



CITY OF WESTMINSTER

MINUTES

Licensing Sub-Committee (6)

MINUTES OF PROCEEDINGS

Minutes of a meeting of the **Licensing Sub-Committee (6)** held on **Thursday 23rd March, 2023**, Rooms 18.01 - 18.03 - 18th Floor, 64 Victoria Street, London, SW1E 6QP.

Members Present: Councillors Maggie Carman (Chair), Concia Albert and Jacqui Wilkinson

1. MEMBERSHIP

1.1 There were no changes to the Membership.

2. DECLARATIONS OF INTEREST

2.1 There were no declarations of interest.

1. THE WINDMILL THEATRE, 17-19 GREAT WINDMILL STREET, W1D 7JZ

LICENSING SUB-COMMITTEE No. 6

Thursday 23 March 2023

Membership: Councillor Maggie Carman (Chairman), Councillor Concia Albert and Councillor Jacqui Wilkinson

Legal Adviser: Horatio Chance

Policy Officer: Aaron Hardy

Committee Officer: Jack Robinson-Young

Presenting Officer: Roxsana Haq

Objections: 8 objections including representations from the Metropolitan Police Service, Environmental Health Service and Licensing Authority,

Present: Mr Craig Baylis and Mr Marcus Lavell of Keystone Law Solicitors representing the Applicant, Mr Hassan Abdeslam Laroussi (Director) and Mr Bence Pillinger (Premises Manager and DPS) Metropolitan Police Service (PC Tom Stewart), Environmental Health Service (Ian Watson) Licensing Authority (Karyn Abbot). Richard Brown Westminster Licensing Project representing the Soho Society (Ms Marina Tempia).

**The Windmill Theatre 17-19 Great Windmill Street London W1D 7JZ
22/12041/LISEVN**

1. Application for a New Sexual Entertainment Venue (“SEV”) The Windmill Theatre 17-19 Great Windmill Street London W1D 7JZ under the Local Government (Miscellaneous Provisions) Act 1982 (as amended by the Policing and Crime Act 2009)

The Sub-Committee has determined an application for a New Sexual Entertainment Venue Premises Licence made by Molendinum Limited to operate the Premises as a sexual entertainment venue between the hours of **Monday to Saturday 09:00 to 05:00 Sunday 09:00 to 03:00**

Amendments to application advised at hearing:

The Applicant withdrew Relevant Entertainment on Sunday and was now excluding the basement area. Therefore, the redline extends only to the ground floor and balcony areas of the Premises.

Decision (including reasons if different from those set out in report):

The application received 8 objections attached at Appendix C of the report.

On the 16 January 2023, the Metropolitan Police Service (“MPS”) made an objection to the application on the basis that, if granted the application would undermine the licensing objectives. The full representation is attached at Appendix C1 of the report.

On the 16 January 2023, the Council’s Environmental Health Service (“EHS”) made an objection on the basis that the grant of the licence would be inappropriate having regard to the layout, character or condition of the premises. The full representation is attached at Appendix C2 of the report.

On the 13 January 2023, the Licensing Authority made an objection based on the nature of the premises and the character of the relevant locality and the use of premises in the vicinity. The full representation is attached at Appendix C3 of the report.

Objections from Interested Parties

There were 5 objections from interested parties submitted on the grounds of:

- Public nuisance
- Crime and disorder
- Residential amenity

- Inappropriate location

The objections are set out in full at Appendix C of the report.

Ms Roxsana Haq the Presenting Officer introduced the application to the Sub-Committee. She advised that this was an application made by Molendinum Limited for a New Sexual Entertainment Venue Licence in respect of the Premises at The Windmill Theatre, 17-19 Great Windmill Street, London W1D 7JZ . The Applicant is represented by Mr Craig Baylis and Mr Marcus Lavell of Keystone Law Solicitors. Also in attendance is Mr Hassan Abdeslam Laroussi (Director) and Mr Bence Pillinger (Premises Manager and DPS).

