonal variations/ Non-standard timings:		On New Year's Eve the premises can remain open for the purpose of providing regulated entertainment from the time when the provision of regulated entertainment must otherwise cease on New Year's Eve to the time when regulated entertainment can commence on New Year's Day (or until midnight on New Year's Eve where no regulated entertainment takes place on New Year's Day).					
Adult Entertainment:		None					

2.	Representations	
2-A	Responsible Authorities	
Responsible Authority:	Metropolitan Police (Withdrawn 03 June 2021)	
Representative:	Bryan Lewis PC4161AW	
Received:	10 May 2021	
<p><u>Re: New premises (shadow) licence application for Scotch, 13 Mason's Yard, SW1</u> <u>Police Objection</u></p> <p>Police object to this application, as we believe it may not promote the licensing objectives contained within the 2003 Licensing Act, namely the prevention of crime and disorder, for the following reasons:</p> <ul style="list-style-type: none"> • More information required. Can you please provide confirmation as to the applicant's business interest in the premises? • Can you please agree to the following proposed licence condition: "The shadow licence will not take effect when the current licence is in operation, or it lapses, is surrendered or revoked." 		

2-B	Other Persons		
Name:		[REDACTED]	
Address and/or Residents Association:		[REDACTED] [REDACTED] [REDACTED] [REDACTED]	
Status:	Valid	In support or opposed:	Opposed
Received:	16 May 2021		
<p>The Council should take this opportunity to review the appropriateness of this type of late night venue it what is otherwise a quiet residential (and increasingly residential) neighbourhood. It is my submission that it is no longer appropriate.</p> <p>Masons Yard is part of a conservation area and contains a major art gallery and a number of art dealer premises.</p> <p>When operating, the Scotch Club has never complied with the noise and nuisance abatement conditions imposed on it by Council and generates a significant amount of rubbish which is left around the Yard.</p> <p>Considerable investment has taken place to improve the physical environment in the area to support the daytime economy. The Scotch Club detracts from this and no longer fits in this location.</p>			
Name:		[REDACTED]	
Address and/or Residents Association:		[REDACTED] [REDACTED] [REDACTED]	
Status:	Valid	In support or opposed:	Support
Received:	06 May 2021		
<p>We [REDACTED] fully support this Shadow Licence application in preference to the recent appeal by entities from Armenia whose prior application was rejected.</p>			
Name:		[REDACTED]	
Address and/or Residents Association:		[REDACTED] [REDACTED] [REDACTED]	
Status:	Valid	In support of opposed:	Opposed
Received:	04 May 2021		
<p>Noise and drunken behaviour through [REDACTED] as a public thoroughfare should not be encouraged</p>			

Name:		[REDACTED] (Withdrawn 17 June 2021)	
Address and/or Residents Association		[REDACTED] [REDACTED] [REDACTED]	
Status:	Valid	In support or opposed:	Opposed
Received:	07 May 2021		
<p>My family has owned a house on [REDACTED] since 2014.</p> <p>I object to the shadow licence of the Scotch of St James under the name Milestone Investments Ltd ref 21/03839/LIPN. This is a licence for a nightclub with live music and dancing open 9.00-5am, on Sundays 9-3am. I object to this licence ref 21/03839/LIPN because it will ruin the quiet enjoyment of our house which I believe we have a right to between 23.00-07.00. W</p> <p>13 Mason's Yard stands on the corner of the alley which connects Mason's Yard to Ormond Yard. The alley is a haunt of drug dealers on bikes who cannot be seen by the bouncers at 13 Mason's Yard or pursued easily by police cars. This alley was closed by scaffolding for a year which proved that most of the noise which woke us on Friday and Saturday nights came from The Scotch of St James' patrons. Point 54 of the licence states that the "Noise Control Officer will endeavour to ensure persons depart from the premises quietly and away from Ormond Yard" but the alley is a public thoroughfare and the only time in the 7 years [REDACTED], patrons have stopped coming through it was when it was blocked or during lockdown when the club was closed.</p> <p>The previous licence for the Scotch of St James was until 3am. Patrons from the Scotch would leave drunk at 3.00-3.30 and wander up [REDACTED] on their way to Piccadilly tube, shouting, fighting, urinating in doorways and waking our household.</p> <p>The Wellington nightclub at 91 Jermyn St has a rear entrance at [REDACTED], 50m from 13 Mason's Yard. Its licence at least stops its patrons from leaving through the rear entrance. (Noise from staff leaving that way and bottles being binned are the problems here: 3.00-3.30 same time).</p> <p>The Gaslight of St James on Duke of York St licence is also for 3.00 so taxis reverse beeping to park in [REDACTED], then stand idling. It is 50m from The Wellington.</p>			

3.	Policy & Guidance
The following policies within the City of Westminster Statement of Licensing Policy apply:	
Policy CIP1 applies	<p>A. It is the Licensing Authority's policy to refuse applications within the West End Cumulative Impact Zone for: pubs and bars, fast food premises, and music and dancing and similar entertainment, other than applications to:</p> <ol style="list-style-type: none"> 1. Vary the hours within Core Hours under Policy HRS1, and/or 2. Vary the licence to reduce the overall capacity of the premises. <p>B. Applications for other premises types within the West End Cumulative Impact Zones will be subject to other policies within this statement and must demonstrate that they will not add to cumulative impact.</p> <p>C. For the purposes of this policy the premises types referred to in Clause A are defined within the relevant premises use policies within this statement.</p>
Policy HRS1 applies	<p>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.</p> <p>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:</p> <ol style="list-style-type: none"> 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.

	<p>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.</p> <p>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 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 this application for each premises use type as defined within this policy are:</p> <p>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</p>
Policy MD1(A) applies	<p>A. Applications outside the West End Cumulative Zone will generally be granted subject to:</p> <ol style="list-style-type: none"> 1. The application meeting the requirements of policies CD1, PS1, PN1 and CH1. 2. The hours for licensable activities being within the Council's Core Hours Policy HRS1. 3. The applicant has taken account of the Special Consideration Zone Policy SCZ1 if the premises are located within a designated zone. 4. The application and operation of the venue meet the definition of a music and dance premises or similar entertainment in Clause D. <p>B. It is the Licensing Authority's policy to refuse applications within the West End Cumulative Impact Zone other than:</p> <ol style="list-style-type: none"> 1. Applications to vary the existing licence hours within the council's Core Hours Policy HRS1, and/or, 2. Applications that seek to vary the existing licence so as to reduce the overall capacity of the premises. <p>C. The applications referred to in Clause B1 and B2 will generally be granted subject to:</p> <ol style="list-style-type: none"> 1. The application meeting the requirements of policies CD1, PS1, PN1 and CH1. 2. The application and operation of the venue continuing to meet the definition of a music and dance premises in Clause D. <p>D. For the purposes of this policy a music and dance premises is defined as a premises whereby the primary purpose of the venue is to:</p> <ol style="list-style-type: none"> 1. Provide regulated entertainment in the form of music, either in the form of live performances or recorded, to customers. 2. Provide regulated entertainment in the form of music, either as live performances or recorded, and provide facilities for the provision of dance. 3. The sale by retail of alcohol may be provided as either a considerable element of the operation of the premises or ancillary to the provision of regulated entertainment. <ol style="list-style-type: none"> a. Examples of venues that would fall within this policy are night clubs or bars that provide music and dancing. b. De-regulated entertainment (as set out in the glossary will not be subject to this policy).

