



City of Westminster Licensing Sub-Committee

Meeting:	Licensing Sub-Committee
Date:	18 December 2014
Classification:	General Release
Premises:	Vanity Bar & Nightclub, 4 Carlisle Street, London, W1D 3BJ – 14/06704/LISEVV
Wards Affected:	West End, Core CAZ North
Financial Summary:	None
Report of:	Operational Director for Premises Management
Report Author:	Claire Hayes, Senior Licensing Practitioner chayes@westminster.gov.uk Tel: 020 7641 7816

1. Executive Summary

- 1.1 The Council has received an application from Nags Head Limited to vary the sexual entertainment venue premises licence for Vanity Bar, 4 Carlisle Street, London, W1D 3BJ. The application has received objections from the Environmental Health Service, Licensing Inspectors, 11 other interested parties. The interested parties include local residents, businesses, resident's association and a Councillor. The report sets out the application details, representations, policy and legal context along with other considerations that the Committee requires to determine this application.

2. Options

- 2.1 That following consideration of the information given orally at the hearing and in writing by the applicants and objectors Members may;
- 2.1.1 Vary the licence as specified on the application,
 - 2.1.2 Vary the licence in such other way as they think fit including the imposition of terms, conditions or restrictions other than those specified in the application, or
 - 2.1.3 Refuse the application

3. Application

3.1 On 06 August 2014 Nags Head Limited applied to vary the sexual entertainment venue licence to:

- To amend the plans and remove condition 25 to allow relevant entertainment on the ground and first floor of the premises. The licence currently restricts relevant entertainment to the basement.
- To increase the terminal hours for relevant entertainment Monday to Thursday by 3.5 hours from 23:30 to 03:00.
- To increase the terminal hours for relevant entertainment Friday to Saturday by 1 hour from 02:00 to 03:00.

Current hours for relevant entertainment	Proposed hours
Monday to Thursday - 09:00 to 23:30	Monday to Thursday - 09:00 to 03:00
Friday to Saturday – 09:00 to 02:00	Friday to Saturday – 09:00 to 03:00
Sunday – 09:00 to 23:00	Sunday – 09:00 to 23:00 (no change)
Current capacity for relevant entertainment	Proposed capacity
Basement 70	Basement 20
Ground floor 80	Ground floor 70
First floor 25	First floor 15

A copy of the application form is attached to this report as Appendix A1 and the premises plans at Appendix A2.

- 3.2 The application was listed for hearing on 23 October 2014 but adjourned by the Sub-Committee before the hearing at the request of the applicants.
- 3.3 The applicant's solicitor has submitted a list of proposed conditions in support of the application. Please see Appendix A3.
- 3.4 The applicant's solicitor has submitted further supporting documents which include the following:

- a Witness Statement of Manpal Singh, which contains as appendices
 - a Street Management Plan,
 - a Customer House Rules and
 - a Performers' Welfare Policy
- a proposed menu
- a report from expert witness Adrian Studd
- numbered photographs and annotated map showing Dean St / Carlisle St
- a copy of *R (ex p Christian Institute) v Newcastle-upon-Tyne City Council* [2001] LGR 165
- Nadler Hotel literature
- A cover letter providing an overview

Please see Appendix A4 to Appendix A10

4. Objections

- 4.1 The Environmental Health Service, the Licensing Inspectorate, local businesses, local residents, an amenity society and Councillors have submitted objections to the application.

Objector 1

- 4.2 The first objection is from Soho Society who have confirmed that they have waived their right to anonymity. The Society have objected on the grounds of prevention of crime and disorder, prevention of public nuisance, promoting improvement in the character of the city and that the application is inappropriate having regard to the character of the locality. Please see Appendix B1

Objector 2

- 4.3 The second objection is from Councillor Glenys Roberts who has waived her right to anonymity. Councillor Roberts is a Ward Councillor for the West End ward where the premises are situated. Councillor Roberts has stated that noise transfers and vibrates through the premises making it intolerable for residents of upper floors who are trying to sleep. In addition the premises are situated in a narrow cul de sac and patrons leaving disturb local residents. Please see Appendix B2

Objector 3

- 4.4 The third objection is from Alice Dugdale who has waived her right to anonymity. Ms Dugdale had objected on the grounds of public nuisance and resides above the premises on the 3rd floor. Ms Dugdale states that there has always been a noise problem both internally and externally and that music is transmitted through the premises making it impossible to sleep. In addition customers congregate outside in the cul de sac causing a nuisance. Please see Appendix B3

Objector 4

4.5 The fourth objection is a local business objection from Robert Nadler who is responsible for the Nadler Soho Hotel. Mr Nadler has confirmed that he has waived his right to anonymity. Mr Nadler has objected on the grounds of prevention of crime and disorder, prevention of public nuisance, protection of public safety and the protection of children from harm. Mr Nadler states that Carlisle Street is a short cul de sac and the increase of patrons arriving and leaving the premises will have a detrimental impact on the street. Please see Appendix B4

Objector 5

4.6 The fifth objection is from a local resident who has stated that they are concerned about noise levels on the street, possible disturbances from unhappy customers and noisy exits from the premises. Please see Appendix B5

Objector 6

4.7 The sixth objector is a Councillor who objects to the application. Please see Appendix B6

Objector 7

4.8 The seventh objector is a local resident who has objected on the grounds of public nuisance. The objector states that there are already huge numbers of people that drink outside the pub next door and that broken glass, rubbish, drunk aggressive behaviour and street urination are all common occurrences. Please see Appendix B7

Objector 8

4.9 The eighth objector is a local business who has objected on the grounds that children will not be protected from harm, public safety will be compromised and crime and disorder and public nuisance will increase. Please see Appendix B8

Objector 9

4.10 The ninth objection is from a local resident who objects on the grounds of public nuisance. The objector states that the street is already filled with large groups of people standing on the pavements and if this application is granted the number of people will vastly increase. Please see Appendix B9

Objector 10

4.11 The tenth objector is from a local resident who has stated that granting the application will add to the late night noise and disruption in the area. Please see Appendix B10

Objector 11

4.12 The eleventh objector is a Councillor who has stated that the increase from limited use of the basement to include the ground and first floors will lead to a

significant intensification of the use of the building and the activity around the premises. In addition that the staff of the premises would not be able to deal with customers causing a disturbance on nearby streets and that granting this application would contribute to crime and anti-social behaviour. Please see Appendix B11

- 4.13 The Environmental Health officer has stated that the increase of hours and allowing relevant entertainment in additional floors will have the likely effect of an increase of public nuisance. Additionally, removal of condition 25 will impact on public safety at the premises. Please see Appendix B12
- 4.14 The Licensing Inspectorate has objected on the grounds of prevention of crime and disorder, public safety and the prevention of public nuisance. The Inspector has stated that the increase in hours and areas for relevant entertainment requires additional door supervision which has not been included in the application. The current minimum door supervisor provision is currently specified in a condition on the Licensing Act 2003 premises licence but this number is inadequate. Please see Appendix B13
- 4.15 On 14 October the Licensing Inspectorate proposed amending the wording of proposed condition 35 which was subsequently agreed by the applicants. Appendix A3 has been amended to include the amended wording. Please see Appendix B13a

5. Sexual Entertainment Venue Licence History

- 5.1 A new sexual entertainment venue licence was granted by Licensing Sub-Committee on 12 June 2012 to Allied Promotions Ltd. The licence took effect on 01 October 2012 with an expiry date of 30 September 2013.
- 5.2 As a renewal application was not submitted before the licence expiry date the licence lapsed on 30 September 2013.
- 5.3 On 15 October 2013 an application for a new sexual entertainment venue licence was submitted by Allied Promotions Ltd. The application was granted by Licensing Sub-Committee on 17 December 2013.
- 5.4 On 16 June 2014 a transfer application submitted by Nags Head Limited was granted under delegated authority.

6 Licensing Act 2003 Premises Licence

- 6.1 The table below sets out the current activities and times permitted by the premises licence.

Please note: The applicants have, in addition to this application, applied to vary the Licensing Act 2003 premises licence so as to amend the plans and remove a number of conditions.

6.2 A copy of the current Premises Licence is attached to this report as Appendix C2.

<u>Existing Premises Licence (14/00491/LIPDPS) permitted Licensable Activities</u>
<p>Regulated Entertainment: Indoors</p> <p>Performance of Dance Provision of facilities for Dancing Provision of facilities for Making Music Performance of Live Music Provision of facilities for entertainment of a similar description to making music or dancing Anything of a similar description to Live Music, Recorded music or Performance of Dance Monday to Thursday 09:00 to 23:30 Friday to Saturday 09:00 to 02:00 Sunday 09:00 to 22:00</p> <p>Playing of Recorded Music Unrestricted</p> <p>Private Entertainment consisting of dancing, music or other entertainment of a like kind for consideration and with a view to a profit Unrestricted</p>
<p>Late Night Refreshment: Indoors</p> <p>Monday to Saturday 23:00 to 03:30 Sunday 23:00 to 01:00</p>
<p>Sale of Alcohol: On the premises</p> <p>Monday to Saturday 10:00 to 03:00 Sunday 12:00 to 00:30</p>
<p>Non Standard Timings/Seasonal Variations</p> <p>Alcohol may be sold or supplied from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December).</p> <p>The terminal hour for late night refreshment on New Year's Eve is extended to 05:00 on New Year's Day.</p> <p>Entertainment: On New Year's Eve the premises can remain open for the purpose of</p>

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).

Capacity:

Basement Floor 70
Ground Floor 80
First Floor 25

Please note: Striptease is currently restricted to the basement

Opening hours:

Monday to Saturday 09:00 to 03:30
Sunday 09:00 to 01:00

7. Policy Considerations

Character of the relevant locality – LO1

- 7.1 Carlisle Street is a small cul de sac with little or no vehicle traffic.

Use of premises in the vicinity – LO2

- 7.2 The main use of the premises in the immediate vicinity is residential with a few licensed premises (Licensing Act 2003). There are no other SEV premises, schools, or places of worship in a 100 metre radius of the premises. Please see map of premises in the vicinity at Appendix C3

Layout, character or condition of the venue – LO3

- 7.3 This premises is a smaller venue split over the basement ground and first floors.

Hours – HR1

- 7.4 Policy HRI states: 'Where a premises is licensed under the 2003 Act for hours beyond the core hours the council will have regard to those hours and generally grant a SEV licence to the hours authorised for other licensable activities, subject to the provision of a winding down period if appropriate.' Details of the premises licence for this premises can be found at paragraph 5 of this report.

Appendices

- A1 – Application Form
- A2 – Plan of the premises
- A3 – Applicant Submissions
- A4 – Witness Statement of Manpal Singh
- A5 – Proposed menu
- A6 – Report from expert witness Adrian Studd
- A7 – photographs and annotated map showing Dean St / Carlisle St
- A8 – a copy of *R (ex p Christian Institute) v Newcastle-upon-Tyne City Council* [2001] LGR 165
- A9 – Nadler Hotel literature
- A10 – Overview letter
- B1 to B11 – Objection local residents, businesses, Councillors and amenity society
- B12 – Objection from Environmental Health Service
- B13 – Objection from the Licensing Inspectorate
- B13a – Amended wording of condition proposed by Licensing Inspectorate
- C1 – Current Sexual Entertainment Licence
- C2 – Current Licensing Act 2003 Premises Licence
- C3 – Premises in the vicinity
- D1 – Pictures of the premises

If you have any queries about this Report or wish to inspect any of the Background Papers please contact: Claire Hayes on 020 7641 7816 or at chayes@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 Sexual Entertainment Venues Guidance for England and Wales



City of Westminster



APPLICATION TO VARY A SEXUAL ENTERTAINMENT VENUE LICENCE

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

I / We We Nags Head Limited.....

(Insert name(s) of applicant)

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

Premises name: Vanity Bar and Nightclub.....

Premises address: Basement to First Floor, 4 Carlisle Street, London, W1D 3BJ.

Licence reference number: 14/01806/LISEVT

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

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

PART 1 – Applicant Details

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

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

Section A – Individual Licensee Details

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

Additional Licensee Details (if necessary)

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

Section B – Body Corporate or Unincorporated Body Details

Business Name: (if your business is registered, use its registered name)	Nags Head Limited
Is your business registered in the UK with Companies House?	Yes <input checked="" type="checkbox"/>
	Registered Number: 6251735
Is your business registered in another EEA state:	No <input type="checkbox"/>
	Yes <input type="checkbox"/>
	EEA State: Registered Number:
	No <input type="checkbox"/>
Legal Status: (e.g. Company Partnership, etc)	Company
Home Country: (the country where the headquarters of your business is located)	England/UK.
Registered Address:	NAGS HEAD LIMITED 17-19 WHITECHAPEL ROAD LONDON
Postcode:	E1 1DU

PART 2 – Premises Details

Premises name:	Vanity Bar (Formerly Candy Bar)
Premises address:	4 Carlisle Street London
Postcode:	W1D 3BJ
Premises telephone number:	c/o 020 7339 7000
Email:	ajc@jgrlaw.co.uk
Website address:	
Where the licence is for a vehicle, vessel or stall, state where it is used as a sexual entertainment venue:	

PART 3 – Variation Details

State the nature of the proposed variation:

This application is to increase the hours and area for Relevant Entertainment to bring into line with the existing Premises Licence 14/00491/LIPDPS.

The area will be increased as shown on plan SEV1. The hours will be increased as shown below.

The Applicant also requests the removal of condition 25 “Relevant Entertainment shall be restricted to the stage area in the basement only”.

Amendment to hours for relevant entertainment:

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

Day:	Start:	Finish:
Monday		
	09:00	00:00
Tuesday	00:00	03:00
	09:00	03:00
Wednesday	00:00	03:00
	09:00	00:00
Thursday	00:00	03:00
	09:00	00:00
Friday	00:00	03:00
	09:00	00:00
Saturday	00:00	03:00
	09:00	00:00
Sunday	00:00	03:00
	09:00	23:00

Amendment to condition attached to the licence / standard conditions

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

Condition:	Reason for adding / removing the condition:
Condition 25 Relevant Entertainment shall be restricted to the stage area in the basement only.	The applicant seeks to provide tableside dancing to customers seated in booths on the First Floor and in the Basement as well as podium/stage dancing on the Ground Floor.

Please use a separate sheet if necessary

PART 4 – Policy

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

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

Prevention of crime and disorder:

The premises currently trades as a bar/nightclub to the hours sought by this application. The applicant submits that, by moving from a bar/nightclub style of operation to that of a tableside dancing venue, this application will facilitate the premises in attracting a clientele seeking entertainment rather than seeing the consumption of alcohol as a major part of their night out. This move promotes the first 3 Licensing Objectives as well as improving the character and function of the city.

Public safety:

The premises currently trades as a bar/nightclub to the hours sought by this application. The applicant submits that, by moving from a bar/nightclub style of operation to that of a tableside dancing venue, this application will facilitate the premises in attracting a clientele seeking entertainment rather than seeing the consumption of alcohol as a major part of their night out. This move promotes the first 3 Licensing Objectives as well as improving the character and function of the city.

Prevention of public nuisance:

The premises currently trades as a bar/nightclub to the hours sought by this application. The applicant submits that, by moving from a bar/nightclub style of operation to that of a tableside dancing venue, this application will facilitate the premises in attracting a clientele seeking entertainment rather than seeing the consumption of alcohol as a major part of their night out. This move promotes the first 3 Licensing Objectives as well as improving the character and function of the city.

Protection of children from harm:

The premises currently has no problem with under-age drinking on the premises, or under-age persons accessing adult entertainment. The move to a full time Sexual Entertainment Venue operation will ensure that the rigorous standards applied to the verification of age will continue in a consistent environment.

Improvement in the character and function of the city, or areas of it:

The premises currently trades as a bar/nightclub to the hours sought by this application. The applicant submits that, by moving from a bar/nightclub style of operation to that of a tableside dancing venue, this application will facilitate the premises in attracting a clientele seeking entertainment rather than seeing the consumption of alcohol as a major part of their night out. This move promotes the first 3 Licensing Objectives as well as improving the character and function of the city.

Please use a separate sheet if necessary

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

Policy:	Reason for exception:
Special policy on cumulative impact - Stress Areas - Policy STR1	The applicant submits that this application supports policy STR1. This application does not seek to increase the hours of operation for the premises. Rather, it seeks to displace the current bar/nightclub style of operation with that of a table-dancing venue.

Please use a separate sheet if necessary.

PART 5 – Convictions / Disqualifications

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

PART 6 - Checklist


Please tick as appropriate:

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

PART 7 - Declaration

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

† We Jeffrey Green Russell Limited declare that the information given above is true and complete in every respect.

Signed	
Date:	06/08/14
Capacity:	Solicitors and Authorised Agents

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:	Jeffrey Green Russell Limited
Agent Address:	Waverly House 7-12 Noel Street London
Postcode:	W1F 8GQ
Agent Telephone Number:	020 7339 7296
Agent Email:	mcl@jgrlaw.co.uk

Notes:
 1. All work shall be carried out in accordance with the relevant Building Regulations and Approved Documents.
 2. All work shall be carried out in accordance with the relevant Building Regulations and Approved Documents.
 3. All work shall be carried out in accordance with the relevant Building Regulations and Approved Documents.

- new walls
- existing walls
- dormer/bed walls
- cctv
- Break glass unit
- Fire alarm
- smoke detector
- Emergency lighting
- Carbon dioxide extinguisher
- Emergency Exit Signage
- Fire Door rating

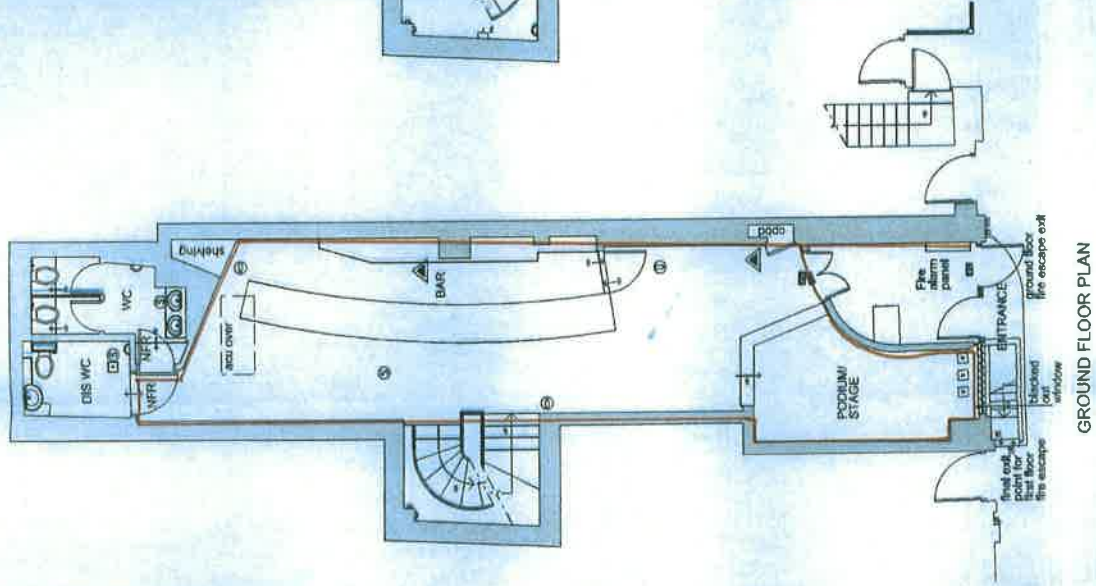
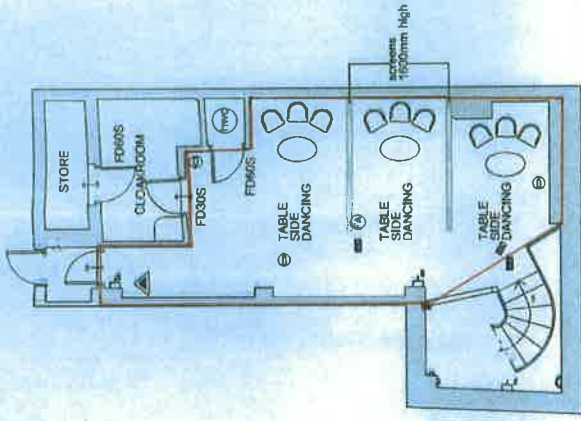
rev P2 June 2014 Preliminary Issue
Toko Manton / Architects