Representations have been received from the Metropolitan Police Service (PC Tom Stewart), Environmental Health Service (Ian Watson) and The Licensing Authority (Karyn Abbot). Richard Brown representing the Soho Society (Ms Marina Tempia).

Mr Baylis appearing on behalf of the Applicant addressed the Sub-Committee. Mr Baylis confirmed that Sundays are withdrawn from the application together with the basement area where regulated entertainment is now not taking place. He said that historically the Premises has been providing cabaret entertainment since pre-War times and wanted to go back to the “Windmill’s origins” and hopefully the application reflected this vision for the Premises.

Mr Baylis said that the stage performances will include burlesque/cabaret acts with some nudity but this would be different for every act. He said this was not about individual private performances. All performances will start and finish on the main stage which provides comfort and will be conditioned accordingly.

Mr Baylis stated that Conditions have been proposed by the Responsible Authorities and these are all agreed. There are to be some semi-nude, semi-naked performances and there may be cross overs with the need for a SEV. Mr Baylis said no additional hours or capacity are being sought. There is no extension of any licensable activity either.

In answer to questions by the Sub-Committee Mr Baylis confirmed the following:-

- There is to be no table dancing despite the plan stating that there is.
- The audience will be seated having dinner whilst watching performances by singers, dancers and acrobatic artists.
- The capacity is 350 now the basement area is removed from the red line although the capacity figure is noted as 450 on the photo in the agenda report.
- The Premises are fully noise insulated. We are not changing the way the music is currently being presented so there is to be no increase whilst performances are taking place that may give rise to a nuisance.
- There are no private rooms with booths. It is just like going to a Theatre. There will be no SEV in the Royal Box.
- The Applicant is no longer seeking an exception for touching

performers.

PC Tom Stewart appearing on behalf of the MPS addressed the Sub-Committee. PC Stewart said that the MPS initially objected to the application due to the lack of detail. PC Stewart said that he had undertaken checks on the online Company House register to establish the differences between the company names and was confident that there are no current directors that used to be a director previously.

In answer to questions from the Sub-Committee PC Stewart stated that the Premises was in a high sensitive crime area but this could not be directly related to the Premises. He said that it is not clear whether the SEV if granted will have a negative impact on the area in terms of crime and disorder.

Ms Abbott appearing on behalf of the Licensing Authority addressed the Sub-Committee. She advised that the Licensing Authority submitted an objection because it is a new SEV. Ms Abbott confirmed the following:-

- She had visited the Premises on 19 January.
- The Premises operates as a theatre and wishes to include full nudity.
- All performances are ticketed.
- There is no association with the previous licence holder.
- Conditions have been proposed to restrict further the way how the Premises wishes to operate.
- There is to be no touching between performers.

Mr Watson appearing on behalf of EHS addressed the Sub-Committee. He stated the application is not to provide wholly sexual entertainment. Mr Watson said that evidence has been heard on the basis that the Premises will operate as a theatre and that the SEV will be part of any of the performances. He said that very few venues now have just stage performances because popularity and need has dropped considerably along with having a full capacity venue.

Mr Watson said that he was grateful for the removal of the basement area and confirmed that there had been no complaints regarding any noise breakout. However, he did refer to five complaints from residents on Great Windmill Street back in October 2021 in respect of noise affecting their sleep. He confirmed that a visit was undertaken by officers where they stood outside the Premises, but the residents did not want us to enter their properties.

Mr Watson confirmed for the avoidance of doubt that the capacity of the ground floor is 250 and the basement is 100.

Mr Brown appearing on behalf of the Soho Society addressed the Sub-Committee. He said that the Soho Society want to be part of the discussion. He stated that the Company that holds the Premises Licence Holder and company applied for this application the directors are different for each company and wanted to make this point clear to the Sub-Committee although admittedly the MPS were happy having done their due diligence.

Mr Brown stated that there wasn't much material about the operation of the

Premises when the application went in so the Soho Society had very little to go on. He said that he noted the capacity was 150 when operating as a full SEV and that noise nuisance had been reported by residents.