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
Appendix 1	Premises plans
Appendix 2	Applicant supporting documents
Appendix 3	Premises Licence and History
Appendix 4	Proposed conditions
Appendix 5	Residential map and list of premises in the vicinity

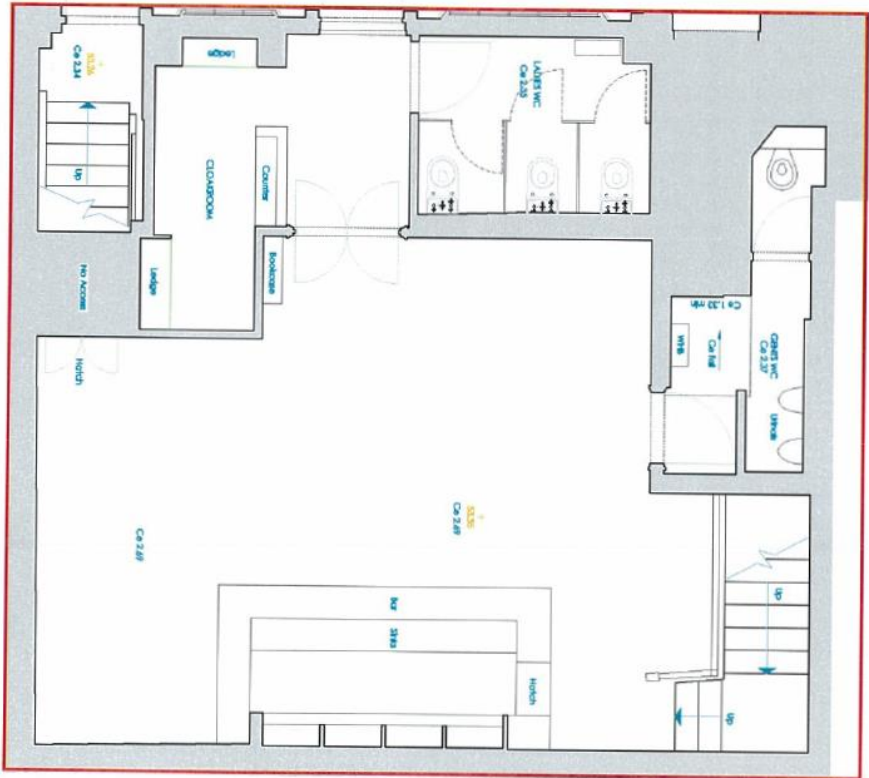
Report author:	Roxsana Haq Senior Licensing Officer
Contact:	Telephone: 020 7641 6500 Email: rhaq@westminster.gov.uk

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

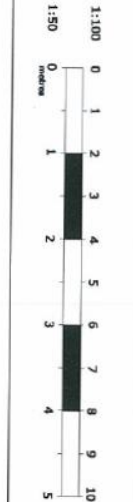
Background Documents – Local Government (Access to Information) Act 1972

1	Licensing Act 2003	N/A
2	City of Westminster Statement of Licensing Policy	7 th January 2021
3	Amended Guidance issued under section 182 of the Licensing Act 2003	April 2018
4	Metropolitan Police Service (Withdrawn 03 June 2021)	10 May 2021
5	Representation 1	16 May 2021
6	Representation 2	06 May 2021
7	Representation 3	04 May 2021
8	Representation 4 (Withdrawn 17 June 2021)	07 May 2021

Licensable activities may take place anywhere within the red line. The position of any loose furniture is shown for diagrammatic purposes only. The location of fire equipment is shown as is on the date hereof but may be moved in consultation with the fire officer - 19/08/2015



Proposed Ground Floor Plan



Chalkline
Chalkline Architectural Services



REV	DESCRIPTION	DATE

PROJECT	13 Mason's Yard mayer/swt/68U
DETAIL	Proposed Refurbishment Design Stage Details

Applicant Supporting Documents

There are no submissions from the applicant.

Appendix 2



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

Schedule 12
Part A

WARD: St James's
UPRN: 010033538222

Premises licence

Regulation 33, 34

Premises licence
number:

18/15638/LIPVM

Original Reference:

14/11389/LIPN

Part 1 – Premises details

Postal address of premises:

The Scotch Of St James
Basement And Ground Floor
13 Mason's Yard
London
SW1Y 6BU

Telephone Number: Not Supplied

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 05:00

Performance of Live Music

Monday to Saturday: 09:00 to 05:00

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

Late Night Refreshment

Monday to Saturday: 23:00 to 05:00

Sunday: 23:00 to 03:00

Private Entertainment consisting of dancing, music or other entertainment of a like kind for consideration and with a view to profit Unrestricted

Sale by Retail of Alcohol

Monday to Saturday: 11:00 to 04:45

Sunday: 12:00 to 22:30

For times authorised for New Year see conditions at Annex 3

The opening hours of the premises:

Monday to Saturday: 09:00 to 05:30

Sunday: 09:00 to 03:30

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:

Alula Three Limited
13 Masons Yard
St James
London
SW1Y 6BU

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

10863143

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

Name: Tuncay Akca

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: LN/00016214

Licensing Authority: London Borough of Haringey

Date: 05 February 2019

This licence has been authorised by Mr 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 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.

- (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.
- (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.
- (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. On New Year's Eve the premises can remain open for the purpose of providing regulated entertainment from the time when the provision of regulated entertainment must otherwise cease on New Year's Eve to the time when regulated entertainment can commence on New Year's Day (or until midnight on New Year's Eve where no regulated entertainment takes place on New Year's Day).
11. An attendant shall be stationed in the vicinity of the cloakroom during the whole time it is in use.
12. Intoxicating liquor shall not be sold or supplied on the premises otherwise than to:
 - (a) Persons taking table meals there and for consumption by any such person as an ancillary to his meal.
 - (b) Persons attending and paying a minimum attendance fee of £3 for admission to the premises for the purposes of music and dancing.
13. Suitable beverages, other than intoxicating liquor including drinking water, shall be equally available for consumption with or otherwise as an ancillary to food supplied in the premises.
14. No person under fourteen shall be in the bar of the licensed premises during the permitted hours unless one of the following applies:
 - (a) He is the child of the holder of the premises licence.
 - (b) He resides in the premises, but is not employed there.
 - (c) He is in the bar solely for the purpose of passing to or from some part of the premises which is not a bar and to or from which there is no other convenient means of access or egress.
 - (d) The bar is in railway refreshment rooms or other premises constructed, fitted and intended to be used bona fide for any purpose to which the holding of the licence is ancillary.

