



City of Westminster

# Committee Agenda

Title: **Licensing Sub-Committee (2)**

Meeting Date: **Thursday 8th October, 2020**

Time: **10.00 am**

Venue: **This will be a virtual meeting**

Members: **Councillors:**

Tim Mitchell (Chairman)  
Barbara Arzymanow  
Aicha Less

**This will be a virtual meeting; members of the public are welcome to follow the live broadcast and a link can be found on the council's website.**



**An Induction loop operates to enhance sound for anyone wearing a hearing aid or using a transmitter. If you require any further information, please contact the Committee Officer, Kisi Smith-Charlemagne, Senior Committee and Governance Officer.**

**Email: [kscharlemagne@westminster.gov.uk](mailto:kscharlemagne@westminster.gov.uk)  
Tel: 07817054613  
Corporate Website: [www.westminster.gov.uk](http://www.westminster.gov.uk)**

**Note for Members:** Members are reminded that Officer contacts are shown at the end of each report and Members are welcome to raise questions in advance of the meeting. With regard to item 2, guidance on declarations of interests is included in the Code of Governance; if Members and Officers have any particular questions they should contact the Director of Law in advance of the meeting please.

## AGENDA

### PART 1 (IN PUBLIC)

#### 1. MEMBERSHIP

To report any changes to the membership.

#### 2. DECLARATIONS OF INTEREST

To receive declarations by Members and Officers of the existence and nature of any pecuniary interests or any other significant interest in matters on this agenda.

#### Licensing Applications for Determination

**This will be a virtual meeting and members of the public can view the live broadcast by accessing the media links on the council's website.**

#### 1. CATSTEPS CAFE, 33 D'ARBLAY STREET, LONDON, W1F 8EU

(Pages 5 - 30)

<u>App</u> No	Ward / Cumulative Impact Area	Site Name and Address	App Type	Licensing Ref No.
1.	West End Ward / Not in Cumulative Impact Area	Catsteps Cafe 33 D'Arblay Street London W1F 8EU	New Premises Licence	20/07106/LIPN

**2. SOPHISTICATS, BASEMENT & PART GROUND FLOOR, 3-7  
BREWER STREET, LONDON, W1F 0RD**

**(Pages 31 -  
380)**

<u>App</u> No	Ward / Cumulative Impact Area	Site Name and Address	App Type	Licensing Ref No.
2.	West End Ward/ West End Cumulative Impact Area	Sophisticats Basement & Part Ground Floor 3-7 Brewer Street London W1F 0RD	New Premises Licence	20/06824/LIPN

**Stuart Love  
Chief Executive  
1 October 2020**

In considering applications for premises licences under the Licensing Act 2003, the sub-committee is advised of the following:

### **POLICY CONSIDERATIONS**

The Licensing Sub-Committee is required to have regard to the City of Westminster statement of Licensing Policy, effective from 7<sup>th</sup> January 2016.

### **GUIDANCE CONSIDERATIONS**

The Licensing Sub-Committee is required to have regard to any guidance issued by the Secretary of State under Section 182 of the Licensing Act 2003. The most recent version was published in April 2018.

### **CORE HOURS WHEN CUSTOMERS ARE PERMITTED TO BE ON THE PREMISES** (As set out in the Council's Statement of Licensing Policy 2016)

- For premises for the supply of alcohol for consumption on the premises:

Friday and Saturday: 10:00 to midnight  
Sundays immediately prior to Bank Holidays: Midday to midnight  
Other Sundays: Midday to 22:30  
Monday to Thursday: 10:00 to 23:30.

- For premises for the supply of alcohol for consumption off the premises:

Monday to Saturday: 08:00 to 23:00  
Sundays: 10:00 to 22:30.

- For premises for the provision of other licensable activities:

Friday and Saturday: 09.00 to midnight  
Sundays immediately prior to Bank Holidays: 09.00 to midnight  
Other Sundays: 09.00 to 22.30  
Monday to Thursday: 09.00 to 23.30.

## **Procedure for virtual hearings held under the Licensing Act 2003**

The purpose of this procedure is to clarify how the Licensing Sub-Committee (“the Sub-Committee”) will conduct virtual licensing hearings made under the Licensing Act 2003 (as amended) and for licensing applications under other regimes. All hearings are conducted with due regard to the Council’s Constitution, relevant legislation and case law, regulations and guidance.

### **Accessing virtual hearings**

Virtual Licensing Sub-Committee hearings will be held on Microsoft Teams as a live Teams event. Each application will be dealt with by a separate Teams meeting. All applicants, responsible authorities and other persons (who have submitted a valid representation) (collectively called “Parties”) will be provided with a link to the meeting beforehand. **Only these parties will be able to participate in the hearing** (together with their adviser) provided they have registered, in advance, with the Licensing Authority, as specified below. A link for the general public to watch the meeting will be available on the Council’s website.

### **Final Submissions before the Hearing**

The parties (or their representatives) should use their best endeavours to ensure that all of their final submissions have been made so as to be included in the Sub-Committee report (typically **no later, than 5.pm, 5 working days** before the Sub-Committee hearing). This means by 5pm on the Thursday, the week before the Sub-Committee hearing is due to take place. Final submissions should set out the key points, policies and conditions that a party wishes the Sub-Committee to take account of in determining the application.

Any final submissions that a party wishes to make, (that have not been submitted so as to have been included in the report), **must** be submitted to the Licensing Service by **no later than 12 noon 3 working days** before the hearing is due to take place. The Licensing email address is: [Licensing@westminster.gov.uk](mailto:Licensing@westminster.gov.uk).

### **Rules during Licensing Hearings**

The following rules must be followed by all parties to ensure the virtual hearing can progress as successfully as possible:

- All parties wishing to participate in the hearing **must** register their wish to participate in the hearing and provide their email addresses to the **Licensing Service at [Licensing@westminster.gov.uk](mailto:Licensing@westminster.gov.uk)** no later than **12 noon on the Monday** before the Thursday hearing is scheduled to take place.
- All parties **should join the virtual hearing at least 15 minutes before the advertised start time** to ensure they are ready to start at the advertised start time. After the advertised start time has passed no registered parties will be allowed to join, except in exceptional circumstances, when permitted by the Chairman, as this could disrupt the meeting.
- All parties must only address the hearing when invited to do so by the Chairman.
- All parties must keep their microphones on mute unless they are speaking. The Chairman has the ability to mute all parties’ microphones.

- If a party wishes to interject, they should put their name in the messaging field. The chairman has the discretion to invite the party to make their comment at an appropriate stage in the hearing.
- All parties are asked to keep their comments as succinct as possible.
- If a party has a question for another party, this must be addressed to the Chairman who will have the discretion to ask the relevant party to respond.
- Parties wishing to make suggestions as to the conditions that may be imposed in the event of the application being granted should do so by reference to the schedule of proposed conditions set out in the Conditions Schedule annexed to the committee papers. In so doing, they should use the same numbering in that schedule. This is to ensure that there is ease of referencing the conditions by all the parties.
- To ensure the smooth running of hearings, a time limit will be placed on each party's submissions. This time limit must be adhered to but the Chairman has the flexibility to amend the time limit when it is considered appropriate to do so.
- When referring to the hearing papers, participants should give the page and paragraph number when appropriate.
- The Chairman has the discretion to amend these rules in any given case where they consider it is appropriate to do so.

### Procedure

1. The Chairman will open the meeting and introduce the members of the Sub-Committee and the other officers attending with the members, including the legal adviser, policy adviser and committee officer.
2. The Chairman will confirm the procedure that the hearing will follow.
3. The Sub-Committee members and officers will be asked to declare any interests they may have and any other procedural business will be transacted.
4. The presenting officer from the licensing service will introduce the application, giving a brief description of the application and introducing all the Parties in attendance for each application
5. Each party who has registered to speak, will be invited to make their representations and will be allowed **a maximum of 10 minutes each**. In order to ensure that the hearing is fair to all parties and is conducted in an orderly manner, the Chairman has the discretion to extend this time limit where it is appropriate for the determination of the application.
6. Parties will normally speak in the following order, (the order may change for other types of licensing applications):
  - a. The applicant
  - b. Responsible authorities
  - c. Other persons
7. The Chairman has the right to grant each party the opportunity to ask questions of each other for the purposes of clarification only where it is appropriate to do so. The Sub-Committee members will then be able to ask questions of the parties.

8. The legal adviser and/or policy officer may ask questions of the parties as they consider appropriate, including in relation to the conditions which should be attached to the application if the Sub-Committee is minded to grant the application.
9. Each party will have an opportunity to make a short closing submission each (not introducing any new evidence or case law) of no more than **5 minutes each**, in the following order:
  - a. Responsible authorities
  - b. Other persons
  - c. The applicant
10. The Chairman shall then **close the meeting** and all parties will leave the meeting. A Decision will not be announced at the end of the hearing unless there is a legal requirement to do so.
11. The Sub-Committee will deliberate in closed session and all parties will be advised of the outcome in a written Summary Decision. Unless otherwise required or permitted by Regulations, summary decisions will be made within a period of five working days of the last day of the hearing. The written summary of the decision (“Summary Decision”) will be sent to all the parties as soon as possible after the Decision has been made. The full Decision, setting out the reasons for the Decision, (Formal Notification) will be sent to the parties as soon as possible thereafter. The time limit for appealing will not commence until the Formal Notification has been sent to the parties.

Dated 15 April 2020

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Item No:	
Date:	8 October 2020
Licensing Ref No:	20/07106/LIPN - New Premises Licence
Title of Report:	Catsteps Cafe 33 D'Arblay Street London W1F 8EU
Report of:	Director of Public Protection and Licensing
Wards involved:	West End
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Jessica Donovan Senior Licensing Officer
Contact details	Telephone: 020 7641 6500 Email: Jdonovan@westminster.gov.uk

## 1. Application

1-A Applicant and premises			
<b>Application Type:</b>	New Premises Licence, Licensing Act 2003		
<b>Application received date:</b>	17 August 2020		
<b>Applicant:</b>	Catsteps Cafes Limited		
<b>Premises:</b>	Catsteps Cafe		
<b>Premises address:</b>	33 D'Arblay Street London W1F 8EU	<b>Ward:</b>	West End
		<b>Cumulative Impact Area:</b>	West End
<b>Premises description:</b>	According to the application form, this premises intends to operate as a family run café/bar. This premises intends to operate to external tables and chairs and has the benefit of a tables and chairs licence.		
<b>Premises licence history:</b>	This is a new premises licence application and therefore no premises licence history exists. However, the premises has previously applied for temporary event notices of which the full history can be found at Appendix 3.		
<b>Applicant information:</b>	<p>On original submission of the application, recorded music was applied for on Monday to Sunday from 09:00 to 23:00. This has been withdrawn from the application.</p> <p>Furthermore, the applicant had originally applied for the sale by retail of alcohol on Sunday from 10:00 to 23:00. The applicant has reduced these hours and this is reflected in section 1-B below.</p>		

1-B Proposed licensable activities and hours							
<b>Sale by retail of alcohol</b>				<b>On or off sales or both:</b>			Both
<b>Day:</b>	<b>Mon</b>	<b>Tues</b>	<b>Wed</b>	<b>Thur</b>	<b>Fri</b>	<b>Sat</b>	<b>Sun</b>
<b>Start:</b>	10:00	10:00	10:00	10:00	10:00	10:00	12:00
<b>End:</b>	23:00	23:00	23:00	23:00	23:00	23:00	22:30
<b>Seasonal variations/ Non-standard timings:</b>		From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.					

Hours premises are open to the public							
<b>Day:</b>	<b>Mon</b>	<b>Tues</b>	<b>Wed</b>	<b>Thur</b>	<b>Fri</b>	<b>Sat</b>	<b>Sun</b>
<b>Start:</b>	09:00	09:00	09:00	09:00	09:00	09:00	09:00
<b>End:</b>	23:00	23:00	23:00	23:00	23:00	23:00	23:00
<b>Seasonal variations/ Non-standard timings:</b>		From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.					

## 2. Representations

2-A Responsible Authorities	
<b>Responsible Authority:</b>	Environmental Health
<b>Representative:</b>	Ayesha Bolton
<b>Received:</b>	14 September 2020
<p>I refer to the application for a new Premises Licence for the above premises.</p> <p>The applicant has submitted floor plans of the Ground floor of the premises.</p> <p>This representation is based on the plans and operating schedule submitted.</p> <p>The applicant is seeking the following:</p> <ol style="list-style-type: none"> <li>1. To permit Regulated Entertainment of Recorded Music Indoors only Monday to Sunday 09.00 to 23.00 hours and from the end of permitted hours on New Years' Eve to start of permitted hours on New Year's Day.</li> <li>2. To permit Supply of Alcohol both 'On' and 'Off' the premises Monday to Sunday 10.00 to 23.00 hours and from the end of permitted hours on New Years' Eve to start of permitted hours on New Year's Day.</li> </ol> <p>I wish to make the following representation.</p> <ol style="list-style-type: none"> <li>1. The provision and hours requested for Regulated Entertainment of Recorded Music will have the likely effect of causing an increase in Public Nuisance and impact on Public Safety within the area.</li> <li>2. The provision and hours requested for the Supply of Alcohol will have the likely effect of causing an increase in Public Nuisance within the area and impact on Public Safety within the area.</li> </ol> <p>The granting of the application as presented would have the likely effect of causing an increase in Public Nuisance and impact on Public Safety within the area.</p> <p>The applicant has provided conditions in support of the application but these do not fully address the concerns of Environmental Health and additional conditions may be proposed.</p>	
<b>Responsible Authority:</b>	Licensing Authority
<b>Representative:</b>	Angela Seaward
<b>Received:</b>	14 September 2020
<p>Dear Sirs</p> <p>I write in relation to the application submitted for a new premises licence for 33 D'Arblay Street, London, W1F 8EU</p> <p>As a responsible authority under section 13 (4) of the Licensing Act 2003 as amended under the Police and Social Responsibility Act 2011, the Licensing Authority have considered your application in full. The Licensing Authority has concerns in relation to this application and how the premises would promote the four Licensing Objectives:</p> <ul style="list-style-type: none"> <li>• Public Nuisance</li> <li>• Prevention of Crime &amp; Disorder</li> <li>• Public Safety</li> <li>• Protection of children from harm</li> </ul>	

The application seeks the following:

- **Recorded Music**  
Monday to Sunday 09:00 to 23:00
- **Supply of Alcohol On Premises**  
Monday to Sunday 10:00 to 23:00
- **Opening Hours to Public**  
Monday to Sunday 09:00 to 23:00

The premises is located within the West End Cumulative Impact Area and as such various policy points must be considered, namely CIP1, HRS1, RNT2 and PB2

At present, the operating hours applied for licensable activities currently fall outside of Westminster's core hours. Paragraph 2.3.2 states that Policy HRS1 is not a policy to refuse applications for hours longer than the core hours and consideration will in all cases be given to the individual merits of an application. Where a proposal is made to operate outside these core hours each application will be considered on its merits against the criteria as set out in paragraph (ii) that applications for hours outside the core hours set out below in this policy will be considered on their merits, subject to other policies stated within the Westminster licensing policy.

#### **Supply of Alcohol On the Premises**

Monday to Thursday 10:00 to 23:30  
Friday to Saturday 10:00 to 00:00  
Sunday 12:00 to 22:30

#### **Other Licensable activities**

Monday to Thursday 09:00 to 23:30  
Friday to Saturday 09:00 to 00:00  
Sunday: 09:00 to 22:30

It is the intention to generally grant licences or variations to licences where the hours when customers are permitted to be on the premises are within the 'core hours' as set out in Policy HRS1, therefore the licensing authority would encourage the applicant too consider reducing the licensable activities to be within these hours on Sundays.

The plan currently indicates a red line around the outside area for licensable activities, however the premises currently benefits from a Pavement Licence which indicates this area to be a public highway. Under policy RNT2 paragraph 2.5.6 advises that whilst the premises licence may authorise the provision of licensable activities it cannot authorise the use of an area of highway for that activity. Permission for the use of the highway is considered separately, and in this example, a tables and chairs licence must also be obtained before the restaurant can operate any activity on the pavement. The tables and chairs licence will define the extent of the area, and the numbers of tables and chairs which may be used on the pavement. Therefore the licensing authority encourages the applicant to re-submit a plan removing the red line from the outside area and consider the following conditions;

- The sale and supply of alcohol for consumption off the premises shall be restricted to alcohol consumed by persons who are seated in an area appropriately authorised for the use of tables and chairs on the highway and bona fide taking a substantial table meal there, and where the consumption of alcohol by such persons is ancillary to taking such a meal, and where the supply of alcohol is by waiter or waitress service only.

- All tables and chairs shall be removed from the outside area by (23.00) each day.

The licensing authority also notes that the applicant intends to operate a restaurant with conditions from 20:00 each day. Although the policy does consider under paragraph 2.4.21 that where applications for licenses to sell alcohol for consumption on the premises are made and (i) are appropriately conditioned so that the consumption of alcohol is not, and cannot become, a significant part of the operation of the premises and is regulated to promote responsible drinking; (ii) where the character of the premises is such that its customers are not likely to be involved in sustained or heavy drinking at later hours; and (iii) when the sale of alcohol is not permitted beyond 20.00 hours; then permitting the sale of alcohol for consumption on the premises is unlikely to add to cumulative impact in the cumulative impact area.

However as this application is for on and off sales and that there is no condition before 20:00, potentially allowing alcohol to be a significant part of the operation, the licensing authority encourages the applicant to submit further submissions on how the premises will not add to the cumulative impact area and for the applicant to demonstrate how they will make a restaurant condition compliant with customers from 20:00.

Restaurants are defined within the policy where dining is the main evening activity for its customers. Paragraph 2.5.3 advises that for the purposes of this policy a restaurant is therefore defined as premises (i) in which customers are shown to their table, (ii) which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table using non disposable crockery, (iii) which do not provide any take away service of food or drink for immediate consumption, and (iv) where intoxicating liquor shall not be sold, supplied, or consumed on the premises otherwise than to persons who are bona fide taking substantial table meals and provided always that the consumption of intoxicating liquor by such persons is ancillary to taking such meals. The sale and consumption of alcohol prior to such meals may be in a bar area but must also be ancillary to the taking of such meal.

Where an application is to be considered under the policies which apply to restaurants, conditions restricting the premises in accordance with this definition may be attached. The licensing authority therefore encourages the applicant to consider model condition 66 which states;

The premises shall only operate as a restaurant

- (i) in which customers are shown to their table,
- (ii) where the supply of alcohol is by waiter or waitress service only,
- (i) which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table using non disposable crockery,
- (iv) which do not provide any take away service of food or drink for immediate consumption,
- (v) which do not provide any take away service of food or drink after 23.00, and
- (vi) where alcohol shall not be sold or supplied, otherwise than for consumption by persons who are seated in the premises and bona fide taking substantial table meals there, and provided always that the consumption of alcohol by such persons is ancillary to taking such meals.

Notwithstanding this condition customers are permitted to take from the premises part consumed and resealed bottles of wine supplied ancillary to their meal.

Application considered under RNT2 will be granted subject to other policies in this Statement and subject to the relevant criteria in Policies CD1, PS1, PN1 and CH1, provided it can be demonstrated that they will not add to cumulative impact in the Cumulative Impact Areas.

The council is particularly concerned that restaurant premises in the cumulative impact areas do not, even in part, come to operate as bars. With no ancillary nature to the sale of alcohol before 20:00 the application will be considered in Part under PB2, where it is the Licensing Authority's policy to refuse applications in the Cumulative Impact Areas and should be limited to exceptional circumstances.

Furthermore the licensing authority notes that recorded music has been applied for between the hours of 09:00 to 23:00. However under the deregulation of regulated entertainment the Licensing Act 2003 advises that, any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500 does not require to be licensed. Therefore the licensing authority encourages the applicant to advise if they still wish to apply for this provision as part of the new premises licence application.

I look forward to hearing from you in due course.

Please accept this email as a formal representation.

2-B Other Persons			
<b>Name:</b>		[REDACTED]	
<b>Address and/or Residents Association:</b>		[REDACTED] [REDACTED] [REDACTED]	
<b>Status:</b>	Valid	<b>In support or opposed:</b>	Opposed
<b>Received:</b>	6 September 2020		
<p>I am mainly concerned about the application to play amplified recorded music 9.00-23.00 pm 7 days a week. The cafe is not designed for this, because in practice the door is either open all day or opened with great frequency, due to the Breakfast Club's choice not to take reservations but to have a long queue of people waiting outside, and because there are several tables outside the frontage on the pavement. The music would therefore bleed out into the street and cause a noise nuisance, as has been the case when they have occasionally played music inside in the past. There is no lobby and no means of keeping the music from being heard outside the premises, and the door is half glazed. Secondly, the application for another alcohol licence in what is already an area of saturation seems to go against planning policy and what the residents feel is manageable to live with. Noise nuisance from outdoor diners during the temporary street closure period has been unliveable with, and I would strongly oppose its continuation, which unfortunately this application would contribute to.</p>			
<b>Name:</b>		[REDACTED]	
<b>Address and/or Residents Association:</b>		[REDACTED] [REDACTED] [REDACTED]	
<b>Status:</b>	Valid	<b>In support or opposed:</b>	Opposed
<b>Received:</b>	10 September 2020		
<p>Dear Sir, we would like to strenuously object to the above premises licence application. We understand that this premises has never been granted a premises licence before because of the lack of toilet facilities. There are approximately 30 covers inside of this premises which has outside seating with 20 outside seats on Saturday and Sunday, add to this around a staff of 7</p>			

persons. Around 57 patrons and staff and only 1 toilet. (The toilet last year on many occasions was out of order) with these patrons requesting neighbouring premises if they could use their toilets.  
 This application should fail as it does not meet guidelines for staff and customer toilet facilities.

<b>Name:</b>	[REDACTED]		
<b>Address and/or Residents Association</b>	[REDACTED] [REDACTED] [REDACTED] [REDACTED]		
<b>Status:</b>	Valid	<b>In support of opposed:</b>	Opposed
<b>Received:</b>	10 September 2020		

**Representation received through email dated 10 September 2020:**

I am writing to you [REDACTED] and I wish to object to application number 20/07106/LIPN

The Breakfast Club, 33 D'Arblay Street, London, W1F 8EU  
 Catsteps Cafés Limited –  
 Application Form: Part 3 – Operating Schedule

A family run café/bar within Soho area including tables and chairs on the pavement. This client also current trades from another premises "The Breakfast Club, 11 Berwick Street, London, W1F 0PL

Catsteps Cafés Limited is according to records held with Companies House –  
 The principle activity of the Company....to operate cafes and bars under 'The Breakfast Club' brand.

With turnover in 2019 exceeding £15 million trading from 11 restaurants, 9 in London, 1 in Oxford and 1 in Brighton.

During 2019 – 6 directors and over 350 staff

The first question is why Catsteps Cafés Limited are pretending to be a small family business with two sites when applying for an alcohol licence in Soho.

The Breakfast Club traded as an A3 restaurant from 33 D'Arblay Street even though permission to trade as A3 was refused by Westminster Council (the premises was A1). Permission was eventually given because the restaurant had traded for some considerable time ignoring the rules of A1.

The company operates 'secret bars' in their other venues and there is a very real worry that this is what they plan to do in D'Arblay Street. Why else would they pretend to run two cafes in Soho? Looking into their other venues it is obvious they are very much alcohol led.

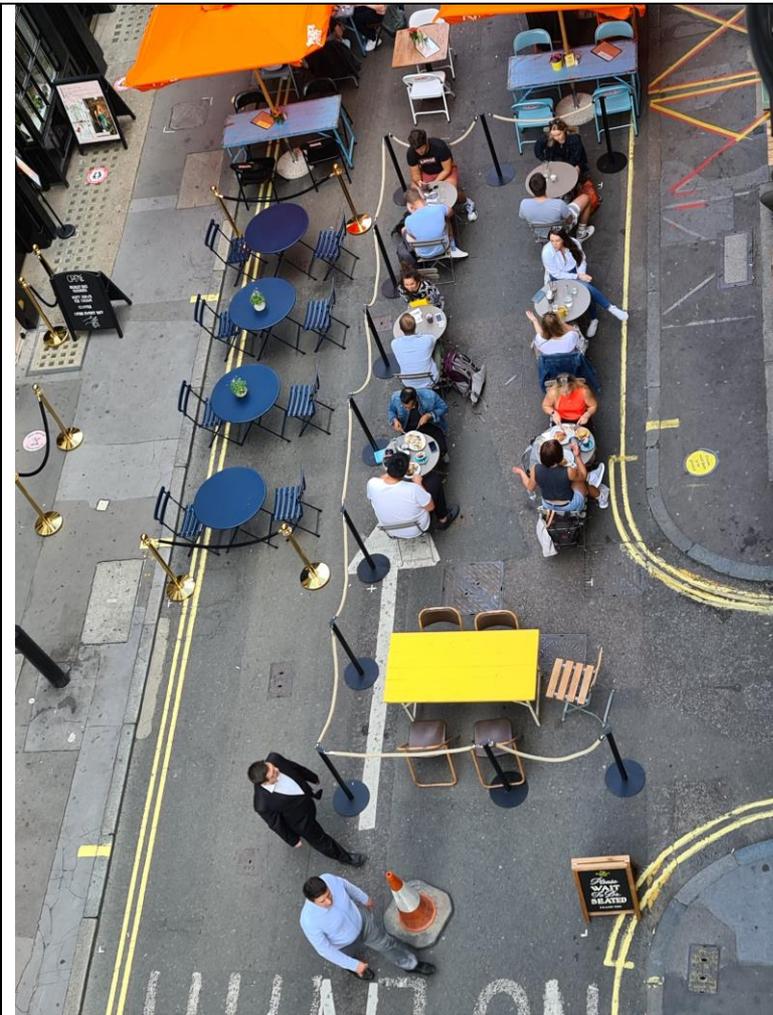
There are other major problems with 33 D'Arblay Street.

1. For some reason (possibly because the premises were granted A3 simply because they had traded as A3) there is not adequate duct work to the premises. The duct work from the basement kitchen blows out at street level, which causes a nuisance to [REDACTED] in the street. Westminster's planning policy is for duct work to be taken to roof level, this is not the case with 33 D'Arblay Street and the smells and grease which coat [REDACTED] are unacceptable. Please would Environmental Health investigate this.

2. Refuse is stored in [REDACTED] often spilling over and making a mess, attracting vermin. The Breakfast Club has previously been shut down and substantially fined by Westminster Council for poor hygiene standards.
3. There is a lack of toilet provision in the restaurant – only one toilet to be used by staff and customers. This results in customers urinating in [REDACTED] either when the toilet is busy or out of order as has often been the case. Clearly one toilet to service the entire premises is inadequate.
4. The application made is for a capacity of 30 excluding staff. The attached photos showing outside seating for more than 20 customers, in contrast to the 10 seats shown on the application plan. This gives little confidence that The Breakfast Club will stick to the steps they have stated they will take to promote the four licensing objectives.

I strongly object to a premises licence being granted.





**Representation received through Public Access dated 10 September 2020:**

There are other major problems with 33 D'Arblay Street.

1. For some reason (possibly because the premises were granted A3 simply because they had traded as A3) there is not adequate duct work to the premises. The duct work from the basement kitchen blows out at street level, which causes a nuisance to [REDACTED] in the street. Westminster's planning policy is for duct work to be taken to roof level, this is not the case with 33 D'Arblay Street and the smells and grease which coat [REDACTED] are unacceptable. Please would Environmental Health investigate this.
2. Refuse is stored in [REDACTED] often spilling over and making a mess, attracting vermin. The Breakfast Club has previously been shut down and substantially fined by Westminster Council for poor hygiene standards.
3. There is a lack of toilet provision in the restaurant - only one toilet to be used by staff and customers. This results in customers urinating in [REDACTED] either when the toilet is busy or out of order as has often been the case. Clearly one toilet to service the entire premises is inadequate.
4. The application made is for a capacity of 30 excluding staff. The attached photos showing outside seating for more than 20 customers, in contrast to the 10 seats shown on the application plan. This gives little confidence that The Breakfast Club will stick to the steps they have stated they will take to promote the four licensing objectives.  
I strongly object to a premises licence being granted.

### 3. Policy & Guidance

The following policies within the City Of Westminster Statement of Licensing Policy apply:	
<b>Policy CIP1 applies</b>	<p>(i) It is the Licensing Authority's policy to refuse applications in the Cumulative Impact Areas for: pubs and bars, fast food premises, and premises offering facilities for music and dancing; other than applications to vary hours within the Core Hours under Policy HRS1.</p> <p>(ii) Applications for other licensable activities in the Cumulative Impact Areas will be subject to other policies, and must demonstrate that they will not add to cumulative impact in the Cumulative Impact Areas.</p>
<b>Policy HRS1 applies</b>	<p>(i) Applications for hours within the core hours set out below in this policy will generally be granted, subject to not being contrary to other policies in the Statement of Licensing Policy.</p> <p>(ii) Applications for hours outside the core hours set out below in this policy will be considered on their merits, subject to other relevant policies. For premises for the supply of alcohol for consumption on the premises: Monday to Thursday: 10:00 to 23:30 Friday and Saturday: 10:00 to midnight Sundays immediately prior to Bank Holidays: Midday to midnight Other Sundays: Midday to 22:30 For premises for the provision of other licensable activities: Monday to Thursday: 09:00 to 23.30 Friday and Saturday: 09:00 to midnight Sundays immediately prior to Bank Holidays: 09:00 to midnight Other Sundays: 09:00 to 22:30</p>
<b>Policy RNT2 applies:</b>	Applications will be granted subject to other policies in this Statement and subject to the relevant criteria in Policies CD1, PS1, PN1 and CH1, provided it can be demonstrated that they will not add to cumulative impact in the Cumulative Impact Areas.

### 4. Equality Implications

The Council in its capacity as Licensing Authority has a duty to have regard to its public sector equality duty under section 149 of the Equality Act 2010. In summary, section 149 provides that a Public Authority must, in the exercise of its functions, have due regard to the need to:

- (a) eliminate discrimination harassment, victimisation and any other conduct that is prohibited by or under this Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- (c) foster good relations between persons who share a relevant protected characteristics and persons who do not share it.

Section 149 (7) of the Equality Act 2010 defines the relevant protected characteristics as age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.

## 5. Appendices

<b>Appendix 1</b>	Premises plans
<b>Appendix 2</b>	Applicant supporting documents
<b>Appendix 3</b>	Premises history
<b>Appendix 4</b>	Proposed conditions
<b>Appendix 5</b>	Residential map and list of premises in the vicinity

<b>Report author:</b>	Jessica Donovan Senior Licensing Officer
<b>Contact:</b>	Telephone: 0207 641 6500 Email: Jdonovan@westminster.gov.uk

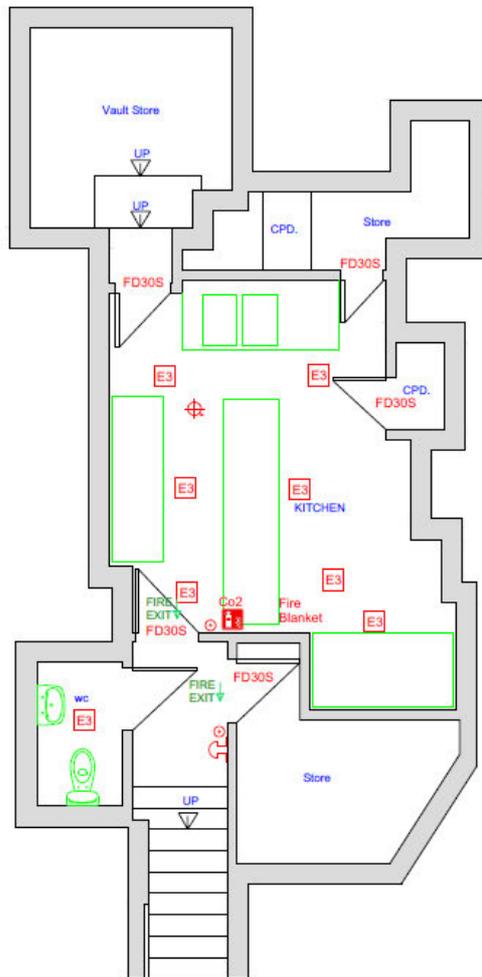
**If you have any queries about this report or wish to inspect one of the background papers please contact the report author.**

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

<b>1</b>	Licensing Act 2003	N/A
<b>2</b>	City of Westminster Statement of Licensing Policy	7 <sup>th</sup> January 2016
<b>3</b>	Amended Guidance issued under section 182 of the Licensing Act 2003	April 2018
<b>4</b>	Environmental Health representation	14 September 2020
<b>5</b>	Licensing Authority representation	14 September 2020
<b>6</b>	Objection comment 1	06 September 2020
<b>7</b>	Objection comment 2	10 September 2020
<b>8</b>	Objection comment 3	10 September 2020

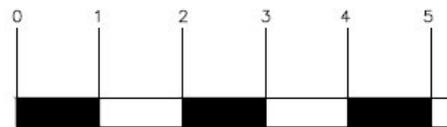
**Basement Plan**

Notes:  
Do not scale this drawing except for Planning purposes.



**KEY - FIRE SAFETY**

- Fire Extinguisher  
Co2/Foam
- Fire Alarm Manual Call Point
- Fire Alarm sounder
- Smoke Detector
- E3 Emergency Luminaire



Scale 1: 25  
Metres

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CLIENT  
BREAKFAST CLUB  
33 DANBURY STREET  
LONDON

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PROJECT  
LICENCE APPLICATION

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TITLE  
BASEMENT PLAN

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SCALE 1:25 @ A1

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DRAWN - JHB

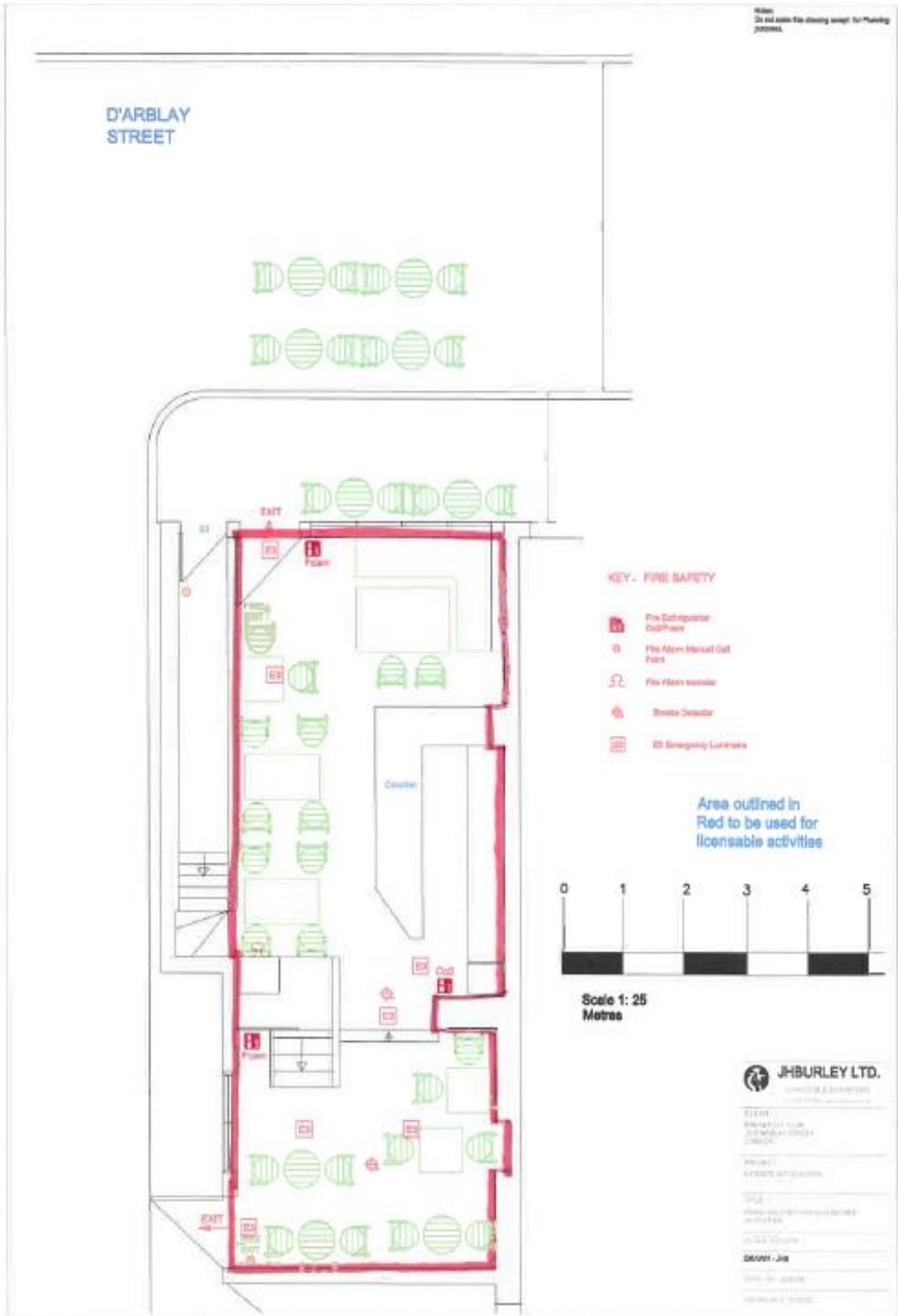
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DWS. NO. JHB/586A

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REVISION © 05.08.2020

Ground Floor Plan



**Applicant Supporting Documents**

**Appendix 2**

None provided

**Temporary Event Notices**

<b>Application</b>	<b>Details of Application</b>	<b>Date Determined</b>	<b>Decision</b>
20/06034/LITENN	Temporary Event Notice	22 <sup>nd</sup> July 2020	Notice Granted
20/06290/LITENN	Temporary Event Notice	31 <sup>st</sup> July 2020	Notice Granted
20/06518/LITENN	Temporary Event Notice	31 <sup>st</sup> July 2020	Notice Granted
20/06721/LITENN	Temporary Event Notice	6 <sup>th</sup> August 2020	Notice Refused due to exceeding number of days permitted to use
20/06722/LITENN	Temporary Event Notice	6 <sup>th</sup> August 2020	Notice Refused due to exceeding number of days permitted to use

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

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

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

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

**Mandatory Conditions**

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

less in a manner which carries a significant risk of undermining a licensing objective;

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

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

- 8(i) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
- 8(ii) For the purposes of the condition set out in paragraph 8(i) above -
- (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
- (b) "permitted price" is the price found by applying the formula -
- $$P = D + (D \times V)$$
- Where -
- (i) P is the permitted price,
- (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
- (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -
- (i) the holder of the premises licence,
- (ii) the designated premises supervisor (if any) in respect of such a licence, or
- (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
- (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
- (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.
- 8(iii). Where the permitted price given by Paragraph 8(ii)(b) above would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
- 8(iv). (1) Sub-paragraph 8(iv)(2) below applies where the permitted price given by Paragraph 8(ii)(b) above on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

#### **Conditions consistent with the operating schedule**

9. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of a Metropolitan Police Crime Prevention Officer. All entry and exit points will be covered enabling frontal identification of every person entering in any

light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.

10. 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 are open to the public. This staff member must be able to show a Police or authorised council officer recent data or footage with the absolute minimum of delay when requested.
11. From 20:00 the premises shall only operate as a restaurant:
  - i) in which customers are shown to their table,
  - ii) which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table using non disposable crockery,
  - iii) which do not provide any take away service of food or drink for immediate consumption, and
  - iv) where intoxicating liquor shall not be sold, supplied, or consumed on the premises otherwise than to persons who are bona fide taking substantial table meals and provided always that the consumption of intoxicating liquor by such persons is ancillary to taking such meals.
12. The supply of alcohol shall be by waiter or waitress service only.
13. Substantial food and suitable beverages other than intoxicating liquor shall be available during the whole of the permitted hours in all parts of the premises where intoxicating liquor is sold or supplied.
14. All sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises except that alcohol can be sold in open containers and consumed in any designated area for the use of table and chairs shown on the plan attached to the premises licence or where tables and chairs are permitted to be placed under the Highways Act 1980 or the Business and Planning Act 2020
15. The capacity at the premises, at any one time, shall be 30 inside (excluding staff).
16. After 21:00 hours all external doors and windows to be kept closed except for immediate access and egress of persons.
17. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
18. Clearly legible notices shall be displayed at all exits from the premises requesting patrons to respect the needs of local residents and to leave the premises and area quietly.
19. Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and to leave the premises and area quietly.
20. No rubbish, including bottles, shall be moved, removed or placed in outside areas between 2300 hours and 0800 hours.
21. The area immediately outside the premises, shall be swept and/or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements.

22. All waste is to be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
23. A Challenge 21 or Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
24. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police. It must be completed within 24 hours of the incident and will record the following:
  - (a) all crimes reported to the venue
  - (b) all ejections of patrons
  - (c) any complaints received concerning crime and disorder
  - (d) any incidents of disorder
  - (e) all seizures of drugs or offensive weapons
  - (f) any faults in the CCTV system, searching equipment or scanning equipment
  - (g) any refusal of the sale of alcohol
  - (h) any visit by a relevant authority or emergency service.
25. Alcohol will only be sold prior to 20:00 to customers who are shown to their table, and it will only be sold by waiter / waitress service.
26. The sale of alcohol prior to 20:00 will be an ancillary part of the business to the provision of substantial table meals.

#### **Conditions proposed by the Licensing Authority**

27. All tables and chairs shall be removed from the outside area by 23.00 each day.  
***Condition 27 has been agreed with the applicant.***
28. The sale and supply of alcohol for consumption off the premises shall be restricted to alcohol consumed by persons who are seated in an area appropriately authorised for the use of tables and chairs on the highway and bona fide taking a substantial table meal there, and where the consumption of alcohol by such persons is ancillary to taking such a meal, and where the supply of alcohol is by waiter or waitress service only.  
***The applicant has proposed alternative wording to condition 28 as below***  
The sale and supply of alcohol for consumption off the premises shall be restricted to sales in sealed containers, and to alcohol consumed by persons who are seated in an area appropriately authorised for the use of tables and chairs on the highway, and after 20:00 where persons are bona fide taking a substantial table meal there, where the consumption of alcohol by such persons is ancillary to a table meal, and where the supply of alcohol is by way of waiter / waitress service only
29. The premises shall only operate as a restaurant:
  - (i) in which customers are shown to their table,
  - (ii) where the supply of alcohol is by waiter or waitress service only,
  - (iii) which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table using non disposable crockery,
  - (iv) which do not provide any take away service of food or drink for immediate consumption
  - (v) which do not provide any take away service of food or drink after 23.00, and

- (vi) where alcohol shall not be sold or supplied, otherwise than for consumption by persons who are seated in the premises and bona fide taking substantial table meals there, and provided always that the consumption of alcohol by such persons is ancillary to taking such meals.

Notwithstanding this condition customers are permitted to take from the premises part consumed and resealed bottles of wine supplied ancillary to their meal.

***The applicant has not agreed to condition 29 but has proposed 2 conditions in its place which are conditions 25 and 26 above.***

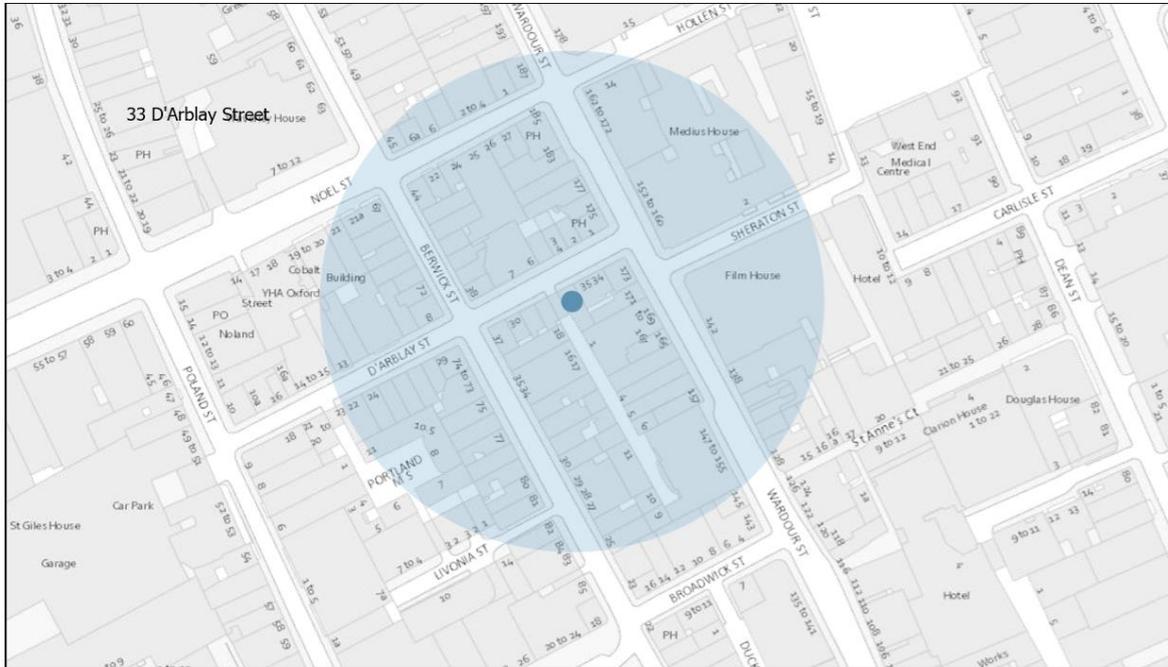
**Conditions proposed by the Environmental Health**

None

**Residential Map and List of Premises in the Vicinity**

**Appendix 5**

**33 D'Arblay Street**



21/09/2020 14:49:34

0 0.01 0.02 0.04 mi  
0 0.01 0.03 0.06 km  
© Crown copyright and database rights 2020 OS 100021686

Resident Count = 63

**Licensed premises within 75 metres of 33 D'Arblay Street**

Licence Number	Trading Name	Address	Premises Type	Time Period
18/01923/LIPVM	Korkers (Basement) And Mustafas Thai Cottage (Ground Floor)	34 D'Arblay Street London W1F 8EX	Not Recorded	Not Recorded; Monday to Saturday: 10:00 to 00:00 (Ground Floor) Monday to Saturday: 10:00 to 03:00 (Basement) Sunday: 12:00 to 23:30 (Basement) Sunday: 12:00 to 23:30 (Ground Floor)

19/11988/LIPCH	Tommi's Burger Joint	37 Berwick Street London W1F 8RS	Not Recorded	Monday to Thursday; 10:00 - 00:00   Friday to Saturday; 10:00 - 00:30   Sunday; 10:00 - 23:00
19/13733/LIPDPS	Imli Ltd	167 - 169 Wardour Street London W1F 8WR	Restaurant	Monday to Saturday; 08:00 - 01:00   Sunday; 08:00 - 00:00
18/11501/LIPN	Not Recorded	36 Berwick Street London W1F 8RR	Not Recorded	Monday to Saturday; 07:30 - 22:30   Sunday; 07:30 - 22:30
18/03839/LIPDPS	The George Public House	1 D'Arblay Street London W1F 8DG	Public house or pub restaurant	Monday to Thursday; 10:00 - 00:00   Friday to Saturday; 10:00 - 00:30   Sunday; 12:00 - 23:00
13/09249/LIPDPS	The George Public House	1 D'Arblay Street London W1F 8DG	Public house or pub restaurant	Monday to Sunday; 00:00 - 00:00
20/01379/LIPDPS	Pho	163 - 165 Wardour Street London W1F 8WN	Restaurant	Monday to Saturday; 10:00 - 00:30   Sunday; 12:00 - 00:00
10/01916/LIPT	St Moritz	161 Wardour Street London W1F 8WJ	Restaurant	Monday to Sunday; 09:00 - 03:30
20/04508/LIPN	Not Recorded	28 D'Arblay Street London W1F 8EW	Not Recorded	Monday to Saturday; 08:00 - 23:00   Sunday; 10:00 - 23:30
18/06968/LIPT	Conko	72 Berwick Street London W1F 8TD	Restaurant	Monday to Saturday; 10:00 - 00:30   Sunday; 12:00 - 00:00
19/02746/LIPDPS	Chipotle Mexican Grill	183 - 185 Wardour Street London W1F 8ZA	Restaurant	Monday to Saturday; 10:00 - 23:30   Sunday; 11:30 - 23:00
20/00364/LIPDPS	Chipotle Mexican Grill	183 - 185 Wardour Street London W1F 8ZA	Restaurant	Monday to Saturday; 10:00 - 23:30   Sunday; 11:30 - 23:00

16/02387/LIPDPS	The Melt Room	26 Noel Street London W1F 8GY	Restaurant	Monday to Friday; 08:30 - 21:00   Saturday; 11:00 - 21:00   Sunday; 11:00 - 21:00
19/10000/LIPN	Not Recorded	Basement And Ground Floor 27 Noel Street London W1F 8GZ	Cafe	Monday to Thursday; 11:00 - 20:30   Friday; 11:00 - 21:00   Saturday to Sunday; 11:00 - 20:30
14/00062/LIPVM	Blanchette	Basement And Ground Floor 9 D'Arblay Street London W1F 8DR	Cafe	Monday to Saturday; 10:00 - 00:30   Monday to Saturday; 10:00 - 23:30   Sunday; 12:00 - 23:00   Sunday; 12:00 - 00:00
19/04604/LIPN	Not Recorded	77 Berwick Street London W1F 8TH	Restaurant	Monday to Saturday; 10:00 - 00:30   Sunday; 12:00 - 00:00
19/01200/LIPDPS	Maharani Restaurant	77 Berwick Street London W1F 8TH	Restaurant	Monday to Saturday; 10:00 - 00:30   Sunday; 12:00 - 00:00
11/09937/LIPVM	Copita	27 D'Arblay Street London W1F 8EN	Restaurant	Monday to Saturday; 10:00 - 23:30   Sunday; 12:00 - 23:00
18/04208/LIPDPS	Ceru	Ground Floor 10-11 D'Arblay Street London W1F 8DT	Restaurant	Monday to Sunday; 12:00 - 23:30
19/07324/LIPT	Not Recorded	147 - 149 Wardour Street London W1F 8WD	Not Recorded	Monday to Saturday; 07:00 - 00:00   Sunday; 07:30 - 23:00
16/07661/LIPT	Caffe L'Eto	155 Wardour Street London W1F 8WG	Restaurant	Monday to Saturday; 08:00 - 23:00   Sunday; 10:00 - 22:30

08/03322/LIPV	Inamo	136 Wardour Street London W1F 8ZS	Restaurant	Monday to Thursday; 10:00 - 23:30   Friday to Saturday; 10:00 - 00:00   Sunday; 12:00 - 22:30   Sundays before Bank Holidays; 12:00 - 00:00
14/06333/LIPN	Enrique Tomas	132 Wardour Street London W1F 8ZW	Restaurant	Monday to Saturday; 10:00 - 22:30   Sunday; 12:00 - 22:30
20/03659/LIPDPS	WeWork Soho	Medius House 2 Sheraton Street London W1F 8BH	Office	Monday to Sunday; 14:00 - 23:00
19/03056/LIPVM	BRGR	Ground Floor 187 Wardour Street London W1F 8ZB	Restaurant	Monday; 10:00 - 01:30   Tuesday; 10:00 - 01:30   Wednesday; 10:00 - 01:30   Thursday; 10:00 - 01:30   Friday; 10:00 - 01:30   Sunday; 12:00 - 00:00
16/10721/LIPDPS	DUM Biryani House	Basement 187 Wardour Street London W1F 8ZB	Restaurant	Monday to Thursday; 11:00 - 00:00   Friday to Saturday; 11:00 - 00:30   Sunday; 12:00 - 23:00
18/02508/LIPV	Daisy Green	Ground Floor 2 - 4 Noel Street London W1F 8GB	Cafe	Monday to Thursday; 08:00 - 00:00   Friday to Saturday; 08:00 - 00:30   Sunday; 08:00 - 23:00   Sundays before Bank Holidays; 08:00 - 00:30

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City of Westminster

# Committee Agenda

Title: **Licensing Sub-Committee (2)**

Meeting Date: **Thursday 8th October, 2020**

Time: **10.00 am**

Venue: **This will be a virtual meeting**

Members: **Councillors:**

Tim Mitchell (Chairman)  
Barbara Arzymanow  
Aicha Less

**This will be a virtual meeting; members of the public are welcome to follow the live broadcast and a link can be found on the council's website.**



**An Induction loop operates to enhance sound for anyone wearing a hearing aid or using a transmitter. If you require any further information, please contact the Committee Officer, Kisi Smith-Charlemagne, Senior Committee and Governance Officer.**

Email: [kscharlemagne@westminster.gov.uk](mailto:kscharlemagne@westminster.gov.uk)  
Tel: 07817054613  
Corporate Website: [www.westminster.gov.uk](http://www.westminster.gov.uk)

**Note for Members:** Members are reminded that Officer contacts are shown at the end of each report and Members are welcome to raise questions in advance of the meeting. With regard to item 2, guidance on declarations of interests is included in the Code of Governance; if Members and Officers have any particular questions they should contact the Director of Law in advance of the meeting please.

## AGENDA

### PART 1 (IN PUBLIC)

#### 1. MEMBERSHIP

To report any changes to the membership.

#### 2. DECLARATIONS OF INTEREST

To receive declarations by Members and Officers of the existence and nature of any pecuniary interests or any other significant interest in matters on this agenda.

#### Licensing Applications for Determination

**This will be a virtual meeting and members of the public can view the live broadcast by accessing the media links on the council's website.**

#### 1. CATSTEPS CAFE, 33 D'ARBLAY STREET, LONDON, W1F 8EU

(Pages 5 - 30)

<u>App</u> No	Ward / Cumulative Impact Area	Site Name and Address	App Type	Licensing Ref No.
1.	West End Ward / Not in Cumulative Impact Area	Catsteps Cafe 33 D'Arblay Street London W1F 8EU	New Premises Licence	20/07106/LIPN

**2. SOPHISTICATS, BASEMENT & PART GROUND FLOOR, 3-7  
BREWER STREET, LONDON, W1F 0RD**

**(Pages 31 -  
380)**

<u>App</u> No	Ward / Cumulative Impact Area	Site Name and Address	App Type	Licensing Ref No.
2.	West End Ward/ West End Cumulative Impact Area	Sophisticats Basement & Part Ground Floor 3-7 Brewer Street London W1F 0RD	New Premises Licence	20/06824/LIPN

**Stuart Love  
Chief Executive  
1 October 2020**

In considering applications for premises licences under the Licensing Act 2003, the sub-committee is advised of the following:

### **POLICY CONSIDERATIONS**

The Licensing Sub-Committee is required to have regard to the City of Westminster statement of Licensing Policy, effective from 7<sup>th</sup> January 2016.

### **GUIDANCE CONSIDERATIONS**

The Licensing Sub-Committee is required to have regard to any guidance issued by the Secretary of State under Section 182 of the Licensing Act 2003. The most recent version was published in April 2018.

### **CORE HOURS WHEN CUSTOMERS ARE PERMITTED TO BE ON THE PREMISES** (As set out in the Council's Statement of Licensing Policy 2016)

- For premises for the supply of alcohol for consumption on the premises:

Friday and Saturday: 10:00 to midnight  
Sundays immediately prior to Bank Holidays: Midday to midnight  
Other Sundays: Midday to 22:30  
Monday to Thursday: 10:00 to 23:30.

- For premises for the supply of alcohol for consumption off the premises:

Monday to Saturday: 08:00 to 23:00  
Sundays: 10:00 to 22:30.

- For premises for the provision of other licensable activities:

Friday and Saturday: 09.00 to midnight  
Sundays immediately prior to Bank Holidays: 09.00 to midnight  
Other Sundays: 09.00 to 22.30  
Monday to Thursday: 09.00 to 23.30.

## **Procedure for virtual hearings held under the Licensing Act 2003**

The purpose of this procedure is to clarify how the Licensing Sub-Committee (“the Sub-Committee”) will conduct virtual licensing hearings made under the Licensing Act 2003 (as amended) and for licensing applications under other regimes. All hearings are conducted with due regard to the Council’s Constitution, relevant legislation and case law, regulations and guidance.

### **Accessing virtual hearings**

Virtual Licensing Sub-Committee hearings will be held on Microsoft Teams as a live Teams event. Each application will be dealt with by a separate Teams meeting. All applicants, responsible authorities and other persons (who have submitted a valid representation) (collectively called “Parties”) will be provided with a link to the meeting beforehand. **Only these parties will be able to participate in the hearing** (together with their adviser) provided they have registered, in advance, with the Licensing Authority, as specified below. A link for the general public to watch the meeting will be available on the Council’s website.