Mr Brown said that proposed Condition 1 should be amended so that it is restricted to cabaret and burlesque and this suggestion was noted by the Sub-Committee.

In answer to questions from the Sub-Committee Mr Brown said he would ask Marina Tempia from the Soho Society to state why they did not object to the previous application.

Ms Marina Tempia said that we rely on licensing news to get information about these applications. She said that the Society go through this on a weekly basis and just by chance a resident walked past the Premises and saw the notice.

Ms Tempia said that we would have objected on grounds of Crime and Disorder and noise nuisance. We are here today on the same grounds due to the increase in capacity of 250 to 350. She said that according to bouncers it is well known that there are thefts in the area. Ms Tempia then went onto say that the area attracts criminal activity late at night and still has concerns regarding noise issues and a potential increase in crime.

Mr Baylis advised that the capacity decreases from 03.30 hours where the music and lights go down and we then encourage customers to leave. The Premises does not really have a smoking area.

Mr Baylis said that he would encourage the Sub-Committee to retain condition 1 as it gives certainty that this is the sort of activity that we want to offer and it is not lap dancing. He said that he would struggle to define burlesque or cabaret.

In answer to further questions from the Sub-Committee Mr Baylis confirmed that the basement area, which is no longer part of the application, confirmed this is a completely different room where there is fixed seating. It operates as a cocktail bar and food is available. He said that the atmosphere is more akin to a night club environment. Customers can go down there after the performances to continue their night. The capacity is 100.

Mr Horatio Chance the Legal Advisor to the Sub-Committee reaffirmed the Applicants view that Condition 1 should remain as drafted.

In terms of the other conditions which were discussed these were as follows:-

- Standard SEV Conditions 24 and 25 – applicant agrees these can remain.
- Condition 27 – is to be amended in accordance with the agreed wording so the reference to the basement area is to be deleted namely Paragraph 27 (b) and 27 (c) the capacity figure is now to read 250.
- A new proposed Condition requiring that 'There shall be no performance or Relevant Entertainment in the Royal Box' as this area is to be excluded. The Applicant confirmed their agreement as this is a

separate area not to be licensed.

In summing up PC Stewart stated that he had nothing further to add.

In summing up Ms Abbott stated that she had nothing further to add.

In summing up Mr Watson said that Condition 1 could prove difficult for enforcement purposes. In terms of Condition 21 this could be amended to say no private booths. Mr Watson said that the plans will need to be modified by removing the red line around the basement and Royal Box as these were not licensed areas.

In summing up Mr Brown said that Conditions 24 and 25 are standard conditions however when you read condition 1, it does limit it to not being a traditional lap dancing venue. He said it would be difficult how you deal with it, but in his view considered Condition 1 is somewhat contradictory in what it is seeking to achieve. Mr Brown said he would, however, leave the Sub-Committee to take a view on this when determining the matter.

The Sub-Committee welcomed that the Applicant amended the application so that the basement is now excluded from the licensed area and that the proposed hours for Sunday are now removed also.

The Sub-Committee noted that the Premises was not to operate as a lap dancing or table dancing club but that it was to go back to the Windmills origins by offering relevant entertainment in the form of burlesque cabaret or plays. This is to accord with condition one as originally drafted and now imposed on the premises licence.

The Applicant is to provide a revised premises plan excluding the basement area, the Royal Box, the reference to "table dancing" is to be removed and these revisions are to be provided by the Applicant before the premises licence is issued by the Licensing Authority.

In terms of the proposed conditions agreed between the parties these are imposed on the premises licence together with the standard conditions subject to the amendments to condition 27 and the additional condition stating that there is to be no relevant entertainment in the Royal Box numbered Condition 38.

The Sub-Committee having carefully considered the matter and the evidence on its individual merits decided to grant the SEV Licence. In its determination of the matter the Sub-Committee considered all relevant factors namely the locality of the venue and its surrounding premises such as schools and places of worships.

The Sub-Committee noted that the number of sexual entertainment venues permitted within the Council's Sexual Entertainment Venues Statement of Licensing Policy ("The SEV Policy") had not been exceeded.

