



CITY OF WESTMINSTER

MINUTES

Licensing Sub-Committee (3)

MINUTES OF PROCEEDINGS

Minutes of a meeting of the **Licensing Sub-Committee (3)** held on **Thursday 5th November, 2020**, This will be a virtual meeting. Members of the Public can view the live broadcast using the link on the Council's website.

Members Present: Councillors Jacqui Wilkinson (Chairman), Margot Bright and Aicha Less

1 MEMBERSHIP

There were no changes to the Membership.

2 DECLARATIONS OF INTEREST

There were no Declarations of Interest.

3 Licensing Applications for Determination

a PLATINUM LACE GENTLEMAN'S CLUB, UNIT 33, TROCADERO, 13 COVENTRY STREET, LONDON W1D 7AB

Application for Variation of a Premises Licence [20/06989/LIPV]

FULL DECISION

Premises

Unit 33
Trocadero
13 Coventry Street
London W1D 7AB

Applicant

Platinum Lace (Management) Limited - Simon Warr
Represented by Lana Tricker - LT Law

Cumulative Impact Area

West End

Ward

St James's

Summary of Application

This was an application for a variation of a premises licence under the Licensing Act 2003 (“the Act”). The Premises operate as a Sexual Entertainment Venue and have the benefit of a Sexual Establishment Licence 20/08554/LISEVR. The Premises have the benefit of a Premises Licence since 2008. The also Premises are within the West End Area of Cumulative Impact.

The Applicant wished to vary the licence as follows:

- To remove condition 16 of the Premises Licence which reads “the sale and consumption of intoxicating liquor shall be ancillary to the provision of striptease entertainment”.
- The Applicant agreed that the Licence would be time limited to 1st February 2022

Current and Proposed Licensable Activities and Hours

(Basement Only)

Conditions being Varied

Condition 16

Proposed Variation

The Applicant agreed that the licence would be time limited to the 1 February 2022 and agreed the following condition:

The sale of intoxicating liquor shall be ancillary to the provision of striptease entertainment. Further to application 20/06989/LIPV this condition is suspended until 1st February 2022.

All Licensable activities shall cease at 03:00 whilst the suspension of condition 16 is in force.

The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises and will include the external area immediately outside the premises entrance. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31-day period.

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.

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:

- i. all crimes reported to the venue
- ii. all ejections of patrons
- iii. any complaints received concerning crime and disorder
- iv. any incidents of disorder

- v. any seizures of drugs or offensive weapons
- vi. any faults in the CCTV system
- vii. any refusal of the sale of alcohol
- viii. any visit by a relevant authority or emergency service.

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.

Compared to existing condition

The sale and consumption of intoxicating liquor shall be ancillary to the provision of striptease entertainment.

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 of the City Council throughout the preceding 31-day period.

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.

Representations Received

- Angela Seaward (representing the Licensing Authority)

Brief summary of issues raised by objectors

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 removal of condition 16 from the licence will remove ancillary nature to the sale of alcohol and the premises having striptease entertainment.

The removal of this condition plus the no ancillary nature will change the character of the premises which will become a nightclub that is alcohol-led.

Paragraphs 2.5.23 and 2.5.48 of the Licensing Policy 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.

Representations were received from the Metropolitan Police Service. However, the Police withdrew their objection on 19th October 2020 after agreeing conditions with the Applicant.

Policy Position

- CIP1
- HRS1
- MD2
- PB2

Cumulative Impact Area (CIA) Implications to consider so will be assessed on its individual merits. No policy presumption to refuse for a restaurant premises provided will not add to negative cumulative impact. Test is evidenced based and whether the proposed conditions offered or any other likely conditions to be imposed will mitigate the concerns raised.

