



City of Westminster

Committee Agenda

Title: **Licensing Sub-Committee (6)**

Meeting Date: **Thursday 23 March 2023**

Time: **10.00 am**

Venue: **Rooms 18.01 - 18.03 - 18th Floor, 64 Victoria Street, London, SW1E 6QP**

Members: **Councillors:**

Maggie Carman (Chair)
Concia Albert
Jacqui Wilkinson

Members of the public are welcome to attend the meeting and listen to the discussion Part 1 of the Agenda.

Admission to the public gallery is via a visitor's pass which is available from the main ground floor reception at 64 Victoria Street from 9.30am.

If you have a disability and require any special assistance, please contact the Committee Officer (details listed below) in advance of the meeting.

An Induction loop operates to enhance sound for anyone wearing a hearing aid or using a transmitter.

If you require further information, please contact the Committee Officer, Sarah Craddock, Committee and Councillor Co-ordinator.

Email: scraddock@westminster.gov.uk Tel: 0779098018
Corporate Website: 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. Regarding Item 2, guidance on Declarations of Interests is included in the Code of Governance. If Members and Officers have any questions, they should contact the Director of Law before 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

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

(Pages 1 - 66)

Ward	Site Name & Address	Application Type	Licensing Reference No.
West End	The Windmill Theatre 17-19 Great Windmill Street W1D 7JZ	New Sexual Entertainment Venue	22/00288/LISEVN

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

**(Pages 67 -
100)**

Ward	Site Name & Address	Application Type	Licensing Reference No.
West End	La Capannina Basement 21 Bateman Street W1D 3AL	Renewal of Sexual Entertainment Venue	23/00288/LISEVR

**Stuart Love
Chief Executive
15 March 2023**

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City of Westminster Licensing Sub-Committee

Meeting:	<i>Licensing Sub-Committee</i>
Date:	<i>23rd March 2023</i>
Classification:	<i>General Release</i>
Premises:	<i>22/12041/LISEVN</i> <i>The Windmill Theatre, 17 - 19 Great Windmill Street, London, W1D 7JZ (22/12041/LISEVN)</i>
Wards Affected:	<i>West End, Core CAZ North</i>
Financial Summary:	<i>None</i>
Report of:	<i>Operational Director for Public Protection & Licensing</i>

1. Executive Summary

- 1.1 The Council has received an application for a New of the Sexual Entertainment Venue licence ("SEV") under Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 ("The Act") (as amended by the Policing and Crime Act 2009) for the premises known as Windmill Theatre, 17 - 19 Great Windmill Street, London, W1D 7JZ ("The Premises"). The report sets out the application details, objections, policy and legal context along with other considerations that the Licensing Sub-Committee requires in order to determine this application.

2. Recommendations

- 2.1 That following consideration of this report, any information given orally at the hearing and/or in writing by the applicants and objectors the Licensing Sub-Committee may determine to:
- 2.1.1 Grant the application in full or in part
 - 2.1.2 Grant of the application in full or in part may be subject to standard conditions (as amended) and conditions which formed part of the application, were proposed by parties to the hearing or any other conditions the Licensing Sub-Committee considers appropriate, or
 - 2.1.3 Refuse the application.

3. Application being considered

- 3.1 On the 20th December 2022 the applicant Molendinum Limited applied for a new SEV premises licence to provide relevant entertainment in the form of Full nudity striptease between the hours of 09:00 to 05:00 Monday to Saturday and 09:00 to 03:00 Sunday. A copy of the application and supporting documents can be seen at Appendix A.
- 3.3 The premises have the benefit of a premises licence (licence number 22/07837/LIPV) a copy of which appears at Appendix D.

4. Objections

- 4.1 The application has received 8 objections attached at Appendix C
- 4.2 On the 16th January 2023, the Metropolitan Police Service 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.
- 4.3 On the 16th January 2023, the Council's Environmental Health Service 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.
- 4.4 On the 13th 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.
- 4.5 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
- 4.6 The objectors have not confirmed to the Licensing Service that they wish to waive their right to anonymity, and for this reason the objectors will remain anonymous.
- 4.7 The Licensing Sub Committee will need to determine whether the layout, character and condition of premises are appropriate for the grant of a SEV licence in accordance with Policy LO3. In this regard, when determining this application, the Licensing Sub Committee will need to take into consideration several factors, namely the locality of the venue and its surrounding premises such as schools and places of worship.

5. Relevant history

- 5.1 An SEV licence was granted in respect of the premises in June 2012. Annual renewal applications were submitted in 2013, 2014, 2015 and 2016 which were granted under delegated authority.

5.2 In September 2017 a further renewal was submitted however on this occasion, as objections were received, the application was listed for hearing before the Licensing Sub Committee. The application was determined by the Licensing Sub Committee on 11th January 2018 and the application was refused. A copy of the Decision from the hearing on 11th January 2018 appears at Appendix E.

6. Policy Considerations

6.1 Suitability of applicant – SU1

The applicant has stated that no relevant offences have been committed. In addition, the Police and the Council's Licensing Inspectorate have carried out fit and proper persons checks and have not made any objections to the application.

6.2 SEV carried on for the benefit of another person – SU2

The Police and the Council's Licensing Inspectorate have undertaken appropriate checks and have made no comments.

6.3 Appropriate number of SEV in a locality – NO1

The appropriate number of sexual entertainment venues in the relevant localities is 25 in the Westminster core CAZ north. If granted, the number of venues will not exceed 25.

6.4 Character of the relevant locality – LO1

The premises is situated on Great Windmill Street, which is a thoroughfare crossed by Shaftesbury Avenue. Great Windmill Street is made up mainly of retail shops and restaurants. There is a resident count of 253 at a 100m radius.

6.5 Use of premises in the vicinity – LO2

The main use of the premises in the immediate vicinity are commercial. There is one other SEV premises and one school, with no places of worship within a 100m radius of the premises (see map at Appendix H)

6.6 Layout, character or condition of the venue – LO3

17 – 19 Great Windmill Street is currently a mixed-use performance venue with licensable activities taking place on basement, ground and first floors. The main entrance to the premises is on the ground floor leading to a reception area and access to the other floors.

7. Legal Implications

- 7.1 The Licensing Sub-Committee may determine to:
- (a) Grant the application in full or in part.
 - (b) Grant with additional special conditions which the Licensing Sub-Committee deem appropriate; or
 - (c) Refuse the application.
- 7.2 Before refusing to renew an application, the Licensing Authority shall give the licence holder an opportunity to appear before and of being heard by the Licensing Sub-Committee (Para 10(19) Schedule 3 LG(MP)A1982).
- 7.3 In considering this application, the Licensing Sub-Committee shall have regard to any observations submitted to them by the Chief Officer of Police and any objections that have been received in writing within the 28 day consultation period (Para 10(18) Schedule 3 LG(MP)A1982).
- 7.4 The Licensing Sub-Committee may refuse to grant or renew a licence for the following reasons set out in (Para 12(3) Schedule 3 LG(MP)A1982):
- (a) that the applicant is unsuitable to hold a licence by reason of having been convicted of an offence or for any other reason;
 - (b) that if the licence were to be granted the business to which it relates would be managed by or carried on for the benefit of a person, other than the applicant, who would be refused the grant of such a licence if he made the application himself;
 - (c) that the number of sex establishments, or of sex establishments of a particular kind, in the relevant locality at the time the application is determined is equal to or exceeds the number which the authority consider is appropriate for that locality;
 - (d) that the grant or renewal of the licence would be appropriate, having regard:
 - (i) to the character of the relevant locality; or
 - (ii) to the use to which any premises in the vicinity are put; or
 - (iii) to the layout, character or condition of the premises, vehicle, vessel or stall in respect of which the application is made.
- An applicant whose application for the grant or renewal of a licence is refused on either ground specified in paragraph (c) or (d) above shall not have the right to appeal to the magistrates' court.
- 7.5 If the Licensing Sub-Committee determine to grant a Sexual Entertainment Venue licence, the licence will be subject to the Standard Conditions for Sexual Entertainment Venue licences, unless the Sub-Committee determines that certain Standard Conditions should be expressly excluded or varied (Para 13(4) Schedule 3 LG(MP)A1982).
- 7.6 Should the Licensing Sub-Committee determine to refuse the application for the grant, of a licence under Paragraph 12(3)(a) or (b) Schedule 3 LG(MP)A 1982, the applicant may appeal to the Magistrates' Court within 21 days beginning with the date on which the applicant is notified of the refusal of his application (Para 27(1) Schedule 3 LG(MP)A1982).

8. Human Rights and Equality Issues

- 8.1.1 In making a decision consideration will need to be given to the applicant's rights under the European Convention on Human Rights. The right to peaceful enjoyment of possessions (Article 1 of the First Protocol) and freedom of expression (Article 10) may be relevant.
- 8.1.2 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.
- 8.1.3 149 (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.

An Equalities Impact Assessment has been conducted and the Council believes that the granting of this application for the sexual entertainment will not have an adverse impact or unlawfully discriminates against any protected characteristics.

Appendices

- A1 to A5 – Application and supporting documents.
- B – Applicant submissions
- C1 to C4 – Objections
- D - Premises Licence 22/07837/LIPV
- E – LSC Decision 11 January 2018
- F – Sex Establishment history
- G – Conditions proposed by the Licensing Authority
- H – Map of locality

If you have any queries about this report or wish to inspect any of the background papers, please contact Kevin Jackaman at kjackaman@westminster.gov.uk

BACKGROUND PAPERS

Local Government (Miscellaneous Provisions) Act 1982

Policing and Crime Act 2009

Sexual Entertainment Venues Statement of Licensing Policy 2012

Sexual Entertainment Venues Guidance and Procedure effective 17 February 2012

Home Office Guidance March 2010

Westminster City Council
Application for a sexual entertainment venue licence
Local Government (Miscellaneous Provisions) Act 1982

Application is hereby made and the necessary fee will be sent for a:

New Licence	<input checked="" type="checkbox"/>	
Transfer of Licence	<input type="checkbox"/>	
Renewal of Licence	<input type="checkbox"/>	Licence number <input type="text"/>
Variation of Licence	<input type="checkbox"/>	

Part 1 - Application Details

Name of premises

Search for address

Address of premises

Postcode

The application is being made -

If application is made on behalf of an individual:

Title	<input type="text"/>	<input type="text"/>
Name	<input type="text"/>	Occupation (during preceding six months)
Surname	<input type="text"/>	<input type="text"/>
Date of birth	<input type="text"/>	Telephone number

If application is made on behalf of a corporate or incorporated body:

Name of applicant body:

Is this an unincorporated or body corporate? Unincorporated Body corporate

Registered / principal office address:

Postcode

Company number

Full names of directors and other persons responsible for the management of the body, including the names of managers, company secretary and similar officers and the manager of the establishment

Please continue by answering the questions you are asked below -

Part 2 - Licence Details

What hours and what days are you applying for?