### **Final Submissions before the Hearing**

The parties (or their representatives) should use their best endeavours to ensure that all of their final submissions have been made so as to be included in the Sub-Committee report (typically **no later, than 5.pm, 5 working days** before the Sub-Committee hearing). This means by 5pm on the Thursday, the week before the Sub-Committee hearing is due to take place. Final submissions should set out the key points, policies and conditions that a party wishes the Sub-Committee to take account of in determining the application.

Any final submissions that a party wishes to make, (that have not been submitted so as to have been included in the report), **must** be submitted to the Licensing Service by **no later than 12 noon 3 working days** before the hearing is due to take place. The Licensing email address is: [Licensing@westminster.gov.uk](mailto:Licensing@westminster.gov.uk).

### **Rules during Licensing Hearings**

The following rules must be followed by all parties to ensure the virtual hearing can progress as successfully as possible:

- All parties wishing to participate in the hearing **must** register their wish to participate in the hearing and provide their email addresses to the **Licensing Service at [Licensing@westminster.gov.uk](mailto:Licensing@westminster.gov.uk)** no later than **12 noon on the Monday** before the Thursday hearing is scheduled to take place.
- All parties **should join the virtual hearing at least 15 minutes before the advertised start time** to ensure they are ready to start at the advertised start time. After the advertised start time has passed no registered parties will be allowed to join, except in exceptional circumstances, when permitted by the Chairman, as this could disrupt the meeting.
- All parties must only address the hearing when invited to do so by the Chairman.
- All parties must keep their microphones on mute unless they are speaking. The Chairman has the ability to mute all parties’ microphones.

- If a party wishes to interject, they should put their name in the messaging field. The chairman has the discretion to invite the party to make their comment at an appropriate stage in the hearing.
- All parties are asked to keep their comments as succinct as possible.
- If a party has a question for another party, this must be addressed to the Chairman who will have the discretion to ask the relevant party to respond.
- Parties wishing to make suggestions as to the conditions that may be imposed in the event of the application being granted should do so by reference to the schedule of proposed conditions set out in the Conditions Schedule annexed to the committee papers. In so doing, they should use the same numbering in that schedule. This is to ensure that there is ease of referencing the conditions by all the parties.
- To ensure the smooth running of hearings, a time limit will be placed on each party's submissions. This time limit must be adhered to but the Chairman has the flexibility to amend the time limit when it is considered appropriate to do so.
- When referring to the hearing papers, participants should give the page and paragraph number when appropriate.
- The Chairman has the discretion to amend these rules in any given case where they consider it is appropriate to do so.

### Procedure

1. The Chairman will open the meeting and introduce the members of the Sub-Committee and the other officers attending with the members, including the legal adviser, policy adviser and committee officer.
2. The Chairman will confirm the procedure that the hearing will follow.
3. The Sub-Committee members and officers will be asked to declare any interests they may have and any other procedural business will be transacted.
4. The presenting officer from the licensing service will introduce the application, giving a brief description of the application and introducing all the Parties in attendance for each application
5. Each party who has registered to speak, will be invited to make their representations and will be allowed **a maximum of 10 minutes each**. In order to ensure that the hearing is fair to all parties and is conducted in an orderly manner, the Chairman has the discretion to extend this time limit where it is appropriate for the determination of the application.
6. Parties will normally speak in the following order, (the order may change for other types of licensing applications):
  - a. The applicant
  - b. Responsible authorities
  - c. Other persons
7. The Chairman has the right to grant each party the opportunity to ask questions of each other for the purposes of clarification only where it is appropriate to do so. The Sub-Committee members will then be able to ask questions of the parties.

8. The legal adviser and/or policy officer may ask questions of the parties as they consider appropriate, including in relation to the conditions which should be attached to the application if the Sub-Committee is minded to grant the application.
9. Each party will have an opportunity to make a short closing submission each (not introducing any new evidence or case law) of no more than **5 minutes each**, in the following order:
  - a. Responsible authorities
  - b. Other persons
  - c. The applicant
10. The Chairman shall then **close the meeting** and all parties will leave the meeting. A Decision will not be announced at the end of the hearing unless there is a legal requirement to do so.
11. The Sub-Committee will deliberate in closed session and all parties will be advised of the outcome in a written Summary Decision. Unless otherwise required or permitted by Regulations, summary decisions will be made within a period of five working days of the last day of the hearing. The written summary of the decision (“Summary Decision”) will be sent to all the parties as soon as possible after the Decision has been made. The full Decision, setting out the reasons for the Decision, (Formal Notification) will be sent to the parties as soon as possible thereafter. The time limit for appealing will not commence until the Formal Notification has been sent to the parties.

Dated 15 April 2020

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Item No:	
Date:	8 October 2020
Licensing Ref No:	20/07106/LIPN - New Premises Licence
Title of Report:	Catsteps Cafe 33 D'Arblay Street London W1F 8EU
Report of:	Director of Public Protection and Licensing
Wards involved:	West End
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Jessica Donovan Senior Licensing Officer
Contact details	Telephone: 020 7641 6500 Email: Jdonovan@westminster.gov.uk

## 1. Application

1-A Applicant and premises			
<b>Application Type:</b>	New Premises Licence, Licensing Act 2003		
<b>Application received date:</b>	17 August 2020		
<b>Applicant:</b>	Catsteps Cafes Limited		
<b>Premises:</b>	Catsteps Cafe		
<b>Premises address:</b>	33 D'Arblay Street London W1F 8EU	<b>Ward:</b>	West End
		<b>Cumulative Impact Area:</b>	West End
<b>Premises description:</b>	According to the application form, this premises intends to operate as a family run café/bar. This premises intends to operate to external tables and chairs and has the benefit of a tables and chairs licence.		
<b>Premises licence history:</b>	This is a new premises licence application and therefore no premises licence history exists. However, the premises has previously applied for temporary event notices of which the full history can be found at Appendix 3.		
<b>Applicant information:</b>	<p>On original submission of the application, recorded music was applied for on Monday to Sunday from 09:00 to 23:00. This has been withdrawn from the application.</p> <p>Furthermore, the applicant had originally applied for the sale by retail of alcohol on Sunday from 10:00 to 23:00. The applicant has reduced these hours and this is reflected in section 1-B below.</p>		

1-B Proposed licensable activities and hours							
<b>Sale by retail of alcohol</b>				<b>On or off sales or both:</b>			Both
<b>Day:</b>	<b>Mon</b>	<b>Tues</b>	<b>Wed</b>	<b>Thur</b>	<b>Fri</b>	<b>Sat</b>	<b>Sun</b>
<b>Start:</b>	10:00	10:00	10:00	10:00	10:00	10:00	12:00
<b>End:</b>	23:00	23:00	23:00	23:00	23:00	23:00	22:30
<b>Seasonal variations/ Non-standard timings:</b>		From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.					

Hours premises are open to the public							
<b>Day:</b>	<b>Mon</b>	<b>Tues</b>	<b>Wed</b>	<b>Thur</b>	<b>Fri</b>	<b>Sat</b>	<b>Sun</b>
<b>Start:</b>	09:00	09:00	09:00	09:00	09:00	09:00	09:00
<b>End:</b>	23:00	23:00	23:00	23:00	23:00	23:00	23:00
<b>Seasonal variations/ Non-standard timings:</b>		From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.					

## 2. Representations

2-A Responsible Authorities	
<b>Responsible Authority:</b>	Environmental Health
<b>Representative:</b>	Ayesha Bolton
<b>Received:</b>	14 September 2020
<p>I refer to the application for a new Premises Licence for the above premises.</p> <p>The applicant has submitted floor plans of the Ground floor of the premises.</p> <p>This representation is based on the plans and operating schedule submitted.</p> <p>The applicant is seeking the following:</p> <ol style="list-style-type: none"><li>1. To permit Regulated Entertainment of Recorded Music Indoors only Monday to Sunday 09.00 to 23.00 hours and from the end of permitted hours on New Years' Eve to start of permitted hours on New Year's Day.</li><li>2. To permit Supply of Alcohol both 'On' and 'Off' the premises Monday to Sunday 10.00 to 23.00 hours and from the end of permitted hours on New Years' Eve to start of permitted hours on New Year's Day.</li></ol> <p>I wish to make the following representation.</p> <ol style="list-style-type: none"><li>1. The provision and hours requested for Regulated Entertainment of Recorded Music will have the likely effect of causing an increase in Public Nuisance and impact on Public Safety within the area.</li><li>2. The provision and hours requested for the Supply of Alcohol will have the likely effect of causing an increase in Public Nuisance within the area and impact on Public Safety within the area.</li></ol> <p>The granting of the application as presented would have the likely effect of causing an increase in Public Nuisance and impact on Public Safety within the area.</p> <p>The applicant has provided conditions in support of the application but these do not fully address the concerns of Environmental Health and additional conditions may be proposed.</p>	
<b>Responsible Authority:</b>	Licensing Authority
<b>Representative:</b>	Angela Seaward
<b>Received:</b>	14 September 2020
<p>Dear Sirs</p> <p>I write in relation to the application submitted for a new premises licence for 33 D'Arblay Street, London, W1F 8EU</p> <p>As a responsible authority under section 13 (4) of the Licensing Act 2003 as amended under the Police and Social Responsibility Act 2011, the Licensing Authority have considered your application in full. The Licensing Authority has concerns in relation to this application and how the premises would promote the four Licensing Objectives:</p> <ul style="list-style-type: none"><li>• Public Nuisance</li><li>• Prevention of Crime &amp; Disorder</li><li>• Public Safety</li><li>• Protection of children from harm</li></ul>	

The application seeks the following:

- **Recorded Music**  
Monday to Sunday 09:00 to 23:00
- **Supply of Alcohol On Premises**  
Monday to Sunday 10:00 to 23:00
- **Opening Hours to Public**  
Monday to Sunday 09:00 to 23:00

The premises is located within the West End Cumulative Impact Area and as such various policy points must be considered, namely CIP1, HRS1, RNT2 and PB2

At present, the operating hours applied for licensable activities currently fall outside of Westminster's core hours. Paragraph 2.3.2 states that Policy HRS1 is not a policy to refuse applications for hours longer than the core hours and consideration will in all cases be given to the individual merits of an application. Where a proposal is made to operate outside these core hours each application will be considered on its merits against the criteria as set out in paragraph (ii) that applications for hours outside the core hours set out below in this policy will be considered on their merits, subject to other policies stated within the Westminster licensing policy.

**Supply of Alcohol On the Premises**

Monday to Thursday 10:00 to 23:30  
Friday to Saturday 10:00 to 00:00  
Sunday 12:00 to 22:30

**Other Licensable activities**

Monday to Thursday 09:00 to 23:30  
Friday to Saturday 09:00 to 00:00  
Sunday: 09:00 to 22:30

It is the intention to generally grant licences or variations to licences where the hours when customers are permitted to be on the premises are within the 'core hours' as set out in Policy HRS1, therefore the licensing authority would encourage the applicant too consider reducing the licensable activities to be within these hours on Sundays.

The plan currently indicates a red line around the outside area for licensable activities, however the premises currently benefits from a Pavement Licence which indicates this area to be a public highway. Under policy RNT2 paragraph 2.5.6 advises that whilst the premises licence may authorise the provision of licensable activities it cannot authorise the use of an area of highway for that activity. Permission for the use of the highway is considered separately, and in this example, a tables and chairs licence must also be obtained before the restaurant can operate any activity on the pavement. The tables and chairs licence will define the extent of the area, and the numbers of tables and chairs which may be used on the pavement. Therefore the licensing authority encourages the applicant to re-submit a plan removing the red line from the outside area and consider the following conditions;

- The sale and supply of alcohol for consumption off the premises shall be restricted to alcohol consumed by persons who are seated in an area appropriately authorised for the use of tables and chairs on the highway and bona fide taking a substantial table meal there, and where the consumption of alcohol by such persons is ancillary to taking such a meal, and where the supply of alcohol is by waiter or waitress service only.

- All tables and chairs shall be removed from the outside area by (23.00) each day.

The licensing authority also notes that the applicant intends to operate a restaurant with conditions from 20:00 each day. Although the policy does consider under paragraph 2.4.21 that where applications for licenses to sell alcohol for consumption on the premises are made and (i) are appropriately conditioned so that the consumption of alcohol is not, and cannot become, a significant part of the operation of the premises and is regulated to promote responsible drinking; (ii) where the character of the premises is such that its customers are not likely to be involved in sustained or heavy drinking at later hours; and (iii) when the sale of alcohol is not permitted beyond 20.00 hours; then permitting the sale of alcohol for consumption on the premises is unlikely to add to cumulative impact in the cumulative impact area.

However as this application is for on and off sales and that there is no condition before 20:00, potentially allowing alcohol to be a significant part of the operation, the licensing authority encourages the applicant to submit further submissions on how the premises will not add to the cumulative impact area and for the applicant to demonstrate how they will make a restaurant condition compliant with customers from 20:00.

Restaurants are defined within the policy where dining is the main evening activity for its customers. Paragraph 2.5.3 advises that for the purposes of this policy a restaurant is therefore defined as premises (i) in which customers are shown to their table, (ii) which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table using non disposable crockery, (iii) which do not provide any take away service of food or drink for immediate consumption, and (iv) where intoxicating liquor shall not be sold, supplied, or consumed on the premises otherwise than to persons who are bona fide taking substantial table meals and provided always that the consumption of intoxicating liquor by such persons is ancillary to taking such meals. The sale and consumption of alcohol prior to such meals may be in a bar area but must also be ancillary to the taking of such meal.

Where an application is to be considered under the policies which apply to restaurants, conditions restricting the premises in accordance with this definition may be attached. The licensing authority therefore encourages the applicant to consider model condition 66 which states;

The premises shall only operate as a restaurant

- (i) in which customers are shown to their table,
- (ii) where the supply of alcohol is by waiter or waitress service only,
- (i) which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table using non disposable crockery,
- (iv) which do not provide any take away service of food or drink for immediate consumption,
- (v) which do not provide any take away service of food or drink after 23.00, and
- (vi) where alcohol shall not be sold or supplied, otherwise than for consumption by persons who are seated in the premises and bona fide taking substantial table meals there, and provided always that the consumption of alcohol by such persons is ancillary to taking such meals.

Notwithstanding this condition customers are permitted to take from the premises part consumed and resealed bottles of wine supplied ancillary to their meal.

Application considered under RNT2 will be granted subject to other policies in this Statement and subject to the relevant criteria in Policies CD1, PS1, PN1 and CH1, provided it can be demonstrated that they will not add to cumulative impact in the Cumulative Impact Areas.

The council is particularly concerned that restaurant premises in the cumulative impact areas do not, even in part, come to operate as bars. With no ancillary nature to the sale of alcohol before 20:00 the application will be considered in Part under PB2, where it is the Licensing Authority's policy to refuse applications in the Cumulative Impact Areas and should be limited to exceptional circumstances.

Furthermore the licensing authority notes that recorded music has been applied for between the hours of 09:00 to 23:00. However under the deregulation of regulated entertainment the Licensing Act 2003 advises that, any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500 does not require to be licensed. Therefore the licensing authority encourages the applicant to advise if they still wish to apply for this provision as part of the new premises licence application.

I look forward to hearing from you in due course.

Please accept this email as a formal representation.

2-B Other Persons			
<b>Name:</b>		[REDACTED]	
<b>Address and/or Residents Association:</b>		[REDACTED] [REDACTED] [REDACTED]	
<b>Status:</b>	Valid	<b>In support or opposed:</b>	Opposed
<b>Received:</b>	6 September 2020		
<p>I am mainly concerned about the application to play amplified recorded music 9.00-23.00 pm 7 days a week. The cafe is not designed for this, because in practice the door is either open all day or opened with great frequency, due to the Breakfast Club's choice not to take reservations but to have a long queue of people waiting outside, and because there are several tables outside the frontage on the pavement. The music would therefore bleed out into the street and cause a noise nuisance, as has been the case when they have occasionally played music inside in the past. There is no lobby and no means of keeping the music from being heard outside the premises, and the door is half glazed. Secondly, the application for another alcohol licence in what is already an area of saturation seems to go against planning policy and what the residents feel is manageable to live with. Noise nuisance from outdoor diners during the temporary street closure period has been unliveable with, and I would strongly oppose its continuation, which unfortunately this application would contribute to.</p>			
<b>Name:</b>		[REDACTED]	
<b>Address and/or Residents Association:</b>		[REDACTED] [REDACTED] [REDACTED]	
<b>Status:</b>	Valid	<b>In support or opposed:</b>	Opposed
<b>Received:</b>	10 September 2020		
<p>Dear Sir, we would like to strenuously object to the above premises licence application. We understand that this premises has never been granted a premises licence before because of the lack of toilet facilities. There are approximately 30 covers inside of this premises which has outside seating with 20 outside seats on Saturday and Sunday, add to this around a staff of 7</p>			

persons. Around 57 patrons and staff and only 1 toilet. (The toilet last year on many occasions was out of order) with these patrons requesting neighbouring premises if they could use their toilets.  
 This application should fail as it does not meet guidelines for staff and customer toilet facilities.

<b>Name:</b>	[REDACTED]		
<b>Address and/or Residents Association</b>	[REDACTED] [REDACTED] [REDACTED] [REDACTED]		
<b>Status:</b>	Valid	<b>In support of opposed:</b>	Opposed
<b>Received:</b>	10 September 2020		

**Representation received through email dated 10 September 2020:**

I am writing to you [REDACTED] and I wish to object to application number 20/07106/LIPN

The Breakfast Club, 33 D'Arblay Street, London, W1F 8EU  
 Catsteps Cafés Limited –  
 Application Form: Part 3 – Operating Schedule

A family run café/bar within Soho area including tables and chairs on the pavement. This client also current trades from another premises "The Breakfast Club, 11 Berwick Street, London, W1F 0PL

Catsteps Cafés Limited is according to records held with Companies House –  
 The principle activity of the Company....to operate cafes and bars under 'The Breakfast Club' brand.

With turnover in 2019 exceeding £15 million trading from 11 restaurants, 9 in London, 1 in Oxford and 1 in Brighton.

During 2019 – 6 directors and over 350 staff

The first question is why Catsteps Cafés Limited are pretending to be a small family business with two sites when applying for an alcohol licence in Soho.

The Breakfast Club traded as an A3 restaurant from 33 D'Arblay Street even though permission to trade as A3 was refused by Westminster Council (the premises was A1). Permission was eventually given because the restaurant had traded for some considerable time ignoring the rules of A1.

The company operates 'secret bars' in their other venues and there is a very real worry that this is what they plan to do in D'Arblay Street. Why else would they pretend to run two cafes in Soho? Looking into their other venues it is obvious they are very much alcohol led.

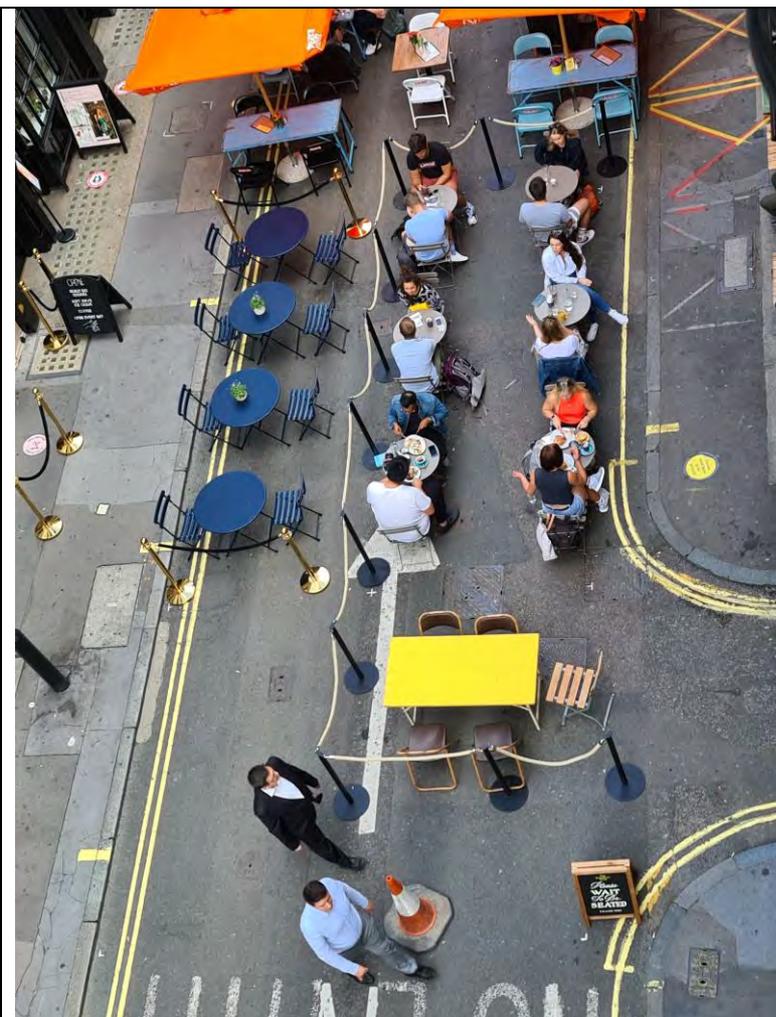
There are other major problems with 33 D'Arblay Street.

1. For some reason (possibly because the premises were granted A3 simply because they had traded as A3) there is not adequate duct work to the premises. The duct work from the basement kitchen blows out at street level, which causes a nuisance to [REDACTED] in the street. Westminster's planning policy is for duct work to be taken to roof level, this is not the case with 33 D'Arblay Street and the smells and grease which coat [REDACTED] are unacceptable. Please would Environmental Health investigate this.

2. Refuse is stored in [REDACTED] often spilling over and making a mess, attracting vermin. The Breakfast Club has previously been shut down and substantially fined by Westminster Council for poor hygiene standards.
3. There is a lack of toilet provision in the restaurant – only one toilet to be used by staff and customers. This results in customers urinating in [REDACTED] either when the toilet is busy or out of order as has often been the case. Clearly one toilet to service the entire premises is inadequate.
4. The application made is for a capacity of 30 excluding staff. The attached photos showing outside seating for more than 20 customers, in contrast to the 10 seats shown on the application plan. This gives little confidence that The Breakfast Club will stick to the steps they have stated they will take to promote the four licensing objectives.

I strongly object to a premises licence being granted.





**Representation received through Public Access dated 10 September 2020:**

There are other major problems with 33 D'Arblay Street.

1. For some reason (possibly because the premises were granted A3 simply because they had traded as A3) there is not adequate duct work to the premises. The duct work from the basement kitchen blows out at street level, which causes a nuisance to [REDACTED] in the street. Westminster's planning policy is for duct work to be taken to roof level, this is not the case with 33 D'Arblay Street and the smells and grease which coat [REDACTED] are unacceptable. Please would Environmental Health investigate this.
2. Refuse is stored in [REDACTED] often spilling over and making a mess, attracting vermin. The Breakfast Club has previously been shut down and substantially fined by Westminster Council for poor hygiene standards.
3. There is a lack of toilet provision in the restaurant - only one toilet to be used by staff and customers. This results in customers urinating in [REDACTED] either when the toilet is busy or out of order as has often been the case. Clearly one toilet to service the entire premises is inadequate.
4. The application made is for a capacity of 30 excluding staff. The attached photos showing outside seating for more than 20 customers, in contrast to the 10 seats shown on the application plan. This gives little confidence that The Breakfast Club will stick to the steps they have stated they will take to promote the four licensing objectives.  
I strongly object to a premises licence being granted.

### 3. Policy & Guidance

The following policies within the City Of Westminster Statement of Licensing Policy apply:	
<b>Policy CIP1 applies</b>	<p>(i) It is the Licensing Authority's policy to refuse applications in the Cumulative Impact Areas for: pubs and bars, fast food premises, and premises offering facilities for music and dancing; other than applications to vary hours within the Core Hours under Policy HRS1.</p> <p>(ii) Applications for other licensable activities in the Cumulative Impact Areas will be subject to other policies, and must demonstrate that they will not add to cumulative impact in the Cumulative Impact Areas.</p>
<b>Policy HRS1 applies</b>	<p>(i) Applications for hours within the core hours set out below in this policy will generally be granted, subject to not being contrary to other policies in the Statement of Licensing Policy.</p> <p>(ii) Applications for hours outside the core hours set out below in this policy will be considered on their merits, subject to other relevant policies. For premises for the supply of alcohol for consumption on the premises: Monday to Thursday: 10:00 to 23:30 Friday and Saturday: 10:00 to midnight Sundays immediately prior to Bank Holidays: Midday to midnight Other Sundays: Midday to 22:30 For premises for the provision of other licensable activities: Monday to Thursday: 09:00 to 23.30 Friday and Saturday: 09:00 to midnight Sundays immediately prior to Bank Holidays: 09:00 to midnight Other Sundays: 09:00 to 22:30</p>
<b>Policy RNT2 applies:</b>	Applications will be granted subject to other policies in this Statement and subject to the relevant criteria in Policies CD1, PS1, PN1 and CH1, provided it can be demonstrated that they will not add to cumulative impact in the Cumulative Impact Areas.

### 4. Equality Implications

The Council in its capacity as Licensing Authority has a duty to have regard to its public sector equality duty under section 149 of the Equality Act 2010. In summary, section 149 provides that a Public Authority must, in the exercise of its functions, have due regard to the need to:

- (a) eliminate discrimination harassment, victimisation and any other conduct that is prohibited by or under this Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- (c) foster good relations between persons who share a relevant protected characteristics and persons who do not share it.

Section 149 (7) of the Equality Act 2010 defines the relevant protected characteristics as age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.

## 5. Appendices

<b>Appendix 1</b>	Premises plans
<b>Appendix 2</b>	Applicant supporting documents
<b>Appendix 3</b>	Premises history
<b>Appendix 4</b>	Proposed conditions
<b>Appendix 5</b>	Residential map and list of premises in the vicinity

<b>Report author:</b>	Jessica Donovan Senior Licensing Officer
<b>Contact:</b>	Telephone: 0207 641 6500 Email: Jdonovan@westminster.gov.uk

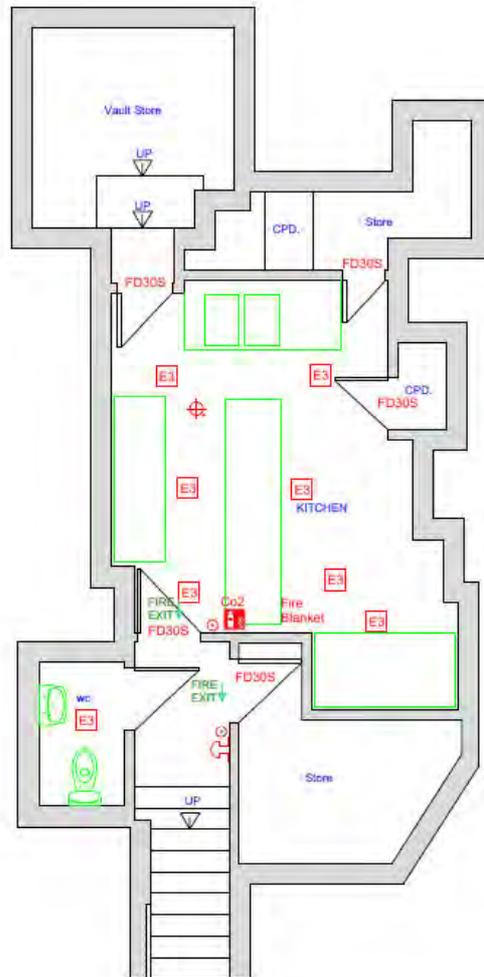
**If you have any queries about this report or wish to inspect one of the background papers please contact the report author.**

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

<b>1</b>	Licensing Act 2003	N/A
<b>2</b>	City of Westminster Statement of Licensing Policy	7 <sup>th</sup> January 2016
<b>3</b>	Amended Guidance issued under section 182 of the Licensing Act 2003	April 2018
<b>4</b>	Environmental Health representation	14 September 2020
<b>5</b>	Licensing Authority representation	14 September 2020
<b>6</b>	Objection comment 1	06 September 2020
<b>7</b>	Objection comment 2	10 September 2020
<b>8</b>	Objection comment 3	10 September 2020

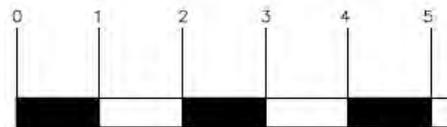
Basement Plan

Notes:  
Do not scale this drawing except for Planning  
(if/where)



KEY - FIRE SAFETY

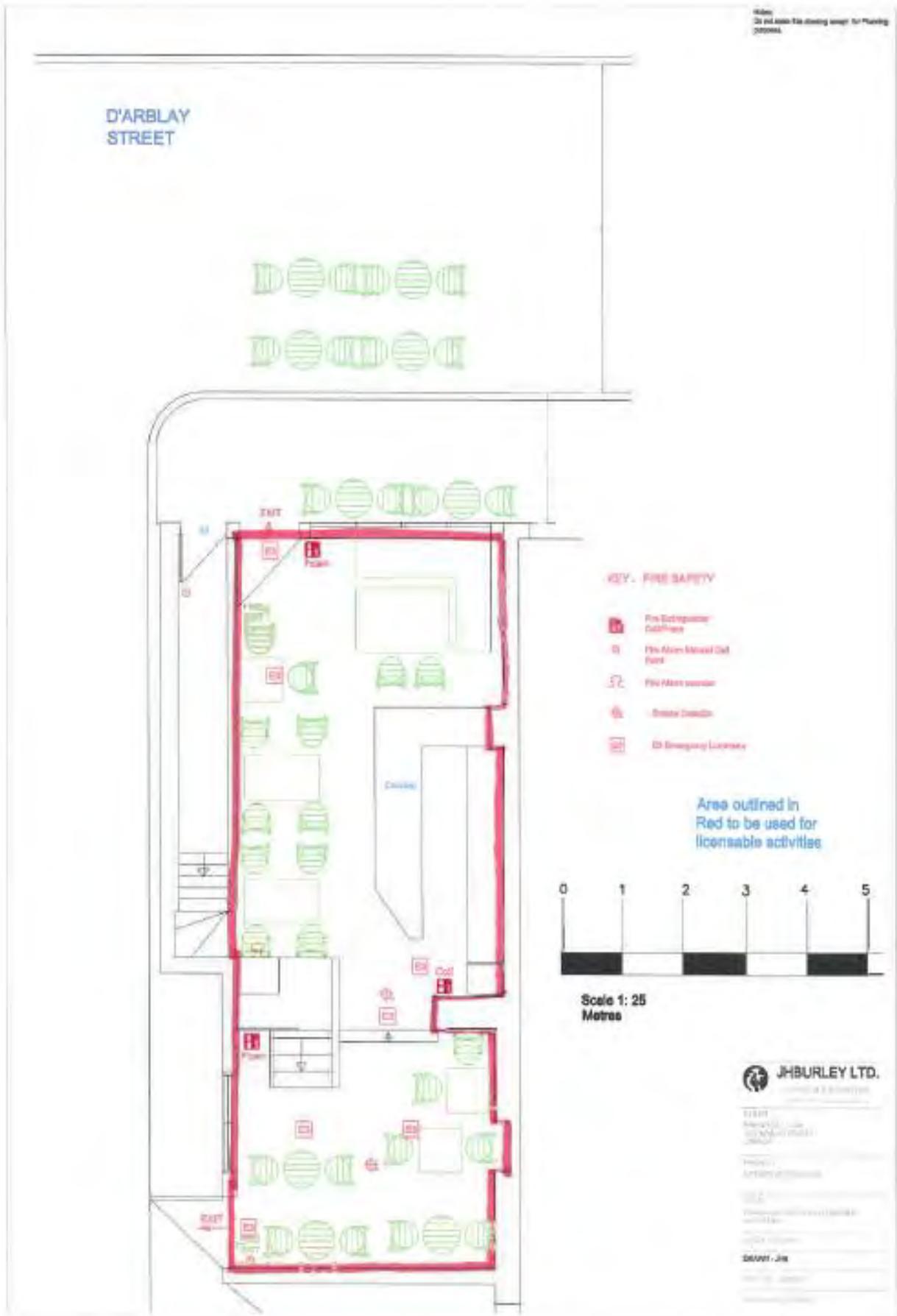
-  Fire Extinguisher  
Co2/Foam
-  Fire Alarm Manual Call Point
-  Fire Alarm sounder
-  Smoke Detector
-  E3 Emergency Luminaires



Scale 1: 25  
Metres

**JHBURLEY LTD.**  
CHARTERED SURVEYORS  
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Ground Floor Plan



**Applicant Supporting Documents**

**Appendix 2**

None provided

**Temporary Event Notices**

<b>Application</b>	<b>Details of Application</b>	<b>Date Determined</b>	<b>Decision</b>
20/06034/LITENN	Temporary Event Notice	22 <sup>nd</sup> July 2020	Notice Granted
20/06290/LITENN	Temporary Event Notice	31 <sup>st</sup> July 2020	Notice Granted
20/06518/LITENN	Temporary Event Notice	31 <sup>st</sup> July 2020	Notice Granted
20/06721/LITENN	Temporary Event Notice	6 <sup>th</sup> August 2020	Notice Refused due to exceeding number of days permitted to use
20/06722/LITENN	Temporary Event Notice	6 <sup>th</sup> August 2020	Notice Refused due to exceeding number of days permitted to use

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

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

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

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

**Mandatory Conditions**

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

less in a manner which carries a significant risk of undermining a licensing objective;

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

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

- 8(i) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
- 8(ii) For the purposes of the condition set out in paragraph 8(i) above -
- (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
- (b) "permitted price" is the price found by applying the formula -
- $$P = D + (D \times V)$$
- Where -
- (i) P is the permitted price,
- (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
- (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -
- (i) the holder of the premises licence,
- (ii) the designated premises supervisor (if any) in respect of such a licence, or
- (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
- (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
- (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.
- 8(iii). Where the permitted price given by Paragraph 8(ii)(b) above would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
- 8(iv). (1) Sub-paragraph 8(iv)(2) below applies where the permitted price given by Paragraph 8(ii)(b) above on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

#### **Conditions consistent with the operating schedule**

9. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of a Metropolitan Police Crime Prevention Officer. All entry and exit points will be covered enabling frontal identification of every person entering in any

light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.

10. 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 are open to the public. This staff member must be able to show a Police or authorised council officer recent data or footage with the absolute minimum of delay when requested.
11. From 20:00 the premises shall only operate as a restaurant:
  - i) in which customers are shown to their table,
  - ii) which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table using non disposable crockery,
  - iii) which do not provide any take away service of food or drink for immediate consumption, and
  - iv) where intoxicating liquor shall not be sold, supplied, or consumed on the premises otherwise than to persons who are bona fide taking substantial table meals and provided always that the consumption of intoxicating liquor by such persons is ancillary to taking such meals.
12. The supply of alcohol shall be by waiter or waitress service only.
13. Substantial food and suitable beverages other than intoxicating liquor shall be available during the whole of the permitted hours in all parts of the premises where intoxicating liquor is sold or supplied.
14. All sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises except that alcohol can be sold in open containers and consumed in any designated area for the use of table and chairs shown on the plan attached to the premises licence or where tables and chairs are permitted to be placed under the Highways Act 1980 or the Business and Planning Act 2020
15. The capacity at the premises, at any one time, shall be 30 inside (excluding staff).
16. After 21:00 hours all external doors and windows to be kept closed except for immediate access and egress of persons.
17. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
18. Clearly legible notices shall be displayed at all exits from the premises requesting patrons to respect the needs of local residents and to leave the premises and area quietly.
19. Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and to leave the premises and area quietly.
20. No rubbish, including bottles, shall be moved, removed or placed in outside areas between 2300 hours and 0800 hours.
21. The area immediately outside the premises, shall be swept and/or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements.

22. All waste is to be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
23. A Challenge 21 or Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
24. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police. It must be completed within 24 hours of the incident and will record the following:
  - (a) all crimes reported to the venue
  - (b) all ejections of patrons
  - (c) any complaints received concerning crime and disorder
  - (d) any incidents of disorder
  - (e) all seizures of drugs or offensive weapons
  - (f) any faults in the CCTV system, searching equipment or scanning equipment
  - (g) any refusal of the sale of alcohol
  - (h) any visit by a relevant authority or emergency service.
25. Alcohol will only be sold prior to 20:00 to customers who are shown to their table, and it will only be sold by waiter / waitress service.
26. The sale of alcohol prior to 20:00 will be an ancillary part of the business to the provision of substantial table meals.

#### **Conditions proposed by the Licensing Authority**

27. All tables and chairs shall be removed from the outside area by 23.00 each day.  
***Condition 27 has been agreed with the applicant.***
28. The sale and supply of alcohol for consumption off the premises shall be restricted to alcohol consumed by persons who are seated in an area appropriately authorised for the use of tables and chairs on the highway and bona fide taking a substantial table meal there, and where the consumption of alcohol by such persons is ancillary to taking such a meal, and where the supply of alcohol is by waiter or waitress service only.  
***The applicant has proposed alternative wording to condition 28 as below***  
The sale and supply of alcohol for consumption off the premises shall be restricted to sales in sealed containers, and to alcohol consumed by persons who are seated in an area appropriately authorised for the use of tables and chairs on the highway, and after 20:00 where persons are bona fide taking a substantial table meal there, where the consumption of alcohol by such persons is ancillary to a table meal, and where the supply of alcohol is by way of waiter / waitress service only
29. The premises shall only operate as a restaurant:
  - (i) in which customers are shown to their table,
  - (ii) where the supply of alcohol is by waiter or waitress service only,
  - (iii) which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table using non disposable crockery,
  - (iv) which do not provide any take away service of food or drink for immediate consumption
  - (v) which do not provide any take away service of food or drink after 23.00, and

- (vi) where alcohol shall not be sold or supplied, otherwise than for consumption by persons who are seated in the premises and bona fide taking substantial table meals there, and provided always that the consumption of alcohol by such persons is ancillary to taking such meals.

Notwithstanding this condition customers are permitted to take from the premises part consumed and resealed bottles of wine supplied ancillary to their meal.

***The applicant has not agreed to condition 29 but has proposed 2 conditions in its place which are conditions 25 and 26 above.***

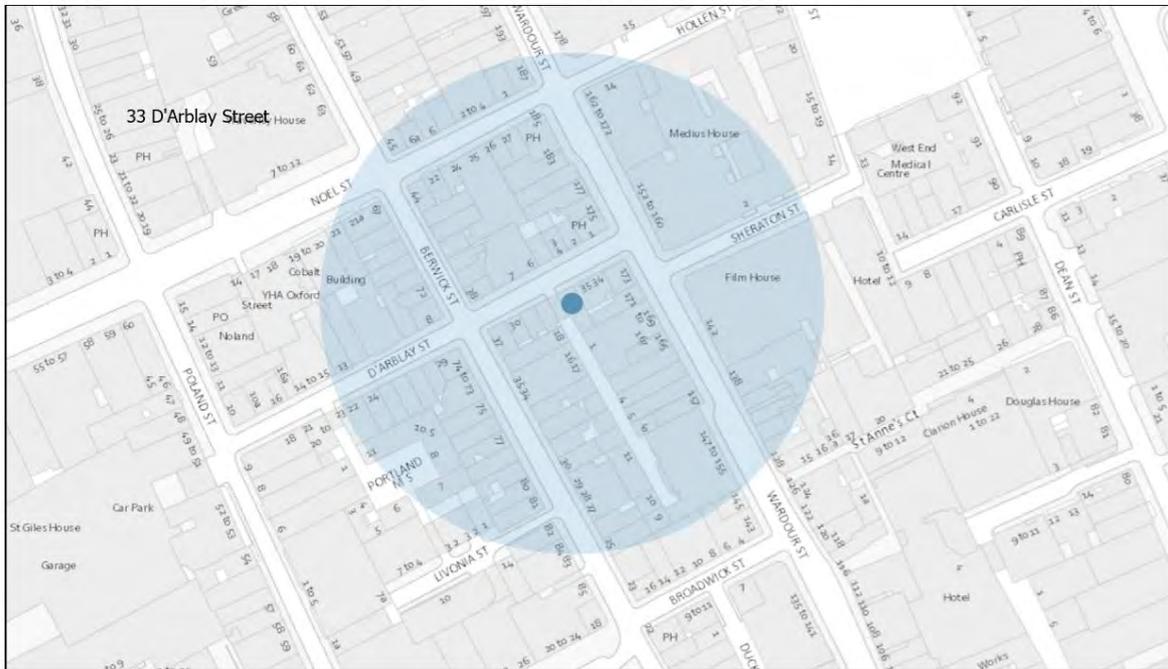
**Conditions proposed by the Environmental Health**

None

**Residential Map and List of Premises in the Vicinity**

**Appendix 5**

**33 D'Arbly Street**



21/09/2020 14:49:34

1:1,250  
0 0.01 0.02 0.04 mi  
0 0.01 0.03 0.06 km  
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Resident Count = 63

**Licensed premises within 75 metres of 33 D'Arbly Street**

Licence Number	Trading Name	Address	Premises Type	Time Period
18/01923/LIPVM	Korkers (Basement) And Mustafas Thai Cottage (Ground Floor)	34 D'Arbly Street London W1F 8EX	Not Recorded	Not Recorded; Monday to Saturday: 10:00 to 00:00 (Ground Floor) Monday to Saturday: 10:00 to 03:00 (Basement) Sunday: 12:00 to 23:30 (Basement) Sunday: 12:00 to 23:30 (Ground Floor)

19/11988/LIPCH	Tommi's Burger Joint	37 Berwick Street London W1F 8RS	Not Recorded	Monday to Thursday; 10:00 - 00:00   Friday to Saturday; 10:00 - 00:30   Sunday; 10:00 - 23:00
19/13733/LIPDPS	Imli Ltd	167 - 169 Wardour Street London W1F 8WR	Restaurant	Monday to Saturday; 08:00 - 01:00   Sunday; 08:00 - 00:00
18/11501/LIPN	Not Recorded	36 Berwick Street London W1F 8RR	Not Recorded	Monday to Saturday; 07:30 - 22:30   Sunday; 07:30 - 22:30
18/03839/LIPDPS	The George Public House	1 D'Arblay Street London W1F 8DG	Public house or pub restaurant	Monday to Thursday; 10:00 - 00:00   Friday to Saturday; 10:00 - 00:30   Sunday; 12:00 - 23:00
13/09249/LIPDPS	The George Public House	1 D'Arblay Street London W1F 8DG	Public house or pub restaurant	Monday to Sunday; 00:00 - 00:00
20/01379/LIPDPS	Pho	163 - 165 Wardour Street London W1F 8WN	Restaurant	Monday to Saturday; 10:00 - 00:30   Sunday; 12:00 - 00:00
10/01916/LIPT	St Moritz	161 Wardour Street London W1F 8WJ	Restaurant	Monday to Sunday; 09:00 - 03:30
20/04508/LIPN	Not Recorded	28 D'Arblay Street London W1F 8EW	Not Recorded	Monday to Saturday; 08:00 - 23:00   Sunday; 10:00 - 23:30
18/06968/LIPT	Conko	72 Berwick Street London W1F 8TD	Restaurant	Monday to Saturday; 10:00 - 00:30   Sunday; 12:00 - 00:00
19/02746/LIPDPS	Chipotle Mexican Grill	183 - 185 Wardour Street London W1F 8ZA	Restaurant	Monday to Saturday; 10:00 - 23:30   Sunday; 11:30 - 23:00
20/00364/LIPDPS	Chipotle Mexican Grill	183 - 185 Wardour Street London W1F 8ZA	Restaurant	Monday to Saturday; 10:00 - 23:30   Sunday; 11:30 - 23:00

16/02387/LIPDPS	The Melt Room	26 Noel Street London W1F 8GY	Restaurant	Monday to Friday; 08:30 - 21:00   Saturday; 11:00 - 21:00   Sunday; 11:00 - 21:00
19/10000/LIPN	Not Recorded	Basement And Ground Floor 27 Noel Street London W1F 8GZ	Cafe	Monday to Thursday; 11:00 - 20:30   Friday; 11:00 - 21:00   Saturday to Sunday; 11:00 - 20:30
14/00062/LIPVM	Blanchette	Basement And Ground Floor 9 D'Arblay Street London W1F 8DR	Cafe	Monday to Saturday; 10:00 - 00:30   Monday to Saturday; 10:00 - 23:30   Sunday; 12:00 - 23:00   Sunday; 12:00 - 00:00
19/04604/LIPN	Not Recorded	77 Berwick Street London W1F 8TH	Restaurant	Monday to Saturday; 10:00 - 00:30   Sunday; 12:00 - 00:00
19/01200/LIPDPS	Maharani Restaurant	77 Berwick Street London W1F 8TH	Restaurant	Monday to Saturday; 10:00 - 00:30   Sunday; 12:00 - 00:00
11/09937/LIPVM	Copita	27 D'Arblay Street London W1F 8EN	Restaurant	Monday to Saturday; 10:00 - 23:30   Sunday; 12:00 - 23:00
18/04208/LIPDPS	Ceru	Ground Floor 10-11 D'Arblay Street London W1F 8DT	Restaurant	Monday to Sunday; 12:00 - 23:30
19/07324/LIPT	Not Recorded	147 - 149 Wardour Street London W1F 8WD	Not Recorded	Monday to Saturday; 07:00 - 00:00   Sunday; 07:30 - 23:00
16/07661/LIPT	Caffe L'Eto	155 Wardour Street London W1F 8WG	Restaurant	Monday to Saturday; 08:00 - 23:00   Sunday; 10:00 - 22:30

08/03322/LIPV	Inamo	136 Wardour Street London W1F 8ZS	Restaurant	Monday to Thursday; 10:00 - 23:30   Friday to Saturday; 10:00 - 00:00   Sunday; 12:00 - 22:30   Sundays before Bank Holidays; 12:00 - 00:00
14/06333/LIPN	Enrique Tomas	132 Wardour Street London W1F 8ZW	Restaurant	Monday to Saturday; 10:00 - 22:30   Sunday; 12:00 - 22:30
20/03659/LIPDPS	WeWork Soho	Medius House 2 Sheraton Street London W1F 8BH	Office	Monday to Sunday; 14:00 - 23:00
19/03056/LIPVM	BRGR	Ground Floor 187 Wardour Street London W1F 8ZB	Restaurant	Monday; 10:00 - 01:30   Tuesday; 10:00 - 01:30   Wednesday; 10:00 - 01:30   Thursday; 10:00 - 01:30   Friday; 10:00 - 01:30   Sunday; 12:00 - 00:00
16/10721/LIPDPS	DUM Biryani House	Basement 187 Wardour Street London W1F 8ZB	Restaurant	Monday to Thursday; 11:00 - 00:00   Friday to Saturday; 11:00 - 00:30   Sunday; 12:00 - 23:00
18/02508/LIPV	Daisy Green	Ground Floor 2 - 4 Noel Street London W1F 8GB	Cafe	Monday to Thursday; 08:00 - 00:00   Friday to Saturday; 08:00 - 00:30   Sunday; 08:00 - 23:00   Sundays before Bank Holidays; 08:00 - 00:30

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Item No:	
Date:	8 October 2020
Licensing Ref No:	20/06824/LIPN - New Premises Licence
Title of Report:	Sophisticats Basement And Part Ground Floor 3-7 Brewer Street London
Report of:	Director of Public Protection and Licensing
Wards involved:	West End
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Kevin Jackaman Senior Licensing Officer
Contact details	Telephone: 0207 641 6500 Email: kjackaman@westminster.gov.uk

## 1. Application

1-A Applicant and premises			
<b>Application Type:</b>	New Premises Licence, Licensing Act 2003		
<b>Application received date:</b>	10 August 2020		
<b>Applicant:</b>	John Mckeown Clubs Ltd		
<b>Premises:</b>	Sophisticats		
<b>Premises address:</b>	Basement And Part Ground Floor 3-7 Brewer Street London W1F 0RD	<b>Ward:</b>	West End
		<b>Cumulative Impact Area:</b>	West End
<b>Premises description:</b>	The premises trade as a stripe/lap dancing club.		
<b>Premises licence history:</b>	There is a premises licence in existence for the premises (licence number 19/03892/LIPDPS) a copy of the premises licence appears at appendix 2 and the licence history appears at appendix 4. The premises also hold a Sexual Entertainment Venue licence (licence number 20/04218/LISEVR) which is valid until 30 <sup>th</sup> September 2021		
<b>Applicant submissions:</b>	The application proposes a new premises licence on the same terms, conditions, layout and hours as the existing premises licence, save for the removal of condition 9, which states: 9. The sale of intoxicating liquor shall be ancillary to the provision of striptease entertainment and whilst the premises is operating under a Sexual Entertainment Venue licence		

1-B Proposed licensable activities and hours							
<b>Live music, recorded music, performance of dance, anything of a similar description</b>				<b>Indoors, outdoors or both:</b>			Indoors
<b>Day:</b>	<b>Mon</b>	<b>Tues</b>	<b>Wed</b>	<b>Thur</b>	<b>Fri</b>	<b>Sat</b>	<b>Sun</b>
<b>Start:</b>	09:00	09:00	09:00	09:00	09:00	09:00	09:00
<b>End:</b>	03:00	03:00	03:00	03:00	03:00	03:00	23:00
<b>Seasonal variations/ Non-standard timings:</b>		From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day. An additional hour when British summer time commences.					

<b>Late Night Refreshment:</b>				<b>Indoors, outdoors or both</b>			Indoors
<b>Day:</b>	<b>Mon</b>	<b>Tues</b>	<b>Wed</b>	<b>Thur</b>	<b>Fri</b>	<b>Sat</b>	<b>Sun</b>
<b>Start:</b>	23:00	23:00	23:00	23:00	23:00	23:00	
<b>End:</b>	03:00	03:00	03:00	03:00	03:00	03:00	
<b>Seasonal variations/ Non-standard timings:</b>		From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day. An additional hour when British summer time commences.					

Sale by retail of alcohol				On or off sales or both:			On the premises
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
<b>Start:</b>	09:00	09:00	09:00	09:00	09:00	09:00	09:00
<b>End:</b>	03:00	03:00	03:00	03:00	03:00	03:00	23:00
<b>Seasonal variations/ Non-standard timings:</b>			From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day. An additional hour when British summer time commences.				

Hours premises are open to the public							
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
<b>Start:</b>	09:00	09:00	09:00	09:0	09:0	09:00	09:00
<b>End:</b>	03:00	03:00	03:00	03:00	03:00	03:00	23:00
<b>Seasonal variations/ Non-standard timings:</b>			From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day. An additional hour when British summer time commences.				
<b>Adult Entertainment:</b>			None				

## 2. Representations

2-A Responsible Authorities	
<b>Responsible Authority:</b>	Metropolitan Police Service
<b>Representative:</b>	Bryan Lewis
<b>Received:</b>	25 August 2020
<p>With reference to the above application, I am writing to inform you that the Metropolitan Police, as a Responsible Authority, is objecting to this application as it is our belief that if granted this application would undermine the Licensing Objectives.</p> <p>The venue is located in the West End Cumulative Impact Area, a locality where there is traditionally high levels of crime and disorder. We have concerns that this application will cause further policing problems in an already demanding area.</p>	
<b>Responsible Authority:</b>	Environmental Health Service
<b>Representative:</b>	Anil Dryan
<b>Received:</b>	4 September 2020
<p>I refer to the application for a new Premises Licence for the above premises which is located in the West End Cumulative Impact Area.</p> <p>The applicant operates the premises under an existing Premises Licence, 19/03892/LIPDPS, and a SEV Licence, 20/04218/LISEVR.</p> <p><b>The applicant is seeking the following:</b></p> <ol style="list-style-type: none"> <li>To provide the following Regulated Entertainments indoors between 09:00 and 03:00 hours Monday to Saturday and 09:00 and 23:00 hours Sunday: <ul style="list-style-type: none"> <li>Live Music</li> </ul> </li> </ol>	

- Recorded Music
- Performances of Dance
- Anything of a similar description to Live Music, Recorded Music and Performances of Dance

2. To provide for the Supply of Alcohol 'On' the premises between 09:00 and 03:00 hours Monday to Saturday and 09:00 and 23:00 hours Sunday.

3. Provision of Late-Night Refreshment between 23:00 and 03:00 hours Monday to Saturday

4. For all of the above non-standard timings of from end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day and an additional hour British Summertime commences.

**I wish to make the following representations based on the plans submitted and the supporting operating schedule:**

1. The hours for and types of Regulated Entertainments requested may lead to an increase in Public Nuisance in the area and may adversely affect Public Safety in the West End Cumulative Impact Area

2. The hours requested for and the Supply of Alcohol may lead to an increase in Public Nuisance in the West End Cumulative Impact Area

3. The hours requested for and the Provision of Late-Night Refreshment may lead to an increase in Public Nuisance in the West End Cumulative Impact Area

4. The hours requested for the non-standard timings may lead to an increase in Public Nuisance in the West End Cumulative Impact Area

I understand the reason for the application has been *'to allow the temporary use of low-key seated lounge bar while the business closure regulations continue to restrict the re-opening of SEVs.'* The applicant has offered the same conditions as 19/03892/LIPDPS bar the ancillary to SEV condition.

Environmental Health therefore recommend the following additional condition:

- **The licensable activities permitted under this licence shall end after 30 September 2021**

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

<b>Responsible Authority:</b>	Licensing Authority
<b>Representative:</b>	Karyn Abbott
<b>Received:</b>	25 August 2020 2020

I write in relation to the application submitted for a new premises licence for 3-7 Brewer Street, London, W1F 0RD.

As a responsible authority under section 13 (4) of the Licensing Act 2003 as amended under the Police and Social Responsibility Act 2011, the Licensing Authority have considered your application in full. The Licensing Authority has concerns in relation to this application and how the premises would promote the four Licensing Objectives:

- Public Nuisance
- Prevention of Crime & Disorder
- Public Safety
- Protection of children from harm

The application seeks the following:

- **Live and Recorded Music, Performance of Dance, Anything of a similar description to that falling within (e), (f) or (g)**  
Monday to Sunday 09:00 to 03:00

**Non Standard Timings**

From the end of permitted hours on New Year's Eve to the start of permitted hours on New Years Day.

An additional hour when British summer time commences.

- **Late Night Refreshment**  
Monday to Saturday 23:00 to 03:00

**Non Standard Timings**

From the end of permitted hours on New Year's Eve to the start of permitted hours on New Years Day.

An additional hour when British summer time commences.

- **Supply of Alcohol On Premises**  
Monday Saturday 09:00 to 03:00  
Sunday 09:00 to 23:00

**Non Standard Timings**

From the end of permitted hours on New Year's Eve to the start of permitted hours on New Years Day.

An additional hour when British summer time commences.

- **Opening Hours to Public**  
Monday Saturday 09:00 to 03:00  
Sunday 09:00 to 23:00

**Non Standard Timings**

From the end of permitted hours on New Year's Eve to the start of permitted hours on New Years Day.

An additional hour when British summer time commences.

The premises is located within the West End Cumulative Impact Area and as such various policy points must be considered, namely CIP1, HRS1, MD2 and PB2.

Although the premises is currently licensed (Licence no. 19/03892/LIPDPS) the applicant has applied for a new application. As such, the operating hours applied for licensable activities currently fall outside of Westminster's core hours. For premises for the supply of alcohol for consumption on and off the premises and other licensable activities, the Licensing Authority encourage that the applicant reduce the hours to be within Westminster's Core hours;

**Supply of Alcohol On and Off the Premises**

Monday to Thursday 10:00 to 23:30

Friday to Saturday 10:00 to 00:00

Sunday 12:00 to 22:30

**Other Licensable activities**

Monday to Thursday 09:00 to 23:30

Friday to Saturday 09:00 to 00:00

Sunday: 09:00 to 22:30

The application as it currently stands falls within Westminster's MD2 and PB2 Policy. It is the Licensing Authority's policy to refuse applications in the Cumulative Impact Areas other than applications to vary hours within Core Hours under Policy HRS1. Paragraphs 2.5.23 and 2.5.48 states that the Licensing Authority considers that new applications for pubs and bars plus premises offering facilities for music and dancing in the Cumulative Impact Areas should be refused save where an applicant can demonstrate exceptional circumstances.

The Licensing Authority notes that the current licence has the same hours as the proposed operating schedule with the difference being that the applicant has removed condition 9 below. In affect this has removed any ancillary nature to the Sale of Alcohol.