DECISION

Ms Tricker presented the application on behalf of Platinum Lace (Management) Limited and explained to the Sub-Committee that due to Covid-19 the premises had been closed since March 2020 and required the variation in order to survive. She advised the Sub-Committee that the Applicant was still responsible for paying staff costs and rent. Ms Tricker advised the Sub-Committee that the Applicant sought to remove condition 16 of the Premises Licence which reads “the sale and consumption of intoxicating liquor shall be ancillary to the provision of striptease entertainment” and should instead read “The sale of intoxicating liquor shall be ancillary to the provision of striptease entertainment. Ms Tricker explained that further to application the condition is suspended until 1st February 2022.

Ms Tricker advised the Sub-Committee that the premises were ideally set up to follow the social distancing guidance, as there were a number of private booths. She added that the Environmental Health services had not made a representation and had provided guidance that Condition 16 is to be suspended for a limited period until 1 February 2022. Ms Tricker added that representations were made by Metropolitan Police Service; however, the Police withdrew their objection on 19th October 2020 after agreeing conditions with her client. Ms Tricker added that her client had agreed to additional conditions from the Police with regard to CCTV and keeping an incident log. She also explained that her client had also offered an earlier termination of operating hours during the variation period from 06:00 to 03:00.

Ms Tricker advised the Sub-Committee that the application had received one representation from the Licensing Authority and that the variation was sought due to the current business and social circumstances around Covid 19; this single condition prohibits the venue from opening as the premises cannot provide adult entertainment and there is no indication as to when the venue could re-open as a Sexual Entertainment Venue. Ms Tricker added that the variation would not impact on the Cumulative Impact Area as the premises capacity has been decreased and the hours of termination have decreased (temporally). Ms Tricker advised the Sub-Committee that no residential issues had been caused by the premises in the past. Ms Tricker added that the Covid-19 was the exception.

The Applicant, Mr Simon Warr addressed the Sub-Committee, he reiterated that the premises had been closed since March 2020 due to Covid-19. He explained that because of the nature of the club and its private booths, it was already set up for social distancing. Mr Warr advised the Sub-Committee that his staff would operate a one-way traffic system within the premises, that the club already benefited from a strong dispersal policy and that the variation changes would have no impact on the local area. Mr Warr informed the Sub-Committee that there would be two supervisors and two managers and that they employed a dedicated taxi service until

3am. He advised the Sub-Committee that not being able to work had been difficult for staff members and had impacted on their mental health.

Ms Angela Seaward from the Licensing Authority addressed the Sub-Committee advising that the premises are located within the West End Cumulative Impact Area and as such various policy points must be considered, namely HSR1, CIP1, MD2 and PB2. Ms Seaward advised the Sub-Committee that the Licensing Authority had concerns over the proposed removal of condition 16 from the licence which removes any ancillary nature to the Sale of Alcohol and the premises having striptease entertainment. She explained to the Sub-Committee that the removal of this condition plus the no ancillary nature subsequently changes the character of the premises which in turn will become a nightclub that's alcohol led.

Ms Seaward advised the Sub-Committee that the application fell within Westminster's MD2 and PB2 Policy and 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. She advised the Sub-Committee that 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 apart from where an applicant can demonstrate exceptional circumstances. Ms Seaward went on to advise the Sub-Committee that the Applicant should provide further information as to how the premises would operate.

The Sub-Committee queried the conditions agreed with the Environmental Health Service, the types of customers served at Applicant's establishment. The Sub-Committee also sought further details on the type of food offered and whether customers would be seated when served food and drink. The Sub-Committee queried if music would be played, the capacity and how the Applicant and his staff would manage customer expectations with regard to no nudity. The Sub-Committee queried as to whether the Applicant had liaised with the local neighbourhood resident association and if any other businesses located near the premises were open and trading.

In response to the queries raised by the Sub-Committee, Ms Tricker advised the Sub-Committee that a substantial food offer was always available at the premises, she also confirmed that food would be served by a waiter/waitress service and guests would be served seated. Ms Tricker confirmed that only background music would be played, and that the Applicant was operating three other premises in Norwich, Brighton, and Leicester successfully under the same proposed varied conditions.