20 Essex Road, London EC2A 4PU
 Tel: 020 7463 1000 Fax: 020 7463 1001
 www.tokomanton.com

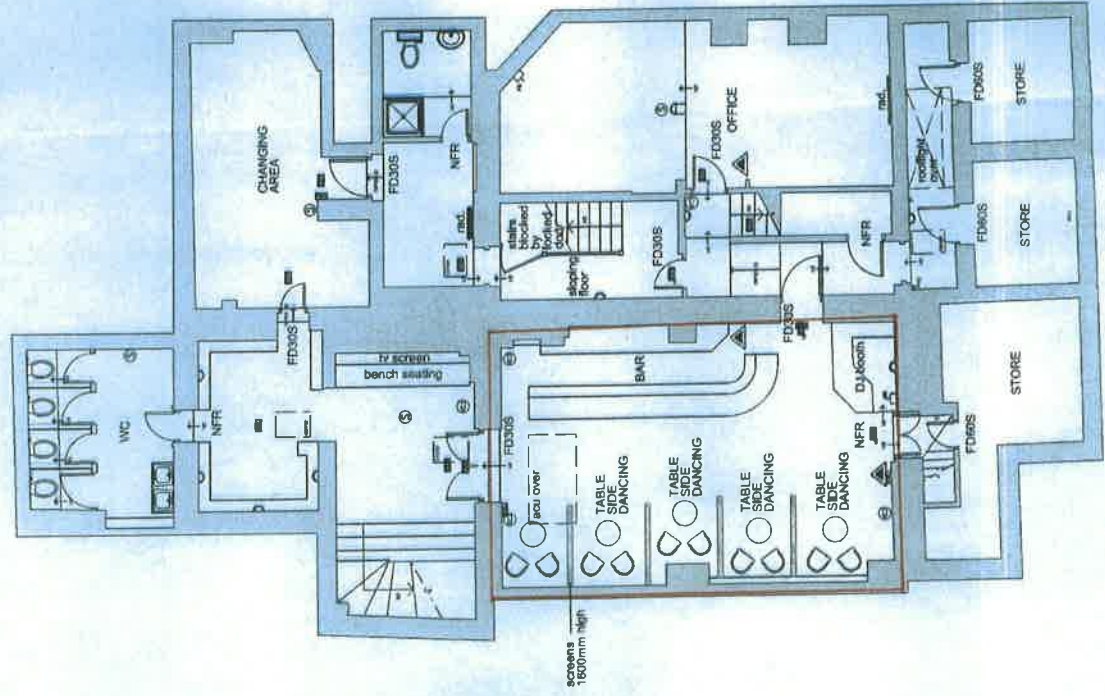
01
 VANITY BAR
 4 CARLISLE STREET
 LONDON W1

01
 PROPOSED FLOOR PLANS

NO.	DATE	BY	REVISED BY
1	05/10/14	AM	
2			
3			
4			
5			
6			
7			
8			
9			
10			



GROUND FLOOR PLAN



LOWER GROUND FLOOR PLAN

SEVI

Relevant Entertainment may take place anywhere within the red line.
 Loose furniture is shown for indicative diagrammatic purposes only.
 Fire equipment is shown as of 05/10/14 and may be subject to change following consultation with the Fire Officer

Hayes, Claire

From: Marcus Lavell [mcl@jgrlaw.co.uk]
Sent: 16 September 2014 18:26
To: Sollars, Jim; Watson, Ian; Rowe, Steven; Hayes, James; Hayes, Claire
Cc: Mary Hennessy
Subject: Vanity Bar - Variation Applications
Attachments: 4825120_1.DOC.DOC; 4825121_1.DOC.DOC

Importance: High

Dear Sirs

Following consultation with the Authorities, the applicant has compiled the attached proposed draft conditions in support of their applications.

We hope that these conditions address the concerns raised by those officers making representations in this matter and would be most grateful for your comments by return.

Thank you for your time so far in considering this application.

Kind regards,

Marcus Lavell
Barrister
for Jeffrey Green Russell Limited

Direct Tel: ++44 - (0)20 7339 7296
Direct Fax: ++44 - (0)20 7307 0226
www.jgrweb.com



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Our address for service is above.

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SEV LICENCE

Suggested Appendix D

[Explanatory Note: save for conditions shown in **bold**, the conditions replicate the existing licence]

Standard Conditions:

1. Whilst Relevant Entertainment is taking place no person under the age of 18 shall be on the licensed premises and a clear notice to that effect shall be displayed at the entrance in a prominent position so that it can be easily read by persons entering the premises.
2. Whenever persons under the age of 18 are admitted to the premises there will be no promotional or other material on display within the premises which depicts nudity or partial nudity.
3. The licence or a clear copy shall be prominently displayed at all times so as to be readily and easily seen by all persons using the premises.
4. No provision of relevant entertainment, or material depicting nudity or relevant entertainment, shall be visible from outside the premises.
5. Menus and drinks price lists shall be clearly displayed at the front entrance of the club, reception area, tables and bar at such a position and size as to be easily read by customers. This price list shall show all consumable items and any minimum tariff including charges and fees applicable to Performers.
6. Except with the consent of the Licensing Authority, no advertisements of any kind (including placard, poster, sticker, flyer, picture, letter, sign or other mark) shall be inscribed or affixed at the premises, on the surface of the highway or on any building, structure, works, street furniture, tree or any other property or be distributed in the street to the public that advertises or promotes the relevant entertainment at the premises.
7. The licence holder or other person concerned in the conduct or management of the premises shall not seek to obtain custom by means of personal solicitation or touting, nor enter into any agreement with a third party to do so.
8. Adequate toilets, washing and changing facilities for use by the Performers shall be provided.
9. Either the licence holder or a named responsible person shall be present throughout the time the Relevant Entertainment takes place.
10. The premises 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. No Relevant Entertainment shall take place until CCTV adequately covers and monitors the stage area to the satisfaction of the Environmental Health Consultation Team and the Licensing Service.
25. Relevant Entertainment shall be restricted to the ~~stage area in the basement only~~ **area outlined in red. On the ground floor performers may only perform on the stage area.**

~~26. The maximum number of persons accommodated at any one time (excluding staff) shall not exceed 70 persons in the basement, 80 persons on the ground floor and 25 persons on the first floor.~~

26. Replacement for Condition 26. Whilst Relevant Entertainment is taking place at the premises, the maximum number of persons accommodated at any one time (excluding staff and dancers) shall not exceed 20 persons in the basement, 70 persons on the ground floor and 15 persons on the first floor.

27. All emergency doors shall be maintained effectively self closing and not held open other than by an approved device.

28. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.

29. Curtains and hangings shall be arranged so as not to obstruct emergency signs.

30. 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.

31. 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.

32. All exit doors shall be available at all material times without the use of a key, code, card or similar means.

33. Any special effects or mechanical installations shall be arranged and stored so as to minimise any risk to the safety of those using the premises. The following special effects will only be used on 10 days prior notice being given to the Licensing Authority where consent has not previously been given.

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

34. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.

35. There shall be at least one SIA registered door supervisor on duty on any floor that is providing Relevant Entertainment. – ***Proposed by applicant and amended and agreed with the Licensing Inspectorate.***

36. Works:

a. Applying to the basement only:

- i. Once the works described in the above applications have commenced, Licensable activity is not to take place until Licensing Authority are satisfied that the premises is constructed or altered in accordance with the appropriate provisions of the District Surveyor's Association – Technical Standards for Places of Entertainment and the reasonable requirements of Westminster Environmental Health Consultation Team, at which time this condition will be removed from the licence.**
- ii. Before this area opens to the public, the plans as deposited will be checked by the Environmental Health Consultation Team to ensure they are an accurate reflection of the premises constructed. Where the premises layout has changed during the course of construction new plans shall be provided to the Environmental Health Consultation Team and the Licensing Authority.**

b. Applying to the ground floor only:

- i. Once the works described in the above applications have commenced, Licensable activity is not to take place until Licensing Authority are satisfied that the premises is constructed or altered in accordance with the appropriate provisions of the District Surveyor's Association – Technical Standards for Places of Entertainment and the reasonable requirements of Westminster Environmental Health**

Consultation Team, at which time this condition will be removed from the licence.

- ii. Before this area opens to the public, the plans as deposited will be checked by the Environmental Health Consultation Team to ensure they are an accurate reflection of the premises constructed. Where the premises layout has changed during the course of construction new plans shall be provided to the Environmental Health Consultation Team and the Licensing Authority.**

c. Applying to the first floor/mezzanine only:

- i. Once the works described in the above applications have commenced, Licensable activity is not to take place until Licensing Authority are satisfied that the premises is constructed or altered in accordance with the appropriate provisions of the District Surveyor's Association – Technical Standards for Places of Entertainment and the reasonable requirements of Westminster Environmental Health Consultation Team, at which time this condition will be removed from the licence.**
- ii. Before this area opens to the public, the plans as deposited will be checked by the Environmental Health Consultation Team to ensure they are an accurate reflection of the premises constructed. Where the premises layout has changed during the course of construction new plans shall be provided to the Environmental Health Consultation Team and the Licensing Authority**

**Westminster City Council
Licensing Sub-Committee**

On the Matter of Vanity Bar – Application for a Sexual Entertainment Venue Licence
Premises Licence under the Licensing Act 2003

WITNESS STATEMENT OF MANPAL SINGH

My name is Manpal Singh and I am a Director of the Nag's Head Limited, the Applicant of the above mentioned matter. I have been involved in the licensed trade for 13 years. I have gained substantial experience with licensed premises as part of my family's business, and I have personally operated five out of their seven premises. I currently run four licensed premises, one of which is a Sexual Entertainment Venue in Tower Hamlets, the Nag's Head. This particular premises has been in my family for over 30 years and has operated as gentleman's club since 1986.

I identified Vanity Bar as a great opportunity to operate a similar premises in an exciting location in Westminster, in the heart of the entertainment capital. Soho has a long history of striptease and sexual entertainment and operating Vanity Bar is an opportunity to bring a comparable, well managed venue to the area. Angel's Bar, situated on Wardour Street (W1F 8ZH) is approximately 165 metres away from Vanity Bar and currently has an SEV variation application open for consultation with Westminster. Sunset Strip (W1D 3SA) is approximately 147 metres away on Dean Street, and have a SEV renewal currently open for consultation. La Capannina (W1D 3AL) on Bateman Street is also located within approximately 172 metres of Vanity Bar and currently operates under a valid SEV.

I met with various officers of Westminster City Council and the Police on the following dates:

- 3 April 2014
- 18 July 2014
- 20 August 2014

There was also a site visit with Officers on the 9 June 2014.

Vanity Bar had been operating occasional sexual entertainment in the basement of the premises since 9 April 2014. On 10th July 2014, I was forced to suspend the use of the basement area as the Landlord was carrying out works to run new services (water mains, gas mains) through the basement area up to the flats he owns above.

Having considered the various representations received in relation to the application, I instructed Adrian Studd, the former head of the Metropolitan Police Clubs and Vice licensing unit and the Association of Chief of Police Officer's spokesperson, to prepare a report and I am adopting his suggestions in relation to promoting the licensing objectives. It is my aim to bring my experience of operating the Nag's Head to Soho.

My own experience of operating a gentleman's club has demonstrated that patrons arrive at and leave from the premises in an orderly manner. The average age of customers is over 30 years old, most of whom are professional people already working in the area. Such premises would not draw in patrons from further afield and, as such, would not bring additional stress to the area. Furthermore, Vanity Bar is located further into Soho, unlike similar venues such as Sunset Strip and Angels.

I will work in partnership with the police and licensing authority to ensure that best practice is maintained at the premises throughout its operation, and I hope that the conditions and policies proposed within the application can address their concerns.

The Applications for Consideration by the Committee

In essence, the applications before the Committee are intended to allow a late bar/nightclub as a Tableside Dancing Club.

The premises already benefits from a Premises Licence permitting, amongst other forms of Licensable Activity, the sale of alcohol from 10:00 to 03:00 Monday to Saturday and 12:00 to 00:30 Sundays. The Premises Licence also allows the playing of Recorded Music and provision of Private Regulated Entertainment, 24 hours a day. These permissions would allow me to run a nightclub from the premises. Indeed, when I was attempting to buy the leasehold of the premises, those competing against me were not interested in the existing Sexual Entertainment Venue Licence (SEV); rather, they wanted to make use of one of the "latest" Premises Licences in Soho. The application to vary the Premises Licence is made to allow lap dancing/striptease on all three floors of the premises, something currently restricted by Conditions 15 and 47:

15. Dancing and striptease shall only take place in the basement.

47. * Striptease entertainment may only be provided in the basement area of the premises.
(Please note: * Conditions indicated shall not apply when a Sexual Entertainment Licence is in effect at the premises)

Although the premises does hold an SEV, the scope of the permission is narrow, allowing Relevant Entertainment (Lap dance/Striptease) to take place only on the stage in the basement. The Premises has a long history of providing sexual entertainment but in the last years of operating as the Candy Bar, focused more on providing a late night drink led hang-out for members of the lesbian community, with striptease provided as a secondary attraction. By increasing the permission to allow Relevant Entertainment to take place on all 3 floors, I will be able to operate as a Tableside Dancing Club, rather than the high volume vertical drinking establishment the premises became.

Benefits of the Change in Operation

Adrian Studd speaks in his report of a number of benefits associated with moving from a drink led operation to one based on the provision of tableside dancing; I do not propose to reiterate those benefits here.

I would like to set out the specific benefits that these applications will bring to Carlisle Street. By moving to a tableside dancing model, I can create a viable business based on far fewer customers attending the premises at any one time. You will see from the conditions proposed at Appendix D, I have agreed to reduce the capacity figures on all 3 floors by 75 (55%). Specifically:

<u>Current</u>	<u>Proposed</u>
Basement - 70,	20
Ground Floor - 80,	70
First Floor - 25.	15

The second direct benefit to the Street is that, unlike many Soho licenced premises, tableside dancing clubs do not allow customers to drink on the street. I and other operators find that customers do not feel that they receive value from purchasing their drinks in such a premises and then standing outside to socialise with their friends. Previously, the Candy Bar attracted a large number of customers and noncustomers who would stand in the street socialising due to the nature of the premises as a social hub for the lesbian community.

Response to representations

I thank the Licensing Authority, Environmental Health, Police and local residents and businesses for their representations and I note their concerns in relation to our application. I hope to be able to address the issues raised below in light of the licensing objectives. I would also refer you again to the report by Adrian Studd.

- **The prevention of public nuisance**

I note that many of the representations, particularly those submitted by residents, raise the issue of additional noise from patrons causing a disturbance in the area surrounding Vanity Bar, as well as the vibrations that music inside may cause to nearby premises.

Within the conditions I have suggested as set out in Appendix D, Condition 34 requires that I ensure that "no noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance." We shall also ensure that all equipment is maintained in good condition and in full working order to allow us to best manage any potential nuisance in relation to sound (Condition 30). I have also adopted Model Condition 11 in relation to noise limiters on the premises licence as Condition 14 to address the issue with noise emanating from the premises.

As for noise outside the premises, the adoption of a Street Management Plan, as referred to in Condition 10 of the Suggested Appendix D of the Premises Licence (Appendix A), will require patrons to remain inside the premises whilst waiting for taxis. Taxi drivers will be asked to turn off their engines whilst waiting outside the premises to prevent noise nuisance from disturbing local residents and businesses. Anyone wishing to hail a black cab shall be directed onto Dean Street to avoid causing a disturbance. Door supervisors shall be employed to monitor patron noise and actively discourage any unacceptable behaviour by patrons entering or leaving the premises. The Street Management Plan requires any patrons wishing to smoke to be directed to and remain in a designated smoking area. As supported by both Adrian Studd's report and my own experience as a licensed operator, patrons attending sexual entertainment venues are a more controlled and older than those attending nightclub venues.

We will also benefit from the presence of SIA-trained door supervisors at the Nelly Dean pub who can help to ensure we have better control of the immediate area on Carlisle Street.

As made clear by proposed Condition 31 of the Premises Licence, the capacity of Vanity Bar whilst the Relevant Entertainment is taking place is substantially less than permitted whilst the nightclub licence is in effect. Therefore, there will be no intensification of use and subsequent increase in number of patrons in the area outside the premises. The increase in hours of the SEV licence is to bring them in line with the current premises licence hours.

- **The prevention of crime and disorder**

Condition 9 of the SEV Suggest Appendix D requires that a licence holder or named responsible person shall be present throughout the time any Relevant Entertainment takes place. A comprehensive CCTV system and incident log shall allow the premises better deal with any potential crime in disorder at the present or its surroundings (Conditions 10 to 12).

Please also see my above point in relation to intensification of use and the limit on capacity at the premises.

In response to concerns in relation to the removal of Condition 30 from the premises licence and suitability of licensees, the National Entertainment Licensees Certificate is not available now, and therefore any changes to such provision was a modification to ensure that Vanity Bar had a fully qualified Personal Licence Holder on duty at all times.

- **The protection of children from harm**

As previously mentioned; Soho has a long history as a vibrant area for entertainment, including gentleman's clubs, and Vanity Bar is situated in heart of the area. I acknowledge concerns regarding the protection of children and I highlight Conditions 1 to 4 and Condition 6 of the proposed SEV licence which strictly prohibits any person under 18 from visiting the premises and the promotion of the proposed activities taking place inside. Relevant entertainment will not be visible from outside the premises.

I am aware that some of the representations received refer to the morality and potential exploitative nature of the operation of sexual entertainment venues. Whilst these issues do not form part of the licensing objectives, we have ensured that the welfare of performers and conduct of patrons are governed through the use both conditions and internal policies, which are fully compliant with Westminster City Council's Sex Establishment standard conditions. A Code of Conduct has already been submitted as part of the application and I have attached Vanity Bar's Customer House Rules and Performers' Welfare Policy (Appendix A).

Recommendations from Adrian Studd

Adrian Studd has made the following recommendations that I have incorporated within this application by way of condition:

- a) The adoption of a street management and dispersal plan. I have offered this as Condition 10 of the premises licence Appendix D.
- b) All incidents to be recorded in an incident log. I proposed this as Condition 12 of the SEV licence Appendix D.
- c) CCTV to be maintained to a standard agreed with police and to cover all areas where dancing will take place. Management to randomly review CCTV recordings of dances to ensure compliance with codes of conduct; a log of such viewings to be maintained. I have proposed this as Condition 11 of the SEV licence Appendix D and Condition 33 of the premises licence Appendix D.
- d) A dedicated hotline telephone number for anyone wishing to comment on the operation of the premises, which should be held by the duty manager whenever the premises are operational. Details of the number will be given to neighbouring residents. I have proposed this as Condition 29 of the premises licence Appendix D.
- e) Employment of an agreed number of SIA registered door supervisors to supervise key areas such as the entrance and areas where sexual entertainment is taking place. Proposed Condition 35 within the SEV licence

Appendix D requires that an SIA registered door supervisor be on duty on any floor that is providing Relevant Entertainment.

- f) A personal licence holder to be present at all times when intoxicating liquor is sold, supplied or consumed. I have adopted this as proposed Condition 30 in the premises licence Appendix D.
- g) Agreed Codes of conduct complying with, as a minimum, Westminster City Councils 'Sex Establishment standard conditions' to cover the behaviour of customers and dancers, the welfare of dancers and the discipline of dancers. A Code of Conduct has been submitted as part of the application and is specified by Condition 13 in the SEV licence Appendix D.

Adrian Studd has also made further recommendations in relation to the management of the outside area, which has been adopted as part of the Street Management Plan (see Appendix A).

I believe the facts in the above statement to be true.



.....

Manpal Singh

4/12/14
.....