*9. The sale of intoxicating liquor shall be ancillary to the provision of striptease entertainment and whilst the premises is operating under a Sexual Entertainment Venue licence.*

As previously mentioned, the premises currently benefits from a separate premises licence (19/03892/LIPDPS), the Licensing Authority would encourage further submissions as to if this licence will be surrendered as it is not stated in the operating schedule. Would the applicant consider Westminster's model condition 62?

*1. No licensable activities shall take place at the premises until premises 19/03892/LIPDPS (or such other number subsequently issued for the premises) has been surrendered [and is incapable of resurrection].*

The Licensing Authority encourages the applicant to provide further submissions as to how the premises will not add to cumulative impact in the cumulative impact area, as per policy CIP1.

Therefore, it is a decision for the Licensing Sub-Committee to determine whether the applicant has demonstrated any exceptional circumstances that would allow to depart from policy.

Please accept this as a formal representation.

<b>2-B Other Persons</b>	
<b>Name:</b>	██████████
<b>Address and/or Residents Association:</b>	██████████ ██████████ ██████████
<b>Received:</b>	18 August 2020
We are hereby submitting the following objection to the above application, to be considered a formal objection under The Licensing Act 2003.	
This is an objection on behalf of ██████████ (name and address to be redacted) to the granting of a Premises Licence (20/06824/LIPN) for SOPHISTICATS (Basement And Part Ground Floor, 3-7 Brewer Street London).	

The objection is made on the following grounds. That the applicant is unfit to hold a Premises Licence. The claim of being unfit is founded on the following:

- [REDACTED] lied and knowingly mislead Westminster Licensing Subcommittee.
- [REDACTED] has failed in promoting and adhering to the licensing objectives namely, the prevention of Crime & Disorder, the protection of Public Safety, and the Prevention of Public Nuisance.
- [REDACTED] has knowingly breached his licence conditions.

The above being evidenced in, inter alia witness statements and transcripts that have recently come into the possession of [REDACTED]. A full bundle of supporting evidence will be provided to any licensing committee hearing the above application along with the police.

Should you have any questions or wish to discuss this objection or the case in general, please contact Complete Licencing at hello@completelicesning.uk.

<b>Name:</b>	[REDACTED]
<b>Address and/or Residents Association:</b>	[REDACTED] [REDACTED] [REDACTED]
<b>Received:</b>	3 September 2020

We write to make a relevant representation to the above application on behalf of [REDACTED]  
[REDACTED]

[REDACTED] objects to this application as it is currently presented, on the grounds of prevention of crime and disorder, prevention of public nuisance, public safety and cumulative impact in the West End Cumulative Impact Area.

**About [REDACTED]**

[REDACTED] is a charitable company limited by guarantee established in 1972. The society is a recognised amenity group 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 Westminster City Council's policies, including the cumulative impact policy, as set out in the Statement of Licensing Policy.

**Application summary**

**New premises licence;**

- Existing licensed premises under premises licence 19/03892/LIPDPS.
- The application proposes a new premises licence on the same terms, conditions, layout and hours as the existing premises licence, save for the removal of condition 9, which states:  
9. the sale of intoxicating liquor shall be ancillary to the provision of striptease entertainment and whilst the premises is operating under a Sexual Entertainment Licence.

**Supply of alcohol:** Mon - Sat: 09:00 - 03:00. Sun : 09:00 - 23:00

**Live music:** Mon - Sat: 09:00 - 03:00. Sun : 09:00 - 23:00

**Recorded music:** Mon - Sat: 09:00 - 03:00. Sun : 09:00 - 23:00

**Performance of dance:** Mon - Sat: 09:00 - 03:00. Sun : 09:00 - 23:00

**Anything similar (as above):** Mon - Sat: 09:00 - 03:00. Sun : 09:00 - 23:00

**Late night refreshment:** Mon - Sat: 09:00 - 03:00. Sun : 09:00 - 23:00

**Hours open to the public:** Mon - Sat: 09:00 - 03:00. Sun : 09:00 - 23:00

**Capacity:** 100

### The application

Our representation requests that the following conditions are adopted,

- **Annex 3, Condition 9 is amended to;** *'The sale of intoxicating liquor shall be ancillary to and whilst the premises is operating as a lounge bar, with alcohol consumed only by persons seated.'*
- **Annex 3, Condition 10 is amended to;** *'There shall be a minimum of two door supervisors to be employed at the entrance of the premises whenever there is regulated entertainment.'*

Please do not hesitate to contact us if you require any further information.

### 3. Policy & Guidance

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

<b>Policy CP1 applies</b>	(i) It is the Licensing Authority's policy to refuse applications in the Cumulative Impact Areas for: pubs and bars, fast food premises, and premises offering facilities for music and dancing; other than applications to vary hours within the Core Hours under Policy HRS1.  (ii) Applications for other licensable activities in the Cumulative Impact Areas will be subject to other policies and must demonstrate that they will not add to cumulative impact in the Cumulative Impact Areas.
<b>Policy HRS1 applies</b>	(i) Applications for hours within the core hours set out below in this policy will generally be granted, subject to not being contrary to other policies in the Statement of Licensing Policy.  (ii) Applications for hours outside the core hours set out below in this policy will be considered on their merits, subject to other relevant policies. <u>For premises for the supply of alcohol for consumption on the premises:</u> Monday to Thursday: 10:00 to 23:30 Friday and Saturday: 10:00 to midnight Sundays immediately prior to Bank Holidays: Midday to midnight Other Sundays: Midday to 22:30 <u>For premises for the provision of other licensable activities:</u> Monday to Thursday: 09:00 to 23.30 Friday and Saturday: 09:00 to midnight Sundays immediately prior to Bank Holidays: 09:00 to midnight Other Sundays: 09:00 to 22:30
<b>Policy MD2 applies</b>	It is the Licensing Authority's policy to refuse applications in the Cumulative Impact Areas, other than applications to vary hours within the Core Hours, under Policy HRS1.
<b>Policy PB2 applies</b>	It is the Licensing Authority's policy to refuse applications in the Cumulative Impact Areas other than applications to vary hours within the Core Hours under Policy HRS1.

#### 4. Equality Implications

The Council in its capacity as Licensing Authority has a duty to have regard to its public sector equality duty under section 149 of the Equality Act 2010. In summary, section 149 provides that a Public Authority must, in the exercise of its functions, have due regard to the need to:

- (a) eliminate discrimination harassment, victimisation and any other conduct that is prohibited by or under this Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- (c) foster good relations between persons who share a relevant protected characteristics and persons who do not share it.

Section 149 (7) of the Equality Act 2010 defines the relevant protected characteristics as age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.

#### 4. Appendices

<b>Appendix 1</b>	Premises plans
<b>Appendix 2</b>	Premises Licence 19/03892/LIPDPS
<b>Appendix 3</b>	Supporting documents from Interested Party 1
<b>Appendix 4</b>	Premises history 19/03892/LIPDPS
<b>Appendix 5</b>	Proposed conditions
<b>Appendix 6</b>	Residential map and list of premises in the vicinity
<b>Report author:</b>	Kevin Jackaman Senior Licensing Officer
<b>Contact:</b>	Telephone: 0207 641 6500 Email: kjackaman@westminster.gov.uk

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

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

<b>1</b>	Licensing Act 2003	N/A
<b>2</b>	City of Westminster Statement of Licensing Policy	7 <sup>th</sup> January 2016
<b>3</b>	Amended Guidance issued under section 182 of the Licensing Act 2003	April 2018
<b>4</b>	Metropolitan Police Service representation	25 August 2020
<b>5</b>	Environmental Health Service representation	4 September 2020
<b>6</b>	Licensing Authority representation	25 August 2020
<b>7</b>	Interested party representation (1)	18 August 2020
<b>8</b>	Interested party representation (2)	3 September 2020



Schedule 12  
Part AWARD: West End  
UPRN: 010033540855**City of Westminster**

64 Victoria Street, London, SW1E 6QP

Premises licence

Regulation 33, 34

Premises licence number:

19/03892/LIPDPS

Original Reference:

16/09817/LIPN

**Part 1 – Premises details****Postal address of premises:**

Sophisticats  
Basement and Part Ground Floor  
3-7 Brewer Street  
London  
W1F 0RD

**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  
Sale by Retail of Alcohol

**The times the licence authorises the carrying out of licensable activities:****Performance of Dance**

Monday to Saturday: 09:00 to 03:00  
Sunday: 09:00 to 23:00

Non-standard Timings: From the end of permitted hours on New Year's Eve to the start of permitted hours on New Years Day.

An additional hour when British summer time commences.

**Performance of Live Music**

Monday to Saturday: 09:00 to 03:00  
Sunday: 09:00 to 23:00

Non-standard Timings: From the end of permitted hours on New Years Eve to the start of permitted hours on New Years Day.

An additional hour when British Summer time commences.

**Playing of Recorded Music**

Monday to Saturday: 09:00 to 03:00  
Sunday: 09:00 to 23:00

Non-standard Timings: From the end of permitted hours on New Year's Eve to the start of permitted hours on New Years Day.

An additional hour when British summer time commences.

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

Monday to Saturday: 09:00 to 03:00  
Sunday: 09:00 to 23:00

Non-standard Timings: From the end of permitted hours on New Year's Eve to the start of permitted hours on New Years Day.

An additional hour when British summer time commences.

**Late Night Refreshment**

Monday to Saturday: 23:00 to 03:00

Non-standard Timings: From the end of permitted hours on New Year's Eve to the start of permitted hours on New Years Day.

An additional hour when British summer time commences.

**Sale by Retail of Alcohol**

Monday to Saturday: 09:00 to 03:00  
Sunday: 09:00 to 23:00

Non-standard Timings: From the end of permitted hours on New Year's Eve to the start of permitted hours on New Years Day.

An additional hour when British summer time commences.

**The opening hours of the premises:**

**Monday to Saturday:** 09:00 to 03:00  
**Sunday:** 09:00 to 23:00

Non-standard Timings: From the end of permitted hours on New Year's Eve to the start of permitted hours on New Years Day.

An additional hour when British summer time commences.

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

Alcohol is supplied for consumption on the Premises.

**Part 2****Name, (registered) address, telephone number and email (where relevant) of holder of premises licence:**

John McKeown Clubs Limited  
109 Gloucester Place  
London  
W1U 6JW

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

11224347

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

**Name:** Ioana Guliciuc

**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: PERS5266  
Licensing Authority: London Borough Of Lambeth

**Date:** 27 January 2020

**This licence has been authorised by Emanuela Meloyan on behalf of the Director - Public Protection and Licensing.**

## Annex 1 – Mandatory conditions

1. No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.
2. No supply of alcohol may be made at a time when the designated premises supervisor does not hold a personal licence or the personal licence is suspended.
3. Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.
4.
  - (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
  - (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises
    - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to;
      - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
      - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
    - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
    - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
    - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
    - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
5. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
6.
  - (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
  - (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

- (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either -
  - (a) a holographic mark, or
  - (b) an ultraviolet feature.

- 7. The responsible person must ensure that -
  - (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures -
    - (i) beer or cider: ½ pint;
    - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
    - (iii) still wine in a glass: 125 ml;
  - (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
  - (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

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

- 8. (i) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
- (ii) For the purposes of the condition set out in paragraph 8(i) above -
  - (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
  - (b) "permitted price" is the price found by applying the formula -
 
$$P = D + (D \times V)$$
 Where -
    - (i) P is the permitted price,
    - (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
    - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
  - (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -
    - (i) the holder of the premises licence,
    - (ii) the designated premises supervisor (if any) in respect of such a licence, or
    - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

- (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
- (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.
  - (iii). Where the permitted price given by Paragraph 8(ii)(b) above would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
  - (iv).
    - (1) Sub-paragraph 8(iv)(2) below applies where the permitted price given by Paragraph 8(ii)(b) above on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.
    - (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

**Annex 2 – Conditions consistent with the operating Schedule**

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

9. The sale of intoxicating liquor shall be ancillary to the provision of striptease entertainment and whilst the premises is operating under a Sexual Entertainment Venue licence.
10. There shall be a minimum of two door supervisors to be employed at the entrance of the premises whenever there is striptease entertainment.
11. All staff engaged outside the entrance to the premises, or supervising or controlling queues, shall wear high visibility jackets or vests.
12. Door supervisors shall remain on duty to supervise the area immediately outside the premises until at least 15 minutes after the last patron has left the premises.
13. There shall be a personal licence holder on duty at the premises at all times when the premises are authorised to sell alcohol.
14. Substantial food and non-intoxicating beverages, including drinking water, shall be available during the whole of the permitted hours in all parts of the premises where intoxicants are provided.
15. The supply of alcohol shall be by waiter/waitress service at tables only and there shall be no vertical drinking of alcohol at the premises.
16. Any person permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall not be permitted to take drinks or glass containers with them.
17. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of a Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewings of recordings shall be made available immediately upon the request of Police or authorised officer of the City Council throughout the preceding 31 day period.
18. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
19. The premises management will become members and actively participate in a pub watch scheme (or similar) if one is operating in the area of the premises.
20. A sound limiting device located in a separate and remote lockable cabinet from the volume control shall be fitted to any musical amplification system and set at a level determined by and to the satisfaction of an authorised officer of the Environmental Health Service to ensure that no noise nuisance is caused to local residents. No additional sound generating equipment shall be used on the premises without being routed through the sound limiter device. The operational panel of the noise limiter shall then be secured to the satisfaction of officer from the Environmental Health Service. The keys securing the noise limiter cabinet shall be held by the licence holder or authorised manager only, and shall not be accessed by any other person. The limiter shall not be altered without prior agreement with the Environmental Health Service.
21. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.

22. Loudspeakers shall not be located in the entrance lobby or outside the premises building.
23. All external doors shall be kept closed after (21:00) hours, or at any time when regulated entertainment takes place, except for the immediate access and egress of persons.
24. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and use the area quietly.
25. Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly.
26. No waste or recyclable materials, including bottles, shall be moved, removed or placed in outside areas between (23:00) hours and (08:00) hours.
27. During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that this area shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business.
28. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police, which will record the following:
  - (a) all crimes reported to the venue
  - (b) all ejections of patrons
  - (c) any complaints received
  - (d) any incidents of disorder
  - (e) all seizures of drugs or offensive weapons
  - (f) any faults in the CCTV system
  - (g) any refusal of the sale of alcohol
  - (h) any visit by a relevant authority or emergency service.
29. 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:
  - o Dry ice and cryogenic fog
  - o Smoke machines and fog generators
  - o Pyrotechnics including fire works
  - o Firearms
  - o Lasers
  - o Explosives and highly flammable substances
  - o Real flame
  - o Strobe lighting
30. The licence holder shall enter into an agreement with a hackney carriage and/or private hire firm to provide transport for customers, with contact numbers made readily available to customers who will be encouraged to use such services.
31. All emergency doors shall be maintained effectively self-closing and not held open other than by an approved device.
32. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.
33. Curtains and hangings shall be arranged so as not to obstruct emergency signs.
34. The approved arrangements at the premises, including means of escape

- provisions, fire warning and fire fighting equipment, the electrical installation and mechanical equipment, shall at all material times be maintained in good condition and full working order.
35. The means of escape provided for the premises shall be maintained unobstructed, free of trip hazards, be immediately and clearly identified in accordance with the plans provided.
  36. All exit doors shall be available at all material times without the use of a key, code, card or similar means.
  37. Patrons permitted to temporarily leave and then re-enter the premises e.g. to smoke, shall be limited to (5) persons at any one time.
  38. Patrons will have a designated smoking area, which shall be supervised by a SIA door supervisor.
  39. Performers/Dancers shall not be permitted to temporarily leave to smoke and then re-enter the premises.
  40. An attendant shall be on duty in the cloakroom during the whole time that it is in use.
  41. A challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
  42. The certificates listed below shall be submitted to the Licensing Authority upon written request:
    - a) Any emergency lighting battery or system
    - b) Any electrical installation
    - c) Any emergency warning system
  43. Flashing or particularly bright lights on or outside the premises shall not cause a nuisance to nearby properties (save insofar as they are necessary for the prevention of crime).
  44. No advertisements of any kind (including placard, poster, sticker, flyer, picture, letter, sign or other mark) that advertises or promotes the establishment, its premises, or any of its highway, or upon any building, structure, works, street furniture, tree, or any other property, or be distributed to the public.
  45. There shall be no payment made by or on behalf of the licence holder to any person for bringing customers to the premises.
  46. No person on behalf of the premises or on behalf of a person carrying or attempting to carry on a licensable activity at the premises shall cause, permit, employ or allow, directly or indirectly through a third party, whether on payment or otherwise, any person(s) to importune, solicit or tout members of the public on any public highway within the specified area outlined below for the purpose of bringing customers to then premises.
  47. For the purposes of this condition, 'Specified Area' means the area encompassed within Shaftesbury Avenue, Piccadilly Circus, Regent Street up to the junction with Pall Mall, Cockspur Street, Trafalgar Square, Strand up to the junction with Bedford Street, Garrick Street, Great Newport Street and Charing Cross Road to the junction of Shaftesbury Avenue.
  48. The maximum number of persons accommodated at any one time (excluding staff and performers) shall not exceed 100 persons.

49. The licence will have no effect until the 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.
50. Before the premises 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 and CCTV is operational and positioned in accordance with the CCTV conditions and plans submitted with the Sexual Entertainment Licence application. Where the premises layout has changed during the course of consultation new plans shall be provided to the LFEPA Environmental Health Consultation Team, the Police and the Licensing Authority.
51. There shall be no striptease or nudity, and all persons shall be decently attired at all times, except when the premises are operating under the authority of a Sexual Entertainment Venue licence.
52. Customers shall not enter or leave the premises other than the Brewer Street entrance/exit, except in the event of an emergency.
53. No licensable activities shall take place at the premises until premises licence 16/05696/LIPDPS (or such other licence subsequently issued for the premises) has been surrendered and is incapable of resurrection.





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

Schedule 12  
Part B

WARD: West End  
UPRN: 010033540855

Premises licence  
summary

Regulation 33, 34

Premises licence number:

19/03892/LIPDPS

**Part 1 – Premises details**

**Postal address of premises:**

Sophisticats  
Basement And Part Ground Floor  
3-7 Brewer Street  
London  
W1F 0RD

**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  
Sale by Retail of Alcohol

**The times the licence authorises the carrying out of licensable activities:**

**Performance of Dance**

Monday to Saturday: 09:00 to 03:00  
Sunday: 09:00 to 23:00

Non-standard Timings: From the end of permitted hours on New Year's Eve to the start of permitted hours on New Years Day.

An additional hour when British summer time commences.

**Performance of Live Music**

Monday to Saturday: 09:00 to 03:00  
Sunday: 09:00 to 23:00

Non-standard Timings: From the end of permitted hours on New Years Eve to the start of permitted hours on New Years Day.

An additional hour when British Summer time commences.

**Playing of Recorded Music**

Monday to Saturday: 09:00 to 03:00  
Sunday: 09:00 to 23:00

Non-standard Timings: From the end of permitted hours on New Year's Eve to the start of permitted hours on New Years Day.

An additional hour when British summer time commences.

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

Monday to Saturday: 09:00 to 03:00  
Sunday: 09:00 to 23:00

Non-standard Timings: From the end of permitted hours on New Year's Eve to the start of permitted hours on New Years Day.

An additional hour when British summer time commences.

**Late Night Refreshment**

Monday to Saturday: 23:00 to 03:00

Non-standard Timings: From the end of permitted hours on New Year's Eve to the start of permitted hours on New Years Day.

An additional hour when British summer time commences.

**Sale by Retail of Alcohol**

Monday to Saturday: 09:00 to 03:00  
Sunday: 09:00 to 23:00

Non-standard Timings: From the end of permitted hours on New Year's Eve to the start of permitted hours on New Years Day.

An additional hour when British summer time commences.

**The opening hours of the premises:**

**Monday to Saturday:** 09:00 to 03:00  
**Sunday:** 09:00 to 23:00

Non-standard Timings: From the end of permitted hours on New Year's Eve to the start of permitted hours on New Years Day.

An additional hour when British summer time commences.

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

Alcohol is supplied for consumption on the Premises.

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

John McKeown Clubs Limited  
109 Gloucester Place  
London  
W1U 6JW

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

11224347

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

Name: Ioana Guliciuc

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

Restricted

**Date:** 27 January 2020

**This licence has been authorised by Emanuela Meloyan on behalf of the Director - Public Protection and Licensing.**



**COMPLETE  
LICENSING**

07.09.20

**Westminster City  
Council**  
15<sup>th</sup> Floor West,  
64 Victoria Street  
London, SW1P 6QP

Dear Sirs,

**APPLICATION FOR A NEW PREMISES LICENCE  
(20/06824/LIPN) - SOPHISTICATS, Basement And Part  
Ground Floor, 3-7 Brewer Street London.**

Further to our objection to the above application, please find attached supplementary information. The attached information is served in line with Regulation 18 of the Licensing Act 2003 (Hearings) Regulations 2005.

- Witness Statement of Mr Tony Nash
- Witness Statement of Mr Simon Langer
- Witness Statement of Mrs Diana Langer
- Exhibit SL-1
- Exhibit SL-2
- Exhibit SL-3
- Exhibit SL-4
- Exhibit SL-4a
- Exhibit SL-5
- Exhibit SL-6
- Exhibit SL-7
- Exhibit SL-8
- Exhibit SL-9
- Exhibit SL-10
- Exhibit SL-11
- Exhibit SL-12
- Exhibit SL-13 (Audio) Part 1
- Exhibit SL-13 (Audio) Part 2

Should you have any questions or wish to discuss this objection or the case in general, please contact Complete Licensing at [hello@completelicensing.uk](mailto:hello@completelicensing.uk).

Yours faithfully

**Complete Licensing**

**completelicensing.uk**

COMPLETE LICENSING LIMITED. Registered in England and Wales. Company number: 12611128.  
Registered Address: 11 Forest Drive, Woodford Green, Essex, IG8 9NG.



**COMPLETE  
LICENSING**

# **OBJECTION TO APPLICATION, SOPHISTICATED**

**Witness Statement of  
Mr Tony Nash**

Tony Nash

07.09.20

## WITNESS STATEMENT

(CJ Act 1967, s.9; MC Act 1980, ss.5A(3)(a) and 5B; MC Rules 1981, r.70)

Statement of. Tony Nash  
Age if under **Over 21**

This statement (consisting of 6 page(s) signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have willfully stated anything in it, which I know to be false, or do not believe to be true.

Signature ..... Date 6th September 2020

1. I am a retired Detective Chief Superintendent having spent 31-years working for the Metropolitan Police Service. My final role was as The Borough Commander for Newham. I retired in March 2017.
2. During my service I was a Senior Investigating Officer, leading homicide investigations. I oversaw covert policing and professional standards for Trident. Following these postings I worked at Hackney and then finally Newham. In these roles I regularly provided pan-London senior cover. In all of these positions I had dealings with licensed premises and worked with owner and designated premises supervisors to ensure that the licensing objectives were met and maintained.
3. During September 2018 I was introduced to Diana Langer who was in the midst of a divorce from her husband Simon Langer and in dispute with John McKeown their business partner. This was in respect of their joint business 'Sophisticats' a licensed lap dancing club.
4. My initial advice around the business dispute was to seek the correct legal advice and consider a derivative action. (One where a minor shareholder takes action against the majority to redress a wrong)
5. During my dealings with Diana Langer she raised concerns that John McKeown and to a lesser degree her husband had been instigating a prolonged covert operation with dancers encouraged / procured to commit breaches to undermine competitors' licences by sending undercover operatives into the clubs and then reporting the breaches to Westminster Licensing Authority via a third party. The two clubs affected were, according to Mrs Langer, Platinum Lace (Coventry Street) and The Windmill. These were the two clubs in closest proximity to Sophisticats in Brewer Street. She stated that the media were paid significant sums of money to ensure these stories reached the front pages of the tabloid media.
6. I learned that The Windmill was in proceedings for multiple breaches of its licence conditions. Having spoken to the owner, Daniel Owide, and his family I believed that although they may have been subject to unregulated covert visits, they were knowingly breaching their licence conditions and the information provided by Diana Langer would be of limited, if any, probative benefit to what was in a developed state of progress.
7. By now I had been introduced to the owner of Platinum Lace – Mr Simon Warr. Mr Warr was clearly a person who sought enhanced regulation of lap dancing clubs and its dancers. He was proactively pushing to ensure dancers were supported through the creation of an association. He

## WITNESS STATEMENT

(CJ Act 1967, s.9; MC Act 1980, ss.5A(3)(a) and 5B; MC Rules 1981, r.70)

explained that over three of the last four years he had been subject to opposition to the renewal of his premises licence for Platinum Lace - Coventry Street and that he believed that the opposition to the licence renewals were in fact vexatious complaints.

8. Upon revealing the information provided by Diana Langer I commenced an investigation for Mr Warr reviewing these complaints along with documents in the public realm including media material.
9. I made a number of depositions that supported opposition to the renewal of Sophisticat's Licence by Mr Warr on the basis that Mr McKeown was not a fit and proper person to hold a premises licence.
10. This matter was heard by a Westminster Licensing Committee on 10<sup>th</sup> April 2019
11. During the meeting Mr McKeown appeared in person and stated that Simon Langer was responsible for orchestrating the visits and although he had some knowledge was not actively engaged in any of the complaints. Mr McKeown also asserted that messages provided by Diana Langer were questionable and that he had never seen them and had no recollection that reflected them as being genuine.
12. Simon Langer never appeared and so was never asked about the visits, procurement of breaches and monies paid to the National media to ensure the stories were headline news.
13. In 2020 I was made aware by Diana Langer that she was attempting to resolve her issues with Simon Langer. Diana Langer explained Simon Langer had learned that the blame had been laid with him by John McKeown at the WCC hearing and now wanted to set the record straight.
14. Mr Langer has now provided a statement in which he disputes Mr McKeown's evidence to Westminster Licensing Committee. In doing so he has provided some text messages to support his position in respect of Mr McKeown.
15. Mr Langer states that Mr McKeown was looking to undermine competitors, licences as far back as October 2014 when he instructed Thomas and Thomas Solicitors to look at whether the licence for Secrets in Eversholt Street could be opposed due to an asbestos risk. It is ironic that Mr McKeown now owns this club. Mr Langer's claim is supported by text messages which he produces as SL/1.
16. Mr Langer claims that by October 2015 Mr McKeown was looking at how to undermine the premises licences of The Windmill and Platinum Lace (Coventry Street). I think the latter was due to it being their second club in the area.
17. Mr Langer admits securing the services of Darren Pelling to conduct covert visits at Platinum Lace after a request from Mr McKeown. Mr Langer is insistent that all financial matters for Sophisticat's were managed by Mr McKeown and that he had no access to company finances.
18. Mr Langer states Mr Pelling was fitted with a covert camera by Mr McKeown and provided with a large sum of money to encourage the dancers to breach licence conditions around no contact. The sum is said

## WITNESS STATEMENT

(CJ Act 1967, s.9; MC Act 1980, ss.5A(3)(a) and 5B; MC Rules 1981, r.70)

to be £2,700 to also cover for a replacement suit after the camera was fitted to Mr Pelling's jacket.

19. Following the visit and claims of breaches by Mr Pelling, Thomas & Thomas made an anonymous objection to the licence of Platinum Lace (Coventry Street) on the direction of Mr McKeown.
20. With no obvious action taken Mr Langer states that Mr McKeown became more intent in progressing his plans to undermine and get rid of the opposition.
21. Mr Langer claims that in support of Darren Pelling's visit Mr McKeown wanted to get stories of breaches into the national media to put pressure on the licensing authorities and instructed Mr Langer to approach a journalist friend, Mr James Millbank, to assist. To support this Mr Langer states that Mr McKeown had told two dancers dismissed from Sophisticats' ( Veronika Dumitru and Dana Ene) to assist Mr Millbank with his story by creating the breaches using a dancer inside Platinum Lace called Julia Tabacaru (Stage name Carla). To support this claim Mr Langer has provided a series copies of text messages with Mr Millbank. (Exhibit SL/3 and SL/4)
22. On 8<sup>th</sup> January 2016 the Daily Star led with a story of licence breaches inside Platinum Lace by two dancers including Carla. (Exhibit SL/4A)
23. Mr McKeown states he did not pay for this story to get into the media in a statement provided to Westminster Licensing authority on 5<sup>th</sup> April 2019 (paragraph 17). The text messages in SL/3, SL/4 and SL5 detail a polarised position to Mr McKeown's statement.
24. Mr Langer states that Mr McKeown then started paying Mr Millbank's company (Milky PR) a £1500 per month retainer.
25. However, with no action obviously taken against Platinum Lace Mr Langer states that Mr McKeown was again unhappy he had not achieved the desired outcome against his competition.
26. Mr Langer states that thereafter Mr Millbank facilitated further coverage in The Daily Mirror and Sun regarding the November infiltration of Platinum Lace but without any action against Platinum Lace.
27. Mr Langer states he was then asked to secure the services of someone who had credibility with Westminster Licensing Authority. Mr Langer states he suggested Mark Halton, a retired police officer from Licensing, to Mr McKeown as they had met a few times.
28. Mr Langer states that Mr McKeown commissioned visits on 5<sup>th</sup> and 6<sup>th</sup> October 2016 which took place. Mr Halton described various breaches and admitted attempting to procure drugs. Mr Langer, at Mr McKeown's behest asked if Mr Halton could get police to "pull the CCTV"
29. All of Mr Halton's reports were submitted to Mr McKeown according to Mr Langer, a position supported by the text message SL/8
30. A further media article was reported in The Daily Mirror on 14<sup>th</sup> October 2016 repeating the stories from a year before. Mr Langer states this was via Mr Millbank. This date is very relevant as its just before the SEVL

## WITNESS STATEMENT

(CJ Act 1967, s.9; MC Act 1980, ss.5A(3)(a) and 5B; MC Rules 1981, r.70)

renewal and consultation period of Platinum Lace. Mr Mckeown was activating a smear campaign to support the non renewal.

31. Mr Halton conducted a further covert visit to Platinum Lace on 20<sup>th</sup> October 2016. The update from Mr Halton stated the club was well managed but that he had overspent the budget that night by £125.
32. Mr McKeown states he raised concerns with Glynn Franks based on the visits of 5<sup>th</sup> and 6<sup>th</sup> October 2016. However, he fails to mention the report of 20<sup>th</sup> October 2016. If as he says he wanted to improve the industry it makes no sense to not include the positive report.
33. Having examined CCTV relating to the initial reports I am of the view that the statements of Mr Halton and his associate are not an accurate reflection of the claims.
34. It is my understanding Westminster Licensing Enforcement Officers reviewed the CCTV in relation to the alleged allegations of Mr Halton and no action was taken against Platinum Lace. Mr Langer states he was concerned that Mr McKeown was using more company money in his campaign against the competition.
35. Mr Langer states that Mr McKeown through a mutual friend, Maya Hawie, made complaints about breaches and poor management at the Windmill supported by visits from Mr Halton and his associates. Ultimately the subsequent investigation led to the revocation of their premise licence.
36. Mr Langer states that Mr McKeown was very happy and believed he had found the right formula to deal with the competition and now sought to apply the same tactics against Platinum Lace. This is fully supported as the complaint in 2018 has elements of cut and paste with references to The Windmill contained therein.
37. Mr Langer states that Ms Hawie was not happy about putting her name to the complaint following a conversation with her mother but that she would ask "Lisa" to do so. It is probably for this reason that she did not sign her own name but used her stage name; Maya Von Doll.
38. Mr Langer states that the unregulated covert visits orchestrated by Mr McKeown on this occasion were deliberately carried out some time before the licence renewal was due. He states this removed the opportunity to challenge complaints using CCTV had had happened before.
39. This is another contradiction to Mr McKeown's account to Westminster Licensing Committee in his statement of 5<sup>th</sup> April 2019 (para 24).
40. Mr Langer has also raised two other matters of note. The first is that Mr McKeown had an operation of taxi's and pedicabs taking clients from Sophisticats Brewer Street initially to Sophisticats Marylebone (until it closed) then Sophisticats Everholt Street. Mr Langer states that the drivers had to pay Mr McKeown in cash and that according to one of the people organising the taxis it was well known that those leaving were ripped off within the venues. (This conversation between the man and Mr Langer was tape recorded)
41. I am also aware that Camden Police Licensing have made an application to Review the Premise Licence after 11 allegations of crime over an 18-

## WITNESS STATEMENT

(CJ Act 1967, s.9; MC Act 1980, ss.5A(3)(a) and 5B; MC Rules 1981, r.70)

month period. These allegations relate to fraud by Sophisticat's against seemingly unwitting customers with some claiming to have been drugged. Many had been transferred by the club taxis to Sophisticat's Marylebone Lane or Sophisticat's Eversholt Street. Other allegations relating to the review include elements of prostitution and blackmail. These are extremely serious allegations. Its clear Sophisticats in Brewer Street is being used as a 'feeder' club to the others'.

42. Mr McKeown stated at the licensing hearing on 10<sup>th</sup> April 2019 that there had been no reported breaches in respect of Brewer Street. However, a WCC City Inspectors report dated 19<sup>th</sup> November 2018 relating to a visit that reviewed CCTV at Brewer Street found that on 11<sup>th</sup> October 2018 between 22:41 and 02:14 there was contact between dancers and customers. This amounts to breaches. Furthermore, Mr McKeown was aware of this when he gave evidence to the contrary. I'm sure the committee may have had concerns if they knew of these allegations which Mr McKeown did not disclose.
43. Given Mr McKeown's long-standing grip of the taxi transfers between clubs and that in respect of the fraud allegations he is the primary beneficiary. In my professional opinion, given the facts, Mr McKeown knew he was facilitating events and to that end. These are systemic incidents that completely undermine the licensing objectives of preventing crime and disorder and maintaining public safety. In my professional opinion, having evaluated the evidence to date and established a track record, it is doubtful Mr McKeown would afford any investigation or Committee an honest account.
44. In Mr McKeown's statement of 5<sup>th</sup> April 2019 (para 35) he denies mortgage fraud by paying Ms Hawie as a PAYE member of staff and then taking the money back in cash as alleged by Diana Langer. However, the text messages between Mr Langer and Ms Hawie seriously undermine Mr McKeown's assertions on this matter (SL/11)
45. Mr Langer is entirely disappointed and remorseful of his role in the matters set out. Whilst it is easy to argue that he too has fallen out with Mr McKeown and this is a case of "sour grapes" in doing so he potentially devalues one of the assets he has an element legal claim over - Sophisticat's.
46. I am of the opinion that all of the evidence provided by Mr and Mrs Langer, along with text records, licence objections, media coverage and the prolonged nature of these events can only lead to one to the conclusion that:
  - Mr McKeown misled the licensing authority on several points during the WCC licensing hearing on 10<sup>th</sup> April 2019 as outlined above.
  - That Mr McKeown encouraged and incited evidence, against at least one of his competitors, to be created and reported on through third parties and supported by the national media to force punitive action against them. I believe the evidence was to gain a commercial advantage at the Brewer Street location.
  - Mr McKeown knew, or ought to have known, that his taxi transfer operation was involved in taking vulnerable clients to his clubs with later licences to be defrauded undermining the licensing objectives of preventing crime and disorder and public safety.

**WITNESS STATEMENT**

(CJ Act 1967, s.9; MC Act 1980, ss.5A(3)(a) and 5B; MC Rules 1981, r.70)

- I believe that the allegation of mortgage fraud needs further investigation by the statutory authorities who have or can obtain access to the required material to prove or account for the wages and linked cash back in the messages supplied by Mr Langer.

Signature ..... Date 6th September 2020



COMPLETE  
LICENSING

# OBJECTION TO APPLICATION, SOPHISTICATED

Witness Statement of  
Mr Simon Langer

Tony Nash

06.09.20

**WITNESS STATEMENT**

(CJ Act 1967, s.9; MC Act 1980, ss.5A(3)(a) and 5B; MC Rules 1981, r.70)

Statement of. Simon Langer

Age if under **Over 21**

This statement (consisting of 14 page(s) signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have willfully stated anything in it, which I know to be false, or do not believe to be true.

Signature


2. I would describe my relationship with the police and relevant local authorities as a result of my conduct over the years as excellent.
3. In around 1999 I was introduced to Mr McKeown by a mutual acquaintance. Mr McKeown was planning to open a bar in Watford near to where I lived. Mr McKeown and I, along with his then wife Jacqui and my business associate Carlo went into business together on a project called 'Red Bar'.
4. In around 1997 I met a journalist named Mr James Millbank and his colleague Mahzer Mahmood. Mr Millbank and I became friends and later I used him to generate publicity for the businesses I was running, through the placement of positive articles in the press, referring to my premises.
5. In 2001 I, Mr McKeown, our wives and my business associate Carlo purchased the premises known as 'Sophisticats' at 28, Marylebone Lane, London W1. Diana was the person to put the initial deposit down. We were equal partners in the business. We later took up occupancy at 5, Brewer Street, London W1 when the lease of Marylebone ended. A lot of staff from the Marylebone club later transferred to a Euston premises at 34/38, Evershoit Street, London NW1, acquired from Steve Less and Ben De Hann. This meant many of the staff and taxi set up were transferred to Euston.
6. Initially, 'Sophisticats' was set up under the operating company 'Wellbeck Restaurants'. Mr McKeown completed all the paperwork although we all agreed his wife and my wife would be the directors.
7. Over the years, Mr McKeown and I (and the other directors) have found that our differences have grown and become a considerable obstacle to

working together as owners/operators of the Sophisticat's business. I and my wife are taking steps to ensure the business has a safe, reliable and accountable management structure in place. I am disappointed as Diana and I set up operations but within months Mr McKeown took control. Only Mr McKeown had direct access to accounts and the funds.

8. I set out below the historic actions of Mr McKeown that have led to the above dispute.

### **SOLICITATION OF BREACH OF CONDITIONS**

9. By October 2014 Mr McKeown was proactively seeking a way to gain a commercial advantage over competitors through the idea of objecting to the annual renewal of their SEVL (Sexual Entertainment Venue Licence). Mr McKeown had made enquires with Jack Spiegler of Thomas & Thomas regarding 'Secrets' at Euston, Eversholt Street having heard that there was asbestos present. Thomas and Thomas explained that the SEVL renewal had been applied for with no sign it had been 'imperilled'. Mr McKeown then asked Thomas and Thomas to research if there were any grounds for anyone to object to the renewal.
10. Thomas and Thomas explained asbestos could be an objection as it affected the condition of the premises but warned Mr McKeown to be careful as this could be seen as a trade objection. I know this because I was copied into a text thread which I now produce as **exhibit SL/1**. I found this worrying given that a friend of Mr McKeown's was Ben De Haan - a Director at Secrets and owner of the building at the time.
11. At the end of the day, the above didn't appear to me to be dishonest; just unsavoury as we are all in the same business and picking holes in another operator's application felt wrong.
12. During 2015 Mr McKeown decided to move his focus from 'Secrets' to 'Platinum Lace' and 'The Windmill' (the "Clubs"). This is probably because 'Platinum Lace' had secured a second London site in Leicester Square.
13. Around October 2015 Mr McKeown asked me if I knew anyone that he could send into the Clubs to observe and report back on any breaches of the Clubs' SEVLs. I said yes and made contact with Darren Pelling a friend who visited clubs regularly.
14. I explained to Mr Pelling that Mr McKeown wanted him to go into the Clubs and see if girls were breaking the rules or doing anything else that may be a breach of licence conditions. Mr Pelling's spending money and expenses were to be paid by Sophisticat's. Mr McKeown was 'cocky' about his plan and made it quite clear he wanted the clubs closed down so that we could be rid of the opposition. I can't say I liked going down this route, but I always ran a tight ship and I felt it would be wrong for our competitors to have an advantage by not enforcing their own

rules. Mr McKeown had told me Platinum Lace was breaking these rules although nobody else said this. It was common knowledge that The Windmill was not well run. It was only Mr McKeown's comments about Platinum Lace why I agreed to assist.

15. Mr McKeown told me to get Darren to go to his flat (which I did on 15 October 2015) to collect a covert camera and cash to have, as Mr McKeown put it "a really good time at the clubs". I was later informed by Mr Pelling that this turned out to be £2,700. Mr Pelling also informed me he was told by Mr McKeown to use the money to encourage bad behaviour from the Clubs' dancers. Even more concerning is that Mr Pelling informed me that he was asked to try to procure "Class A" drugs by Mr McKeown.
16. Mr Pelling fed back directly to Mr McKeown. As a result of Mr Pelling's visits (he told me he saw some breaches and gave Mr McKeown a statement), Mr McKeown told me he was going to get Thomas & Thomas to make an anonymous complaint to the licensing authorities. I do not know if this was in relation to either or both clubs.
17. Mr McKeown did not see any immediate reaction from the licensing authorities. Mr McKeown knew about my connection with Mr Millbank and had met Mr Millbank a year or so before. Mr McKeown asked me if Mr Millbank could get a story into the media to prompt the council into taking some form of action against 'Platinum Lace'. I didn't know if he could.
18. Mr McKeown later retained Mr Millbank (for £1,500 a month) to promote Sophisticat's through Milky PR. There were other payments to Mr Millbank to push stories of operators breaching their licence conditions which were covered on the front page of the tabloids. The motivation for Mr McKeown was to gain commercial advantage by forcing the authorities to take action against the competition.

#### **CONSTRUCTION OF EVIDENCE**

19. I was in our Marylebone club one night in mid-October 2015 (I only attended the club once a week usually on a Thursday) when I saw Mr McKeown talking to two dancers (Veronica Dumitru and Dana Ene). We had previously sacked them for drug violations. I knew one of them by the stage name 'Karina'. She was a tall Eastern European woman. Mr McKeown said to them words to the effect

*"if you want your jobs back here you need to go 'Platinum' with a girl working there and some guys to get me evidence".*

20. I was also aware that Mr McKeown had some form of personal relationship with Karina. I was concerned as to whether or not Mr McKeown was sending them to fabricate evidence in return for letting them work back at Sophisticat's.

21. It was around this time I spoke to Mr McKeown about if this was the right approach. I told Mr McKeown the only time I had seen a licensee try and undermine a competitor they had lost their own licence (Victor Lownes, at The Playboy Club). Mr McKeown was insistent on a plan of action against the other clubs. As is consistent with many small businesses, Mr McKeown and I would often talk through ideas and plans without structured or minuted meetings.
22. I arranged for Mr McKeown and Mr Millbank to meet at Patisserie Valerie on 22<sup>nd</sup> October 2015 at noon. I attended. I am able to state this as I have the text message between Mr Millbank, and I dated 22<sup>nd</sup> October 2015 at 20:13. I produce this as **exhibit SL/2**.
23. Mr McKeown explained to Mr Millbank at this meeting that he wanted to get evidence of any licence breaches and that Veronica and Dana knew a dancer who worked at Platinum Lace (Ms Julia Tabacaru - Stage Name "Carla") and between them all, they would create and witness breaches to ensure this was achieved.
24. The above plan was to take one or more visits. Mr Millbank stated he would be willing to undertake the task. This was all part of Mr McKeown's evolving plan to close down the competition.
25. It seems incredible to me even now that an individual would go into a club with an SEVL, knowingly orchestrate serious breaches of the Licence conditions and then subsequently report those breaches as part of an objection! Mr McKeown's tact had changed from trying to illicit breaches through bad behaviour to creating his own through Veronica, Dana and Julia (Carla).
26. Following the above meeting, Mr McKeown asked me to coordinate things between him and Mr Millbank. I produce the full transcript of our text correspondence as **exhibit SL/3** but set out the key messages below:
  - a. On 5<sup>th</sup> November 2015 I sent Mr Millbank a text as Mr McKeown had the video equipment and wanted to get it to Mr Millbank at the beginning of the next week.
  - b. On 19<sup>th</sup> November 2015 at 9.26am Mr Millbank asked if he was good to go in this night at 7pm. Mr McKeown had earlier handed me a sealed envelope containing cash for Mr Millbank and instructed me to give Mr Millbank the go-ahead.
  - c. I responded to Mr Millbank saying that he was good to go with the visit that night and we agreed to meet at 'The Radisson Berkshire Hotel' near the club. I went to meet Mr Millbank and handed him the cash that Mr McKeown provided to me (he always handed me the cash in a sealed envelope for me to pass on). It was to be

spent on the visit to 'Platinum Lace'. I do not know how much was in the envelope. There were no receipts.

- d. On 23<sup>rd</sup> November 2015 at 3.23pm Mr Millbank text messaged me asking for details of someone he described as "the footballer's wife working at Platinum Lace"..
- e. On 25<sup>th</sup> November 2015 at 6.43am I forwarded a message from Mr McKeown to Mr Millbank that:

"the girl was working at Plat (Platinum Lace) from tomorrow. Will have her name and other details later xx."
- f. On 25<sup>th</sup> November 2015 more information sent from Mr McKeown was passed via me to Mr Millbank. This stated the girl was Julia Tabacaru (Carla).
- g. On 26<sup>th</sup> November 2015 at 7.09pm I confirmed to Mr Millbank that Mr McKeown was sorting the money to be collected at 11pm and that Carla was "being worked on" (Mr McKeown's words). This was rearranged for the following night when the intention was to go into 'Platinum Lace' between 10pm and 11pm.
- h. On 1<sup>st</sup> December 2015 I missed a call from Mr Millbank. Thereafter, and up until 24<sup>th</sup> January 2016 at 5.14pm there was a series of text messages relating to recordings taken at 'Platinum Lace' and paid to be published in the media. I produce this as exhibit SL/4.

27. Following their visit to 'Platinum Lace' both Veronica and Dana returned to work at 'Sophisticats'.

28. An article appeared in the Daily Star on 8<sup>th</sup> Jan 2016 mentioning Carla. I produce a copy of the article as **exhibit SL/4** but repeat it below:

*"A LAPDANCING club, popular with celebs and sports stars, is being probed after footage showed two of its dancers – including one who has dated a string of international footballers – encouraging punters to grope them, it has been revealed today.*

*Two videos show the dancers, known as 'Carla' and 'Mindy', breaching strict "no touching" rules as they writhe around in front of male punters.*

*Bosses at Westminster City Council are sending a team of license inspectors to Platinum Lace Gentleman's Club in London's fashionable West End this week after viewing the covert footage.*

*The clips show two dancers gyrating provocatively for two male clients and “encouraging” them to grope their breasts and slap their bums as they writhe around on their laps.”*

29. The article can still be found on line at:

<https://www.thesun.co.uk/archives/news/60506/celeb-haunt-lapdancing-club-investigated-for-breaching-no-touching-rules/>

30. Various media articles followed, Mr McKeown was very pleased with the exposure he had obtained.

31. Mr McKeown then arranged for another third-party objection to the renewal of Platinum Lace’s (Coventry Street) SEV licence using the recordings made by those who carried out the covert visits.

32. Mr McKeown was unhappy that the authorities had taken no visible action against Platinum Lace (apparently due to CCTV inside the venue not fully supporting the complaint). Mr McKeown became even more intent on getting action taken against them. He continued working with Mr Millbank and other reporters to ensure he got material against the club and wanted to step up activity to produce the result he wanted.

33. I am aware there are a series of e-mails which I produced as **exhibit SL/5**, between myself and Mr Millbank; myself and Mr McKeown, and Mr McKeown and Mr Millbank on or around 12<sup>th</sup> Jan 2016. These relate to Mr McKeown complaining about the cost of putting the fabricated articles into the national press.

34. Mr McKeown denied ever writing or receiving these emails at a Westminster Licensing Hearing (please see transcript at **Exhibit SL/6** – pages 99-100) However, these are legitimate e-mails and their authenticity is beyond question or reproach. To this day I remember reading them, replying to them and discussing them with Mr McKeown.

35. In the emails, Mr McKeown was excited that Mr Millbank had finally managed to get the pictures Mr McKeown had sought (and spent so much money on) and that they would be published. However, Mr McKeown queried the final costs to actually get them published. My wife Diana later found these on an old phone of mine and passed them to someone investigating what had gone on.

36. On 22<sup>nd</sup> April 2016 at 2.58pm I received a message from Mr Millbank stating he had got:

*“Warr’s in Mirror .. in Sun later.”*

37. This relates to media coverage of the owner of ‘Platinum Lace’, Simon Warr, entertaining an MP- John Whittingdale, repeating the previous negative media exposure following the November infiltration. I produce this as **exhibit SL/7**.

## **INSTRUCTION OF COVERT INVESTIGATION**

38. In my experience all clubs with an SEVL will have breaches from time-to-time due to the human element governing the behaviour of some of the dancers and customers. The important thing is how each club is set-up and managed to identify, reduce and respond to breaches at the earliest opportunity. It is very easy to take a breach out of context by not including how effective intervention by managers and/or security is.
39. In September 2016 Mr McKeown was asking me to get him a private investigator who had credibility with the licensing authorities at Westminster City Council. I knew at this stage that Mr Mark Halton had retired from the Police (Licensing) and frequented Sophisticats where John had also met him a few times. Mr Halton was doing this type of work and therefore fitted Mr McKeown's required profile – someone the licensing committee trusted and who could present evidence (true or otherwise) to convince the authority that there were breaches.
40. Mr Halton and his associates were to visit Platinum Lace on 5<sup>th</sup> and 6<sup>th</sup> October 2016.
41. On 6<sup>th</sup> October 2016 at 11:40 I sent Mr Halton a message as Mr McKeown was very keen to see what evidence had been obtained.
42. Mr Halton responded:
- a. *“Very good lots of touching (naughty 40's). No drugs (did try). Got in VIP (£250) also naughty. Definitely breaching SEV and licence. Will try again tonight”*
43. It was clear to me that Mr McKeown must have instructed Mr Halton to ask for drugs at Platinum Lace. I would never become involved in this type of action myself. Until writing this statement, I did not realise that Mr Halton was possibly committing a criminal offence.
44. On 7<sup>th</sup> October 2016 at 11:34 I sent Mr Halton a text enquiring what had happened the previous night.
45. On 7<sup>th</sup> October 2016 at 14:32 Mr Halton responded:
- “Inappropriate touching as before. Offered (drugs) but it never arrived. Lots on VIP and positions of cameras. Will try and get all statements to you Saturday.”*
46. As with the previous night's visit, I presume Mr Halton had solicited the procurement of the drugs.

47. I forwarded Mr Halton a text message I received from Mr McKeown

*"Can we get the police to pull the CCTV".*

48. On 9<sup>th</sup> October 2016 at 15:51 Mark texted me asking where to send his reports. As this was Mr McKeown's operation, I provided [Socats1@googlemail.com](mailto:Socats1@googlemail.com). This is one of Mr McKeown's personal e-mail addresses.

49. Mr Halton asked, *"Does that just go to you and Alan"*.

50. I replied, *"Just John"*.

51. Mark replied *"Sorry where did I get Alan from. Losing it!"*

52. Following the visits, Mr McKeown asked me to ask Mr Halton if he was going to lodge a complaint about Platinum Lace, with the Council.

53. Mr Halton replied, "Have a look at email I sent. Should be made by solicitor so questions not asked re who I am working for. That's why I asked to be instructed by solicitor (Thomas and Thomas). They can make objection. We can be their witnesses.

54. I understand that Mr McKeown arranged for the statements Mr Halton had produced to be submitted to the Council and informed Mr Halton of this.

55. Mr Halton responded:

*"That's good. I will speak again with police"*

56. I was glad to be getting out of this as it was now really uncomfortable. All I wanted was to get out and for Mr McKeown to deal directly with everything.

57. Mr McKeown then pushed for more undercover visits to 'Platinum Lace' by Mr Halton now the complaint had been made to Westminster City Council and arranged them with Mr Halton.

58. I produce this series of text messages as **exhibit SL/8.**

59. I wanted as little to do with this as possible but continued to facilitate the communication channel.

60. As I have previously said in this statement Mr McKeown solely controlled the money and was specifically responsible for paying Mr Halton and others in respect of the plans to close the competition.

61. I saw an article in the Mirror on 14 October 2016 that repeated the content from the article in 2015 (rather than using anything Mr Halton claimed to have found). This appeared to be an attempt by Mr Millbank (under instruction from Mr McKeown) to put additional pressure on Platinum Lace. I produce this as **exhibit SL/9.**
62. On 20 October 2016 Mr Halton performed another covert visit.
63. I do not know if this was ever disclosed to the licensing authorities as part of the complaint but from my correspondence with Mr Halton, it appeared from that visit that Platinum Lace was being well managed. I produce the text as **exhibit SL10.**
64. It is my understanding that the complaint lodged by 'Thomas and Thomas' on behalf of Mr McKeown and Mr Halton did not prevent 'Platinum Lace' renewing their SEVL. I heard later that the CCTV evidence supplied by the club to the authorities did not, in part, match the statements from Mr Halton and his colleague.
65. From my perspective, given there were no problems on the later date of 20<sup>th</sup> October, I was becoming more and more dubious in the manner of Mr McKeown's actions. It's clear to me now that for the second time CCTV was not fully supportive of the complaints within the statements and company money was being misused. Despite Mr McKeown knowing there were not the problems he wanted at Platinum Lace and that the statements were not entirely truthful, he still continued with his plan. Without further creating his own 'evidence', I couldn't see how Mr McKeown could assert that there was wrong-doing in Platinum Lace when he was privy to information that there was none.
66. Mr McKeown was now seriously unhappy that despite significant investment 'Platinum Lace' seemed unaffected by his actions.

#### **ACTION TAKEN AGAINST THE WINDMILL**

67. It was around this time I was at 'The Playboy Club Restaurant' with Diana and Mr McKeown. Mr McKeown and I were talking about the business when Mr McKeown said he still needed to do more to get rid of the competition. Again I had concern that this was potentially damaging to our business if this continued and became public knowledge. With more people being involved it was more likely our activity would leak. My wife queried what we were talking about and Mr McKeown said it again. My wife asked if he was joking to which he replied that he was serious in carrying on to get rid of the competition by any means. This time his next target was the Windmill.

**Ms Maya Hawie (Stage Name Maya Von Doll)**

68. A friend of Mr McKeown's, and a business partner in a music venture was a singer called Maya Hawie who used the stage name Maya Von Doll. She was married to Dimitri. Diana and I became friends with them over the years
69. Ms Hawie had been persuaded by Mr McKeown to use a women's rights group to make complaints against 'The Windmill' based on the evidence of Mr Halton and women that Ms Hawie knew and arranged to visit the club. This was entirely organised by Mr McKeown. All these people were Mr McKeown's close friends or their associates. I had nothing to do with this or the organisation of the visits.
70. Mr McKeown had helped Ms Hawie and her then husband get a mortgage by adding Ms Hawie to the company payroll and paying her a wage directly into her bank account. She would then repay the money back to Mr McKeown in cash. I would often have to collect it on Mr McKeown's behalf and then give the money to Mr McKeown. I had no control over the company funds, payroll or tills etc. At the time I didn't mind Mr McKeown's actions as we were all friends and he was helping her and Dimitri get a house. I attach various text message as **exhibit SL11** that relate to payments and collection of cash.
71. As a result of the evidence gathered against 'The Windmill' I was aware through Mr McKeown that complaints were made to Westminster Licensing via the Women's Rights Group under Mr McKeown's direction. All activity and support in making the complaint was I believe financed through Mr McKeown again using company funds.
72. This evidence along with investigation by the licensing authorities led to 'The Windmill' losing its licence to operate.
73. Mr McKeown was very happy remarking "*Some competition out of the way*". I believe through conversations with Mr McKeown that he had it in his mind that he now had the right formula to successfully oppose the licences of our competition. His attention now switched back to 'Platinum Lace'.

#### **REFOCUSING ON PLATINUM LACE**

74. Mr McKeown was still unhappy that the two objections previously lodged had not resulted in action against 'Platinum Lace' (where they had used their own CCTV to challenge the objections).
75. Mr McKeown told me he was talking to Ms Hawie about fronting a complaint through the same Women's Rights Group as had worked for 'The Windmill' against Platinum Lace. Ms Hawie told me she was uncomfortable with doing this again having spoken with her mother about it. During this period Mr McKeown had asked me to introduce Mr Halton to Ms Hawie. I phoned Ms Hawie and this is when she told

me she was having second thoughts about doing this but would introduce her friend Lisa to Mr McKeown. I produce a series of text messages with Maya as **exhibit SL12**.