Mr Warr confirmed that his clientele was a more mature group and that the capacity had been reduced by 30% from 350 to 245. Mr Warr also confirmed that notices would be sent out to the club's members and displayed in and around the premises to inform those attending that there will be no nudity or sexual entertainment. He advised the Sub-Committee that this would be reinforced by staff when permitting entry into the premises. Mr Warr informed the Sub-Committee that with regard to nearby local businesses currently trading, he believed that The Happy Bar & Grill had not opened back at all, The Thai restaurant had closed permanently, and that Opium had had its licence revoked. Mr Warr also confirmed that he was a member of Pubwatch, the Heart of London and the Leicester Square Association.

Westminster City Council's Legal representation, Ms Vivienne Walker, sought further clarification on the proposed conditions and confirmation that the conditions had been agreed and accepted by the Applicant as drawn.

The Sub-Committee decided that the Applicant had provided valid reasons as to why the granting of the application would not add to negative cumulative impact in the Cumulative Impact Area and thus promote the licensing objectives. Having carefully considered the committee papers and the submissions made by all of the parties, both orally and in writing, the Sub-Committee decided, after taking into account all of the individual circumstances of this case and the promotion of the four licensing objectives.

The application was granted subject to the following further conditions:

1. To grant permission to suspend the provision of striptease entertainment condition during the Covid 19 period as defined in the Business and Planning Act 2020 while continuing to promote the licensing objectives.
2. To grant permission to add a new condition to the premises licence to the effect that Condition 16 is to be suspended for a limited period until 1 February 2022 after which time the condition shall be reinstated and remain to have full force and effect.
3. To add conditions in the terms specified below.
4. That the varied licence is subject to any relevant mandatory conditions.
5. That the existing conditions on the licence shall apply in all respects except in so far as they are varied by this Decision.
6. That the varied licence is subject to the following additional conditions imposed by the Committee which are considered appropriate and proportionate to promote the licensing objectives.

CONDITIONS IMPOSED BY THE COMMITTEE AFTER A HEARING

7. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises are open for licensable activities and during all times when customers remain on the premises and will include the external area immediately outside the premises entrance. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of the Police or authorised officer throughout the entire 31-day period.
8. 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 CCTV images or data with the absolute minimum of delay when requested.
9. 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 regards crime and disorder
- (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.

10. 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.
11. Substantial food and non-intoxicating beverages, including drinking water, shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.
12. Licensable activities shall cease at 03:00 hours whilst the suspension of condition 16 is in force.
13. Condition 16 on the Premises Licence shall be suspended for a limited period until 1 February 2022 after which time the condition shall be reinstated and remain to have full force and effect.

b PLATINUM LACE LEICESTER SQUARE, BASEMENT, VICTORY HOUSE, 14 LEICESTER SQUARE, LONDON WC2H 7NG

Application for Variation of a Premises Licence [20/06983/LIPV]

FULL DECISION

Premises

Basement
Victory House
14 Leicester Square
London WC2 7NG

Applicant

Number Fourteen (Management) Limited - Simon Warr
Represented by Lana Tricker - LT Law

Cumulative Impact Area

West End

Ward

St James's

Summary of Application

This was an application for a variation of a premises licence under the Licensing Act 2003 ("the Act"). The Premises operate as a Sexual Entertainment Venue and have the benefit of a Sexual Establishment Licence 20/03492/LISEVR. The Premises have the benefit of a Premises Licence since 2013. The also Premises are within the West End Area of Cumulative Impact.

The Applicant wished to vary the licence as follows:

- To remove condition 11 of the Premises Licence which reads "the sale and consumption of intoxicating liquor shall be ancillary to the provision of striptease entertainment".
- The Applicant agreed that the Licence would be time limited to 1st February 2022

Current and proposed licensable activities and hours

(Basement Only)

Conditions being Varied: Condition 11

Proposed Variation

The Applicant agreed that the licence would be time limited to the 1 February 2022 and agreed the following condition:

The sale and consumption of intoxicating liquor shall be ancillary to the provision of striptease entertainment. Further to application 20/06983/LIPV this condition is suspended until 1st February 2022"

The terminal hour would be reduced back to 03:00 Monday to Sunday.