Date

Appendix A

1. Street Management Plan
2. Customer House Rules
3. Performers' Welfare Policy

VANITY BAR

STREET MANAGEMENT POLICY

1. Management of Vanity Bar take responsibility for the orderly arrival and dispersal of customers. In order to promote public safety and prevent public nuisance, the key events for noise to be generated by patrons arriving at and leaving the premises will be managed.
2. At least 1 door supervisor will monitor the roadside area to assist in the safe and orderly arrival and dispersal of patrons.
3. This policy shall be supported by all security staff who will be wearing distinctive uniforms at all times to distinguish them from customers and members of the public.
4. Door-staff shall be trained to monitor patron noise and prevent any unacceptable behaviour, encouraging customers to consider local residents when making their way home.
5. Vanity Bar shall display signage at the exit reminding customers to leave quietly and have respect for residents.
6. That staff shall monitor and where possible control traffic on Carlisle Street in line with this Plan.
7. Customers arriving by car are to be met at the kerbside and directed to the entrance. The customer will always be held within the entrance whilst entry is approved.
8. Once a car has dropped off a passenger, the driver is to be encouraged to leave Carlisle Street without lingering.
9. Private Hire vehicles are to be parked away from Carlisle Street and shall be required to switch off their engines whilst waiting for patrons.
10. Vanity Bar works in partnership with Private hire vehicles are to be held in Dean Street and brought around to Carlisle Street upon being booked by patrons of Vanity Bar.
11. Once a private hire vehicle arrives at Vanity Bar for the purpose of collecting a customer, said customer is to be directed to the car without delay, having been held within the premises until the vehicle arrives. If necessary, customers will be accompanied to vehicles to prevent 'touting'.
12. Patrons wishing to hail a black cab shall be directed onto Dean Street to avoid causing a nuisance on Carlisle Street.

VANITY BAR

13. Any patron entering the street from Vanity Bar in order to smoke shall be redirected to a smoking area outside the premises. Patrons are not to take drinks outside the premises under any circumstance. Only four smokers are permitted to use the smoking area at any one point.
14. A dedicated telephone number for the DPS or the duty manager shall be maintained for use by any person who may wish to make a complaint during the operation of the licence which shall be provided to the licensing authority and local residents associations. Any change to the number shall be notified to the licensing authority and to local residents associations within 7 days of the change.

VANITY BAR

CUSTOMER HOUSE RULES

VANITY BAR

(To be displayed in reception and throughout the club premises and is available for scrutiny at all times by the relevant authorities).

- The premises operates a smart casual dress code to which you must conform (clearly stated in reception). You must be decently attired on arrival and departure from the premises.
- No person under the age of 18 will be admitted.
- We operate a challenge 21 policy. If you are lucky enough to look under 21 you will be required to produce a valid I.D (either a passport or driving licence).
- You must remain fully clothed coming in and leaving the club premises.
- You are required to contribute a minimum of £1 for each and every stage dance.
- You may not take any photograph inside the premises. (Please keep your camera phone in your pocket).
- You should behave in an appropriate manner outside the premises so as not to cause disturbance to any local residents in the neighbourhood.
- Management reserves the right to refuse admission and to remove customers who fail to comply with the stated rules of the club including causing disturbance to any local residents in the neighbourhood.

The following rules must be followed whilst any performer is dancing for you:

- Before a dancer may perform, you must be seated with your back against the back of the seat and your hands by your side. You must remain seated for the duration of the dance.
- You must not touch the performer during her performance.
- You must not attempt to arrange to meet any performer privately or to give your telephone number or business card for that purpose.

VANITY BAR

- You should not ask the performer to perform any sexual favour or use any profane language.
- You must not perform any act of masturbation or indulge in other sexual behaviour.
- Failure to comply with this code may result in you being asked to leave the premises without refund of any monies paid.

VANITY BAR

PERFORMERS WELFARE POLICY

VANITY BAR

1. Each performer will undergo a preliminary interview with the Manager and will provide two forms of identification, including a utility bill and photographic identification and, if appropriate, any proof of entitlement to work in the UK.
2. During induction, the House Rules, Welfare Policy and Code of Conduct together with a copy of any conditions on the Premises Licence or Sexual Entertainment Venue Licence will be explained. The dancer will be required to sign and confirm their understanding.
3. Appropriate health and safety training will be provided in relation to the layout of the premises and the procedures in case of emergency.
4. Training will be provided in relation to working schedules, changing room etiquette, payments and charging, disciplinary procedure, customer relations and conflict management, incident reporting and arrival and exit procedures.
5. Any performer concerned about the behaviour of a customer shall report the incident to the Manager or door supervisor who will take immediate action to investigate and take appropriate action.
6. Staff members must constantly supervise the behaviour of customers at the premises and shall intervene where any customer is breaching the "House Rules" or otherwise causing alarm or distress to a performer.
7. Performers shall be provided with free tap drinking water on request; there is no requirement for performers to drink alcohol.
8. Secure dressing room facilities are provided. Performers will use the dressing room facilities for changing before and after the performance period and for rest breaks as agreed with the Manager.
9. There is a designated smoking area for performers on the first floor. No more than two smokers are permitted in such area at any one time.
10. All areas of the premises to which the public have access will have adequate supervision via CCTV and/or a SIA registered door supervisor.
11. For their safety, performers will be required to stay until the end of the performance period and if required will be escorted by a door supervisor to their vehicle on departure from the premises.
12. Taxis can be provided for performers on request in order to leave the premises. There is no requirement for the House to pay the fare of such taxi.

VANITY BAR AND NIGHTCLUB MENU

ON TAP	Pint	half pint
Fosters	£9.00	£5.00
Kronenbourg	£10.00	£6.00
Strongbow	£9.00	£5.00
Guinness	£10.00	£6.00

By The Bottled

Budweiser	£10.00
Corona	£10.00
Becks	£10.00
Peroni	£10.00
Bulmers	£10.00

Spirits (Per 25ml) + Free Mixer

Whisky/Bourbons

Jack Daniels	£12.00
Jameson	£12.00
JW Black Label	£13.00
Chivas	£13.00
Glenmorange	£13.00
Laphroaig 10 Year	£13.00
Glenfiddich	£13.00

Vodka

Smirnoff Vodka	£12.00
Grey Goose	£15.00

Gin

Gordons	£12.00
Bombay Sapphire	£14.00
Hendricks	£14.00

Rum

Bacardi	£12.00
Captain Morgan	£12.00
Sailor Jerry Spice	£12.00

SHOTS 25ml

Tequila Gold	£15.00
Sambuca	£15.00

WINE

125ml 250ml BTL

White

NV Trebbiano	£8.00	£15.00	£44.00
2011 Chardonnay Reserve	£9.00	£17.00	£49.00

Red

2012 Lote 44 Malbec	£10.00	£19.00	£55.00
NV Sangiovese	£9.00	£17.00	£49.00

Rose

2011 Carignan Rose	£8.00	£15.00	£44.00
2011 Mas Amor Rosado	£8.50	£15.50	£45.00

CHAMPAGNE	175ML	BTL
Moet and Chandon	£15.00	£80.00
Veuve Clicquot		£100
Laurent Perrier Rose		£150
Dom Perignon		£300

Soft Drinks

Orange & Passion J20	£2.50
Apple @ Mango J20	£2.50
Coca Cola 250ml	£2.50

Hot Drinks

Espresso	£2.50
Americano	£2.50
Cappuccino	£2.50
Latte	£2.50
Hot Chocolate	£2.50
Tea	£2.50

HOT FOOD(Available all day)

Noodles chicken flavour	£9.00
Noodles Beef and Tomato	£9.00
Noodles Piri Piri Chicken flavour	£9.00

We have a local pizza takeaway which delivers delicious hot pizzas to us. Please find a Menu at the bar or ask staff. Orders can be placed at the bar

Introduction.

I have been instructed to prepare an independent report in connection with the application to vary the premises and SEV licence at Vanity Bar and Nightclub 4, Carlisle Street, London, W1D 3BJ.

Personal summary – Adrian Studd.

I retired from the police service on 2nd November 2012 having completed 31 years exemplary service with the Metropolitan Police in London. Between January 2012 and my retirement, I was employed as the Chief Inspector in charge of licensing for the London Olympic Games 2012. In this role, I headed up a team of officers with responsibility for supervision of licensing compliance at all the Olympic venues, including the Olympic park. In addition, I was responsible for ensuring that any associated events were properly licensed, sufficiently staffed and operated in accordance with the licensing legislation and best practice in order to ensure the safe and effective delivery of the Olympic Games.

In addition to leading my team, I visited and worked with both the Olympic park management and many other venues, reviewing their policies and procedures and ensuring that the Games were delivered safely and securely. The success of this operation not only protected the reputation of the MPS but provided positive benefits for the profile of the MPS and the United Kingdom. I have been awarded an Assistant Commissioners Commendation for this work. Prior to this role, between Jan 2002 and January 2012, I was employed first as an Inspector and then as a Chief Inspector on the MPS Clubs and Vice Unit (Now SCD9 Serious and Organised crime command). My responsibilities over this period focussed on licensing and included day to day supervision of the licensing team that had a London wide remit to support the Boroughs with licensing activity.

Providing both Overt and Covert support for policing problem licensed premises across London, my team worked with premises when licensing issues were identified, in order to address these problems through the use of action plans in order to raise their standards. Where this failed, I would support the Boroughs with evidence for use at review hearings if required. I devised and implemented the MPS strategy 'Safe and Sound' which seeks to improve the safety of customers at licensed premises by reducing violent and other crime, in particular gun crime and the most serious violence. I also developed the Promoters Forum and risk assessment process, and together these initiatives contributed to an overall reduction in violence in London of 5% and of the most serious violence and gun crime at licensed premises by 20% whilst I was there.

From 2004 until 2008, my role included representing the MPS and ACPO licensing lead both in London and Nationally. In this role, I developed key partnerships with industry, NGOs and Government departments in order to improve the standards at licensed premises. I sat on the BII working party and helped develop the national training for Door Supervisors and worked with the SIA to successfully introduce the new regime within London. I sat on a number of Government working parties and worked closely with the alcohol harm reduction team on identifying best practice and ensuring this was used both within London and nationally by police and local authorities.

I have been involved with Best Bar None for a number of years and have successfully helped a number of boroughs to implement the initiative. I am a trained Purple Flag and Best Bar none assessor and, until my retirement, I sat on the Board for Best Bar None in the Royal Borough of Kensington and Chelsea. For the last five years, I have been in charge of licensing for the Notting Hill Carnival, the largest street carnival in Europe. During this time, I have contributed to a reduction in violence overall at the Carnival and delivered increased seizures of illegal alcohol, reduction of unlicensed alcohol sales and a reduction in alcohol related violence. In addition to the above, I have attended a large number of internal MPS training and qualification courses, and I am trained in conducting health and safety risk assessments and hold the National Certificate for Licensing Practitioners, issued by the British Institute of Inn keeping (BII).

Following my retirement, I set up a licensing consultancy to provide independent advice for premises requiring a local authority licence. Since then, I have provided evidence gathering services and advice to a broad range of licensed premises on a variety of issues, including crime and disorder, Sexual Entertainment, street drinking, rough sleepers, age related products, betting and gaming. This work has involved premises that benefit from licences for activities such as alcohol on and off licences, betting premises licences, SEV licences and late night refreshment. I have provided expert witness evidence at both local authority and appeal court hearings.

Contents.

1. Vanity Bar.
2. Sexual Entertainment.
3. Impact on Licensing Objectives.
4. Conditions.
5. Objections.

Vanity Bar.

- 1) I am familiar with the premises at 4 Carlisle Street, having conducted licensing visits a number of times in the past when it was known as Candy Bar. I went to Carlisle Street on 2nd October 2014 and observed the Vanity bar, which was not open, and the area.
- 2) The Nellie Dean public house next door was busy, and as it was a warm evening, customers were outside drinking. The premises are located in a busy part of Soho, close to the junction with Dean Street and its many bars and restaurants. At the far end of Carlisle Street is the Nadler Hotel.
- 3) I have been provided with copies of the applications and also the objections that have been submitted. I have considered the proposed variation and conditions from an independent, evidence based point of view.

Sexual Entertainment.

- 4) Between 2002 and 2004, as Inspector in charge of the Metropolitan Police Clubs and Vice licensing unit, I was in charge of a number of high profile investigations into premises that provided what would now be called 'sexual entertainment.' At the time, this was quite a new and developing form of entertainment and there were concerns about the impact such premises may have.
- 5) During the course of these investigations, my team and I visited a large number of such premises, not only in London but in some cases travelling across the country. Covert policing techniques were used posing as customers to observe behaviour of dancers and customers both inside and outside the premises.
- 6) In addition to this, I undertook research into crime patterns around various premises that were providing sexual entertainment as it had been suggested that levels of crime rose around lap dancing venues, in particular crimes of a sexual nature. However, despite extensive research, we were unable to identify an increase in crime of any sort attributed to such premises.

- 7) It is my experience, both as a police officer and as an independent licensing consultant, that a well-managed premises that provides sexual entertainment generates less crime, crime and disorder and nuisance than a traditional nightclub of comparative size. There are a number of reasons for this, including;
- Fewer customers when compared to a nightclub of similar size,
 - A high ratio of door supervisors to customers,
 - A more controlled, less crowded environment,
 - An older customer base more able to handle alcohol,
 - A more relaxed atmosphere, music tends to be at lower volume and slower tempo.
- 8) Queuing outside nightclubs is often encouraged by a club in the belief that it gives the premises a more exclusive feel. This queuing is often the cause of nuisance to residents and passers-by, particularly later in the night when customers may be arriving from other premises having already been drinking and are required to wait outside for admission.
- 9) Lap dancing clubs do not encourage queuing and customers are generally admitted quickly into the premises, minimising the potential for noise and nuisance outside.
- 10) Another common source of noise and nuisance at night clubs is the smoking area. With a traditional nightclub, this is often used as an opportunity for socialising between the sexes and after consuming alcohol these conversation can become loud, boisterous and prolonged. It is often the case that the music is so loud inside that conversation is hardly possible so it is only in the smoking area that it can take place.
- 11) In contrast, at a lap dancing venue the customers tend to be mainly male so there is less inclination to stand outside chatting. The music volume inside tends to be lower to allow conversation between the customers and between the customers and dancers, this makes it possible for customers to chat inside the club and goes some way to taking away the incentive to loiter outside the premises chatting and potentially disturbing the residents.
- 12) Para 2.4.8 of the Westminster statement of licensing policy recognises that Customers who have been seated in premises which are not crowded will behave differently; they are less

likely to have been talking at a high volume and will leave the premises more quietly than the greater number of customers in equivalently sized premises without capacity limits and with more vertical drinking.

- 13) Lap dancing premises have a high ratio of seating for customers as it is a standard condition that customers have to be seated before a dance can take place; customers generally go to the premises for the entertainment rather than for vertical drinking. This and the generally more relaxed atmosphere make it easier for door supervisors to manage a swift and quiet dispersal with minimum nuisance to residents.

Impact on Licensing Objectives.

14) Prevention of Crime and Disorder and Prevention of Public Nuisance.

With a more controlled atmosphere inside and a reduction in areas that generate nuisance and friction such as queuing, it is my view that allowing this variation will lead to a reduction in noise, nuisance and crime and disorder related to the premises. It will therefore promote the licensing objectives of preventing crime and disorder and preventing public nuisance.

15) Public safety.

Public Safety will be enhanced due to there being generally fewer customers in the premises, the increased provision of seating, an older clientele, improved control inside the premises and reduced alcohol consumption.

16) Protection of children from harm.

Lap dancing premises very rarely have a problem with under-age drinking or young people attempting to gain entry. Maintaining a robust approach to age verification will ensure that this continues. Externally the premises are required to be discrete and conditions preventing flyers or any indecent displays or advertising will ensure that children are protected from harm and this objective is promoted.

Conditions.

- 17) I recommend the following best practice be put into agreed conditions;

- a) The adoption of a street management and dispersal plan.
- b) The smoking area to be supervised by a member of staff at all times the area is in operation.
- c) Notices shall be displayed at the premises near the exits asking customers to respect the venue's neighbours and leave quickly and quietly.
- d) All incidents to be recorded in an incident log,
- e) CCTV to be maintained to a standard agreed with police and to cover all areas where dancing will take place. Management to randomly review CCTV recordings of dances to ensure compliance with codes of conduct; a log of such viewings to be maintained.
- f) A dedicated hotline telephone number for anyone wishing to comment on the operation of the premises, which should be held by the duty manager whenever the premises are operational. Details of the number will be given to neighbouring residents.
- g) Employment of an agreed number of SIA registered door supervisors to supervise key areas such as the entrance and areas where sexual entertainment is taking place.
- h) A personal licence holder to be present at all times when intoxicating liquor is sold, supplied or consumed.
- i) Agreed Codes of conduct complying with, as a minimum, Westminster City Councils 'Sex Establishment standard conditions' to cover the behaviour of customers and dancers, the welfare of dancers and the discipline of dancers.

Objections.

I have been provided with the report from the Westminster Licensing sub-committee in respect of the application to vary the licence at Vanity bar and nightclub dated 23rd October 2014. This report includes Eleven (11) numbered objections plus objections from the Environmental Health and Licensing Service.

- 1) David Gleeson, Soho Society,
- 2) Councillor Glenys Roberts,
- 3) Alice Dugdale,
- 4) Robert Nadler,
- 5) Unnamed local resident,
- 6) Unnamed MP or Councillor,
- 7) Unnamed local resident,
- 8) Unnamed, local resident,

- 9) Unnamed local resident,
- 10) Unnamed local resident,
- 11) Unnamed Councillor,
- 12) Environmental health, Ian Watson and Ola Owojori.
- 13) James Hayes, Licensing Inspector.

1. Objector 1. David Gleeson, The Soho Society.

- 1.1 Mr Gleeson raises a number of objections relating to the promotion of the licensing objectives and improvements in the function and character of the city, or areas of it. In my view these objections are not supported by the evidence.
- 1.2 Prevention of crime and disorder and prevention of public nuisance. The premises is currently licensed for the sale or supply of alcohol until 03.00 Mon to Sat and 00.30 on Sunday and to open until 03.30 Mon to Sat and 01.00 on Sunday. This application does not seek to change that but to change the style of operation from a drink led bar and nightclub to one that offers entertainment with alcohol ancillary to that.
- 1.3 While trading as the Candy bar the premises regularly attracted 'celebrity' customers and queuing outside was encouraged as a sign of its popularity and exclusiveness. This style of operation inevitably leads to noise and nuisance outside the premises by customers waiting to get in, often having been drinking at other premises.
- 1.4 In contrast Lap dancing clubs seek to admit customers as quickly as possible with a minimum of queuing. This leads to a quieter environment outside the premises. Various conditions and policies to manage the external environment, include queuing, smoking and dispersal have been proposed that will reduce the noise or nuisance outside.
- 1.5 The change in the style of operation from an alcohol led bar to a table dancing club will reduce the potential for crime and disorder and public nuisance. Lap dancing bars operate in a more controlled environment than tradition nightclubs with a higher ratio of door supervisors to customers. Customers are required to be seated during the performance of dance.
- 1.6 It is acknowledged that customers who have been seated in a quieter, more controlled atmosphere are less likely to cause noise and nuisance on leaving the premises. Customers are attracted to the premises primarily for the entertainment and not just to consume alcohol, this leads to less drunkenness and reduces the potential for crime and disorder either inside the premises or when leaving.

1.7 Mr Gleeson states that having such a venue opened until late at night would disturb the general, harmonious peace. This does not appear to take account of the fact that the premises is currently entitled to operate until 03.30 and until recently did do so, as an alcohol led bar that regularly attracted noisy customers outside. As evidenced above the proposed changes will reduce the potential for nuisance and crime and disorder.

1.8 Whether or not a lap dancing bar will lead to improvements in the function and character of the city is a subjective view that will vary from individual to individual. The area around Carlisle Street provides a vibrant, busy and mixed night time economy. A well run lap dancing club will add to that mix and, based on the evidence of operation of such premises and my experience, will lead to a reduction in crime and disorder and public nuisance.

2. Objector 2, Councillor Roberts.

2.1 Councillor Roberts raises concerns about noise and disturbance from customers leaving the premises. This application does not seek to increase capacity of the premises or to extend the opening hours so in that respect there will be no change from the existing licence.

2.2 As stated previously the evidence indicates that a well-run lap dancing club generates less noise and nuisance than a regular night club. The application includes conditions and policies on management of the external environment that comply with best practice. These will ensure that the potential for noise and nuisance is minimised.

3. Objector 3, un-named resident of 4 Carlisle Street.

3.1 I understand the residents concern about internal noise transfer, in my experience lap dancing clubs tend to play music at a lower volume than regular night clubs in order that customers can talk among themselves and to the dancers.

3.2 I understand a noise expert and the environmental health officer have been consulted to ensure that the building is adequately sound insulated. The proposed increase in facilities for sexual entertainment inside the premises is not visible outside and will have no effect on residents in other parts of the building.

3.3 The residents highlight historical problems of noise and nuisance that have been caused at the premises when it was run as a drink led bar and club, these are common to such premises. The application to change the premises to a lap dancing bar, and the proposed conditions, will lead to a decrease in customers outside queuing, a decrease in those smoking and a generally much quieter and more controlled environment.