76. I was aware that Mr McKeown was still in conversation with Mr Halton about arranging more covert visits to 'Platinum Lace' in 2018 but by now I had stepped away from any involvement including handing over the large amounts of cash to finance Mr McKeown's operation.
77. It is my understanding that during their licence renewal of 2018, 'Platinum Lace' again received a complaint / representation objecting to their renewal. I was aware the complaint had been made by Ms Hawie and her friends under the direction of Mr McKeown (they had obviously used the same method that was successful against 'The Windmill' as I now know the paperwork was a carbon copy – cut and paste).
78. Mr Halton ensured the visits to Platinum Lace (by his colleague Mr Jenkins) took place well before the actual renewal date. This action would ensure that Platinum Lace would not be able to challenge or disprove the allegations through their CCTV (as they were able to do previously) as the relevant CCTV would not be available. Mr McKeown knew their licence conditions only required them to retain CCTV recordings for 30-days as was the case with all such venues including Sophisticats'. The visit by Stuart Jenkins was made on 12<sup>th</sup> July 2018. Platinum Lace received their compliant 108 days later. Mr McKeown had clearly learned from his mistakes in the past. It was open to Mr Jenkins to make up any evidence that he wanted, and I noted that he did not produce any covert CCTV footage that Mr McKeown was so keen on.
79. It is my understanding 'Platinum Lace' received their licence renewal following a committee hearing with WCC.
80. In truth I was glad to be out of the whole sordid affair.
81. More recently the relationship between Mr McKeown and I has completely broken down. I was very unhappy with Mr McKeown's misuse of company funds
82. I was also frustrated as I felt I was being used as a conduit where Mr McKeown used my contacts to carry out his wrong-doing. Additionally, I believe my wife and I are due vast sums of money in circumstances where Mr McKeown has used company finances to fund an alter ego lifestyle and has squandered company funds. I believe the premises he bought from Secrets (ironically the Euston site that he was going to previously object to) has a Licence Review (revocation) as a result of an objection from the Police. It is also my understanding that the renewal of the SEVL is on hold pending a committee hearing due to various objections. There's a real possibility

that his complete mismanagement of the business may leave us all with nothing.

### **TRANSFER OF CUSTOMERS BETWEEN SOPHISTICATS' PREMISES**

83. We opened the doors of the Soho Club in December 2016. One thing which was a disappointment was the fact that we were not able to obtain a licence to keep the Soho Club open beyond 3am. However, it was still doing well and it was a very valuable part of the Sophisticats' business as a whole. This was because it effectively operated as a booking office for the Marylebone Club. At 3am, when the Soho Club closed, Mr McKeown's instruction or policy was for customers to be taken free of charge to the Marylebone Club by the designated club taxicabs. As a result, the takings of the Marylebone Club increased substantially (according to Mr McKeown), by about £20,000 per week. When the Marylebone Club closed in February 2019 this transfer operation switched to the Euston Club. The taxicabs were simply directed to take customers at 3am from the Soho Club onto Euston instead of to Marylebone, and so the Euston Club benefitted from the significant increase in business that was generated by the Soho Club. Managers and dancers were encouraged to push the customers to the next venue.

### **COMMISSION PAYMENTS TO TAXI DRIVERS**

84. One of the many reasons that I think that the Sophisticats' business was successful is because of the strong relationships that it has been able to build with the London taxi driver network and minicabs. As well as taking customers from the Soho Club to the Marylebone Club (and subsequently the Euston Club), taxis and unlicensed pedi-cabs are responsible for bringing in a large proportion of Sophisticat's customers. I would say that approximately 90% of the business that came into the Clubs arrived by black taxi, mini cab or pedi-cab. The drivers knew that they could receive a commission if they brought customers to the club; they would receive £20 for each customer they introduced. The various drivers also knew to leave their telephone numbers and registration plate details because, if a customer spent a significant amount of money in the club, they could come back and get an extra payment by way of commission. This added an incentive to them based on customer spending ensuring taxis etc would bring more customers. Ultimately the club built a record of the best taxi drivers and pedi-cabs who they would actively work with.

85. This connection to the taxi driver and pedi-cab network was extremely important and I was aware that the club managers spent the week leading up to the Euston Club calling all of their taxi and pedicab contacts to tell them that they could bring customers to Euston instead of Marylebone.

86. Mr McKeown also generated a cash income directly from the club's designated taxicab drivers, who were willing to pay Mr McKeown cash,

so that he would not have his security team interfere with them approaching customers who were leaving the club.

87. The taxi drivers were willing to pay the cash to Mr McKeown. I have now found out it is known that they would take customers to 'apartments' for the purposes of prostitution and they would get a 'kick back' (I have 2 audio recordings confirming this) **exhibit SL13**. I believe that at one-point Mr McKeown was collecting around £1,400 per week from the club taxicab drivers. I only discovered about this income in the last year I was there, but Mr McKeown had been receiving it for years previously which is why I presume he always carried large amounts of cash. Mr McKeown alone dealt with the club's designated taxicabs and they reported to Mr McKeown directly. I was recently aware of complaints made in relation to customers being ripped off and possibly drugged. I am saddened and concerned by these allegations which have now been presented by The Metropolitan Police to Camden Licensing Committee.

#### FALSE STATEMENTS MADE BY MR MCKEOWN

88. Contrary to Mr McKeown's claims at a licensing hearing (for Sophisticats' SEVL renewal) in 2019 that I orchestrated and was excited by the 2015 visits to 'Platinum Lace' and subsequent complaints, this is simply not true. As can be seen by the messages I have exhibited, Mr McKeown was behind this and whilst I facilitated his introduction to Darren Pelling, Mr Millbank and Mr Halton all direction was given by Mr McKeown. He had full and total control of the finances. I have never had any direct access to company funds as either a signatory on the account or a company credit/debit card. Mr McKeown did give me cash to pass to Mr Millbank and Mr Halton (always in a sealed envelope). However, Mr McKeown was, for want of a better phrase, the 'Mastermind' behind the visits and third-party complaints. I am both incensed and upset that Mr McKeown put the blame upon me but now understand why he was insistent that I should not attend this hearing and withheld detail about the day and time of this hearing.

89. I had no idea that I was required at the Sophisticats' Licence renewal hearing. In fact Mr McKeown told me I wasn't required when I offered to attend as he said, 'everything was sorted he could deal with it'. The company solicitors never made contact with me at all. I did not see this as odd as Mr McKeown was the person who generally spoke to the lawyers and ran the operation. It now seems reasonable to assume that they were happy to pass the blame onto me in my absence and use me as the scapegoat as I had maintained communication with the various third parties (albeit at Mr McKeown's request). It makes perfect sense that Simon Warr should attack our integrity at the hearing, given Mr McKeown's behaviour, I can understand why.

90. All e-mails between Mr Millbank and I were at the behest of Mr McKeown. It is clear Mr McKeown had some direct e-mail contact with Mr Millbank and he had clearly read the content of the emails as his actions thereafter could only exist as a consequence of him reading them.

91. If Mr McKeown asserts that he has not seen the e-mail correspondence in relation to Mr Millbank or read the content, then he is lying.

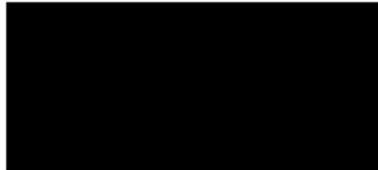
92. Contrary to Mr McKeown's assurances to the Westminster Licensing Committee that he had nothing to do with the objection in relation to the Licence renewal for 'Platinum Lace' in 2018, the text messages to Ms Hawie support the fact that he orchestrated the entire procedure. Likewise, Mr McKeown's claim to the Licensing Committee that he did not really know Mr Millbank is nothing other than a lie.

93. Although a shareholder in the business, I had no fiscal or operational control.

94. While I am taking separate action against Mr McKeown, my motivation for providing this statement is to set the record straight and my exhibits prove my account to be accurate. Mr McKeown deliberately set out to mislead WCC.

95. In hindsight, I am frustrated with myself for not pursuing Mr McKeown in terms of the financial records and I am sorry for any part I may have had in bringing the industry into disrepute.

Signed

A large black rectangular redaction box covering the signature area.



**COMPLETE  
LICENSING**

# **OBJECTION TO APPLICATION, SOPHISTICATED**

Exhibit SL-1

Tony Nash

06.09.20

12:28

4G



2 People >

iMessage

27 Oct 2014, 11:54

[REDACTED]

Hi jack. Could you check on the status of the licence for secrets in Euston Eversholt street for me please. They have had problems with asbestos and I would like to know if the licence was affected



Thx. John mckeown

27 Oct 2014, 13:20

Jack Lawyer ( Thomas)

Hi John. They've recently applied to renew their SEVL. There are no signs their Licences have been imperilled. I'll keep an eye on it and let you know if I



iMessage



*sh*

12:28

4G



2 People >

and I would like to know if  
the licence was affected  
Thx. John mckeown



27 Oct 2014, 13:20

Jack Lawyer ( Thomas)

Hi John. They've recently  
applied to renew their  
SEVL. There are no signs  
their Licences have been  
imperilled. I'll keep an eye  
on it and let you know if I  
hear more. Jack



[REDACTED]

Can you have s look at it  
and see if there are any  
grounds for anyone to  
object to the renewal ?



Jack Lawyer ( Thomas)

You can object to a SFVI



iMessage



Can you have s look at it  
and see if there are any  
grounds for anyone to  
object to the renewal ?

Jack Lawyer ( Thomas)

You can object to a SEVL  
renewal if the grant would  
be 'inappropriate having  
regard to the condition of  
the premises'. I'd say  
there's a good chance  
asbestos would satisfy  
**this ground for refusal!** If  
you wanted to object  
you'd have to be careful  
**about how it was**  
**presented - you don't want**  
**it coming across as a trade**  
**objection. I'm around**  
**today if you want to chat**  
**through on the phone.**



11:54



7 Nov 2014, 15:33

Good morning 😊😊 I took girls to school got to bed at 9:30 OUCH! Oli fixed computer it's all working he bought a new power supply in Watford went to club by train and Pat let him in very proud he's doing it on his own, asked Pat to get Heidi to give him his money back. Restaurant bill was 1041 but dollars in Miami. Love you xxx

Love you too xxx

8 Nov 2014 10:45

Sent you an email it very

*fl.*





COMPLETE  
LICENSING

# OBJECTION TO APPLICATION, SOPHISTICATED

Exhibit SL-2

Tony Nash

06.09.20

21:40

4G



M

Millbank >

Simon

22 Oct 2015, 20:13

Hi James I take it tonight is out so tomorrow at 12 shall we meet at patisserie valerie in Marylebone high st? It's just up the road from the club

Yes, apologies have been caught up tonight.  
Perfect Simon. I look forward to it tomorrow.  
See you there at noon...  
James

23 Oct 2015, 11:55

Finished meeting on way now



Text Message



*Li.*



COMPLETE  
LICENSING

# OBJECTION TO APPLICATION, SOPHISTICATED

Exhibit SL-3

Tony Nash

06.09.20

21:44



Millbank >

Have fun...

29 Oct 2015, 07:30

Hi James, sorry about last night film finished late and my daughter fell asleep call me when you are around today John is putting everything together I'll check if it's ready today

5 Nov 2015, 19:18

Evening Simon,  
Any movement on that thing. No prob if not but I may have to commit to some BBC stuff in a bit that could waylay me...  
Hope all is good



Text Message



HL

21:45



Millbank >

Evening Simon,  
Any movement on that  
thing. No prob if not but I  
may have to commit to  
some BBC stuff in a bit  
that could waylay me...  
Hope all is good..  
James

Got the video will try and  
get it to you begining of  
next week

Ok. If you could even get it  
over for Sun or Mon that  
would assist no end but no  
big probs otherwise.  
Hope you and John are  
good..  
Will look out for it..  
J



Text Message



21:46



Millbank >

9 Nov 2015, 23:58

Evening Simon...I hope all is good. I haven't heard anything. Are you still keen. Am due to speak to some journos tomorrow and wondered if you wanted me to start any movement.  
No probs either way...  
James

Yes we do John had to go to Spain he's back on Wed he's got video ready he has a lot of sound to edit that's taken time, we have another thing he had to deal with that took priority but that's just been sorted



Text Message



sl



21:47



Millbank >

Ok.will cast around. Do you need any assist transcribing the sound etc. from our end? Can get me and a couple of my people to trawl through it if you need it transcribed quicker....two of them used to do investigations etc.  
And if you want me to have a look at video just send it by dropbox if poss. Just give me a call Simon. Hope your other priority thingd got sorted.  
James

I'll call you we'd when John's back

Wednesday



Text Message



*fl*

21:55



Millbank >

Evening Simon. Am near  
the club. Where do you  
fancy meeting?

Have a coffee in Raddison  
we will pay meet not over  
yet sorry

No worries..see you when  
clear

Still here will take you to  
dinner sorry

No need Simon. I can hang  
on till 8.40pm but then I  
must go.  
We'll rearrange if need be.

Ok I'll do my best

Finishing now

Ok I'll head to Radisson



Text Message



*ll.*

21:56



Millbank >

23 Nov 2015, 15:23

Hi Simon...any update etc.  
My team is ready to go this  
week but need some  
deets on that footballer  
wife etc...  
Hope all is good.  
James

Hi Simon...any update etc.  
My team is ready to go this  
week but need some  
deets on that footballer  
wife etc...  
Hope all is good.  
James

24 Nov 2015, 12:33

We are on it John said he  
would text you



Text Message



*Handwritten signature*

21:56



Millbank >

24 Nov 2015, 12:33

We are on it John said he would text you

Ok

25 Nov 2015, 06:43

The girl is working at plat from tomorrow on. Will have her name and other details later xx

25 Nov 2015, 17:21

This came from our girl

Hi , her stage name is carla , her real name is : iulia tabacaru , google her and u will find enough pictures . she usually work



Text Message



*Handwritten signature*

21:57



Millbank >

25 Nov 2015, 17:21

This came from our girl

Hi , her stage name is carla , her real name is : iulia tabacaru , google her and u will find enough pictures . she usually work from Wednesday to saturday . she is everything " too much" : big ... everything ... and small brain :) x

cancan.ro



Ta...will have a look and give you a call later

Ok



Text Message



M.

21:59



Millbank >

Ta...will have a look and give you a call later

Ok

26 Nov 2015, 13:04



You should have it now

Thanks Simon...speak later

26 Nov 2015, 19:09

Just spoke to John he's been in meetings the court is on Monday, said could you come and pick up money tonight around 11:00?



Text Message



*JL.*

22:00



Millbank >

26 Nov 2015, 19:09

Just spoke to John he's been in meetings the court is on Monday, said could you come and pick up money tonight around 11:00?

I'm working on girl now

26 Nov 2015, 21:44

Simon, tell John I can't get down tonight. I'll pick up the cash tomorrow if you can arrange it. We are aiming to be in PL between 10pm and 11pm. I am up town earlier from 6pm and can collect then if helps.  
PS. It is the cost of my two



Text Message



ll.

22:00



Millbank >

26 Nov 2015, 21:44

Simon, tell John I can't get down tonight. I'll pick up the cash tomorrow if you can arrange it. We are aiming to be in PL between 10pm and 11pm. I am up town earlier from 6pm and can collect then if helps.

PS. It is the cost of my two boys - £500 × 2 and whatever expenses you think will fit.

J

I'll organise it tonight and text you

Ta..

26 Nov 2015, 23:03



Text Message



*ll.*

22:01



Millbank >

Raddison at 8:50 john will be there

Ok. Will meey him there.

27 Nov 2015, 14:53

Our girl tonight is called lulia Tabacaru...on tinternet? If you need to bring a pic or some such...

28 Nov 2015, 10:59

How did it go?

1 Dec 2015, 17:41

From Vodafone: You missed  
1 call(s) from  
[REDACTED] on 1



Text Message



ll.



COMPLETE  
LICENSING

# OBJECTION TO APPLICATION, SOPHISTICATED

Exhibit SL-4

Tony Nash

06.09.20

22:02



Millbank >

1 Dec 2015, 21:22

Spoke to John he will speak to her tonight and text you later

Sorry it's been so long I just got home had to do something else first

That's fine. I have texted John but nothing back as yet.  
I just need to touch base about the girl and equipment etc because it will make a difference to how/when/where we do it etc.  
All good otherwise..  
J

Ok he said he would speak



Text Message



*Handwritten signature*

22:04



Millbank >

4 Dec 2015, 09:48

In meeting Simon. Will call you in 5 mins..  
J

Ok

Need to know about tonight

5 Dec 2015, 11:22

How did it go ?

8 Dec 2015, 19:09

John will ask her tonight

Ok. No big deal if she can't.  
In my view I think it just needs a few more



Text Message



*J.*

22:04



Millbank >

Ok. No big deal if she can't.  
In my view I think it just needs a few more undeniable, unrefutable images that the council can't ignore when we present them.  
They can be got in a quick 'smash and grab' raid with green night vision.  
Just a thought..  
J  
PS. Night vision equip will be with us Fri.

Great

John is asking her for Fri shouldn't be a problem



Text Message



SL

22:04



Millbank >

Sounds fine. The only obstacle could be if the night vision is delayed. But will know on Fri and we can decide from there. Will wait to hear from you Simon...

Ok but if there is a problem with camera can you let John know

Yes. Will do. Lets aim from Fri unless prob with equipment etc. Sounds good.



12 Dec 2015, 04:16



Text Message



*M.*

22:05



Millbank >

12 Dec 2015, 04:16

James waited until 4:15  
gone home now give  
camera to girls on  
reception they will give it  
to Carmen to put in safe  
and I will pick it up  
tomorrow, don't tell them  
what it is we can talk  
tomorrow

Am on way if you're still  
around?

Ok...will give it to Carmen  
to put in safe. Havent  
seen footage but it should  
have gone well tonight.  
J

12 Dec 2015, 10:09



22:05



Millbank >

12 Dec 2015, 10:09

Give me a call when you have time

15 Dec 2015, 17:47

Got the email sent it to John but it's taking a long time to load

15 Dec 2015, 18:49

John just saw it said its great we got them

16 Dec 2015, 17:00

[Redacted] John

21 Dec 2015, 21:19

His Simon..just left meet



Text Message



*Handwritten signature*

22:05



Millbank >

Can you talk in about 10 mins?  
J

21 Dec 2015, 23:48

Are you free to chat...?  
J

22 Dec 2015, 00:57

Fell asleep I just woke up

22 Dec 2015, 14:09

Call me ASAP X

Got someone there waiting until 4

Thanks Simon. I doubt can get out of back to back meetings to get over by



Text Message



*SL*

22:09



Millbank >

Thanks Simon. I doubt can get out of back to back meetings to get over by 4pm.....the only way I can get there is later tonight perhaps. Will try and square it with Nationals. We keep missing each other. I will call you later when I am clear of clients..  
J

Where are you I will get someone to bring it over

It's easier as better they don't know in club and some of them know you

Ok she had to go do it waiting at club it's there until 4 then 9pm with Carmen it's got your name



Text Message



*sl*

22:09



Millbank >

Ok she had to go do it waiting at club it's there until 4 then 9pm with Carmen it's got your name on envelope in safe

Also if they get the story in we will pay £4000 as you said

27 Dec 2015, 20:14

Hi James hope you had a good Christmas anymore news ?

6 Jan 2016, 16:12

Afternoon Simon, I hope you are well and your vacation is good. Give me a call if you can, or get John to give me a



Text Message



22:10



Millbank >

6 Jan 2016, 16:12

Afternoon Simon, I hope you are well and your vacation is good. Give me a call if you can, or get John to give me a bell I have some news..... James

7 Jan 2016, 20:14

PS...also main story on Mirror Twitter feed.

Wow seen the sun  
Amazing

Thanks. It looks good and from what have heard PL are in turmoil over it...worrried will lead to other criminal matters etc



Text Message



*Handwritten signature*

22:10



Millbank >

6 Jan 2016, 16:12

Afternoon Simon, I hope you are well and your vacation is good. Give me a call if you can, or get John to give me a bell I have some news..... James

7 Jan 2016, 20:14

PS...also main story on Mirror Twitter feed.

Wow seen the sun  
Amazing

Thanks. It looks good and from what have heard PL are in turmoil over it...worrried will lead to other criminal matters etc



Text Message



*Handwritten signature*

22:10



Millbank >

Thanks. It looks good and from what have heard PL are in turmoil over it...worried will lead to other criminal matters etc I got the Mail and Express group to run it as well but have yet to see it published. Keep your eyes out for that as well. The best way to see the news avalanche on it is to go to Google news section and type in Platinum Lace and all the new stories on it flag up Hope it works for you and John.  
J

7 Jan 2016, 23:17



Text Message



*Handwritten signature*



**COMPLETE  
LICENSING**

# **OBJECTION TO APPLICATION, SOPHISTICATED**

Exhibit SL-4a

Tony Nash

06.09.20

## Popular lapdancing club secretly filmed showing punters breach 'no touching' rules

A LAPDANCING club is under investigation after punters were filmed openly flouting strict "no touching" rules inside.

07:15, 8 JAN 2016Updated • 11:22, 20 JUL 2019News



**STRICT:** Most lapdancing clubs forbid punters to touch dancers (Image: Stian Alexander)

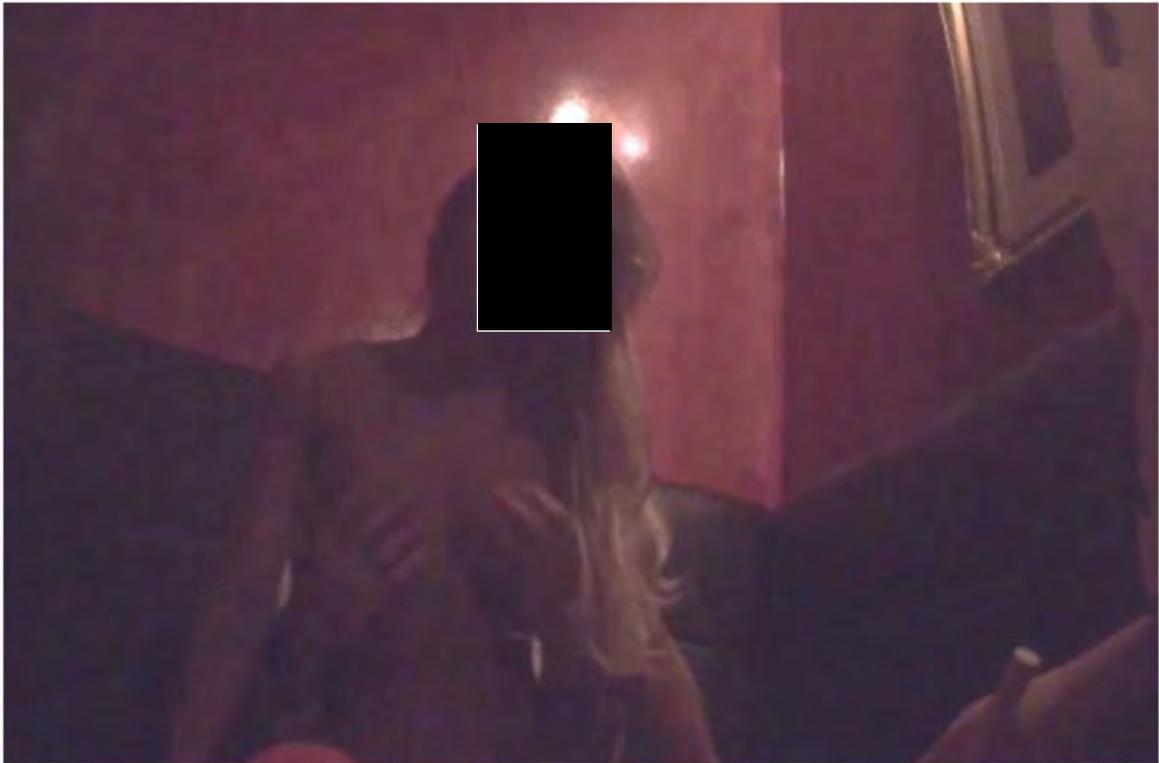
And two dancers – understood to be called "Carla" and "Mindy" – were captured on film encouraging male punters to grope them.

Bosses at Westminster City Council are sending a team of license inspectors to Platinum Lace Gentleman's Club in London's West End this week after viewing the covert footage.

The club – between Piccadilly and Leicester Square in central London – is a favourite with celebs including Pixie Lott, Professor Green, Snoop Dogg, boxer David Haye and a host of Premier League footballers.

And the New Zealand rugby team which triumphed in the recent world cup reportedly celebrated their win at the club.

There is no suggestion they broke 'no touching' rules put in place by the licence.



**CELEB HAUNT:** The club was visited by the New Zealand rugby team after they won the recent Wo... (Image: STIAN ALEXANDER)



**HELP:** Two lapdancers were shown to be encouraging male punters to touch them (Image: STIAN ALEXANDER)

Footage has emerged showing two dancers dancing for two men and encouraging them to grope their breasts and slap their buttocks.

An eight-minute long video – filmed on October 13 - shows a brunette dancer who calls herself Carla dancing for a male customer in a private VIP booth.

The Romanian is known for dating a string of Romanian international footballers, but is believed to currently be single.

During the dance the punter clearly gropes both of the dancer's breasts.

In a second video another dancer, known as Mindy, grabs a customer's hand and places it on her breast before allowing him to remove her pink underwear.



**INSPECTION: A license team from Westminster Council will now investigate the footage (Image: STIAN ALEXANDER)**

The video – filmed at the club on December 4 – also shows the dancer allowing the punter to touch her between her legs – as well as encouraging him to slap her bum.

A spokesman for Westminster City Council confirmed that it was investigating the alleged breaches, adding: "Our licensing team has reviewed the video evidence and will be contacting the venue to discuss it."

He said the footage was "clearly not in keeping with the conditions" of the licence and said investigators would be visiting the club this week.

A spokesman for Platinum Lace confirmed the club was holding an internal investigation into the evidence shown in the videos.

The spokesman, who gave his name as Vincent said, the club was "conducting an internal investigation, but refused to comment further.

Club owner Peter Stringfellow, who owns a similar gentleman's club in Covent Garden, said last night: "Operators know the rules and should operate accordingly."



COMPLETE  
LICENSING

# OBJECTION TO APPLICATION, SOPHISTICATED

Exhibit SL-5

Tony Nash

06.09.20

18:12

4G



Millbank >

15 Sep 2016, 14:30

Thanks Simon. Wow that is big news. Is it public yet?  
I will try and piggy back some good coverage from it for us etc.  
Are you ok to start the 2 month PR from next month - October? Just give me a date to start/bill from etc for the agreed £1,500 per month. That way no errors/miscommunication etc.  
Does that fit with you?  
J

12 Oct 2016, 13:44

James call me when you



Text Message



18:12

4G



Millbank >

15 Sep 2016, 14:30

Thanks Simon. Wow that is big news. Is it public yet?  
I will try and piggy back some good coverage from it for us etc.  
Are you ok to start the 2 month PR from next month - October? Just give me a date to start/bill from etc for the agreed £1,500 per month. That way no errors/miscommunication etc.  
Does that fit with you?  
J

12 Oct 2016, 13:44

James call me when you



Text Message



18:12

4G



Millbank >

Simon, I can live with £3,500 if that helps? If we stick to monthly PR - for two months Sept and Oct (?) again at a reduced £1,500 p month?

This way I recover some of my costs and get paid for last Dec's investigation in some way.

Any further "incentivisations" needed for the new club launch I will discuss with you beforehand.

Am trying to find a solutiin. Tell me what you think today if poss?

J

15 Sep 2016, 13:04



Text Message



20:45



Millbank >

Afternoon Simon, I hope you are well and your vacation is good.  
Give me a call if you can, or get John to give me a bell I have some news.....  
James

7 Jan 2016, 20:14

PS...also main story on Mirror Twitter feed.

Wow seen the sun  
Amazing

Thanks. It looks good and from what have heard PL are in turmoil over it...worried will lead to other criminal matters etc I got the Mail and Express



Text Message



20:46



Millbank >

Thanks. It looks good and from what have heard PL are in turmoil over it...worried will lead to other criminal matters etc I got the Mail and Express group to run it as well but have yet to see it published. Keep your eyes out for that as well. The best way to see the news avalanche on it is to go to Google news section and type in Platinum Lace and all the new stories on it flag up Hope it works for you and John.  
J

7 Jan 2016, 23:17

. Just for completion today



Text Message



20:46



Millbank >

Just for completion today the Express group have the story as one of their main lead stories -with different pix I gave them - on their Daily Star website. See you tomorrow night.  
J

8 Jan 2016, 22:43

Let's meet in Maroush at 11:30 just around the corner to the club.

Ok..see you in there

11 Jan 2016, 16:50

Am in Waltham Cross way for a group of villainous Essex clients till 8pm. Can you do South Mims



Text Message



20:46



Millbank >

Am in Waltham Cross way for a group of villainous Essex clients till 8pm. Can you do South Mims services (eastbound) at 8.30pm Simon...up the M1 for you I think.

J

11 Jan 2016, 17:55

Waiting for it to arrive it's on it's way now from west end should be ok time wise will let you know if it's late

Ok...can we make it 9pm. Essex boys running over.

11 Jan 2016, 20:05



Text Message



20:47



Millbank >

Will be at S Mimms at  
8.45pm, Simon...

I'm going to leave in ten  
mins

11 Jan 2016, 23:20

Good to see you tonight  
Simon. Just got home.  
All good with our thing re:  
The Sun. So thanks. And I  
will dilute the Express/Star  
expectation..  
However have just got off  
the phone to the Mirror  
and I may have a slight  
problem - which I could  
have forseen - re money.  
This isn't usually my style  
but it will cause me great  
difficulties in my  
relationship with them in



Text Message



20:47



Millbank >

expectation..

However have just got off the phone to the Mirror and I may have a slight problem - which I could have forseen - re money. This isn't usually my style but it will cause me great difficulties in my relationship with them in the future if I don't fix my commitment to them in some way.

They wanted 4 and I appeased them with 3. And am sure I can get him down further to 2.5 but he has reacted badly to 1.5. Can we fix this in some way?

I have an ongoing relationship with these executives and I can wear



Text Message



20:47



Millbank >

relationship with these executives and I can wear some of the cost - as with the Express - in the course of my relationship with them but this thing with the Mirror may be a slight bridge too far.

I did expect this but thought it may not cause as much of a problem as it appears to have tonight. Give me a shout if this can't be done..alas I have a history of trust with them which I am loathe to destroy.

J

12 Jan 2016, 07:56

Sent message to John waiting for reply



Text Message



20:47



Millbank >

12 Jan 2016, 07:56

Sent message to John  
waiting for reply

Ok, Simon.  
I knew we could face a possible fallout from Mirror on this, just not on this scale.  
I think it is down to the effort they put in etc. which rankles from their side and the fact I'd already talked them down way beyond usual boundaries.  
I am in Brussels this afternoon and then back late tonight/first thing in morn.  
Give me a shout when you can..



Text Message



20:48



Millbank >

Just forwarded email from john to you let me know what to reply

15 Jan 2016, 07:59

James in on way to Spain back Mon they opened new club and doing things on first day, they've got some front. I'll call you Monday

15 Jan 2016, 13:04

Ok. Have a good time. Am clear from 3pm today if you can chat then. Call me later if you can and we'll have a chat really things..  
J



Text Message



20:48



Millbank >

13 Jan 2016, 13:04

Ok. Have a good time. Am clear from 3pm today if you can chat then. Call me later if you can and we'll have a chat really things..  
J

21 Jan 2016, 18:14

Hi James I will be in tonight if your around? Let me know as I need to bring it with me.

21 Jan 2016, 20:19

Evening Simon. Hope all is good - have just had a call from Mirror and he wants to meet Mon pm. Are you free to meet at some place South



Text Message



20:49



M

Millbank >

Evening Simon. Hope all is good - have just had a call from Mirror and he wants to meet Mon pm. Are you free to meet at same place - South Mimms at 11am on Mon?  
J

Yes can do

Text me to confirm on Mon

Ok..  
Will text you then.  
And call me if you hear anymore details re PL etc.  
J

21 Jan 2016, 22:50

Thanks Simon. Am, alas, in



Text Message



20:49



Millbank >

Thanks Simon. Am, alas, in Glasgow till Saturday. Monday is the only option for me I'm afraid to see our man in time.

That's fine. See you there.

Great. Will be there 11am. Look forward to it.

24 Jan 2016, 17:14

Evening Simon. Hope all is well... I take it all still good for tomorrow Sth Mims at 11am?

26 Jan 2016, 20:39

James what I need is a six



Text Message



20:49



Millbank >

26 Jan 2016, 20:39

James what I need is a six sentence log line a bout a short script 5 pages long needs to be interesting but I need it quite quickly can your guy do it for me ?

It needs to have character work up etc

Thanks. Am just travelling back from Birmingham. Have left a couple of messages with the Eastenders scriptwriter and waiting to hear back. Will give you a shout later..  
J

18 Feb 2016, 12:24

Afternoon Simon



Text Message



20:50



Millbank >

Afternoon Simon,  
Hope all is good. Am  
around tomorrow (Fri) for  
our PR chat and to get  
things started if you/John  
can meet...  
Give me a shout.  
PS May have some bright  
news re WCC property  
etc.  
J

I'll talk to John later today  
and let you know what  
time

Perfect. Speak later

18 Feb 2016, 15:10

Spoke to John he can't do  
tomorrow said better next  
week when suits you?



Text Message



20:50



Millbank >

...  
tomorrow said better next week, when suits you?

That's fine Simon. Monday can do. After 1pm or evening? Hope that fits...

I'll check

We have meetings on Mon and John can't do evening maybe Thurs evening ?

May be a prob am afraid. If Thurs is only night for you both, can we do tonight? I will juggle meets today to fit it if that is case...

He can't do tonight but can be another night next week I suggested Thurs



Text Message





**COMPLETE  
LICENSING**

# **OBJECTION TO APPLICATION, SOPHISTICATS**

Exhibit SL-6

**Melvyn Caplan:** Caplan and I will be chairing the proceedings today and you see with me today, to my left are Councillors Jim Glen and Councillor Shamim Talukder and sitting to my right is the Legal Advisor, Barry Panto and the Committee Officer, Andrew Palmer. So, we have two applications listed today. I'm going to, if it's OK, hear them in actually the reverse order to the way they're listed and actually do Brewer Street first.

(loud bang)

**Melvyn Caplan:** Sorry, thank you Councillor Glen whose, although I suspect that there may be some commonality between them but, before we even start, I anticipated that Mr Bromley-Martin might wish to address us with some preliminary matters.

**Michael Bromley-Martin:** Please, if I may.

**Melvyn Caplan:** Do you want to turn your microphone up?

**Michael Bromley-Martin:** Yes.

**Melvyn Caplan:** Thank you.

**Michael Bromley-Martin:** There are two documents which we would ask the subcommittee to take into account. They amount to a one page second statement from John McKeown and a schedule. Can I just explain how they come about and why they have been produced so late?

**Melvyn Caplan:** Please do so.

**Michael Bromley-Martin:** A, a, a, an application made under the Freedom of Information Act was made of the City Council some weeks ago --

**Melvyn Caplan:** Which we've seen, yeah.

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**Michael Bromley-Martin:** And I don't know if you've seen that. And unfortunately, the response didn't come through until this weekend. Now heaven forbid that I, in addressing the Licensing Subcommittee of Westminster City Council should in any way criticise Westminster City Council *for its late* provision of the Freedom Information Act, and of course I don't, that is the reason why it has not been possible to put it in before and it was of course served as soon as we obtained it upon the objector and, of course, the committee, and we hope that there is no objection to it being introduced.

**Melvyn Caplan:** OK, so it's, it's relatively short. What we will do is that, I'm sure there'll be moments which we might need to adjourn or whatever we'll, then we'll have a look at it, at that sort of point in time depending, obviously at what point you want to rely upon it.

**Michael Bromley-Martin:** Well can I, can I just say --

**Melvyn Caplan:** Yeah.

**Michael Bromley-Martin:** It, it basically referred to the Freedom of Information Act response which --

**Melvyn Caplan:** OK, OK.

**Michael Bromley-Martin:** You've already seen and then has a schedule --

**Melvyn Caplan:** OK.

**Michael Bromley-Martin:** Which sets out such breaches as there are --

**Melvyn Caplan:** OK.

**Michael Bromley-Martin:** From Platinum Lace and such breaches, well there aren't any, in relation to SophistiCats.

**Melvyn Caplan:** OK, that's, that's, that's fine. OK, and that's been, the objectors have received that?

**M:** Yes, yes, we have.

**Melvyn Caplan:** You've, you've had that? OK, fine. OK, I think in those sort of circumstances, happy for that to be circulated to us, unless you have any comments otherwise?

**M:** OK. The only, the only thing that I would say is this, if, if, you, if, oh I'm so sorry.

**Melvyn Caplan:** That's OK.

**M:** Am I on?

**Melvyn Caplan:** Yeah, you are.

**M:** So far as the statement is concerned, this is the short statement dated 9 April 2019.

**Melvyn Caplan:** (indicates listening)

**M:** In respect of paragraph four of that statement there are some factual observance made in respect of a woman, Mindy, who at one stage or another was employed at Platinum Lace. The, the dates and chronology so far as that is concerned are not accepted and so as long as I can, that's, that's clearly understood, I don't mind the statement being admitted --

**Melvyn Caplan:** OK, OK that was fine so, we, we haven't got this yet so --

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**F:** Yeah.

**M:** You've only, I'm sorry I didn't realise you hadn't seen it --

**Melvyn Caplan:** So, so, so we've been made aware of it but, OK so that, that --

**Michael Bromley-Martin:** Yeah, so paragraph 4 not admitted.

**Melvyn Caplan:** That point is understood and, yeah, Mr Bromley-Martin can address that but OK we'll, we'll have that circulated in, in a moment. Is there any other preliminaries, Mr Bromley-Martin you want to address us with?

**Michael Bromley-Martin:** Mr Chairman, I'm just going to ask you about --

**Melvyn Caplan:** (indicates listening)

**Michael Bromley-Martin:** What you've just said, about the order of the applications --

**Melvyn Caplan:** Sure.

**Michael Bromley-Martin:** For my part --

**Melvyn Caplan:** OK.

**Michael Bromley-Martin:** I'm very happy to deal with, as it were, both applications at the same time.

**Melvyn Caplan:** (indicates listening)

**Michael Bromley-Martin:** It seems to me there is such crossover that it's, it, it would, it, it would be unnecessary to, to deal with them separately.

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**Melvyn Caplan:** That, that, that's fine, I mean obviously they will be separate decisions but, you know --

**Michael Bromley-Martin:** Of course.

**Melvyn Caplan:** We're happy to sort of hear it concurrently as they said. The only reason I suggested kind of Brewer Street first, is I suspect that a lot of your submissions on both sides could, you know, could well be more about Brewer Street than, than Welbeck Street, you know, just in terms of, you know, what we have but, you know, but in terms of actually, it's inevitable that you'll, you know, merge together and you know be, be heard sort of concurrently. So it's, it's fine.

**Michael Bromley-Martin:** Can I say and I, I'd be grateful if I could be corrected by anyone --

**Melvyn Caplan:** Please do.

**Michael Bromley-Martin:** If I've, if I've got this wrong.

**Melvyn Caplan:** Yeah.

**Michael Bromley-Martin:** My understanding is that the principal objections relate to the suitability of John McKeown and certainly that is what I intend to address most fully.

**Melvyn Caplan:** That's fine, yeah. I, I think that's the case. I think that, you know, we'll, we'll, we'll --

**M:** Well --

**Melvyn Caplan:** Please go ahead.

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**M:** I'm, I'm so sorry, only because I was asked for clarification.

**Melvyn Caplan:** Please go ahead.

**M:** Suitability is, it's, it's, it's not just John McKeown, it's John McKeown and his partner Mr Langer. You may know Mr Langer's not going to be here today --

**Melvyn Caplan:** (indicates listening)

**Michael Bromley-Martin:** So we won't have the benefit of anything he may or may not have had to say but it's certainly both of them, both of them in circumstances where Devine Restaurants Limited, which is not only the company through whom this application is made, is one in which they are both, effectively, the sole shareholders and joint directors.

**Melvyn Caplan:** Yeah, OK, but in terms of, you know, you can spend a lot of time going back and forth, I assume you're comfortable though in terms of proceeding with the hearing, in terms of doing it concurrently? You know we're not going to get into ...

**Michael Bromley-Martin:** I'm, I'm, I'm happy about --

**Melvyn Caplan:** Yeah.

**Michael Bromley-Martin:** About it, about the hearing being conducted concurrently --

**Melvyn Caplan:** Yeah, yeah.

**Michael Bromley-Martin:** But I do want to be clear so we don't have problems down the line, that there may be an issue for you to consider --

**Melvyn Caplan:** (indicates listening)

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**Michael Bromley-Martin:** In, in, in terms of renewal, in circumstances where submissions that I have made impact upon Mr Langer and you've heard no evidence about that one way or another so, but my learned friend will take his own course. Of course he will.

**Melvyn Caplan:** We will deal, deal with that in due course. Mr Panto --

**Barry Panto:** Do you mind? *Shall I just ...*

**Melvyn Caplan:** Please, go ahead.

**Barry Panto:** Mike, just, just to put on the record so that we know what the situation is, and *the*, the points can still be taken, obviously, by both sides. We, we just, I'll make sure we're all aware of the transfer applications that have gone through. So, except when the renewals were put in, I think we have Devine Restaurant Limited for SophistiCats --

**Michael Bromley-Martin:** Yes.

**Barry Panto:** At 3 to 7, 3. No, no, sorry Devine is for 3 to 7 Brewer Street I believe --

**Melvyn Caplan:** Yeah.

**Barry Panto:** And Mondrealm for 77 Welbeck Street. In both cases the licences have been transferred to John McKeown Clubs Limited, people correct me if I'm wrong about this, and I believe he's the sole director of that club, sorry that company.

**F:** Yes, that's correct.

**Barry Panto:** But there's obviously the history where he was involved with Mr Langer previously, so that's just to say that's what I understand the accurate position to be.

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**Michael Bromley-Martin:** Thank you, yes, and that's, that's what I was referring to. Taking it quickly, I don't want there to be an issue, inadvertently arising later on because it may well be that I have separate submissions that you would want to consider --

**Melvyn Caplan:** (indicates listening)

**Barry Panto:** In respect of Section, I believe, 12(3) that, that deals with the question of whether or not in truth who behind, who was benefitting from the licence or the, the renewal application or behind it.

**Melvyn Caplan:** OK.

**Barry Panto:** Because I, I, I hadn't anticipated that Mr Langer would not be here today.

**Melvyn Caplan:** Understand, OK, anything else Mr Bromley-Martin?

**Michael Bromley-Martin:** Well that's very enigmatic but well there's no doubt it'll all become clear later. Mr Panto's correct. The position is that there is an application for transfer. And that comes about because Simon Langer in fact has got no more to do with SophistiCats --

**Melvyn Caplan:** (indicates listening)

**Michael Bromley-Martin:** And he has not had any involvement with SophistiCats since March last year.

**Melvyn Caplan:** (indicates listening)

**Michael Bromley-Martin:** So that's the reason why he's not here and as I say it, it, it will be no part of your consideration today, to consider the position of Simon Langer.

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**Melvyn Caplan:** Right, any other preliminaries that anybody wishes to raise?

(no audible response)

**Melvyn Caplan:** No, if that's the case I just, yeah?

F: No.

**Melvyn Caplan:** OK, so can we just have the formal introduction then from the Licensing Service which I've kind of gone into but let's just do that side of things.

F: Thank you Chair. Good morning ladies and gentlemen. This is an application to renew the sexual entertainment venue licence for SophistiCats at 3 to 7 Brewer Street, London. The application was initially heard on 26 February 2019 and following a detailed discussion, it was agreed that this was adjourned to be heard at a later date. The application has been made by Devine Restaurants Limited and represented today by John McKeown, Managing Director of SophistiCats, Thomas O'Maoileoin and Tom, Jack Spiegler of Thomas and Thomas and, Michael Bromley-Martin, QC. Four objections have been received in relation to this application. One objector, Simon Warr, has waived his right to anonymity and is represented today by Lana Tricker of LT Law and Dominic D'Souza, counsel. The Licensing Authority have also submitted an objection and are represented today by Roxsana Haq of the Licensing Authority and James Hayes, Team Manager for the city inspectors. Late submissions were received from the Applicant's solicitors on 5 and 8 April in the form of a report, witness statement and Freedom of Information request. These documents were circulated to all interested parties on the same day of receipt. Late submissions were received on behalf of one of the objectors and circulated to all interested parties the same day. That is all from me, Chairman, unless you have any further questions. Thank you.

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**Melvyn Caplan:** Do you want to formally introduce the other item as well, we can do it, you know, sort of formally because we'll be discussing the Welbeck Street one as well.

**F:** Sure.

**Melvyn Caplan:** If you can, I think you can be fairly brief because I think the parties are probably all the same.

**F:** Yes, the application has been prepared, has been made by Mond, Mondrealm Limited and represented today by John McKeown, Managing Director of SophistiCats, Thomas O'Maoileoin and Jack Spiegler of Thomas and Thomas and Martin, *sorry*, Michael Bromley-Martin, QC. Three objections have been received in relation to this application. One of the objectors, Simon Warr, has waived his right to anonymity and, again, is represented today by Lana Tricker of LT Law and Dominic D'Souza, Counsel. The Licensing Authority have also submitted an objection and represented today by Roxsana Haq of the Licensing Authority and James Hayes, Team Manager, for the City inspectors. Again, late submissions were received on 5 and 8 April and circulated to all interested parties the same day and one late submission received from the objector, and circulated to interested parties, again, the same day. Thank you, Chair.

**Melvyn Caplan:** OK so the way we will conduct proceedings today is that we will hear from the objectors first that's, that's ...

**Michael Bromley-Martin:** Could I address *one now*.

**Melvyn Caplan:** You, you, you may do so.

(laughter)

**Melvyn Caplan:** That's why I was asking about preliminaries earlier, earlier on but that is our, our standard sort of procedure but I'm happy to hear your point.

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**Michael Bromley-Martin:** I, I do appreciate that it is --

**Melvyn Caplan:** Yeah.

**Michael Bromley-Martin:** A standard procedure and it's a very sensible one because --

**Melvyn Caplan:** (indicates listening)

**Michael Bromley-Martin:** Usually the, the committee, and to a certain extent the Applicant, do not know the full extent of --

**Melvyn Caplan:** (indicates listening)

**Michael Bromley-Martin:** The objections and it's always wise, as it were, to start with --

**Melvyn Caplan:** (indicates listening)

**Michael Bromley-Martin:** What those are. In this case, the committee has benefitted, I hope it's benefitted, from no less than 300 pages of documentation, not to mention a 19 page, 36 paragraph submission from Mr D'Souza.

**Melvyn Caplan:** (indicates listening)

**Michael Bromley-Martin:** And we are all aware of precisely what the objections are and so I would ask for a different approach, *that* which is normally the case in an SEVL Hearing --

**Melvyn Caplan:** (indicates listening)

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**Michael Bromley-Martin:** And ask that as it is our application, or applications, and we know full well exactly what the objections are. They've been very clearly --

**Melvyn Caplan:** (indicates listening)

**Michael Bromley-Martin:** Set out, that this is an occasion when the Applicant should, as would be normal otherwise, go first, please?

**Melvyn Caplan:** OK, so I hear your, your submission. Mr D'Souza would you like to make a comment on that before we decide what we're going to do?

**Dominic D'Souza:** I, I, I can understand why my learned friend would want to set out his stall strategically as advantageously to him as he can, and I don't want to stand in the way of that. So, I'm perfectly happy to be content to do whatever the committee feel is apposite in the circumstances.

**Melvyn Caplan:** OK, yeah. Mr Panto?

**Barry Panto:** Yes, well I think everybody, everybody's come to an amicable, amicable conclusion on that. Just to explain the reason why that approach was being suggested is actually very, very much based on the case law analysis of the legislation and the fact that objectors don't actually have a right to a hearing under the legislation --

**Michael Bromley-Martin:** *I see.*

**Barry Panto:** But we've always, the practice has always been to let objectors come first and actually so that the Applicant then has, has only got the function of saying, right we know what the objections are, we'll deal with them. But in view of what's been said, I think it's quite appropriate for the Applicant to go first in those circumstances --

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**Melvyn Caplan:** Right, you're, you're, you're comfortable with that? OK, you note that we are --

**Barry Panto:** Perfectly content, yes.

**Melvyn Caplan:** Yes, as Mr Panto's correctly set out on what the legal position is we're, you know, we're happy to proceed in that way so Mr Bromley-Martin would you like to kick off then?

**Michael Bromley-Martin:** I will, thank you. Thank you. Mr Chairman I have dealt with this in the order of Welbeck Street first and Brewer Street second but that's only because that's the way it's come in the --

**Melvyn Caplan:** It's, it's, it's not a problem, not a problem.

**Michael Bromley-Martin:** And would it be helpful, I'm sure it would be, if, if I just set out exactly what the objections are --

**Melvyn Caplan:** (indicates listening)

**Michael Bromley-Martin:** And where they can be found and then, then I will go through each of them --

**Melvyn Caplan:** (indicates listening)

**Michael Bromley-Martin:** And provide Mr McKeown's SophistiCat's case in respect of each of them.

**Melvyn Caplan:** OK.

**Michael Bromley-Martin:** First of all, then, in relation to Welbeck Street --

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**Melvyn Caplan:** OK.

**Michael Bromley-Martin:** And we are looking here at page 3 of the agenda report.

**Melvyn Caplan:** OK.

**Michael Bromley-Martin:** And at paragraph 6.1 --

**Melvyn Caplan:** Yeah.

**Michael Bromley-Martin:** Is the formal objection of the Licensing Authority.

**Melvyn Caplan:** (indicates listening)

**Michael Bromley-Martin:** And we're going to see that again in relation to Brewer Street.

**Melvyn Caplan:** (indicates listening)

**Michael Bromley-Martin:** In relation to Brewer Street, as I say we should come to it, when we get to Brewer Street --

**Melvyn Caplan:** OK.

**Michael Bromley-Martin:** There are two appendices which set out the position for Licensing Authority but --

**Melvyn Caplan:** Sorry, could I just interrupt you for a second Mr Bromley-Martin?

**Michael Bromley-Martin:** Of course.

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**Melvyn Caplan:** One, one question which is worth asking, sort of, at this point is, as we understand it and I don't think you can dispute, I mean Welbeck Street's actually closed. I mean we're just interested in terms of the context of why that application is, sort of, continuing, you know in the sense that it's closed and, you know, we know it's being redeveloped and everything. *If you can* just, just help us, help us with that if you would?

**Michael Bromley-Martin:** Well because as soon as, as soon, as soon as the redevelopment is completed trade needs to start immediately --

**Melvyn Caplan:** Oh OK, OK.

**Michael Bromley-Martin:** So, it is to maintain the license of course.

**Melvyn Caplan:** That's fine, that's fine.

**Michael Bromley-Martin:** *No, there, there's ...*

**Melvyn Caplan:** No, I just, just wanted to check on that, you know --

**Michael Bromley-Martin:** Yeah.

**Melvyn Caplan:** Because we're, we're all familiar, you know, in terms of, *we're* all familiar that, you know, it is obviously closed down. I wasn't aware that it was going to be reopening as part of this.

(parties talk amongst themselves)

**M:** Interesting.

**M:** Interesting they didn't know *what* was going to ...

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**Michael Bromley-Martin:** Then the objection from the Licensing Authority, formal objection, as I, as I understand it the, the, the objection is not pursued as an objection today --

**Melvyn Caplan:** (indicates listening)

**Michael Bromley-Martin:** In relation to, either Welbeck Street or Brewer Street --

**Melvyn Caplan:** (indicates listening)

**Michael Bromley-Martin:** And I shall come to what is said in Appendix E2 and E3 when I come to --

**Melvyn Caplan:** OK.

**Michael Bromley-Martin:** Brewer Street. The, then objection number 2, in relation to Welbeck Street --

**Melvyn Caplan:** (indicates listening)

**Michael Bromley-Martin:** Which is set out in paragraph 6.2 --

**Melvyn Caplan:** Yeah.

**Michael Bromley-Martin:** On page 3. This is a, a, a, an objection based upon what I'm going to refer to as backlinking.

**Melvyn Caplan:** Yeah.

**Michael Bromley-Martin:** I hope to be able to explain to the committee what backlinking is --

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**Melvyn Caplan:** (indicates listening)

**Michael Bromley-Martin:** In due course. That objection appears to be anonymous, but we understand it in, in fact the objection is made by a person called Greg Pattison and, and he is an associate of, or, or known to or involved with Simon Warr who is, of course, the Principal Objector.

**Melvyn Caplan:** (indicates listening) Just, just to remind you and I'm not going to stop you saying what you wish to say, but obviously objection two is anonymous and has retained the right to be anonymous but, you know, as I say I'm not going, I'm not going to stop any comments or whatever but, you know, in terms of, you know, committee sort of a scenario, an objector is entitled to remain anonymous if they so wish. Perhaps bring that on the record but as I say I'm not, I'm not going to challenge what you're saying or allow you to, you know, you can do it but I, it's important that I make that sort of comment because *it* --

**Michael Bromley-Martin:** And I quite understand it. I, I, I quite understand, and I shall come to backlinking, as I said in, in --

**Melvyn Caplan:** Yeah, that's fine.

**Michael Bromley-Martin:** The objection three, in relation to Welbeck Street also on page three --

**Melvyn Caplan:** Yeah.

**Michael Bromley-Martin:** Is Simon Warr's objection --

**Melvyn Caplan:** Yeah.

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**Michael Bromley-Martin:** And that I shall of course come to in due course. So those are the three objections in relation to Welbeck Street --

**Melvyn Caplan:** Yeah.

**Michael Bromley-Martin:** In relation to Brewer Street and the agenda report is at page 67 --

**Melvyn Caplan:** Yeah, so that one. 69 we get to the objections, yeah.

**Michael Bromley-Martin:** 69 we get to the objections --

**Melvyn Caplan:** Yeah.

**Michael Bromley-Martin:** And if, of course, I had a piece of paper, I'd be able to get there a lot quicker than having a laptop, sorry about that. I'll do it from my note. Paragraph 6.1 on page 69 is again the Licensing Authority's objection --

**Melvyn Caplan:** Yeah.

**Michael Bromley-Martin:** The Licensing Authority's position set out, as I've just said, Appendix E2 which is at page 92 --

**Melvyn Caplan:** Yeah.

**Michael Bromley-Martin:** And I wonder if we could go to that please.

**Melvyn Caplan:** Yeah.

(parties open up document)

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**Michael Bromley-Martin:** This is a memorandum sent through to Daisy Gadd from Chief of the City Inspector's Office --

F: Yeah.

**Michael Bromley-Martin:** It refers to Brewer Street SophistiCats. It refers to the reviewing of CCTV recordings for 11 October --

**Melvyn Caplan:** (indicates listening)

**Michael Bromley-Martin:** 2018. In the, one, two, three, four, five, sixth paragraph it says this:

**“The CCTV system was comprehensive, and all areas appeared monitored. The recordings from 2241 and 0214 hours were reviewed with particular attention given to the private dancing areas. During the videoing physical contact was observed between performers and customers or between customers and performers, however, much of this contact was initiated by the customer with the performer taking action to stop the contact.”**

**Melvyn Caplan:** OK.

**Michael Bromley-Martin:** And then over on page 93:

**“Where an instance of contact was not properly responded to by a performer, CCTV recordings appeared to show the management of the premises carrying out supervision and then having discussions with the performer.”**

There was then viewing of a number of other recordings and the, the report goes on to say:

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“Although some physical contact was observed between performers and customers, or between customers and performers while reviewing the recordings, the recordings I reviewed did not appear to show the whole of the licence without reasonable excuse to be knowingly contravening or knowingly *admitting* a contravention of the conditions attached to the license.”

**Melvyn Caplan:** Yes, OK.

**Michael Bromley-Martin:** You, you, you will know that 11 October is, is the, the date which was the subject --

**Melvyn Caplan:** (indicates listening)

**Michael Bromley-Martin:** Of a now withdrawn objection --

**Melvyn Caplan:** Yeah.

**Michael Bromley-Martin:** By a, a, a, well he was anonymous but we, we know his name and I'm noting what you said earlier --

**Melvyn Caplan:** (indicates listening)

**Michael Bromley-Martin:** I'll, I'll, I'll only refer to his name perhaps later.

**Melvyn Caplan:** OK.

**Michael Bromley-Martin:** But his initials are AB --

**Melvyn Caplan:** (indicates listening)

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**Michael Bromley-Martin:** Maybe that's sufficient for our purposes.