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

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

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.

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.

Compared to existing condition

The sale and consumption of intoxicating liquor shall be ancillary to the provision of striptease entertainment.

Representations Received

- Daisy Gadd (representing the Licensing Authority)

Brief summary of issues raised by objectors

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 removal of condition 11 from the licence will remove ancillary nature to the sale of alcohol and the premises being a Sexual Entertainment Venue.

The removal of this condition plus the no ancillary nature will change the character of the premises which will become a nightclub that is alcohol-led.

Paragraph 2.5.48 of the Licensing Policy states that There is a particular concern in the Cumulative Impact Areas where there has been a growth in the number of entertainment premises and other licensed premises.

The grant of variations for premises offering facilities for music and dancing in the Cumulative Impact Areas should be limited to exceptional circumstances.

Representations were received from the Metropolitan Police Service. However, the Police withdrew their objection on 19th October 2020 after agreeing conditions with the Applicant.

Policy Position

- CIP1
- HRS1

- MD2
- PB2

Cumulative Impact Area (CIA) Implications to consider so will be assessed on its individual merits. Test is evidenced based and whether the proposed conditions offered or any other likely conditions to be imposed will mitigate the concerns raised.

DECISION

Ms Tricker presented the application on behalf of Number Fourteen (Management) Limited and explained to the Sub-Committee that due to Covid-19 the premises had been closed since March 2020 and required the variation in order to survive. She advised the Sub-Committee that the Applicant was still responsible for paying staff costs and rent. Ms Tricker advised the Sub-Committee that the Applicant sought to remove condition 11 of the Premises Licence which reads “the sale and consumption of intoxicating liquor shall be ancillary to the provision of striptease entertainment” and should instead read “The sale of intoxicating liquor shall be ancillary to the provision of striptease entertainment. Ms Tricker explained that further to application the condition is suspended until 1st February 2022.

Ms Tricker advised the Sub-Committee that the premises was ideally set up to follow the social distancing guidance, as there were a number of private booths. She added that the Environmental Health services had not made a representation and had provided guidance that Condition 11 is to be suspended for a limited period until 1 February 2022. Ms Tricker added that representations were made by Metropolitan Police Service; however, the Police withdrew their objection on 19th October 2020 after agreeing conditions with her client. Ms Tricker added that her client had agreed to additional conditions from the Police with regard to CCTV. She also explained that her client had also offered an earlier termination of operating hours during the variation period from 06:00 to 03:00.

Ms Tricker advised the Sub-Committee that the application had received one representation from the Licensing Authority and that the variation was sought due to the current business and social circumstances around Covid 19; this single condition prohibits the venue from opening as the premises cannot provide adult entertainment and there is no indication as to when the venue could re-open as a Sexual Entertainment Venue. Ms Tricker added that the variation would not impact on the Cumulative Impact Area as the premises capacity has been decreased and the hours of termination have decreased (temporarily). Ms Tricker advised the Sub-Committee that no residential issues had been caused by the premises in the past. Ms Tricker added that the Covid-19 was the exception.

The Applicant, Mr Simon Warr addressed the Sub-Committee, he reiterated that the premises had been closed since March 2020 due to Covid-19. He explained that because of the nature of the club and its private booths, it was already set up for social distancing. Mr Warr advised the Sub-Committee that his staff would operate a one-way traffic system within the premises, that the club already benefited from a strong dispersal policy and that the variation changes would have no impact on the local area. Mr Warr informed the Sub-Committee that there would be two supervisors and two managers and that they employed a dedicated taxi service until 3am. He advised the Sub-Committee that not being able to work had been difficult for staff members and had impacted on their mental health.