3.4 This resident highlights concerns about the premises operating as lap dancing bar while their niece is staying, in particular about men hanging around the front door. As previously stated

customers at lap dancing bars do not hang around outside and are admitted and leave the premises quickly. There are new policies proposed, in line with best practice, to manage the external environment and minimise impact on residents.

3.5 The issues of late night transport from a premises apply whatever the style of operation and are equally applicable to the current premises as it is not proposed to change the closing time. The area is well served with public transport, including night buses. In general customers at lap dancing clubs tend to use their own or private hire cars or taxis. There is a management plan proposed that will provide for supervision of the environment and ensure potential for disruption in Carlisle Street is minimised.

4. Objector 4, MR Robert Nadler, Nadler hotel.

4.1 Mr Nadler refers to the proposal to remove conditions 32 and 34 from the existing licence. These require substantial food to be available during permitted hours and puts restrictions on who can be sold or supplied intoxicating liquor after 23.00. It refers to a Special Hours Certificate under previous licensing legislation.

4.2 These conditions do not have the effect of requiring all customers at the premises after 23.00 to take a table meal but require only that substantial food is available during the whole of permitted hours and that customers who are not eating have to pay the admission charge.

4.3 Following discussion with police I understand that agreement has been reached that conditions 32 and 41(e) will not be removed but will be suspended when the premises trades as a lap-dance club. This has the effect of ensuring that the provision of alcohol will always be ancillary to either lap-dancing or music and dancing and is a sensible precaution.

4.4 Condition 34 allows the sale or supply of intoxicating liquor to customers who have paid the entry fee of £3 Mon to Thursday and £5 Friday to Saturday. In effect the premises are able to operate as a bar and club, open to all, provided they pay the admission charge and there is substantial food available, it is not necessary to consume any food.

4.5 While it is recognised that the consumption of food can reduce the effect of alcohol these conditions do nothing to require customers to consume food. There is no evidence that the removal of condition 34 and suspension of condition 41(e) when sexual entertainment is taking place will have a negative impact on the promotion of the licensing objectives.

4.6 Mr Nadler refers to the improvements in the character of Soho over the last 40 years and as a Londoner and ex-police officer who has visited and worked in Soho for many years I agree with this. Soho continues to be an exciting place and offers a bustling, vibrant and above all mixed environment where a broad range of premises operate alongside each other within a regulatory framework that is strictly controlled.

- 4.7 Whether or not an individual chooses to go to a premises offering sexual entertainment is a personal, often moral, choice. However, there is no evidence to support the assertion that lap dancing bars encourage a threatening or sexually charged atmosphere that has a negative impact on the licensing objectives.
- 4.8 The evidence indicates there is less crime and disorder and less nuisance associated with such premises when compared to alcohol led bars and clubs and the proposed conditions and management plans will ensure this is the case with this application.
- 4.9 Mr Nadler raises concerns about the potential increase in noise and disturbance in Carlisle Street from the proposed variation. As previously stated the proposed new style of operation, together with the improved management of the external environment, will lead to less noise and disturbance.
- 4.10 Protection of Children from Harm. The SEV standard conditions ensure that externally there is no nudity or relevant entertainment ensuring that children outside are protected from any potential harm. There is no evidence that lap dancing bars create an atmosphere or potential for violence, the extra control measures, higher ratio of door supervisors to customers and generally more relaxed atmosphere lead to less violence, nuisance, crime and disorder than a regular nightclub.
- 4.11 It is not proposed to increase the capacity of the premises, the proposed changes relate to the style of operation and are likely to lead to a reduction in the overall number of customers. The proposed management plans for the external environment, in line with best practice, will lead to reductions in noise and nuisance outside the premises.
- 4.12 Mr Nadler raises concerns about the removal of specific conditions:
- 4.13 There is no evidence that the removal of Condition 15 that allows dancing and striptease to take place only in the basement will have an adverse effect on the licensing objectives. The increase in relevant entertainment will ensure customers are attracted for the entertainment with alcohol consumption ancillary to this. This will reduce the potential for crime and disorder or nuisance to residents.
- 4.14 With regard to the removal of condition 30, It is proposed that there will be at least one Personal Licence Holder present during the whole time that intoxicating liquor is sold, supplied or consumed. This is a sensible condition that ensures proper supervision of the premises and together with the increased ratio of door supervisors and improved management policies is sufficient to ensure the premises promotes the licensing objectives.
- 4.15 It is now proposed that condition 32 not be removed but is suspended when the premises operates as lap-dancing venue. This is a sensible approach that ensures that the premises does not become an alcohol lead bar but provides alcohol ancillary to lap dancing or ancillary to music and dancing and the availability of substantial food.

- 4.16 Condition 34 allows the sale or supply of intoxicating liquor to customers who have paid the entry fee of £3 Mon to Thursday and £5 Friday to Saturday. In effect the premises are able to operate as a bar and club, open to all, provided they pay the admission charge and there is substantial food available, it is not necessary to consume any food.
- 4.17 This condition has little effect on the promotion of the licensing objectives and the removal, in the context of the proposed change to a lap-dancing club, will not have a negative impact on the promotion of the licensing objectives.
- 4.18 It is now proposed that condition 41(e) is not removed but is suspended when the premises is used for lap-dancing. This is a sensible approach that ensures that the premises does not become an alcohol lead bar but provides alcohol ancillary to lap dancing or ancillary to music and dancing and the availability of substantial food.
- 4.19 The removal of condition 47 will allow sexual entertainment in a larger area of the premises, however this will not be visible to those outside the premises and will have no impact on the promotion of the licensing objectives as is not relevant to the protection of children.
- 4.20 As previously stated the evidence indicates that the premises operating as a lap dancing club, with all the additional management policies proposed, will lead to a decrease in crime and disorder and reduce the impact on residents and others using the vicinity. There are standard conditions covering SEVs that must be complied with and additional conditions have been agreed to cover specific concerns.
- 4.21 This application does not seek to extend the hours permitted by the existing licence. It is my view that the evidence indicates that the proposed change to a lap-dancing club, with the additional conditions, will bring about a reduction in crime and disorder and the nuisance to residents that has been caused in the past.

5. Objector 5, un-named local resident.

- 5.1 This objection does not provide any evidence that the licensing objectives will not be promoted by the proposed variation. The premises are currently licensed for sexual entertainment and the variation seeks to increase the area in which it can be provided.
- 5.2 There are other similar premises such as Sunset Strip close by of which the author appears unaware. As previously stated there is no evidence to support the concern that crime and disorder or public nuisance will increase or that lap dancing clubs lead to increase in crime of any type.

6. Objector 6, un-named Councillor or MP.

6.1 This objection merely states that the author objects to the application, no reason and no evidence is given.

7. Objector 7, un-named local resident.

7.1 This objection does not provide any evidence that the licensing objectives will not be promoted by the proposed variation. The premises are currently licensed for sexual entertainment and the variation seeks to increase the areas in which it can be provided. There are other similar premises such as Sunset Strip close by of which the author appears unaware.

7.2 There is no evidence to support the concern that crime and disorder or public nuisance will increase or that lap dancing clubs lead to increase in crime of any type. The concerns raised relating to the Nellie Dean public house are common problems at pubs and regular nightclubs.

7.3 However, due to the different style of operation and increased regulation at lap dancing clubs, and the conditions proposed in this application to manage the external environment, this application will reduce the potential for such problems.

8. Objector 8, un-named objector, local resident?

8.1 There is no evidence to support the assertions of this objector that children will not be protected from harm, crime and disorder will increase, public nuisance will increase and public safety will be compromised. The available evidence indicates that all the licensing objectives will be promoted and crime and disorder and public nuisance will decrease.

9. Objector 9, un-named resident during university holidays.

9.1 This objector does not provide any evidence that the licensing objectives will not be promoted by granting the application. As with other residents the author points to nuisance caused by the Nellie Dean and draws the conclusion that these will be made worse by this application. This is not the case.

9.2 The standard conditions for SEV premises and those additionally proposed, including the management plans for dispersal and smoking restrictions in line with best practice, will ensure that this application does not cause the same issues that are created by some other licensed premises in the vicinity. It provides positive benefits to the external environment when compared to the operation of a pub or regular nightclub.

10. Objector 10, un-named resident.

10.1 This objection does not provide any evidence that the licensing objectives will not be promoted by the proposed variation. The premises are currently licensed for sexual entertainment and the variation seeks to increase the area in which it can be provided. As previously stated there is no evidence to support the concern that crime and disorder or public nuisance will increase or that lap dancing clubs lead to increase in crime of any type.

11. Objector 11, un-named Councillor.

11.1 This objection does not provide any evidence that the licensing objectives will not be promoted by the proposed variation. The premises is currently licensed for sexual entertainment and the variation seeks to increase the area in which it can be provided.

11.2 The premises has operated to capacity as a bar and nightclub in the past and this application is likely to lead to fewer rather than more customers. There is no evidence to support the concern that crime and disorder or public nuisance will increase or that lap dancing clubs lead to increase in crime of any type.

12. Objector 12, Environmental Health, Ian Watson and Ola Owojori.

12.1 **Response to Ian Watson.** There is no evidence that the proposed changes to increase the hours for relevant entertainment will increase public nuisance. The evidence indicates that the provision of entertainment with intoxicating liquor provided ancillary will reduce the likelihood of public nuisance when compared to a drink lead premises. In general lap dancing clubs cause less public nuisance than bars and nightclubs.

12.2 The proposal to use all three floors for relevant entertainment will change the style of operation from an alcohol led bar and club to a premises that provides entertainment with alcohol ancillary. This will lead to a decrease in public nuisance. There is no evidence that increasing the space used for entertainment will have any impact on public safety.

12.3 There is no evidence provided that removal of Condition 25 to allow regulated entertainment in areas other than the basement will have any impact on public safety. It is not proposed to increase the capacity of the premises and with the greater supervision provided by addition door supervisors public safety will be improved.

12.4 **Response to Ola Owojori.** There is no evidence that the proposed changes to increase the hours for relevant entertainment will increase public nuisance. The evidence indicates that the provision of entertainment with intoxicating liquor provided ancillary will reduce the likelihood of public nuisance when compared to a drink lead premises. In general lap dancing clubs cause less public nuisance than bars and nightclubs.

- 12.5 The issues of late night transport from a premises apply whatever the style of operation and are equally applicable to the current premises as it is not proposed to change the closing time. The area is well served with public transport, including night buses. In general customers at lap dancing clubs tend to use their own or private hire cars or taxis. There is a management plan proposed that will provide for supervision of the environment and ensure potential for disruption in Carlisle Street is minimised.
- 12.6 There is another SEV nearby, Sunset Strip at 30 Dean Street. I walked past on 2nd October 2014 and the doors were open giving a good view of the interior, including the scantily clad dancers. Unlike the discrete Vanity bar exterior, Sunset Strip has a clear indication of what goes on inside with the illustrations in the first floor windows, these leave the casual passer-by under no illusion what entertainment is provided.
- 12.7 Concern has been raised about customers and dancers smoking together at the front of the premises. This has been considered and there is a smoking area provided for customers at the front of the building and a completely separate area for dancers on the first floor. This is covered in paragraph 9 of the dancer welfare policy.
- 12.8 Concern is raised about what is referred to as a vulnerable hostel at 91 Dean Street. This is close to Sunset Strip and I am not aware that there has been any adverse effect in the past. I do not consider that Vanity Bar, which has a discrete, managed entrance and is around a corner in another road, will have any impact on this hostel.
- 12.9 With regard to concerns raised about the potential for prostitution, touting and 'clipping', these are issues that many of the premises in the West End face and are not unique to SEV premises. I consider that the policies and procedures proposed, such as the extensive use of Door Supervisors and the management plan for the external environment, accord with best practice and will lead to a decrease in crime and disorder and reduce the impact on residents and others using the vicinity.
- 12.10 There is no evidence that extending the area where entertainment is permitted will lead to inadequate supervision at the premises. The increased levels of security and CCTV coverage will ensure that the whole premises are supervised and the dancer and customer codes of conduct are adhered to.
- 12.11 In relation to hours, what is proposed will ensure that entertainment is provided when the premises is open for the sale or supply or intoxicating liquor ensuring that the intoxicating liquor is ancillary to the entertainment at all times. This is an improvement over the existing licence which effectively allows the use of the premises as a drink led bar provided the entry fee is paid and food, (which does not have to be consumed) is available.

12.12 The issues of late night transport from a premises apply whatever the style of operation and are equally applicable to the current premises as it is not proposed to change the closing time. The area is well served with public transport, including night buses.

12.13 In general customers at lap dancing clubs tend to use their own or private hire cars or taxis. There is a management plan proposed that will provide for supervision of the environment and ensure potential for disruption in Carlisle Street is minimised.

13. Objector 13, James Hayes, Licensing Inspector.

13.1 The applicant has proposed an increase in door supervisors when the premises is used for relevant entertainment as follows:

- a. Entrance – 1
- b. Basement when in operation – 1 per 35 customers
- c. First floor/Mezzanine when in operation – 1

This number of door supervisors will ensure a good level of supervision with a door supervisor on every floor of the premises and is significantly more than was previously required.

I understand that my duty is to the court and this report has been prepared in compliance with that duty. All matters relevant to the issues on which my expert evidence is given have been included in this report. I believe the facts I state in this report are honest and true and that the opinions I have expressed are correct to the best of my judgement. The fee for this report is not conditional on the outcome of the case in anyway whatsoever.

Adrian Studd,
Independent Licensing Consultant,
7/10/14.

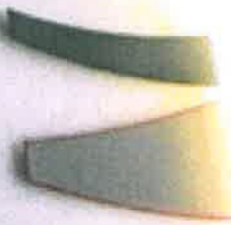




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DOCTOR	Dr N Miller 11:00 - 12:30 2:00 - 4:30pm	Dr N Miller 11:00 - 12:30 2:00 - 4:30pm	Dr N Miller 2:00 - 4:30pm	Dr H Mistry 11:00 - 12:30 Dr P Reid 2:00 - 4:30pm	Dr S Ramadan 2:00 - 4:30pm
DRUGS & ALCOHOL MENTAL HEALTH NURSE Ms Liz Abrahams	10:00 - 12:30 2:00 - 4:30pm	10:00 - 12:30 2:00 - 4:30pm	10:00 - 12:30 2:00 - 4:30pm	10:00 - 12:30 2:00 - 4:30pm	2:00 - 4:30pm
DENTIST Dr C Brazil Ms F Askarioust		By Appointment		By Appointment	
ADVICE WORKER INCLUDING BENEFITS, DEBT, IMMIGRATION, SOCIAL WORK Mr Nico Vial	10:00 - 12:30 2:00 - 4:30pm	10:00 - 12:30 2:00 - 4:30pm	10:00 - 12:30 2:00 - 4:30pm	10:00 - 12:30 2:00 - 4:30pm	10:00 - 12:30 2:00 - 4:30pm
PSYCHIATRIST		By Appointment 11:00 - 1:00pm			
COUNSELLING Mr John Conolly (Please ask of reception for details)	Drop-in 10:00 - 12:00	Drop-in 2:00 - 4:30pm	By Appointment 10:00 - 4:30pm		
PODIATRIST Ms Alison Gardiner					9:30 - 12:30
BENEFITS ADVICE (DWP) Ms Zoe Simmons				By Appointment 10:00 - 2:30pm	



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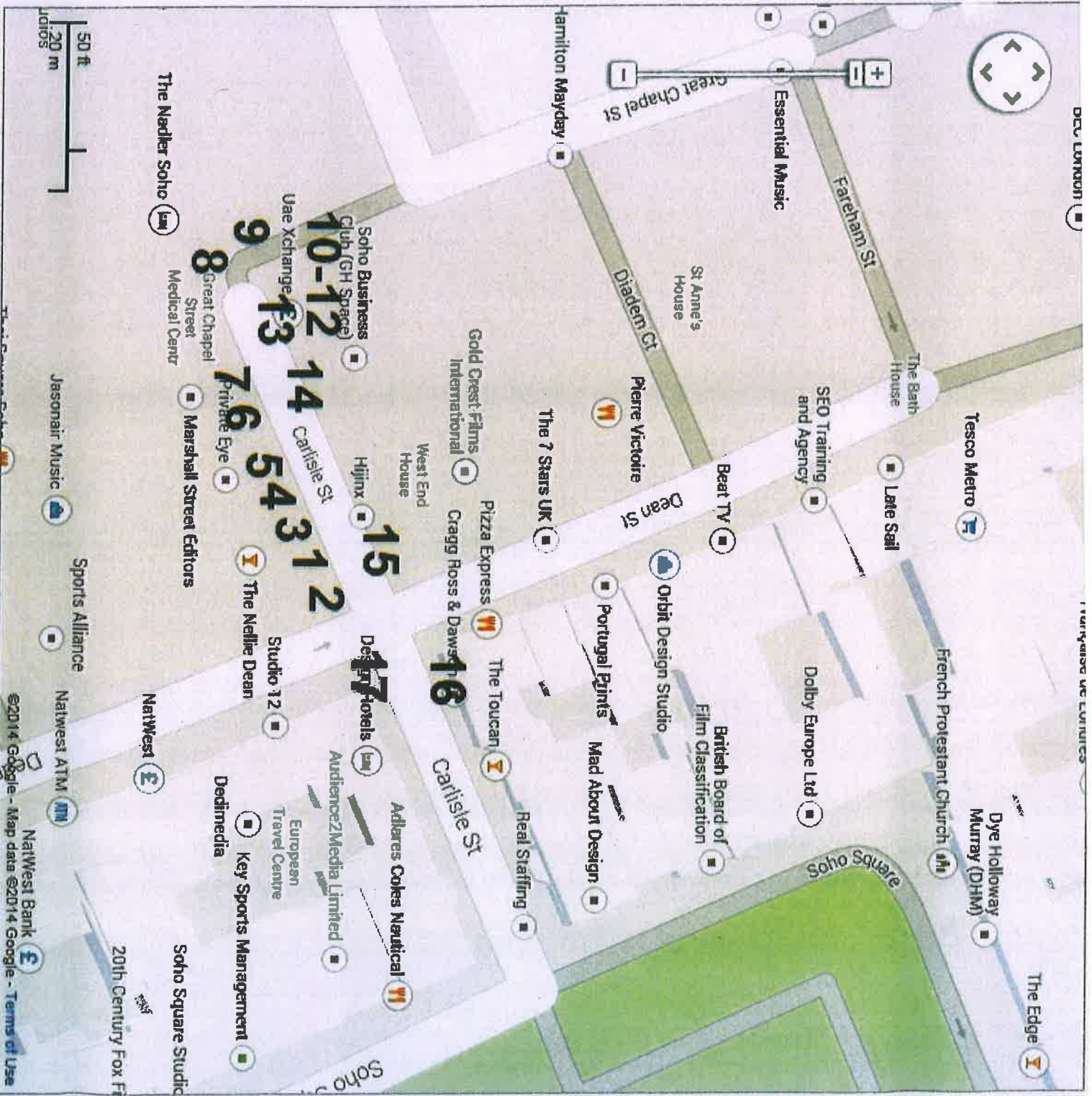
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Regina v Newcastle upon Tyne City Council, ex parte Christian Institute

a

QUEEN'S BENCH DIVISION: 5 SEPTEMBER 2000

b COLLINS J

Licensing — Sex establishment — Sex shop — Local authority granting licence to organiser of sex exhibition — Exhibition to be made up of a number of stalls run by individuals not employed by organisers — Whether morality a relevant factor in exercise of local authority's discretion to grant licence — Whether appropriate for licence to be granted to organiser of exhibition or individual stall holders — Local Government (Miscellaneous Provisions) Act 1982 (c30), Sched 3

c

A company planned to organise a "sex exhibition" on premises within the area of the local authority. The exhibition was to consist of a number of stalls at which various items would be sold or displayed, some of which would be "sex articles" as defined in paragraph 4(3) of Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982. The stall holders were individuals permitted to operate their stalls by the organisers, and not employees of the organisers. The local authority granted the company a licence to use the premises as a sex establishment under paragraph 8 of the Schedule, subject to conditions. The applicant, a local organisation concerned to promote the Christian ethic who opposed the exhibition on moral grounds, sought judicial review of the local authority's decision to grant a licence.

e

On the application for judicial review,

Held, refusing the application, that the provisions of paragraph 12(3)(c) and (d) of Schedule 3 to the 1982 Act, which gave grounds on which a local authority had a discretion to refuse a licence, did not enable a local authority to have regard to the morality of the proposed sex establishment,

f

but entitled it to take account of any strong body of feeling in the locality which objected to the existence of a sex establishment in that locality; that it was the effect on the locality and on those living nearby which had to be taken into account as distinct from the morality of the activities involved; that when determining whether the organisers of the exhibition were the appropriate licensees as opposed to the individual stall holders, the primary consideration was whether the exhibition could properly be described as use of the premises by the organisers as a sex establishment;

g

that for the purposes of Schedule 3 the organisers were using the premises as a sex establishment and although the individual stalls were also being used by the individual exhibitors, they did not need separate licences; and that accordingly, the local authority was acting lawfully in granting the licence.