The Sub-Committee had regard to the objections by all the parties that had objected to the application identified in the various Appendices to the agenda report.

The Sub-Committee concluded based on the evidence that the licence holder would promote the aims and objectives identified at Paragraph 1.7 on page 5 of the SEV Policy with the offered conditions as these would help mitigate the concerns raised by the objectors who objected to the application.

The Sub-Committee in its determination of the matter had regard to all the oral submissions made at the hearing and to all the written documentation that had been submitted. The Sub-Committee noted that the Responsible Authorities had agreed a plethora of conditions with the Applicant where many issues that were in dispute had been resolved.

The Sub-Committee, therefore, granted the Sexual Entertainment Premises Licence subject to the Standard Conditions applicable to licences for sex establishments in Westminster as prescribed by the Council pursuant to Paragraph 13 of Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 and the additional conditions imposed on the Premises Licence as specified below.

Standard Conditions

1. Whilst Relevant Entertainment is taking place no person under the age of 18 shall be on the licensed premises and a clear notice to that effect shall be displayed at the entrance in a prominent position so that it can be easily read by persons entering the premises.
2. Whenever persons under the age of 18 are admitted to the premises there will be no promotional or other material on display within the premises which depicts nudity or partial nudity.
3. The licence or a clear copy shall be prominently displayed at all times so as to be readily and easily seen by all persons using the premises.
4. No provision of relevant entertainment, or material depicting nudity or relevant entertainment, shall be visible from outside the premises.
5. Menus and drinks price lists shall be clearly displayed at the front entrance of the club, reception area, tables and bar at such a position and size as to be easily read by customers. This price list shall show all consumable items and any minimum tariff including charges and fees applicable to Performers.

6. Except with the consent of the Licensing Authority, no advertisements of any kind (including placard, poster, sticker, flyer, picture, letter, sign or other mark) shall be inscribed or affixed at the premises, on the surface of the highway or on any building, structure, works, street furniture, tree or any other property or be distributed in the street to the public that advertises or promotes the relevant entertainment at the premises.
7. The licence holder or other person concerned in the conduct or management of the premises shall not seek to obtain custom by means of personal solicitation or touting, nor enter into any agreement with a third party to do so.
8. Adequate toilets, washing and changing facilities for use by the Performers shall be provided.
9. Either the licence holder or a named responsible person shall be present throughout the time the Relevant Entertainment takes place.
10. The premises will install and maintain a comprehensive CCTV system as per the minimum requirements of a Westminster Police Licensing Team that ensures all areas of the licensed premises are monitored including all entry and exit points will be covered enabling frontal identification of every person entering any light condition. All cameras shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period together with facilities for viewing
11. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open to the public and this staff member should be able to show Police recent data and footage with the absolute minimum of delay of the request.
12. An incident log shall be kept at the premises, and made available on request to the Licensing Authority or the Police, which will record the following: (a) all crimes reported to the venue; (b) all ejections of patrons; (c) any complaints received; (d) any incidents of disorder; (e) seizures of drugs or offensive weapons; (f) any faults in the CCTV system or searching equipment or scanning equipment; (g) any refusal of the sale of alcohol; (h) any visit by a relevant authority or emergency service; (i) any breach of licence conditions reported by a Performer
13. The licence holder shall produce a Code of Conduct setting out rules and obligations between the licence holder and performers whilst performing. All Performers shall sign the Code of Conduct in their proper name acknowledging that they have read, understood and are prepared to abide by the said Code of Conduct, and a copy so signed

shall be retained by the licence holder and shall be readily available for inspection by the Police and/or authorised persons upon reasonable request.