**Melvyn Caplan:** OK.

**Michael Bromley-Martin:** The Appendix E3 is at page 94 and it is a further submission dated 31 March, so only ten days ago and it says;

**“This subsequent to November, we have made two unannounced visits to 3 to 7 Brewer Street. These were on 24 December and 30 March this year. On both occasions a walkthrough was completed, and the CCTV checked to ensure all areas were being monitored and the recordings were being stored for 31 days. We also reviewed recordings from the, from the preceding 31 days looking for physical contact between performers and customers or between customers and performers or between performers. We also reviewed the incident log and used this to review incidents via the CCTV recording to see how the incidents had been managed. On each visit the premises were found to be well ran, run and operating in accordance with conditions on the license.”**

**Melvyn Caplan:** OK.

**Michael Bromley-Martin:** But the position is this, and I shall come to this later. In, in contradistinction to the premises of the objector, Simon Warr, the premises at SophistiCats either at Welbeck Street or, or, or Brewer Street have, have never been the subject of any breach of their conditions and never has there been found any incident to prove or shown to be the case where the breach of the license at *whatever occasion*.

**Melvyn Caplan:** Thank you.

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**Michael Bromley-Martin:** And I shall of course, be relying on upon that heavily in due course. Returning then to the objections and to page 69 --

**Melvyn Caplan:** (indicates listening)

**Michael Bromley-Martin:** Paragraph 6.4 stated to be objection one --

**Melvyn Caplan:** (indicates listening)

**Michael Bromley-Martin:** Is an anonymous objector referring to the Back to School promotion --

**Melvyn Caplan:** (indicates listening)

**Michael Bromley-Martin:** I will only say at the moment that it would appear that that anonymous objector has got, frankly, the wrong end of the stick in relation to that and I shall deal with it in due course when I come to the contents of Mr McKeown's statement.

**Melvyn Caplan:** OK.

**Michael Bromley-Martin:** Paragraph 6.6 on page 70 contains objection two. This is principally an objection in relation to what is said to be touting --

**Melvyn Caplan:** (indicates listening)

**Michael Bromley-Martin:** I'm aware, am I right, that you've watched a video this morning --

**M:** Yeah.

**M:** Yeah.

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**Melvyn Caplan:** Yes.

**Michael Bromley-Martin:** And this relates to 12 October.

**Melvyn Caplan:** (indicates listening)

**Michael Bromley-Martin:** This was the day obviously after 11 October to which I've just referred and the, the date closely associated with the complaint of, or the objection now withdrawn of AB --

**Melvyn Caplan:** (indicates listening)

**Michael Bromley-Martin:** And we believe this is closely associated with it. We know that, we believe we know the name of it, I won't mention it now because it's not necessary but, again, all these people are associated with Simon Warr, the Principal Objector --

**Melvyn Caplan:** (indicates listening)

**Michael Bromley-Martin:** Again, I shall deal with that when I come to dealing with Mr McKeown's statement in due course. Objection three, on page 70 at paragraph 6.8. This is, again, the backlinking objection. I've already mentioned that I shall come to that in due course. That objection is anonymous --

**Melvyn Caplan:** (indicates listening)

**Michael Bromley-Martin:** Again, we believe that we know the name.

**Melvyn Caplan:** (indicates listening)

**Michael Bromley-Martin:** I won't mention it again and again we believe that this is linked to Mr Warr.

**Melvyn Caplan:** OK.

**Michael Bromley-Martin:** The objection four on page 71 at paragraph 6.10 is, of course, Mr Warr's late objections of 31 December 2018.

**Melvyn Caplan:** OK.

**Michael Bromley-Martin:** Very well then. From that it can be seen, we say that for all these objections that emanate, or are associated with Mr Simon Warr who as, as you know is, is the operator of Platinum Lace, not only in, in London but in other venues across the, *object*, across the country. The objections made by him have been a subject of submissions made by Mr D'Souza --

**Melvyn Caplan:** (indicates listening)

**Michael Bromley-Martin:** And, and you have that, I believe in the supplementary appendix.

**Melvyn Caplan:** Yeah.

**Michael Bromley-Martin:** I think that's its, it might, might be that that's its title.

**Melvyn Caplan:** Yeah.

**Michael Bromley-Martin:** These submissions, as I've already mentioned over some 18 or 19 pages --

**Melvyn Caplan:** (indicates listening)

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**Michael Bromley-Martin:** Some 36 pages, seem to be highly repetitive and, and use what I would refer, refer to as somewhat immoderate language --

**Melvyn Caplan:** (indicates listening)

**Michael Bromley-Martin:** It makes a series of really quite extraordinary allegations and I, I can do no more than that because I'm not going to do a page by page approach to this document or critique of this document --

**Melvyn Caplan:** Yeah.

**Michael Bromley-Martin:** But I will take you to paragraph 15 if I, if I may?

**Melvyn Caplan:** OK.

**Michael Bromley-Martin:** Paragraph 15 seeks to set out what is alleged to be criminal conduct on the part of Mr McKeown and, and also of, of Mr *Langer*.

**Melvyn Caplan:** (indicates listening)

**Michael Bromley-Martin:** Now, as you, as you may know, Mr Chairman, I don't know. My, my day job is as a criminal barrister --

**Melvyn Caplan:** I'm aware of that, yeah.

**Michael Bromley-Martin:** And of course, I was looking through this, this list of, of ten apparent criminal offences --

**Melvyn Caplan:** (indicates listening)

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**Michael Bromley-Martin:** Alleged. I'm, I'm afraid the vast majority of them simply are, are not criminal offences. They're not criminal offences that I'm, I'm aware of, anyway. Either acting as a criminal advocate or as a criminal judge, I just simply do not see them. For instance, the second one, conspiracy to manipulate the licensing process. The, the third one, conspiracy to obtain a pecuniary advantage over competitors. Number four, coercion of individuals in pursuance of an offence. I, I could go on. These are, are, are odd, to say the least. I, I, I would particularly refer you to number eight --

**Melvyn Caplan:** (indicates listening)

**Michael Bromley-Martin:** Which is the fraudulent submission of objection to the SEV renewal, the 2018 objection, is in exact terminology as that as expressed in an earlier objection to the Windmill and it's clearly an exercise in cut and paste without any legitimate cause. This seems to be a reference to the 2018 renewal of Platinum Lace's SEV --

**Melvyn Caplan:** (indicates listening)

**Michael Bromley-Martin:** Which took place with you as the Chairman --

**Melvyn Caplan:** Yeah.

**Michael Bromley-Martin:** On 28 April.

**Melvyn Caplan:** (indicates listening)

**Michael Bromley-Martin:** It also is a reference to the Windmill's Application for, was it the 2017 renewal, at which I should indicate I appeared on behalf of the Windmill.

**Melvyn Caplan:** And I chaired it, as you know.

**Michael Bromley-Martin:** And you chaired it as well.

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**Melvyn Caplan:** Yeah.

**Michael Bromley-Martin:** And it seems to be suggesting that the committee was misled and that the conclusions that the committee came to were brought about by, by fraud. That is what seems to be the suggestion being made here and I, I will leave it to you as to how you will approach such a suggestion.

**Melvyn Caplan:** OK, I mean, you know, I'll make the point now and, you know, everybody I think round the table on both sides, I think, should understand *this*, Mr Panto *as well*, that, you know, we're not a criminal court --

**Michael Bromley-Martin:** *OK.*

**Melvyn Caplan:** And part of the reason why our preference has sometimes, you know, has always been in the past is to hear the objectors first is that sometimes it's easier to actually hear in more detail what they've got to say before we get into this, but the key point that I will make is that we're not a criminal court and our duties here are in relation to the appropriate licensing rules and regulations and, obviously, deciding on whether we grant a license or not, is, *isn't* based on that. We will make no comment at any point today, in terms of alleged criminality or whatever, that is not our role and, you know, you've, you've made your sort of comments and Mr D'Souza's obviously is hearing my sort of comments as well, you know. We'll be very tolerant in terms of what you say. We're not going to try and stop you saying things but, you know, ultimately any arguments about criminal acts will not be heard here.

**Michael Bromley-Martin:** Can I respectfully entirely agree with that position.

**Barry Panto:** Can I just --

**Michael Bromley-Martin:** The effect of the --

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**Melvyn Caplan:** Just one sec, just, just, just one sec. Mr Panto wants to add something to my comments.

**Barry Panto:** No, I hope you don't mind me just (*inaudible*) --

**Melvyn Caplan:** No, please *go ahead*.

**Barry Panto:** I just thought, I just want to just make sure we've just got clarification about what's just been said --

**Melvyn Caplan:** Yeah, yeah.

**Barry Panto:** Just for the avoidance of any doubt --

**Melvyn Caplan:** Absolutely.

**Barry Panto:** And sorry for the intervention.

**Melvyn Caplan:** No, no that's fine.

**Barry Panto:** I think just, just to, to be clear I think that what we're saying is of course it is not the function of the Licensing Subcommittee to determine criminal liability --

**Melvyn Caplan:** Correct.

**Barry Panto:** And we cannot do that at this panel --

**Melvyn Caplan:** Yeah.

**Barry Panto:** But I think it's important just to place it on record --

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**Melvyn Caplan:** Yeah.

**Barry Panto:** The fact that the objectors, although we know it's, it's going to be challenged, the objector's part of the claim of suitability --

**Melvyn Caplan:** *Absolutely.*

**Barry Panto:** Is the allegation that they have been involved --

**Melvyn Caplan:** Correct, correct, yeah.

**Barry Panto:** In criminal conduct --

**Melvyn Caplan:** Yeah, yeah.

**Barry Panto:** And so, we must understand that they, they're making --

**Melvyn Caplan:** Yeah.

**Barry Panto:** The allegation, I mean, we're not stopping the allegation being made --

**Melvyn Caplan:** Absolutely, yeah, yeah.

**Barry Panto:** Just, just for the record.

**Melvyn Caplan:** No that's, that's --

**Barry Panto:** Thank you very much.

**Michael Bromley-Martin:** And hopefully, and hopefully by way, by way of assistance, I'm sorry I didn't mean to inter, to interrupt --

**Melvyn Caplan:** Yeah, *yeah*.

**Michael Bromley-Martin:** I didn't think for a minute, Mr Caplan, that you what meant was --

**Melvyn Caplan:** No.

**Michael Bromley-Martin:** That you're not prepared to hear facts --

**Melvyn Caplan:** No.

**Michael Bromley-Martin:** Of discreditable conduct --

**Melvyn Caplan:** *Absolutely*.

**Michael Bromley-Martin:** It's just that it's not for us to determine whether it's criminal or otherwise?

**Melvyn Caplan:** Correct. And you know that --

**Michael Bromley-Martin:** So, I do have that correctly?

**Melvyn Caplan:** Exactly. And, no, I think Mr Panto as always --

**Barry Panto:** We're all agreed.

**Michael Bromley-Martin:** Thank you.

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**Melvyn Caplan:** Makes helpful sort of comments in that way.

**Michael Bromley-Martin:** Yes.

**Melvyn Caplan:** I think everybody understands it, but it is important to get it on the record --

**Michael Bromley-Martin:** Yes.

**Melvyn Caplan:** And there are many things that will be in disagreement today, that is not one of them.

**Michael Bromley-Martin:** I agree. Nor, nor will we need to go through, I hope, the, the elements of the offence of conspiracy to coerce or whatever it was.

**Melvyn Caplan:** Yeah, go ahead. Keep going.

**Michael Bromley-Martin:** The essential objection made by Simon Warr is in relation to the attempts to establish whether there were breaches of the licensing conditions in his premises at Platinum Lace. John McKeown, as you will have seen, from his witness statement, I'm talking about Witness Statement number one --

**Melvyn Caplan:** Yeah.

**Michael Bromley-Martin:** He's quite happy to confirm that in December or late 2015 his then partner, Simon Langer was involved in the placing into the newspaper, or several newspapers, of an article setting out concerns as to the breach of the license at Platinum Lace. He instructed witnesses, as we know, has very often taken place since then to go into Platinum Lace and evidence was subsequently provided to Westminster City Council --

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**Melvyn Caplan:** (indicates listening)

**Michael Bromley-Martin:** In the ordinary event. In fact, following the newspaper article the, there was no objection made during that year to the license and the Licensing Subcommittee took its own, and I shall come to this in a, in a, in a while, its, its own course and made its own conclusion about it. The second, second thing is the 2016 renewal and, and again he is happy to confirm that in relation to the renewal of 2016, he instructed witnesses, again, to provide evidence in the ordinary way but that evidence was provided to Westminster City Council. He did not, in fact, in the event object to the renewal but, of course, we know what the outcome was. I don't know, Mr Chairman, whether you were Chairman on that occasion or not?

**Melvyn Caplan:** I don't recall.

**Michael Bromley-Martin:** But it's set out in, it's set out in the schedule that I referred to earlier what the result of, of, of it was.

**Melvyn Caplan:** Yeah, I don't think I was, yeah.

**Michael Bromley-Martin:** And, well perhaps I can, I can go to that now. Do you in fact have the document there now?

**Melvyn Caplan:** Which one?

**Michael Bromley-Martin:** The schedule.

**Melvyn Caplan:** Yes.

**M:** (inaudible) *invoice* --

**Barry Panto:** It didn't go to committee (inaudible)

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**Melvyn Caplan:** Yeah, but, you know, it's ...

**F:** It didn't go to committee if that helps.

**Melvyn Caplan:** It didn't, it didn't go to committee, it sounds like.

**F:** No.

**Michael Bromley-Martin:** No.

**M:** (inaudible)

**Melvyn Caplan:** So, we wouldn't have been involved with it. *It was nothing --*

**Michael Bromley-Martin:** No, no. No, I was just going to say if, if you have the schedule, we can just see what actually happened in relation to both those events, both the, both the reports in the newspaper --

**Melvyn Caplan:** (indicates listening)

**Michael Bromley-Martin:** And the subsequent submission to Westminster Council --

**Melvyn Caplan:** Yeah.

**Michael Bromley-Martin:** Westminster Council of evidence and then in relation to the 2016 renewal --

**Melvyn Caplan:** Yeah.

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**Michael Bromley-Martin:** The use of witnesses and the submission of the evidence to Westminster Council --

**Melvyn Caplan:** (indicates listening)

**Michael Bromley-Martin:** And the subsequent 2016 renewal application. So, if you have the schedule --

**M:** What's this one now?

**M:** That's the additional document. (inaudible) --

**Michael Bromley-Martin:** The additional document.

**Melvyn Caplan:** *Yeah*, pass, pass, pass them across, *yeah*. They're, they're now being passed across.

**Michael Bromley-Martin:** *Yeah*, *yeah* good.

**M:** Have you got more copies?

**F:** I have, *have* (inaudible)

**Melvyn Caplan:** Oh, you've got them now, *Sian*, sorry, OK. Just bring, bring them round here, *yeah*.

**M:** Thank you. At least they're all on paper *with a staple*.

**Melvyn Caplan:** Do you want to give us, give us the other page as well? We might as well have both the documents at the same time --

**Michael Bromley-Martin:** Yes.

**Melvyn Caplan:** So, *as they count*.

**Michael Bromley-Martin:** This is two pages, this --

**Melvyn Caplan:** Yeah.

**F:** *Yeah (inaudible)*

**Melvyn Caplan:** Yeah, yeah.

**Michael Bromley-Martin:** This schedule.

**Melvyn Caplan:** Yeah, yeah.

**Michael Bromley-Martin:** Oh, have you got, it's double sided --

**Melvyn Caplan:** It's, it's double sided, it's *coming*, it's *coming*.

**Michael Bromley-Martin:** (indicates understanding)

**M:** (inaudible)

**Melvyn Caplan:** Yeah, OK go ahead.

**Michael Bromley-Martin:** Saving paper. This is a schedule which sets out to clients in relation to Platinum Lace on the left --

**Melvyn Caplan:** Yeah, yeah.

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**Michael Bromley-Martin:** And SophistiCats on the right, right --

**Melvyn Caplan:** Yeah.

**Michael Bromley-Martin:** In December 2015, this is a, a reference to the newspaper articles that came out in January 2016 --

**Melvyn Caplan:** Yeah, we've got it here.

**Michael Bromley-Martin:** But it related to incidents in Platinum Lace in December 2015 and the finding was that this incident, the subject of a newspaper article was a, the breach of the no touching condition over a 15 minute period on 12 December, and that was the incident, as I've said, that was reported on 7 January in the Daily Mirror and the Daily Star --

**Melvyn Caplan:** (indicates listening)

**Michael Bromley-Martin:** There was no CCTV coverage of the booth.

**Melvyn Caplan:** (indicates listening)

**Michael Bromley-Martin:** There was complacent supervision and there was no intervention by the supervisors or managers during the breach and this was the action that was taken by the Licensing Authority in relation, and of course by the Licence holder, CCTV upgrade, a new Head Supervisor, the Head Supervisor was suspended. The new security policy and training was implemented, the performer was dismissed. There was improved supervision in booths, there was a staff meeting to reinforce the code of conduct and the supervisory manager was replaced. There was, incidentally, though Mr McKeown I don't believe had anything to do with this, a breach or incident in April 2016. I don't need to say anything about that --

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**Melvyn Caplan:** (indicates listening)

**Michael Bromley-Martin:** And then the 2016 renewal application where evidence was submitted to WCC by, by Mr McKeown. It was found that there was a breach of the no touching condition on 6 and 7 October in the VIP rooms. A separate incident of inappropriate conduct witnessed on the CCTV by the Licensing Authority and faults with the CCTV system and the action was the performer was suspended, new cameras in the dance areas and monitoring of the CCTV. It's not known what happened in relation to the 2017 renewal. In relation to 2018 renewal which, you as Chairman dealt with --

**Melvyn Caplan:** Yeah.

**Michael Bromley-Martin:** Just last month.

**Melvyn Caplan:** Yeah.

**Michael Bromley-Martin:** 28 February and with which Mr McKeown had no involvement at all nor is there any complaint that he did. There were found to be some 454 breaches of which only five were serious and involving different forms on different dates but the SEVL was renewed and --

**Melvyn Caplan:** Yeah.

**Michael Bromley-Martin:** The, which as you'll well know, the circumstances of all of that. So, there is no doubt and as I say Mr McKeown is happy to confirm his involvement in the newspaper articles, insofar as his partner Mr Langer was involved with it and of course his involvement in the evidence submitted for the 2016 renewal application, even though he didn't object to it. He gives his reasons for taking this action in several parts in his witness statement. I wonder if I could take you to them. First of all, at paragraph nine of his witness statement --

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**Melvyn Caplan:** Yeah.

**Michael Bromley-Martin:** Mr McKeown indicates his concern that widespread breaches of license conditions in the industry are contributing to an expectation amongst customers, and he means his own customers, that physical contact with performers during relevant entertainment is permitted. This results in a risk of compromise when customers visit a compliant sexual entertainment venue and, of most concern to me, compromise is the safety and welfare of women working in these establishments. I would hesitate to say that that might almost be the words of a Licensing Subcommittee Chairman. The effect of noncompliant sexual entertainment venue licenses, is as you can imagine. That when a customer comes to a compliant venue such as SophistiCats, the customers expect the same sort of things to go on as they have been able to do in places such as The Windmill and Platinum Lace. And there is the risk of not only conflict, there is, in addition, the welfare of the dancers and performers, not to mention the potential for breaches of the conditions to take place without the ability of the, of the license holder to, to control it. That is to say that the customer becomes so certain of his own rights to, to do certain things which would be a breach of the conditions that he goes ahead and does them --

**Melvyn Caplan:** (indicates listening)

**Michael Bromley-Martin:** To the detriment of the compliant licence holder. He deals with more reasoning for this at paragraph 12. He goes on to complain and I'm looking at the last para, last two paragraphs, paragraph, the last two sentences of paragraph 12 --

**Melvyn Caplan:** (indicates listening)

**Michael Bromley-Martin:** At, at the time he, he, he says this was beginning to impact on the behaviour of our customers and in short, our performers and staff were having to fight cost, customers off far too often for that very reasoning. He goes on to deal with it, again, in paragraph 19, if I could take you to there. He speaks about after the involvement with the freelance journalist, James Millbank --

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**Melvyn Caplan:** (indicates listening)

**Michael Bromley-Martin:** In late 2015 resulting in the articles in January 2016. He goes on to say we continued to monitor the situation at Platinum Lace in 2016 and he goes on to say, I would like to reiterate that this was not for commercial reasons, as was claimed. Nor to do any harm to, to Mr Warr's business. I was instead generally concerned about the way the industry might be headed as evidenced by what was going on at Platinum Lace and clubs like it. I had my own business to protect. He does then go on in paragraph 21 to say that this was not of course wholly altruistic. He says, I, I, I, my motives were not purely altruistic, you can see in the third sentence, and were to my advantage on some levels. I wish to remain in the industry. I am happy to compete on a level playing field with any other club, but I will not condone wholesale abuses of performers, something of which I have not tolerated in my own clubs. And of course, this, purely, if you like selfish consideration is this. If premises such as Platinum Lace and The Windmill are permitted to allow their customers to make contact with the performers and allow their performers to make contact with, that obviously is of a commercial advantage to those premises, and to the commercial detriment of Mr McKeown and his business, which is, which is not so maintained. So, I, I want to be quite clear. Mr McKeown is not remotely ashamed and is very happy to confirm his involvement in the newspaper articles in January 2016 and indeed his involvement in the renewal application in 2016. He believes that although he does have selfish considerations in mind, what he is doing is in the public interest and in the *public* interest of good governance of sexual entertainment venue licensing --

**Melvyn Caplan:** Yeah, *got it*.

**Michael Bromley-Martin:** Can I then go to the objections that are made --

**Melvyn Caplan:** Please.

**Michael Bromley-Martin:** By Simon Warr, as I said I, I would.

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**Melvyn Caplan:** Yeah.

**Michael Bromley-Martin:** The, the statement of Simon Warr is dealt with by Mr McKeown in his statement and that's his first statement between paragraphs five and 36. In Mr Warr's statement he makes particular reference to Tony Nash --

**Melvyn Caplan:** (indicates listening)

**Michael Bromley-Martin:** Who is the retired police officer who has been acting as a private investigator. Mr McKeown deals with Mr Nash's statements, certainly up to the third statement which was only recently produced --

**Melvyn Caplan:** (indicates listening)

**Michael Bromley-Martin:** Between paragraphs 37 and 56 of his, Mr McKeown's statement and, and I, I hope and I, I certainly sought to ensure this myself that he has dealt with those statements as economically as he possibly can. We are conscious of the need to keep the amount of paperwork --

**Melvyn Caplan:** (indicates listening)

**Michael Bromley-Martin:** In these sort of cases to an absolute minimum.

**Melvyn Caplan:** Yeah, and the other thing I should've said earlier on but, you know, it should be taken for granted, of course, the committee have read all the documents and so whilst I'm happy for you to point us in particular directions, you don't necessarily need to read things verbatim because we will have been through all of that. I think also, again, I'll make the point again that you of course will get, another round, sort of later on and I'm just sort of conscious that I'm happy for you to cover everything you want to cover but there may be a kind of a scenario where things will get raised by objectors --

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**Michael Bromley-Martin:** Don't worry.

**Melvyn Caplan:** That you wish you --

**Michael Bromley-Martin:** I'm not going to.

**Melvyn Caplan:** That's, no, that's fine but I think --

**Michael Bromley-Martin:** No, that's the, the sole reason why I just gave you the paragraph numbers --

**Melvyn Caplan:** Yeah, that's, that's fine. Keep going.

**Michael Bromley-Martin:** I, I wasn't going to take you, you through them. --

**Melvyn Caplan:** That's fine, keep going then.

**Michael Bromley-Martin:** I, I was going to commend you to, to --

**Melvyn Caplan:** Yeah, yeah.

**Michael Bromley-Martin:** Rereading them of course in due course --

**Melvyn Caplan:** Yeah, yeah.

**Michael Bromley-Martin:** And to give you the reference for them --

**Melvyn Caplan:** That's fine, go ahead.

**Michael Bromley-Martin:** I'm only here to make --

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**Melvyn Caplan:** Yeah.

**Michael Bromley-Martin:** General observations.

**Melvyn Caplan:** Yeah, go ahead then.

**Michael Bromley-Martin:** I've, I've already indicated the reasons why John McKeown took the actions that he did --

**Melvyn Caplan:** Yeah.

**Michael Bromley-Martin:** In 2015 and 2016. It, it is perfectly apparent that both Simon Warr and Tony Nash, take the, take the view that, that it was simply Mr McKeown's motivation was simply to damage his, Mr Warr's business as a competitor.

**Melvyn Caplan:** (indicates listening)

**Michael Bromley-Martin:** And I only need to look at the fact. *You know*, I only need to point to the fact that Mr McKeown didn't even object to Mr Warr's license --

**Melvyn Caplan:** (indicates listening)

**Michael Bromley-Martin:** In the 2016 or indeed the 2018 renewal applications to show that that is not the case, or at least it was later withdrawn. And the, the, the entire tone, if I may say so, of Mr Warr's statement it, it, it appears to be a, a, a want for revenge, for the actions that Mr McKeown has taken. Mr Tony Nash's report in three statements, of course, I, I, I appreciate Mr Nash's past as an eminent police officer with the Metropolitan Police -  
-

**Melvyn Caplan:** (indicates listening)

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**Michael Bromley-Martin:** And I've no doubt but of course he, he's no longer a police officer --

**Melvyn Caplan:** (indicates listening)

**Michael Bromley-Martin:** And, and he, he, he is, I'm hoping he won't mind my, maybe he might even be happy for me to describe him as a hired gun but, but he is in the same --

**Melvyn Caplan:** I think the answer to that was no.

**M:** I could tell you the answer to that would be no.

**Michael Bromley-Martin:** In which case I immediately withdraw it.

**M:** Thank you.

**Melvyn Caplan:** Go ahead.

**Michael Bromley-Martin:** But I'm sure he knows what I, I, I (repeats) mean. He, he makes, he, he makes the allegation that, that, that the evidence that was gathered by Mr McKeown and by Mr Langer are the subject of the newspaper articles and that which was sent to, through to Westminster City Council was somehow false, that it was somehow procured. That there was an attempt to, to pervert the course of the justice. Such a suggestion is quite contrary to the findings of this committee over the years and, indeed, the findings of the Licensing Authority in respect of Platinum Lace over the years. The fact is that in relation to each one of the matters that Mr McKeown, or indeed Mr Langer have raised in relation to Platinum, Platinum have been upheld by this committee and have resulted, certainly in relation to The Windmill in the non renewal of that SEVL and, indeed, very close to the non renewal of Platinum Lace's renewal in February of this year. So, Mr McKeown and I on his behalf, entirely reject the suggestions made by Simon Warr or Tony

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Nash that somehow, anybody, has been misled by anything Mr McKeown has done. Each occasion he has submitted such evidence as he has been able to obtain to the appropriate authorities, including this City Council as Licensing Authority and he has been vindicated in everything that he has provided to them. There is, of course, contained within Tony Nash's statement reference to, I shall give her initials, though everybody knows perfectly well who she is. Her initials are DL --

**Melvyn Caplan:** (indicates listening)

**Michael Bromley-Martin:** She was married to Simon --

**Melvyn Caplan:** (indicates listening)

**Michael Bromley-Martin:** Langer and as, as is apparent from her witness statement, she is going through a highly acrimonious divorce from Simon Langer. I, I have to mention this because she mentions it herself in the witness statement. There was an occasion upon which, at some stage Mrs DL, well I can call her Mrs Langer --

**Melvyn Caplan:** (indicates listening)

**Michael Bromley-Martin:** As she then was called the police to the home address to make an allegation of assault by Simon Langer against her. When the police officers arrived and assessed the situation, instead of arresting Simon Langer for assault, they arrested Mrs Langer and Mrs Langer was taken to a police station where she later accepted a caution which, as you know, means the acceptance of guilt --

**Melvyn Caplan:** (indicates listening)

**Michael Bromley-Martin:** For an offence of assault against Simon Langer. What, what, what this means is that not only is that lady, and she, she refers to this perfectly openly in her witness statement, so I am, I'm not making allegations to which she has not herself

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referred. What it means is that not only is she a person who has had to accept that caution but she is a person who has made false allegations, in that case of assault against another person and although it is difficult for Mr McKeown to make any judgement about the emails or the text messages upon which so much emphasis is placed by Mr Warr and by Mr Nash, we are quite unable to say whether they are genuine. Indeed, we are quite unable to say whether, whether or not they indicate anything more than the ordinary negotiations between a freelance journalist and Mr Langer as to the getting to Mr Millbank, is his name, the freelance *journalist*, of information for the purposes of, of the newspaper article. The contents of which, so far as, as anybody is aware, and anybody *I think* were true. And, and so that's what we say about Mrs Langer's statement. We, we made it quite plain that if Mrs, if the objector, Simon Warr, or Mr D'Souza, on his behalf, wished to make use of the evidence contained in Mrs Langer's statement, we would ask that she should be here to give that evidence herself and, of course, to be available, to be questioned, either by the committee or if permission were granted, by, by myself on behalf of Mr McKeown.

**Melvyn Caplan:** OK.

**Michael Bromley-Martin:** *But*, but I understand that Mrs Langer is not here.

**Melvyn Caplan:** Yeah, well I mean regardless with, it's been made very clear in the correspondence that's taken place is that, objectors obviously are entitled to be anonymous but equally, you know, it is not a scenario that this committee, it's not a, a criminal court of law or any other court of law in that sort of respect that you can compel people to appear and be cross examined, that's not how processes work. Can we move on a little bit of pace now because I think I'm conscious that you will no doubt have some rebuttal to make, sort of, later on. So, can we just get, get through some of this, sort of, detail first because we may, if we're not, sort of, careful otherwise you know you may want, sort of, a longer go, sort of, later on. So if you can get through some of the objections now and then obviously you will be, no doubt, rebutting some of the words that we hear from Mr D'Souza in due course, because we have read all the stuff that you're referring to and so we are well aware of what your position is. We're very much aware of what the objector's, sort of, position is

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as well. So, if we can just get to some of the, the detail that you want to point us in the direction of, but we have been through it all.

**Michael Bromley-Martin:** I, I, I do appreciate that and I'm sorry if I took too long but it is necessary, it was necessary for me to deal with that --

**Melvyn Caplan:** I gave you *latitude* for that, yeah.

**Michael Bromley-Martin:** Because, yes, because that, that is what --

**Melvyn Caplan:** Yeah, yeah.

**Michael Bromley-Martin:** Mr, and we understand, Mr D'Souza --

**Melvyn Caplan:** Yeah.

**Michael Bromley-Martin:** Places great emphasis on, on that, *and* --

**Melvyn Caplan:** *Right, I understand.*

**Michael Bromley-Martin:** It was necessary for me to deal with that, just that little piece -  
-

**Melvyn Caplan:** Thanks.

**Michael Bromley-Martin:** And I can go a great deal more quickly now --

**Melvyn Caplan:** Please.

**Michael Bromley-Martin:** But that indeed is all I had to say on, on that, on that, on that subject.

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**Melvyn Caplan:** Right, so let's move on.

**Michael Bromley-Martin:** I need to, to deal with the reference to the person, initials AB

--

**Melvyn Caplan:** Yeah.

**Michael Bromley-Martin:** You'll know perfectly well what his name is.

**Melvyn Caplan:** (indicates listening)

**Michael Bromley-Martin:** He, he was the person who made an anonymous objection that was subsequently withdrawn.

**Melvyn Caplan:** Yeah.

**Michael Bromley-Martin:** Can I say that Mr McKeown deals with this between paragraphs 57 and 58 --

**Melvyn Caplan:** Yeah.

**Michael Bromley-Martin:** In his first witness statement --

**Melvyn Caplan:** (indicates listening)

**Michael Bromley-Martin:** And, and given what you've just said, Mr Chairman --

**Melvyn Caplan:** *Yeah.*

**Michael Bromley-Martin:** I, I don't have to take you to it --

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**Melvyn Caplan:** Fine.

**Michael Bromley-Martin:** It, it is apparent that this person was commissioned by Mr Warr, by Simon Warr, along with another person whose initials are KH --

**Melvyn Caplan:** Yeah.

**Michael Bromley-Martin:** They made a visit on 11 October 2018 and 12 October 2018. AB has subsequently, was subsequently identified. The footage at the premises on 11 October was viewed, I've already referred to it --

**Melvyn Caplan:** Yeah.

**Michael Bromley-Martin:** In the Licensing Authority's submission and the allegations that AB made in his objection were, were, were shown to be false --

**Melvyn Caplan:** (indicates listening)

**Michael Bromley-Martin:** And as a result of that the objection was withdrawn, as we know --

**Melvyn Caplan:** Yeah.

**Michael Bromley-Martin:** And Mr McKeown has instigated civil proceedings --

**Melvyn Caplan:** We're aware of that.

**Michael Bromley-Martin:** Against that person and indeed against Simon Warr, as, as being the instigator of that.

**Melvyn Caplan:** Yeah.

**M:** That's a farce.

**Michael Bromley-Martin:** It is, we say an absolutely astonishing hypocrisy for Mr Warr to be complaining about Mr McKeown sending him witnesses who it has been shown have established true evidence when it is apparent that Mr Warr himself has been sending in witnesses to obtain false evidence. Could I *very*, mention very briefly touting --

**Melvyn Caplan:** (indicates listening)

**Michael Bromley-Martin:** allegation. You've read the video, I, I, I don't propose to say anything about it. It's dealt with by Mr McKeown in paragraph 59 --

**Melvyn Caplan:** Yeah.

**Michael Bromley-Martin:** I don't need to take you to it.

**Melvyn Caplan:** That's fine, yeah.

**Michael Bromley-Martin:** Now, backlinking --

**Melvyn Caplan:** (indicates listening)

**Michael Bromley-Martin:** Mr McKeown deals with this between paragraphs 43 and 55 -  
-

**Melvyn Caplan:** Yeah.

**Michael Bromley-Martin:** There is the CCL report --

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**Melvyn Caplan:** Yeah, we have it, yeah.

**Michael Bromley-Martin:** Which you have.

**Melvyn Caplan:** Yeah.

**Michael Bromley-Martin:** I don't know, I certainly didn't know anything about this at all so everything that I'm about to say comes from what I've been told and from the report. Backlinking is the process by which anyone can place on to a third party website --

**Melvyn Caplan:** (indicates listening)

**Michael Bromley-Martin:** A hidden, mark that word, hidden link --

**Melvyn Caplan:** Yeah.

**Michael Bromley-Martin:** To a particular website. The reason for doing that can be one of two. It is either because you wish to enhance the Search Engine Optimisation, the SEO of --

**Melvyn Caplan:** Yeah.

**Michael Bromley-Martin:** The website, the target --

**Melvyn Caplan:** Yeah, get yourself, get yourself on top of the list, yeah.

**Michael Bromley-Martin:** Yeah, or it is to do the opposite --

**Melvyn Caplan:** Yeah, understand.

**Michael Bromley-Martin:** Because the number of backlinks that a particular website has, has in the past --

**Melvyn Caplan:** (indicates listening)

**Michael Bromley-Martin:** Been one of the parameters that Google took into account in deciding where you came on the page --

**Melvyn Caplan:** Yeah.

**Michael Bromley-Martin:** Of the search engine --

**Melvyn Caplan:** Yeah.

**Michael Bromley-Martin:** But of course, Google aren't stupid, and they very soon cottoned on to the fact --

**Melvyn Caplan:** (indicates listening)

**Michael Bromley-Martin:** That people were doing this, putting these backlinks on to third party websites --

**Melvyn Caplan:** (indicates listening)

**Michael Bromley-Martin:** To try to enhance their ratings. So, what they did is change their algorithms --

**Melvyn Caplan:** Yeah.

**Michael Bromley-Martin:** So that in fact if that was happening --

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**Melvyn Caplan:** Yeah.

**Michael Bromley-Martin:** It in fact drove down your rating --

**Melvyn Caplan:** I understand.

**Michael Bromley-Martin:** So certainly any website could, could have the motive of putting these backlinks on to third party websites in the hope of up, upgrading themselves or a competitor could put, for instance SophistiCats into backlinks on third party, in order to damage SophistiCats because they would know that Google would realise that backlinking was going on and therefore downgrade SophistiCats. So, it, it, it could work either way. All we know is that SophistiCats has never been involved in arranging for backlinking.

**Melvyn Caplan:** OK.

**Michael Bromley-Martin:** And indeed, there is no evidence that they have. It is perfectly possible for anyone to create a backlink to any website, even if they don't own that website or have anything to do with it.

**Melvyn Caplan:** OK, we hear you, thank you.

**Michael Bromley-Martin:** Lastly this --

**Melvyn Caplan:** Yeah.

**Michael Bromley-Martin:** There seems to be a suggestion that somehow a backlink to SophistiCats Table Dancing Club on, I don't know, AK Health and Fitness --

**Melvyn Caplan:** (indicates listening)

**Michael Bromley-Martin:** Means that someone who went to the AK Health and Fitness website would somehow see, I, I don't know, an advertisement for SophistiCats --

**Melvyn Caplan:** (indicates listening)

**Michael Bromley-Martin:** It's not true. The whole point about these things that they are hidden --

**Melvyn Caplan:** (indicates listening)

**Michael Bromley-Martin:** Anyone going to the AK Health and Safety, Health and Fitness website would have no idea that there was a backlink linking that website to SophistiCats, or indeed any other backlink there is. So, the suggestion that this is somehow contrary to either Mr McKeown's suitability or indeed to the licensing interests of, of, of this committee --

**Melvyn Caplan:** (indicates listening)

**Michael Bromley-Martin:** Is with great respect to Mr Nash nonsense. Mr Nash has indicated that the police are investigating this matter and that he has a, a crime reference number. Well we, we all know that getting a crime reference number it does not result in a police investigation and we have, certainly, there, there has been no action taken by the police in relation to Mr McKeown about this at all --

**Melvyn Caplan:** Yeah.

**Michael Bromley-Martin:** I mean we don't believe that the, the police will have the slightest interest in this.

**Melvyn Caplan:** OK.

**Michael Bromley-Martin:** That's all I need to say about backlinking --

**Melvyn Caplan:** OK.

**Michael Bromley-Martin:** So far, there is an allegation of mortgage fraud, incredibly, that is dealt with by Mr McKeown at paragraph 56. I don't propose to go to it --

**Melvyn Caplan:** Yeah.

**Michael Bromley-Martin:** I'm not even going to credit it with a response to you now.

**Melvyn Caplan:** OK, thank you.

**Michael Bromley-Martin:** In relation to the Back to School promotion --

**Melvyn Caplan:** (indicates listening)

**Michael Bromley-Martin:** And that is objection one --

**Melvyn Caplan:** Yeah, yeah.

**Michael Bromley-Martin:** On Brewer Street (inaudible) which is at page 69 of the agenda report.

**Melvyn Caplan:** Yeah.

**Michael Bromley-Martin:** Mr McKeown deals with that at paragraphs 61 and 62 --

**Melvyn Caplan:** Yeah.

**Michael Bromley-Martin:** Again, I'm not going to go through that. You can see that this was not --

**Melvyn Caplan:** I see that.

**Michael Bromley-Martin:** A promotion directed at school children, nor were there any depictions of school children either, in either a state of dress or undress. It was directed at parents after the children had gone back to school and that was what the promotion was, *or all about*. It, it would've had no deleterious effect whatsoever. If, however, the Licensing Subcommittee were to consider that it was in any way in poor taste --

**Melvyn Caplan:** (indicates listening)

**Michael Bromley-Martin:** Then in, indeed, I, I think the very fact that, that this wrong impression has been given is enough for Mr McKeown not *have want* to do it again.

**Melvyn Caplan:** Right, OK.

**Michael Bromley-Martin:** I don't need to say anything to you about that. I, I don't believe that there are any other matters that I have left out and I will be happy to leave the floor now to Mr D'Souza.

**Melvyn Caplan:** OK, I'll just check with colleagues do you want to ask any questions at this stage, or do you want to wait to hear from the objectors? You can go ahead and explain, yeah.

**M:** (inaudible)

**Melvyn Caplan:** Go ahead.

**M:** Just two, two questions one which is I, I didn't hear any explanation about the Robert Street Car Park, and why, why, why you want to pursue a license for a venue that no longer exists, and also just to confirm that the Back to School only ever was sent to specific people on your mailing list, it wasn't --

**John McKeown:** No these were --

**M:** Available on the internet or wherever?

**John McKeown:** Just after we've done GDPR, so we knew it was --

**Melvyn Caplan:** Sorry, can we use the microphones to reply because, --

**M:** That's your microphone.

**Melvyn Caplan:** And let's make sure everybody could actually hear you.

**John McKeown:** Just after we'd done the GDPR, so yes we knew it was. And the Welbeck Street Car Park is a *quota issue* we might be coming back to you at some point and saying, we would like to open another club not too far away and ...

**M:** OK, *seeing as you* ...

**John McKeown:** Right, thank you.

**Melvyn Caplan:** Yeah, and I say I think the Welbeck Street, it's just *we*, we understand why, why you might want to do that, but I think it's just, I think perhaps, you know, I, I hope you kind of get the instruction with Mr Spiegler --

**John McKeown:** Yes.

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**Melvyn Caplan:** Sort of, in terms of, I think we're all aware as to why you might want to do it and what Mr McKeown just said it makes, you know, obviously we understand and everything, but we just want to be clear in terms of --

**Michael Bromley-Martin:** You'll appreciate it makes --

**Melvyn Caplan:** It's not in a *location* --

**Michael Bromley-Martin:** Very considerable commercial --

**Melvyn Caplan:** We, we understand that, but it's, you know, I think just to be clear, you know, it's obviously not going to open on that site because that site is being redeveloped?

**Michael Bromley-Martin:** It's not.

**Melvyn Caplan:** Yeah, exactly, that's that --

**Michael Bromley-Martin:** But of course, when, when, when a new site is found well we, we shall be coming to the Licensing Subcommittee for --

**Melvyn Caplan:** Different, different *place*, OK, that's fine.

**Michael Bromley-Martin:** Yeah.

**Melvyn Caplan:** *Councillor do you have anything you need to say?*

**M:** No Sir.

**Melvyn Caplan:** OK, all right, let's hear then from Mr D'Souza. Can, can you just --

**Michael Bromley-Martin:** Can, can I ask Mr Caplan, do you, do you think it's appropriate for a short break at this time anyway because I was going to ask of my clients whether or not we call Mr Nash, or at least offer him up, should you feel you'd be assisted by him --

**Melvyn Caplan:** OK, all right.

**Michael Bromley-Martin:** It'll also help with shortening my submissions in fact.

**Melvyn Caplan:** No, that's all very, very helpful. We'll take until twenty five past.

**Michael Bromley-Martin:** Thank you.

**Melvyn Caplan:** Can you, when you sort of come back as well start off by making it, sort of, clear in terms of which objections you're dealing with, you know --

**Michael Bromley-Martin:** Yes, of course.

**Melvyn Caplan:** Who, who you actually, sort of, represent. Sometimes these things --

**Michael Bromley-Martin:** Yes, of course.

**Melvyn Caplan:** Can get a little bit, sort of, confusing because I, best of my knowledge there are some objectors who've remained anonymous that are not here today --

**Michael Bromley-Martin:** Yes. I understand.

**Melvyn Caplan:** And if you could start off with that --

**Michael Bromley-Martin:** I understand.

**Melvyn Caplan:** But we'll, we'll, we'll adjourn until twenty five past and then I'll commence --

**Michael Bromley-Martin:** OK.

**Melvyn Caplan:** And I'll take you on your word in terms of clarity and --

**Michael Bromley-Martin:** Lovely, thank you. I, don't worry, I shall be very short.

**Melvyn Caplan:** OK.

**F:** *Do you want me to turn --*

(end of recording)

**Dominic D'Souza:** It is my intention to call Mr Nash and to offer him up for questioning, particularly because, if nothing else, I'm confused as to what exactly my learned friend Mr Bromley-Martin was saying about whether or not he contests any of the specific factual averments that have been made by Mr Warr and through me, those factual averments being predicated and premised upon evidence, for example the two emails.

**Melvyn Caplan:** Could I just stop you for a second? Could you just make it clear ...

**Dominic D'Souza:** Oh, of course.

**Melvyn Caplan:** What your position is?

**Dominic D'Souza:** Yes, of course.

**Melvyn Caplan:** Because I think --

**Dominic D'Souza:** You asked --

**Melvyn Caplan:** It's --

**Dominic D'Souza:** Me to do that. I should do that right --

**Melvyn Caplan:** I think --

**Dominic D'Souza:** At the --

**Melvyn Caplan:** It's --

**Dominic D'Souza:** Outset.

**Melvyn Caplan:** Important to do so because I --

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**Dominic D'Souza:** Yes.

**Melvyn Caplan:** Could --

**Dominic D'Souza:** Of course.

**Melvyn Caplan:** Get into some confusion --

**Dominic D'Souza:** Yes.

**Melvyn Caplan:** Otherwise.

**Dominic D'Souza:** Yes, yes, of course. Yes, of course. Of the, there, there are four objections. The first objection effectively relates to the back to school issue, about him saying, that's nothing to do with me.

**Melvyn Caplan:** Yeah.

**Dominic D'Souza:** The second objection is one that was at one stage, and not now, withdrawn, anonymously raised by AB, nothing to do with Mr Warr or me.

**Melvyn Caplan:** Yeah.

**Dominic D'Souza:** The third objection was raised, I believe, anonymously in respect of the hacking and malware issue.

**Melvyn Caplan:** Yeah.

**Dominic D'Souza:** So far as that is concerned, although that objection, objection 3, was instigated not by Mr Warr, you will have seen from the way in which I've, I *hope*, hope,

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assisted you in terms of the factual chronology leading to us being here today, but, but he took that up effectively through Mr Nash. And that having been taken up by Mr Nash upon Mr Warr's instructions, although I am not formally and officially part of objection 3, it is raised as part of Mr Warr's objections generally in my, in my submissions, and the way in which objection 4 has been pleaded by the council is just Mr Warr's objection, so that it, in, in broad terms. So effectively it's only the hacking outside those matters that I raise within the skeleton argument that I served on the council some weeks ago.

**Melvyn Caplan:** OK, that, that, that is helpful.

**Dominic D'Souza:** Does that help?

**Melvyn Caplan:** So, Mr Panto, could we just have a bit of, I think there's a point of clarification *we need* to make on, on the backlink *concept* (inaudible) 31. Do you want to just make that?

**Barry Panto:** Sorry? In, in the ...

**Melvyn Caplan:** (inaudible)

**Barry Panto:** Sorry?

**Melvyn Caplan:** (inaudible)

**Barry Panto:** Oh, I'm sorry, that. Sorry, I apologise.

**Melvyn Caplan:** *Yeah.*

**Barry Panto:** Yes, thank you, yes, just what, what we thought we just ought to mention in terms of some details that have been given about the, where that objection came from, a name was mentioned earlier on ...

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**Dominic D'Souza:** Of course.

**Barry Panto:** Asserting who that person was.

**Dominic D'Souza:** For the record, that was incorrect, *by the way*.

**Barry Panto:** Yes, and, no, again --

**Melvyn Caplan:** *Exactly* --

**Barry Panto:** That --

**Melvyn Caplan:** What --

**Barry Panto:** That's --

**Melvyn Caplan:** That said.

**Barry Panto:** Exactly what we just wanted to say, is that the name that was given *by*, you know, by Mr Bromley-Martin, we, we've got, of course, the details of who has submitted it, the name of that, and we're not going to divulge the, the name of the person, of course, who did do it, *but* --

**Melvyn Caplan:** It was not who *he* said it was.

**Barry Panto:** But the name that was given was not correct.

**Melvyn Caplan:** Who *he* said it was.

**Barry Panto:** So, just for, for the record, we wanted to --

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**Melvyn Caplan:** *Yeah.*

**Barry Panto:** Make sure --

**Dominic D'Souza:** Thank you --

**Barry Panto:** That was not --

**Dominic D'Souza:** For that --

**Barry Panto:** Correct.

**Dominic D'Souza:** Information.

**Melvyn Caplan:** Yeah, OK.

**Barry Panto:** Thank you.

**Melvyn Caplan:** I, I think it's, you know, important to get that, sort of, you know --

**Dominic D'Souza:** It is.

**Melvyn Caplan:** On the record because --

**Dominic D'Souza:** It is.

**Melvyn Caplan:** You know --

**Dominic D'Souza:** Yeah.

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**Melvyn Caplan:** We don't want to jump, jump to the wrong conclusions, obviously.

**Dominic D'Souza:** Of course.

**Melvyn Caplan:** You know, we're aware of that.

**Dominic D'Souza:** But equally, it's not right that there's any further fishing as to who it might be, so I think it just --

**Melvyn Caplan:** *It* --

**Dominic D'Souza:** *Needs* --

**Melvyn Caplan:** It's, it's not --

**Dominic D'Souza:** (inaudible)

**Melvyn Caplan:** About that, but I think it's --

**Dominic D'Souza:** Yeah.

**Melvyn Caplan:** Just important that, you know, something that we are aware is --

**Dominic D'Souza:** I agree.

**Melvyn Caplan:** Factually incorrect we're putting on the record that is the case.

**Dominic D'Souza:** *OK.*

**Melvyn Caplan:** OK, Mr D'Souza.

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**Dominic D'Souza:** So, as I'd indicated, I, I, I will be calling Mr Nash, and hopefully that will be of some assistance to you. It's not my intention, of course, to take him through his evidence at all, because it's all there in the witness statements.

In terms of the submissions that I make on Mr Warr's behalf in terms of his objections, can I make some very brief general comments at, at the outset? These, and his objection, Mr Warr's objection, is not in any way, shape or form based upon a tit for tat sense of revenge. There are plenty of useful ways in which Mr Warr could, him, employ himself should that have been his agenda outside this type of proceeding.

So far as the submissions that I made were concerned, and Mr Warr's statement, they were categorised by my learned friend Mr Bromley-Martin as being immoderate in their language and extraordinary in terms of the allegations that had been made. Both of those matters, unfortunately, is, are, are, are assertions that I don't accept. The allegations are not extraordinary. They're, they're very ordinary, in fact, but they are based upon extraordinary facts. And if, if you have nothing to say about something that has been uncovered, to deny it simply by general traverse to be saying it's extraordinary is something anybody could do. I've been recently involved with the Hillsborough inquiry. The whole thing was considered extraordinary until it was known to be the truth so far as that conspiracy was concerned. The two emails that I, I rely on primarily as part of my submissions in relation to manipulation of you, of this council, those emails, in our submission, speak to themselves. I, I, I'm not quite sure whether or not Mr Bromley-Martin, in his, in his submissions, was saying, I don't accept they're genuine, somebody's cobbled them together and put our email address on them, or whether he was saying, I do but can't assist as to the content. But, but either way, on whichever side of that fence he seeks to jump, we should all be clear about this.

Back in 2015 and 2016 Mr Langer and Mr McKeown were business partners. I appreciate that Mr Langer may have had reasons to divest himself of any involvement with SophistiCats. We know he's going through an acrimonious divorce. I might have done the same myself. But at the time that these emails were going to and fro between them, they were, and I don't mean this pejoratively, but they were thick as thieves. There is no doubt

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about that. And when you looked at the emails and who were the receipts and cc'd, it's clear that Mr McKeown knew exactly what was going on.

So far as the provenance of those emails is concerned, I take on board absolutely what you've said. This isn't a court of law, but the weight to which you give those emails is very much dependent upon whether or not they are what they are. And of course it was a matter of some surprise to me that Mr Langer himself is not here, but Mr Millbank, I mean, just one line from him, I didn't write those. That's all you needed, in which case we'd all be going home very much earlier than we are today. But there is nothing from Mr Millbank saying, I didn't write those, because it's plain as a pikestaff that he did. *And*, and it's embarrassing, actually, to suggest otherwise. And so I'm going to proceed for the moment on the premise that none of us are going to be bold enough to think these are anything but that which they purport to be. But of course Mr Nash is offering himself up in due course, and if anyone is brave enough to make that suggestion, then they can do so in due course.

But, proceeding on the basis that those two emails, the provenance of which we say is really not realistically disputable, what position are you in? The position that you're in, we suggest, is as follows, that on the face of those emails and in terms of the content of them, there can be no doubt, there can be no doubt, because it, there, the, it's stated in terms there was going to be an attempt to manipulate the Westminster City Council. So I'm, *yeah*, so we're crystal clear, I'll repeat that. So there, there can be no doubt that there was going to be an attempt to manipulate the Westminster City Council.

Now, so far as manipulation is concerned, it has a pejorative inference. Is, is there a legitimate manipulating of a, a council that would be appropriate, for example pretending that Mr McKeown was the altruistic individual, the, the man with all the integrity in this industry sector. Would it be appropriate for him to go about bringing his concerns to a public forum by manipulating Westminster City Council to act in a way that he wanted them to. My answer or my submission in respect of that, and of course it's a matter entirely for you, Sir, but my submission in relation to that is very plain and simply no, unqualified no, it is not appropriate. Whether or not you regard your motives as being moral and genuine or

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otherwise, it is not appropriate to manipulate a council. Supposing I believed that Mr Warr genuinely owed me £100,000, genuinely, and in fact he did, but there was no way I was going to get it out of him unless I manipulated Westminster City Council and was objecting to his licence with a view to persuading him to pay. I, that is a genuine situation, so I'm allowing Mr McKeown every possible advantage in terms of what he's had to say in his witness statement.

That behaviour is still dangerous. That behaviour is still worrying. That behaviour is the, is the type of extraordinary disclosure that my learned friend was talking about, because it's not very often that a council sitting across the table from people making submissions and those who are objecting and those who are advocates have as part of their documents, in black and white, what were the intentions of individuals who were making applications. And, and, and these applications are a privilege. It's a privilege to have a licence and, and, and it's a privilege that should be jealously protected, particularly in this industry sector, calling it, as it is, it's a high risk sector. So let's just, *let's just* call it for what it is ...

**Melvyn Caplan:** Yeah.

**Dominic D'Souza:** Particularly in this sector, the, the, the question of whether or not somebody is trustworthy. The question of whether or not the grant of a licence, even with conditions, even with additional supervisory codicils, the question of whether or not the conduct of that individual can ever truly be policed, *and the, the*, those are matters that in our submission should be paramount in your mind, and for this reason. It is plain that when you looked at the contents of those two emails, that the agenda between the co-conspirators, and I do call them that, I might not have, have had quite the same amount of time as Mr Bromley-Martin at the criminal bar, but my 28 years is about enough. *A, it, it*, there is a conspiracy, which is *just* an agreement between the three of them to achieve a particular end.

What was that end? Well, they objected to a windmill. We can see in the first of the emails, Stringfellows was within the crosshairs, to, to, to carry on the gun analogy, within the crosshairs of Mr McKeown, and next on the list was Platinum Lace. Well, *Ms*, I, I, I believe

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from what I've heard, you're, you're very familiar with this industry sector. Who else are there in terms of players in the market in Soho? You, it, he's covered everybody. He's got everybody in his crosshairs. In other words, if what Mr Bromley-Martin is saying about this is to be believed even for a second, this man was not concerned about the fact I can't compete in this industry *because* everybody else is doing *it*, *in* one or two players like Platinum Lace. It's everyone. Everyone, according to him, if there's any truth in the altruistic twist that is being put on those emails.

But the reality is the only sensible construction of what is contained within those documents is that not only through national newspapers but also through contacts of their own, they were going to get someone to cobble together a little story to bring to you. Those are their exact words. And so far as what has gone on is concerned, *I*, it's very important that, in terms of my submissions, I say this. The only reason this is not a national scandal is because they didn't get away with what they were intending to do. It was an attempt. And it may yet be a national scandal if they do so today. And in terms of hyperbole, that is what is extraordinary about it.

Now, I think what may, may, I, I hope what will most quickly assist you, because I certainly don't want to be chivvied along, *it's about*, is calling Mr Nash so that we can, we can move through the objections very quickly. And then my learned friend will have a, a, a, ask what questions he wishes, through you.

**Melvyn Caplan:** Just, just before you do so, is there anything else in Mr Warr's statement that you wish to point us in the direction of? I'm happy *for*, you know, for you to call Mr Nash in *sort of* due course. But --

**Jim Glen:** *Well, yes.*

**Dominic D'Souza:** *I understand.*

**Melvyn Caplan:** *But* I'm just thinking in terms of context, you know.

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**Dominic D'Souza:** In terms of context, so far as, yes, so far as Mr Warr is concerned, he has indicated in his statement that one of the reasons for his pursuing this in the way that he has is that in actual fact literally what is alleged against him is the truth because it's mirroring the other way. *And*, and that's one of the reasons why, Sir, I wanted to concentrate on the malware and the emails, but for this reason. I don't want to and don't necessarily need to be, it's not helpful to you otherwise, for there to be this throwing around of tit for tat. He's bad, I'm bad, he's bad, I'm bad, and people pushing each, undercover officers into each other's premises, cloak and dagger stuff. I, what I would like to concentrate on so far as my submissions are concerned and also what I'd invite you to focus your determinations upon are my primary submissions that relate to the emails and that relate to the, the malware. In respect of the emails, can I say this please? Mrs Langer may well be in an acrimonious divorce. They may well. She called the police and ended up taking a caution. It's really of no concern to me one way or another, because she is only the vehicle through which we, by fortuitous circumstance, managed to get hold of emails that have been written by the Applicant and his partner. That's her only relevance. They could have come from anyone.