In this condition "bar" includes any place exclusively or mainly used for the consumption of intoxicating liquor. But an area is not a bar when it is usual for it to be, and it is, set apart for the service of table meals and alcohol is only sold or supplied to persons as an ancillary to their table meals.

15. If any entertainment is provided for children or if an entertainment is provided at which the majority of persons attending are children, then, if the number of children attending the entertainment exceeds 100, it shall be the duty of the holder of this premises licence / club premises certificate:
 - (a) to station and keep stationed wherever necessary a sufficient number of adult attendants, properly instructed as to their duties, to prevent more children or other persons being admitted to the building, or to any part thereof, than the building or part can properly accommodate,
 - (b) to control the movement of the children and other persons admitted while entering and leaving the building or any part thereof, and
 - (c) to take all other reasonable precautions for the safety of the children.
16. The terminal hour for late night refreshment on New Year's Eve is extended to 05.00 on New Year's Day.

17. No advertisements of any kind (including placard, poster, sticker, flyer, picture, letter, sign or other mark) that advertises or promotes the establishment, its premises, or any of its events, facilities, goods or services shall be inscribed or affixed upon the surface of the highway, or upon any building, structure, works, street furniture, tree, or any other property, or be distributed to the public.
18. There shall be no payment made by or on behalf of the licence holder to any person for bringing customers to the premises.
19. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
20. All windows and external doors shall be kept closed at any time when regulated entertainment takes place, except for the immediate access and egress of persons.
21. The pavement from the building line to the kerb edge immediately outside the premises, including gutter/channel at its junction with the kerb edge, shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements.
22. There shall be no striptease or nudity, and all persons shall be decently attired at all times unless a sexual entertainment venue licence is in operation.
23. No person shall give at the premises any exhibition, demonstration or performance of hypnotism, mesmerism or any similar act or process which produces or is intended to produce in any other person any form of induced sleep or trance in which susceptibility of the mind of that person to suggestion or direction is increased or intended to be increased. NOTE: (1) This rule does not apply to exhibitions given under the provisions of Section 2(1A) and 5 of the Hypnotism Act 1952.
24. Any special effects or mechanical installations shall be arranged and stored so as to minimise any risk to the safety of those using the premises. The following special effects will only be used on 10 days prior notice being given to the Licensing Authority where consent has not previously been given.
 - dry ice and cryogenic fog
 - smoke machines and fog generators
 - pyrotechnics including fire works
 - firearms
 - lasers
 - explosives and highly flammable substances.
 - real flame.
 - strobe lighting.
25. 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.
26. 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.
27. All exit doors shall be available at all material times without the use of a key, code, card or similar means.
28. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.

29. All emergency doors shall be maintained effectively self closing and not held open other than by an approved device.
30. All fabrics, curtains, drapes and similar features including materials used in finishing and furnishing should be either non-combustible or be durably or inherently flame-retarded fabric. Any fabrics used in escape routes, other than foyers, entertainment areas or function rooms, should be non-combustible.
31. Curtains and hangings shall be arranged so as not to obstruct emergency signs or means of escape.
32. All electrical sockets used to supply power for hand held electrical equipment shall be protected by a residual current device of 30 milliamps sensitivity complying with British Standard Specification 4293: 1993.
33. The certificates listed below shall be submitted to the Licensing Authority upon written request:
 - Any emergency lighting battery or system
 - Any electrical installation
 - Any emergency warning system.
34. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
35. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.
36. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
37. The maximum number of persons accommodated in the whole of the premises at any one time (excluding staff) shall not exceed 150 persons with the following further restrictions also applying:
 - i) Basement - 100
 - ii) Ground Floor- 85
38. Alcohol shall not be sold, supplied, consumed in or taken from the premises except during permitted hours. In this condition permitted hours means:
 - (a) The permitted hours on Monday to Saturday shall commence at 11:00 and extend until 04:45 on the following morning, except that:
 - i) The permitted hours shall end at 00:00 midnight on any day on which music and dancing is not provided after midnight; and
 - ii) On any day that music and dancing end between 00:00 midnight and 05:00, the permitted hours shall end half hour before the music and dancing end;
 - (b) In relation to the morning on which summer time begins, paragraph (a) of this condition shall have effect:

- i) With the substitution of reference to 06:00 for references to 05:00 and 05:45 for references to 04:45;
- (c) The sale of alcohol must be ancillary to the use of the premises for music and dancing and substantial refreshment
- (d) The permitted hours on New Year's Eve will extend to the start of permitted hours on the following day;

NOTE: The above restrictions do not prohibit:

- (a) during the first 45 minutes after the above hours the consumption of alcohol on the premises;
- (b) during the first thirty minutes after the above hours off sales which must be in sealed containers only;
- (c) the sale or supply of alcohol to or the consumption of alcohol by any person residing in the licensed premises;
- (d) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
- (e) the sale of alcohol to a trader or registered club for the purposes of the trade or club;
- (f) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of her Majesty's naval, military or air forces;
- (g) the taking of alcohol from the premises by a person residing there;
- (h) the supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of alcohol by persons so supplied;
- (i) the supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence, or the consumption of liquor so supplied, if the liquor is supplied at the expense of their employer or of the person carrying on or in charge of the business on the premises.

In this condition, any reference to a person residing in the premises shall be construed as including a person not residing there but carrying on or in charge of the business on the premises.

- 39. Flashing or particularly bright lights from the premises shall not cause a nuisance to nearby properties.
- 40. After 23:00 patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall be limited to 25 persons at any one time.
- 41. Patrons permitted to temporarily leave and then re-enter the premises, eg to smoke, shall not be permitted to take drinks or glass containers with them.
- 42. After 23:00 patrons permitted to smoke shall be restricted to the external area between 9 and 13 Mason's Yard which shall be supervised by staff from the premises together with