Monday to Saturday - 9am to 5am day following.
Sunday - 9am to 3am day following.

What *relevant* entertainment will be performed?

Striptease in all of its various forms and entertainment of a like kind, in keeping with the historic nature of the famous Windmill Theatre.

For variation applications - what does the variation consist of?

Is only part of the building to be licensed?

No

Yes Please provide details

Will any part of the premises be used for the exhibition of moving pictures?

No

Yes Please provide details

The stage area has a dynamic LED scenery system that will change depending on the performance.

Does the applicant presently use the premises as a sex establishment?

No

Yes If yes, when did the use commence?

If not, what is the present use?

Mixed use performance venue.

Supporting Material Checklist - tick to confirm

- I understand that I am required to send this application with a plan showing the area to be licensed and the statutory declarations for the applicants, the directors of the company applying for the licence and any other person who will be responsible for the management of the licensed premises.

upload attachments

I confirm that no changes have taken place since the last renewal

All supporting material should be sent / provided to the address shown on the declaration.

Declaration Page

Important

It is an offence, liable on conviction to a fine up to level 5 on the standard scale, under section 158 of the licensing act 2003 to make a false statement in or in connection with this application

Fee

The non-returnable fee for this application is and must be submitted with this application.

An additional fee of will be payable before any approval is issued

Declaration

I hereby declare that the information given on this form is correct to the best of my knowledge and belief.

I understand we are required to send / provide the sum of , being the fee for this application.

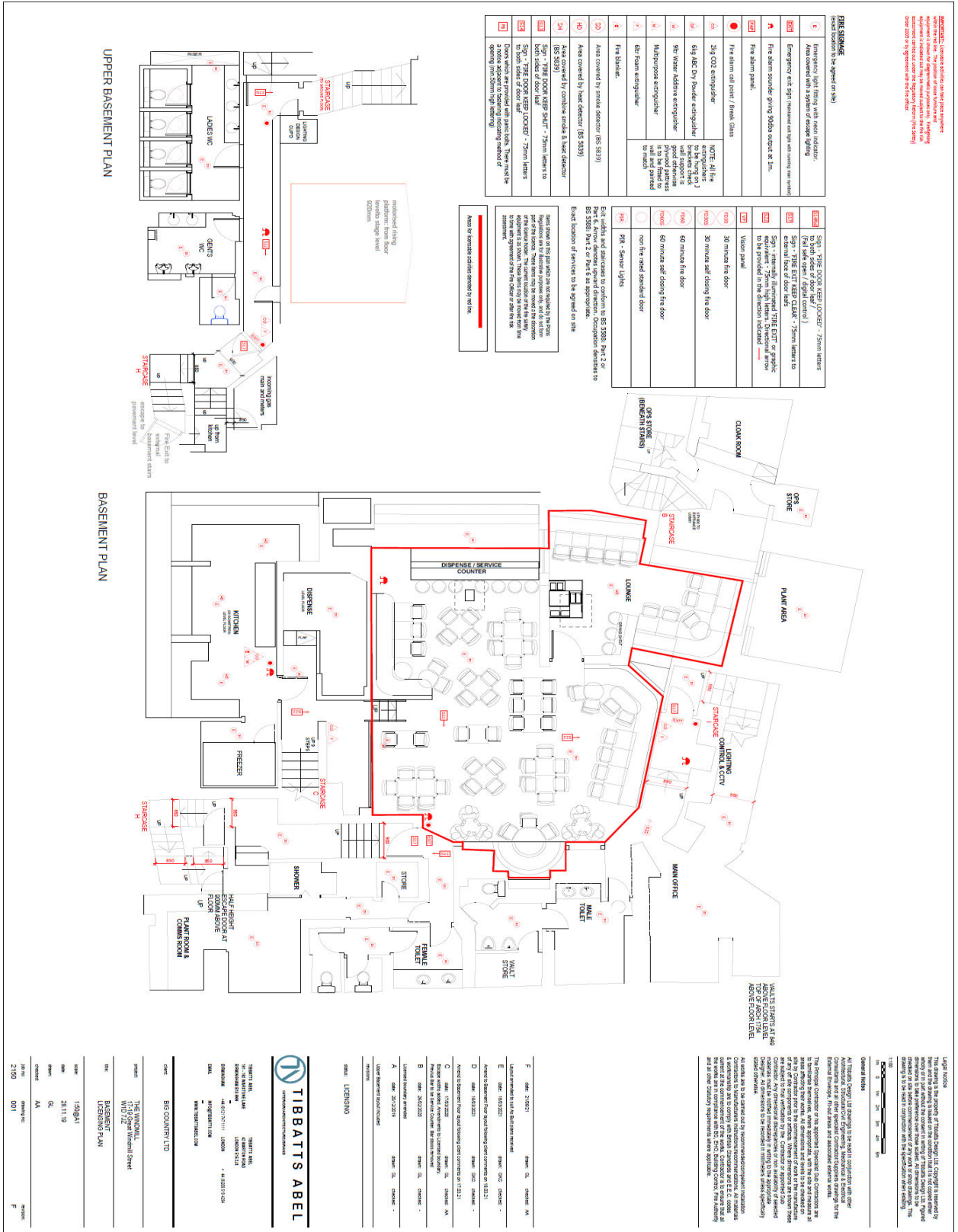
Confirmation *Date* *Name*
Capacity

Contact details for correspondence, leave blank if due to be provided premises address

Title
Name
Surname
Postal address
Postcode
Telephone number
Email address

Supporting Material Return Address

Please send all supporting material to the address below. Specific documents will be returned to the correspondence address after a decision has been made regarding the application.



NOTES: The drawings are to be used for the purpose of the fire alarm system. The drawings are to be used for the purpose of the fire alarm system. The drawings are to be used for the purpose of the fire alarm system.

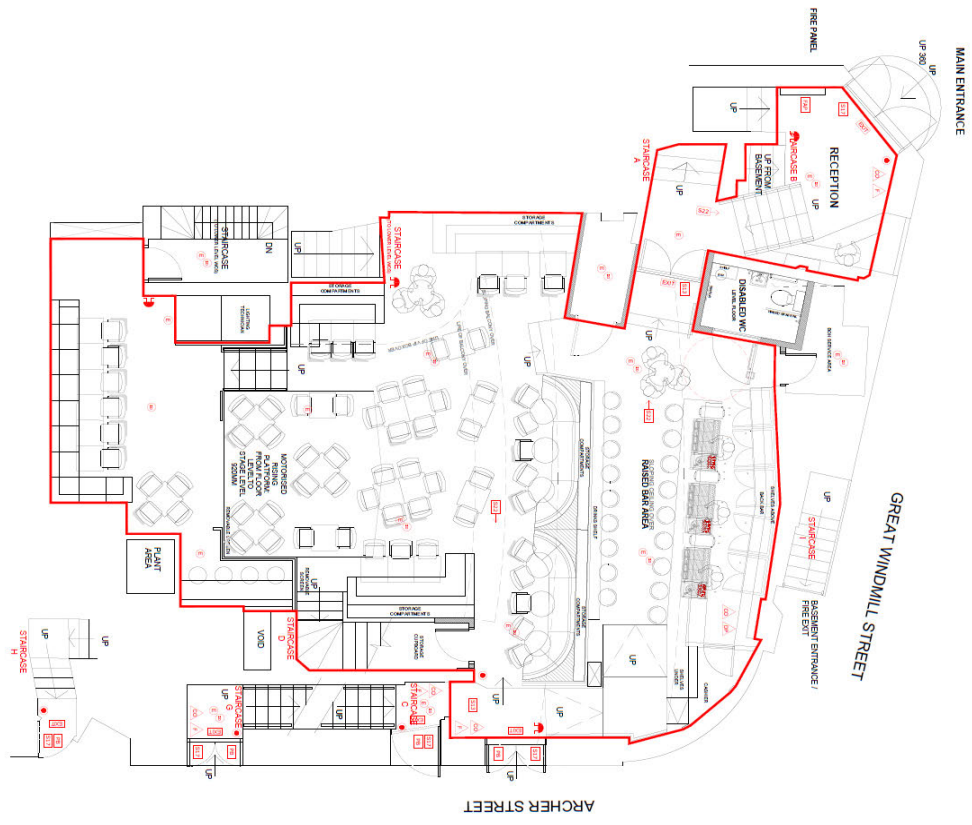
FIRE SIGNALS
(exact location to be agreed on site)

1	Emergency light fitting with auto-induction. Area covered with a system of escape lighting.	
2	Emergency exit sign (powered and type see notes on fire alarm).	
3	Fire alarm panel.	
4	Fire alarm call point / Break glass.	
5	2kg CO2 extinguisher	NOTE: All fire extinguishers to be hung on a bracket and clearly visible. Good extinguishers to be placed in well and painted to match.
6	4kg ABC/DV Powder extinguisher	
7	9lt Water Address extinguisher	
8	Indulgence extinguisher	
9	6lt Foam extinguisher	
10	Fire blanket.	
11	Area covered by smoke detector (BS 5839)	
12	Area covered by heat detector (BS 5839)	
13	BS 5839	
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Fire alarm and equipment in accordance to BS 5839 Part 2 or Part 6. Alarm devices cannot be connected. Occupancy densities to BS 5586 Part 2 or Part 6 as appropriate.

Signs shown on this sheet are not required by the Code of Practice for fire alarm systems. Signs are to be placed in the vicinity of the alarm devices. The exact location of the signs is to be agreed with the fire authority.

Signs to indicate alarm devices to be used.



LEGAL NOTICE
This drawing is the property of Tibbatts Abel. It is not to be used for any other purpose without the written consent of Tibbatts Abel. The drawing is to be used in conjunction with the specification and tender documents.

General Notes
1. All work to be carried out by the contractor in accordance with the specification and tender documents.

APPENDIX A
List of fire alarm devices and their locations on the site. Includes details such as device type, location, and quantity.

APPENDIX B
List of fire alarm devices and their locations on the site. Includes details such as device type, location, and quantity.

APPENDIX C
List of fire alarm devices and their locations on the site. Includes details such as device type, location, and quantity.

APPENDIX D
List of fire alarm devices and their locations on the site. Includes details such as device type, location, and quantity.

APPENDIX E
List of fire alarm devices and their locations on the site. Includes details such as device type, location, and quantity.