14. Individual records shall be kept at the premises of the real names, stage names and addresses of all Performers working at the premises. The record will include either a copy of their birth certificate, current passport, EU driving licence or national identity card and shall be made immediately available for inspection by the Police and/or the Licensing Authority upon request.
15. Details of all work permits and/or immigration status relating to persons working at the premises shall be retained by the licence holder and be readily available for inspection by the Licensing Authority, a Police Officer or Immigration Officer.
16. Relevant entertainment shall be given only by performers and the audience shall not be permitted to participate in the relevant entertainment.
17. There shall be no physical contact between Performers whilst performing.
18. Performers will not request or give out any telephone number, address or any other contact information from or to any customer. Any such information given by a customer shall be surrendered to the premises manager as soon as is practicable.
19. Relevant Entertainment shall take place only in the designated areas approved by the Licensing Authority as shown on the licence plan. Arrangements for access to the dressing room shall be maintained at all times whilst Relevant Entertainment is taking place and immediately thereafter.
20. Customers must remain fully clothed at all times. The Performer must not remove any of the customer's clothing at any time.
21. Where relevant entertainment is provided in booths, or other areas of the premises where private performances are provided, the booth or area shall not have a door or other similar closure, the area shall be constantly monitored by CCTV, and access to the booth or other area shall be adequately supervised. There shall be door staff on duty near the booths at all times when they are in use.
22. Whenever Relevant Entertainment is being provided there shall be no physical contact between Performers and customers or between customers and Performers except for the exchanging of money or tokens at the beginning or conclusion of the performance and only for the purpose of that performance. Clearly legible notices to this effect shall clearly be displayed in each private booth and in any performance area.

23. Performers must redress fully immediately after each performance.

Additional Conditions

24. Relevant entertainment shall only be provided as part of the bone fide theatrical or staged performances which shall include burlesque, cabaret or plays (subject to agreement of relevant entertainment). For the avoidance of doubt there shall be no provision of relevant entertainment comprising either lap dancing private booths or similar entertainment that shall take place.

25. Admission to the Premises shall be limited to the following:

- Persons having booked tickets to a performance, prior to attending the Premises.
- No more than 15 guests of the proprietor, whose names have been recorded in a guest list, maintained at the Premises and available for inspection by any Police or Authorised Officer. The guest list is to contain the name, address and contact details of all guests.
- Persons attending a private function which has been booked at least 24 hours in advance in writing (a list of whom shall be kept at reception for inspection by the relevant authority).

26. Any performance of relevant entertainment must commence and conclude on the stage area of the premises.

27. The maximum capacity of the premises shall not exceed:

- (a) Ground Floor and Mezzanine - 250 persons (excluding staff). The above figures are subject to the following restrictions on the whole Premises.
- (c) From 09:00am to 3.30am - 250 persons (excluding Staff)
- (d) From 3.30am to 5.00am - 150 persons (excluding Staff)

28. A minimum of one door supervisor shall be positioned by the stage to ensure that the audience does not go on to the stage. A minimum of one door supervisor shall be positioned so as to observe performers providing relevant entertainment to patrons within the auditorium plus an additional door supervisor positioned so as to observe performers providing relevant entertainment to patrons on the balcony.

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

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

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

32. Curtains and hangings shall be arranged so as not to obstruct emergency safety signs or emergency equipment.

33. All fabrics, curtains, drapes and similar features including materials used in finishing and furnishing shall be either non-combustible or be durably or inherently flame-retarded fabric. Any fabrics used in escape routes (other than foyers), entertainment areas or function rooms, shall be non-combustible.
34. The approved arrangements at the premises, including means of escape provisions, emergency warning equipment, the electrical installation and mechanical equipment, shall at all material times be maintained in good condition and full working order.
35. The means of escape provided for the premises shall be maintained unobstructed, free of trip hazards, be immediately available and clearly identified in accordance with the plans provided.
36. 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.
 - (a) pyrotechnics including fire works
 - (b) firearms
 - (c) lasers
 - (d) explosives and highly flammable substances.
 - (e) real flame.
 - (f) strobe lighting.
37. No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
38. There shall be no performance of Relevant Entertainment in the Royal Box as marked on the Premises Plan.