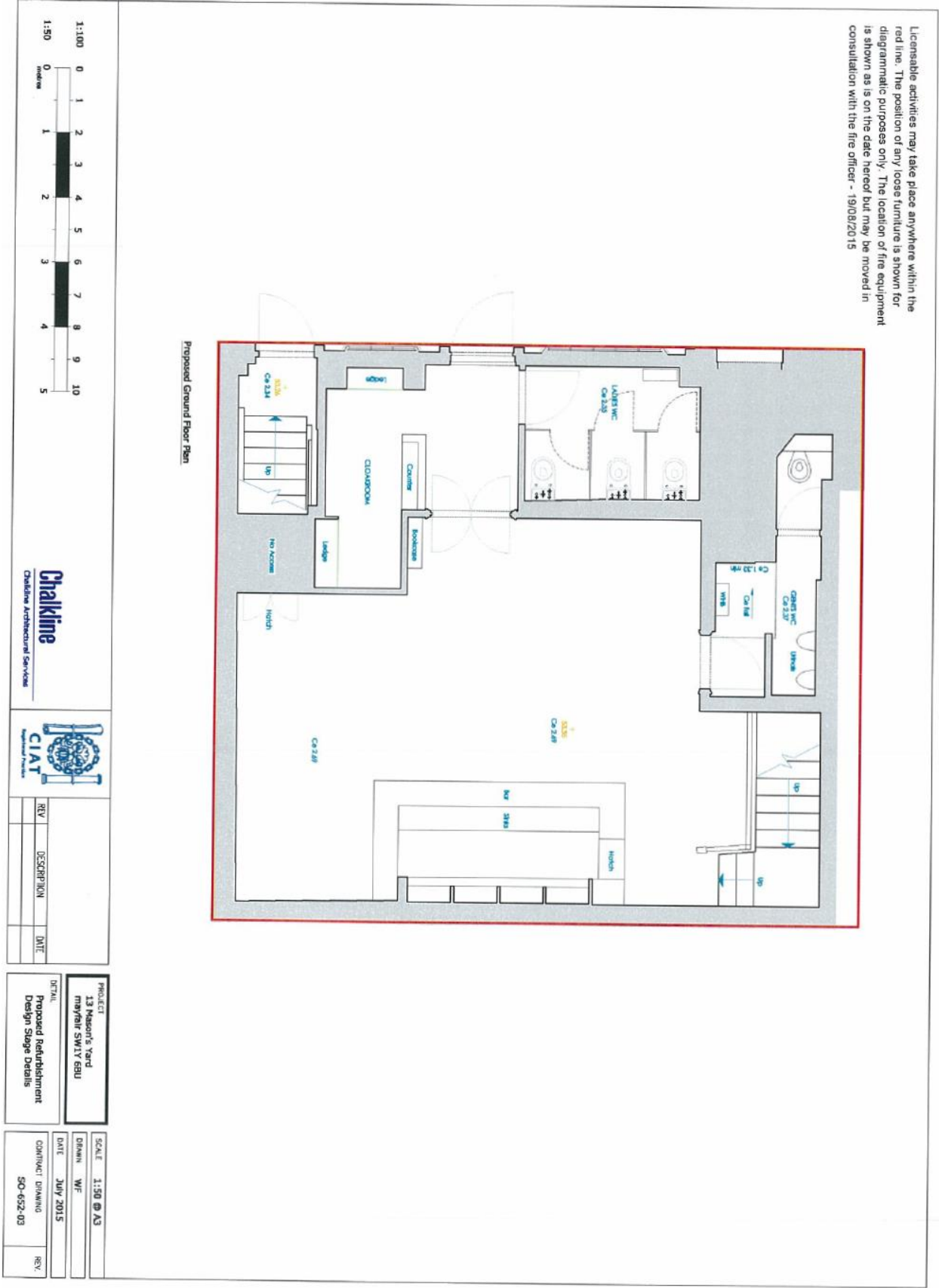
notices prominently displayed there requesting patrons to respect the needs of local residents and use the area quietly.

43. After 23:00 the designated smoking area shall be enclosed within appropriate barriers to ensure that the footway is kept clear.
44. The licence holder shall ensure that any queue to enter the premises which forms outside the premises is orderly and supervised by door staff so as to ensure that there is no public nuisance or obstruction of the public highway.
45. All staff engaged outside the entrance to the premises, or supervising or controlling queues and external areas, shall wear high visibility armbands.
46. 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.
47. The licence holder shall enter into an agreement with a hackney carriage and/or private carriage firm to provide transport for customers, with contact numbers made readily available to customers who will be encouraged to use such services.
48. Patrons waiting for taxis shall be encouraged to wait inside the premises until the taxi arrives.
49. After 23:00 hours a minimum of two door supervisors shall be on duty at the entrance of the premises at all times whilst it is open for business.
50. A sound limiting device located in a separate and remote lockable cabinet from the volume control shall be fitted to any musical amplification system and set at a level determined by and to the satisfaction of an authorised officer of the Environmental Health Service to ensure that no noise nuisance is caused to local residents. The operational panel of the noise limiter shall then be secured to the satisfaction of officer from the Environmental Health Service. The keys securing the noise limiter cabinet shall be held by the licence holder or authorised manager only, and shall not be accessed by any other person. The limiter shall not be altered without prior agreement with the Environmental Health Service.
51. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
52. No waste or recyclable materials, including bottles, shall be moved, removed or placed in outside areas between 23:00 hours and 08:00hours.
53. No deliveries to the premises shall be arranged to occur between 23.00 and 08.00.
54. The premises will employ a SIA Registered Door Supervisor who will act as a Noise Control Officer in the immediate vicinity of Mason's Yard after 23:00 hours when there are patrons present in the premises. He will endeavour to ensure persons depart from the premises quietly and away from Ormond Yard.
55. After 1am, the licensee shall take counts of customers on the premises at 30 minute intervals until the premises closes and shall have records of such counts available for inspection by an authorised officer of the Council or Police.
56. Door staff shall be trained to monitor patron noise and actively discourage any noisy and otherwise unacceptable behaviour, encouraging customers to consider local residents when making their way home. Records of such training are to be maintained and held on site for inspection by any Authorised Officer.
57. Upon the premises reaching its capacity figure detailed in condition 37, Management

- of the Club shall take all reasonable steps to disperse any queue that has formed at the premises and actively encourage any persons so dispersed leave the Mason's Yard area in a quiet and orderly manner.
58. Once the premises has reached its capacity figure detailed in condition 37, management of the club shall take all reasonable steps to prevent a queue forming outside the premises.
59. All SIA registered door supervisors engaged outside the entrance to the premises, or supervising or controlling queues, shall wear high visibility jackets or vests.
60. There shall be no payment made by or on behalf of the licence holder to any person for bringing customers to the premises.
61. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police, which will record the following:
- (a) all crimes reported to the venue
 - (b) all ejections of patrons
 - (c) any complaints received concerning crime and disorder
 - (d) any incidents of disorder
 - (e) all seizures of drugs or offensive weapons
 - (f) any faults in the CCTV system or searching equipment or scanning equipment
 - (g) any refusal of the sale of alcohol
 - (h) any visit by a relevant authority or emergency service.
62. There shall be no entry to the premises after 03:00 except to the following persons:
- (a) Scotch of St James members and their bona fide guests (not exceeding four guests per member). A list of all members to be held at reception for inspection by the relevant authorities. No person shall be admitted to the membership of the premises without an interval of at least 48 hours between application and acceptance to membership;
 - (b) Persons admitted to the premises by prior invitation to a bona fide private function held at the premises;
 - (c) Guests of the proprietor listed by name at the reception prior to admission;
 - (d) Performers and staff employed by the premises;
 - (e) Persons who have temporarily left the premises to smoke.
63. A Challenge 21 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as driving licence, passport or proof of age card with the PASS hologram.
64. a) All drinking vessels used in the venue shall be polycarbonate. All drinks in glass bottles are to be decanted into polycarbonate containers or polycarbonate carafes prior to being served, with the exception of champagne or bottles of spirits with a minimum size of 70cl supplied by waiter/waitress service to tables. Staff shall clear all empty champagne and spirit bottles promptly from the tables. Customers shall not be permitted to leave their table carrying any such glass bottles or drink directly from the bottle.
- b) Notwithstanding a) above, with the written agreement of the Westminster Licensing Police, a copy of which will be held at the premises reception, glass drinking vessels may be used for private or pre-booked events within the area specified by the premises management.