APPENDIX F
List of fire alarm devices and their locations on the site. Includes details such as device type, location, and quantity.

APPENDIX G
List of fire alarm devices and their locations on the site. Includes details such as device type, location, and quantity.

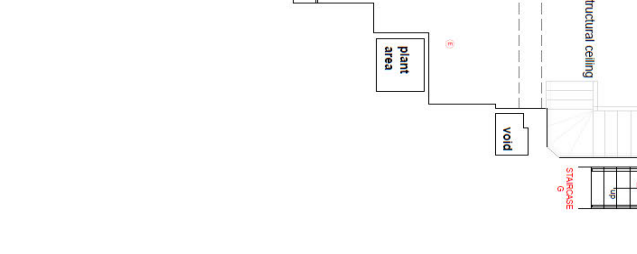
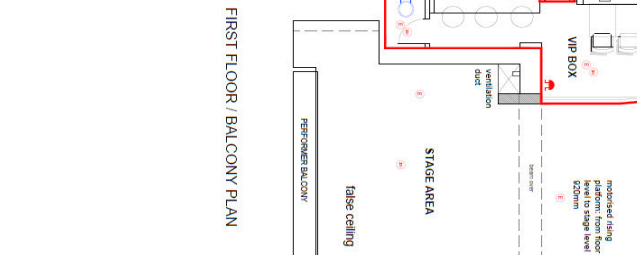
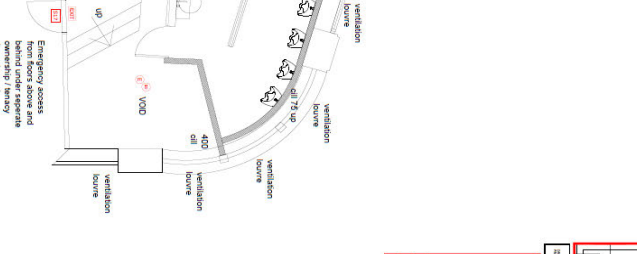
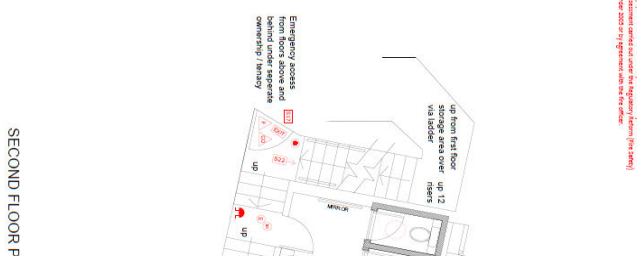
FIRE SIGNAGE	
1	Emergency light fitting with neon indicator. Area covered by sign (includes exit sign with yellow area marked)
2	Emergency exit sign (includes exit sign with yellow area marked)
3	Fire alarm sounder grilling (Bells output at 1m)
4	Fire alarm panel
5	Fire alarm call point / Break Glass
6	3kg CO2 extinguisher
7	4kg ABC Dry Powder extinguisher
8	5kg water additive extinguisher
9	Multi-purpose extinguisher
10	4kg Foam extinguisher
11	Fire blanket
12	Area covered by smoke detector (BS 5839)
13	Area covered by heat detector (BS 5839)
14	Area covered by combine smoke & heat detector (BS 5839)
15	Sign - "FIRE ESCAPE KEEP CLEAR" - 75mm letters to both sides of door
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NOTE: All fire extinguishers are to be mounted on a wall and supported by a wall. The support is to be made of a material of equivalent strength to that of the extinguisher. All fire extinguishers are to be mounted on a wall and supported by a wall. The support is to be made of a material of equivalent strength to that of the extinguisher.

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Code	Description	Quantity	Unit
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D	Sign - "FIRE ESCAPE KEEP CLEAR" - 75mm letters to both sides of door	100	EA
C	Sign - "FIRE ESCAPE KEEP CLEAR" - 75mm letters to both sides of door	100	EA
B	Sign - "FIRE ESCAPE KEEP CLEAR" - 75mm letters to both sides of door	100	EA
A	Sign - "FIRE ESCAPE KEEP CLEAR" - 75mm letters to both sides of door	100	EA

TIBBATTS ABEL
CONSULTANTS

11-13, Great Western Street
Bristol, Avon, BS1 3YU
Tel: 0117 9274747
www.tibbattsabel.com

Project: THE NATIONAL WIDZ
Site: FIRST AND SECOND FLOOR LICENSING PLAN
Date: 15/08/14
Rev: 02
Drawn: AA
Checked: AA
Job No: 1003
Project: E



**BusbyWebb
Brands & Spaces
The Windmill**

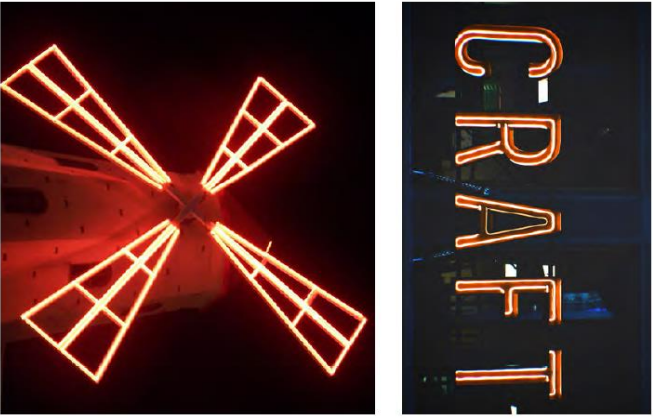
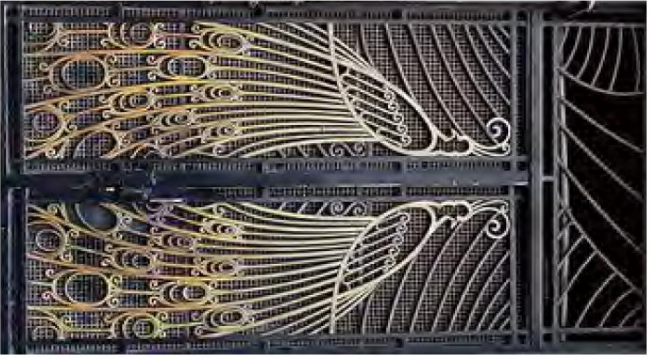
Exterior Revision B



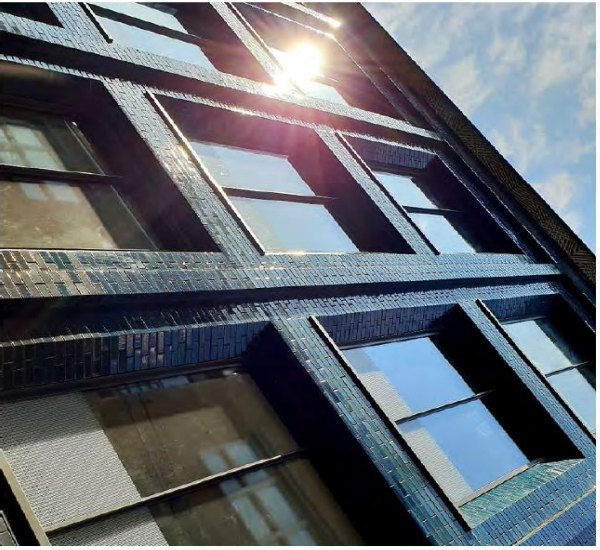
Exterior

Woodboard

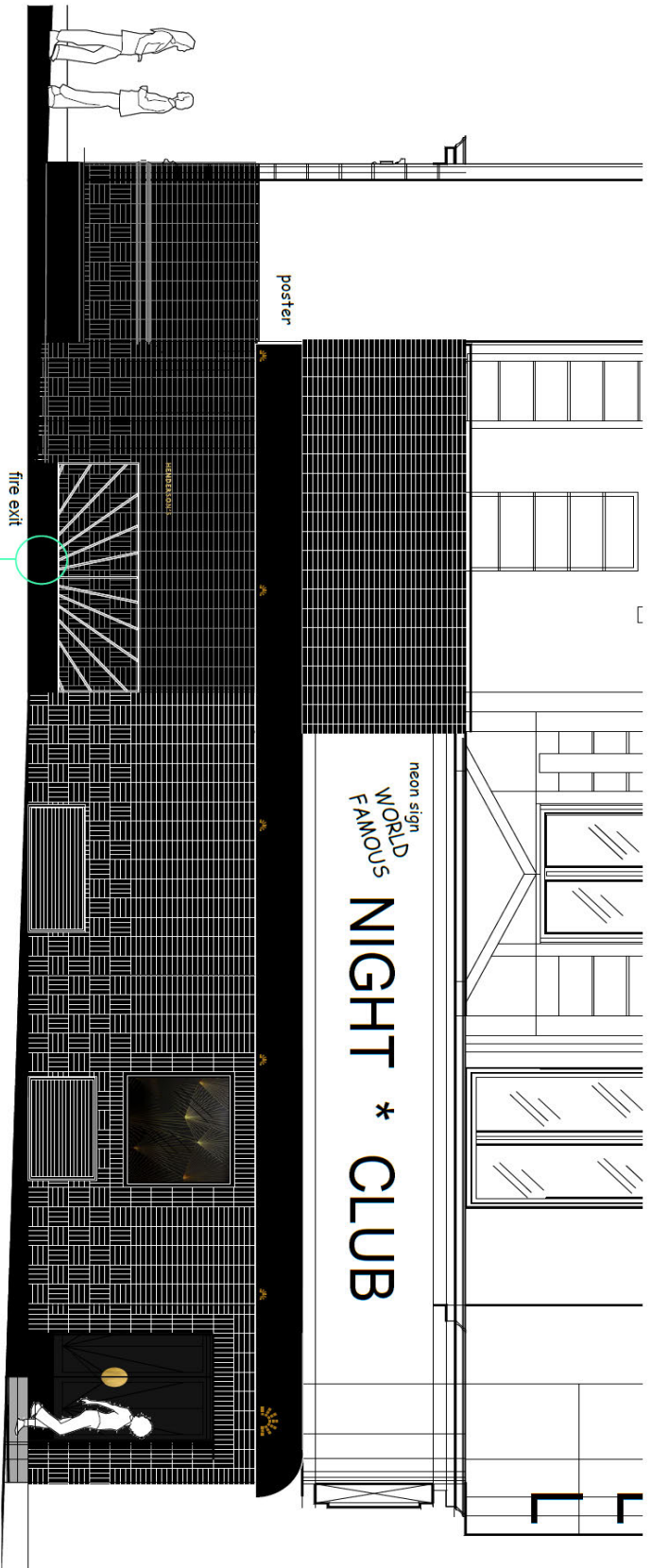
Wrought iron door design – incorporate windmill Neon signage – combine red and white