Ms Angela Seaward from the Licensing Authority addressed the Sub-Committee advising that the premises are located within the West End Cumulative Impact Area and as such various policy points must be considered, namely HSR1, CIP1, RNT2 and PB2. Ms Seaward advised the Sub-Committee that the Licensing Authority had concerns over the proposed removal of condition 11 from the licence which removes any ancillary nature to the Sale of Alcohol and the premises having striptease entertainment. She explained to the Sub-Committee that the removal of this condition plus the no ancillary nature subsequently changes the character of the premises which in turn will become a nightclub that's alcohol led.

Ms Seaward advised the Sub-Committee that the application fell within Westminster's MD2 and PB2 Policy and 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. She advised the Sub-Committee that 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 apart from where an applicant can demonstrate exceptional circumstances. Ms Seaward went on to advise the Sub-Committee that the Applicant should demonstrate the exceptional circumstances and that the application will not impact on the Cumulative Impact Area.

The Sub-Committee queried the conditions agreed with the Environmental Health Service, the types of customers served at Applicant's establishment. The Sub-Committee also sought further details on the type of food offered and whether customers would be seated when served food and drink. The Sub-Committee queried if music would be played if members of the public were able to walk in off the street and how the Applicant and his staff would manage customer expectations with regard to no nudity. The Sub-Committee sought clarification on the whether women were permitted in the establishment. The Sub-Committee queried as to whether the Applicant had liaised with the local neighbourhood resident association and if any other businesses located near the premises were open and trading.

In response to the queries raised by the Sub-Committee, Ms Tricker advised the Sub-Committee that a substantial food offer was always available at the premises, she also confirmed that food would be served by a waiter/waitress service and guest would be served seated. Ms Tricker confirmed that only background music would be played, and Mr Warr confirmed that women were very welcome at the club and that there were already a number of female members.

The applicant runs three other premises in Norwich, Brighton, and Leicester and that these premises were operating successfully under the proposed varied conditions.

Westminster City Council's Legal representation Ms Vivienne Walker sought further clarification of the proposed conditions and confirmation that the conditions had been agreed and accepted by the Applicant as drawn.

The Sub-Committee decided that the Applicant had provided valid reasons as to why the granting of the application would not add to negative cumulative impact in the Cumulative Impact Area and thus promote the licensing objectives. Having carefully considered the committee papers and the submissions made by all of the parties, both orally and in writing, the Sub-Committee decided, after taking into account all of the individual circumstances of this case and the promotion of the four licensing objectives.

The application is granted subject to the following further conditions:

1. To grant permission to suspend the provision of striptease entertainment condition during the Covid 19 period as defined in the Business and Planning Act 2020 while continuing to promote the licensing objectives.
2. To grant permission to add a new condition to the premises licence to the effect that Condition 11 is to be suspended for a limited period until 1 February 2022 after which time the condition shall be reinstated and remain to have full force and effect.
3. To add conditions in the terms specified below.
4. That the varied licence is subject to any relevant mandatory conditions.
5. That the existing conditions on the licence shall apply in all respects except in so far as they are varied by this Decision.
6. That the varied licence is subject to the following additional conditions imposed by the Committee which are considered appropriate and proportionate to promote the licensing objectives.

CONDITIONS IMPOSED BY THE COMMITTEE AFTER A HEARING

7. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises are open for licensable activities and during all times when customers remain on the premises and will include the external area immediately outside the premises entrance. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of the Police or authorised officer throughout the entire 31-day period.
8. 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 CCTV images or data with the absolute minimum of delay when requested.
9. 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.
10. 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.
11. Substantial food and non-intoxicating beverages, including drinking water, shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.
12. Licensable activities shall cease at 03:00 hours whilst the suspension of condition 11 is in force.
13. Condition 11 on the Premises Licence shall be suspended for a limited period until 1 February 2022 after which time the condition shall be reinstated and remain to have full force and effect.

CHAIRMAN: _____

DATE _____