Definitions

Relevant Entertainment is defined as:

- (a) any live performance or
- (b) any live display of nudity

which is of a nature that, ignoring financial gain, it must reasonably be assumed to be provided solely or principally for the purpose of sexually stimulating any member of the audience (whether by verbal or other means). Performer is defined as any person operating at a sexual entertainment venue who carries out any activity falling within the definition of Relevant Entertainment.

**The Licensing Sub-Committee
23 March 2023**

2. LA CAPANNINA, BASEMENT, 21 BATEMAN STREET, W1D 3AL

LICENSING SUB-COMMITTEE No. 6

Thursday 23 March 2023

Membership: Councillor Maggie Carman (Chair), Councillor Concia Albert and Councillor Jacqui Wilkinson

Legal Adviser: Horatio Chance
Policy Officer: Aaron Hardy
Committee Officer: Jack Robinson-Young
Presenting Officer: Roxsana Haq

Objections: 1 objection from an Interested Party

Present: Mr Julian Skeens (Solicitor acting for Goldhonour Limited the Applicant) Mr Peter Eyre Designated Premises Supervisor, Mr Richard Brown Westminster Licensing Project (acting for 1 Interested Party).

<u>La Capannina, Basement, 21 Bateman Street, London, W1D 3AL</u> <u>23/00288/LISEVR</u>	
1.	Application for a a Renewal of a Sexual Entertainment Venue La Capannina, Basement, 21 Bateman Street, London, W1D 3AL under the Local Government (Miscellaneous Provisions) Act 1982 (as amended by the Policing and Crime Act 2009)
	The Sub-Committee has determined an application for a Renewal of a Sexual Entertainment Venue Premises Licence made by Goldhonour Limited to operate the Premises as a Sexual Entertainment Venue ("SEV") between the hours of Monday to Saturday 10:00 to 03:00 Sunday 10:00 to 00:00
	Amendments to application advised at hearing: None
	Decision (including reasons if different from those set out in report): The Presenting Officer Ms Haq outlined the application to the Sub-Committee. She advised that this was an application for a Renewal of a Sexual Entertainment Venue Licence in respect of the Premises La Capannina, Basement, 21 Bateman Street, London, W1D 3AL. The Applicant is Goldhonour Limited represented by Julian Skeens with Peter Eyre the Designated Premises Supervisor whose in attendance. Representations have been received by one interested party who is represented by Mr Richard Brown of the Westminster Licensing Project and in attendance. Mr Skeens appearing on behalf of the Applicant addressed the Sub-Committee. He advised that the SEV renewal has never been represented to before. He drew the Sub-Committee's attention to the objection at pages 82

and 83 of the agenda report which specifically relates to the Premises operating as a SEV.

Mr Skeens said that he did not recognise the nature of the complaint from the local resident. For the benefit of the Sub-Committee Mr Skeens went onto explain the daily operation of the Premises. He confirmed that the Premises operated with two registered SIA door staff and that the night club operation has a DJ with a terminal hour of 03:00 with no live entertainment provided.

In answer to questions from the Sub-Committee Mr Skeens advised that there was an established procedure in place for lost property along with dispersal and others. A telephone number is provided and customers can call the next day if they have lost anything. He said that Mr Eyre the current DPS of the Premises was an experienced member of staff with a wealth of experience running licensed premises.

The Sub-Committee queried the name of the club and why the Premises changed from an SEV to a nightclub. Mr Skeens advised that the Covid-19 pandemic changed the operation and the Applicant now feels the Premises has more of a need for a night club operation. There are no plans to go back to a SEV. Mr Skeens said that the Applicant wanted to preserve his position by keeping the SEV licence as this was an asset of value.

Mr Brown appearing on behalf of the objector addressed the Sub-Committee. He advised that the objector was present to give evidence and answer questions but wished to remain anonymous.

Mr Brown stated that the objector had been kept awake from noise of a female standing on Bateman Street touting for business. This activity stopped around 20 February. However, the objection was passed to the Applicant around 22 February.

Mr Brown advised that a City Inspector visited the Premises recently on 18 March and did not witness this specific issue of touting. He said the objector does feel he may have seen the female a couple of nights ago but was not touting.