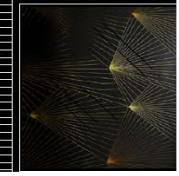
Gloss tiling with worn edges



Exterior elevation A

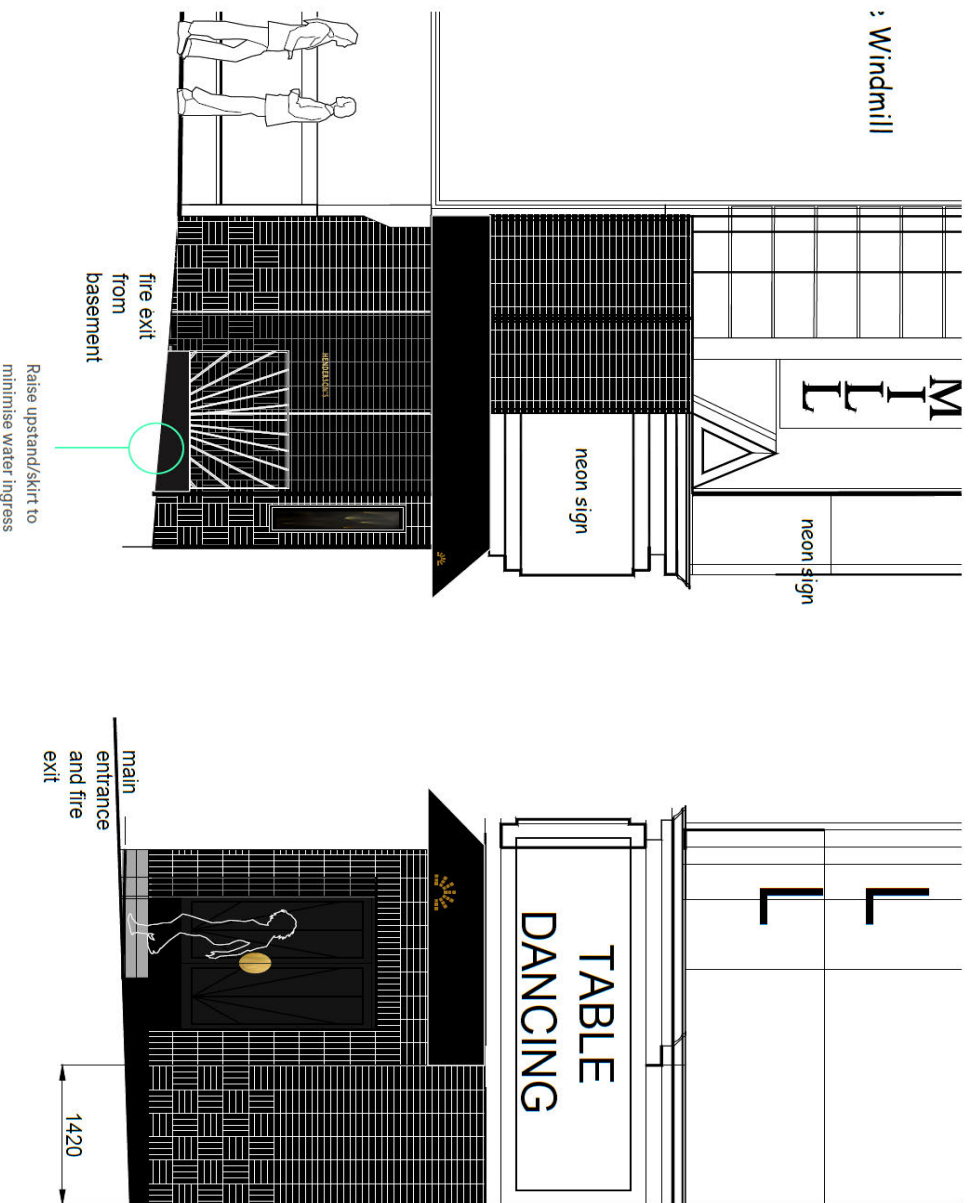


Tile 23:
 Solus Ceramics
 Marazzi : Lume :
 Glazed Black
 60x240mm



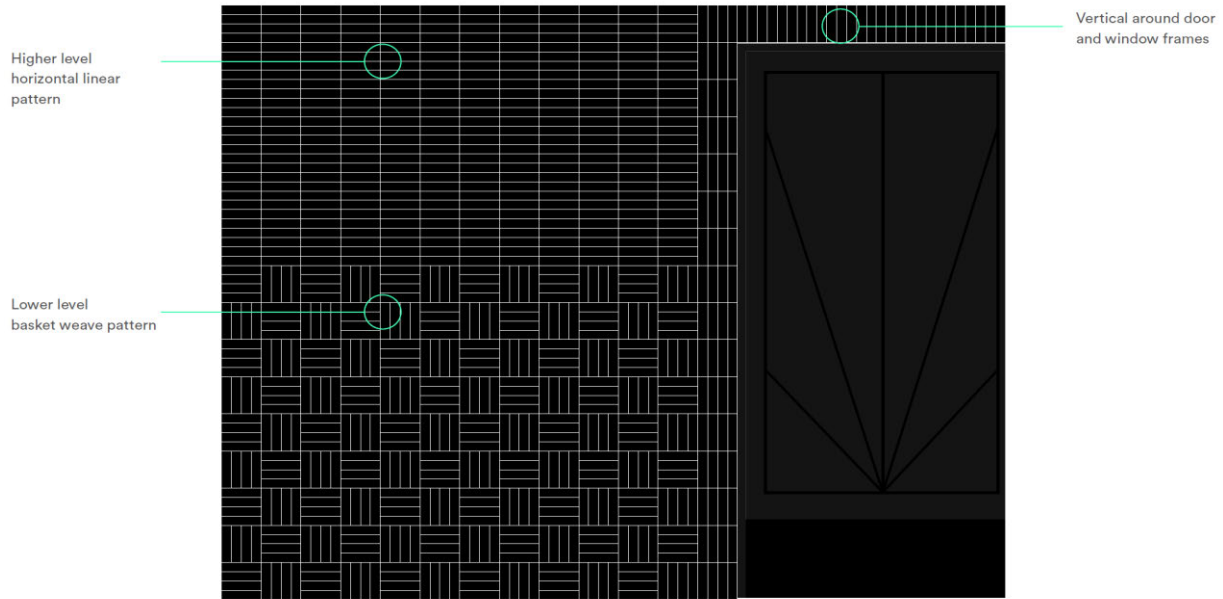
Match Wallcovering Of
 Printed vinyl applied to
 reverse of glass to allow
 partial view inside

Exterior elevation B & C



Tile 23:
 Solus Ceramics
 Marazzi : Lume :
 Glazed Black
 60x240mm

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© 2019 BusbyWebb Ltd

Main doors

CONTRACTOR TO ADVISE

ALL DIMENSIONS IN MILLIMETERS AND TO BE CONFIRMED PRIOR TO PRODUCTION Page 7

Construction
5mm deep Routed out pattern to door fronts. Painted single colour Dulux 30BB 05/022. Kick plates to be high gloss powdercoated to match doors.

Handle to be polished brass.

Gloss Dulux 30BB 05/022 Polished brass

Visual representation

BusbyWebb

The Windmill	Drawing number	Issue date	Revision				
Main doors	BW91_01	07.10.19					

CONTRACTOR TO ADVISE

ALL DIMENSIONS IN MILLIMETERS AND TO BE CONFIRMED PRIOR TO PRODUCTION Page 8



Construction
Fret cut 3D 2mm thick polished brass letters. Bonded directly to wall surface at the top of the stairs at street level.

Lighting
Externally spot lit / wall wash

Polished brass

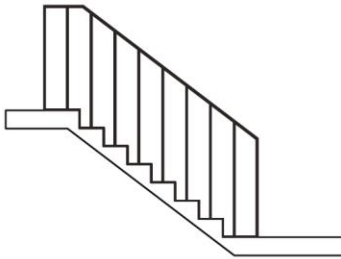


Visual representation



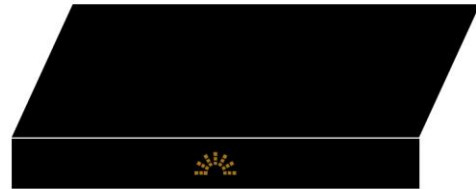
BusbyWebb

The Windmill	Drawing number	Issue date	Revision
Henderson's sign	BW91_02	30.08.19	