- c) Notwithstanding a) above, mixers may be supplied in glass bottles of 200ml or smaller, by waiter/waitress service to tables. Mixer bottles are not to be carried by customers from their tables. Staff shall clear all empty mixer bottles promptly from tables.
- 65. Suitable recording media for the downloading of CCTV footage shall be available at all times the premises is open for the provision of licensable activities.
- 66. Mr Carl Hirschmann is not to be permitted access to the premises at any time the premises is open for the provision of licensable activities. This condition is to be of nil effect in the event that the Metropolitan Police provide written confirmation that the exclusion is to cease.

Annex 4 - Plans





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

Schedule 12
Part B

Premises licence
summary

WARD: St James's
UPRN: 010033538222

Regulation 33, 34

Premises licence
number:

18/15638/LIPVM

Part 1 – Premises details

Postal address of premises:

The Scotch Of St James
Basement And Ground Floor
13 Mason's Yard
London
SW1Y 6BU

Telephone Number: Not Supplied

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 05:00

Performance of Live Music

Monday to Saturday: 09:00 to 05:00

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

Late Night Refreshment

Monday to Saturday: 23:00 to 05:00
Sunday: 23:00 to 03:00

Private Entertainment consisting of dancing, music or other entertainment of a like kind for consideration and with a view to profit Unrestricted

Sale by Retail of Alcohol

Monday to Saturday: 11:00 to 04:45
Sunday: 12:00 to 22:30

For times authorised for New Year see conditions at Annex 3

The opening hours of the premises:

Monday to Saturday: 09:00 to 05:30
Sunday: 09:00 to 03:30

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:

Alula Three Limited
13 Masons Yard
St James
London
SW1Y 6BU

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

10863143

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

Name: Tuncay Akca

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

Restricted

Date: 05 February 2019

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

Premises History

Licence and Appeal History

Application	Details of Application	Date Determined	Decision
05/06843/LIPCV	Conversion Licence	29.09.2005	Granted by Licensing Sub-Committee
06/11424/WCCMAP	Master Licence	29.09.2005	Granted by Licensing Sub-Committee
11/10018/LIPT	Transfer application - Alula Leisure Limited	14.11.2011	Granted under Delegated Authority
11/10781/LIPDPS	Vary Designated Premises Supervisor	02.12.2011	Granted under Delegated Authority
11/11171/LIPVM	Minor Variation to change the layout of the premises and add two works conditions	02.12.2011	Granted under Delegated Authority
13/01022/LIPDPS	Vary Designated Premises Supervisor	22.03.2013	Granted under Delegated Authority
13/02012/LIPVM	Minor Variation to change the layout of the premises	12.04.2013	Application Rejected
13/02226/LIPDPS	Vary Designated Premises Supervisor	21.05.2013	Granted under Delegated Authority
13/02877/LIPVM	Minor Variation to change the layout of the premises	16.05.2013	Granted under Delegated Authority
13/07698/LIPDPS	Vary Designated Premises Supervisor	25.10.2013	Granted under Delegated Authority
13/08492/LIDPSR	Removal of the Designated Premises Supervisor	31.10.2013	Granted under Delegated Authority
14/02150/LIPDPS	Vary Designated Premises Supervisor	07.04.2014	Granted under Delegated Authority
15/01174/LIPDPS	Vary Designated Premises Supervisor	26.02.2015 Surrendered 24.05.2016	Granted under Delegated Authority
14/11389/LIPN	New Premises Licence	26.03.2015	Granted by Licensing Sub Committee
15/07047/LIPVM	Minor Variation to change the layout of the premises	08.09.2015	Granted under Delegated Authority
16/05989/LIPVM	Minor Variation to place 3 additional conditions on the premises licence. 1. All drinking vessels used in the venue shall be polycarbonate. All drinks in glass bottles are to be decanted into polycarbonate containers or polycarbonate carafes prior	07.07.2016	Granted under Delegated Authority

	<p>to being served, with the exception of champagne or bottles of spirits with a minimum size of 70cl supplied by waiter/waitress service to tables. Staff shall clear all empty champagne and spirit bottles promptly from the tables. Customers shall not be permitted to leave their table carrying any such glass bottles or drink directly from the bottle.</p> <p>b) Notwithstanding a) above, with the written agreement of the Westminster Licensing Police, a copy of which will be held at the premises reception, glass drinking vessels may be used for private or pre-booked events within the area specified by the premises management.</p> <p>2. Suitable recording media for the downloading of CCTV footage shall be available at all times the premises is open for the provision of licensable activities.</p> <p>3. Mr Carl Hirschmann is not to be permitted access to the premises at any time the premises is open for the provision of licensable activities. This condition is to be of nil effect in the event that the Metropolitan Police provide written confirmation that the exclusion is to cease.</p>		
16/06763/LIPVM	<p>Minor Variation to The following condition to be inserted after 1 b) of the "Polycarbonate" condition added in recent minor variation:</p> <p>c) Notwithstanding a) above, mixers may be supplied in glass bottles of 200ml or smaller, by waiter/waitress service to tables. Mixer bottles are not</p>	20.07.2016	Granted under Delegated Authority

	to be carried by customers from their tables. Staff shall clear all empty mixer bottles promptly from tables.		
16/06778/LIPDPS	Vary Designated Premises Supervisor	20.07.2016	Granted under Delegated Authority
16/12044/LIPDPS	Vary Designated Premises Supervisor	28.02.2017	Granted under Delegated Authority
17/08235/LIPT	Transfer from Alula Leisure Limited to Alula Three Limited.	22.12.2017	Granted under Delegated Authority
18/01013/LIPVM	<p>Minor Variation to vary conditions as proposed namely:</p> <p>A)</p> <p>36 to leave the total capacity for the premises unchanged but in sub paragraph ii) to vary the Ground floor from 50 to 85. The condition if amended will read:</p> <p>"The maximum number of persons accommodated in the whole of the premises at any one time (excluding staff) shall not exceed 150 persons with the following further restrictions also applying:</p> <p>i) Basement - 100</p> <p>ii) Ground Floor - 85"</p> <p>B) 60 to leave the requirement for door supervisors outside the entrance to wear high visibility jackets but delete the colour "yellow". The condition if amended will read:</p> <p>"All SIA registered door supervisors engaged outside the entrance to the premises, or supervising or controlling queues, shall wear high visibility jackets or vests"</p> <p>C) Delete condition 59 namely:</p> <p>"The licence will have no effect until the premises have been assessed as satisfactory by the Environmental Health Consultation Team and this condition has been removed from the licence."</p>	20.02.2018	Granted under Delegated Authority