Mr Brown stated that the issue of touting needs to be seen in the wider context and is a breach of the condition on the SEV Licence. He said if the issue returns, then there is a mechanism of enforcement for breach.

The objector addressed the Sub-Committee. He advised there seems to be different types of people that are flooding the streets post Covid and is worried that in his opinion the streets are becoming unsafe. He drew the Sub-Committee's attention to the following concerns:-

- There are Hot spots for localised drug dealing.
- On the 1 February someone was attacked.
- On the 17 March two off duty police officers were attacked.
- The whole area is not policed, and is dangerous.
- Something needs to be done immediately before we see the first death

in the area.

Mr Brown requested that if the Applicant were to change his mind and decide to operate the Premises as an SEV it would be good practice for the Applicant to alert the Licensing Authority by writing in and confirming the position.

At this point Mr Skeens confirmed that the Applicant was prepared to do this. In addition, Mr Skeens confirmed that the Premises was managed well. City Inspectors had only made three visits to the Premises in the last quarter and that the Premises Licence under the Licensing Act 2003 is being used now and has conditions that are being complied with.

Mr Horatio Chance the Legal Advisor to the Sub-Committee suggested a proposed condition for lost property should the application be granted. This read "*The Licence Holder shall maintain and keep a register for lost property at the premises which is to be made available for inspection by Officers of the Council*".

Mr Skeens advised that rather than a condition be imposed on the SEV licence he was more than happy to provide an undertaking in this respect.

The Sub-Committee having carefully considered the matter and the evidence on its individual merits decided to grant the renewal of the Applicant's SEV Licence. In its determination of the matter the Sub-Committee considered all relevant factors namely the locality of the venue and its surrounding premises such as schools and places of worships.

The Sub-Committee noted that the number of sexual entertainment venues permitted within the Council's Sexual Entertainment Venues Statement of Licensing Policy ("The SEV Policy") had not been exceeded.

The Sub-Committee had regard to the objection at Appendix D of the Report.

The Sub-Committee concluded based on the evidence that the licence holder would promote the aims and objectives identified at Paragraph 1.7 on page 5 of the SEV Policy with the offered conditions as these would help mitigate the concerns raised by the one objector who objected to the application.

The Sub-Committee noted that since the Covid-19 pandemic the Premises has not been operating as an SEV due to a lack of demand but that the rationale for renewal was so that the licence holder could retain its licence as a valuable asset.

The Sub-Committee noted that should the licence holder's business model change at some stage in the future he agreed to write to the Licensing Authority expressing a desire to run the Premises as an SEV.

The Sub-Committee accepted an Undertaking from the licence holder to the effect that the Premises is to maintain a register for lost property at the Premises which shall be kept regularly updated and made readily available for inspection by officers of the Council.

The Sub-Committee in its determination of the matter had regard to all the oral submissions made at the hearing and to all the written documentation that had been submitted. The Sub-Committee noted that none of the Responsible Authorities had objected to the application.

The Sub-Committee, therefore, granted the Renewal of the Sexual Entertainment Premises Licence subject to the Standard Conditions applicable to licences for sex establishments in Westminster as prescribed by the Council pursuant to Paragraph 13 of Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 and the additional conditions imposed on the Premises Licence as specified below.