Balustrade RAL9005

Victorian style awning



Gold logo detail on valance



Entrance awning style

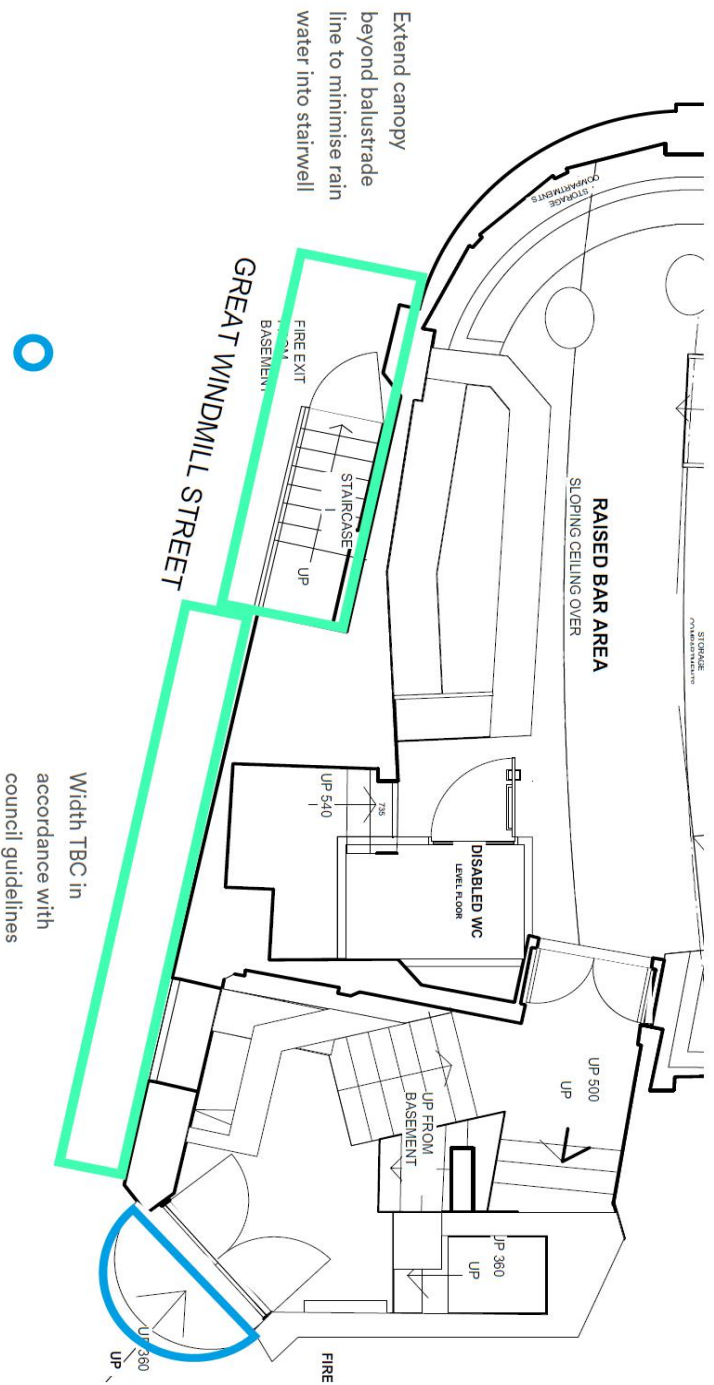


Canvas awnings: Noir Breezefree.com



Screen printed gold logo detail

Canopy positioning



Canvas awnings:
Noir
Breezeffree.com



Canvas awnings:
Noir
Breezeffree.com



City of Westminster

PARTICULARS OF A LIMITED COMPANY APPLYING FOR SEX ESTABLISHMENT
LICENCE

Name of Company: Molendinum Limited

Date and Country of Incorporation: 24 August 2020

Company registration number: 12832354

What type of company is the applicant: Private Limited Company
(e.g. public or private limited by share of guarantee etc.)

Full name of each director Full private address

[Redacted]

[Redacted]

Date16/12/2022..... Signature *KSL*

NOTE: If the applicant company is a subsidiary of another company please complete a separate form in respect of the parent company and an ultimate holding company. If required by the Council please supply a copy of the Memorandum and Articles of Association of these companies.

Licensing Service
4th Floor
City of Westminster
City Hall
64 Victoria Street
London
SW1E 6QP

IMPORTANT NOTE: THIS FORM IS OPEN TO INSPECTION BY THE PUBLIC.

Applicant Submissions

Appendix B

None

Metropolitan Police Objections

Appendix C1

From: [Stewart, Tom: WCC](#)
To: [Licensing: WCC](#); [Donovan, Jessica: WCC](#)
Cc: [Marcus Lavell](#); [Abbott, Karvn: WCC](#); [Miah, Tony: WCC](#)
Subject: Police representation - 22/12041/LISEVN - The Windmill Theatre, 17 - 19 Great Windmill Street, London, W1D 7JZ
Date: 16 January 2023 11:33:18
Attachments: [image001.jpg](#)

Dear Westminster Licensing Service,

I write to you on behalf of the Commissioner of the Metropolitan Police (“the Police”) in regard to an application for a new Sexual Entertainment Venue for **The Windmill Theatre, 17 - 19 Great Windmill Street, London W1D 7JZ.**

The Police consider it appropriate to make an objection in relation to this application on the grounds that if granted, it will not promote the licensing objectives named within the Westminster’s Sexual Entertainment Venues Statement of Licensing Policy, namely the prevention of crime and disorder, public safety, the prevention of public nuisance and the improvement in the character and function of the city, or areas of it.

The Police are in the process of discussing the intended operation with the applicant and their solicitor as well as discussing appropriate conditions to ensure that the above mentioned licensing objective are promoted.

I will keep you posted of any relevant updates to this representation.

Kind Regards

Pc Tom Stewart | Licensing Officer | Westminster Licensing Team
Westminster City Council
15th Flr 64 Victoria Street
SW1E 6QP
Mobile - 07917395768
Email – tstewart1@westminster.gov.uk
MPS Email – tom.stewart@met.police.uk
35A78598



CITY OF WESTMINSTER

MEMORANDUM

TO	Licensing Officer
REFERENCE	22/12041/LISEVN
FROM	EH Consultation Team
REFERENCE	
BEING DEALT WITH BY	Ian Watson (iwatson@westminster.gov.uk)
TELEPHONE	
DATE	16th January 2023

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

The Windmill Theatre, 17 - 19 Great Windmill Street, W1

I refer to the application for a Sexual Entertainment Venue Licence.

The premises are located within the Westminster Core Commercial Activity Zone.

The applicant has submitted floor plans of the basement, ground and mezzanine floors.

This representation is based on the plans and operating schedule submitted.

The applicant is seeking the following

1. The application is to provide striptease performance within the theatre on all floors as identified on the plans submitted during the hours of 09.00 – 05.00 Monday to Saturday and 09.00 – 03.00 Sunday.

I wish to make the following representation

1. The grant of the licence would be inappropriate having regard to the layout, character or condition of the premises.

A visit will need to be made to the premises to ensure compliance with Westminster SEV licensing policy and additional conditions may be proposed.

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

Ian Watson
Senior Practitioner Environmental Health (Licensing)

From: [Abbott, Karyn: WCC](#)
To: [Marcus Lavell](#)
Cc: [Donovan, Jessica: WCC](#); [Licensing: WCC](#)
Subject: 22/12041/LISEVN - The Windmill Theatre, 17 - 19 Great Windmill Street, London, W1D 7JZ
Date: 13 January 2023 14:47:00
Attachments: [image001.png](#)
[Windmill Conditions.pdf](#)

Dear Marcus

Application for a new Sexual Entertainment Venue – Sex Establishment licence under Schedule 3 paragraph 10 of the Local Government (Miscellaneous Provisions) Act 1982 for The Windmill Theatre, 17 - 19 Great Windmill Street, London W1D 7JZ.

Further to paragraph 10(15) of that schedule, the Licensing Authority consider it appropriate to make an objection in relation to this application on the grounds that if granted it will not promote the licensing objectives of the prevention of crime and disorder, public safety, the prevention of public nuisance and the improvement in the character and function of the city, or areas of it under the Sexual Entertainment Venues Statement of Licensing Policy.

The Licensing Authority objects to this application as it contravenes Westminster's Sexual Entertainment Venue's Statement of Licensing Policy 2012 and as such various policy points must be considered, namely HR1, LO1 and LO2.

The Licensing Authority has concerns over the type of Relevant Entertainment that has been proposed on the application form stated below and would encourage the applicant to specify what the 'various forms and entertainment of like kind' would be at the premises.

Striptease in all of its various forms and entertainment of a like kind, in keeping with the historic nature of the famous Windmill Theatre.

As there isn't enough information in the application form with regards to the Relevant Entertainment the Licensing Authority has provided a list of conditions and encourage the applicant to confirm if they will be in agreement.

The Licensing Authority would like to carry out a site visit to discuss this application further and confirmation whether the applicant is agreeable to the attached proposed conditions.

Upon receipt of further submission the Licensing Authority will assess the application further.

Please accept this as a formal objection to the application.

Many Thanks

Karyn Abbott
Senior Licensing Officer
Licensing Team
Public Protection & Licensing Department

Westminster City Council
15th Floor

The conditions proposed by the Licensing Authority appear at Appendix G below

- **Objector 1**
Received: 16 Jan 2023
REPRESENTATION

16/01/2023 4:02 PM Dear Ms Donovan

I am writing on behalf of [REDACTED]
[REDACTED]

In relation to the Windmill's previous application we have had productive neighbourly discussions to ensure our respective operations run smoothly in close proximity. Our primary responsibility remains to protect [REDACTED] its patrons and business operation. As such we would want the Windmill, as they have previously, to engage in and maintain an open dialogue with us regarding any operational changes that may be brought should the licence be granted and how any impact on [REDACTED] would be mitigated. While we do not anticipate that the proposed variation will necessarily have a negative impact we must reserve our position on this application until those discussions take place.

Kind Regards
[REDACTED]
[REDACTED]

- **Objector 2**
Received: 7 Jan 2023
OBJECTION

07/01/2023 11:40 AM [REDACTED] I am often disturbed in the early hours of the morning (usually at weekends) by the departing clientele of the Windmill. Loud shouting, swearing and screeching is not uncommon . Drivers sounding their horns add to the air of pandemonium.

In December, I was considering contacting the licensing team at Westminster to express my concern at the running of the Windmill. This was specifically because on two or three occasions I could actually hear the bass thumping from the club throughout the night. One morning I left for work at 5.15 am , and again , music was audible from the street.

Thinking that the Windmills licensing hours would be until 2am, I was actually shocked to discover they have a 5am licence. We have never received any notification of licence applications, and if we had, would have strongly objected to this. I am only aware of the current application because of an article in the West End Extra (which did not name the club). The Windmill is on the periphery of one of the most densely populated parts of Soho, and being a 'historic venue' does not seem to be a good enough reason not to have a 2am limit.

I believe that allowing music to be heard outside the venue, and beyond its licensing hours, as well as the failure to monitor the behaviour of its clientele upon leaving ,is a demonstration of

inadequate management, and that these factors should be taken into account when considering the renewal of the Windmills licence.

- **Objector 3**

Received: 16 Jan 2023

OBJECTION

16/01/2023 2:23 PM [REDACTED] and seriously have been suffering the noise from them. Even though we wear ear bud to sleep, we still be waked up a couple of times, most of times is until 3:30am by their customers' shouting, screaming.....We even can hear their music when the door opens.
I appreciate if our condition can be considered of your decision.

- **Objector 4**

Received: 16 Jan 2023

OBJECTION

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

[REDACTED]

The Application

New sexual entertainment licence; striptease in all its various forms and entertainment of a like kind, in keeping with the historic nature of the famous Windmill Theatre. Currently it is a mixed use performance venue.

Monday to Saturday: 09.00 - 05.00

Sunday : 12.00 - 03:00

Current Premises Licence 22/06964/LIPDPS

Sale of alcohol : Monday to Saturday : 10.00 - 05:00. Sunday : 12.00 - 22.30

Late night refreshment : Monday to Saturday : 23.00 - 05:00.