**Melvyn Caplan:** Sure.

**Dominic D'Souza:** And so, unless it is to be said by Mr Bromley-Martin, well, Mr Millbank actually is just down the road and we'll bring him here and he'll say he didn't write them, unless that's to be suggested, the provenance of them is, in truth, and let's, let's keep this firmly in our minds, please, if we can, are not contested. The provenance of them is uncontested.

**Melvyn Caplan:** *That's* what we will discover --

**Dominic D'Souza:** And so --

**Melvyn Caplan:** What we --

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**Dominic D'Souza:** What is --

**Melvyn Caplan:** Will discover in due course.

**Dominic D'Souza:** Ah, well.

**Melvyn Caplan:** Yeah.

**Dominic D'Souza:** Uncontested by any evidence I've seen.

**Melvyn Caplan:** OK, *indeed*.

**Dominic D'Souza:** Or any evidence available to you.

**Melvyn Caplan:** OK.

**Dominic D'Souza:** And if the position is that you come to a determination that in actual fact, other than saying, well, I don't remember them, there is nothing that has --

**Melvyn Caplan:** OK.

**Dominic D'Souza:** Been put before you that could possibly lead you to a conclusion in, in, a, a rational conclusion that they are what they are, doesn't this hearing then come down just to this? What, what's in them. And is what Mr D'Souza says about that correct?

**Melvyn Caplan:** Yeah.

**Dominic D'Souza:** Or has he, is it completely divorced from the reality of what's said and those words.

**Melvyn Caplan:** *OK*.

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**Dominic D'Souza:** And so those are the two primary submissions that I wanted to make. In respect of the hacking, this is *a*, I'm going to call Mr Nash to say what he has to say about that, and then you can make a determination on whether or not Mr Bromley-Martin's submissions are, are, are something you want to --

**Melvyn Caplan:** OK, but --

**Dominic D'Souza:** Be --

**Melvyn Caplan:** Just to be --

**Dominic D'Souza:** Aware of.

**Melvyn Caplan:** Just to be clear on the malware and the backlinks --

**Dominic D'Souza:** Yes.

**Melvyn Caplan:** And everything else, *because*, you know, Mr Nash obviously will speak for himself in due course, I just want to be clear in terms of, are you saying that it's Mr Nash's evidence that should be of interest to us, or do you have any knowledge of, you know, sort of the, the backlinks? *Just* I'm just trying to be clear in terms of the --

**Dominic D'Souza:** Of course.

**Melvyn Caplan:** Context here as to ...

**Dominic D'Souza:** *The* --

**Melvyn Caplan:** You know --

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**Dominic D'Souza:** I, I, I --

**Melvyn Caplan:** I'm not trying to put words in your mouth. I just want to --

**Dominic D'Souza:** I do have --

**Melvyn Caplan:** Understand what --

**Dominic D'Souza:** Yes, I --

**Melvyn Caplan:** What --

**Dominic D'Souza:** I do have a considerable amount of knowledge in respect of the backlinks. It is material that, but what, what I certainly wouldn't dream of doing, perhaps even more strictly adhering to this than Mr Bromley-Martin is giving evidence myself --

**Melvyn Caplan:** Yeah, because you --

**Dominic D'Souza:** Where --

**Melvyn Caplan:** Don't --

**Dominic D'Souza:** When there's no --

**Melvyn Caplan:** Because you --

**Dominic D'Souza:** Material.

**Melvyn Caplan:** Don't represent the objector in --

**Dominic D'Souza:** Correct.

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**Melvyn Caplan:** *This case.*

**Dominic D'Souza:** Well, there's, I, I, I, it's not, you know, *it*, correct.

**Melvyn Caplan:** Yeah.

**Dominic D'Souza:** But so far as Mr Nash is concerned, he, there, there is material that --

**Melvyn Caplan:** *Of course.*

**Dominic D'Souza:** He's able to assist you with --

**Melvyn Caplan:** OK.

**Dominic D'Souza:** Above and beyond.

**Melvyn Caplan:** All right, let's go ahead then.

**Dominic D'Souza:** Yeah, as you, as you wish. I'm afraid it's the first time I've ever done one of these hearings. Does Mr Nash need to be sworn or does he *give* --

**Melvyn Caplan:** No.

**Barry Panto:** No.

**Dominic D'Souza:** Unsworn evidence?

**Melvyn Caplan:** No, no, I mean, the, the, the nature of this is, this is not a sort of --

**Dominic D'Souza:** Right.

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**Melvyn Caplan:** Court of law. You know.

**Dominic D'Souza:** So *the* --

**Melvyn Caplan:** What will happen is that you can ask him sort of questions as, as we sort of go along. I may interrupt or not, as the --

**Dominic D'Souza:** (*inaudible*)

**Melvyn Caplan:** Case may be. As you've --

**F:** *Go on then.*

**Melvyn Caplan:** Spotted.

**F:** Yes.

**Melvyn Caplan:** We're being very generous, myself and my colleagues, this morning, to, to not interrupt you.

**Dominic D'Souza:** Yes.

**Melvyn Caplan:** And if Mr Bromley-Martin has some questions he wishes to ask in due course, he can do so through me.

**Dominic D'Souza:** Yeah.

**Melvyn Caplan:** That's how, how we would do that. But --

**Dominic D'Souza:** OK.

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**Melvyn Caplan:** But I'll let you have your round in a few --

**Michael Bromley-Martin:** I --

**Melvyn Caplan:** *Minutes.*

**Michael Bromley-Martin:** Promise not to cross-examine. Will you allow me to address the questions directly?

**Melvyn Caplan:** In effect, you will be doing so. You will be doing them through me.

**Michael Bromley-Martin:** *Right.*

**Melvyn Caplan:** *But* I'm not going to, you know, sort of repeat the questions (inaudible) you know, so it *sort of* can be done in the most sort of effective way.

**Michael Bromley-Martin:** Thank you.

**Melvyn Caplan:** But please just ask the questions you want to ask of ...

**M:** (inaudible)

**Melvyn Caplan:** Mr Nash at sort of this stage, and then we --

**Michael Bromley-Martin:** Thank you.

**Melvyn Caplan:** We may have some as we go along.

**Dominic D'Souza:** As you wish, Sir. Thank you, thank you for that helpful indication as to procedure. Mr, Mr Nash, you've been described as a hired gun, either in jest or otherwise,

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but, so far as that is concerned, do you in any way regard yourself as falling within that descriptor?

**Tony Nash:** I would like to say I can categorically deny it. I find it quite insulting. I'm glad it's redacted.

**Melvyn Caplan:** Yeah.

**Dominic D'Souza:** Yeah.

**Tony Nash:** Just to put it in some form of context, yes, I work for a company that undertakes private investigations, most of them criminal. I've recently been involved in a, somebody commissioned a fraud investigation. When it was undertaken I discovered that they were part and parcel of it and we refused to take any further part. We are not a hired gun. The facts are the facts, and that's --

**Dominic D'Souza:** Oh, I see.

**Tony Nash:** Where we sit.

**Dominic D'Souza:** *As*, and, and so if, if your investigations led you to a conclusion that sat uncomfortably with the person who had retained you, would you remain instructed, or would you withdraw?

**Tony Nash:** Withdraw.

**Dominic D'Souza:** I hope that's clear now. In relation to your experience and your working practices so far as investigation is concerned, we, we know you were 31 years with the Metropolitan Police. Is that right?

**Tony Nash:** That's correct.

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**Dominic D'Souza:** And you were a nationally accredited senior investigating officer spending five years leading homicide teams in historic offences. Is that right?

**Tony Nash:** Current and *historical*. *It's* both, yeah.

**Dominic D'Souza:** And then how long, *yeah*, the, the, the tribunal may be interested in how long you've actually been in private investigation now.

**Tony Nash:** Two years.

**Dominic D'Souza:** Just two years?

**Tony Nash:** Yes.

**Dominic D'Souza:** So far as your involvement with Mr Warr was concerned, can you just help us very briefly in a sentence or two as to how you became instructed by him to assist as to his concerns?

**Tony Nash:** I was introduced to Mr Warr because *we were* told there may be some requirements for security. We offer security services, in speaking to him explained what the company did in its totality, which includes investigations. We do private criminal prosecutions and have undertaken 540 in the last four years that the company's been in existence, *again* I've only been there for two years, and do work abroad in similar footings, particularly in India. And it was just an explanation. It, and it was sometime later that Warr asked me to look at whether or not, and I think that's important, whether or not the three objections to the licence over a four year period had emanated from the same source. If so, who was that source?

**Dominic D'Souza:** *OK*, thank you.

**Melvyn Caplan:** *Yeah.*

**Dominic D'Souza:** Can I pause you there? I *don't*, I don't, don't want to interrupt you, but that, that, that, but that may be important, by, because of what is suggested. You're telling us that Mr Warr did not push you in a particular direction. Is that right?

**Tony Nash:** That is correct.

**Dominic D'Souza:** Or that he had, did, did you, did you detect any agenda so far as Mr Warr was concerned that you would categorise as spiteful or revenge?

**Tony Nash:** No.

**Dominic D'Souza:** And that, and that's your evidence to this tribunal as somebody who, who, I think, left the police --

**Melvyn Caplan:** I don't think --

**Dominic D'Souza:** As a --

**Melvyn Caplan:** We're --

**Dominic D'Souza:** Borough commander.

**Melvyn Caplan:** I don't think we're quite a tribunal *though*.

**Dominic D'Souza:** Oh, I'm sorry.

**Melvyn Caplan:** *But* --

**Dominic D'Souza:** If I'm --

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**Melvyn Caplan:** *We're* --

**Dominic D'Souza:** Using the *wrong*, wrong terminology I --

**Melvyn Caplan:** (inaudible)

**Dominic D'Souza:** Don't mean any offence at all.

**Melvyn Caplan:** Licensing Hearing would --

**Dominic D'Souza:** It's just --

**Melvyn Caplan:** Be --

**Dominic D'Souza:** I've not --

**Melvyn Caplan:** Fine.

**Dominic D'Souza:** Been here --

**Melvyn Caplan:** That's --

**Dominic D'Souza:** For --

**Melvyn Caplan:** That's absolutely fine. That's sort of ...

**Dominic D'Souza:** Thank, thank, thank --

**Melvyn Caplan:** I know --

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**Dominic D'Souza:** You.

**Melvyn Caplan:** Tribunal has connotations --

**Dominic D'Souza:** Ah.

**Melvyn Caplan:** Which ...

**Dominic D'Souza:** Which you'd rather --

**Melvyn Caplan:** I believe --

**Dominic D'Souza:** Rather --

**Melvyn Caplan:** Are --

**Dominic D'Souza:** Avoid.

**Melvyn Caplan:** Outside our remit.

**Dominic D'Souza:** I understand. And so what you're saying to the hearing is that ...

**Melvyn Caplan:** Thank you.

**Dominic D'Souza:** Is that so far as Mr Warr is concerned, you conducted this investigation independently of him and your conclusions are ones that are your own, not driven by his agenda.

**Tony Nash:** That is correct.

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**Melvyn Caplan:** And as you give your evidence to the hearing today, what you're saying to them *as*, as somebody who left the police as a borough commander, these are my views.

**Tony Nash:** That is correct.

**Dominic D'Souza:** OK. I want to ask you specifically, if I may, about the hacking aspect of your enquiry. How did you come to be involved with that? Because, as, as Mr Caplan has rightly pointed out or asked me to clarify at the beginning, that objection in fact is from another anonymous objector. How did you become involved in it?

**Tony Nash:** The objector was conducting audits looking at the search engine optimisation for Platinum Lace.

**Dominic D'Souza:** Yes.

**Tony Nash:** And comparing it to competitors, which would be standard practice. They noticed that SophistiCats was outperforming all of the other clubs considerably, particularly around backlinks.

**Dominic D'Souza:** Pause there. *Well*, just --

**Tony Nash:** Yeah.

**Dominic D'Souza:** Take it slow --

**Melvyn Caplan:** Yeah.

**Dominic D'Souza:** So that everybody can take a note.

**Tony Nash:** Yeah.

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**Melvyn Caplan:** Yeah.

**Dominic D'Souza:** They noticed the, the outperformance on --

**Tony Nash:** Yeah.

**Dominic D'Souza:** Behalf of SophistiCats. If --

**Tony Nash:** Yeah.

**Dominic D'Souza:** You could carry on.

**Tony Nash:** So they looked to see, well, what are they doing that we should be doing, because clearly they're obviously outperforming. And when they started to look at the backlinks, they saw some very odd connections, including a primary school, a Harley Davidson dealership and charity in Norfolk.

**Dominic D'Souza:** *Just* pause there. Primary school, a Harley-Davidson dealership, yes.

**Tony Nash:** Yeah, a luxury jewellery box maker.

**Dominic D'Souza:** A jewellery box maker, yeah.

**Tony Nash:** A private fitness trainer.

**Dominic D'Souza:** Fitness trainer.

**Tony Nash:** A company that private wooden floors. There was, and this has been ongoing for four years.

**Dominic D'Souza:** Pause there. Let me ask you about --

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**Melvyn Caplan:** Yeah.

**Dominic D'Souza:** That. Starting right at the end, then, so if we can assist the hearing in this regard, *do*, do you, as a, as an ex police officer and somebody who investigates serious crime, have you come to a conclusion about whether or not you can exclude this as being innocent? Can you exclude it --

**Tony Nash:** No.

**Dominic D'Souza:** As being innocent activity?

**Tony Nash:** No.

**Dominic D'Souza:** The --

**Melvyn Caplan:** Can I --

**Dominic D'Souza:** Tribunal --

**Melvyn Caplan:** *Can I*, can I just --

**Dominic D'Souza:** I'm so *sorry*.

**Melvyn Caplan:** Interject because I think there's an important point that I --

**Dominic D'Souza:** Yes.

**Melvyn Caplan:** Want to --

**Dominic D'Souza:** Of course.

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**Melvyn Caplan:** Ask at this point --

**Dominic D'Souza:** Yes, of course, yeah.

**Melvyn Caplan:** Which is, Mr Nash, have you got any evidence that you can give us that SophistiCats are responsible for what you're describing? *I think* that's a question I'd like to ask at this stage.

**Dominic D'Souza:** Yes.

**Tony Nash:** If I could just explain.

**Melvyn Caplan:** Well, of --

**Tony Nash:** So --

**Melvyn Caplan:** Please, yeah.

**Tony Nash:** The backlinks were looked at. How, how, why were these backlinks there?

**Melvyn Caplan:** Yeah.

**Tony Nash:** There is a page on Google, and this was all fairly new to me --

**Melvyn Caplan:** Yeah.

**Tony Nash:** Which shows the coding for --

**Melvyn Caplan:** Yeah.

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**Tony Nash:** How the backlink was --

**Melvyn Caplan:** Yeah.

**Tony Nash:** Created. The backlink was created using malware.

**Melvyn Caplan:** Yeah, yeah.

**Tony Nash:** And that malware is called *Acsynced.com*.

**Melvyn Caplan:** Yeah.

**Tony Nash:** *Acsynced.com* is based in Russia and it is --

**Melvyn Caplan:** Yeah.

**Tony Nash:** A hacking tool.

**Melvyn Caplan:** Yeah.

**Tony Nash:** So the only people to actually receive the backlink were SophistiCats, and that's repeated and that has been managed over a period of time and that's been going on for four years. So --

**Melvyn Caplan:** *Right.*

**Tony Nash:** People are hacked, the backlink is created and then at some point later it's taken off and then a new set put on.

**Melvyn Caplan:** Yeah.

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**Tony Nash:** When one looks at the, the outcome, I mean, *it*, I listened to what Mr Bromley-Martin said about it can actually damage your search engine --

**Melvyn Caplan:** Yeah.

**Tony Nash:** Optimisation. If anyone round the table opens their smartphone and puts in London strip club, SophistiCats will come up number 1. SophistiCats is the only beneficiary.

**Melvyn Caplan:** OK, but I understand that.

**Tony Nash:** Yeah.

**Melvyn Caplan:** And that may or may not --

**Tony Nash:** Yeah.

**Melvyn Caplan:** Be in dispute.

**Tony Nash:** Yeah.

**Melvyn Caplan:** But please answer my initial --

**Tony Nash:** Yeah.

**Melvyn Caplan:** Question, which is have you got any evidence of who placed the malware there?

**Tony Nash:** That's why it's been reported to the police, because --

**Melvyn Caplan:** No.

**Tony Nash:** The --

**Melvyn Caplan:** That's --

**Tony Nash:** Powers that are needed --

**Melvyn Caplan:** *Yeah.*

**Tony Nash:** To do that investigation I don't have, as I'm no longer a police officer. So it is now with the Cyber Crime Unit for the Metropolitan Police via Action Fraud.

**Melvyn Caplan:** Yeah, *no*, I understand that, and I'm sorry to --

**Tony Nash:** Yeah.

**Melvyn Caplan:** Push it for the third --

**Tony Nash:** Yeah.

**Melvyn Caplan:** Time.

**Tony Nash:** Yeah.

**Melvyn Caplan:** But are you saying that what you've provided obviously has to be investigated, whatever.

**Tony Nash:** Yeah.

**Melvyn Caplan:** But it, so you're telling us the results of all of this, which --

**Tony Nash:** Yeah.

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**Melvyn Caplan:** May or may not be in dispute, but have you --

**Tony Nash:** Yeah.

**Melvyn Caplan:** Got actual evidence of who --

**Tony Nash:** Other than --

**Melvyn Caplan:** Manipulated --

**Tony Nash:** It's the, the SophistiCats server that --

**Melvyn Caplan:** OK.

**Tony Nash:** Had been used. That's it.

**Melvyn Caplan:** OK, no.

**Tony Nash:** Yeah.

**Melvyn Caplan:** That's, that's --

**Tony Nash:** Yeah.

**Melvyn Caplan:** Fine. I, I think you just --

**Tony Nash:** Yeah.

**Melvyn Caplan:** You know, I think with all --

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**Dominic D'Souza:** *Thank you. Well --*

**Melvyn Caplan:** Of this --

**Dominic D'Souza:** Thank you, Sir.

**Melvyn Caplan:** You know, and we'll get, we'll get back to it, I'm sure, in --

**Tony Nash:** Yeah.

**Melvyn Caplan:** In due course, but I just want to, you know, understand in terms of what you're telling --

**Tony Nash:** Yeah.

**Melvyn Caplan:** Us, because, you know --

**Tony Nash:** *All right.*

**Melvyn Caplan:** Professional expertise not for this committee --

**Tony Nash:** Yeah.

**Melvyn Caplan:** *To*, to decide on that. You reported it and everything else. I'm not going to get into, *because* obviously you're not representing the objector involved, so I'm, I'm going to *stick with whatever* --

**Dominic D'Souza:** *Of course.*

**Melvyn Caplan:** So I'll let you get on with it, but I just wanted to get that point ...

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**Dominic D'Souza:** *I can understand --*

**Melvyn Caplan:** Understood.

**Dominic D'Souza:** I can --

**Melvyn Caplan:** Thank you.

**Dominic D'Souza:** Understand why. And so, *so* Mr Caplan's made clear ...

(councillors confer)

**Dominic D'Souza:** With you or --

**Tony Nash:** Yeah.

**Dominic D'Souza:** Clarified through you that the evidence that the police are dealing with currently as part of that investigation relates to SophistiCats' server.

**Tony Nash:** That is correct.

**Dominic D'Souza:** And your own conclusions are that, that only SophistiCats could benefit from this.

**Tony Nash:** That is correct.

**Dominic D'Souza:** Dealing with SophistiCats' server, only they could benefit. And so far as that benefit is concerned, that, obtaining a benefit in that way, is that the type of criminality the police would investigate?

**Tony Nash:** It's one that you would expect them to investigate, yes.

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**Dominic D'Souza:** And in your third statement, the one that was served quite recently --

**Melvyn Caplan:** Sorry, I'm going to have to interrupt there again.

**Dominic D'Souza:** I'm sorry, Sir.

**Melvyn Caplan:** *I mean*, I understand the line of questioning. I think we've just got to be a bit careful in terms of what might be investigated, what's the subject of criminal proceedings --

**Dominic D'Souza:** I understand. *Yeah, I --*

**Melvyn Caplan:** And --

**Dominic D'Souza:** Understand.

**Melvyn Caplan:** The words you're sort of using. I --

**Dominic D'Souza:** I understand.

**Melvyn Caplan:** I understand why you're asking it in that way.

**Dominic D'Souza:** Yes.

**Melvyn Caplan:** But I think it needs to be --

**Dominic D'Souza:** Less --

**Melvyn Caplan:** Pretty --

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**Dominic D'Souza:** Pejorative.

**Melvyn Caplan:** It, it, yeah.

**Dominic D'Souza:** *Yes.*

**Melvyn Caplan:** But I think less indicating something that, you know, we have things that are under investigation. *It's not about*, you know, ultimately you are correct that we will form a judgment ...

**Michael Bromley-Martin:** *On everything.*

**Melvyn Caplan:** On, on, based on all of this, but I don't think you need to actually, and Mr Bromley-Martin, I'm sure, will be coming back anyway, in terms of, you know, using the words criminality. It's ...

**Dominic D'Souza:** I see.

**Melvyn Caplan:** Let's use alleged.

**Dominic D'Souza:** Of course, alleged.

**Melvyn Caplan:** Because I think --

**Dominic D'Souza:** *And --*

**Melvyn Caplan:** You know, all of this ...

**Dominic D'Souza:** That's, I accept --

**Melvyn Caplan:** Mr Nash --

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**Dominic D'Souza:** That --

**Melvyn Caplan:** Will --

**Dominic D'Souza:** Absolutely.

**Melvyn Caplan:** Mr --

**Dominic D'Souza:** I --

**Melvyn Caplan:** Nash would ...

**Dominic D'Souza:** I accept absolutely.

**Melvyn Caplan:** Always make us sort of do that anyway, I'm sure.

**Dominic D'Souza:** Yes.

**Melvyn Caplan:** But I think it's important to do that. Otherwise, we just get into an exercise of he said this, she said that.

**Dominic D'Souza:** Sir, I --

**Melvyn Caplan:** But it --

**Dominic D'Souza:** I'm very much assisted by those comments and I accept that --

**Melvyn Caplan:** Thank you.

**Dominic D'Souza:** Absolutely.

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**Melvyn Caplan:** Thank you.

**Michael Bromley-Martin:** Can I interject *now*?

**Dominic D'Souza:** And can I, can I, *could* I --

**Melvyn Caplan:** Just --

**Michael Bromley-Martin:** *Just* --

**Melvyn Caplan:** *Yes*, just --

**Michael Bromley-Martin:** Before --

**Dominic D'Souza:** I'm sorry.

**Michael Bromley-Martin:** Any --

**Melvyn Caplan:** *Very* briefly, yeah.

**Michael Bromley-Martin:** Can I --

**Melvyn Caplan:** *Yeah*.

**Michael Bromley-Martin:** Respectfully agree with those sentiments? But *I*, I, I am very concerned here. Not only are there suggestions of criminal, criminal allegations --

**Melvyn Caplan:** Alleged.

**Michael Bromley-Martin:** Being made --

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**Melvyn Caplan:** Alleged.

**Michael Bromley-Martin:** Or alleged criminality --

**Melvyn Caplan:** Yeah.

**Michael Bromley-Martin:** But *it*, it is being done by Mr Nash based upon evidence that he has received from somebody else. That person's not in court.

**Melvyn Caplan:** Yeah.

**Dominic D'Souza:** Yes.

**Michael Bromley-Martin:** All the information that we have received about this has all been heavily redacted, so it's been quite impossible for us to investigate it, and I, I'm going to suggest that it's simply not appropriate for Mr Nash to be speaking about these things. He has no knowledge of whether these things have occurred, himself. He has just referred, in fact, that these backlinks were to the SophistiCats server. That's not the case. Backlinking goes to the, the SophistiCats URL.

**Melvyn Caplan:** I know. *All right.*

**Michael Bromley-Martin:** He, he, I'm afraid --

**Dominic D'Souza:** *I think --*

**Michael Bromley-Martin:** Mr Nash does not understand what it is that he's speaking about, and --

**Melvyn Caplan:** *OK.*

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**Michael Bromley-Martin:** That's because --

**Melvyn Caplan:** *Yeah.*

**Michael Bromley-Martin:** He is not the person who can provide the --

**Melvyn Caplan:** OK, thank you, I will give you the right of rebuttal as we sort of go on, but I, I will give you that interjection at this point. Mr D'Souza, I think, you know, you, you understand that it's up to you how you present your case, and --

**Dominic D'Souza:** Of course.

**Melvyn Caplan:** And that *would* be sort of the same on sort of both sides. This committee is perfectly capable of making a judgment on all these sort of matters, but the more --

**Dominic D'Souza:** And I can --

**Melvyn Caplan:** You --

**Dominic D'Souza:** See you, you're trying, you're trying --

**Melvyn Caplan:** The more you --

**Dominic D'Souza:** Very hard *to you get focus.* I understand --

**Melvyn Caplan:** The more --

**Dominic D'Souza:** *That.* I --

**Melvyn Caplan:** You rely on things --

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**Dominic D'Souza:** Yeah.

**Melvyn Caplan:** Which either there are not, we don't have evidence or objectors you don't represent, the more you get off the point --

**Dominic D'Souza:** Of --

**Melvyn Caplan:** Of --

**Dominic D'Souza:** Of the --

**Melvyn Caplan:** Your --

**Dominic D'Souza:** Point --

**Melvyn Caplan:** Client.

**Dominic D'Souza:** That I, I --

**Melvyn Caplan:** So please --

**Dominic D'Souza:** I understand.

**Melvyn Caplan:** If we can stick in that direction, that would be helpful.

**Dominic D'Souza:** I, I'll take that, I'll take that (*inaudible*) I mean, one more question then, please, my last question on the malware issue. So as to provide this hearing with the most up to date information, have you had a recent conversation with a police officer who's involved in the investigation of that malware?

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**Tony Nash:** I have spoke to two police officers. One was the detective sergeant for the unit, which was to hand over the documentation *that* I've been provided.

**Dominic D'Souza:** Pause there. So you spoke to a DS, detective sergeant.

**Tony Nash:** That's correct.

**Dominic D'Souza:** And was --

**Melvyn Caplan:** Yeah.

**Dominic D'Souza:** That individual actually investigating this particular --

**Tony Nash:** They're the --

**Dominic D'Souza:** Allegation?

**Tony Nash:** They're the supervisor for the team on the site providing --

**Dominic D'Souza:** The supervisor.

**Tony Nash:** Yes.

**Dominic D'Souza:** OK, and who was the second officer you --

**Tony Nash:** And the --

**Dominic D'Souza:** Spoke to?

**Tony Nash:** Second officer was the person who the investigation had been allocated, allocated to.

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**Dominic D'Souza:** Right, and so to the extent that, that we're able to assist the hearing, is this an active police investigation into Mr Langer and Mr McKeown?

**Tony Nash:** Yes.

**Dominic D'Souza:** Pause there. So, so Mr McKeown is currently being investigated by the police.

**Tony Nash:** That is correct.

**Dominic D'Souza:** Thank you. That's all I will say, then, about the ...

**Melvyn Caplan:** OK.

**Dominic D'Souza:** About the ...

**Melvyn Caplan:** Let's move on.

**Dominic D'Souza:** About the backlink. Can I, can I ask you now about Mrs Langer and the circumstances --

**Tony Nash:** Yeah.

**Dominic D'Souza:** In which you became involved with her or introduced to her.

**Tony Nash:** *Yeah.*

**Dominic D'Souza:** The suggestion you understand that's been made by Mr Bromley-Martin is that this is all being cobbled together by Mr Warr, who's effectively manipulating everybody and all the complainants. You understand that?

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**Tony Nash:** Yes.

**Dominic D'Souza:** Help us, please, with how you met Mrs Langer and tell us, tell us, first of all, was it through Mr Warr?

**Tony Nash:** No, it wasn't.

**Dominic D'Souza:** Was it entirely independent of Mr Warr?

**Tony Nash:** Yes. What were you doing for Ms Langer when you were introduced to her?

**Tony Nash:** I was introduced to Mrs Langer by a third party who I'd known for a short period of time who said that she was going through an acrimonious divorce and she had issues around her share of a company and she thought that it was being deliberately devalued and all of her income was being removed to put pressure on her to agree to hand over her part of the company.

**Dominic D'Souza:** Thank you, so --

**Tony Nash:** And --

**Dominic D'Souza:** I --

**Tony Nash:** (inaudible)

**Dominic D'Souza:** I hope I can say unexceptionally, in short order, you were assisting with her divorce.

**Tony Nash:** Yes.

**Dominic D'Souza:** Thank you.

**Melvyn Caplan:** Yeah.

**Dominic D'Souza:** And the company that she had an investment in as part of that divorce, is that SophistiCats?

**Tony Nash:** Yes.

**Dominic D'Souza:** Ostensibly?

**Tony Nash:** Yeah.

**Melvyn Caplan:** Yeah.

**Dominic D'Souza:** We know at that time she was worried about devaluing. We now know, as of today, that he's divested himself completely, Mr Langer, of any involvement in SophistiCats --

**Tony Nash:** That's what --

**Dominic D'Souza:** Or its --

**Tony Nash:** What I'm led to believe, yeah.

**Dominic D'Souza:** Or its running company. Now, when you were discussing matters with her about how to proceed or what you could do for her, what was it that came out of those discussions that was of any relevance to this hearing?

**Tony Nash:** Well, there were a number of meetings where she said she had information or evidence that would explain the nature of the behaviour of both her husband and business

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partner, but she was reluctant to, to show me it or hand it over. She also thought that she was, her car was being tracked and various other things. The, we had recently, as, as the company I'm working with, had recently dealt with something similar, for a, a company that grow fruit and there was a fallout in the company and we had taken the course of action where we had effectively taken over ownership of the shares, become a Class B shareholder and then looked at taking action through the sort of the, the way the companies had been run as a derivative action. And --

**Dominic D'Souza:** Right.

**Tony Nash:** We were looking at whether or not that was a viable alternative in this case.

**Dominic D'Souza:** *OK.*

**Tony Nash:** But it wasn't something ultimately which she was prepared to sign up to.

**Dominic D'Souza:** I understand. So, taking it again very shortly because I'm trying to follow the lead I'm being given by the hearing --

**Melvyn Caplan:** Yeah, *yeah.*

**Dominic D'Souza:** Chairman, taking it very shortly, how did you come into possession of the two emails?

**Tony Nash:** Eventually she said, I will show you the messages that, that I have. She said, I've, I've basically got them on the phone. She showed them to me and then she forwarded them to me and then they printed off --

**Dominic D'Souza:** Thank you, and so they, they, they were forwarded and printed by you.

**Tony Nash:** Yeah.

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**Dominic D'Souza:** Thank you. Moving on, so far as Mrs Langer was concerned, you have heard from Mr Bromley-Martin the various criticisms he levels at her in terms of credibility in her --

**Tony Nash:** Yeah.

**Dominic D'Souza:** Witness statement.

**Tony Nash:** Yeah.

**Dominic D'Souza:** So help us with this please. Who took her witness statement?

**Tony Nash:** I took her witness statement.

**Dominic D'Souza:** You did.

**Tony Nash:** *Yeah.*

**Dominic D'Souza:** In, when you took her witness statement, in, *you*, at various points in that statement, we can see that she says her husband, Mr Langer, and Mr McKeown, were going about destroying all the competition in their industry sector, yeah?

**Tony Nash:** That is what she said, yes.

**Dominic D'Souza:** Did those, did those suggestions come from her without your seeking to draw them from her, or did you lead that out of her?

**Tony Nash:** That had come from her.

**Dominic D'Souza:** From her, uninfluenced by you.

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**Tony Nash:** Yeah, all --

**Dominic D'Souza:** And --

**Tony Nash:** I'm looking for is what's her account.

**Dominic D'Souza:** Thank you, and so far as Mr Warr is concerned you understood him not even to know her at the time.

**Tony Nash:** That's correct.

**Dominic D'Souza:** Now, that may be important to the hearing's consideration of what she had to say because can I now ask you this? So far as the two emails are concerned, in your, so far as you're concerned, is your conclusion that they are supportive of what she said, or inconsistent with that?

**Tony Nash:** They are supportive.

**Dominic D'Souza:** Supportive.

**Tony Nash:** Yeah.

**Dominic D'Souza:** Of a, and supportive of what? What is it that you're most concerned about?

**Tony Nash:** When you look at what Mr Langer's wife, what she's referred to says and what she has provided against the chronology of what's been in the media, I see these as true documents. They set out that, at least from probably the October, there were activities in place to go to conduct unregulated covert visits into Platinum Lace using people who had, on certain parts, connections and had been sacked from SophistiCats, particularly with the

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two, I won't refer to names, but it's the two remaining dancers who had been sacked. And the, the circumstances of that, I know, are disputed, but they were sacked and they did end up working back at SophistiCats, is my understanding, after the newspapers had actually published, which would fit in with --

**Melvyn Caplan:** OK.

**Tony Nash:** Ms Langer's --

**Dominic D'Souza:** *All right.*

**Tony Nash:** Account.

**Melvyn Caplan:** All right, can I --

**Dominic D'Souza:** *If I then --*

**Melvyn Caplan:** Can I stop you for a moment? I, let's not try and repeat --

**Dominic D'Souza:** I'm trying *not to* --

**Melvyn Caplan:** Lots of information --

**Dominic D'Souza:** I'm trying not to.

**Melvyn Caplan:** That is in here.

**Dominic D'Souza:** Yeah.

**Melvyn Caplan:** I think we're, I think we're getting the --

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**Dominic D'Souza:** Yeah.

**Melvyn Caplan:** Point --

**Dominic D'Souza:** *Of course.*

**Melvyn Caplan:** As they say, and so --

**Dominic D'Souza:** *Yeah.*

**Melvyn Caplan:** Let's --

**Dominic D'Souza:** *Good (inaudible)*

**Melvyn Caplan:** Move on.

**Dominic D'Souza:** Yes, *and* if --

**Tony Nash:** *Yeah.*

**Dominic D'Souza:** You, it's, it's the, listen to the questions carefully.

**Tony Nash:** Yes.

**Dominic D'Souza:** And, and just answer just the questions, and, and as shortly as you can, I think will assist --

**Tony Nash:** Yeah.

**Dominic D'Souza:** Everybody. Actually, I'm coming to the end of my questioning so far as the, this particular aspect is --

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**Tony Nash:** Yeah.

**Dominic D'Souza:** Concerned.

**Melvyn Caplan:** Yeah.

**Dominic D'Souza:** Last question. Have you ever met Mr Warr before, being instructed in these matters?

**Tony Nash:** No, never.

**Dominic D'Souza:** No. In relation to, bear with me one second, in relation to the police officers that were, or ex police officers, that appear to have been used by SophistiCats, were you ever able to track them down and/or speak to them?

**Tony Nash:** I managed to speak to one *of them*.

**Dominic D'Souza:** Who was that that you spoke to?

**Tony Nash:** That was Mark Halton.

**Dominic D'Souza:** Halton, Mark Halton. And we, we see reference to Mark being the person organising all these objections with various clubs in the emails, do we?

**Tony Nash:** In the, the, in the WhatsApp messages.

**Dominic D'Souza:** In the WhatsApp messages there's --

**Tony Nash:** Yeah.

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**Dominic D'Souza:** A reference to Mark. Who did --

**Tony Nash:** Yeah.

**Dominic D'Souza:** You conclude that Mark was?

**Tony Nash:** Mark Halton.

**Dominic D'Souza:** Mark Halton. And so far as your conclusions in respect of the identity of that Mark were concerned, what did that lead you to think about whether or not there was a concerted campaign against other adult entertainment venues?

**Tony Nash:** Yes, I thought that Mark Halton was being instructed and that because of the links back, that this was all part of the same continuance from 2015.

**Dominic D'Souza:** *Yes.*

**Melvyn Caplan:** *Can --*

**Dominic D'Souza:** I --

**Melvyn Caplan:** *Can you --*

**Dominic D'Souza:** I --

**Melvyn Caplan:** *Can you --*

**Dominic D'Souza:** Don't --

**Melvyn Caplan:** Sorry again --

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Key: ... indicates speaker has trailed off  
-- indicates speaker was interrupted  
words/phrases in italics indicate words which may not be correct

**Dominic D'Souza:** I'm so --

**Melvyn Caplan:** To --

**Dominic D'Souza:** Sorry.

**Melvyn Caplan:** Interrupt. Can we, can you try and just stick to evidence --

**M:** *Yeah.*

**Melvyn Caplan:** As opposed to opinions?

**Dominic D'Souza:** Conclusions.

**Melvyn Caplan:** And --

**Dominic D'Souza:** Conclusions.

**Melvyn Caplan:** Conclusions? Because I think, you know ...

**Dominic D'Souza:** I, I can take it much longer and deal with the, all the evidence upon which a conclusion is predicated, but --

**Melvyn Caplan:** I --

**Dominic D'Souza:** I was trying to be, because --

**Melvyn Caplan:** I --

**Dominic D'Souza:** You've seen the --

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**Melvyn Caplan:** I --

**Dominic D'Souza:** Evidence. You've got the evidence *of* --

**Melvyn Caplan:** Well, exactly, and that --

**Dominic D'Souza:** Yeah.

**Melvyn Caplan:** That's the point. And --

**Dominic D'Souza:** It's --

**Melvyn Caplan:** *You* --

**Dominic D'Souza:** Only the conclusions I wanted to draw out.

**Melvyn Caplan:** Please, yeah.

**Dominic D'Souza:** And in, in actual fact, I've got no further --

**Melvyn Caplan:** Yeah.

**Dominic D'Souza:** Questions for you at all now, but you're going to be now asked --

**Tony Nash:** Yes.

**Dominic D'Souza:** Some questions --

**Tony Nash:** Of course.

**Dominic D'Souza:** By the, by the --

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**Melvyn Caplan:** *All right.*

**Dominic D'Souza:** Tribunal, if they have any.

**M:** Committee.

**Melvyn Caplan:** OK.

**F:** Committee.

**Melvyn Caplan:** No, well --

**Dominic D'Souza:** I'm --

**Melvyn Caplan:** I think --

**Dominic D'Souza:** Sorry, by the --

**Melvyn Caplan:** I think --

**Dominic D'Souza:** Hearing.

**Melvyn Caplan:** We're, we were asking as we *sort*, sort of go along. OK, so that's all you want to get from Mr Nash, yeah?

**Dominic D'Souza:** *In addition*, yeah, yes.

**Melvyn Caplan:** OK.

**Dominic D'Souza:** Outside his witness statements.

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**Melvyn Caplan:** What, what are you moving on to? And I'll, I'll come to you in a second, Mr Bromley-Martin. What, what, what are you moving on to next in terms of your evidence you want to present us?

**Dominic D'Souza:** There's no, there's no further evidence I'm going to present to you.

**Melvyn Caplan:** Right.

**Dominic D'Souza:** The evidence is already here in the documentation.

**Melvyn Caplan:** Right.

**Dominic D'Souza:** I will be making ten minutes' worth, I've got ten minutes more in terms of my submissions.

**Melvyn Caplan:** OK, no, that's fine.

**Dominic D'Souza:** *And* then I --

**Melvyn Caplan:** OK.

**Dominic D'Souza:** And then I'll be, then I'll be done.

**Melvyn Caplan:** All right, so let's, do you want to ask anything of Mr Nash now, do you want to wait until D'Souza's finished?

**Michael Bromley-Martin:** I'd like to ask him now if I may.

**Melvyn Caplan:** I thought you did, and that's why I thought I would just turn to you at that point. So, through me, please ask your questions.

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**Michael Bromley-Martin:** Mr Chairman, I'm very conscious of the fact that I must not cross-examine. It's not appropriate for this --

**Melvyn Caplan:** Exactly.

**Michael Bromley-Martin:** For this --

**Melvyn Caplan:** It's, it's --

**Michael Bromley-Martin:** Hearing.

**Melvyn Caplan:** Questions.

**Michael Bromley-Martin:** It's questions, and --

**Melvyn Caplan:** Yeah.

**Michael Bromley-Martin:** So --

**Melvyn Caplan:** Please.

**Michael Bromley-Martin:** I strictly will adopt that way --

**Melvyn Caplan:** And I'll --

**Michael Bromley-Martin:** Of --

**Melvyn Caplan:** Stop you --

**Michael Bromley-Martin:** Questioning.

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*-- indicates speaker was interrupted*  
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**Melvyn Caplan:** If you change *that anyway*.

**Michael Bromley-Martin:** And I'm sure you will. Before I ask any --

**Melvyn Caplan:** Yeah.

**Michael Bromley-Martin:** Questions, I --

**Melvyn Caplan:** Sure.

**Michael Bromley-Martin:** Apologise to you, Mr Nash, for --

**Melvyn Caplan:** Yeah.

**Michael Bromley-Martin:** Referring to you as a hired gun.

**Melvyn Caplan:** That's ...

**Michael Bromley-Martin:** In my, in my defence, it's an expression that I use to describe myself.

**Melvyn Caplan:** That's fine. *Thank you*. Moving on swiftly.

**Michael Bromley-Martin:** Hacking, or backlinking actually.

**Tony Nash:** Yeah.

**Michael Bromley-Martin:** Because there, there's no evidence of any hacking, is --

**Melvyn Caplan:** Yeah.

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**Michael Bromley-Martin:** There? There is only this suggestion of backlinking?

**Tony Nash:** So I disagree, and I, if I could explain why, on the coding that shows how the backlinking was created, it has been done using *Acsynced.com*. *Acsynced.com* is a hacking tool from Russia, and when you look at every single backlink in the coding, which is what I've now referred over to the police, it's, it shows obviously SophistiCats.

**Melvyn Caplan:** *Yeah.*

**Tony Nash:** Or URL. Or maybe I've referred to it in the wrong way, but the server.

**Melvyn Caplan:** *Yeah.*

**Tony Nash:** But it shows that *Acsynced* was used --

**Melvyn Caplan:** OK.

**Tony Nash:** To actually gain control to create the backlink.

**Melvyn Caplan:** OK.

**Tony Nash:** That is malware. It is hacking by any terms.

**Melvyn Caplan:** OK.

**Michael Bromley-Martin:** In your second statement you referred to having travelled to Glasgow on 30 December 2018 and meeting the person whose name I gave a little bit earlier.

**Melvyn Caplan:** *Yeah?*

**Tony Nash:** Yeah. That was --

**Michael Bromley-Martin:** Was --

**Tony Nash:** Greg.

**Michael Bromley-Martin:** Was, did you meet somebody called Greg Patterson?

**Tony Nash:** Yes, I did, yeah.

**Michael Bromley-Martin:** In relation to this?

**Tony Nash:** Yeah.

**Melvyn Caplan:** Yeah, this is page 445, so we, we have this.

**Tony Nash:** Yeah.

**Dominic D'Souza:** Yeah.

**Michael Bromley-Martin:** I have it on page 283.

**Melvyn Caplan:** Oh, well, page 283 of your submission, 445 of the, of the council's --

**Michael Bromley-Martin:** Oh, good.

**Tony Nash:** *All right.*

**Melvyn Caplan:** Document. So I've got 283 --

**Michael Bromley-Martin:** *OK.*

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**Melvyn Caplan:** As well. There's both.

**Michael Bromley-Martin:** Yeah.

**Melvyn Caplan:** Well, so that's not your submission. That's Mr D'Souza's submission.

**M:** Yes, and I'll refer to --

**Melvyn Caplan:** Yeah.

**M:** Page numbers on here.

**Melvyn Caplan:** Yeah. Go ahead.

**Michael Bromley-Martin:** Mr Nash, *do*, do you understand that the placing of a backlink, hidden backlink on a third party website can either improve the ratings of a target website or indeed diminish them?

**Tony Nash:** I understand that either outcome *is* possible depending on how that is perpetrated and how it's managed. *That's* --

**Michael Bromley-Martin:** Yes.

**Tony Nash:** Yes, I understand --

**Melvyn Caplan:** I think --

**Tony Nash:** That.

**Melvyn Caplan:** You've said that already, yeah.

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**Tony Nash:** Yeah.

**Melvyn Caplan:** Yeah.

**Michael Bromley-Martin:** So your surmised that this was only beneficial to SophistiCats and that therefore that was evidence --

**Tony Nash:** *Well --*

**Michael Bromley-Martin:** That it --

**Tony Nash:** *Well --*

**Michael Bromley-Martin:** Must have been done by SophistiCats, that doesn't follow, does it?

**Tony Nash:** Well, I'm, I totally disagree. It's the SophistiCats URL, or server as you've or as I've described it, on all of these backlinks, I'm told, in total, I haven't seen them all, but there's 5,000. I couldn't go through 5,000. I went --

**Melvyn Caplan:** *That's true.*

**Tony Nash:** Through a, a, a small number, which I think was about a dozen. Each of the coding which you can get from Google, historic photographs of it show a SophistiCats reference and an *Acsynced* Russian malware, a hacking tool being used to --

**Melvyn Caplan:** Yeah.

**Tony Nash:** Create that backlink.

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**Melvyn Caplan:** OK. Question, yeah.

**Jim Glen:** May I ask ...

**Melvyn Caplan:** *Well*, you can in a second. Let Mr --

**Jim Glen:** *Yeah, go on.*

**Melvyn Caplan:** Bromley-Martin finish and (*inaudible*) in a second.

**Michael Bromley-Martin:** You, you, you just mentioned a moment or two ago that there were some odd connections. By that you mean websites upon which the backlink was placed?

**Tony Nash:** Yeah, I think it's, if you, what my understanding *of* --

**Michael Bromley-Martin:** Is --

**Tony Nash:** Of --

**Melvyn Caplan:** Is that what you meant?

**Tony Nash:** I think, yeah, I think *we're*, if you look at most people with backlinks, which can be official and legal, depending on how you get them, is they're generally something which is linked to your business or someone that you've got a connection to and there's an agreement that you can create the backlink, which boosts the search engine optimisation. I don't see, unless I'm missing something, how an adult entertainment centre can have a legitimate backlink to a primary school *in town*.

**Melvyn Caplan:** OK, opinion. OK, go ahead.

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**Michael Bromley-Martin:** Can I ask you, Mr Nash, *you*, would you, would you agree that if someone was doing this in order to damage SophistiCats, that that, that, that would be, that would be a good place to start, wouldn't it, with a primary school website?

**M:** (inaudible)

**Tony Nash:** I think if it was something that you were going to create and then report to the authorities immediately so that they could it, then you may have a point, but this has been ongoing and managed for four years. And again I would ask anyone, you look at your smartphone, put in London strip club, you will find SophistiCats at number 1. It's only supported their position on search engine optimisation.

**Melvyn Caplan:** OK, can we try and stick what evidence Mr Nash can --

**Michael Bromley-Martin:** Yes.

**Melvyn Caplan:** Supply us. And you're --

**Michael Bromley-Martin:** Yes.

**Melvyn Caplan:** Not, you know, sort of ...

**Michael Bromley-Martin:** Yeah, all right.

**Melvyn Caplan:** You know --

**Michael Bromley-Martin:** I'm only --

**Melvyn Caplan:** *I think I --*

**Michael Bromley-Martin:** Concerned, I'm only concerned --

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**Melvyn Caplan:** I, I know, I, I know.

**Michael Bromley-Martin:** I have to say --

**Melvyn Caplan:** Yeah, go ahead.

**Michael Bromley-Martin:** About that --

**Melvyn Caplan:** *Right*, yeah, yeah.

**Michael Bromley-Martin:** Gratuitous reference to a, a primary school.

**Melvyn Caplan:** Yeah.

**Michael Bromley-Martin:** *That's (inaudible)*

**Melvyn Caplan:** No, and that's on the record and understood.

**Michael Bromley-Martin:** Yeah.

**Tony Nash:** *Well, it wasn't --*

**Melvyn Caplan:** Any, anything --

**Tony Nash:** Sorry, what's *been* --

**Melvyn Caplan:** *OK.*

**Tony Nash:** Gratuitous? I'm sorry.

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**Melvyn Caplan:** No, no, no, let's, let's, let's move on. I think, you know, we understand. Do you, do you have anything else for Mr --

**Michael Bromley-Martin:** Nothing --

**Melvyn Caplan:** Nash?

**Michael Bromley-Martin:** On hacking. I want *to*, to ask him some questions, please, about Mrs Langer.

**Melvyn Caplan:** OK, before we do that, Counsellor Glen wishes to follow up on the question of hacking, go ahead, I think.

**Jim Glen:** Thank you, Chair, yes. I understand that what, what you're saying is that the, the, in the coding on the backlinks it's --

**Tony Nash:** Yeah.

**Jim Glen:** Always referring back to the SoCats website or *the* --

**Tony Nash:** Yeah.

**Jim Glen:** SophistiCats website, but that's not evidence that that backlink came from SophistiCats, is it?

**Tony Nash:** *Yeah, because* it's --

**Jim Glen:** It's just that --

**Tony Nash:** Well, it's a --

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Key: ... indicates speaker has trailed off  
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**Jim Glen:** Any third party could have inserted this ...

**Tony Nash:** That's not --

**Jim Glen:** Code --

**Tony Nash:** *How it's* --

**Jim Glen:** Into --

**Melvyn Caplan:** Yeah.

**Tony Nash:** Yeah.

**Jim Glen:** The site to refer to SophistiCats.

**Tony Nash:** That's not what's been explained to me. I'm not --

**Jim Glen:** All right.

**Tony Nash:** The expert in this. I'm giving you --

**Melvyn Caplan:** *OK.*

**Tony Nash:** Exactly what I'm told, why it's been referred to *the* police.

**Melvyn Caplan:** *Yeah.*

**Tony Nash:** But the, it's the SophistiCats URL --

**Melvyn Caplan:** *OK.*

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-- indicates speaker was interrupted  
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**Tony Nash:** That is used on all these occasions over four years.

**Jim Glen:** It, it's all, yes, they're all --

**Tony Nash:** Yeah.

**Jim Glen:** Pointing to SophistiCats, but that isn't --

**Tony Nash:** Yeah.

**Jim Glen:** Definite proof that, sorry --

**Tony Nash:** That's --

**Jim Glen:** That's not --

**Tony Nash:** And that --

**Jim Glen:** *Indefinite* proof that SophistiCats --

**Tony Nash:** *And* --

**Jim Glen:** Themselves put it there.

**Tony Nash:** No, it's an allegation.

**Melvyn Caplan:** Yeah.

**Tony Nash:** And --

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**Melvyn Caplan:** OK.

**Tony Nash:** That's why it's there.

**Melvyn Caplan:** *Go ahead.*

**Tony Nash:** But the, my understanding is that the tracking software sits on whoever's got the backlink server. So it would be, in this case, SophistiCats, so --

**Melvyn Caplan:** OK, I, I, I think, you know, I think we've got ...

**Tony Nash:** Yeah.

**Melvyn Caplan:** Your --

**Shamim Talukder:** *Got that.*

**Melvyn Caplan:** Professional opinion.

**Tony Nash:** Yeah.

**Melvyn Caplan:** We've got the questions.

**M:** *Yeah, all right. Well, yeah.*

**Melvyn Caplan:** Asked then answered. Councillor --

**Tony Nash:** Yeah.

**Melvyn Caplan:** Talukder, I think you had a question.

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**Shamim Talukder:** About hacking, sorry?

**Melvyn Caplan:** Yeah.

**M:** *Yes.*

**Melvyn Caplan:** Yeah, *ask it*, then we can move off this point.

**M:** Yeah.

**Shamim Talukder:** Please, yeah. So, Mr, Mr, Mr Nash, *Acsynced.com* you mentioned.

**Tony Nash:** Yeah.

**Shamim Talukder:** They're based in Russia. So *they agreed* a back, a backlinking --

**Tony Nash:** Yeah.

**Shamim Talukder:** With a company that would go through *Acsynced.com* in Russia, and, if so, how would they get hold of the company in Russia?

**Tony Nash:** My, I, my understanding is you can just go online and you can use the tool. *It*, I think you have to pay for it, but you can, you can actually get the tool and use it however you see fit.

**Melvyn Caplan:** (*inaudible*) just ask Mr McKeown a direct question, not --

**Shamim Talukder:** So ...

**Melvyn Caplan:** *He's* not going to *be* ...

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**Shamim Talukder:** You have to --

**Melvyn Caplan:** Yeah, I --

**Shamim Talukder:** Call them up or --

**Melvyn Caplan:** Yeah, yes.

**Shamim Talukder:** Send them an email and you pay online?

**Tony Nash:** I'm not sure of the mechanism for actually getting it, but I know you can obtain it, purchase it and use it.

**Shamim Talukder:** Right.

**Tony Nash:** But it's *a*, it's a --

**Shamim Talukder:** So --

**Tony Nash:** It's a form of malware, and you, it, I, I can't be certain, but it's, it's possibly something you get on the dark web.

**Shamim Talukder:** Yeah. I'd like to read *for you* what my colleague says *about* --

**Tony Nash:** Yeah.

**Shamim Talukder:** *This then*. So if, if SophistiCats was involved in this ...

**Tony Nash:** Yeah.

**Shamim Talukder:** What hard evidence would you have to show us?

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**M:** (inaudible)

**Tony Nash:** Well, it's, there's, it's their server. It's, it's, the tracking is with their server only. It's only their server. These are managed. It's, it's about *the*, it's, maybe this isn't the, the direct evidence, but if you look at it in terms of the circumstances and the circumstantial evidence, it's over four years. There has been a number of backlinks created, managed off and then new ones put on to maintain that search engine optimisation. Every one has used the tracking for the SophistiCats URL or, or the domain and it is creating these backlinks. They stay on for various times, some for a year, some for a very short period, then they're taken off.

**Melvyn Caplan:** OK.

**Tony Nash:** And that is how it's been explained to me.

**Melvyn Caplan:** OK.

**Tony Nash:** I can't access all that information, which is why it's with the --

**Melvyn Caplan:** Yeah.

**Tony Nash:** Police.

**Melvyn Caplan:** OK.

**Shamim Talukder:** *Can we just ...*

**Melvyn Caplan:** Yeah, go *ahead*.

**Shamim Talukder:** Yeah.

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**Melvyn Caplan:** Yeah.

**Shamim Talukder:** So, so, *for* a, a, a company to continue for four years or more, they would have to renew that on a yearly basis. Is it correct?

**Tony Nash:** No, I, I, I'm sorry, I don't know if I quite understand your question.

**Shamim Talukder:** So, so, for example, *for* a company to appear ...

**Tony Nash:** Yeah.

**Shamim Talukder:** In the search, search engine --

**Tony Nash:** Yeah.

**Shamim Talukder:** On a regular basis --

**Tony Nash:** Yeah.

**Shamim Talukder:** For four years or more or for more than a year, do --

**Tony Nash:** Yeah.

**Shamim Talukder:** They have to renew it on a yearly basis like *you review your* --

**Tony Nash:** Resume the *Acsynced*?

**Shamim Talukder:** Yeah.

**Tony Nash:** I, the answer is, I don't know.

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**Melvyn Caplan:** OK, all right.

**Shamim Talukder:** Thank you.

**Melvyn Caplan:** OK, just to, and I will come back to you, Mr Bromley-Martin, in a second, I want to ask Mr McKeown a question, if I may at this point, because I think it might assist this hearing significantly. Very simple question, Mr McKeown. Have you personally or instructed anybody to, *I'll* get my terminology correct, added any backlinks in the way that was suggested, you know, that we've heard, sort of heard so --

**John McKeown:** Hell --

**Melvyn Caplan:** Far?

**John McKeown:** No.

**Melvyn Caplan:** OK, I just, I just wanted, *and* that's fine, I just wanted to ask that question, and, you know, we'll, we've got plenty of other evidence going backwards and forwards. But I just wanted to ask that question *and thought* that was the right point. Right, Mr Bromley-Martin, you could be, *refollow* the *line of questioning* that you *asked* to --

**Michael Bromley-Martin:** Yes.

**M:** *Are you there?*

**Melvyn Caplan:** *Refer to* please.

**Dominic D'Souza:** Oh, yes.

**Melvyn Caplan:** Put the microphone back on please.

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**Michael Bromley-Martin:** Yes, Mr Nash, Mrs Langer.