Standard Conditions

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

9. Either the licence holder or a named responsible person shall be present throughout the time the Relevant Entertainment takes place.
10. The premises will install and maintain a comprehensive CCTV system as per the minimum requirements of a Westminster Police Licensing Team that ensures all areas of the licensed premises are monitored including all entry and exit points will be covered enabling frontal identification of every person entering any light condition. All cameras shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period together with facilities for viewing
11. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open to the public and this staff member should be able to show Police recent data and footage with the absolute minimum of delay of the request.
12. An incident log shall be kept at the premises, and made available on request to the Licensing Authority or the Police, which will record the following: (a) all crimes reported to the venue; (b) all ejections of patrons; (c) any complaints received; (d) any incidents of disorder; (e) seizures of drugs or offensive weapons; (f) any faults in the CCTV system or searching equipment or scanning equipment; (g) any refusal of the sale of alcohol; (h) any visit by a relevant authority or emergency service; (i) any breach of licence conditions reported by a Performer
13. The licence holder shall produce a Code of Conduct setting out rules and obligations between the licence holder and performers whilst performing. All Performers shall sign the Code of Conduct in their proper name acknowledging that they have read, understood and are prepared to abide by the said Code of Conduct, and a copy so signed shall be retained by the licence holder and shall be readily available for inspection by the Police and/or authorised persons upon reasonable request.
14. Individual records shall be kept at the premises of the real names, stage names and addresses of all Performers working at the premises. The record will include either a copy of their birth certificate, current passport, EU driving licence or national identity card and shall be made immediately available for inspection by the Police and/or the Licensing Authority upon request.
15. Details of all work permits and/or immigration status relating to persons working at the premises shall be retained by the licence holder and be readily available for inspection by the Licensing Authority, a Police Officer or Immigration Officer.

16. Relevant entertainment shall be given only by performers and the audience shall not be permitted to participate in the relevant entertainment.
17. There shall be no physical contact between Performers whilst performing.
18. Performers will not request or give out any telephone number, address or any other contact information from or to any customer. Any such information given by a customer shall be surrendered to the premises manager as soon as is practicable.
19. Relevant Entertainment shall take place only in the designated areas approved by the Licensing Authority as shown on the licence plan. Arrangements for access to the dressing room shall be maintained at all times whilst Relevant Entertainment is taking place and immediately thereafter.
20. Customers must remain fully clothed at all times. The Performer must not remove any of the customer's clothing at any time.
21. Where relevant entertainment is provided in booths, or other areas of the premises where private performances are provided, the booth or area shall not have a door or other similar closure, the area shall be constantly monitored by CCTV, and access to the booth or other area shall be adequately supervised. There shall be door staff on duty near the booths at all times when they are in use.
22. Whenever Relevant Entertainment is being provided there shall be no physical contact between Performers and customers or between customers and Performers except for the exchanging of money or tokens at the beginning or conclusion of the performance and only for the purpose of that performance. Clearly legible notices to this effect shall clearly be displayed in each private booth and in any performance area.
23. Performers must redress fully immediately after each performance.

Additional conditions

24. The maximum number of persons accommodated at any one time (excluding staff) shall not exceed 50 persons.
25. All emergency doors shall be maintained effectively self-closing and not held open other than by an approved device.
26. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.

27. Curtains and hangings shall be arranged so as not to obstruct emergency signs.
28. The approved arrangements at the premises, including means of escape provisions, emergency warning equipment, the electrical installation and mechanical equipment, shall at all material times be maintained in good condition and full working order.
29. The means of escape provided for the premises shall be maintained unobstructed, free of trip hazards, be immediately available and clearly identified in accordance with the plans provided.
30. All exit doors shall be available at all material times without the use of a key, code, card or similar means.
31. Any special effects or mechanical installations shall be arranged and stored so as to minimise any risk to the safety of those using the premises. The following special effects will only be used on 10 days prior notice being given to the Licensing Authority where consent has not previously been given.
 - (i) Pyrotechnics including fireworks.
 - (ii) Firearms.
 - (iii) Lasers.
 - (iv) Explosives and highly flammable substances.
 - (v) Real flame.
 - (vi) Strobe lighting.
32. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
33. No relevant entertainment shall take place at the premises until the premises has been inspected to the satisfaction of the Licensing Service and Environmental Health Service.

Definitions

Relevant Entertainment is defined as:

- (a) any live performance or
- (b) any live display of nudity

which is of a nature that, ignoring financial gain, it must reasonably be assumed to be provided solely or principally for the purpose of sexually stimulating any member of the audience (whether by verbal or other means).

Performer is defined as any person operating at a sexual entertainment venue who carries out any activity falling within the definition of Relevant Entertainment.

**The Licensing Sub-Committee
23 March 2023**

The Meeting ended at 1.00 pm