Plays : Monday to Saturday : 09.00 - 05:00. Sunday : 14.00 - 03:00

Film : Monday to Saturday : 09.00 - 05:00. Sunday : 09.00 - 00:00

Live Music: Monday to Saturday : 09.00 - 05:00

Performance of Dance: Monday to Saturday : 09.00 - 05:00

Anything similar: Monday - Saturday: 09:00 - 05:00

Opening Hours: Monday to Saturday : 09.00 - 05:30. Sunday : 09.00 - 03.00

Capacity: From 9am - 3.30am : 350. From 3.30am - 5.30am : 150

Representation

This is an application for a new sexual entertainment venue licence (SEV) Monday - Saturday 9am to 5am, Sunday 9am - 3am, 'providing striptease in all of its various forms and entertainment

of a like kind.' [REDACTED] objects to this application under the following policies of the Sexual Entertainment Venues Statement of Licensing Policy 2012, namely, Hours Policy HR1, LO1: character of the relevant locality, LO2: use of premises in the vicinity, LO3: layout, character or condition of the venue, plus the licensing objectives under the 2003 Act, CD1: prevention of crime and disorder, PN1: prevention of public nuisance.

We find it impossible to fully assess the nature and impact of this application due to the lack of detailed information as to the full operational nature of the proposed SEV licence, including its capacity and relationship with the current operation/premises licence, and confirm that there is no link to previous management (the Council refused to renew the previous SEV licence). We ask the applicant to provide us with this information.

Soho

This new application is set against the backdrop of Soho having the highest concentration of licensed premises in Westminster 470 with a large proportion (25%) being late night licences. There are over 200 restaurants, 39 bars, 46 pubs, 31 clubs (including members clubs) and 6 sexual entertainment premises. In Gt. Windmill Street and the street that surround it, Archer Street, Rupert Street and the junction of Brewer Street and Wardour Street there are over 24 licensed premises accommodating well over 3,000 people. The area is densely populated at night and has the highest level of cumulative impact and crime and disorder in Westminster.

Current Premises

The venue itself is very well known and has had a late licence for many years. However, the capacity was significantly lower than now. An application to renew its SEV licence was refused in 2018, ref: 17/10780/LISEVR. A new premises licence to different operators was granted in 2020. The application stated that it was for a 'theatre with bar, restaurant and associated facilities.' The application in effect sought to increase the capacity from 150 to 350 prior to 3.30am.

The Windmill is currently described as a restaurant, cabaret, cocktail bar and night club, the website states,

'A world of theatrical dining in Soho, where there is no edge to the stage. The Windmill Soho brings a new definition to immersive theatre. This is 'dinner and a show' for the here-and now. From Wednesday to Saturday you can indulge in a theatrical dining experience, showcasing mesmerising never-seen-before performances alongside an immersive dining menu designed by Executive Head Chef Toby Burrows, and a creative cocktail list created by celebrated mixologist Andy Mil.'

At the Licensing Sub Committee hearing for the new premises licence (20/10170/LIPN) the applicants representative stated:

'...the application provided the opportunity to restore one of Soho's historic cultural buildings and replace its use as a sexual entertainment venue with an entertainment use appealing to a wide demographic.' He stated that if the application was granted, 'it would mean that the venue could operate as a theatre without being half empty and having to resort to use as a sexual entertainment venue.'

This is an extremely important point as we are convinced this would have provided the LSC with a level of reassurance of the operation to agree to a significant increase in capacity, the premises is licensed until 3.30am with a capacity of 350, this being over double the previous SEV licensed capacity of 150. We are very concerned the current proposal will include the capacity of 350, until 5am.

It was also stated that the applicant 'was not applying for an Sexual Entertainment Venue Licence, there would be no sexual entertainment permitted under the applied for Premises Licence. The Applicant wished to put on cabaret performances which would appeal to a domestic

and intentional audience of all ages and genders. Consequently, the previous use of the Windmill Theatre was the opposite of the Applicant's intentions.'

Sexual Entertainment Venues

A sexual entertainment venue licence was operated from this site from 2012 until 2017 when an application to renew the licence was refused by the Licensing Sub-Committee. Of course, the premises previously provided what is now termed 'relevant entertainment' prior to 2012. The applicant was very clear when the premises licence was granted that 'the previous use of the Windmill Theatre was the opposite of the Applicants intentions.'

The committee will be aware of the circumstances of the SEV refusal and we appreciate this is a new application for a venue that has previously been granted an SEV licence, however, in relation to this, Policy LO1, 2.4.15 clearly states the granting of such an application is not a given,

'The previous existence of a licence permitting sexual entertainment at a premises should not in itself give rise to any expectation that a sexual entertainment venue licence will be granted. In considering the appropriateness of a sexual entertainment venue the council is entitled to change its view about the character of the locality in which the sexual entertainment venue clearly is situated, whether or not there has been a change in the character of the locality.'

Policies LO1 and LO2 raise concerns regarding the location of sexual entertainment venues and the crime and anti social behaviour associated with them, citing touting, prostitution and clipping. Patrons leaving the premises late at night intoxicated and vulnerable are easy prey to such criminal activity. We know these types of late night premises attract people with criminal intent who hang around outside waiting to pounce. A recent licensed premises review of an SEV premises highlighted three cases where men allegedly having been approached outside the premises and were taken to flats and a brothel (in one case in a pedicab) where they have no memory of events and resulted in the theft of £158K. These types of premises attract these types of people; touts, drug dealers and pedicab riders are a constant feature outside SEV premises in Soho. We had hoped this type of criminal behaviour was a thing of the past but sadly it is not, walking around Soho late at night the touts are easy to spot alongside drug dealers and pedicab riders as they approach men who become victims of crime.

The Cumulative Impact Assessment 2020 presents overwhelming evidence of the year on year increase in cumulative impact in the West End Zone 1, it highlights the rate of crime as 10 - 13 times higher between 6pm - 6am compared to the borough average. The level of crime, disorder and anti social behaviour continues to be a huge problem in Soho, the crime figures are high and increasing. Evidence from recent crime reports provided by the Westminster Police Licensing Team to the Licensing Sub Committee highlights the increase in crime, it is now back to pre-COVID levels and in some cases, for example, assaults, sexual assaults and robberies are even higher than pre COVID levels. Robberies are a particular concern, in Soho the majority take place late at night as people are targeted as they leave premises. The addition of a new SEV in Soho will increase the level of crime and disorder and cumulative impact in the West End Cumulative Impact Zone.

In relation to the character of its location, LO1 states localities characterised by particular uses should not include SEVs, it highlights residents and tourists all of which are relevant in this case, residents live along Gt. Windmill Street and in all the streets which surround it, the area also attracts vast numbers of tourists making the location of a SEV unsuitable. The fact that the one remaining primary school in Soho is situated on Gt. Windmill Street also makes this location inappropriate (LO2).

Noise nuisance and disturbance is a huge problem for Soho residents, at night noise is amplified and reverberates around the streets. Residents are affected from the noise of people as they leave premises, intoxicated and talking in loud voices as they wait for their transport home.

Furthermore, pedicabs are particularly attracted to SEV premises, they wait outside before closing time talking to each other creating even more noise disturbance. In our view this street is unsuitable for an SEV due to its proximity of noise sensitive premises (LO3).

The problems of sleep disturbance experienced by residents in Soho has been highlighted by a recent sleep survey conducted by [REDACTED], it confirms that residents are disturbed by noise at night and this is having a negative impact on their lives. The full survey results can be found in Appendix 1.

Summary

At least as currently presented, the application will result in the following:

The aims and objectives of the City Council's SEV Statement of Licensing Policy 2012 will be harmed, particularly 'prevention of public nuisance' and 'promoting improvement in the character and function of the city, or areas of it.'

The grant would be inappropriate, having regard to the character of the relevant locality.

The grant would be inappropriate, having regard to the use of premises in the area.

We are of course happy to be contacted by the applicant to clarify their intentions with the SEV licence and the proposed capacity.

Appendix 1: [REDACTED] Sleep Survey Results

Appendix 1 : [REDACTED] Sleep Survey Results

[REDACTED] Sleep Survey Results - 31 October 2022

87 people have responded of which 78 are Soho residents with ages spread fairly evenly from 22 to 80.

59% have lived in Soho more than 10 years
26% between 3 and 10 years
6% between 1 and 3 years and
9% have lived here less than a year
42% own their homes
20% are Soho Housing Association and the rest tenants with other landlords
10 respondents have children living at home with them
58% have double glazing
37% single glazing
5% have triple glazing

24% of respondents have their sleep disturbed 7 nights a week
16% of respondents have their sleep disturbed 5 or 6 nights a week
19% of respondents have their sleep disturbed 3 or 4 nights a week
19% of respondents have their sleep disturbed once or twice a week
20% do not have a problem with environmental noise pollution

Topping the list in September was people drinking in the street with 54 mentions, then pedicabs with 51, waste collections at 48, construction noise 36 and car horns 33 and deliveries at 25. Other noise sources identified were air conditioning, motorbikes revving, building alarms and music from licensed venues. The most common identified problem at 42% of respondents was people drinking and shouting in the street.

64% of respondents agreed that noise nuisance from increased commercial activity at night is the most serious problem impacting Soho residents quality of life

46% of respondents agreed that noise nuisance is so bad that they have considered moving away from Soho

60% of respondents agreed that noise nuisance and sleep deprivation is adversely impacting my health and the health of the people they live with.

67% of respondents agreed that the council should base its noise policy on the World Health Organisation guidelines

64% of respondents agreed that our ward councillors should make this their priority during the next four years

69% of respondents agreed that during the time I have lived in Soho noise pollution has got significantly worse

73% of respondents agreed that if noise limits are being exceeded the council should consider reviewing existing alcohol licences

72% of respondents agreed that the council should install electronic noise monitoring in Soho

56% of respondents agreed that the council should not grant additional premises licence for the sale of alcohol in Soho.

62% of respondents agreed that the council should not grant any extensions of hours for premises in Soho

68% of respondents agreed that the council should renew its noise strategy as a matter of urgency

Many respondents made additional comments:-

I left Soho 4 years ago. After 20 years, the noise & air pollution finally broke me. Like the frog in the pan of water with the heat gradually turned up, it took me a while to realise that it wasn't me going soft, it was the significant degradation of the environment around me. Since I moved out of my flat, several other tenants have moved in & swiftly out again citing sleep disruption & excessive night noise as their reason for leaving. The flat is now used as an office rather than as residential.

I am disappointed that another restaurant unit is going to be let on Hopkins Street by Shaftesbury when the residents already have an enormous amount of noise from the existing restaurants. No doubt they will also want an alcohol license, which will increase the noise and disturb residents even more.

As a disabled person working from home, I find it extremely exhausting not able to have rest at night, Screams and noise of drunk people every night, The Landlord WCC does not want to change the windows to a double glazing nor allow tenants to pay privately for windows to be upgraded. Noise at home, lack of sleep, and concentration in the day time. I have a hand held noise monitor, I recorded noise levels of 97db outside the pub at the corner of Broadwick and Berwick Streets.