	<p>D) Delete condition 65 namely: "This licence shall not take effect until notice of surrender of licence number 15/01174/LIPDPS (and any other licence as may be in force at the premises), accompanied by the premises licence, has been given by the premises licence holder to the licensing authority under section 28 of the Licensing Act 2003.</p>		
18/15638/LIPVM	<p>Minor Variation to amend the wording of condition 40 to the following: 40. After 23:00 patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall be limited to 25 persons at any one time.</p>	02.01.2019	Granted under Delegated Authority
20/11197/LIPVM	<p>Minor Variation to add the following condition "This Premises Licence shall not be used as a permission for Licensable Activities unless [REDACTED] is a Director of the Premises Licence Holder and actively involved in the management of the Premises"</p>	16.12.2020	Application Refused
20/08824/LIPN	<p>New premises licence (Shadow Licence)</p>	04.02.2021	Refused by Licensing Sub-Committee

Application	Details of Application	Date Determined	Decision
18/02676/LITENP	Temporary Event Notice	21.03.2018	Event allowed to proceed
18/02677/LITENP	Temporary Event Notice	15.03.2018	Event not allowed to proceed
18/06115/LITENP	Temporary Event Notice	07.06.2018	Event allowed to proceed
18/09709/LITENP	Temporary Event Notice	22.08.2018	Event allowed to proceed
18/10204/LITENP	Temporary Event Notice	06.09.2018	Event allowed to proceed
18/10207/LITENP	Temporary Event Notice	06.09.2018	Event allowed to proceed
18/13394/LITENP	Temporary Event Notice	08.11.2018	Event allowed to proceed
18/13399/LITENP	Temporary Event Notice	10.01.2019	Event allowed to proceed
18/13826/LITENP	Temporary Event Notice	18.12.2018	Event allowed to proceed
18/14349/LITENP	Temporary Event Notice	28.11.2018	Event allowed to proceed
18/15237/LITENP	Temporary Event Notice	09.12.2018	Event allowed to proceed
19/04694/LITENP	Temporary Event Notice	26.04.2019	Event allowed to proceed
19/08908/LITENP	Temporary Event Notice	29.07.2019	Event allowed to proceed
19/10835/LITENP	Temporary Event Notice	06.09.2019	Event allowed to proceed
19/12828/LITENP	Temporary Event Notice	15.10.2019	Event allowed to proceed
19/15519/LITENP	Temporary Event Notice	27.11.2019	Event allowed to proceed
19/15522/LITENP	Temporary Event Notice	27.11.2019	Event allowed to proceed
20/01063/LITENP	Temporary Event Notice	03.02.2020	Event allowed to proceed

There is no appeal history for the premises

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

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

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

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

Mandatory Conditions

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

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

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

- 8(i) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
- 8(ii) For the purposes of the condition set out in paragraph 8(i) above -

- (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
- (b) "permitted price" is the price found by applying the formula -

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

Where -

- (i) P is the permitted price,
 - (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
 - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -
 - (i) the holder of the premises licence,
 - (ii) the designated premises supervisor (if any) in respect of such a licence, or
 - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
- (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
- (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

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

- 8(iv). (1) Sub-paragraph 8(iv)(2) below applies where the permitted price given by Paragraph 8(ii)(b) above on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

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.

Conditions consistent with the operating schedule

10. On New Year's Eve the premises can remain open for the purpose of providing regulated entertainment from the time when the provision of regulated entertainment must otherwise cease on New Year's Eve to the time when regulated entertainment can commence on New Year's Day (or until midnight on New Year's Eve where no regulated entertainment takes place on New Year's Day).
11. An attendant shall be stationed in the vicinity of the cloakroom during the whole time it is in use.
12. Intoxicating liquor shall not be sold or supplied on the premises otherwise than to:
 - (a) Persons taking table meals there and for consumption by any such person as an ancillary to his meal.
 - (b) Persons attending and paying a minimum attendance fee of £3 for admission to the premises for the purposes of music and dancing.
13. Suitable beverages, other than intoxicating liquor including drinking water, shall be equally available for consumption with or otherwise as an ancillary to food supplied in the premises.
14. No person under fourteen shall be in the bar of the licensed premises during the permitted hours unless one of the following applies:
 - (a) He is the child of the holder of the premises licence.
 - (b) He resides in the premises, but is not employed there.
 - (c) He is in the bar solely for the purpose of passing to or from some part of the premises which is not a bar and to or from which there is no other convenient means of access or egress.
 - (d) The bar is in railway refreshment rooms or other premises constructed, fitted and intended to be used bona fide for any purpose to which the holding of the licence is ancillary.

In this condition "bar" includes any place exclusively or mainly used for the consumption of intoxicating liquor. But an area is not a bar when it is usual for it to be, and it is, set apart for the service of table meals and alcohol is only sold or supplied to persons as an ancillary to their table meals.

15. If any entertainment is provided for children or if an entertainment is provided at which the majority of persons attending are children, then, if the number of children attending the entertainment exceeds 100, it shall be the duty of the holder of this premises licence / club premises certificate:
 - (a) to station and keep stationed wherever necessary a sufficient number of adult attendants, properly instructed as to their duties, to prevent more children or other persons being admitted to the building, or to any part thereof, than the building or part can properly accommodate,
 - (b) to control the movement of the children and other persons admitted while entering and leaving the building or any part thereof, and
 - (c) to take all other reasonable precautions for the safety of the children.
16. The terminal hour for late night refreshment on New Year's Eve is extended to 05.00 on New Year's Day.
17. No advertisements of any kind (including placard, poster, sticker, flyer, picture, letter, sign or other mark) that advertises or promotes the establishment, its premises, or any of its events, facilities, goods or services shall be inscribed or affixed upon the surface of the highway, or upon any building, structure, works, street furniture, tree, or any other property, or be distributed to the public.
18. There shall be no payment made by or on behalf of the licence holder to any person for bringing customers to the premises.

19. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
20. All windows and external doors shall be kept closed at any time when regulated entertainment takes place, except for the immediate access and egress of persons.
21. The pavement from the building line to the kerb edge immediately outside the premises, including gutter/channel at its junction with the kerb edge, shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements.
22. There shall be no striptease or nudity, and all persons shall be decently attired at all times unless a sexual entertainment venue licence is in operation.
23. No person shall give at the premises any exhibition, demonstration or performance of hypnotism, mesmerism or any similar act or process which produces or is intended to produce in any other person any form of induced sleep or trance in which susceptibility of the mind of that person to suggestion or direction is increased or intended to be increased. NOTE: (1) This rule does not apply to exhibitions given under the provisions of Section 2(1A) and 5 of the Hypnotism Act 1952.
24. Any special effects or mechanical installations shall be arranged and stored so as to minimise any risk to the safety of those using the premises. The following special effects will only be used on 10 days prior notice being given to the Licensing Authority where consent has not previously been given.
 - dry ice and cryogenic fog
 - smoke machines and fog generators
 - pyrotechnics including fire works
 - firearms
 - lasers
 - explosives and highly flammable substances.
 - real flame.
 - strobe lighting.
25. 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.
26. 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.
27. All exit doors shall be available at all material times without the use of a key, code, card or similar means.
28. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.
29. All emergency doors shall be maintained effectively self closing and not held open other than by an approved device.
30. All fabrics, curtains, drapes and similar features including materials used in finishing and furnishing should be either non-combustible or be durably or inherently flame-retarded fabric. Any fabrics used in escape routes, other than foyers, entertainment areas or function rooms, should be non-combustible.
31. Curtains and hangings shall be arranged so as not to obstruct emergency signs or means of escape.

32. All electrical sockets used to supply power for hand held electrical equipment shall be protected by a residual current device of 30 milliamps sensitivity complying with British Standard Specification 4293: 1993.
33. The certificates listed below shall be submitted to the Licensing Authority upon written request:
- Any emergency lighting battery or system
 - Any electrical installation
 - Any emergency warning system.
34. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
35. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.
36. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
37. The maximum number of persons accommodated in the whole of the premises at any one time (excluding staff) shall not exceed 150 persons with the following further restrictions also applying:
- i) Basement - 100
 - ii) Ground Floor- 85
38. Alcohol shall not be sold, supplied, consumed in or taken from the premises except during permitted hours. In this condition permitted hours means:
- (a) The permitted hours on Monday to Saturday shall commence at 11:00 and extend until 04:45 on the following morning, except that:
 - i) The permitted hours shall end at 00:00 midnight on any day on which music and dancing is not provided after midnight; and
 - ii) On any day that music and dancing end between 00:00 midnight and 05:00, the permitted hours shall end half hour before the music and dancing end;
 - (b) In relation to the morning on which summer time begins, paragraph (a) of this condition shall have effect:
 - i) With the substitution of reference to 06:00 for references to 05:00 and 05:45 for references to 04:45;
 - (c) The sale of alcohol must be ancillary to the use of the premises for music and dancing and substantial refreshment
 - (d) The permitted hours on New Year's Eve will extend to the start of permitted hours on the following day;

NOTE: The above restrictions do not prohibit:

- (a) during the first 45 minutes after the above hours the consumption of alcohol on the premises;
- (b) during the first thirty minutes after the above hours off sales which must be in sealed containers only;
- (c) the sale or supply of alcohol to or the consumption of alcohol by any person residing in the licensed premises;
- (d) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;

- (e) the sale of alcohol to a trader or registered club for the purposes of the trade or club;
- (f) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of her Majesty's naval, military or air forces;
- (g) the taking of alcohol from the premises by a person residing there;
- (h) the supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of alcohol by persons so supplied;
- (i) the supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence, or the consumption of liquor so supplied, if the liquor is supplied at the expense of their employer or of the person carrying on or in charge of the business on the premises.

In this condition, any reference to a person residing in the premises shall be construed as including a person not residing there but carrying on or in charge of the business on the premises.

- 39. Flashing or particularly bright lights from the premises shall not cause a nuisance to nearby properties.
- 40. After 23:00 patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall be limited to 25 persons at any one time.
- 41. Patrons permitted to temporarily leave and then re-enter the premises, eg to smoke, shall not be permitted to take drinks or glass containers with them.
- 42. After 23:00 patrons permitted to smoke shall be restricted to the external area between 9 and 13 Mason's Yard which shall be supervised by staff from the premises together with notices prominently displayed there requesting patrons to respect the needs of local residents and use the area quietly.
- 43. After 23:00 the designated smoking area shall be enclosed within appropriate barriers to ensure that the footway is kept clear.
- 44. The licence holder shall ensure that any queue to enter the premises which forms outside the premises is orderly and supervised by door staff so as to ensure that there is no public nuisance or obstruction of the public highway.
- 45. All staff engaged outside the entrance to the premises, or supervising or controlling queues and external areas, shall wear high visibility armbands.
- 46. 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.
- 47. The licence holder shall enter into an agreement with a hackney carriage and/or private carriage firm to provide transport for customers, with contact numbers made readily available to customers who will be encouraged to use such services.
- 48. Patrons waiting for taxis shall be encouraged to wait inside the premises until the taxi arrives.
- 49. After 23:00 hours a minimum of two door supervisors shall be on duty at the entrance of the premises at all times whilst it is open for business.
- 50. A sound limiting device located in a separate and remote lockable cabinet from the volume control shall be fitted to any musical amplification system and set at a level determined by and to the satisfaction of an authorised officer of the Environmental Health Service to ensure that no noise nuisance is caused to local residents. The operational panel of the noise limiter shall then be secured to the satisfaction of officer

from the Environmental Health Service. The keys securing the noise limiter cabinet shall be held by the licence holder or authorised manager only, and shall not be accessed by any other person. The limiter shall not be altered without prior agreement with the Environmental Health Service.

51. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
52. No waste or recyclable materials, including bottles, shall be moved, removed or placed in outside areas between 23:00 hours and 08:00hours.
53. No deliveries to the premises shall be arranged to occur between 23.00 and 08.00.
54. The premises will employ a SIA Registered Door Supervisor who will act as a Noise Control Officer in the immediate vicinity of Mason's Yard after 23:00 hours when there are patrons present in the premises. He will endeavour to ensure persons depart from the premises quietly and away from Ormond Yard.
55. After 1am, the licensee shall take counts of customers on the premises at 30 minute intervals until the premises closes and shall have records of such counts available for inspection by an authorised officer of the Council or Police.
56. Door staff shall be trained to monitor patron noise and actively discourage any noisy and otherwise unacceptable behaviour, encouraging customers to consider local residents when making their way home. Records of such training are to be maintained and held on site for inspection by any Authorised Officer.
57. Upon the premises reaching its capacity figure detailed in condition 37, Management of the Club shall take all reasonable steps to disperse any queue that has formed at the premises and actively encourage any persons so dispersed leave the Mason's Yard area in a quiet and orderly manner.
58. Once the premises has reached its capacity figure detailed in condition 37, management of the club shall take all reasonable steps to prevent a queue forming outside the premises.
59. All SIA registered door supervisors engaged outside the entrance to the premises, or supervising or controlling queues, shall wear high visibility jackets or vests.
60. There shall be no payment made by or on behalf of the licence holder to any person for bringing customers to the premises.
61. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police, which will record the following:
 - (a) all crimes reported to the venue
 - (b) all ejections of patrons
 - (c) any complaints received concerning crime and disorder
 - (d) any incidents of disorder
 - (e) all seizures of drugs or offensive weapons
 - (f) any faults in the CCTV system or searching equipment or scanning equipment
 - (g) any refusal of the sale of alcohol
 - (h) any visit by a relevant authority or emergency service.
62. There shall be no entry to the premises after 03:00 except to the following persons:
 - (a) Scotch of St James members and their bona fide guests (not exceeding four guests per member). A list of all members to be held at reception for inspection by the relevant authorities. No person shall be admitted to the membership of the premises without an interval of at least 48 hours between application and acceptance to membership;
 - (b) Persons admitted to the premises by prior invitation to a bona fide private function held at the premises;