APPLICATION for judicial review

By an application dated 18 August 2000 the applicant, the Christian Institute, applied for judicial review in the form of: (1) a declaration that a sex establishment licence for a sex shop did not allow its holder to cause or permit third parties to use the premises licensed or parts thereof for the conduct and management of sex shop businesses on their own accounts; and (2) an order of certiorari to quash the decision of Newcastle City Council, made on 7 August 2000, to grant to Xsensual Ltd a sex establishment licence for a sex shop at the Telewest Arena, Newcastle upon Tyne, pursuant to Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982.

The facts are stated in the judgment.

Charles Holland (instructed by John O'Neill & Co, Newcastle upon Tyne) for the applicants.

Nigel Peters QC (instructed by the Director of Legal Services, Newcastle upon Tyne City Council) for the local authority.

Alex Milne (instructed by Kay Tesler) for Xsensual Ltd, an interested party.

COLLINS J. There is due to be held this weekend in Newcastle at the Telewest Arena what is described as a sex exhibition. This is being organised by a company called Xsensual Ltd.

In order to enable this event to go ahead, Xsensual applied on 25 of this year to the Newcastle upon Tyne City Council for the grant of a licence to use the premises as a sex establishment. The application was made pursuant to Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982. That Schedule contains a code for the licensing of or, as the Act puts it, control of sex establishments.

A "sex establishment" is defined, in paragraph 2, as "a sex cinema or a sex shop". We are not here concerned with a sex cinema, but with a sex shop which paragraph 4(1) of the Schedule defines to mean:

"any premises, vehicle, vessel or stall used for a business which consists to a significant degree of selling, hiring, exchanging, lending, displaying or demonstrating—(a) sex articles; or (b) other things intended for use in connection with, or for the purpose of stimulating or encouraging—(i) sexual activity; or (ii) acts of force or restraint which

a restraint which are associated with sexual activity; and (b) anything to which subparagraph (4) below applies."

Subparagraph (4) applies:

b "(a) to any article containing or embodying matter to be read or looked at or anything intended to be used, either alone or as one of a set, for the reproduction or manufacture of any such article; and (b) to any recording of vision or sound, which—(i) is concerned primarily with the portrayal of, or primarily deals with or relates to, or is intended to stimulate or encourage, sexual activity or acts of force or restraint which are associated with sexual activity; or (ii) is concerned primarily with the portrayal of, or primarily deals with or relates to, genital organs, or urinary or excretory functions."

c The proposed arrangements, broadly speaking, are that Xsensual will hire the arena and will obtain the necessary licence. In the arena there will be a number of stalls which are manned by individuals who either sell or display items which might or might not come within the definition "sex articles". In addition there will be at least one, and possibly more than one stall which is engaged in the sale of videos which are described as R18. The importance of those is that it is against the law to sell any such videos unless from a licensed sex shop. That is provided for by section 12 of the Video Recordings Act 1984.

d Xsensual's application was duly advertised in the local press, as it had to be in accordance with the Schedule.

e I do not need to go through the provisions in any detail; suffice it to say, there is a provision for advertisement and for the receipt by the local authority of objections, so those can be considered, provided they are received within 28 days of the application being made for the licence. Having received and considered such objections as there might be, the local authority will then decide whether it is appropriate to grant a licence.

f So far as the application is concerned, it is very much up to the local authority what particulars it requires to be given in relation to an application for a licence. The only particulars that must be provided, by virtue of paragraph 9(3), where the application is made by a body corporate, as was the case here, are: "(a) the full name of the body; (b) the address of its registered or principal office; and (c) the full names and private addresses of the directors or other persons responsible for its management."

g There are by paragraph 12 some mandatory and some discretionary grounds for refusing a licence. The mandatory grounds for refusing are, that the applicant is under 18 or is disqualified as a result of a revocation of a previous licence; is (so far as a body corporate is concerned) not incorporated in the United Kingdom or, if an individual, is not resident in the United Kingdom; or was not so resident throughout the period of six months immediately preceding the date when the application was made;

That, of course, is a very wide power to refuse a licence.

"(b) that if the licence were to be granted, renewed or transferred 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, renewal or transfer of such a licence if he made the application himself;"

Pausing there, that, no doubt, is to avoid the use of front people in order to obtain licences when the real person in charge is, for whatever reason, unfit.

"(c) that the number of sex establishments in the relevant locality at the time the application is made is equal to or exceeds the number which the authority consider is appropriate for that locality."

As subparagraph (4) indicates, the appropriate number may, in any given case, be nil.

"The relevant locality" is defined, in subparagraph (5), as meaning the locality where the premises are situated, which perhaps is not overly helpful and has led to a degree of litigation in the past. Finally at (d):

"that the grant or renewal of the licence would be inappropriate, 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."

It will therefore be apparent that the local authority is granted a very wide discretion by the provisions of the Schedule in deciding whether or not a licence should be granted. Furthermore, as I have already indicated, the details which the local authority require of an applicant and the investigations that it chooses to make are very much a matter for it. There is nothing laid down in the Schedule which determines precisely what steps should be taken in any given case by the local authority.

The applicants in this case are a company registered by guarantee, known as the Christian Institute. They are a local organisation in Newcastle and, as their name suggests, they are concerned to promote the Christian ethic. They oppose, on moral grounds, the activities which are intended to be carried on in the course of this sex exhibition. It is a view which is, no doubt, held by many other people than themselves but, equally, it is a view which is not agreed to by many others.

So far as I and the local authority are concerned, in carrying out the provisions of this Act, approval or disapproval of sex shops is not a matter which can be put into the equation. It is a question only of applying the provisions of the Schedule.

Mr Holland has suggested that the provisions of paragraph 12(3)(c) and (d), do enable the authority and the court to take account of what he has

a objects to the existence of a sex shop in that locality. Equally, paragraph (d) makes plain that, in addition to the character of the relevant locality, the use to which any premises in the vicinity are put is also a relevant consideration. Thus, for example, it might be perfectly reasonable to refuse a licence for a sex shop which is in the vicinity of a school or some religious building. That is a recognition that sex shops may attract a particular clientele whose presence may not be considered desirable in some areas and that is something again which can be taken into account, but it has nothing to do with the morality of sex shops as such. It is the effect on the locality and on those living nearby which has to be taken into account and that is the distinction which is drawn. Thus, straightforward objections on the ground that sex shops should not be allowed to exist have no part to play in my or a local authority's consideration of the case. Whether I approve or disapprove is nothing to the point. Whether the local authority approves or disapproves is equally nothing to the point, except insofar as the provisions of paragraph 12 are applicable.

b The matter was considered by the relevant licensing committee on 7 August 2000. The applicants were able to attend through a representative and there were at least two, maybe three, councillors who also made and put forward objections.

c The committee received a substantial number of objections, (I think the figure of 94 or thereabouts is in the papers) but, in the end, they decided that the licence should be granted to Xsensual, subject to a number of conditions. The conditions that may be prescribed are covered by paragraph 13 of Schedule 3 which entitles: "(1) ... the appropriate authority [to] make regulations prescribing standard conditions [if they wish to do so]."

d That has not been done, so far as Newcastle is concerned; certainly, there is no evidence before me that that has happened. What the local authority did here was to decide what conditions would be appropriate. Furthermore, they made inquiries of the police to see whether there were any police objections to the applicants or to the application: there were none. The applicants indicated that there had been similar fairs held in, I think, Wembley Stadium and at Kensington Olympia, and no doubt the local authority were able to, if they wished, make inquiries to discover whether there had been any problems in relation to those. The evidence before me is that there have been no problems and there is nothing to gainsay that.

e The conditions amount to 33 in all. It is not necessary for me to go through them in detail, but they include, for example, a requirement that "the licensee should maintain good order on the premises at all times"; "no person under 18 years of age shall be admitted ...; whilst the premises are open as a sex establishment they shall not be used for any other purpose."; "... [there shall be available] without charge ... literature and contact names and telephone numbers of organisations and associations that give advice and counselling on matters relating to sexual problems

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soliciting or immoral purpose.”; there should be no distribution of advertising material promoting the establishment in the city in the vicinity of the establishment without prior consent: “Only merchandise which is legally available in Great Britain from retail outlets, mail order companies or party planners may be sold, hired, loaned, displayed, advertised or demonstrated...”; there should be no “total nudity [except] on stage...”

There is, as part of the exhibition, to be a stage event. Perhaps the only one I need read specifically is condition 28, which states:

“No person convicted of an offence connected to a sex establishment either licensed or unlicensed may be employed at the premises or be involved in supplying entertainment or goods to be included in the exhibition.”

The Schedule contains paragraphs which deal with “enforcement” and create offences. The most relevant of those is paragraph 20 which provides, amongst other things:

“(1) A person who—(a) ... (b) being the holder of a licence for a sex establishment, employs in the business of the establishment any person known to him to be disqualified from holding such a licence; or (c) being the holder of a licence under this Schedule without reasonable excuse knowingly contravenes, or without reasonable excuse knowingly permits the contravention of, a term, condition or restriction specified in the licence; or (d) being the servant or agent of the holder of a licence under this Schedule, without reasonable excuse knowingly contravenes, or without reasonable excuse knowingly permits the contravention of, a term, condition or restriction specified in the licence, shall be guilty of an offence.”

It is apparent from the wording of that paragraph that it is only someone acting as the licence holder’s servant or agent who can render him guilty of an offence. Thus, what is said by Mr Holland, who has appeared on behalf of the applicants, is that the stall holders will not be either the servants or agents of the licensee, Xsensual, and therefore there can be no prosecution of Xsensual for their misdeeds, if any misdeeds are established. This means that the control which Parliament has obviously regarded as important will be lacking.

Before I come to the main submissions, I should deal with two subsidiary points which have been raised by the applicants and with a further important point which was to have been part of the argument but which has fallen away, namely whether the applicants have a sufficient interest to enable them properly to be permitted to make this application at all.

So far as that third point is concerned, at the outset of the hearing, Mr Peters, on behalf of the authority and Mr Milne on behalf of Xsensual, did not argue against the proposition that the applicants did have sufficient interest. It appears that there is evidence showing their local connections,

a told by counsel, to go behind their concession. Accordingly, that issue I have not had to determine and I proceed on the basis that the applicants do indeed have locus standi to maintain these proceedings, for which they were granted leave last week by Elias J.

b The two subsidiary points are these. First, an allegation that there was a procedural impropriety. The way it is put is that the initial letters to objectors wrongfully fettered the discretion, which undoubtedly exists in the local authority to afford the objectors a hearing. Whether or not there is anything in that (and, frankly, I do not think there is) the fact is that these applicants did attend and were heard. Therefore, it hardly lies in their mouths to complain that they were adversely affected by any alleged impropriety.

c In fairness to Mr Holland, he did not pursue either of these points with any vigour at all, and he accepted, in the course of argument, that this particular one was really one which he could not, on the material available, place any reliance upon. Accordingly, I need go no further into it.

d The second subsidiary ground was that in a newspaper report of a radio interview, it was said that the responsible officer of the local authority indicated that the local authority had not taken into account what might be considered moral values in determining the application. I have already gone into that to some extent earlier in this judgment, and it seems to me he was right in what he said, if he meant—and I have no reason to believe he meant anything different—that moral values as such on their own were not a basis for reaching any decision under the Schedule.

e Again, I understand why the applicants are concerned to raise that point, but I am afraid it is not a point that has any validity in law. Accordingly that point too, I reject.

f I turn, therefore, to the real basis for this application. The starting point is paragraph 6 of Schedule 3 which reads, by subparagraph (1):

“Subject to the provisions of this Schedule, no person shall in any area in which this Schedule is in force use any premises, vehicle, vessel or stall as a sex establishment except under and in accordance with the terms of a licence granted under this Schedule by the appropriate authority.”

g The point that is essentially being made is this: albeit the arena is clearly “premises”, and is being hired by the organisers Xsensual, the use as a sex establishment is the use by each individual stall holder of his stall. The organisers are not using the premises as a sex establishment, they are merely permitting others, that is to say, the stall holders to use the individual stalls. Accordingly, a licence to the organisers Xsensual is not appropriate in order to licence the use of the individual stalls which need licences because they are sex establishments. I should say, it is the case, so I am told, that by no means all the individual stalls qualify as sex establishments because many of them are not, within the meaning of

articles, but which one can understand might perhaps go with sex articles in an exhibition such as is proposed on this occasion. ^a

I am told, that it is the view of the organisers that only some three or four stalls will be selling sex articles and thus would, if looked at in isolation, qualify as sex shops within the meaning of paragraph 4. Of course, that includes, as it has to, those who are proposing to sell the R18 videos because of the provisions of section 12 of the Video Recordings Act 1984. ^b

Mr Holland develops the point by saying that, in any event, this sort of licensing (that is to say, of organisers where the users are not going to be either employees or agents) is contrary to the purpose of the Schedule. ^c

First, it means that there is a delegation by the local authority of their responsibility to vet the applicants for licences, in particular to vet those who are going to be involved in selling the items or in running the individual stalls. They have a responsibility, limited though it is, in the express terms of the Act, to make inquiries about and to vet those who apply for licences. The individual stall holders will not have to apply, and so it is left entirely to Xsensual to decide who should be allowed in to the exhibition and run stalls there. Thus the authority is putting out of its control the responsibility that it ought to carry for ensuring that only fit and proper people are running the stalls in the exhibition. ^d

Secondly, Mr Holland points to paragraph 20 (to which I have already referred) and to the limitation of offending under that paragraph to be laid at the door of the licence holder to the activities of its employees or agents. This indicates, he submits, that Parliament quite clearly did not envisage that there should be a licence given to an organiser where he has no direct control, because they are not employees or agents, over the activities of the individual stall holders. ^e

Mr Peters submits that that is too narrow a construction of the provisions of the Schedule and points to the provisions also of paragraph 8 which provide that: ^f

“the appropriate authority may grant to any applicant, and from time to time renew, a licence under this Schedule for the use of any premises, vehicle, vessel or stall specified in it for a sex establishment on such terms and conditions and subject to such restrictions as may be so specified.” ^f

There is nothing in paragraph 8, submits Mr Peters, which suggests that the individual to whom the licence is granted must himself be using the premises for the sex establishment, in the sense that he must be the one who is actively involved in the individual stall. ^g

As it seems to me, the primary consideration must be whether what is proposed here can properly be described as use of the premises by Xsensual as a sex establishment. There is, as I have said, no question but that the premises as a whole are capable of amounting to a sex establishment because of the nature of what is on there. albeit a

exchanging, lending, displaying or demonstrating the articles which qualify.

a The word "use" is a wide word. It seems to me, as a matter of ordinary English, that a person who organises an exhibition and has general control over who shall come there, it being his decision whether he accepts a stall holder or not, and who imposes, as must happen because of the terms and conditions of the licence that has been granted, upon the stall holders certain obligations which they must comply with in the exhibition and in running their stalls can properly be described as using the premises as a whole. He sets up, he organises, he essentially runs the exhibition that is going on and it is envisaged, of course, that he will have someone on site, always keeping an eye on what is happening.

b I have no direct knowledge of the individual arrangements or contracts between the organisers and the stall holders, but I do know that the authority has laid down the conditions, to which I have referred, and those conditions will, no doubt, have been drawn to the attention of the individual stall holders. Indeed, they clearly must be drawn to the attention of the individual stall holders, so that they can comply with them. As I say, in those circumstances, it seems to me, as a matter of ordinary English usage, that the organisers, in this case Xsensual, are using the premises as a sex establishment. Of course, the individual stalls are also being used by the individual exhibitors, but if the licence is appropriate to cover that use, they do not need any separate licence.

c Mr Holland has drawn my attention to various decisions under the Licensing Acts. Mr Peters submits that that is a different regime which is clearly intended to require that an individual should have control over the day-to-day activities in licenced premises. Thus it is the responsibility of the individual licensee to ensure, for example, that there is no drunkenness on the premises, that drunken people are not served, that underaged people are not served and so on. All these are matters which are personal to the licence holder. It is no good that there may be a licensee on the premises if the reality is that that licensee has no ability to control anything that goes on in the premises. There are authorities to which I have been referred which make that plain. It is no good, as it were, putting up a stooge and sitting him in the corner of the bar and saying, "there is your licence holder, therefore, the people who are actually engaged in running the premises can do so without fear of committing any offence".

d It seems to me it all depends upon the proper construction of the individual licensing provisions, in this case Schedule 3 to the 1982 Act and, for reasons I have given, it seems to me plain from that, that the arrangement which has been entered into here is one which is permitted by its terms. As I have already said, it seems to me that both for the purposes of paragraphs 6 and 8, Xsensual can properly be said to be using the premises.

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authority, provided it does not act irrationally, to determine what information is required on any application and how it should approach its licensing function. It is given a very wide discretion. The conditions it has imposed show it is alive to the need to ensure that there is a proper control kept in the premises. Indeed, Mr Peters has submitted that the reality is that there is a greater degree of control likely where the organisers, a single individual or a body corporate as here, have the responsibility to ensure that things go as they ought to. If they want to organise any further fairs, it is clearly in their interests that what is done should never transgress the law, because otherwise, obviously, the next application they make in any other venue in the United Kingdom will be met, when investigations are made, with the knowledge that things went wrong in Newcastle. I would not expect in those circumstances the next local authority to look kindly upon an application for a licence. Thus, they have a clear interest to ensure that the conditions are complied with.

Of course, no one can guarantee that an individual who is permitted to run a stall will always be as honest as he should or will not break the conditions. Nothing can be guaranteed, but nothing equally can be guaranteed with an employee or an agent. The arguments that have been raised by Mr Holland about the lack of vetting seem to me to be arguments which would run equally with employees and agents.

Furthermore, it is to be noted that in paragraph 20(1)(c), a knowing contravention or the knowing permitting of a contravention of term, condition or restriction specified in the licence is an offence by the licence holder. Thus, any breach by a stall holder will, if done with the knowledge of the licensee, render the licensee guilty of an offence. It will not be any answer for the licensee to say that he did not draw the conditions to the attention of the stall holder because, clearly, that would mean that he was failing in his duty and, furthermore, would amount, I am sure, to constructive knowledge and thus create an offence.

Accordingly, I am satisfied that what has been done in this case is lawful. It was open within the terms of Schedule 3 to the local authority to grant the licence, subject to the conditions to Xsensual. It may be that with hindsight, condition 28 could have been drawn somewhat more tightly so that, for example, it caught not only the person convicted of an offence, connected to a sex establishment, but also anyone who was disqualified. Possibly it should extend, for example, to anyone convicted of a particular sort of offence (obviously one would exclude motoring offences) it might be desirable to exclude anyone who had committed a sex offence or an offence of dishonesty. That is a matter for the local authority. I do not regard the conditions that they in fact imposed, as in any way falling short so as to amount, in law, to an abnegation of whatever duties they had under the provisions of the Act.

I should say that there has been a suggestion that there might be the grant

a bound to say I had some reservations, as I indicated in argument, about whether waiver was appropriate in circumstances such as these, but as I say, I need not go into that issue now because, in my judgment, the course adopted by the local authority was not unlawful in any way and, accordingly, this application must fail.

b *Reported by Brendan Wright, Barrister.*

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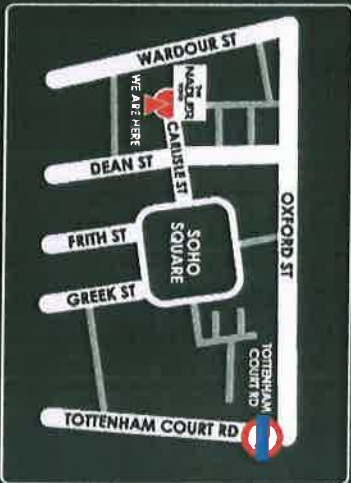
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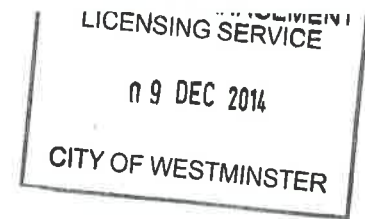
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8 December 2014

Our Ref: JMS/TXB/21340.00005

Dear Sirs

Re; Vanity Bar, 4 Carlisle Street, London - Application for a Sexual Entertainment Venue Licence

I thought it might be helpful to the Committee if I were to give an overview of the applications for variation of the Sexual Entertainment Venue Licence and of the Premises Licence. The committee will be receiving a plethora of papers but the application itself is straightforward. At the time of writing this letter the Agenda papers have not been issued and I am therefore unable to provide convenient page number references.