More consideration needs to be given to residents from councillors, people visiting the area and local businesses in particular those who serve alcohol and have late night licences. Decisions such as granting planning and licence applications should not be made by people who do not live in the area and are therefore not impacted by the decision making.

Very difficult to get the local authority to understand and take complaints seriously. Officers often helpful but then the case goes to committee and they always seem to rule in favour of the commercial premises rather than residents.

There is supposed to be a presumption to refuse new licences but in practice the council still lets new things through until after Midnight, which is far too late and has made a nonsense of the policy.

There should be a quiet window of 11pm to 8am every day. 7am deliveries are far too early for a lot of people if they are noisy or use cages or refrigeration.

Regularly now (most nights) there are traffic jams in the street at 3am in the morning with cars picking up people leaving clubs. The cars frequently are using their horns. Last night they had their door open with music blaring. we have 2 motorbike stands close together. There is always at least one bike revving up at either 3am or really early like 530am This noise has changed and increased over the past 3-4 years. I am woken up most nights at about 3am. And i have double glazing and am on [a high] floor.

Businesses take no responsibility for their customers drinking/eating and mainly shouting outside, including when they are queuing, and particularly when they are leaving. Post al fresco, there is a new attitude that anything goes on the streets and that includes contempt for the community who live here. The Council need to rethink this and put some major resource into enforcement.

I've lived in Soho for 60 years... Born and bred.. It's never been this noisy!

Early hours waste collections (including bottle smashing) also includes the food & beverage businesses putting their waste in the street and bottle bins at anti-social hours ahead of collection times. Our local restaurants are not supposed to put bottles out between the hours of 23:00 and 07:00 but they frequently do. Frequently delivery trucks, some with noisy refrigeration units are also delivering early hours.

Also deliveries & pedicabs. Unfortunately my lack of sleep due to noise has caused serious health issues and I now cannot work and suffer anxiety and depression. I'm woken up on average 5 times per night and have considered suicide. Why I'm being denied sleep between the hours of 11pm and 7am astonishes me. The freeholders Shaftesbury Carnaby show a total disrespect to the effects that noise has on the residents of Soho.

- **Objector 5**
Received: 16 Jan 2023
OBJECTION

I write in respect of the abovementioned application by The Windmill for an SEV license. The application is made for a new SEV license Monday - Saturday 9am to 5am, Sunday 9am - 3am, 'providing striptease in all of its various forms and entertainment of a like kind.'

I write in support of [redacted] representations/objections to this license (which I endorse). It is my understanding from those representations that at the Licensing Sub Committee hearing for the new premises licence (20/10170/LIPN) the applicant's representative stated that if the application was granted, 'it would mean that the venue could operate as a theatre without being half empty and having to resort to use as a sexual entertainment venue.'

When considering that application, the Licensing Sub-Committee was provided with the necessary degree of confidence to agree to a significant increase in capacity until 3.30am with a capacity of 350 (double the previous SEV licensed capacity of 150). The present proposal appears to assume a capacity of 350, until 5am. It was also on the understanding that there was no intention to use these premises on an SEV basis.

Policy LO1, 2.4.15 states as follows:

'The previous existence of a licence permitting sexual entertainment at a premises should not in itself give rise to any expectation that a sexual entertainment venue licence will be granted. In considering the appropriateness of a sexual entertainment venue the council is entitled to change its view about the character of the locality in which the sexual entertainment venue clearly is situated, whether or not there has been a change in the character of the locality.'

The mere fact that an SEV was granted in respect of these premises in the recent past is not reason enough to grant another.

Most importantly, the licensing sub-committee should pay particular regard to the fact that these premises sit within the cumulative impact zone. Pursuant to the Westminster CC cumulative impact policy it is for the applicant to prove that the license would not adversely impact upon the intentions behind the policy or add to cumulative stress. That is a tall order in circumstances where the West End - particular in this part of Soho - has reached a saturation point when it comes to SEV-licensed venues which are also serving alcohol. SEVs have a tendency to attract crime (of a very serious nature in some circumstances) and ASB. It is very difficult for the applicant to provide evidence sufficient to prove that this additional SEV license will not add to cumulative stress/impact.

In the light of all of the above (and the submissions made by [REDACTED]) I would ask the Licensing Sub-Committee to refuse this SEV License.



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

Schedule 12
Part A

WARD: West End
UPRN: 200002817344

Premises licence

Regulation 33, 34

Premises licence number:

22/07837/LIPV

Original Reference:

20/10170/LIPN

Part 1 – Premises details

Postal address of premises:

The Windmill
17 - 19 Great Windmill Street
London
W1D 7JZ

Telephone Number: Not Supplied

Where the licence is time limited, the dates:

Not applicable

Licensable activities authorised by the licence:

- Performance of Dance
- Exhibition of a Film
- Performance of Live Music
- Playing of Recorded Music
- Anything of a similar description to Live Music, Recorded Music or Performance of Dance
- Performance of a Play
- 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 05:00
Exhibition of a Film	
Monday to Saturday:	09:00 to 05:00
Sunday:	09:00 to 00:00
Performance of Live Music	
Monday to Saturday:	09:00 to 05:00
Playing of Recorded Music	Unrestricted
Anything of a similar description to Live Music, Recorded Music or Performance of Dance	
Monday to Saturday:	09:00 to 05:00
Performance of a Play	
Monday to Saturday:	09:00 to 05:00
Sunday:	14:00 to 03:00
Late Night Refreshment	
Monday to Saturday:	23:00 to 05:00

Sale by Retail of Alcohol

Monday to Saturday: 10:00 to 05:00
Sunday: 12:00 to 22:30

Seasonal Details: An additional hour to the standard and non-standard times on the day when British Summertime commences.

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

The opening hours of the premises:

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

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

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

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

Immerse London Ltd
4TH Floor Elsley Court
20-22 Great Titchfield Street
London
W1W 8BE

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

12654840

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

Name: Bence Pillinger

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: 14/00385/LAPER
Licensing Authority: London Borough of Bromley

Date: 10 March 2023

This licence has been authorised by Jessica Donovan 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.

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. Admission of children to the premises must be restricted in accordance with the film classification recommended by the British Board of Film Classification or recommended by this licensing authority as appropriate.
10. All persons guarding premises against unauthorised access or occupation or against outbreaks of disorder or against damage (door supervisors) must be licensed by the Security Industry Authority.

Annex 2 – Conditions consistent with the operating Schedule

None

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

11. 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).
12. The capacity of the premises to be:
 - i) Ground Floor and Mezzanine - 250 persons (excluding staff).
 - ii) Basement - 100 persons (excluding Staff)

The above figures are subject to the following restrictions on the whole Premises

 - iii) From 09:00am to 3.30am - 350 persons (excluding Staff)
 - iv) From 3.30am to 5.30am - 150 persons (excluding Staff)
13. The Premises shall develop and operate a Dispersal, Transport and Noise Strategy, a copy whereof shall be provided to the Licensing Authority.
14. A minimum of 4 SIA licensed Door Supervisors will be stationed on Great Windmill Street from midnight until 30 minutes after the Premises are closed and empty of patrons.
15. Designated Street Marshals and Noise Control Officers will be deployed on Great Windmill Street and neighbouring streets as identified from time to time, from midnight until 30 minutes after the Premises are closed and empty of patrons.
16. A chauffeur service shall be available to patrons. Patrons will be able to make a booking at the time of booking their tickets or at any time from their table/seat in the premises.
17. An attendant shall be on duty in the cloakroom the whole time it is in use.
18. A noise limiter must be fitted to the musical amplification system set at a level determined by and to the satisfaction of an authorised officer of the Environmental Health Service, so as to ensure that no noise nuisance is caused to local residents or businesses. The operational panel of the noise limiter shall then be secured by key or password to the satisfaction of officers from the Environmental Health Service and access shall only be by persons authorised by the Premises Licence holder. The limiter shall not be altered without prior agreement with the Environmental Health Service. No alteration or modification to any existing sound system(s) should be effected without prior knowledge of an authorised Officer of the Environmental Health Service. No additional sound generating equipment shall be used on the premises without being routed through the sound limiter device.
19. 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.
20. Loudspeakers shall not be located in the entrance lobby or outside the premises building.
21. All windows and 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.

22. 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. 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.
23. 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. This staff member must be able to provide the Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
24. There shall be a personal licence holder on duty on the premises at all times when the premises are authorised to sell alcohol.
25. A minimum of 14 days' notice shall be given to the Environmental Health Consultation Team and District Surveyor of any intention to use scenery on any stage area.
26. A member of security shall be at the side of the stage during the times of the performance.
27. WCs for the sole use of members of staff and performers shall be provided and the appropriate signage shall be applied.
28. Any scenery to be kept or used on the premises shall be constructed only from such materials as the council accepts for use on open stages and such scenery shall be restricted as necessary for the current performance and shall be used on stage only.
29. Intoxicating liquor shall not be sold or supplied on the premises otherwise than to persons detailed in condition 9 above.
30. Substantial food and suitable beverages other than intoxicating liquor (including drinking water) shall be available during the whole of the permitted hours in all parts of the premises where intoxicating liquor is sold or supplied.
31. There shall be no payment made by or on behalf of the licensees to any person bringing customers to the premises.
32. The licensable activities authorised by the Licence and provided at the premises shall be ancillary to the main function of the premises as a performance venue. For the purpose of this condition performance venue is for a live performance in front of an audience which may include concert halls, comedy clubs or similar performances venues.
33. The permitted hours on New Year's Eve will extend to the start of permitted hours on the following day 00.00 on 31st December.
34. After 2300 hours all customers entering the premises shall have their ID scanned on entry, save for when a biometric scanning system is in place. The details recorded shall include a live facial image capture of the customer and capture the photographic identification produced. The details recorded by the ID scanner system shall be made available to the Police and the local authority upon request.