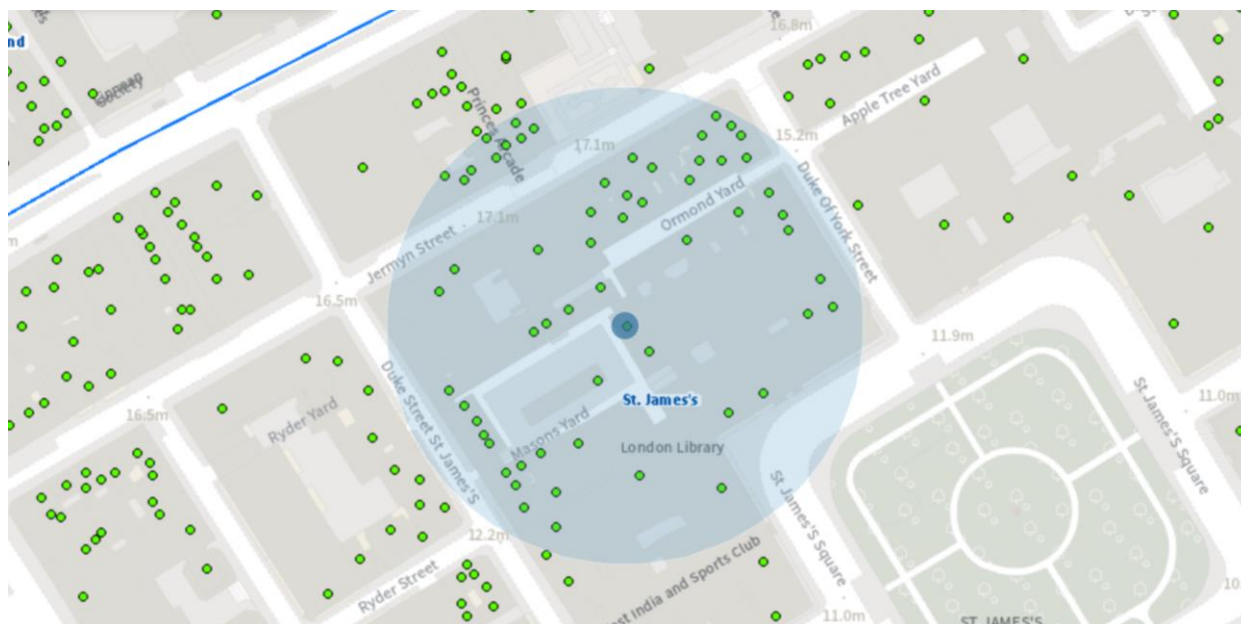
- (c) Guests of the proprietor listed by name at the reception prior to admission;
 - (d) Performers and staff employed by the premises;
 - (e) Persons who have temporarily left the premises to smoke.
63. A Challenge 21 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as driving licence, passport or proof of age card with the PASS hologram.
64. a) All drinking vessels used in the venue shall be polycarbonate. All drinks in glass bottles are to be decanted into polycarbonate containers or polycarbonate carafes prior to being served, with the exception of champagne or bottles of spirits with a minimum size of 70cl supplied by waiter/waitress service to tables. Staff shall clear all empty champagne and spirit bottles promptly from the tables. Customers shall not be permitted to leave their table carrying any such glass bottles or drink directly from the bottle.
- b) Notwithstanding a) above, with the written agreement of the Westminster Licensing Police, a copy of which will be held at the premises reception, glass drinking vessels may be used for private or pre-booked events within the area specified by the premises management.
- c) Notwithstanding a) above, mixers may be supplied in glass bottles of 200ml or smaller, by waiter/waitress service to tables. Mixer bottles are not to be carried by customers from their tables. Staff shall clear all empty mixer bottles promptly from tables.
65. Suitable recording media for the downloading of CCTV footage shall be available at all times the premises is open for the provision of licensable activities.
66. Mr Carl Hirschmann is not to be permitted access to the premises at any time the premises is open for the provision of licensable activities. This condition is to be of nil effect in the event that the Metropolitan Police provide written confirmation that the exclusion is to cease.

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

67. The shadow licence will not take effect when the current licence is in operation, or it lapses, is surrendered or revoked.

Residential Map and List of Premises in the Vicinity

Appendix 5



Resident count: 75

Licenced Premises within 75 metres				
Licence Number	Trading Name	Address	Premises Type	Time Period
18/15638/LIPVM	The Scotch of St James	Basement And Ground Floor 13 Mason's Yard London SW1Y 6BU	Night clubs and discos	Monday – Friday: 09:00 - 05:30 Sunday: 09:00 - 03:30
21/09465/LIPCHT	Oscars London	91 Jermyn Street London SW1Y 6JB	Night clubs and discos	Monday to 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
19/08555/LIPN	Not Recorded	14 St James's Square London SW1Y 4LG	Not Recorded	Monday; 07:00 - 00:30 Tuesday; 07:00 - 00:30 Wednesday; 07:00 - 00:30 Thursday; 07:00 - 00:30 Friday; 07:00 - 00:30 Saturday; 07:00 - 00:30 Sunday; 07:00

				- 23:30
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
07/00280/WCCMAP	The Chequers Public House	16 Duke Street St James's London SW1Y 6DB	Public house or pub restaurant	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
20/02782/LIPDPS	The Cavendish Hotel	81 Jermyn Street London SW1Y 6JF	Hotel, 4+ star or major chain	Sunday: 10:00 - 22:30 Monday to Saturday: 10:00 - 01:00 Monday to Sunday: 00:00 - 00:00
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
20/11423/LIPCH	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
11/02233/LIPRW	Tramp	40 Jermyn Street London SW1Y 6DN	Night clubs and discos	Monday to Sunday: 09:00 - 05:00
20/11656/LIPN	(Shadow Licence)	40 Jermyn Street London SW1Y 6DN	Night clubs and discos	Monday to Sunday: 09:00 - 05:00