**Tony Nash:** Yeah.

**Michael Bromley-Martin:** You, you, you say that you met her for the first time and it was not the first meeting that she showed you these two emails on her phone.

**Tony Nash:** No, the first meeting, I met her over in Edgware and she made reference to them.

**Michael Bromley-Martin:** Whereabouts?

**Tony Nash:** In a coffeeshop.

**Michael Bromley-Martin:** *Yeah.*

**Tony Nash:** *Where she didn't show me them.*

**Melvyn Caplan:** OK.

**Tony Nash:** And I think, I mean, I think it's quite clear, *I, and it's --*

**Melvyn Caplan:** *Can,* sorry, I, can we just answer the questions? And --

**Tony Nash:** Yeah.

**Melvyn Caplan:** Let's sort of move on, because I --

**Tony Nash:** *That's all right.*

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**Melvyn Caplan:** Think, you know.

**Michael Bromley-Martin:** Yeah.

**Melvyn Caplan:** Let --

**Michael Bromley-Martin:** I mean --

**Melvyn Caplan:** Let's do --

**Michael Bromley-Martin:** *We* --

**Melvyn Caplan:** That --

**Michael Bromley-Martin:** (inaudible)

**Melvyn Caplan:** Please.

**Michael Bromley-Martin:** Just, just, yeah, the --

**Melvyn Caplan:** Yeah.

**Michael Bromley-Martin:** Most of my questions --

**Melvyn Caplan:** Yeah.

**Michael Bromley-Martin:** Will ...

**Melvyn Caplan:** Yeah.

**Michael Bromley-Martin:** Have a one line answer.

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**Tony Nash:** Yeah.

**Melvyn Caplan:** Exactly. Let's just do that.

**Michael Bromley-Martin:** And she showed you, did she, these emails, as it were, on her phone by holding up the, the, the phone to you?

**Tony Nash:** Yes, but not on the first occasion.

**Melvyn Caplan:** There.

**Michael Bromley-Martin:** How did you then obtain them in this form? And I had, of course this is all we get.

(parties confer)

**Melvyn Caplan:** Yeah, yeah.

**Michael Bromley-Martin:** How did you obtain them in that form?

**Tony Nash:** Some meetings later she showed me, when we were taking the statements, there were printing facilities, I arranged for them to send them and then have them printed.

**Michael Bromley-Martin:** So she then sent them to you?

**Tony Nash:** Yeah, she sent them through and then they were printed.

**Michael Bromley-Martin:** Right. Have you ever viewed her, her inbox and her email account?

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**Tony Nash:** No.

**Melvyn Caplan:** OK.

**Michael Bromley-Martin:** All right, *thank you*. They were simply on, on her phone, right.

**Tony Nash:** I think --

**Michael Bromley-Martin:** Thank you.

**Tony Nash:** *It is right that* this was a phone that was her husband's and she'd insert the SIM card when she needed to use it because she had no phone and no money. And this was on his phone, not her phone, but --

**Melvyn Caplan:** *OK*.

**Tony Nash:** She'd taken possession of it to use it.

**Melvyn Caplan:** Thank you.

**Michael Bromley-Martin:** These emails obviously discuss the obtaining of evidence to be sent to a newspaper or newspapers for them to write to a story, clearly.

**Tony Nash:** Yes.

**Michael Bromley-Martin:** Is there anywhere that you can point to in the emails where it is suggested that false evidence should be created?

**Tony Nash:** Yes, but I think if I, if, I don't know if you've got the document in front of you, Sir.

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**Michael Bromley-Martin:** I have.

**Melvyn Caplan:** We have, yeah.

**Tony Nash:** The first thing is, if you look at it from 20 December, James Millbank ...

**Michael Bromley-Martin:** I'm afraid I don't have the dates.

**Tony Nash:** OK, *there, there*, there's --

**Michael Bromley-Martin:** If you could give me the page number in the --

**Tony Nash:** I don't have the bundle number, but ...

**Melvyn Caplan:** All right, let's just, *we're* --

**M:** (inaudible)

**Dominic D'Souza:** I do --

**M:** (inaudible) actually. No, I've got that one.

**Tony Nash:** OK.

**Melvyn Caplan:** OK, let's just all get --

**Jim Glen:** *Our one's* 276, that one.

**Melvyn Caplan:** 276, thank you. We've got that, just.

**Michael Bromley-Martin:** Oh, that's the wrong one for me.

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**M:** 115.

**Michael Bromley-Martin:** *One*, 115, thank you.

**Melvyn Caplan:** OK, yeah, got it. OK?

**Shamim Talukder:** *Well*, yeah.

**Tony Nash:** If we look at 20 December, James Millbank to Simon Langer, it starts:

**“Evening, Simon, John ...”**

**Melvyn Caplan:** Yeah, apologies for any delay. We’ve got that, yeah.

**Tony Nash:** In point 1, if you go *to the*, sort of the end of this point 1:

**“The footage has been edited into a montage of the main pieces of evidence. Also, the face has been blacked out for when it is passed over to the council. We have two edited versions, one with audio and [one] the other without.”**

Sorry.

**“Both work perfectly well, but I will decide which of the two to send on the day.”**

They’re not submitting that entire evidence. They’re submitting what they consider to be a montage of what they want to put forward, point 1.

**Melvyn Caplan:** OK.

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**Tony Nash:** I also look at another point, which is where it says, the same email, towards the end, it's quite a long email, after point 3 ...

**Michael Bromley-Martin:** What page please?

**Tony Nash:** So it's --

**Jim Glen:** 118.

**Michael Bromley-Martin:** 118.

**Michael Bromley-Martin:** Thank you.

**Tony Nash:** 118.

**M:** (inaudible)

**Tony Nash:** Towards the end, it talks about a, a, *the* freelance journalist and it says that the, *that* basically the, one of the national newspapers *was handed it* at the same time on the same day so --

**Melvyn Caplan:** Yeah.

**Tony Nash:** That:

**“Both the city council and the club get hit by freelance journo and the clout of a national newspaper all at once. That, in my opinion, is something they cannot ignore. This does all depend, though, on whether or not the paper comes down in price. I will know tomorrow.**

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**If not, I suggest we go ahead with the freelance journo and just hope [it's] that it puts the wind up them enough."**

**Melvyn Caplan:** OK.

**Tony Nash:** I then refer to --

**Melvyn Caplan:** *We're not* --

**Tony Nash:** One other section which clearly --

**Melvyn Caplan:** OK.

**Tony Nash:** Is relevant.

**Melvyn Caplan:** Yeah.

**Tony Nash:** Which is from the email of 12 January after the newspaper has actually published, and it would be on your page two ...

**M:** 286.

**Tony Nash:** 286.

**Melvyn Caplan:** 286, which is --

**Tony Nash:** And it's about --

**Melvyn Caplan:** 125.

**Tony Nash:** Half --

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**Michael Bromley-Martin:** 125?

**Melvyn Caplan:** Yeah.

**F:** Yeah.

(parties confer)

**Tony Nash:** About halfway down:

**“What I would say is that what you have achieved re PL ...”**

And I assume Platinum Lace.

**Melvyn Caplan:** Yeah.

**Tony Nash:**

**“and from a starting point of ground zero ...”**

What is a starting point of ground zero? My only interpretation can be that there was nothing.

**“is immense, and in the future you/we need to call upon these people again.”**

And to my mind, that is not particularly good. I then go to page 277.

**Melvyn Caplan:** Yeah, and so that 's --

**Tony Nash:** Yeah, yeah.

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**Melvyn Caplan:** 116.

**Tony Nash:** And it's the second paragraph:

**“On top of this, I am passing on the initial footage that your girl got of  
Carla in the club.”**

**Melvyn Caplan:**

**“that your girl ...”**

**M:** *These are the notes --*

**Tony Nash:**

**“that your girl ...”**

Now, this is from Millbank to Simon Langer but addressed to Simon and John, quite indicating that both of them have been involved in ...

**Michael Bromley-Martin:** That wasn't the question --

**Tony Nash:** Placing --

**Michael Bromley-Martin:** I asked you, Mr Nash.

**Melvyn Caplan:** Yeah, yeah, OK.

**Dominic D'Souza:** *Well, it --*

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**Melvyn Caplan:** So --

**Dominic D'Souza:** *Was.*

**Melvyn Caplan:** *So*, OK, I, I think, Mr Nash --

**M:** *Yeah.*

**Melvyn Caplan:** We've got --

**Dominic D'Souza:** *It was.*

**Melvyn Caplan:** The flavour of what you want to --

**Tony Nash:** Yeah.

**Melvyn Caplan:** Say, and I'm sure Mr D'Souza will add anything he needs to.

**Dominic D'Souza:** There are number of other regards in which I *could* --

**M:** Yeah.

**Dominic D'Souza:** Say --

**Melvyn Caplan:** I'm, I'm *sure*, I'm sure you --

**Dominic D'Souza:** *There's a difference between* --

**Melvyn Caplan:** Wouldn't do it to use the --

**Dominic D'Souza:** Clearly --

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**Melvyn Caplan:** OK.

**Dominic D'Souza:** (inaudible)

**Melvyn Caplan:** So, so Mr Bromley-Martin, any further questions? You will have the chance for rebuttal and statements in due course, but any --

**Michael Bromley-Martin:** Yes, please.

**Melvyn Caplan:** Further questions?

**Michael Bromley-Martin:** *Yes, please.*

**Melvyn Caplan:** Go --

**Michael Bromley-Martin:** Yes --

**Melvyn Caplan:** Ahead.

**Michael Bromley-Martin:** Please. It's in relation to this. This, as we can see, is discussion of obtaining evidence to be provided to the city council. Is it the case that you, Mr Nash, also recruited witnesses going to SophistiCats with a view to obtaining evidence for the city council?

**Tony Nash:** No, I've never done that.

**Melvyn Caplan:** OK, that's --

**Tony Nash:** Not --

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**Melvyn Caplan:** *That's never --*

**Tony Nash:** In, not *in*, I would be doing it --

**Melvyn Caplan:** Yeah.

**Tony Nash:** For the touting, *but*, but that was after the event. I've never instructed anyone to go into SophistiCats to look at were there any licence breaches.

**Melvyn Caplan:** OK, fine, thank you. Yeah, *go on*.

**Michael Bromley-Martin:** *But* I, I, I need a, sorry, I've just lost the *meeting*. Mr Nash, did you have a meeting with Mrs Langer on 5 October at Panini's café in, in the, 22 ...

**Tony Nash:** In Hadley Wood, yes.

**Dominic D'Souza:** *Yeah*.

**Michael Bromley-Martin:** Yes, in Hadley Wood.

**Melvyn Caplan:** Yeah, he did.

**Michael Bromley-Martin:** Yeah. Did you discuss a payment of £200,000 in the context of Soho and Marylebone, of course Brewer Street and Welbeck Street in Soho and Marylebone respectively?

**Tony Nash:** No, what I would suggest is that the people following Mrs Langer and who heard part of a conversation heard her concern about the devaluation of the clubs that she felt she was owed part of, which was Marylebone and Soho, and that, which is, I think, from my understanding, still subject to commercial litigation.

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**Melvyn Caplan:** Yeah.

**Tony Nash:** But there was no payment of £200,000 on *how above* described.

**Melvyn Caplan:** *That's OK*, all right.

**Michael Bromley-Martin:** Sorry, *you were* --

**Melvyn Caplan:** Yeah, *go ahead*.

**Michael Bromley-Martin:** Did you say to Mrs Langer, let me have the conversation with two people, I may be able to do them both, being a, a, a reference to both SophistiCats, at Soho and Marylebone? *It's* --

**Tony Nash:** No, not at all. I mean, the, we had a conversation about two people who could help. One was my business partner, who'd overseen what I call Tomatogate, which was the, the, the fruit growing, and the second one was lawyers that we used that may be able to assist her moving forward. So the only reference were, were other people that could assist. In respect of the, sort of the suggestion of the people that did the visit, I didn't know them. I've met one once to take a statement. The other, I've never met and never had any contact with.

**Michael Bromley-Martin:** OK.

**Dominic D'Souza:** *Or the others*.

**Michael Bromley-Martin:** Do you know Allan Brown or Kenneth Haswell?

**Tony Nash:** I've never, well, I know who Kenneth Haswell is because I've seen statements, but I've never had any contact and never knew him before this incident. In respect of Mr Brown, I met him once after all this had happened, to obtain a statement, which is all subject to a separate issue which is ongoing.

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**Melvyn Caplan:** Yeah, OK.

**Michael Bromley-Martin:** Is it, this is my last question --

**Melvyn Caplan:** Yeah, go ahead.

**Michael Bromley-Martin:** Mr Chairman.

**Melvyn Caplan:** Yeah, go ahead.

**Michael Bromley-Martin:** Is it then a coincidence, Mr Nash, you should be having a conversation on 5 October talking about a conversation with two people and being --

**Tony Nash:** *Unfortunately* --

**Michael Bromley-Martin:** Able possibly to do them both, both, that on 11 October, seven days later, Mr Brown goes into SophistiCats and subsequently makes a false report and on 12 October Mr Haswell goes into SophistiCats and makes a false report?

**Tony Nash:** Unfortunately, I think it's a case of two and two equals 2,000. It's completely wrong.

**Michael Bromley-Martin:** It's a complete coincidence, is it?

**Tony Nash:** It's, well, it's not a coincidence. It's just completely false. It's wrong.

**Melvyn Caplan:** OK, fine.

**Michael Bromley-Martin:** That's all I ask.

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**Melvyn Caplan:** Right.

**Dominic D'Souza:** *So if I could* go back to my, my submissions --

**Melvyn Caplan:** Yeah, I, I just thought it was just helpful to deal with --

**Dominic D'Souza:** Yes, of --

**Melvyn Caplan:** Some --

**Dominic D'Souza:** Course --

**Melvyn Caplan:** Of --

**Dominic D'Souza:** It --

**Melvyn Caplan:** This --

**Dominic D'Souza:** Was.

**Melvyn Caplan:** Now, and --

**Dominic D'Souza:** Of course it was.

**Melvyn Caplan:** It means, sorry, it means that we, we won't have to ...

**Dominic D'Souza:** Yeah.

**Melvyn Caplan:** Go back to some of this --

**Dominic D'Souza:** Yeah.

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**Melvyn Caplan:** Sort of *at*, at a later sort of stage. OK.

**Dominic D'Souza:** Well --

**Melvyn Caplan:** So --

**Dominic D'Souza:** That, that last, that last question by my learned friend was stretching in incredulity beyond snapping point, I think, and I just want --

**Melvyn Caplan:** OK.

**Dominic D'Souza:** If --

**Melvyn Caplan:** So --

**Dominic D'Souza:** I may, as --

**Melvyn Caplan:** So --

**Dominic D'Souza:** Part --

**Melvyn Caplan:** So you're going to get into your --

**Dominic D'Souza:** *No*, I've got ten minutes, if that.

**Melvyn Caplan:** No, that, that's absolutely fine. Just to be clear with everybody, what we're going to do then is, once you've done that, I will then ask Mr Bromley-Martin and maybe Mr McKeown. *We'll hear* one or two questions about some of the points that have just been raised, before we then get into your summation as well. In between all of that, sitting very patiently in front of me we'll also hear from the Licensing Authority. Mr D'Souza.

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**Dominic D'Souza:** Yes, *I*, in, in, in the next five or ten minutes I just, just want to bring ...

**Melvyn Caplan:** Yeah, go ahead.

**Dominic D'Souza:** The facts of all of this back to reality. We're, we're dealing with sensible conclusion that are made upon a consideration of what can sensibly be determined from any piece of evidence. In terms of the objections that Mr Warr has raised, of course, you know, your, your obligations as, as, as a, a, a local council are, are twofold. There's a slight conflict in a) allowing commercial development, proper commercial development, and b) your duty to those residents of this community to ensure that individuals who are involved in high risk licences of this sort are beyond peradventure. I hope I can say without it being uncontroversial [sic] that you would not wish to take risks with the character of an individual who is apply for a renewal of a licence of this sort. You would not want to take risks. And as you rightly said, Sir, Mr Caplan, it's all about a feel for it, and there, there aren't legal principles here or necessarily a, a, standards of proof, but, if we're just talking about what is a, a feel for it, it may well be that it's evidentially impossible at the moment for us to prove that SophistiCats were the people that put malware into a system that has involved people who are not only children but those who have not consented to it seeing adult related material. You ask that question because, if there was any evidence of that, we're done with this hearing. We go home. There is no way you would allow it.

So far as the preponderance of evidence is concerned, what does it suggest to you when I ask you, would you take risks with this? The only people who could benefit, the only institution who could benefit from four years' worth of backlinks to over 5,000 other websites, there's just one single name, SophistiCats.

Now, this, this hearing is not about establishing criminality, as you pointed out, and we all agree. It's not about, for example, even labelling things as criminal or non criminal or anything pejorative like that. Can I say, I hope uncontroversially, what we have evidence of is a very concerning activity. Is that fair? Very concerning activity. And if the position is

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that Mr McKeown was an innocent in this and simply didn't know that his site was being used in this nefarious way, well, does that help *you* make it less concerning? Wouldn't you want to know that, over four years, they're policing their own intranet and policing their own protections and safeguards so that it didn't happen unknowingly to you? It doesn't make it any better for Mr McKeown, or our concerns are not ameliorated on the other side of that coin. Our concerns are not ameliorated at all. It's been going on for four years. There are very vulnerable people who are, who are, are, are, who've been caught up in this. And when you consider that against the backdrop of what is seen in the two emails, that's what we say should cause this hearing the most concern.

My learned friend Mr Bromley-Martin asked of Mr Nash, what within this document would suggest that things are being said that are false or advanced that are false? Can I take you to those things where they say, in terms, they are false?

**Melvyn Caplan:** (indicates agreement)

**Dominic D'Souza:** If we look at, again go back to the two emails, can we go first of all, please, I'll just, I'll just take you *to*, rather than going here, there's so much in it, but I'll just take you right to the highlights, page 118 handwritten ...

**Melvyn Caplan:** Yeah.

**Dominic D'Souza:** Or page 279, the typed version at the centre.

**Melvyn Caplan:** Yeah.

**Dominic D'Souza:** Paragraph 3:

**“I have got a freelance journalist on board who will go to CC ...”**

I'm assuming that's you in Westminster City Council.

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**“and put together a little story for them ... [etc.]”**

We say that put together means cobble together a little story. Look at the terminology. Look at the words:

**“put together a little story ...”**

That’s not, those aren’t the words you would use if it means anything other than what it says on the face of the document. You’ve really got to be stretching it to say, well, I appreciate it’s unfortunate terminology but what he meant was that the story was little in size and putting together only meant collating it as a sensible, concerned citizen. Well, if that’s the view you’re going to take, *I*, there’s not much I can persuade you of otherwise.

Let’s go over the page please, if we can:

**“The only thing about [the] that I like about the involvement of a newspaper is that they will send in a couple of reporters [both] to both the club and the CC, and that has a habit of concentrating everyone’s minds.”**

And then at the bottom he says:

**“I’ve tried to position ourselves/yourselves.”**

Who is ourselves? Who, who, who’s he trying to position if this is a genuine complaint by an altruistic man who’s wanting to make sure that your sons and daughters are not inappropriately treated in a lap dancing bar? How is it that they’ve said ourselves? This is a conspiracy and it speaks to itself.

Over the page, what is it they want to do for themselves?

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**“I’m trying to position ourselves in the best possible place to get the optimum result wanted.”**

Can I ask you just to consider in normal English parlance, let’s not overthink it, let’s not overstretch it, what is optimum results wanted meaning? How could that possibly be just unfortunate terminology when in actual fact what he meant was to have a dodgy institution reported to the local council as they should have been, to restore some honour to my industry setup?

Let, let’s go over the page again just to answer my learned friend’s questions. First thing:

**“It was pivotal for us to make things work and for WCC to start taking notice, but not so much [but not so much] that it would cost too much from a business sense.”**

Start again:

**“It was pivotal for us to make things work ... but not so ...”**

That, that, that you started taking attention, but not too much, not too much, because then it would start costing them. And let’s look halfway down, and this *on* page 283, or 122 for Mr Bromley-Martin’s benefit. At the second paragraph, the end of the second paragraph:

**“They, all concerned, turned up at PL and it worked a dream.”**

And then what is he saying? What, what is the dream? Let’s look at what the dream is, just looking at the words. The dream is this:

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**“It was the final part of this project that was the tricky bit, getting the licence breaches published, and this was where the magic came into play.”**

Is this the way, the words that a journalist would use about a legitimate attempt to do something proper that this council would want to hear about?

**“*this was where the magic came in ...*”**

And, and then look further down. And what does he say about, about what it is they’re seeking to do? Sir, do you see where it starts, it’s, it’s the last four lines:

**“Firstly because ...”?**

Do you, do you see those?

**Melvyn Caplan:** (indicates agreement)

**Dominic D’Souza:**

**“Firstly because it appeared to be almost impossible for them to ever publish what we wanted at all, and it did not appear to be something that we could actually pull off.”**

What does that mean, when you’re trying to pull something off? Just use the normal words. He says:

**“We never thought we’d actually get them to do it.”**

They are saying, and this is as near to a confession as you will ever get, that they were going to manipulate you and deceive you.

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And over the page again, *and* only again because I, I just want to help this *tribunal*, this hearing by answering Mr, Mr Bromley-Martin's question. Second paragraph:

**“We only ever expected in our dreams ...”**

In our dreams. How many references to fantasy and dreams do you need --

**Michael Bromley-Martin:** Just, just read on, would you please?

**Dominic D'Souza:** No, I will --

**Melvyn Caplan:** *No.*

**Dominic D'Souza:** I, I'll make my --

**Melvyn Caplan:** Mr --

**Dominic D'Souza:** Own --

**Melvyn Caplan:** Bromley-Martin --

**Dominic D'Souza:** Submissions if you can make yours in due course.

**Melvyn Caplan:** Yeah.

**Dominic D'Souza:** OK?

**Melvyn Caplan:** Yeah.

**Dominic D'Souza:** Over the page please, on page 285, next paragraph, to answer again Mr Bromley-Martin's questions, do you see that, that reference to dreams and fantasies?

**“Out of the realms of fantasy, though ...”**

What does this mean? So look at it and ask yourselves what possible construction could there be on this.

**“Out of the realms of fantasy, though, in the end” --**

**Shamim Talukder:** *Sorry*, which *bit* are you on please?

**Dominic D'Souza:** This is page 285 --

**Melvyn Caplan:** 124.

**Dominic D'Souza:** In the middle, and --

**Melvyn Caplan:** 124.

**Dominic D'Souza:** It's 124 --

**Shamim Talukder:** Thank you.

**Dominic D'Souza:** In handwriting. I'm sorry if I don't give the reference.

**Melvyn Caplan:** Yeah.

**Dominic D'Souza:** I just want to ask the hearing what they can possibly make of this, bearing in mind you're not going to be taking risks with the, with members of the public. I know you won't be.

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**“Out of the realms of fantasy, though, in the end three of them did pull it off, splash it *a bit*.”**

Well, it, never there were a truer word spoken, because it was out of the realms of fantasy. And so far as that is concerned, over the page again, how do we know it was out of the realms of fantasy? Because at 125, and this is Mr Millbank’s closing remarks:

**“What I would say is, for what you have achieved re PL, and from a starting point of ...”**

Could I just take out ground zero and put in fantasy instead?

**“from a starting point of fantasy, is immense.”**

**Melvyn Caplan:** OK.

**Dominic D’Souza:** There we are. And so I’ve, I hope I’ve answered directly Mr Bromley-Martin’s enquiry about what shows this email to be false. Can I now say this, in terms of taking risk? Mr Bromley-Martin knew full well and has said, in terms, I am relying heavily on these emails, heavily. He knows that and I accept it.

**Melvyn Caplan:** Yeah.

**Dominic D’Souza:** I understand that Mr Langham is not here, for one reason for another, but if there was any question, the slightest question, that it was important truly to Mr McKeown that you the tribunal, *or* the hearing, understood what was meant in these emails, just get something from Mr Millbank, the person who wrote to him, so that we all know. Just get something from Mr Millbank. And the fact that you don’t have something from Mr Millbank about what, yes, I absolutely accept is critically important and relied upon heavily not only by Mr Warr, but everybody who here has got any interest in the way owners of

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businesses in this market sector conduct themselves will take it seriously, take this hearing seriously and produce Mr Millbank for the one line that he, that you would require from him.

Now, my submissions don't get any better by repeating. I can see *that* you're very keen to get on with the decisions. Just because I haven't mentioned something, Sir, doesn't mean I abrogate it any way. What I'm trying to do is just focus on *the evidence* that I think will probably concern you one way or another when it comes to the crux, as it were. Can I assist you in any other way?

**Melvyn Caplan:** That is fine, thank you. We're happy with that. No, my, my impatience actually slightly is that I now want to ask Mr McKeown some --

**Dominic D'Souza:** I understand.

**Melvyn Caplan:** Questions. So it's --

**Dominic D'Souza:** I understand.

**Melvyn Caplan:** So, no, I think, you know, the, the, the nature of these sort of things is that you can get into a lot of repetition.

**Dominic D'Souza:** Yes.

**Melvyn Caplan:** But equally, I can assure you, because it's the second time we've sat, that we've --

**Dominic D'Souza:** I understand.

**Melvyn Caplan:** Read the papers not once, we've read them twice.

**Dominic D'Souza:** Yes.

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**Melvyn Caplan:** *You know, and we're obviously trying --*

**Dominic D'Souza:** Thank you.

**Melvyn Caplan:** To check, you know, what --

**Dominic D'Souza:** Thank you --

**Melvyn Caplan:** Was --

**Dominic D'Souza:** For that --

**Melvyn Caplan:** In the --

**Dominic D'Souza:** Assurance.

**Melvyn Caplan:** The second version. All right, so let, let me turn, if I may. So, what we're going to do, I've got one or two questions for Mr McKeown, at, and I'm then going to, as I said earlier on, I will ask the Licensing Service one or two questions, then it will be over to Mr Bromley-Martin to, to sum up. So, so Mr McKeown, you've just heard very clearly, and I'm glad Mr D'Souza said it, is that, you know, the objector's case there relies heavily on these emails. So I need to ask you first of all what knowledge did you or do you have of these emails?

**John McKeown:** *Personally, I've not seen these emails --*

**Melvyn Caplan:** Yeah.

**John McKeown:** Before. I have knowledge, as I've said quite openly, of the, the press story being placed in the newspapers and I've been very open, I think, in my statement, about what

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I did and didn't know. And I *think I should* stand beside that really. And I, I've, I've heard quite a lot of sort of flourishing, etc., etc. about what James did or didn't say to Simon or what the discussion was. But ultimately, that which was put forward to the press *and ultimately to the* council wasn't what happened. And that's --

**Melvyn Caplan:** OK.

**John McKeown:** The truth.

**Melvyn Caplan:** OK, so, so, so Mr, so help me here in terms of, you were, at a point in time, there sort of was a point in time, obviously business partner with, with Mr Langer.

**John McKeown:** Yes, yes, yeah.

**Melvyn Caplan:** You know, so that's obviously not in dispute. Just help me in terms of that sort of business relationship. I think it's not in dispute, but you could tell me otherwise or Mr Bromley-Martin could tell me otherwise that, you know, these emails are, are genuine, or the, or *are* you, or are you actually --

**John McKeown:** I'm not --

**Melvyn Caplan:** Saying --

**John McKeown:** Convinced, frankly, but ...

**Melvyn Caplan:** OK.

**John McKeown:** I think it's to be tested.

**Melvyn Caplan:** OK, all right, so, so in terms of your business partner relationship with Mr Langer some years ago now, in terms of, at, at this sort of time, what, what, what were the different roles that you and he had at that point? *It, it would* help us to actually --

**John McKeown:** *I mean*, basically I --

**Melvyn Caplan:** Understand that.

**John McKeown:** Basically I ran the clubs, and Simon's very good with people. Simon would talk to people. Simon was the publicity and would be the face and sort of run around and do all the schmoozing.

**Melvyn Caplan:** Right, OK, all right. So, in terms of your role in terms of other lap dancing clubs' applications, just, just take me through, in your words, what you were doing or were trying to do, you know, over this sort of period of time. I'm just interested to hear it from you. *But* obviously --

**John McKeown:** My --

**Melvyn Caplan:** We've heard *from* --

**John McKeown:** Only reason --

**Melvyn Caplan:** Sorry, just let me finish.

**John McKeown:** Sorry.

**Melvyn Caplan:** *Because we've* heard from Mr Bromley-Martin, which is absolutely fine, but it's always important to hear directly from you, you know, to describe, you know, what your activities were and what you were trying to do.

**John McKeown:** Well, my problem with Platinum Lace, as I've said in my statement, was basically they were allowing far too much close contact. They were taking the power away from the girls and placing it too much with the customers, and that was reflecting on the way in which customers were presenting themselves back to us. The girls were complaining that they were coming under a great deal of pressure to allow more than they wanted to, allow more than they were comfortable with. And I felt that the business as itself was again being pushed, as it had been in the early 2000s, *where it'd been* pushed too far towards a full contact regime. And I was very uncomfortable with it, so I took what I felt was proportional action. I didn't want to hurt Mr Warr and I'd known him. I didn't want to close his business down. I just wanted him to stop his girls grinding.

**Melvyn Caplan:** OK, so, so what's the basis of your allegations that incorrect practices were going on at other clubs?

**John McKeown:** Well, *I*, my, only personal experience. I mean, I, yeah, I've shown you what we were and what was reported to us. I then tested that and was given categorical evidence which was then supported, as you know, by the Freedom of Information request that we made, which was then supported by the statement. And we reported it to Westminster Council and asked them to deal with it, which they did. They came back and said, well, they'd make representations for Mr Warr and he would *take (inaudible) action and* they were satisfied, so we withdrew the, we, we called it an observation in '16. And that's the *sum of...*

**M:** *It is.*

**Melvyn Caplan:** OK, so just to be clear, what contact did you have with Mr Millbank or any other journalists and --

**John McKeown:** I --

**Melvyn Caplan:** *(inaudible)*

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**John McKeown:** *Then again --*

**Melvyn Caplan:** (inaudible)

**John McKeown:** I, I had one, maybe one or two brief discussions with him and I was aware of what he was doing. I'm not, I'm not abdicating responsibility. I mean, Simon said it. I mean, it's not really my style. I'm not very good at it. Because basically I was aware of what he was doing and how he was doing it and I was satisfied it was, it was honest reporting.

**Melvyn Caplan:** OK, just, just help me a bit more, then, in terms of those sort of conversations. Was he giving you information? Were you asking him questions? I'm just trying to understand. So one or two meetings? Just, just help me in terms of how many meetings and what was --

**John McKeown:** *Not at --*

**Melvyn Caplan:** Discussed at --

**John McKeown:** *All.* There's --

**Melvyn Caplan:** Those meetings?

**John McKeown:** One or, there's one or two meetings. Again, it was four years ago, so --

**Melvyn Caplan:** Well, no.

**John McKeown:** Excuse --

**Melvyn Caplan:** I understand that.

**John McKeown:** You know, excuse me if not. And basically he was very aware of how I felt about the industry and how I felt about the girls that work within that industry and how they were being treated at one particular club and how uncomfortable I was, and I really, really wanted to make a stand.

**Melvyn Caplan:** OK, so did he tell you the extent of what work he was doing? I'm just trying to understand, you know, what you --

**John McKeown:** Yeah, I --

**Melvyn Caplan:** Knew --

**John McKeown:** Mean --

**Melvyn Caplan:** About it.

**John McKeown:** You know, there, there were two girls that were, were fired from SophistiCats, which is actually what started this, because one of them particularly was very upset, very distressed and she felt that she'd been pressured into doing *something* she didn't want to do and she'd ended up doing. She'd been --

**M:** Yeah, right.

**John McKeown:** Fired for it and she thought it was very unfair and, you know, it wasn't what she wanted to do and what she wanted to have been doing. And then I heard from her again that she was very uncomfortable where she was working and that these sort of things were carrying on. And that led me to take the action with, or the, assist the reporter, shall we say, is the way I was viewing it?

**M:** Yeah, but it was ...

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**Melvyn Caplan:** What did Mr Langer tell you about what he was doing in relation to this? *Obviously*, you talked to Mr Millbank. You told us about *it, but what did*, what did Mr Langer tell you about what he was doing? *What did he* --

**John McKeown:** He was kind of excited by the whole thing, I think, but that, but that's just Simon. He was, he was, you know, he was sort of orchestrating, putting it together, make sure, making sure everything happened and then was very pleased with himself when it got placed.

**Melvyn Caplan:** OK, and just so, you know, so, I don't like repeating questions, and others --

**John McKeown:** Yeah.

**Melvyn Caplan:** Were doing so earlier on, but when did you first see these emails? Let's just be clear about (inaudible) saw these emails.

**John McKeown:** When they were given to us on the, I think it was about 23 February.

**Melvyn Caplan:** OK.

**John McKeown:** But when it came in the bundle. And I've been through my own inbox and I can't find them.

**Melvyn Caplan:** OK, so, so, oh, right, so, so in terms of any emails that, that *you all* kind of referenced, you, you haven't got any of those --

**John McKeown:** I haven't.

**Melvyn Caplan:** Emails?

**John McKeown:** There, there's nothing in my inbox.

**Melvyn Caplan:** OK.

**John McKeown:** Neither --

**Melvyn Caplan:** *But* --

**John McKeown:** Are any of the texts repeated on my phones anywhere.

**Melvyn Caplan:** OK. OK, anything, colleagues? Yeah, Councillor Talukder.

**Shamim Talukder:** Thank you, Chairman.

**Melvyn Caplan:** Go ahead *please*.

**Shamim Talukder:** Mr McKeown, can I ask you about backlinking? Are you aware of your company *being embarrassed in* backlinking and backlinking was going on for the last four years, and, if so, what did you do to eradicate that?

**John McKeown:** Well, backlinking wasn't going on for the last four years. Our expert says two years, which is what we found in, in the cache. I think you have the reports there.

**Melvyn Caplan:** We do, yeah.

**John McKeown:** I think this attack was basically based with a website called supu.ru, which is a Russian based website.

**Shamim Talukder:** Sapu.

**John McKeown:** *sup.ru*.

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**Melvyn Caplan:** Yeah.

**John McKeown:** You'll see the same code that Mr Nash *was on*.

**Shamim Talukder:** Sapu.

**John McKeown:** Sap, sorry.

**Shamim Talukder:** Oh, sorry.

**M:** *All right.*

**Melvyn Caplan:** (inaudible)

**John McKeown:** Sapu.

**Melvyn Caplan:** Yeah.

**M:** Yeah.

**Melvyn Caplan:** That's *OK*.

**John McKeown:** Sapu. You'll see the same code if you go through the same exercise that Mr Nash *had* then gone, went through. You'll see --

**Melvyn Caplan:** Yeah.

**John McKeown:** The same code appear every time it appears. So basically it's a kind of tick box site where you put the, the URL of the site in. They claim to be legitimate. I know nothing about it. This has been identified by our expert (inaudible) *read about it* (inaudible)

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*document*. And basically they will then place backlinks on various sites once you click a keyword. So if you were an adult site and you wanted to --

**Melvyn Caplan:** *Is that a --*

**John McKeown:** Recruit backlinks, you would then say, I don't know, adult strip something, and they would then put these backlinks on appropriate sites, supposedly *wedging* your site up the *ranking*. Now, I don't believe it works. I've done quite a lot of research, and I don't think it's effective.

**Melvyn Caplan:** *Yeah.*

**John McKeown:** If we put a school there, it would have the opposite effect. Or you could have a fitness club or something that's inappropriate. *And* the logarithm itself, by its very -  
-

**Melvyn Caplan:** The algorithm.

**John McKeown:** Very nature would identify it and pull it down. So we think the attacks started about two years ago. We're very grateful for Mr Nash to bring it to our attention. Our expert's now gone through and contacted everybody on the list. We've used the Google Disavow Tool to, to block it.

**Melvyn Caplan:** *Yeah.*

**John McKeown:** And backlinks by their nature are kind of hard to find because they're backlinks. *And I'm (inaudible)* you do not need software on your own site. You do not have malware on your own site to count it or to, it's just a link which points somewhere and is invisible. That's all it is.

**Melvyn Caplan:** OK.

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**Shamim Talukder:** Thank you, so, *well, is* the, *is this* something that is *created* by yourselves or associates in your business or --

**John McKeown:** Not at all.

**Shamim Talukder:** Thank you.

**John McKeown:** I would say it's directly contra to our interests, on many levels, *to see all this*. Many levels.

**Melvyn Caplan:** OK, thank you.

**John McKeown:** Now, *I'm* (inaudible)

**Melvyn Caplan:** OK, let's --

**Dominic D'Souza:** Sir, *I'm*, I'm so sorry, Sir, before you move, move it --

**Melvyn Caplan:** Yeah.

**Dominic D'Souza:** On, but there was one thing I wanted to take up, with your permission, as a result that flows from one of your questions, if I'm, if you think it appropriate that I do so. But I'm, I'll ask you. They could come through you, of course.

**Melvyn Caplan:** Well, what is it?

**Dominic D'Souza:** Why, why was this, this, you were cc'd into this email. I just want to know why you didn't see it, where it was deleted or where, why it's been deleted.

**Melvyn Caplan:** OK, I think I've kind of asked that sort of --

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**Dominic D'Souza:** Oh, you're --

**Melvyn Caplan:** Question.

**Dominic D'Souza:** Happy with that. You're --

**Melvyn Caplan:** But I'm --

**Dominic D'Souza:** You're --

**Melvyn Caplan:** I --

**Dominic D'Souza:** If you're --

**Melvyn Caplan:** I --

**Dominic D'Souza:** Satisfied, then I needn't push it any further.

**Melvyn Caplan:** No, you, *you*, you needn't push it any further.

**Dominic D'Souza:** Thank you --

**Melvyn Caplan:** I think --

**Dominic D'Souza:** Sir.

**Melvyn Caplan:** I think you --

**Dominic D'Souza:** Thank you.

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**Melvyn Caplan:** Were asking very much that sort of question --

**Dominic D'Souza:** Ah, thank you.

**Melvyn Caplan:** You know, in --

**Dominic D'Souza:** Thank you.

**Melvyn Caplan:** Terms of, you know, we --

**Dominic D'Souza:** Yeah.

**Melvyn Caplan:** Can all get into a debate of, why did you delete it *and* why don't you keep a --

**Dominic D'Souza:** Yeah.

**Melvyn Caplan:** Whatever? But --

**Dominic D'Souza:** Fine.

**Melvyn Caplan:** I think, you know, Mr --

**Dominic D'Souza:** *We've got it.*

**Melvyn Caplan:** McKeown has --

**John McKeown:** I, I'm not, I'm not, not accepting it's ...

**Melvyn Caplan:** Well, no, you're --

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**John McKeown:** *That's the trouble.*

**Melvyn Caplan:** You're telling us you haven't --

**John McKeown:** *Yeah.*

**Melvyn Caplan:** Seen it. Yes.

**Dominic D'Souza:** *Yes, Sir.*

**Melvyn Caplan:** That's --

**Dominic D'Souza:** *All right.*

**Melvyn Caplan:** That's your, that's your position *on it*. OK, can we hear from the Licensing Service and ...

**F:** OK, *there you go.*

**Melvyn Caplan:** Thank you for your, your sort of patience.

**James Hayes:** *Moving on.*

**Melvyn Caplan:** I think to, to a certain extent --

**M:** Sorry.

**Melvyn Caplan:** Your views have actually been rarely mentioned so far in this sort of hearing, I think is probably the, the terminology I would use. So I may, you know, without actually being rude to you, I mean, *is*, is there anything you wish to almost add to what you've, you've told us so far? But please, Miss (inaudible) if you want to go ahead.

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**Licensing Officer:** Thank you. Sir, the Licensing Authority have maintained our objection to this application to allow investigations to be carried out in addition to the allegations made. We've requested that the city inspector is represented here today by Mr James [sic] ...

**Melvyn Caplan:** Yeah.

**Licensing Officer:** *To* conduct visits at the premises and review CCTV. So, without further delay, I'll hand you over to Mr James. Sorry, it's Mr Hayes.

**Melvyn Caplan:** Mr Hayes.

**Licensing Officer:** *Mr Hayes* --

**Melvyn Caplan:** Please --

**Licensing Officer:** Sorry.

**Melvyn Caplan:** Go ahead.

**James Hayes:** Thank you, Mr Chairman.

**Melvyn Caplan:** I was going to say, good --

**James Hayes:** You --

**Melvyn Caplan:** Afternoon.

**James Hayes:** You asked if were to air anything, and I'm --

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**Melvyn Caplan:** Yeah.

**James Hayes:** Concerned that --

**Melvyn Caplan:** Yeah.

**James Hayes:** Our information might not seem very exciting, based on *much of the* allegations and, and all --

**Melvyn Caplan:** It's --

**James Hayes:** The rest of it.

**Melvyn Caplan:** It's, it's fine. It's, *we* --

**James Hayes:** How would you --

**Melvyn Caplan:** We only require your professional input.

**James Hayes:** *Thank you.* In terms of my involvement with --

**Melvyn Caplan:** Yeah.

**James Hayes:** The, the application, we received a number of objections at the time of the, the renewal hearing.

**Melvyn Caplan:** Yeah.

**James Hayes:** And having received similar allegations and objections on previous applications to other venues *that* I visited, it's sort of as soon as, as practicable in order --

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**Melvyn Caplan:** Yeah.

**James Hayes:** To, to establish exactly what was happening and, and to check --

**Melvyn Caplan:** Yeah.

**James Hayes:** For their compliance with the conditions of the premises, which was, for us, the, the most important thing. Having gone through as much CCTV as we could. Now, there, there was a little bit of a balancing act in this instance in that the person that submitted the objections in relation to what was happening inside the premises wished to remain anonymous.

**Melvyn Caplan:** I understand.

**James Hayes:** So --

**Melvyn Caplan:** Yeah.

**James Hayes:** Sometimes it's difficult to review CCTV in ...

**Melvyn Caplan:** Sure.

**James Hayes:** The company of the management of the premises in --

**Melvyn Caplan:** I understand.

**James Hayes:** Full views of, of people there. But essentially it, it would seem that we certainly didn't see anything that supported the story of the, the two objectors. What we wanted to do, though, was be particularly thorough and go through a lot of other CCTV as well, so to try and pick similar times and dates to what was in terms of the alleged breaches and go through a number of CCTV recordings. We've also done that on a number of

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subsequent occasions as well where we've gone in and Mr McKeown and his management team have always been very obliging in terms of providing us the facilities, and essentially whatever recordings that we wanted to, to view have been *made*, made available to us, and at no time have, have I seen anything that *would* --

**Melvyn Caplan:** OK.

**James Hayes:** Would suggest that he'd been carrying on with, with the intention of not complying with the, the conditions of the licence. And overall, certainly in terms of the supervision, I have seen it to be of a very good standard.

**Melvyn Caplan:** OK, that's, that, that's helpful, thank you. Any questions *on top of* that?

**Jim Glen:** Thank you, Chair. Really I just sort of wanted to confirm what you've just said, that the Licensing Authority has inspected SophistiCats on several occasions and not found that it's been run inappropriately at all at, on any occasion. *Is* that, is that correct?

**James Hayes:** That's correct.

**Jim Glen:** Thank you.

**James Hayes:** And certainly since receiving the objections, we've been probably even more thorough than what we would have been prior to that. But we do carry out a number of visits per year, and certainly in relation to --

**Melvyn Caplan:** Yeah.

**James Hayes:** Complaints or objections, then --

**Melvyn Caplan:** Sure.

**James Hayes:** We'd go in more thoroughly. And I've been to both of the venues within the last 24 months and then reviewed hours of CCTV and, and at, at all times I've been --

**Melvyn Caplan:** OK.

**James Hayes:** Satisfied that the premises is complying with the, the conditions on the, the licences.

**Melvyn Caplan:** Thank you. OK, thank you very much. I don't have any --

**John McKeown:** Mr Chairman, may I take a massive risk and ask James a question?

**Melvyn Caplan:** You can ask through me a --

**James Hayes:** *And see what --*

**Melvyn Caplan:** A, a question, as, as they say.

**John McKeown:** Well, I've had a number of --

**Michael Bromley-Martin:** May I, may I, may I just give --

**Melvyn Caplan:** Yeah.

**Michael Bromley-Martin:** My client --

**Melvyn Caplan:** Yeah.

**Michael Bromley-Martin:** A little bit of advice before he ...

**Melvyn Caplan:** You'd --

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**Michael Bromley-Martin:** *Basically* --

**Melvyn Caplan:** You --

**Michael Bromley-Martin:** *To* find out --

**Melvyn Caplan:** *Want to see if he's* --

**Michael Bromley-Martin:** What question he's going to ask.

**Melvyn Caplan:** You can certainly do that. You *know, you can* --

**Michael Bromley-Martin:** I thought --

**Melvyn Caplan:** Certainly --

**Michael Bromley-Martin:** You were --

**Melvyn Caplan:** Do that.

**Michael Bromley-Martin:** Paying me to do that.

**Melvyn Caplan:** How long, how long do you want --

**F:** *How long?*

**Melvyn Caplan:** To decide?

**Simon Warr:** I just wanted to ask James whether he remembers a number of conversations we've had in the past when I've been banging on about dancer welfare and how concerned I was.

**Melvyn Caplan:** Go on, answer, could, if you could answer that question, please *could you*, can you --

**James Hayes:** I --

**Melvyn Caplan:** Turn the --

**James Hayes:** Do --

**Melvyn Caplan:** Microphone --

**James Hayes:** Remember --

**Melvyn Caplan:** Off, Mr *McKeown*?

**James Hayes:** General discussions.

**Melvyn Caplan:** Mr McKeown, do you want to turn --

**John McKeown:** Oh.

**Melvyn Caplan:** Your --

**John McKeown:** Sorry.

**Melvyn Caplan:** Microphone off?

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**John McKeown:** I'm sorry.

**Melvyn Caplan:** Thank you. Perfect, thank you.

**James Hayes:** Yeah, *I*, I do remember --

**Melvyn Caplan:** Yeah.

**James Hayes:** Similar discussions around that, and certainly there in terms of the amount of detail we were able to go into. But in, in, in terms of those discussions, I, I had to assure Mr McKeown as well that the focus --

**Melvyn Caplan:** Yeah.

**James Hayes:** That we paid to his club --

**Melvyn Caplan:** Yeah.

**James Hayes:** In terms of trying to check compliance and review CCTV was consistent with what we were doing with all of the, the venues. So *there* --

**Melvyn Caplan:** *Yeah.*

**James Hayes:** There certainly seems to be some element of --

**Melvyn Caplan:** OK.

**James Hayes:** Feeling that people are, are being treated differently, *and* we, we certainly, *within* our inspectorate, try and make sure that that's *as (inaudible) the case as --*

**Melvyn Caplan:** Yeah.

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**James Hayes:** What we reasonably can.

**Melvyn Caplan:** OK, right. So, Mr Bromley-Martin, closing remarks from *your*, your good self. I know you'll do your very best not to repeat points that have been made earlier on. And I know how difficult it's, this is for everybody, but, you know, if you could summarise the important points effectively in this particular case, obviously refuting the objections that were made.

**Michael Bromley-Martin:** I've just got 16 lines of --

**Melvyn Caplan:** Go ahead.

**Michael Bromley-Martin:** Handwriting.

**Melvyn Caplan:** Go ahead.

**Michael Bromley-Martin:** Backlinking. There is no evidence whatever that SophistiCats has done whatever has been done, let alone John McKeown. Backlinking can be done either to benefit or to damage and it can be done by anyone. Mr McKeown has no motive to do so, because, as he tells you in his statement, he has an arrangement with Google, as do many other businesses and indeed SEVLs to pay for his position in the ratings, search engine optimisation.

Lastly, it does not in any event involve any licensing considerations. The suggestion somehow that there was something on a primary school website, suggesting that somehow a primary school website would have, I don't know, a picture of a naked of a naked woman suddenly come up, come up on it is of course nonsense. That's all I have to say about backlinking.

The emails. When Mr D'Souza said that he was going to show, in terms, where it says that the story was false, I was hoping at least that we would get the word false. But no. Having read these emails, and as you know, we, we've only had them for the last few weeks, it is perfectly apparent that the discussion that is taking place in this is nothing to do with the story itself and what was seen or not seen or heard or not heard on the date of the visit, and in, in fact on 8 October 2015. This discussion in these emails is all about how to get it into the newspapers and how much it's going to cost to do so. So that reference to a little story, you can see it on page 118, at least on my ...

**Jim Glen:** Yeah, 279.

**Michael Bromley-Martin:** *Tabulation*. It is --

**Jim Glen:** Yeah.

**Michael Bromley-Martin:** On yours. If you read the whole of the paragraph instead of just the one phrase, *you*, you can see it's about how to get the newspapers to take on the story. And the other one where I did ask if Mr D'Souza would finish the, at least the line, and I can't remember.

(parties confer)

**Michael Bromley-Martin:** Yes, on page 125. And it refers to a starting point of ground zero. That is the point of *talking about a ground zero and* trying to get it into the newspapers. Which was the bit that, ah, yes, it was on page 123:

**“We only ever expected in our dreams to get one paper involved.”**

With a £4,000 *price tag*. Again, it's clearly talking about the dream of getting it into the newspapers. These emails produced at that late stage are produced not by the person who said them or received them. It is not even, they're not even produced by the person who had

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Key: ... indicates speaker has trailed off  
-- indicates speaker was interrupted  
words/phrases in italics indicate words which may not be correct

122 of 125

them on, on a phone that she had somehow obtained from her husband. The emails that there are here were selected not by the committee, not by even Mr Nash. Selected by Mrs Langer. We don't know what other emails there are or were. We have no idea whether these are genuine or not. It is the easiest thing in the world to take an email, to forward it and thereby be able to change the wordings within it. I have, I have no more *evidence* that these aren't genuine than Mr Nash does, that they refer to the creation of false evidence. So I'm not going to make the allegation.

**Melvyn Caplan:** Yeah.

**Michael Bromley-Martin:** The most significant thing about all of this is, is the simplest. On 8 October somebody went into SophistiCats and, when they came out, they gave a story to the newspaper. And the story was of breaches of the licence conditions. It turned out that the story was true. And if we look at the schedule that we have, the two page document, we can see it refers to the date being December 2015, and it's referring to the very same thing. It's the subject of the Daily Mirror and Daily Star articles, and it turned out that there was breach of the no touching conditions over a 15 minute period on 12 December 2015. How could anyone say this was clearly a conspiracy? We all know what a conspiracy means. It's a, it's an agreement to commit a criminal offence to pervert the course of justice by fabricating evidence. When the evidence turned out to be true and was accepted by this Licensing Sub-Committee, or, or at least --

**Melvyn Caplan:** Yeah.

**Michael Bromley-Martin:** The Licensing Authority.

**Melvyn Caplan:** *Yes.*

**Michael Bromley-Martin:** It's, it's, it's an extraordinary situation that we have to remind ourselves of. The last thing that I need to say ...

**Melvyn Caplan:** Yeah.

**Michael Bromley-Martin:** I, I say that this, this, this says everything. Platinum Lace is a sexual entertainment venue which has consistently breached the conditions of its licence. I would say that they were lucky to have retained their licence on 28 February, but that's perhaps an invidious thing to say because it means you *weren't sure*.

**Melvyn Caplan:** Indeed.

**Michael Bromley-Martin:** And I'm certainly --

**Melvyn Caplan:** And you --

**Michael Bromley-Martin:** Not *asking* --

**Melvyn Caplan:** *Weren't*, you weren't there.

**Michael Bromley-Martin:** And I wasn't there. *And so* --

**Dominic D'Souza:** So it's doubly *anonymous*.

**Michael Bromley-Martin:** And of course, if I had been, I wouldn't be here. So, as I say, this document says it all. The, I, I ask you to accept Mr McKeown's motivation for trying to obtain evidence of the, of breaches of licence conditions by other clubs. As I say, in each, on each occasion that he has been involved in such obtaining of, of evidence, he has been vindicated by the decision, subsequent decision of this committee, and it is to be compared with his own record. And I, I really don't need to say any more about that. It is unimpeachable.

**Melvyn Caplan:** OK.

Transcribed by: The Transcription Agency  
Key: ... indicates speaker has trailed off  
-- indicates speaker was interrupted  
words/phrases in italics indicate words which may not be correct

**Michael Bromley-Martin:** That's all I have to say. Thank you.

**Melvyn Caplan:** Right, so we I think have all we need, as they say. We're going to adjourn now to obviously consider our decision, to give you enough time for stretching your legs and having a sandwich or whatever. We will not return before 1.45. I'm not saying we will return at 1.45, but I think that's the, the, the very --

**Michael Bromley-Martin:** Earliest time.

**Melvyn Caplan:** Earliest that it might be. It could be a little bit longer than that, but just to give you at least 40 minutes.

**Michael Bromley-Martin:** Thank you.

**Melvyn Caplan:** Possibly sort of a bit longer. That is *our intention*. Thank you all very much. And as I say, we will retire to make our decision.

(end of recording)

**Melvyn Caplan:** Much for your submissions and input on these two cases that we're deciding. I will go through the, the, the judgment will be on at the same on both of the, the premises, which you'd be surprised if it, if it wasn't. But, but, for the record, obviously there will be two individual decision, decisions, in relation to Brewer Street and Welbeck Street. I'll just carefully get my papers out. It's always good to actually talk about the right premises that you're talking about in, in these particular cases. So it's SophistiCats, 3 to 7 Brewer Street and SophistiCats, 77 Welbeck Street. So, in the case of these licence renewals, the process is somewhat different to other licensing applications myself and *my* colleagues actually go through, and the scenario is very straightforward in that a licence will be granted, and that is very much the presumption, unless there's a reason not to. So it's important to set that out to start with.

And we have read in huge detail over two hearings, because we had preparation for the earlier hearing back in February, same committee, because we always do that. So we had all of that *and then* obviously had additional submissions today and over the last sort of few days. So a huge amount of material has been produced and so, although not everything has been referred to today, I can assure you I and my colleagues have been through everything that has been submitted. *I mean*, both sides have actually pointed us in the direction of various sort of things, but, *you know*, we, I can assure you, have been through absolutely everything.

There were five objections in relation to these applications, and I'll go through each of them in turn. Might be a little bit shorthand on my part in terms of the objections, but I think everybody will be extremely familiar with the ones that I'm talking about. So there was the, the school party one, which I think is probably admitted was unfortunate and not something, and I think we've had Mr McKeown's commitment, not something that's intended to be repeated again. I'll leave it at no more than that. So we're not going to take any further action that what's been said in these sort of hearings in, in relation to that, because that is entirely appropriate.

In the case of the touting objection, we have reviewed the video *and* we've read, obviously, everything that we've heard. We're not satisfied that that in itself would be grounds to reject this application. It's, it's not conclusive and, to be fair in terms of this hearing, you know, *well, of course*, we don't have the objector here today, but, you know, the, the, that, that one is, is not proven for us.

The licensing objection in both sort of cases. We, we heard the evidence *from*, from the Licensing Authority and we heard the rationale as to why that was submitted as, as an objection and I think it's fair to say not disputed, I think is the, is the case, that there was not evidence of major breaches of the licence and of the licensing conditions. That was pretty well not sort of contested. It is very much the case that the objections that we had were back, backlinks, stroke, hacking and Mr Warr's quite substantial objection and, if I can paraphrase it in terms of the significant evidence presented by a number of emails which Mr D'Souza put forward.

Let's make it very clear that there are, we are aware of, certain civil and criminal proceedings that are taking place. And I'm using my words carefully in terms of proceedings. A lot of allegations, a lot of suggestions on all kinds of things. It's very clear that these are matters for other authorities. It is a set of serious allegations that brings us to this committee today, because when we adjourned last time round we made the decision to adjourn as opposed to hearing the proceedings, because we felt that the gravity of the allegations that were made was such that it would have been wrong not to hear them today, which is obviously what we have done. They are very serious matters and we take them very, very seriously. As I say, I'm not going to get into what will be the matter for other authorities. So we have to then consider as to whether the objectors or objector that's left on the, on the two items have proven their case and therefore the licence shouldn't be granted.