Within the papers will be a copy of the existing Premises Licence (14/00491/LIPDPS). The Premises Licence authorises the sale of alcohol from 09:00 to 03:00 the following day except on Sundays which are 12:00 until 12:30 the following morning.

The Sexual Entertainment Venue Licence (SEV) number 14/01806/LISEVT authorises “relevant entertainment” Monday to Thursday 09:00 to 23:30, Friday and Saturday 09:00 to 02:00 and Sunday 09:00 to 23:00 which entertainment is confined to the basement of the premises.

The purpose of the application as set out in the notice of application is to bring the SEV hours and area within the premises, to be coterminous with the Premises Licence. Therefore the application is in accordance with your policy

At paragraph 2.5.1 of the SEV Statement of Licensing Policy 2012 states –

“where a premises is licensed under the 2003 Act (Premises Licence) for hours beyond the “core hours” the council will have regard to those hours and generally grant a SEV licence to the hours authorised for other licensable activities, subject to the provision of a winding down period if appropriate. Where a proposal is made to

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operate outside these “core hours” each application will be considered on its merits and with reference to the policy aims and objectives”.

Other proposed changes to the licensing conditions, whether they are for the SEV licence or the Premises Licence are consequential changes or provide additional conditions which flow from the stated objective of matching the SEV to the Premises Licence.

SEV licences were introduced by the Policing and Crime Act 2009 which then shoe horned the new SEV licensing into the confines of Local Government (Miscellaneous Provisions) Act 1982. Local Authorities were then able to adopt the legislation in relation to existing premises which offered lap-dancing (referred to in Westminster as “premises with a waiver of rule 4”). The existing Premises Licences all had provisions which dealt with the (sexual) entertainment and those conditions were copied onto the new SEV licence.

Applying for the new SEV Licence did not require any variation of the Premises Licence and therefore many Premises Licences (such as these in question) had similar conditions on both the SEV licence and the Premises Licence. In these circumstances Licensing Authorities were instructed that any conditions on the Premises Licence were to be of no effect where there was a similar condition on the SEV licence. In order to try and accommodate the legislative provisions Westminster adopted the practice of putting a box around any condition on the Premises Licence which controlled the sexual entertainment and annotating the licence “conditions indicated shall not apply when a Sexual Entertainment Licence is in effect at the premises”. Guidance anticipated these conditions being removed as variation of the Premises Licences being made. We have therefore removed those conditions from the Premises Licence and I will endeavour to explain those variations at the hearing.

We wanted to make it clear to the Committee from the outset that the applications are confined to achieving the purpose mentioned above, which is to bring the Sexual Entertainment Venue Licence in line with the Premises Licence. The volume of papers would belie that, but the Committee is asked to confine the application as being made for that purpose only.

Doubtless the committee will wish to read all the papers before the hearing and I will not go over the merits of the application here. I propose to do that at the hearing and address the committee in relation to other Policy considerations.

I mentioned above that the nature of the application fell squarely within Policy (2.5.1). That the application is in the spirit of the Policy and can be found in the Mission Statement. As can be seen from Mr. Hugh Matheson’s representation the application Premises was operating as “The Dolls House Striptease and Nude Review” prior to 1985, cheek by jowl with other commercial uses and some residential accommodation.

8 December 2014

The Mission Statement states:-

“we want to make sure that Westminster continues to offer a wide choice of high quality and well managed entertainment and cultural venues within the safe, orderly and attractive environment; valued by those who live here, work here and come to visit”.

We have provided photographs which show that Carlisle Street offers a wide choice. From Carlisle Street junction with Dean Street is a traditional Soho public house, the Nellie Dean, next to that is the application premises which, in more recent history, operated as a lesbian lap-dancing club and late bar. Next is a hairdressing salon and next to that the head office of the magazine Private Eye. Next is a non-descript commercial premises which is then next to Vizible and then, the Nadler Hotel. An alleyway then separates the hotel from money transferors/or lenders and then after a non-descript premises (probably empty) is the iconic Pizza Express Jazz restaurant which is on the other side of Dean Street.

In a nutshell the application is brought to bring the SEV Licence in line with the alcohol Licence because the existing SEV Licence is so restrictive that a Sexual Entertainment Venue could not survive the commercially. Reality dictates that if it can't operate as an SEV it will have to make full use of its Premises Licence and trade as a late night bar (without entertainment) to 03:00.

We hope that this overview is helpful to Committee.

Yours sincerely,



JULIAN SKEENS

Director
for Jeffrey Green Russell Limited

Hayes, Claire

From: Qureshi, Sabihah
Sent: 03 September 2014 13:46
To: General Licensing
Subject: FW: Objection: 14/06704/LISEVV, 4 Carlisle Street, Soho

From: David Gleeson [<mailto:dgleeson@live.co.uk>]
Sent: 02 September 2014 17:12
To: General Licensing; Premises Licensing
Cc: Marina Tempia; Margaret Bloomer; Richard Utting; John Raynham; Richard Brown
Subject: Objection: 14/06704/LISEVV, 4 Carlisle Street, Soho

Objections

Westminster Licensing Service

4th Floor (West) City Hall

64 Victoria Street

London SW1E 6QP

02 September 2014

Dear Sir/Madam

Ref: 14/06704/LISEVV – Vanity Bar and Nightclub, Basement to first floor, 4 Carlisle Street, London W1D 3BJ

Application to vary SEV licence under para 18 Sched 3 Local Government (Miscellaneous Provisions) Act 1982 (as amended)

I write to object under para 8(15) of Sched 3 to the Local Government (Miscellaneous Provisions) Act 1982 (as amended) to the above application on behalf of the Soho Society.

The Soho Society is a charitable company limited by guarantee established in 1972. The Society is a recognised amenity society and was formed to make Soho a better place to live, work or visit by preserving and enhancing the area's existing diversity of character and uses, and by improving its facilities, amenities and environment. In particular, the Society supports the City Council's policies, including the cumulative impact policy, as set out in the Statement of Licensing Policy and the SEV Statement of Licensing Policy.

The Society objects to this application to vary the SEV licence to extend the hours for which it has effect and to remove condition 25 on the grounds that:

1. It is contrary to the aims and objectives of the City Council's SEV Statement of Licensing Policy 2012 (para 1.7), particularly i) prevention of crime and disorder ii) prevention of public nuisance and iii) promoting improvement in the character and function of the city, or areas of it.

Prevention of crime and disorder – to use the ground floor for entertainment and dancing will undoubtedly establish the premises as an attraction and draw potential customers until the venue is closed (3am), thereby causing more activity, noise and potential crime in this residential street.

Prevention of public nuisance – the space immediately above the premises – as well as other parts of this small street - consists of domestic residencies and the sound created by music in such a venue will undoubtedly disturb the occupants. Carlisle Street is a very small cul-de-sac with the Nadler Hotel at the end: it is also likely that a sexual entertainment venue just yards from the main entrance and open until very late will have an adverse effect on this boutique hotel's business.

Promoting improvement in the character and function of the city, or areas of it – due to the comments above, we cannot see how this application would, if granted, promote such improvement. It not only seeks a later hour for relevant entertainment, but seeks to remove condition 25 which currently limits it to the basement only. I note that the application states that 'this application will facilitate the premises in attracting a clientele seeking out entertainment rather than seeing the consumption of alcohol as a major part of their night out.' This is highly debatable.

2. 2. The variation would be inappropriate, having regard to the character of the relevant locality, and to the use to which other premises in the vicinity are put- there is significant residential accommodation in the vicinity of the premises, including directly above. We are aware that individual residents have made their own objections, and we support these. The building in question is, in parts, centuries old and was originally built as living accommodation so the building itself is arguably completely unsuited for the purpose the applicants are intending. Carlisle Street, although in the stress area, is situated in one of the rare, quiet pockets of Soho and having such a venue opened until late in the night would disturb the general, harmonious peace which residents and businesses have negotiated carefully over the years.

Policy 2.5.7 further states that 'The effective dispersal of customers both from the premises and their locality is regarded by the council as a key principle of its policy to promote the policy aims and objectives.'

I confirm that I do not wish to exercise my right to anonymity under the Act.

I look forward to being kept up to date with developments.

Yours faithfully,

David Gleeson

Licensing Chair, The Soho Society

55 Dean Street

Soho

London W1D 6AF

Hayes, Claire

From: Roberts, Glenys (Cllr) CODE03
Sent: 01 September 2014 10:09
To: Nelson, Nicholas
Cc: Glanz, Jonathan (Cllr)
Subject: Re: 4 Carlisle Street, W1

As with my previous representation I support [REDACTED] in his objections to Sexual Entertainment use at this venue. There is a long history of inappropriate use in the lower floors of this building that has been regulated as a result of previous objections by the residential occupants supported by myself. This is a historic building quite unsuited to major destination activity because in the 18th century when it was built it was not designed for such use. Most importantly any noise transfers and vibrates through the structure making late night activities intolerable to those trying to sleep in the upper floors. In addition when patrons who may well be overexcited and inebriated later disperse down what is a narrow cul de sac residents are disturbed once more from noise on the street. This was recognised by previous licensing hearings and disruptive activities curtailed. Since then a hotel popular with families has been built in the street giving another reason why this use is inappropriate

Regards Cllr Roberts
Lead Member for Soho

Sent from my iPhone

I am writing to object to the variation to the Sexual Entertainment Venue Licence 14/06704/LISEVV, to increase the hours and the area for relevant entertainment and the removal of Condition 25 on the licence, on the grounds of Public Nuisance.

I have been a resident at no. 4 Carlisle Street since 1987 and bought my flat when the permitted use for the lower premises was a restaurant. Since then I have lived through a number of clubs in the lower floors. There are three flats above the club in 4 Carlisle Street. Westminster City Council has recently given permission for 5 Carlisle Street to be a family home on the upper floors; there is a residential property on the other side of the Carlisle Street and the Nadler hotel, which does not have public spaces, at the end of the cul-de sac. This is not like Dean Street, home of the Sunset Strip, a street lined with bars, restaurants and late night venues.

I strongly object to the variation of the Sexual Entertainment Venue Licence to the extension of the area for relevant entertainment and the removal of Condition 25, which was applied to the club to protect the residents.

There has always been a noise problem both internal and external with the use of the lower floors as a club. The core structure of 4 Carlisle Street was built in the 17th century and re-fronted in the 18th century and built as house. It is not suited to the use for club or bar as sound is easily transmitted through the building. My bedroom is on the 3rd floor and dance music from the basement was clearly audible there as well as the other flats until Westminster Council enforced a condition that dance music should only be in the basement and insisted that the previous tenant incorporated high class quality insulation to protect the residents. There had been previous attempts insulation but nothing satisfactory until then. Ambient music was allowed in Ground Floor bar and mezzanine. On the whole this has worked very well. Dance music by its nature has an insistent beat and this was transmitted through the structure and I assure it is virtually impossible to sleep once the beat gets into your brain. It was also possible to sing along with the karaoke three stories up.

Therefore having dance music for the table dancing on the first floor and strip tease on the ground floor will aggravate the noise problem which took 20 years to contain.

I also object to the hugely increased scale of the sexual entertainment business. When the Candy Bar had the licence, it was used for very occasional pole dancing and strip tease on the small stage area in the basement. This is now to be increased to three floors.

I am concerned also about the clientele this type of establishment will attract. There were always people hanging around outside the club outside front door but mainly Candy Bar Club members. The variations to the premises licence include the removal of all the conditions that govern the sale of alcohol (see conditions 32,34 and 41) despite the reiteration in the Sexual Entertainment Licence that 'this application will facilitate the premises in attracting a clientele seeking entertainment rather than seeing the consumption of alcohol as a major part of their night out'.

Since the smoking ban, customers from the club/bar in the lower floors of 4 Carlisle Street spill out onto the pavement and street, as it is a cul-de-sac, smoking, drinking, dancing, shouting, playing music etc. etc. Again it will be a problem of scale as it was bad enough with the Candy Bar, which was a relatively small member's club, against a 3 floor sexual entertainment venue, with no restrictions on alcohol. The Candy Bar had a 3am licence but it did not regularly stay open until that

time. Despite having door staff, it seemed to be impossible for them to control the clientele outside and the staff would rather upset the residents rather than remonstrate with the customers.

For the next three years I will have my 18 year old niece from Fiji staying with me during the university holidays. Finding men out for an evening at a sexual entertainment venue hanging round the front door, particularly with no restrictions on availability of alcohol will definitely be intimidating and not just to my niece.

Finally, I am concerned about the length of the opening hours of the venue. The various owners of the club premises have usually wanted to be open until 3 am and for a number of years, the hours were limited to 11.30pm during the week and 2am at weekends balancing the rights of the residents to quiet enjoyment of their homes and the requirements of the club. Unfortunately, despite many objections, the club were allowed to extend their hours.

As the club will be open long after public transport has closed down, presumably the club clientele will be using taxis and minicabs to go home. We have had problems with taxis hanging around outside with their engines running and ringing our doorbells in the early hours, thinking that the flats had requested the pick-up.



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

Monday 1st September 2014

Dear Sirs,

Ref: Vanity, 4 Carlisle Street W1D 3BJ - 14/06652/LIPV and 14/06704/LISEVV

I am writing on behalf of The Nadler Soho hotel, located at 10 Carlisle Street, W1D 3BR, to object to both Licence Variation Application 14/06652/LIPV and New Premises Licence Application 14/06704/LISEVV.

My grounds for objection cover all four licencing objectives: Protection of Children from Harm, Protection of Public Safety, Prevention of Crime and Disorder and Prevention of Public Nuisance. Dealing firstly with the New Premises Licence Application no 14/06704/LISEVV, the applicants contend that their Application, if successful, will promote the above four licencing objectives. The reason stated for this for all bar Protection of Children is the same and set out in Part 4 of their application. It is misleading, and misrepresents the conditions under which the current licence operates. It was **not**, as implied, a bar/nightclub open to all patrons 'seeing (sic) the consumption of alcohol as a major part of their night out'. On the contrary, the present licencing condition 34 sets out strict and explicit criteria in respect of who can be admitted past 23.00 and the requirement for the sale of alcohol to be ancillary to the use of the premises where patrons must take a full table meal (see also condition 32). As the applicant is seeking to have these conditions removed, in Application 14/06652/LIPV, together with the removal of other existing conditions, the licencing objectives will be threatened, not promoted, by premises that have no restriction on entry and where the provision of food with alcohol is no longer a requirement.

Their contention that the use of the premises for Sexual Entertainment will improve the character and function of the city is palpably incomprehensible. Soho's character has improved dramatically over the last 40 years since I was a Police Officer (Special Constable SC122) stationed at Vine Street. Due to the efforts of WCC together with various amenity groups and landlords, Soho has gone from a sleazy and seedy area to a vibrant centre of entertainment

THE NADLER SOHO

and activity whilst being generally safe and welcoming to all. A user such as that proposed will be a regressive step in terms of the character of the neighbourhood. It will create a threatening, sexually charged atmosphere, especially for women and children, of whom there are an increasing number in Soho, even late at night, due to the positive change in the character of the area.

In terms of function, Carlisle Street, west from the Dean Street junction, is a tight and short cul-de-sac. As such, any activity has a greater impact, positive or negative, on the functioning of this part of the street. The increase in the scale of activity as proposed, particularly in respect of the late night, unrestricted entrance, will have a seriously detrimental impact on the functioning of Carlisle Street. Patrons arriving and leaving by taxis, which will struggle to come in, turn and exit this end of Carlisle Street, will cause mayhem late at night with potential for traffic noise, arguments and consequently violence. Together with inebriated clients leaving the premises, this is a recipe for disaster for residents and other occupiers of Carlisle Street.

The increase in noise from activities now spread over more area and floors is also a serious concern, especially later at night/early morning, constituting a public nuisance.

In respect of licencing objective 'The Protection of Children from Harm', as stated above, there are now more children in Soho late at night, as parents are presently comfortable that this is a safe part of the city. This includes not just visitors and tourists but also an increasing numbers of residents as well as hotel guests, many with young families, a demographic with whom our hotel is particularly popular. As I have said above, the atmosphere and potential for violence that the proposal will generate hardly promotes the stated objective, but rather undermines it.

In addition, the reasons given in the application for an exception to be made to the cumulative impact – Stress Areas – Policy STR1 are again unsupportable and misleading. They misrepresent the current conditions of operation, as explained above, and will intensify, not displace, the number of patrons, with an increase in the area of activities for Sexual Entertainment, thus having the opposite impact to that claimed.

In light of the above, I believe this application should be refused.

Looking at Application 14/06652/LIPV, we wish to object to this application also, on grounds of its negative impact on all four of the Licencing Objectives. Many of our objections are stated

THE NADLER SOHO

above, but turning to the requested changes to the existing licence conditions, we have further concerns, which I set out below.

The revisions to the layout, and the increase in areas where Sexual Entertainment can take place creates an intensification of use, and is likely to cause an increase in the number of patrons who are on the premises at any one time, with all the attendant consequences this will have on entry and exit, in a very restricted street/cul-de-sac. This is likely to lead to a direct threat to the objectives of the Stress Areas policy.

Turning to the application to remove specific existing conditions:

10. We do not see how removal of this condition will benefit the four licencing objectives, and indeed fear that it will undermine the objectives.

15. As already explained, this will generate an intensification of activity, with the attendant consequences described above.

30. We believe that removal of this condition will mean that the licensees will be unsuitable and untrained persons, without the experience and training to handle the increased number of patrons and that this will impact negatively on the Prevention of Crime and Disorder as well as Public Safety and Public Nuisance.

32. Without this condition that requires the provision of substantial food other than intoxicating liquor, the premises will become a late night drinking den. The provision of Sexual Entertainment is hardly likely to reduce the amount of alcohol consumed, a contention of the applicants with which we disagree and which we do not believe can be substantiated. The removal of the requirement to serve substantial food varies the nature of the Premises considerably, and will likely cause an increase in levels of drunkenness with associated public nuisance, and crime and disorder.

34. The removal of the restrictions on entry post 23.00 hours changes the type of clientele who will be permitted to enter, making it more difficult to control who enters, undermining the nature of the premises that had been in the realm of a private members club, thereby increasing the potential numbers of clients on the premises, intensifying the use late at night, at times when public transport will no longer be available, and therefore further increasing the likelihood that all four licencing objectives will be undermined.

**THE
NADLER
SOHO**

41(e). Requesting the removal of this condition undermines the applicant's assertion that the provision of Sexual Entertainment is the central activity, and not drinking. If this condition is removed, the sale of alcohol becomes a principle activity, and the likelihood of inebriated patrons behaving in a manner likely to cause a breach of the peace and undermining the licencing objectives of Protection of Public Safety, Prevention of Crime and Disorder and Prevention of Public Nuisance increases significantly.

47. Removal of this condition will increase the intensification of the Sexual Entertainment activity, meaning more patrons on the streets arriving and leaving late at night. This will put residents and other visitors to Soho, especially children, at risk, being contrary to the licencing objective of Protection of Children from Harm, as well as the other three licencing objectives.

The only step proposed by the applicants to address the promotion of the four licencing objectives is to advise that they operate under a series of Codes of Conduct (undefined). In view of their desire to remove condition 30, this is a grave concern.

The application to extend the hours undermines the Licensing Authority's policy of deeming this area a "Stress Area". The Licensing Authority is clear that applications to vary licences within the stress area should only be limited to core hours of 10:00-00:00 Friday Saturday; 12:00-23:30 Sunday; 10:00-23:30 midweek. This application goes far beyond those core hours. The Licensing Policy refers to the need to "balance the legitimate aspirations of the entertainment industry with the needs of residents and other users of the city including visitors and businesses". These proposals skew that balance significantly and adversely.

Based on these objections, we believe this application should be refused.

It would be our intention to attend a hearing, if a hearing is held.

Yours faithfully,



Robert Nadler

Hayes, Claire

From: [REDACTED]
Sent: 31 August 2014 00:20
To: General Licensing
Cc: [REDACTED]
Subject: urgent - complaint re application for lap dancing club at 4 Carlisle Street, Soho, W1

Dear Sir/Madam,

It has just been brought to my attention plans have been submitted to operate a lap dancing club in 4 Carlisle Street which also happens to be a residential premises
[REDACTED]

While I've not spoken to them about this application, I am sure they will be appalled.

Indeed I am outraged at the prospect of such an odious, exploitative sex industry launching [REDACTED] in 4 Carlisle Street.

The area is largely residential, quiet and on the fringe of Soho where the sex industries do not operate.

I have several grounds for objection, not least of all a sleazy industry which at best exploits female sex workers and at worst titillates men getting them into a sexually aroused state before letting them loose on our streets.

I would urge you to refuse this application because it is at odds with the gentile environment now operating in and around the Carlisle Street area. This sort of business was something which thrived in the 70s and 80s and is no longer an industry which suits Soho's increasingly sophisticated environment.

Apart from the obvious dangers of sexually aroused male predators stalking the area, I am also concerned about noise levels which would almost certainly spill on to the streets, possible disturbances from unhappy customers, noisy exits from customers and the common practice of hanging around such establishments waiting for the staff to leave.

Kindest regards

[REDACTED]

Comments for Licensing Application 14/06704/LISEVV

Application Summary

Application Number: 14/06704/LISEVV

Address: Basement To First Floor 4 Carlisle Street London W1D 3BJ

Proposal: Sexual Entertainment Venue - Variation

Case Officer: Ms Claire Hayes

Customer Details

Name: 

Address: Westminster City Hall 64 Victoria Street London

Comment Details

Commenter Type: MP or Councillor

Stance: Customer objects to the Licensing Application

Comment Reasons:

Comment: 1:46 PM on 02 Sep 2014 I object to this application.

Hayes, Claire

From: Qureshi, Sabihah
Sent: 03 September 2014 14:11
To: General Licensing
Subject: FW: Licence 14/06704/LISEVV

From: [REDACTED]
Sent: 02 September 2014 23:42
To: Premises Licensing
Subject: Licence 14/06704/LISEVV

[REDACTED]

Dear Sir or Madam

I am writing to object to the application for the variation to the Sexual Entertainment Venue Licence 14/06704/LISEVV to the club "VANITY" that occupies the ground floor & basement of the building .

I have been a tenant at [REDACTED] since [REDACTED] this year & although I am quite relaxed about the compromises you have to make living in Soho I object strongly to club [REDACTED] becoming a sex establishment.

I moved in this [REDACTED] accepting there was a club [REDACTED] but would not have done so had it been at the time a strip club that these days is rebranded as "lapdancing"

It must be a public nuisance to increase the already huge numbers of people that drink (loudly) on the street outside the Nellie Dean pub next door. Broken glass , rubbish , drunk aggressive behaviour , foul language & urination in the street are common occurrences just to reach the front door.

It must be a public nuisance to encourage the exploitation of young girls as an acceptable form of entertainment .

I have known girls who work in that industry & there is a opportunity to engage in prostitution all the time & I do not want that happening in the [REDACTED] & would hope you would not want that occurring in any establishment you have approved a license to either.

If you want to lower the crime & disorder in this area reject this application.

Thank you

Yours sincerely

[REDACTED]

Hayes, Claire

From: Eaton, Sam
Sent: 02 September 2014 11:30
To: O'Leary, Darren
Cc: Hayes, Claire
Subject: FW: Vanity, 4 Carlisle Street. London W1D 3BJ - 14/06652/LIPV and 14/06704/LISEVV

Hi Darren

Please see below.

Kind Regards

Miss Sam Eaton
Environmental Health Case Officer
Environmental Health Licensing & Consultation - Premises Management Westminster City Council 4th
Floor West City Hall
64 Victoria Street
London
SW1E 6QP
Telephone 020 7641 1868
email: seaton1@westminster.gov.uk
Web: www.westminster.gov.uk

-----Original Message-----

From: [REDACTED]
Sent: 02 September 2014 11:16
To: Eaton, Sam
Cc: premiseslicensing@westminster.gov.uk generallicensing@westminster.gov.uk
Subject: Vanity, 4 Carlisle Street. London W1D 3BJ - 14/06652/LIPV and 14/06704/LISEVV

Dear Miss Eaton good morning [REDACTED] is the owner of [REDACTED] and a nearby property ([REDACTED]). Like many others we have invested in light of the ongoing improvement of the local area.

I wish to register our objections to the applications generally and specifically in view of the inevitability that :

Children will not be protected from harm Public Safety will be compromised Crime and Disorder will increase Public Nuisance will increase

Carlisle Street is a short cul-de-sac and the problems suffered by occupiers and owners will be exacerbated by the unacceptable intensification of use. I cannot imagine this is desirable in the context of the arrival of Crossrail 2 and the intended benefit to Soho and our great capital city.

[REDACTED]

[REDACTED]

Objector 9

Appendix B9

To whom it may concern,

This letter is in regards to the Sexual Entertainment Venue Licence (14/06704/LISEVV) at 4 Carlisle Street W1D 3BJ. I object on the grounds of Public Nuisance and declare that this establishment in no way will be a benefit to Soho. My position is that it will be the complete opposite and prove to be an encumbrance for those that live and work on Carlisle Street.

I am an 18 year old girl who is currently living at [REDACTED] and I will be returning to this flat, my home in London, throughout my university holidays. If this license is given permission, I will in no doubt be returning home each day to find groups of people (I assume predominantly males, and men looking for sexual entertainment at that) outside [REDACTED]. It is safe to say I will not find comfort in Carlisle Street.

Carlisle Street is already filled with large groups of people standing along the pavements and on the road, especially on Thursday, Friday and Saturday evenings. This is due to the Nellie Dean being on the corner. Many people are outside the pub in the evenings smoking and returning home in the evening involves me asking random people to move off the doorstep so I can get into the [REDACTED]. If Vanity is granted a Sexual Entertainment Venue Licence then the amount of people crowding a predominantly residential street will vastly increase, something that those living near by do not wish for.

I sincerely hope that the licence is not granted for these reasons.

Your sincerely,

[REDACTED]

Hayes, Claire

From: [REDACTED]
Sent: 28 August 2014 13:01
To: General Licensing
Subject: 14/06704/LISEVV

TO WHOM IT MAY CONCERN.

Further to yours that I received this week - I strongly object to the granting of a New Licence for a ' Sexual Entertainments Venue ' to the Basement and 1st. Floor, at Vanity Bar and Nightclub, 4 Carlisle Street, London, W1D 3BJ.

This will be a great disruption and annoyance to the me as a neighbour.

This will only add to the late night noise and disruption in the area.

It will mean that more broken glasses will be left around and more mess to be removed the following morning.

There will be more likelihood of Fights and Scuffles which are always happening at ' Strip Clubs. '

It will mean the Security will be arguing and shouting, and be on mobile phones throughout the night.

We have within yards another Sexual Entertainment Venue which has been operating with full approval of the Police and Council for many years - we do NOT need another.

I very strongly object to the granting of this new licence.

Yours,

[REDACTED]

PS Please confirm that you have received

Objector 11

Appendix B11

Hayes, Claire

From: [REDACTED]
Sent: 01 September 2014 08:51
To: Nelson, Nicholas
Cc: [REDACTED]
Subject: 4 Carlisle Street, W1

Dear Nick,

Further to our telephone conversation I am writing, in my capacity as [REDACTED] Councillor to object to the proposal to expand the operations and times for the Sexual Entertainment Venue Licence which currently subsists for 4 Carlisle Street.

When owned and operated as the Candy Bar it is my understanding that the licence was rarely or never used.

Whilst I have no objection in principle to sexual entertainment venues I believe that aggregating this building with the nearby Nelly Dean Pub in what is a quiet cul de sac in the process of transformation to a more residential enclave in anticipation of the completion of the Crossrail works at Dean Street etc... means that this is an inappropriate location to have a late night venue of this kind.

The proposed increase from limited use of the basement stage to use of the basement ground and first floor is likely to lead to a significant intensification of the use of the building, the comings and goings and activity in and around the premises themselves. Whilst it is possible to argue that a well-managed premises with suitable door staff could keep disturbance to a minimum the ability of those staff to manage behaviour on nearby streets is limited. SIA staff cannot deal with people other than those on the premises or immediately nearby. It is unrealistic and unacceptable to expect the police to pick up an additional burden in relation to this proposal.

As a result I think it is extremely likely that this would contribute to crime and anti-social behaviour and adversely to affect local residents and businesses and for that reason I would wish to object to the application. I would also like the opportunity of addressing the Committee in due course either in writing or orally.

Best wishes,

Yours sincerely,

[REDACTED]
[REDACTED]

Please follow me on:



Please only print if necessary

CITY OF WESTMINSTER

MEMORANDUM

TO Licensing Officer

REFERENCE 14/06704/LISEVV

FROM EH Consultation Team

REFERENCE

BEING DEALT WITH BY Ian Watson (iwatson@westminster.gov.uk)

TELEPHONE 020 7641 3183

DATE 2nd September 2014

Local Government (Miscellaneous Provisions) Act 1982
Policing and Crime Act 2009

Vanity Bar And Nightclub, 4 Carlisle St, W1

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

This representation is based on the details provided.

The applicant is seeking the following

1. To increase the hours for relevant entertainment Monday to Saturday to allow 09.00 – 03.00 hours and Sunday 09.00 – 00.00 hours.
2. To allow relevant entertainment within the basement, ground and mezzanine floors.
3. To remove condition 25 'Relevant entertainment shall be restricted to the stage area in the basement only'.

I wish to make the following representation

1. The increase in hours to provide relevant entertainment will have the likely effect of an increase in Public Nuisance.
2. To allow relevant entertainment within the basement, ground and mezzanine floors will impact on Public Safety and have the likely effect of an increase in Public Nuisance.
3. Removal of Condition 25 will impact on Public Safety at the premises.

The applicant has not provided any additional conditions in support of the application.

Should you wish to discuss the matter further please do not hesitate to contact me.

Ian Watson
Senior Practitioner Environmental Health (Licensing)

CITY OF WESTMINSTER
PREMISES LICENSING INSPECTOR

MEMORANDUM

TO **Ms Claire Hayes**

REFERENCE **14/06704/LISEVV**

FROM **Premises Licensing Inspectors, 4th Floor, City Hall, x 3385**

REFERENCE **14/034340/LIINSP**

BEING DEALT WITH BY **James Hayes**

DATE **28 August 2014**

**VANITY BAR AND NIGHTCLUB, BASEMENT TO FIRST FLOOR, 4 CARLISLE STREET,
LONDON**

The above application seeks to increase the hours and areas for Relevant Entertainment and the removal of condition 25.

The increase in hours and areas for Relevant Entertainment requires additional door supervision. This has not been specified in the application. Condition 16 of the Premises Licence (reference 14/00491/LIPDPS) specifies a minimum number of door supervisors but this number is inadequate due to the increase in hours and areas sought.

I therefore object to the application under the following licensing objectives: prevention of crime and disorder, public safety, and prevention of public nuisance.

I have contacted the agent for the application seeking further information.

My contact details are provided below if you have any questions regarding my comments.

James Hayes
Licensing Inspector

Hayes, Claire

From: Hayes, James
Sent: 28 August 2014 14:55
To: idoxlicensing
Cc: Hayes, Claire
Subject: Memo - 14/06704/LISEVV - Vanity Bar
Attachments: Vanity Bar Variation 28.08.14.docx

Please see attached memo.

Regards,

James Hayes

Licensing Inspector
Premises Management
Westminster City Council
4th Floor North Westminster City Hall
64 Victoria Street
London
SW1E 6QP
Tel: 020 7641 4428
Fax: 020 7641 3436
jhayes2@westminster.gov.uk
www.westminster.gov.uk
Please don't print this e-mail unless you really need to.



Hayes, Claire

From: Marcus Lavell [mcl@jgrlaw.co.uk]
Sent: 15 October 2014 10:54
To: Hayes, James
Cc: Hayes, Claire; McVitie, Martin
Subject: RE: Vanity Bar

Dear James

Yes, we would be happy to accept this. Will changes be made to the proposed Appendix D for inclusion with the committee report?

Kind regards,

Marcus Lavell
Barrister
for Jeffrey Green Russell Limited

Direct Tel: ++44 - (0)20 7339 7296
Direct Fax: ++44 - (0)20 7307 0226
www.jgrweb.com



From: Hayes, James [mailto:jhayes2@westminster.gov.uk]
Sent: 14 October 2014 14:58
To: Marcus Lavell
Cc: Hayes, Claire; McVitie, Martin
Subject: RE: Vanity Bar

Dear Marcus, thanks for the email.

I have had a chance to read the proposed conditions. As my objection only related to door supervision on the sexual entertainment venue licence I will restrict my comment to that.

Would your client agree to the slightly modified wording of condition 35 below?:

35. There shall be ~~an~~ at least one SIA registered door supervisor on duty on any floor that is providing Relevant Entertainment.

That would address my concerns were the Licensing Sub-Committee minded to grant the application. I intend to attend the hearing next Thursday in case the Licensing Sub-Committee have any further questions for me. All being well I will see to you then.

Kind Regards,

James Hayes

Licensing Inspector
Premises Management
Westminster City Council
4th Floor North Westminster City Hall
64 Victoria Street
London
SW1E 6QP
Tel: 020 7641 4428
Fax: 020 7641 3436
jhayes2@westminster.gov.uk
www.westminster.gov.uk

Please don't print this e-mail unless you really need to.



From: Marcus Lavell [<mailto:mcl@jgrlaw.co.uk>]
Sent: 13 October 2014 13:17
To: Hayes, James
Subject: Vanity Bar
Importance: High

Dear James

I hope this email finds you well.

Have you had an opportunity to consider the draft proposed conditions for the above applications?

Kind regards,

Marcus Lavell
Barrister
for Jeffrey Green Russell Limited

Direct Tel: ++44 - (0)20 7339 7296
Direct Fax: ++44 - (0)20 7307 0226
www.jgrweb.com



SEX ESTABLISHMENT LICENCE Sexual Entertainment Venue

Premises licence number:	14/01806/LISEVT
Original Reference:	13/08022/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:

Nags Head Limited
Vanity Bar And Nightclub
4 Carlisle Street
London
W1D 3BJ

as a Sexual Entertainment Venue.

This licence commences from the 16th June 2014 and will expire on the 16th December 2014.

Relevant Entertainment may be provided during the following times:

Monday to Thursday	09:00 to 23:30
Friday to Saturday	09:00 to 02:00
Sunday	09:00 to 23:00

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.

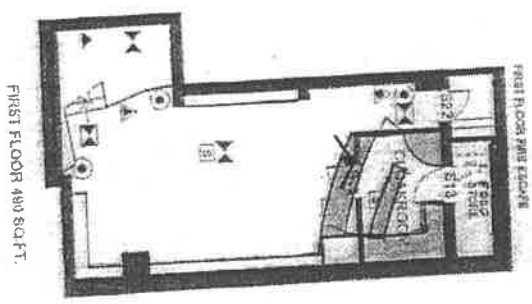
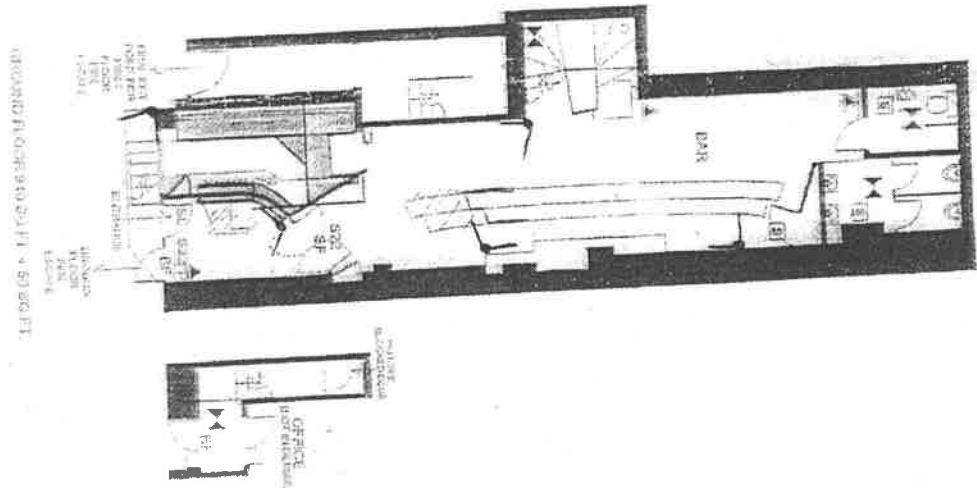
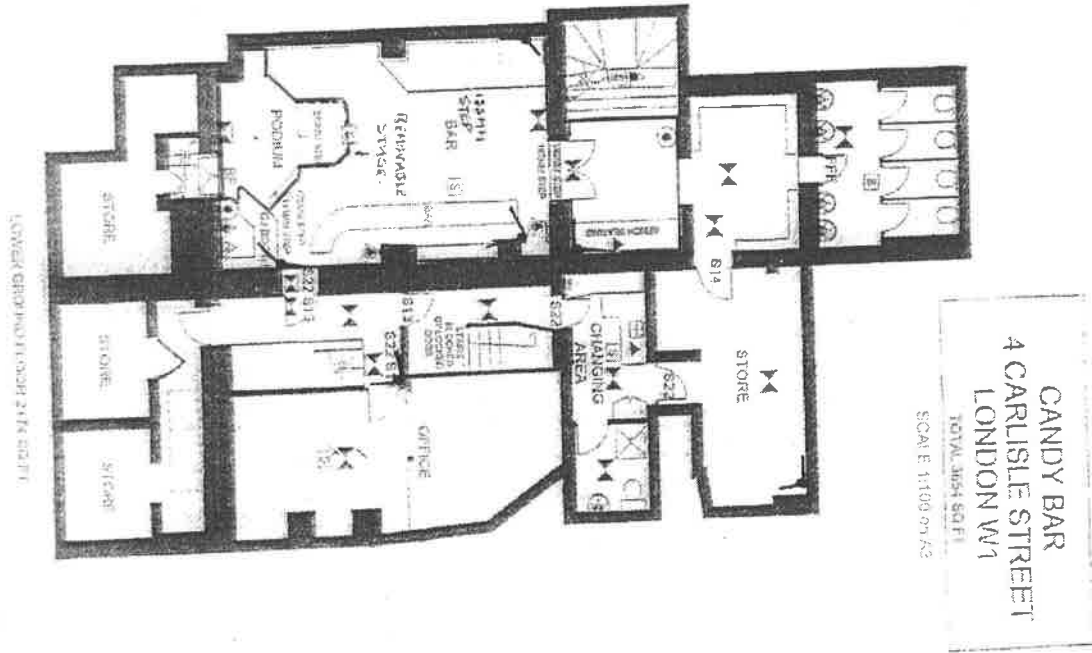
DATE: 16 JUNE 2014

SIGNED:



**On behalf of the Operational Director -
Premises Management**

Appendix 1 – Plans



- FIRE FIGHTING EQUIPMENT**
- ROOM FIRE EXTINGUISHER
 - ▲ FIRE BLANKET IN COMPASS
 - ▲ CARBON DIOXIDE EXTINGUISHER
 - Ⓛ AREA COVERED BY SMOKE DEFLECTORS
 - ▲ AREA COVERED BY ESCAPE LIGHTS
 - ▲ CONTROL PANEL BOUNDARY
 - ⊙ BREAK GLASS CALL POINT
 - Ⓜ FIRE ALARM POINT
- DOOR CODES**
- Ⓢ 3 BRASS PASTERING SWITCH
 - Ⓢ 7 LOCK FIRE OF ALL PARTITIONS
 - Ⓢ 4 SECURITY LOCK
 - Ⓢ 25M EMERGENCY EXIT DOOR
 - Ⓢ 10M FIRE DOOR KEYS
 - Ⓢ 10M FIRE DOOR KEYS
- OTHER**
- Ⓛ CCTV
 - Ⓛ FIRE EXTINGUISHER

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. No Relevant Entertainment shall take place until CCTV adequately covers and monitors the stage area to the satisfaction of the Environmental Health Consultation Team and the Licensing Service.
25. Relevant Entertainment shall be restricted to the stage area in the basement only
26. The maximum number of persons accommodated at any one time (excluding staff) shall not exceed 70 persons in the basement, 80 persons on the ground floor and 25 persons to the first floor.
27. All emergency doors shall be maintained effectively self closing and not held open other than by an approved device.
28. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.
29. Curtains and hangings shall be arranged so as not to obstruct emergency signs.
30. 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.
31. 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.
32. All exit doors shall be available at all material times without the use of a key, code, card or similar means.
33. Any special effects or mechanical installations shall be arranged and stored so as to minimise any risk to the safety of those using the premises. The following special effects will only be used on 10 days prior notice being given to the Licensing Authority where consent has not previously been given.