We've been asked not to take a risk, those were the words that were used, and we have to consider, in relation to that, whether we are dealing with fit people to operate the licence. These are the, the words that we're choosing, not choosing, that are, you know, within the Act, which, which is the test. So it's not a scenario, as we've been invited to consider, of

Transcribed by: The Transcription Agency  
Key: ... indicates speaker has trailed off  
-- indicates speaker was interrupted  
words/phrases in italics indicate words which may not be correct

2 of 4

just taking the, you know, that's too high a risk to take. It's whether these people are fit people to operate the licence. And the clear thing that is on our mind in relation to that, and the Licensing Authority's input here is very important, is that there are, there is no evidence of licensing breaches. That is crucial, in our view, in relation to that test. As I say, the, there's evidence of serious allegations, but they are for another place or other cases, as they are civil and criminal proceedings.

The point about the backlinks, which is a very serious allegation that is made. I'll take Mr D'Souza's own words. They can't be evidentially proven, and therefore, and for us, that's not something today we can rely upon. It may be for another place. That may be the case or not. But that's important. So it does come to the crucial issue of Mr D'Souza's, *as it were*, but *again* not really in dispute.

The emails and how much credence, how much evidence that we have here suggests that we have not got fit and proper people to operate the licence. We have listened very carefully to everything that has been said and there is no doubt that there is some serious allegations that are going on there, but our judgment is it is again for another place. We don't believe that we have sufficient evidence that the operator is not fit to operate the current licence. And as I say, we rely greatly on the fact there are no evidence of licensing breaches and, in our terms, we do not have sufficient, in our view, to actually say that what is proven or not proven within those emails and what was going on is one that says we take the licence away or don't grant it. None of us can form an exact judgment. We have to, perhaps have to take a view as to, and I asked Mr McKeown earlier on as to, you know, what knowledge, what information did he have in relation to this. You know, we have to take a view as to what he tells us. And it may be other places prove otherwise. I'm not going to comment on that. You know, that is, you know, for sort of somewhere else.

So our decision is that although very major things have been presented before us, they are not ones that we are going to rely on to refuse the licence. We will grant the licence, and it's because of the way the establishment has been run. We're not passing judgment that the

evidence that has been presented before us from Mr Nash and Mr D'Souza's sort of comments are not measures that are serious concern.

And I'll finish this summing up by saying that it's been an interesting few months for myself particularly in terms of actually chairing an, a number of these sort of hearings. I'm not going to tell people how they should run their businesses, but I will say that this is not the forum to actually air and discuss some of the disputes that are clearly going on in the industry. I will say no more than that. We will grant the licences. We are concerned about lots of things we've heard, but, on the basis upon which we decide as to the law and in terms of whether to grant this or not, we will grant the licences. So that is our decision today. Thank you all very much for your time.

**Michael Bromley-Martin:** Thank you --

**Melvyn Caplan:** *Of everyone.*

**Michael Bromley-Martin:** Very much.

**Dominic D'Souza:** Thank you.

**Male:** *Not that one.*

(end of recording)



COMPLETE  
LICENSING

# OBJECTION TO APPLICATION, SOPHISTICATED

Exhibit SL-7

Tony Nash

06.09.20



Millbank >

22 Apr 2016, 14:58

Have got Warrs in Mirror:  
In Sun later..  
Best  
James

Tap to Load Preview

mirror.co.uk



Amazing

10 May 2016, 13:29

Hi Simon.  
Hope all cool. Give me a  
shout when you're free..  
James

*h.*



Text Message





**COMPLETE  
LICENSING**

# **OBJECTION TO APPLICATION, SOPHISTICATED**

Exhibit SL-8

Tony Nash

06.09.20

12:49

4G



Halton mark >

Hi Mark I've got a job for you if your free this week or next week

Hi Simon in Spain back on 2nd. Hope all well. Will call then unless urgent.  
Thanks Mark

No problem will call over weekend if that's ok and thank you.

No prob speak then

2 Oct 2016, 20:40

Hi Mark if you can give me a call tomorrow morning

4 Oct 2016, 13:41



12:49

4G



Halton mark >

4 Oct 2016, 13:41

Wording from solicitor to my email 'I instruct you to attend the venue Platinum Lace Coventry Street near Leicester Square and conduct a covert visit. Subsequent fees paid for this work will not be dependent on any findings or observations you may or may not obtain'. My email

Also just so we get the cash side of things right, so there are no surprises. As I have learned that this is were it goes wrong mate. We have agreed 1k



iMessage



12:49

4G



Halton mark >

mate. We have agreed 1k per night expenses and an hourly rate of £75 per investigator. The visit should last 4 to 5 hrs. The statements to complete of the visit will be a further 2 hours per investigator. Cheers Mark.

Perfect

5 Oct 2016, 14:53

Mark need to give you money today what time and where

Meeting my friend at 1030pm in Gunmakers pub Aybrook st Marylebone . I will be there from 10. If not there

*ll*



12:49

4G



Halton mark >

from 10. If not there  
anywhere near?

Ok I'll organise it there

5 Oct 2016, 21:37

I'm in town now what time  
are you here

Sent as Text Message

Text Message

Into Marylebone station  
about 10 mins

iMessage

6 Oct 2016, 11:40

How did it go last night

Very good lots of touching  
(naughty 40s). No drugs



12:49

4G



Halton mark >

Into Marylebone station  
about 10 mins

iMessage

6 Oct 2016, 11:40

How did it go last night

Very good lots of touching  
(naughty 40s). No drugs  
(did try). Got in VIP  
(£250) also naughty.  
Definitely breaching sev  
and licence. Will try again  
tonight

7 Oct 2016, 11:34

How did it go ?

7 Oct 2016, 14:32



iMessage



sl.

12:49

4G



Halton mark >

How did it go last night

Very good lots of touching (naughty 40s). No drugs (did try). Got in VIP (£250) also naughty. Definitely breaching sev and licence. Will try again tonight

7 Oct 2016, 11:34

How did it go ?

7 Oct 2016, 14:32

In appropriate touching as before. Offered d but it never arrived. Lots on VIP and positions of cameras. Will try and get all statements to you Saturday



iMessage





12:50

4G



Halton mark >

appropriate touching as  
fore. Offered d but it  
ver arrived. Lots on VIP  
d positions of cameras.  
ll try and get all  
tements to you  
Saturday

Can we get the police to  
pull the cctv?

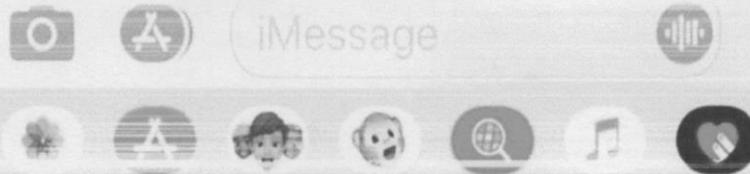
Sent as Text Message

9 Oct 2016, 15:51

Statements done. Do you  
have an email address I  
can send to



Does that just go to you  
and Alan



12:50

4G



Halton mark >

Have a look at email I sent.  
Should be made by  
solicitor so questions not  
asked re who I am working  
for. That's why I asked to  
be instructed by solicitor.  
They can make objection.  
We can then be their  
witnesses.

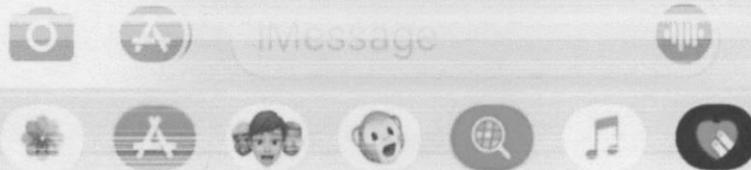
Ok I'll pass this on thanks  
Mark

Just keeps you out of the  
loop completely then

11 Oct 2016, 11:25

Any news on possible rep

The statements have been  
sent into council as a  
complaint now just have to



*Handwritten signature*

12:50

4G



Halton mark >

The statements have been sent into council as a complaint now just have to wait

That's good. I will speak again with police

12 Oct 2016, 09:50

Hello Simon, what are the details for my invoice. Company , address and vat no. Trying to sit down and do my invoices today mate. When you in town next week?

Devine restaurants ltd and send it to John at



He will give you address



*Handwritten signature*



COMPLETE  
LICENSING

# OBJECTION TO APPLICATION, SOPHISTICATED

Exhibit SL-9

Tony Nash

06.09.20

## Celebrity lap dancing club that hosted Tory MP John ... - mirror

Oct 14, 2016 · Subscribe to **Daily Mirror** and Sunday **Mirror** newspapers ... **14 OCT 2016**; News. The **Platinum** ... Undercover video footage taken at **Platinum Lace** in **October** last year shows Carla being fondled openly ...

**Author:** Stian Alexander



**COMPLETE  
LICENSING**

# **OBJECTION TO APPLICATION, SOPHISTICATS**

**Exhibit SL-10**

Tony Nash

06.09.20

12:50

4G



Halton mark >

etc

Sent as Text Message

13 Oct 2016, 13:18

Have you heard anything ?

Always Thursday unless  
something comes up

Nothing as yet

20 Oct 2016, 10:28

We still OK for tonight

Yes

Marvellous

20 Oct 2016, 10:54

Just to confirm we are



iMessage



12:51

4G

Halton mark >

Just to confirm we are meeting 10pm at gunmakers pub

20 Oct 2016, 20:57

Yes but can I get there at 10:15 or 30 I've been in town all day just got back and going to turn around

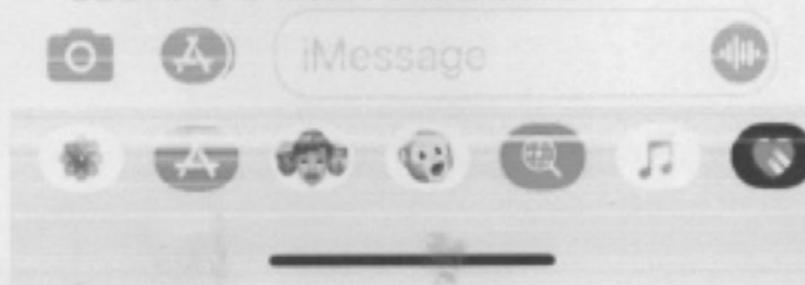
No worries

20 Oct 2016, 22:19

I'm around the corner just waiting for John to bring the money

21 Oct 2016, 06:28

No problems just a little



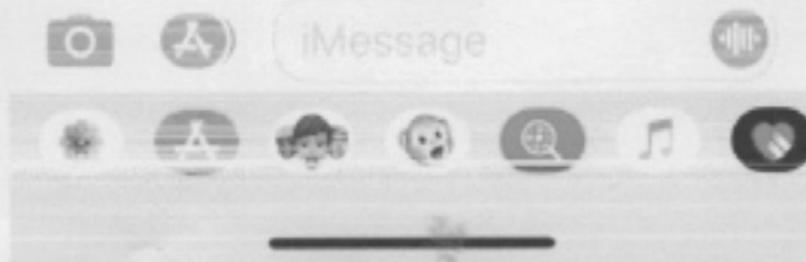
12:51

4G

Halton mark >

No problems just a little one. We slightly overspent by £125. Dancers all well behaved. Slight problem with waitress who at 0530 entered VIP and informed us if we wished to stay we would have to pay further £100 . When i questioned this the girl with us quickly left. We had paid £175 and £100 for each girl. We then were paying for dances with cash or vouchers. It appears there may have been a scam between waitress and dancer. Will speak tomorrow. In case I may have got it wrong

Text Message





COMPLETE  
LICENSING

# OBJECTION TO APPLICATION, SOPHISTICATED

Exhibit SL-11

Tony Nash

06.09.20

09:00

4G



Maya >

22 Dec 2016, 16:28

Hi Maya John told me to text you to pick up cash, the total is £3500 I'm in Italy today so will come tomorrow if that's ok xxxx

Yes fine just let me know what time 👍

Hope you guys are good 😘

Ok will do yes very good but had a busy day today and travelling home tonight so. Bit tired how our babies

Babies are great, I love them so much 🍑🍑



iMessage



09:00

4G



Maya >

23 Dec 2016, 21:34

On my way xxx

Great! Was about to doze off lol

How far? I'll run down in my pyjamas

Sorry but girls were wrapping a pressie for you

No way!

Just left



As quick as poss

I think I'm here



iMessage



09:00

4G



Maya >

Maya:  
Gross: £10500  
Employers NI: £998.35  
Total: £11498.35

Sent as Text Message

4 Apr 2017, 18:04

Ok ta

5 Apr 2017, 13:53

Hi Maya you can take off the first payment it's included in that figure. That's the total from the beginning xxxx

5 Apr 2017, 23:24

Ok great will do :)))



iMessage



09:01

4G



MV

Maya >

Ok great will do :)))

And phew!

7 Apr 2017, 10:53

Hi Maya the balance left before today is £3998  
Xxxx

Ok thanks

11 Apr 2017, 15:26

Great and thanks again

12 May 2017, 20:36

Hi Maya  
Just to keep you up to date Dan gave me the figure today the total paid incl National insurance is



iMessage



09:01

4G



Maya >

Hi Maya

Just to keep you up to date Dan gave me the figure today the total paid incl National insurance is £14,782. Minus what you have already paid

Ok thanks.

Xxxxx

15 May 2017, 16:45

Hi Maya, john asked me about bringing balance up to date as it's mounting up again xxxx

Ok let me see if I can get to it tomoz will see if Dimitri can baby sit for a bit in the morning



iMessage



09:01

4G



Maya >

how are the babies

Absolutely no problem.  
Should do it this week as  
off to Lincoln on Thursday  
for a few days

Babies are great!

It was so nice to spend  
time with you guys the  
other night xxx

Dimitri just texted back - I  
can do it tomz morning :)

Cool

Yeah it was nice to actually  
hear what everyone was  
saying for once instead of  
over loud music!



iMessage



09:01

4G



Maya >

Hi Simon I didn't manage to get to the bank today, but I will tomorz xx

17 May 2017, 21:19

Hi let me know when you want me to pick it up xxx

Text Message  
18 May 2017, 09:32

Hi Simon it was impossible for me to get to the bank yesterday, had viewings. I'm transferring to Dimitri like last time and he will meet you as I'm now back in Lincoln. Tomorrow ok? Sorry about this but it's hard for me to get out of the house when there's



iMessage



09:02

4G 



Maya >

viewings and I always need a second person to get the twin pram assembled and out the door! xxx

I'm totally good for it so no worries ;-)

iMessage

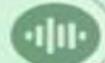
18 May 2017, 11:01

We know you are good for it Lol just I think John is paying out a lot at the moment and wants to put it back. The new club put a lot of strain on the finances we spent around £2 million and are still paying out xxxx

Sent as Text Message



iMessage





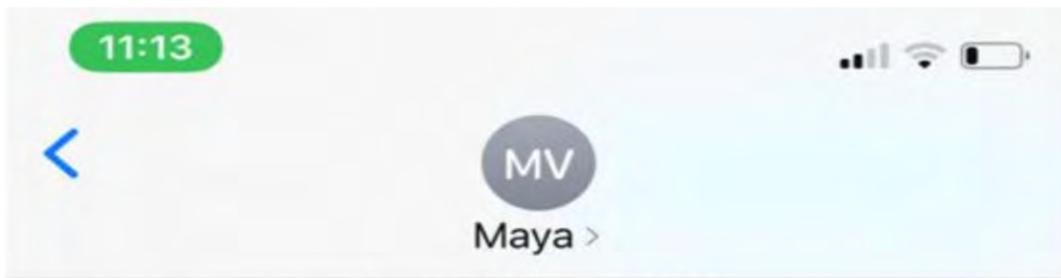
**COMPLETE  
LICENSING**

# **OBJECTION TO APPLICATION, SOPHISTICATED**

Exhibit SL-12

Tony Nash

06.09.20



5 Sep 2017, 14:13

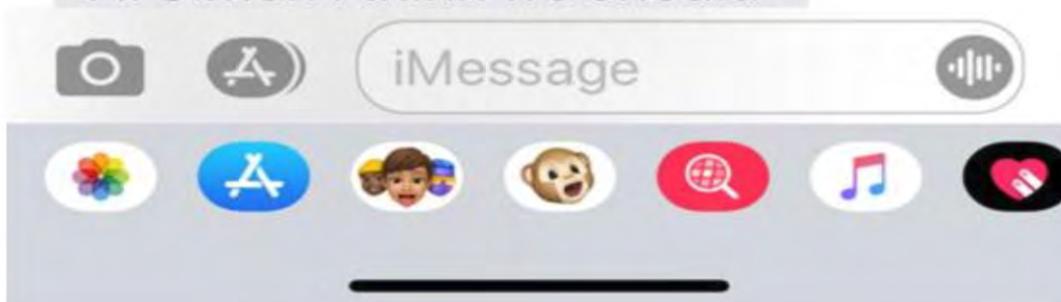
Sorry I missed your call I had a question but it's sorted now. See you at 8 tonight at mine xx

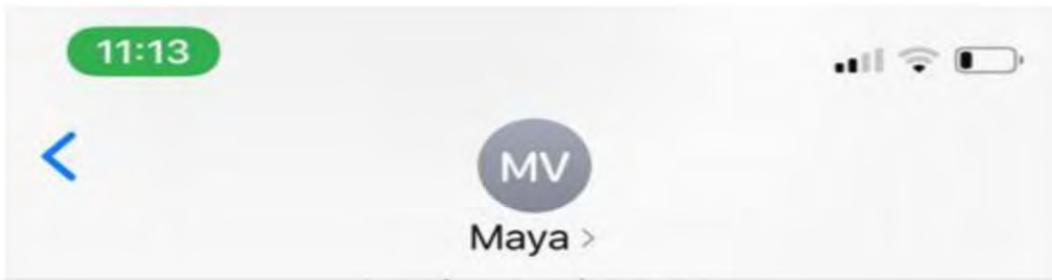
5 Sep 2017, 22:36

Hi Simon my mum is freaking out over me putting my name to it. She is worried about revenge. Let me sleep on it before I commit. Will call you in the morning. I know originally I wasn't gonna have my name so maybe better for all if it's not there. X

6 Sep 2017, 09:33

Hi Simon I think we should





Hi Simon I think we should call off tonight. I will ask Lisa if she can do it instead at some point (doesn't live in London). But I wonder if there's another way around it because it's not what I originally asked her

29 Sep 2017, 12:45

Hi Simon! Is there any chance you could get me a dinner reservation tonight at Chiltern Firehouse for 8pm ish for 4 people? I've got German friends in town. I know it's a long shot and cheeky ;)





**COMPLETE  
LICENSING**

# **OBJECTION TO APPLICATION, SOPHISTICATED**

Witness Statement of  
Mrs Diana Langer

Tony Nash

31.10.18

WITNESS STATEMENT

(CJ Act 1967, s.9; MC Act 1980, ss.5A(3)(a) and 5B; MC Rules 1981, r.70)

Statement of Diana Langer (nee Gamboa-Garzon)  
Age if under. Over 21

This statement (consisting of 7 page(s) signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have willfully stated anything in it, which I know to be false, or do not believe to be true.

Signature

Date 31/10/2018

[REDACTED]

[REDACTED] and got work at 'Stringfellows' nightclub for a short time before getting other dance work at The Mayfair Berkeley playhouse and then other clubs. I worked at The Mayfair Berkeley Playhouse for a couple of years. Shortly after arriving I went to a club called 'Jimmyz' in Sloane Street, London. The club had live music and food. The clientele were beautiful women and rich men. It was here that I met Simon Langer who was running the club. I got on very well with Simon. Simon explained that he was married but that he and his wife slept in separate beds. Simon told me he had lots of affairs. [REDACTED]

[REDACTED] We did not divorce but were and remain good friends.

Simon made me feel good when I was at a low-point and we started to date. About 18-months after I found out I was pregnant with Simon's child. We were both still married and living apart.

When I was about 8-months pregnant Simon moved into a flat in Knightsbridge that I was renting through a friend of his.

Whilst I was pregnant Simon and I purchased our own club 'Sophisticats' in Marylebone with Jackie McKeown, her husband John McKeown and Carlo Cura. This was put into a company - 'Futureproof Investments LTD'. I owned 20 shares that equated to 20% of the company. We all had the same holding as we each invested £30,000. However, I had to force John to issue me with a share certificate which took him several years to do. This was eventually resolved in 2004. I have recently found out, due to the current situation, that I am a 'B' class shareholder and have no voting rights.

'Sophisticats' was a table dancing club which attracted wealthy clients. Apart from owning part of it I initially worked as the Housemother. This meant I set the rules for

Signature

the dancers and ensured there were no licence breaches and also looked after the dancer's welfare.

John had overall management. He was focused on the finance but never shared details with me.

Simon was securing additional funds for the club and building relationships.

Jackie was the licence holder and was very strict in its management.

Carlo was Simon's best friend but did not do any real work at the club.

After my first child I was persuaded not to work as the Housemother by John and Simon. This did not surprise me as I had challenged John's management.

[REDACTED] About 5-months later I got divorced from my husband. This was very amicable and as I have already said we remain good friends today.

[REDACTED]

By the time my mother and niece came to the UK Simon and I had moved to Hemel Hempstead which I personally put down £30,000+ deposit. Simon did not contribute to the deposit.

[REDACTED]

John took over Jackie's shares as part of their settlement and she stopped working at the club.

Simon's son from his first marriage, James, started to work at the club. Later on, his other son Adam started work there too. James often complained about how John treated him. I said to Simon he should challenge him on this. Simon never did.

Later, Joe, John's son started work at Sophisticats too.

[REDACTED]

In 2007 Carlo died following an operation. Following this John decided that my share option should be increased to 25 shares or 25%.

Signature [REDACTED]

[REDACTED]

Simon and I always had access to each other e-mail and phones. I rarely looked at anything.

By now I had no involvement in running the club but was okay with this as I was bringing up three young children. When we purchased the club, it was a challenge financially but from about 2013 onwards things became comfortable. I never saw the company accounts but was always reassured by John and Simon that things were okay.

For the two or so years before we purchased the Soho club I was given £3000-£5000 per month in dividends. Simon and I had had our own bank accounts, but I never saw what he was paid and he kept all details from me. After we purchased the Soho club I received far smaller dividends.

In 2008 John was dating one of the young dancers, Coco Lloyd, against the club's policy. Coco used to phone me when she was upset.

I adored my life, my family and my husband. Our only point of argument was that Simon did not stand up to John who seemed to walk all over him. Simon worked into the early hours as you'd expect. People started to tell me that he was being unfaithful. I dismissed this and just focused on the children.

I noticed that Simon would go to the garage to make calls. I started to challenge who and what was he talking about. He always told me it was business but never gave me any detail.

In about September 2015 two of the dancers, Dana and Veronica, got sacked I believe for drugs. Dana was a favourite of John's and I believe they had sex regularly and were often seen kissing in the corner next to the DJ's booth. I overheard conversations that John had told them if they wanted their jobs back, they had to go to another club to frame them. This was typical John behavior. He had a long-term fling with Poalina Cisk another dancer.

In early 2016 I was now suspicious of how John and Simon were operating and asked Simon what they were up to. He told me there was nothing to worry about as John had a plan to get rid of the competition. I felt disgusted and asked what they were doing. Simon did not answer and I did not know what they were doing. I felt Simon should be stopping whatever John was planning.

In May 2016 I approached John about getting Carlo's daughter, Charlotte – a single mother, a job at the club as she needed work and some money. John said we did not have enough unless they took it off of my dividends. John did not like Charlotte as she had previously criticised his relationship with young girls including Coco Lloyd. Charlotte never got any work or money. The same day Simon, John and I went for a meal at Maroush at the rear of Debenhams on Oxford Street. During the meal John said

Signature [REDACTED]

he was going to destroy all of the competition. I asked him why would you say that? Why would you do that? He said to me because he could.

In 2009 Simon started to take me out to parties. I look back and think we went out too much. It was at this point that Simon started to change significantly and our relationship became strained. The parties started to take place at our house.

For my birthday in 2016 we went to Ibiza with the family for a month at a luxury villa but Simon invited some of our party friends. John didn't come but his Latvian girlfriend Diana Ziedina did. Simon invited Julia, a dancer from the party crowd. Whilst we were there, I saw Julia massaging Simon's shoulders as he drove with my children in the car. I also saw her feeding him. On a video on his phone Simon recorded part of my party but the focus was clearly on Julia not me. I felt offended and now had no trust in Simon.

I pulled Simon to one side and told him to have as many girlfriends as he wanted as we were over.

When we returned home, I focused on my university studies and although I saw no future with Simon, we still shared the same bed.

In 2017 Simon was checking my phone, mail and computer. He was jealous of a university friend and demanded I stop all contact which I refused to do. Simon started to become physical regularly. During one occasion I told him in a big argument when he demanded I end a phone call which I refused to do. He was chasing me about the room. I was screaming and crying as I did not want to be controlled by Simon anymore. I told him that I would rather be dead than with him. He then handed me a handful of sleeping pills and said, 'go on then'. I took the pills and ended up in hospital.



Simon returned but the relationship was difficult and stressful. We were both going out on our own.

I knew Simon was going out with other women. One was [redacted] who had been sacked from Platinum Lace. She was a dancer but never worked at Sophisticats but did work at Mayfair Club. I became aware she took drugs. I saw her take cocaine in a toilet. I cannot remember what venue we were at. Simon brought her to our house which I was not happy about.

John, Simon and I went for a meal at the Playboy club. John and Simon were talking about Oscar Owide and how he would die soon. They continued that once he died the son, Daniel, would take over and that he was stupid and that would be the time to take action against the club. I was saddened by the tone of the conversation and their intended action to somehow cause harm to other clubs.

Signature



During a period where we were talking Simon said I should behave myself because John had told him he would get my shares off of me.

I started to speak directly with John as he was controlling the dividend payments to me. During this period John encouraged me to leave Simon. He even offered to pay for me to have IVF so I could have a child with a person other than Simon. By now Simon had said on several occasions that if I left him, he would kill me and any boyfriend. I told John about the threats and he responded by claiming Simon could not do this only he could decide who lived and died. He told me he had not made this decision so I should relax. John would always play with a knives, and offered to get me a gun and even told me he had his own. He claimed to be a gangster. He tried to learn Russian and one of his girlfriends called him 'Boris'. John made me feel nervous and was very intimidating.

Before Christmas we stopped sleeping together. I would often end up sleeping on the floor or with my daughters.

On 23rd February 2018 we went to see Cirque Du Soleil as a family. Simon asked me what I wanted to drink. Having asked for a small wine he brought me three glasses full. I have low alcohol tolerance. Simon started to tease me about my friends on route home and we started to argue when he said he had a stash for a party in the car. I took this to mean drugs. I was upset and crying.

When we stopped at the house I started to try and look inside the boot but he kept shutting it. I punched the boot and kicked the car. All the time he was saying nasty things to me. Simon and I started to push and shove each other. I threw my phone at him and he started to film me. My mother told me to call the police which I did. By now my youngest daughter was having an asthma attack. The police arrived and we were both making allegations against each other. They looked at the CCTV and arrested me and took me to a police station. I was interviewed and on legal advice I accepted a caution on the advice of the duty solicitor as he said I could be kept for a long time if I did not take the caution. I now wish I had taken independent legal advice as I was the victim and only acted in self-defence.

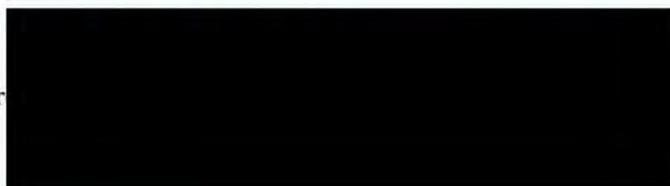
I took some clothes and went on my own to stay with a friend. I stayed for a night and then went home and slept with my daughter.

On 27<sup>th</sup> February 2018 Simon assaulted me again when I was in the bathroom. He grabbed my hair and pushed the left side of my face into the closed door very hard.

I had a photo of the injuries taken on my phone the next day. I produce this as exhibit DL/1 I went to a group that supports 'Latin' women seeking advice. They called the police. They took a statement. They told me they were going pick up my children from the school bus. I was very nervous and asked why. They said I would be taken to a shelter. I said this could not happened and refused to support any charges.

Maya Marie, John's friend, had previously recommended a solicitor called Dario Maggiulli from Russell's as he had advised her mother. I made an appointment with him for advice. He recommended pursuing criminal charges which I dismissed as Simon was still the father of my children.

Signature

A large black rectangular redaction box covering the signature area.

Maya Marie is a good friend of John. Simon told me that she had previously received money from the club to support a mortgage application although she was not employed by them. Shortly after each payment Simon said she would return money to John. I saw Maya hand envelopes to Simon for John. I saw him open one and it contained a large amount of cash. On another occasion I recall Simon and John discussing how Maya would make an accusation against clubs. She is known by various surnames including, Pharaohs, Van Doll and Van Cassie although I think her true name is Maya Marie Hawie. I also know she had worked at the company's solicitors Brook Martin & Co for a year following John's recommendation. She is married to Dimitri Tikovoi, a music producer, also a very close friend of John.

Dario started to make enquiries with John about the position Simon and I had in the company.

He also obtained both a non-molestation order and occupation order. Simon was arrested for the assault on [REDACTED] He moved out that day.

Simon claimed that he and John had gone their own way and were no longer in business. I do not believe this is the case.

On 23rd March 2018 Dario received an e-mail response to an enquiry about the position in the company of both Simon and I from Brook Martin & Co Solicitors. They stated that on behalf of the company that I had taken shareholder loans and they were now looking to establish how I would repay this money. I have never entered into any loan agreement. As far as I was concerned all monies paid to me were share dividends.

I now formed the opinion that John and Simon were working together to destroy me financially and with no other option I commenced divorce proceedings.

When Simon moved out, I found that he left three phones and an I-pad. Between Simon and John my income was effectively stopped and I needed to raise money. I decided to sell my I-Phone X for £600 and started to use one of the phones abandoned by Simon, an I-Phone 8.

Upon using the phone, I started to look at the historical content. I saw that on 15<sup>th</sup> November 2017 Simon had taken legal advice on commencing divorce proceedings from Brook Martin & Co. I then looked further and saw he had been on dating sites. I felt betrayed. He also had the call data from my phone. I was astonished to also see he appeared to be tracking my car using an app called car finder.

To my shock I saw an e-mail chain involving Simon, John and James Millbank dated 12<sup>th</sup> January 2016. I knew that James was a reporter. I produce this as exhibit DL/2. It set out how they had and were planning to undermine, Stringfellows, The Windmill and Platinum Lace. Upon reading it I could only conclude that money had been paid by them to the media to publish stories and that they had arranged for licence breaches involving a dancer called Carla at one of the venues. I immediately remembered Simon's comment about how John had a plan to get rid of the competition. I could only reach the view they had set these clubs up.

I then found text messages between John and Simon. They included messages from Maya Marie. The messages are from 5<sup>th</sup> September 2017 onwards. I screen shot a few of the messages. Maya raised concerns about putting her name to something. The

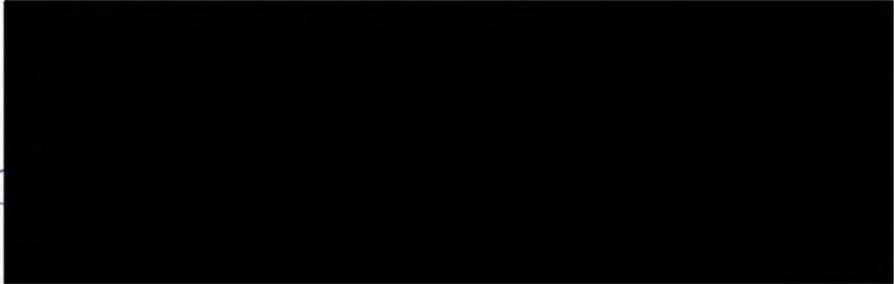
Signature [REDACTED]

conversation again suggested causing problems to the Windmill. I produce this as exhibit DL/3. I was so disappointed with Simon and John but mainly Simon for involving Maya Marie in framing other clubs. They had been calculating and deceitful.

I am now very distressed as it all looks like John and Simon have done what they said they would in the name of a business that I am a shareholder of including using company funds to do so.

I am very scared as I was told that John and Simon hired people to threaten to a waitress who had taken them to a tribunal. John used to tell me he had been a villain in Watford and used to break legs with baseball bats. I am petrified for me and my family.

I have given this information of my own free will.



Signature

<b>Application</b>	<b>Details of Application</b>	<b>Date Determined</b>	<b>Decision</b>
16/09817/LIPN	New Premises Licence	01.12.2017	Granted by Licensing Sub Committee
16/14154/LIPV	Variation – Extension of hours on a Sunday	06.04.2017	Refused by Licensing Sub Committee
17/10907/LIPDPS	Variation of Designated Premises Supervisor	27.03.2017	Granted under delegated authority
18/15510/LIPT	Transfer - Devine Restaurants Ltd to John Mckeown Clubs Ltd	20.12.2018	Granted under delegated authority
19/03892/LIPDPS	Variation of Designated Premises Supervisor	18.04.2019	Granted under delegated authority

There is no appeal history for the premises.

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

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

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

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

### Mandatory Conditions

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

less in a manner which carries a significant risk of undermining a licensing objective;

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

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

- 8(i) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
- 8(ii) For the purposes of the condition set out in paragraph 8(i) above -
- (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
- (b) "permitted price" is the price found by applying the formula -
- $$P = D + (D \times V)$$
- Where -
- (i) P is the permitted price,
- (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
- (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -
- (i) the holder of the premises licence,
- (ii) the designated premises supervisor (if any) in respect of such a licence, or
- (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
- (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
- (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.
- 8(iii). Where the permitted price given by Paragraph 8(ii)(b) above would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
- 8(iv). (1) Sub-paragraph 8(iv)(2) below applies where the permitted price given by Paragraph 8(ii)(b) above on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.
9. All persons guarding premises against unauthorised access or occupation or against outbreaks of disorder or against damage (door supervisors) must be licensed by the Security Industry Authority

## Conditions consistent with the operating schedule

10. There shall be a minimum of two door supervisors to be employed at the entrance of the premises whenever there is striptease entertainment.
11. All staff engaged outside the entrance to the premises, or supervising or controlling queues, shall wear high visibility jackets or vests.
12. Door supervisors shall remain on duty to supervise the area immediately outside the premises until at least 15 minutes after the last patron has left the premises.
13. There shall be a personal licence holder on duty at the premises at all times when the premises are authorised to sell alcohol.
14. Substantial food and non-intoxicating beverages, including drinking water, shall be available during the whole of the permitted hours in all parts of the premises where intoxicants are provided.
15. The supply of alcohol shall be by waiter/waitress service at tables only and there shall be no vertical drinking of alcohol at the premises.
16. Any person permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall not be permitted to take drinks or glass containers with them.
17. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of a Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewings of recordings shall be made available immediately upon the request of Police or authorised officer of the City Council throughout the preceding 31 day period.
18. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
19. The premises management will become members and actively participate in a pub watch scheme (or similar) if one is operating in the area of the premises.
20. A sound limiting device located in a separate and remote lockable cabinet from the volume control shall be fitted to any musical amplification system and set at a level determined by and to the satisfaction of an authorised officer of the Environmental Health Service to ensure that no noise nuisance is caused to local residents. No additional sound generating equipment shall be used on the premises without being routed through the sound limiter device. The operational panel of the noise limiter shall then be secured to the satisfaction of officer from the Environmental Health Service. The keys securing the noise limiter cabinet shall be held by the licence holder or authorised manager only, and shall not be accessed by any other person. The limiter shall not be altered without prior agreement with the Environmental Health Service.
21. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
22. Loudspeakers shall not be located in the entrance lobby or outside the premises building.
23. All external doors shall be kept closed after (21:00) hours, or at any time when regulated entertainment takes place, except for the immediate access and egress of persons.
24. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and use the area quietly.

25. Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly.
26. No waste or recyclable materials, including bottles, shall be moved, removed or placed in outside areas between (23:00) hours and (08:00) hours.
27. During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that this area shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business.
28. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police, which will record the following:
  - (a) all crimes reported to the venue
  - (b) all ejections of patrons
  - (c) any complaints received
  - (d) any incidents of disorder
  - (e) all seizures of drugs or offensive weapons
  - (f) any faults in the CCTV system
  - (g) any refusal of the sale of alcohol
  - (h) any visit by a relevant authority or emergency service.
29. 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:
  - o Dry ice and cryogenic fog
  - o Smoke machines and fog generators
  - o Pyrotechnics including fire works
  - o Firearms
  - o Lasers
  - o Explosives and highly flammable substances
  - o Real flame
  - o Strobe lighting
30. The licence holder shall enter into an agreement with a hackney carriage and/or private hire firm to provide transport for customers, with contact numbers made readily available to customers who will be encouraged to use such services.
31. All emergency doors shall be maintained effectively self-closing and not held open other than by an approved device.
32. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.
33. Curtains and hangings shall be arranged so as not to obstruct emergency signs.
34. The approved arrangements at the premises, including means of escape provisions, fire warning and fire fighting equipment, the electrical installation and mechanical equipment, shall at all material times be maintained in good condition and full working order.
35. The means of escape provided for the premises shall be maintained unobstructed, free of trip hazards, be immediately and clearly identified in accordance with the plans provided.
36. All exit doors shall be available at all material times without the use of a key, code, card or similar means.
37. Patrons permitted to temporarily leave and then re-enter the premises e.g. to smoke, shall be limited to (5) persons at any one time.
38. Patrons will have a designated smoking area, which shall be supervised by a SIA door supervisor.

39. Performers/Dancers shall not be permitted to temporarily leave to smoke and then re-enter the premises.
40. An attendant shall be on duty in the cloakroom during the whole time that it is in use.
41. A challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
42. The certificates listed below shall be submitted to the Licensing Authority upon written request:
  - a) Any emergency lighting battery or system
  - b) Any electrical installation
  - c) Any emergency warning system
43. Flashing or particularly bright lights on or outside the premises shall not cause a nuisance to nearby properties (save insofar as they are necessary for the prevention of crime).
44. No advertisements of any kind (including placard, poster, sticker, flyer, picture, letter, sign or other mark) that advertises or promotes the establishment, its premises, or any of its highway, or upon any building, structure, works, street furniture, tree, or any other property, or be distributed to the public.
45. There shall be no payment made by or on behalf of the licence holder to any person for bringing customers to the premises.
46. No person on behalf of the premises or on behalf of a person carrying or attempting to carry on a licensable activity at the premises shall cause, permit, employ or allow, directly or indirectly through a third party, whether on payment or otherwise, any person(s) to importune, solicit or tout members of the public on any public highway within the specified area outlined below for the purpose of bringing customers to then premises.
47. For the purposes of this condition, 'Specified Area' means the area encompassed within Shaftesbury Avenue, Piccadilly Circus, regent Street up to the junction with Pall Mall, Cockspur Street, Trafalgar Square, Strand up to the junction with Bedford Street, Garrick Street, Great Newport Street and Charing Cross Road to the junction of Shaftesbury Avenue.
48. The maximum number of persons accommodated at any one time (excluding staff and performers) shall not exceed 100 persons.
49. There shall be no striptease or nudity, and all persons shall be decently attired at all times, except when the premises are operating under the authority of a Sexual Entertainment Venue licence.
50. Customers shall not enter or leave the premises other than the Brewer Street entrance/exit, except in the event of an emergency

### **Conditions proposed by the Environmental Health**

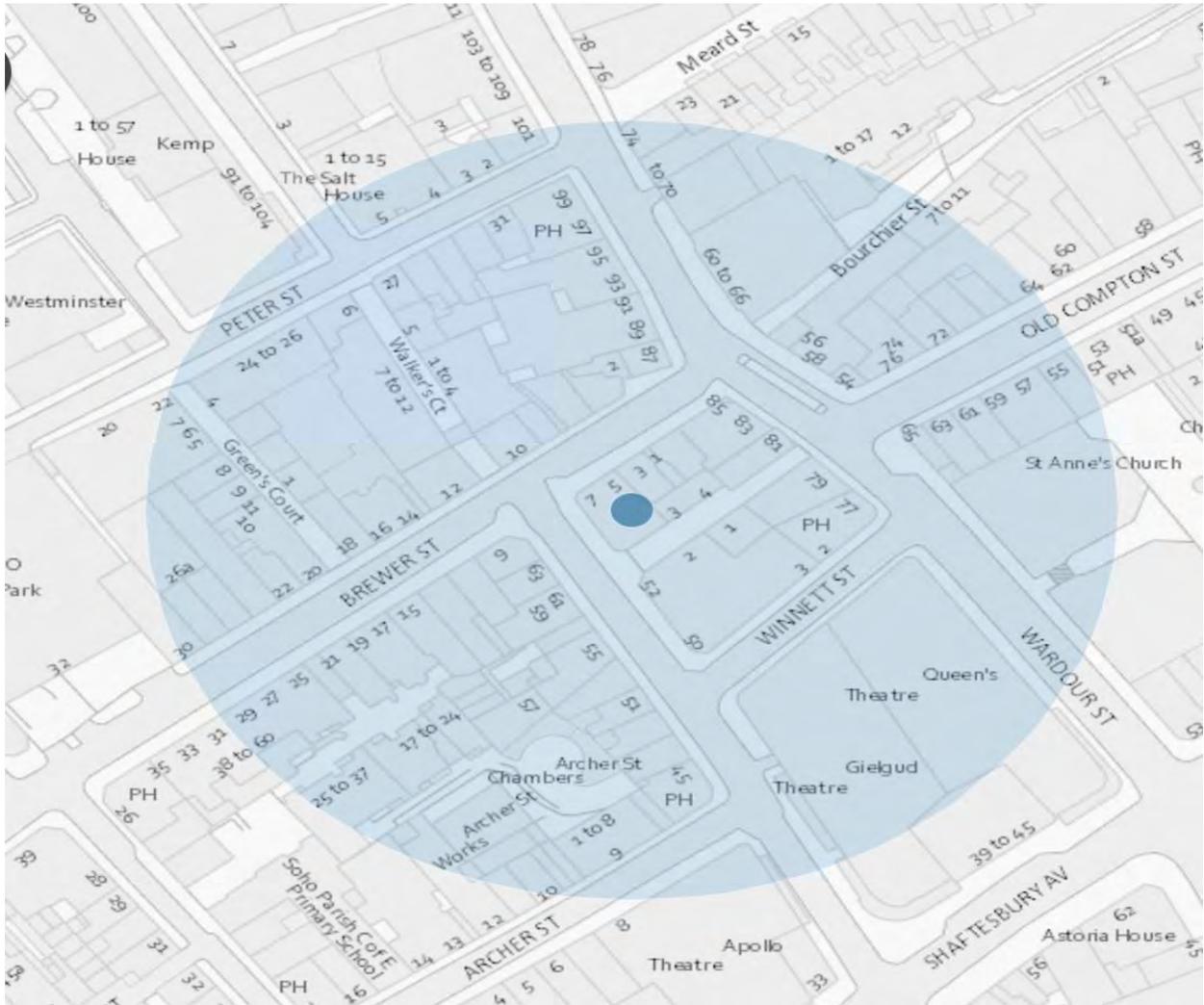
51. The licensable activities permitted under this licence shall end after 30 September 2021

### **Conditions proposed by the Licensing Authority**

52. No licensable activities shall take place at the premises until premises 19/03892/LIPDPS (or such other number subsequently issued for the premises) has been surrendered [and is incapable of resurrection].

### **Conditions proposed by the Police**

None



Resident count: 251

Licensed Premises with 75m of				
Licence Number	Trading Name	Address	Premises Type	Time Period
19/03892/LIPDPS	Sophisticats	Basement And Part Ground Floor 3-7 Brewer Street London W1F ORD	Sexual Entertainment Venue	Monday to Saturday; 09:00 - 06:00   Sunday; 09:00 - 05:00   New Year's Eve; 00:00 - 00:00
14/08411/LIPN	Shadow Lounge	Basement And Part Ground Floor 3-7 Brewer Street London W1F ORD	Night clubs and discos	Monday to Saturday; 09:00 - 03:30   Sunday; 09:00 - 00:00

12/07184/LIPT	Peep Show And Revue Bar	Basement Floor And Ground Floor 1 Tisbury Court London W1D 6BD	Shop	Friday to Saturday; 09:00 - 01:00   Sunday to Thursday; 09:00 - 00:00
18/15162/LIPVM	Village Bar	Basement Ground Floor And Part First Floor 81 Wardour Street London W1D 6QD	Night clubs and discos	Monday; 09:00 - 03:30   Tuesday; 09:00 - 03:30   Wednesday; 09:00 - 03:30   Thursday; 09:00 - 03:30   Friday; 09:00 - 03:30   Sunday; 09:00 - 00:00
18/06880/LIPDPS	Rupert Street Bar	50 Rupert Street London W1D 6DR	Public house or pub restaurant	Monday to Thursday; 10:00 - 23:30   Friday to Saturday; 10:00 - 00:00   Sunday; 12:00 - 22:50   Sundays before Bank Holidays; 12:00 - 00:00
18/02747/LIPN	Not Recorded	52 Rupert Street London W1D 6DS	Restaurant	Monday to Thursday; 10:00 - 23:30   Friday to Saturday; 10:00 - 00:00   Sunday; 12:00 - 22:30   Sundays before Bank Holidays; 12:00 - 00:00
16/07079/LIPN	Vegan Hippo	52 Rupert Street London W1D 6DS	Restaurant	Monday to Thursday; 06:30 - 22:00   Friday to Saturday; 06:30 - 23:30   Sunday; 08:00 - 22:00

18/14474/LIPVM	O Bar	83-85 Wardour Street London W1D 6QE	Public house or pub restaurant	Monday; 09:00 - 03:30   Tuesday; 09:00 - 03:30   Wednesday; 09:00 - 03:30   Thursday; 09:00 - 03:30   Friday; 09:00 - 03:30   Saturday; 09:00 - 03:30   Sunday; 12:00 - 00:00   Sunday; 12:00 - 00:00
12/00517/LIPDPS	The Friendly Society	Basement 79 Wardour Street London W1D 6QB	Night clubs and discos	Monday to Thursday; 10:00 - 23:30   Friday to Saturday; 10:00 - 00:00   Sunday; 12:00 - 22:30
19/12383/LIPN	Not Recorded	6 Brewer Street London W1F 0SB	Night clubs and discos	Monday; 09:00 - 03:30   Tuesday; 09:00 - 03:30   Wednesday; 09:00 - 03:30   Thursday; 09:00 - 03:30   Friday; 09:00 - 03:30   Saturday; 09:00 - 03:30   Sunday; 12:00 - 01:00
20/06643/LIPT	Wok To Walk	Ground Floor 4 Brewer Street London W1F 0SB	Cafe	Monday to Saturday; 11:00 - 01:00   Sunday; 11:00 - 00:00
17/05525/LIPDPS	Duke Of Wellington	77 Wardour Street London W1D 6QA	Public house or pub restaurant	Monday to Saturday; 10:00 - 00:30   Sunday; 12:00 - 00:00
18/06896/LIPN	Kirazu	3 Winnett Street London W1D 6JY	Restaurant	Monday to Saturday; 17:00 - 23:30   Sunday; 17:00 - 22:30

20/05587/LIPT	Spuntino	61 Rupert Street London W1D 7PW	Restaurant	Monday to Saturday; 10:00 - 01:30   Sunday; 12:00 - 00:00
06/06238/WCCMAP	Rupert Supermarket	55 Rupert Street London W1D 7PJ	Shop	Monday to Saturday; 08:00 - 23:00   Sunday; 10:00 - 22:30
14/09057/LIDPSR	(Nightclub)	Development Site At 1 - 4 Walker's Court And 8 - 10 Brewer Street London W1F 0SB	Night clubs and discos	Monday to Saturday; 09:00 - 03:30   Sunday; 12:00 - 01:00   Sundays before Bank Holidays; 12:00 - 03:30
14/09062/LIDPSR	Unit D	Development Site At 1 - 4 Walker's Court And 8 - 10 Brewer Street London W1F 0SB	Night clubs and discos	Monday to Saturday; 09:00 - 03:30   Sunday; 12:00 - 01:00   Sundays before Bank Holidays; 12:00 - 03:30
16/10909/LIPDPS	Lils	53 Rupert Street London W1D 7PH	Restaurant	Monday to Thursday; 07:00 - 23:00   Friday; 07:00 - 00:00   Saturday; 08:00 - 00:00   Sunday; 08:00 - 22:30   Sundays before Bank Holidays; 08:00 - 00:00
18/03699/LIPDPS	Randall & Aubin	16 Brewer Street London W1F 0SQ	Cafe	Monday to Saturday; 10:00 - 00:30   Sunday; 12:00 - 00:00
14/06422/LIPT	Soho Cinema	8 - 9 Walker's Court London W1F 0BY	Cinema	Monday to Sunday; 09:00 - 01:00
19/04087/LIPDPS	The Box	11 - 12 Walker's Court London W1F 0BZ	Night clubs and discos	Monday to Saturday; 09:00 - 04:00   Sunday; 09:00 - 00:30

15/08865/LIPN	The Box	11 - 12 Walker's Court London W1F 0BZ	Night clubs and discos	Monday to Saturday; 09:00 - 04:00   Sunday; 09:00 - 00:30
19/01767/LIPDPS	Bubbleology	49 Rupert Street London W1D 7PF	Shop (large)	Monday to Thursday; 11:00 - 23:30   Friday to Saturday; 11:00 - 00:00   Sunday; 12:00 - 22:30   Sundays before Bank Holidays; 12:00 - 00:00
19/14625/LIPVM	The Yard Bar	57 Rupert Street London W1D 7PL	Wine bar	Monday; 10:00 - 23:30   Monday to Thursday; 10:00 - 23:30   Tuesday; 10:00 - 23:30   Wednesday; 10:00 - 23:30   Thursday; 10:00 - 23:30   Friday; 10:00 - 00:00   Friday to Saturday; 10:00 - 00:00   Saturday; 10:00 - 00:00   Sunday; 12:00 - 23:00
19/09651/LIPN	Not Recorded	57 Rupert Street London W1D 7PL	Wine bar	Monday to Thursday; 10:00 - 23:30   Friday to Saturday; 10:00 - 00:00   Sunday; 12:00 - 23:00
17/02027/LIPVM	The Gielgud Theatre	The Gielgud Theatre Shaftesbury Avenue London W1D 6AR	Theatre	Monday to Sunday; 09:00 - 00:00

19/14239/LIPV	Lina Stores	18 Brewer Street London W1F 0SH	Shop	Monday; 00:00 - 23:59   Tuesday; 00:00 - 23:59   Wednesday; 00:00 - 23:59   Thursday; 00:00 - 23:59   Friday; 00:00 - 23:59   Saturday; 00:00 - 23:59   Sunday; 00:00 - 23:59
19/03516/LIPDPS	White Horse Public House	45 Rupert Street London W1D 7PB	Pub or pub restaurant with lodge	Monday to Saturday; 10:00 - 23:30   Sunday; 12:00 - 23:00
06/05560/WCCMAP	Gerry's Wine & Spirits	74-76 Old Compton Street London W1D 4UW	Shop	Monday to Saturday; 08:00 - 23:00   Sunday; 10:00 - 22:30
20/02525/LIPDPS	Yalla Yalla	Basement And Ground Floor 1 Green's Court London W1F 0HA	Restaurant	Monday to Saturday; 10:00 - 00:30   Sunday; 12:00 - 00:00
17/12283/LIPT	Damson & Co	21 Brewer Street London W1F 0RL	Restaurant	Monday to Sunday; 08:00 - 21:45   Sundays before Bank Holidays; 08:00 - 00:00
13/02742/LIPDPS	Cafe Espana	Basement To First Floor 63 Old Compton Street London W1D 6HT	Restaurant	Monday to Saturday; 10:00 - 00:30   Sunday; 12:00 - 00:00
18/02179/LIPVM	Cutter And Squidge	20 Brewer Street London W1F 0SJ	Shop (large)	Monday to Wednesday; 09:30 - 21:00   Thursday; 09:30 - 22:00   Friday; 09:30 - 23:00   Saturday; 10:00 - 23:00   Sunday; 11:00 - 21:30

12/08457/LIPDPS	Bone Daddies	30 - 31 Peter Street London W1F 0AP	Restaurant	Monday to Saturday; 10:00 - 00:30   Sunday; 12:00 - 00:00
16/11472/LIPN	Starbucks	Ground Floor National House 60 - 66 Wardour Street London W1F 0TA	Restaurant	Monday to Thursday; 23:00 - 23:30   Friday to Saturday; 23:00 - 00:00
18/07653/LIPDPS	Freedom	Basement And Ground Floor National House 60 - 66 Wardour Street London W1F 0TA	Restaurant	Monday to Saturday; 09:00 - 03:30   Sunday; 09:00 - 00:00
19/12106/LIPT	Mr Ji	72 Old Compton Street London W1D 4UN	Cafe	Monday to Sunday; 10:00 - 00:30
19/11488/LIPCH	Byron	99 Wardour Street London W1F 0UF	Restaurant	Monday to Thursday; 10:00 - 23:30   Friday to Saturday; 10:00 - 00:00   Sunday; 12:00 - 22:30   Sundays before Bank Holidays; 12:00 - 00:00
06/05841/WCCMAP	I Camisa & Son	Basement And Ground Floor 61 Old Compton Street London W1D 6HS	Shop	Monday to Saturday; 08:00 - 23:00   Sunday; 10:00 - 22:30
19/00878/LIPT	I Camisa & Son	Basement And Ground Floor 61 Old Compton Street London W1D 6HS	Shop	Monday to Saturday; 08:00 - 23:00   Sunday; 10:00 - 22:30
19/16016/LIPT	Not Recorded	6 Walker's Court London W1F 0BT	Theatre	Monday to Saturday; 08:00 - 01:30   Sunday; 08:00 - 23:00

19/10059/LIPVM	Sondheim Theatre	The Sondheim Theatre Shaftesbury Avenue London W1D 6BA	Theatre	Monday; 09:00 - 00:00   Tuesday; 09:00 - 00:00   Wednesday; 09:00 - 00:00   Thursday; 09:00 - 00:00   Friday; 09:00 - 00:00   Saturday; 09:00 - 00:00   Sunday; 09:00 - 00:00
19/11333/LIPVM	El Camion	25-27 Brewer Street London W1F 0RR	Restaurant	Monday; 09:00 - 03:30   Tuesday; 09:00 - 03:30   Wednesday; 09:00 - 03:30   Thursday; 09:00 - 03:30   Friday; 09:00 - 03:30   Saturday; 09:00 - 03:30   Sunday; 12:00 - 23:00
16/07760/LIPDPS	Poppies Fish Chips	55-59 Old Compton Street London W1D 6HP	Cafe	Monday to Saturday; 09:00 - 01:30   Sunday; 09:00 - 01:00
19/13285/LIPDPS	Absurd Bird	25 Peter Street London W1F 0AH	Restaurant	Monday to Thursday; 10:00 - 23:30   Friday to Saturday; 10:00 - 00:00   Sunday; 12:00 - 22:30   Sundays before Bank Holidays; 12:00 - 00:00
20/00639/LIPT	Las Banderas	Basement And Ground Floor 68-70 Wardour Street London W1F 0TB	Cafe	Monday to Thursday; 10:00 - 23:30   Friday to Saturday; 10:00 - 00:00   Sunday; 12:00 - 22:00

20/07527/LIPDPS	Rubys	56 Wardour Street London W1D 4JG	Restaurant	Monday to Saturday; 08:00 - 00:30   Sunday; 08:00 - 00:00
19/00635/LIPN	Jackson & Rye	56 Wardour Street London W1D 4JG	Restaurant	Monday to Saturday; 08:00 - 00:30   Sunday; 08:00 - 00:00
19/16648/LIPVM	Chilango	24 Brewer Street London W1F 0SN	Restaurant	Monday to Friday; 10:00 - 23:00   Saturday; 10:00 - 00:00   Sunday; 12:00 - 22:30
14/09446/LIPN	Pickle And Toast	72 Wardour Street London W1F 0TD	Cafe	Monday to Wednesday; 07:00 - 23:00   Thursday; 07:00 - 23:30   Friday; 07:00 - 00:00   Saturday; 08:00 - 00:00   Sunday; 08:00 - 22:30
18/10483/LIPDPS	Janetira Eat Thai	28 Brewer Street London W1F 0SR	Restaurant	Monday to Saturday; 10:00 - 00:30   Sunday; 12:00 - 00:00
17/05557/LIPT	(Former 'Bunnychow')	74 Wardour Street London W1F 0TE	Restaurant	Monday to Saturday; 07:30 - 23:30   Sunday; 07:30 - 23:00
12/03560/LIPV	Selva Food & Wine	68 Old Compton Street London W1D 4UJ	Shop	Monday to Sunday; 00:00 - 00:00

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