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

34. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.



Schedule 12
Part A

WARD: West End
UPRN: 010033531502

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

Premises licence

Regulation 33, 34

Premises licence number:

14/00491/LIPDPS

Original Reference:

05/03985/LIPCV

Part 1 – Premises details

Postal address of premises:

Vanity Bar And Nightclub
Basement To First Floor
4 Carlisle Street
London
W1D 3BJ

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 Thursday:	09:00 to 23:30
Friday to Saturday:	09:00 to 02:00
Sunday:	09:00 to 23:00

Performance of Live Music

Monday to Thursday:	09:00 to 23:30
Friday to Saturday:	09:00 to 02:00
Sunday:	09:00 to 23:00

Playing of Recorded Music

Unrestricted

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

Monday to Thursday:	09:00 to 23:30
Friday to Saturday:	09:00 to 02:00
Sunday:	09:00 to 23:00

Late Night Refreshment

Monday to Saturday:	23:00 to 03:30
Sunday:	23:00 to 01:00

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

Sale by Retail of Alcohol

Monday to Saturday:	10:00 to 03:00
Sunday:	12:00 to 00:30

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

The opening hours of the premises:

Monday to Saturday:	09:00 to 03:30
Sunday:	09:00 to 01:00

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

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

Part 2

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

Nags Head Limited
17-19 Whitechapel Road
London
E1 1DU
Electronic Mail : manpal_singh-clair@hotmail.com

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

06251735

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

Name: Manpal Singh

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: P00539
Licensing Authority: London Borough Of Redbridge

Date: 18th February 2014

Signed: pp



Operational Director - Premises Management

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. 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 reproducing the effect of conditions subject to which the relevant existing licenses have effect.

Conditions relating to regulated entertainment:

10. This licence is subject to all the former Rules of Management for Places of Public Entertainment licensed by Westminster City Council, in force from 4 September 1998 and incorporating amendments agreed by the Council on 25 October 1999, 30 June 2000, 16 January 2001 and 1 October 2001.
11. 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).
12. Notwithstanding the provisions of Rule of Management No 6 the premises may remain open for the purposes of this licence from 23:00 to 23:30 on each of the days Monday to Thursday and from 23:00 on each of the days Friday to Saturday to 02:00 on the day following.

13. The entertainment provided at the premises shall be of the type commonly known as discotheque, karaoke and striptease.
14. All amplified music shall be played through a suitable new and modern sound limiting device which shall be set, sealed and maintained at all times at a level agreed by the Environmental Health Officer (to be checked on a spot basis by the Environmental Health Officer). The operational panel shall then be secured and the system shall not be altered without prior agreement with the Environmental Health Department.
15. Dancing and striptease shall only take place in the basement.
16. In addition to at least one registered door supervisor and at least two registered door supervisors when striptease entertainment is provided, a steward shall be employed at the premises who will endeavour to ensure that customers will leave the vicinity quickly and quietly.
17. Only activities which have previously been agreed by the council shall take place.

18.* The agreed activities shall take place only in the designated areas approved by the Council. The approved arrangements for access to the dressing room shall be maintained at all times whilst striptease entertainment is taking place and immediately thereafter.

19.* All performers must be segregated from the audience and must have direct access to the dressing room without passing through or in close proximity to the audience (NB, not to apply in the case of tableside dancing).

20.* The area proposed for striptease shall be in position where the performance can not be seen from the street.

21.* Except with the consent of the Council there shall be no external advertising of the striptease entertainment either at the premises or within a 200 metre radius of the premises.

22.* Whilst striptease entertainment is taking place no person under the age of 18 shall be on the licensed premises and a clear notice shall be displayed at each entrance to the premises in a prominent position so that it can be easily read by persons entering the premises in the following terms:

NO PERSONS UNDER 18 WILL BE ADMITTED

23.* The Licensee, performer and any person concerned in the organisation or management of the premises or the entertainment shall not encourage, or permit others to encourage, the audience to throw money at or otherwise to give gratuities to the performers (except as may be permitted by special conditions relating to tableside dancing).

24. Cab operators shall be informed of the need to keep noise to a minimum and to switch their vehicles' engines off whilst waiting in Dean Street for clients.
25. The basement door going onto the street shall be kept closed at all times, except for emergency use.
26. No alteration or modification to any existing sound system(s) should be effected without prior consent of an authorised officer of the Environmental Health Department.
27. Any additional sound generating equipment shall not be used on the premises without being routed through the sound limiter device.

28. All doors giving access/egress to the premises shall not be fixed open after 23:00.
29. A 'hotline' telephone number to the licensee shall be available to local residents.
30. All licensees to possess the National Entertainment Licensees Certificate or an equivalent qualification or to be in the process of acquiring such qualification.
31. The number of persons accommodated (excluding staff) shall not exceed:
 Basement - 70,
 Ground Floor - 80,
 First Floor - 25.

Conditions for Sale of Alcohol

32. Substantial food and suitable beverages other than intoxicating liquor (including drinking water) shall be available during the whole of the permitted hours in all parts of the premises where intoxicating liquor is sold or supplied.
 33. A CCTV system shall be installed, maintained and operated correctly as specified by the Metropolitan Police Crime Prevention Officer.
 34. On any evening where the premises or part of the premises are open for music and dancing and a section 77 Special House Certificate is in operation, intoxicating liquor shall not be sold or supplied to persons entering the premises after 23:00 other than to:-
 - (a) Persons who have paid a minimum admission fee of at least £3 Monday to Thursday and £5 Friday to Saturday for music, dancing and entertainment (not to be credited against consumables);
 - (b) By prior invitation to a bona fide private function held at the premises, of which 24 hours notice has been given to the police;
 - (c) Guests of the proprietors/directors of Candy Bar, bona fide entertained and specially invited prior to admission (a full list of whose individual names shall be kept at reception available for inspection by police);
 - (d) Artistes and persons employed at the premises;
 - (e) Notwithstanding (a) above, persons taking full table meals;
 - (f) Persons attending a private function at the premises.
 35. At least one licensee shall be present during the whole time intoxicating liquor is supplied, sold or consumed.
 36. There shall be no payment made by or on behalf of the licensees to any person for bringing customers to the premises.
 37. There shall be no gaming on the premises, other than machines authorised by Part III of the Gaming Act 1968 or by the Licensing Justices in accordance with Section 6 of the Gaming Act 1968.
 38. Maximum (excluding staff) Ground Floor 80; Basement 70; First Floor 25
- | | |
|------|--|
| 39.* | No striptease, no nudity and all persons on the premises to be decently attired, save for persons performing striptease on the stage area. |
| 40.* | In relation to any striptease performed there shall be no touching or physical contact between any customer. |

Conditions which reproduce the effect of any restriction imposed on the use of the premises by specified enactments.

41. Alcohol shall not be sold, supplied or consumed in or taken from the premises except during permitted hours.
- (a) Subject to the following paragraphs, the permitted hours on weekdays shall commence at 10.00 (12.00 on Christmas Day and Good Friday) and extend until 03.00 on the morning following, 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 03.00, the permitted hours shall end when 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 references to 04.00 for references to 03.00.
 - (c) Except on Sundays immediately before bank holidays (apart from Easter Sunday), the permitted hours on Sundays shall commence at 12.00 and extend until 00.30 on the morning following, except that-
 - (i) the permitted hours shall end at 00.00 midnight on any Sunday on which music and dancing is not provided after midnight;
 - (ii) where music and dancing end between 00.00 midnight on any Sunday and 00.30, the permitted hours on that Sunday shall end when the music and dancing end.
 - (d) On Sundays immediately before bank holidays (other than Easter Sunday), the permitted hours shall commence at 12.00 and extend until 03.00 on the morning following, except that-
 - (i) the permitted hours shall end at 00.00 midnight on any Sunday on which music and dancing is not provided after 00.00 midnight;
 - (ii) where music and dancing end between 00.00 midnight on any Sunday and 03.00, the permitted hours on that Sunday shall end when the music and dancing end.
 - (iii) The terminal hour for late night refreshment shall extend to 30 minutes after the end of permitted hours for the sale of alcohol set out in d(i) and (ii) above.
 - (e) The sale of alcohol must be ancillary to the use of the premises for music and dancing and substantial refreshment.
 - (f) The permitted hours on New Year's Eve will extend to the start of permitted hours on the following day, or if there are no permitted hours on 1 January, to 00.00 on New Year's Eve.

NOTE - The above restrictions do not prohibit:

- (a) during the first thirty minutes after the above hours the consumption of the alcohol on the premises;

- (b) during the first twenty minutes after the above hours, the taking of the alcohol from the premises unless the alcohol is supplied or taken in an open vessel;
- (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.

42. 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.

43. 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 the premises licence (or the holder of the 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.

44. The terminal hour for late night refreshment on New Year's Eve is extended to 05:00 on New Year's Day.

* Conditions indicated shall not apply when a Sexual Entertainment Licence is in effect at the premises

Annex 2 – Conditions consistent with the operating Schedule

45. No Noise or vibration shall emanate from the premises in to adjacent residential premises.

Conditions reproducing the effect of conditions subject to which the relevant existing licenses have effect.

Conditions relating to regulated entertainment:

- | | | |
|------|-----|--|
| 46.* | (a) | Striptease entertainment may be provided by both male and female performers |
| | (b) | The audience shall not be permitted to participate in striptease entertainment. |
| | (c) | The provision of striptease entertainment shall be restricted on any particular day to either male or female performers and not both sexes at the same time or on the same day (09:00 to 00:00). |

* Conditions indicated shall not apply when a Sexual Entertainment Licence is in effect at the premises

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

47.* Striptease entertainment may only be provided in the basement area of the premises.

* Conditions indicated shall not apply when a Sexual Entertainment Licence is in effect at the premises

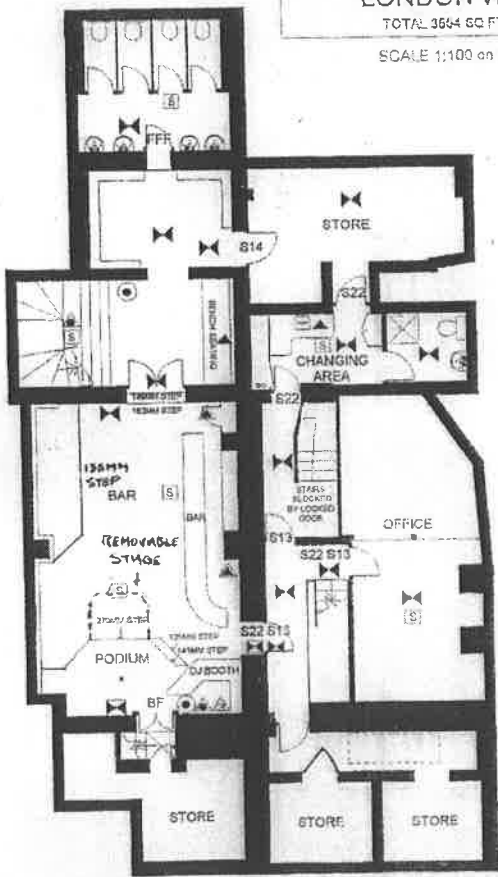
Annex 4 – Plans

Attached

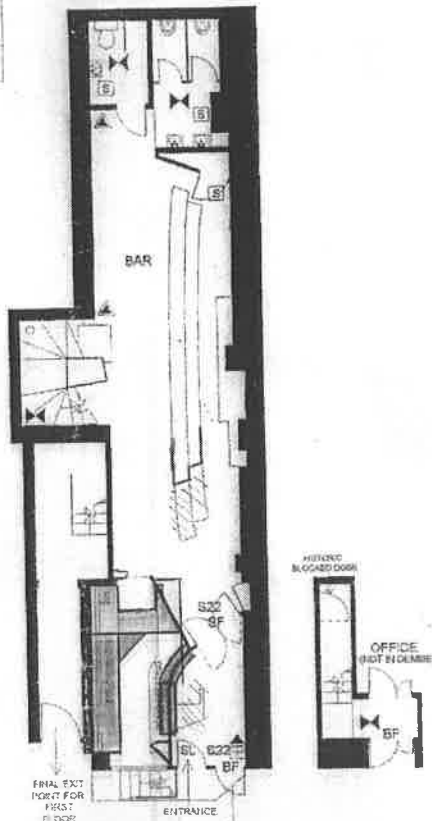
CANDY BAR
4 CARLISLE STREET
LONDON W1

TOTAL 3664 SQ FT

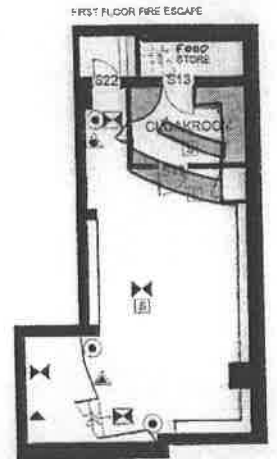
SCALE 1:100 on A3



LOWER GROUND FLOOR 2174 SQ FT



GROUND FLOOR 946 SQ.FT. + 50 SQ.FT.



FIRST FLOOR 480 SQ.FT.

- Plan February 2007*
- FIRE FIGHTING EQUIPMENT**
- FOAM FIRE EXTINGUISHER
 - FIRE BLANKET IN CONTAINER
 - CARBON DIOXIDE EXTINGUISHER
 - AREA COVERED BY SMOKE DETECTOR
 - AREA COVERED BY ESCAPE LIGHTING
 - AREA COVERED BY ILLUMINATED EXT SIGN
 - CONTROL PANEL SOUNDER
 - BREAK GLASS CALL POINT
 - FIRE ALARM POINT
- DOOR CODES**
- BF = BREAK FASTENING DOOR
 - FFF = DOOR FREE OF ALL FASTENINGS
 - SL = SECURITY LOCK
 - S22 = EMERGENCY EXIT NOTICE
 - S13 = FIRE DOOR KEEP SHUT
 - S14 = FIRE DOOR KEEP LOCKED



Schedule 12
Part B

WARD: West End
UPRN: 010033531502

City of Westminster

64 Victoria Street, London, SW1E 6QP

Premises licence
summary

Regulation 33, 34

Premises licence number:

14/00491/LIPDPS

Part 1 – Premises details

Postal address of premises:

Vanity Bar And Nightclub
Basement To First Floor
4 Carlisle Street
London
W1D 3BJ

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 Thursday:	09:00 to 23:30
Friday to Saturday:	09:00 to 02:00
Sunday:	09:00 to 23:00

Performance of Live Music

Monday to Thursday:	09:00 to 23:30
Friday to Saturday:	09:00 to 02:00
Sunday:	09:00 to 23:00

Playing of Recorded Music

Unrestricted

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

Monday to Thursday:	09:00 to 23:30
Friday to Saturday:	09:00 to 02:00
Sunday:	09:00 to 23:00

Late Night Refreshment

Monday to Saturday:	23:00 to 03:30
Sunday:	23:00 to 01:00

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

Sale by Retail of Alcohol

Monday to Saturday: 10:00 to 03:00
Sunday: 12:00 to 00:30

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

The opening hours of the premises:

Monday to Saturday: 09:00 to 03:30
Sunday: 09:00 to 01:00

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

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

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

Nags Head Limited
17-19 Whitechapel Road
London
E1 1DU

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

06251735

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

Name: Manpal Singh

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

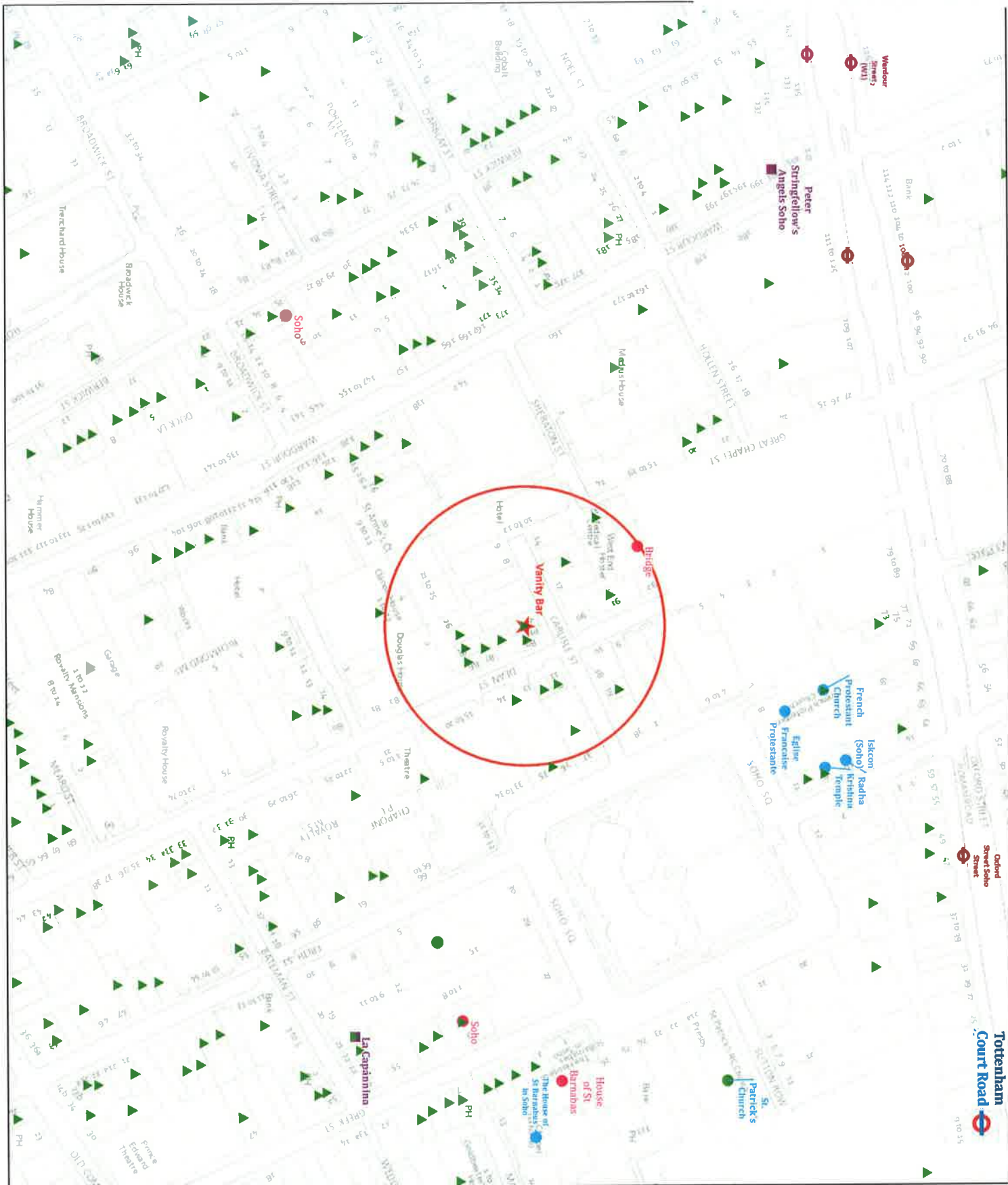
Restricted

Date: 18th February 2014

Signed:


pp

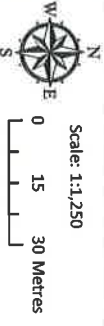

Operational Director - Premises Management



**Vanity Bar,
4 Carlisle Street,
W1D 3BJ**

Legend

-  Schools
-  Academies
-  Nursery
-  Primary Schools
-  Secondary Schools
-  Non-UK Schools
-  Independent schools
-  Other Types
-  Residential Dwellings
-  50m Buffer
-  Vanity Bar
-  SEVs (Licensed issued)
-  Hospitals
-  Hospitals - Public Health
-  Ethnic Groups
-  Faith Groups
-  Hostels - Special Needs Schemes
-  Tube Stations
-  Bus Stops





11/08/2014



11/08/2014