35. The above requirement is subject to the following exceptions, namely that a maximum number of 15 guests per night may be admitted at the Managers discretion without necessarily photo ID being scanned and recorded. The admission of such guests however shall be in accordance with the following procedure:
- (i) The DPS shall approve in writing the names of a maximum of three managers other than him/herself who are authorised to sign in such guests.
 - (ii) A legible record (the signing in sheet) of those guest's name shall be retained on the premises for inspection by the licensing authority and Police for a period of 31 days. The name of the DPS approved manager authorising the admission will also be recorded by that manager,
 - (iii) Guests shall be required to produce some form of ID such as a bank card (or emailed electronic photo ID) and ID scan entry with a live photo shall be created.
 - (iv) Where there are appropriate reasons for a guest not to be able to produce ID and be subject to ID scan, the Approved Manager may still permit entry. In such circumstance he shall also record the reasons for this in the signing in sheet.
36. Notwithstanding condition 36 above, patrons who are attending a pre-booked private event at the premises do not need to have their ID Scanned on entry and instead a written guest list shall be held at reception for the event, and will be retained for 31 days after the event for inspection by the Police and responsible authorities upon request.
37. All door supervisors will correctly display their SIA licence when on duty at the premises.
38. After 21:00 hours all SIA Door supervisors engaged outside the entrance to the premises, or supervising or controlling queues, shall wear high visibility jackets or vests.
39. All SIA door staff on duty at premises shall be equipped with Body Worn Video, capable of recording audio and video in any light condition as per the minimum requirements of the Westminster Police Licensing Team. 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 preceding 31 day period. BWV must be activated at an early stage during any incident involving conflict.
40. Patrons shall be greeted by a member of the staff at the reception areas on both the ground and basement floors before being directed to the relevant area of the premises.
41. After 23:00 all patrons attempting to gain entry or re-entry will be subject to a search, upon entry all bags are to be opened and searched. A general search policy shall be implemented as agreed with the Westminster Police Licensing Team and documented. In accordance with the general search policy, searching will be supplemented by the use of two functional metal detecting wands operated by a male and female door supervisor dedicated to that duty either until the end of permitted hours or until there are no further admission.
42. Patrons permitted to temporarily leave and then re-enter the premises to smoke shall be restricted to a designated smoking area defined in the Dispersal, Transport and Noise Management Strategy.
43. No entry / Re-entry (excluding persons exiting to smoke) to the premises after 03:50 hours.

44. 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:
- all crimes reported to the venue
 - all ejections of patrons
 - any complaints received concerning crime and disorder
 - any incidents of disorder
 - all seizures of drugs or offensive weapons
 - any faults in the CCTV system, searching equipment or scanning equipment
 - any refusal of the sale of alcohol
 - any visit by a relevant authority or emergency service.
45. In the event that an assault is committed on the premises (or appears to have been committed) the management, on notification of such assault or apparent assault, will immediately ensure that:
- The Police (and, where appropriate, the London Ambulance Service) are called without delay.
 - All reasonably practicable efforts are taken to detain any suspect(s) pending the arrival of the Police.
 - All reasonable practicable efforts are taken to preserve the crime scene so as to enable a full forensic investigation to be carried out by the Police, unless otherwise notified by them.
 - Such other measures are taken (as appropriate) to fully protect the safety of all persons present on the premises.
46. Patrons 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.
47. There shall be no sales of hot food or hot drink for consumption off the premises after 23.00.
48. The supply of alcohol shall be by waiter or waitress service only.
49. On the Ground Floor and Mezzanine, the sale of alcohol shall cease at least 1 hour before the Ground Floor and Mezzanine closes.
50. No more than 15 persons shall be permitted in the smoking area at any one time until 03:30 hours, and no more than 5 persons thereafter.

Annex 4 – Plans

REVISIONS: This drawing was prepared by the Architect and approved by the Fire Marshal. It is subject to change without notice. The Fire Marshal's approval is not a guarantee of the accuracy or completeness of the information contained herein. The Fire Marshal's approval is not a guarantee of the accuracy or completeness of the information contained herein.

REVISIONS:

1	ADD	REVISIONS TO THE DRAWING TO REFLECT THE CHANGES TO THE FIRE ALARM PANEL.
2	ADD	REVISIONS TO THE DRAWING TO REFLECT THE CHANGES TO THE FIRE ALARM PANEL.
3	ADD	REVISIONS TO THE DRAWING TO REFLECT THE CHANGES TO THE FIRE ALARM PANEL.
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15	ADD	REVISIONS TO THE DRAWING TO REFLECT THE CHANGES TO THE FIRE ALARM PANEL.

LEGEND:

1	REVISIONS TO THE DRAWING TO REFLECT THE CHANGES TO THE FIRE ALARM PANEL.
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15	REVISIONS TO THE DRAWING TO REFLECT THE CHANGES TO THE FIRE ALARM PANEL.

UPPER BASEMENT PLAN

BASEMENT PLAN

TIBBATT'S ABEL

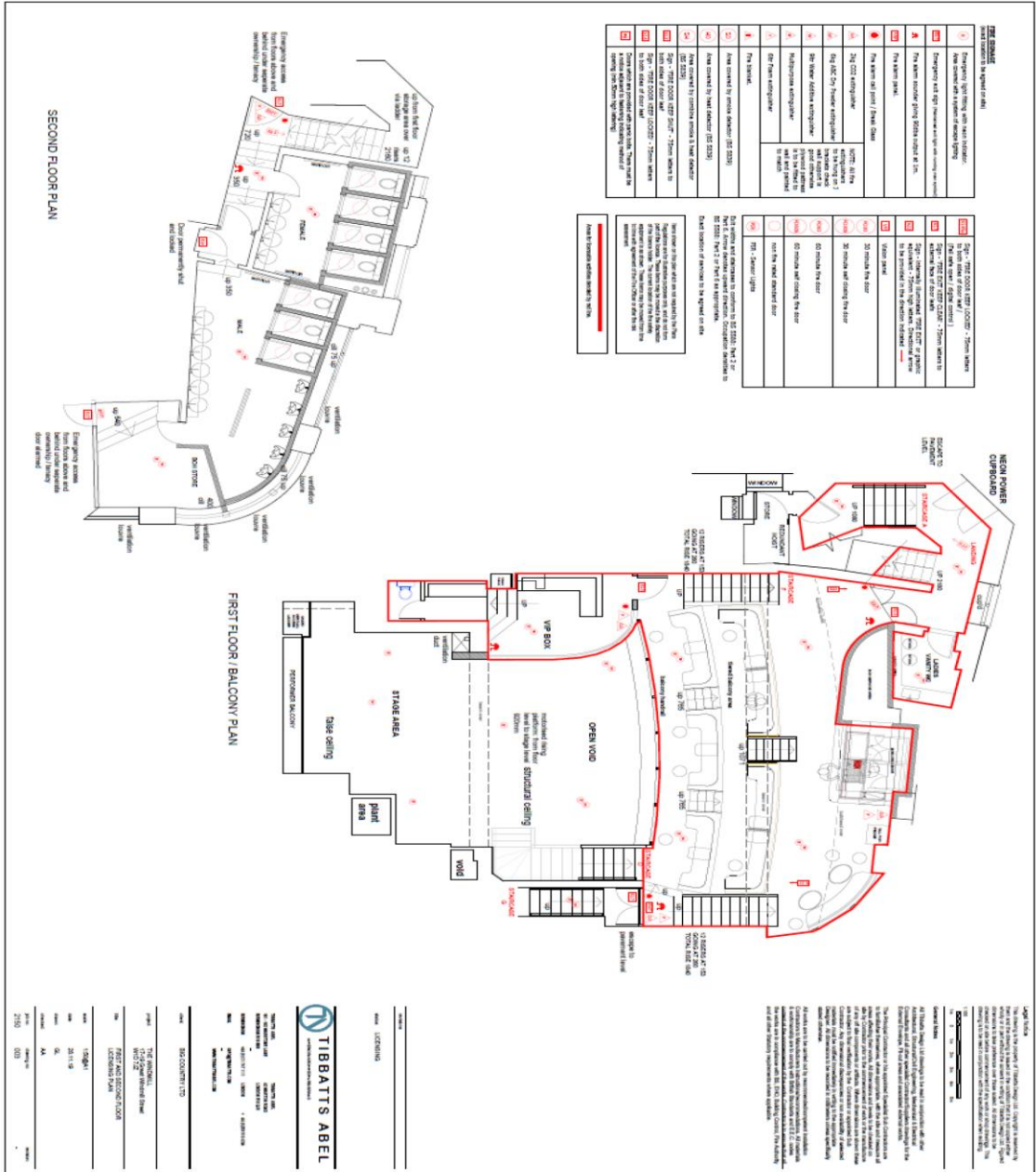
ARCHITECTURAL & ENGINEERING

300 WEST 12TH AVENUE, SUITE 100, DENVER, CO 80202

TEL: (303) 533-1100, FAX: (303) 533-1101, WWW: TIBBATT'SABEL.COM

LEGEND:

1	REVISIONS TO THE DRAWING TO REFLECT THE CHANGES TO THE FIRE ALARM PANEL.
2	REVISIONS TO THE DRAWING TO REFLECT THE CHANGES TO THE FIRE ALARM PANEL.
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REVISIONS

NO.	DESCRIPTION	DATE
1	Approved by client	10/10/2018
2	Final design	10/10/2018
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TIBBATT'S ABEL
 ARCHITECTS
 10000 160th Avenue, Suite 100
 Richmond, BC V6V 2G9
 Tel: 604-273-8888
 Fax: 604-273-8889
 Email: info@tibbattsabel.com
 Website: www.tibbattsabel.com

PROJECT INFORMATION

PROJECT NAME: [REDACTED]
 PROJECT ADDRESS: [REDACTED]
 PROJECT NO.: [REDACTED]
 PROJECT DATE: [REDACTED]

DESIGNER INFORMATION

DESIGNER NAME: [REDACTED]
 DESIGNER ADDRESS: [REDACTED]
 DESIGNER NO.: [REDACTED]
 DESIGNER DATE: [REDACTED]

CLIENT INFORMATION

CLIENT NAME: [REDACTED]
 CLIENT ADDRESS: [REDACTED]
 CLIENT NO.: [REDACTED]
 CLIENT DATE: [REDACTED]

SCALE

SCALE: 1:100



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

Schedule 12
Part B

WARD: West End
UPRN: 200002817344

Premises licence
summary

Regulation 33, 34

Premises licence number:

22/07837/LIPV

Part 1 – Premises details

Postal address of premises:

The Windmill
17 - 19 Great Windmill Street
London
W1D 7JZ

Telephone Number: Not Supplied

Where the licence is time limited, the dates:

Not applicable

Licensable activities authorised by the licence:

Performance of Dance
Exhibition of a Film
Performance of Live Music
Playing of Recorded Music
Anything of a similar description to Live Music, Recorded Music or Performance of Dance
Performance of a Play
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 05:00
Exhibition of a Film	
Monday to Saturday:	09:00 to 05:00
Sunday:	09:00 to 00:00
Performance of Live Music	
Monday to Saturday:	09:00 to 05:00
Playing of Recorded Music	Unrestricted
Anything of a similar description to Live Music, Recorded Music or Performance of Dance	
Monday to Saturday:	09:00 to 05:00
Performance of a Play	
Monday to Saturday:	09:00 to 05:00
Sunday:	14:00 to 03:00

Late Night Refreshment

Monday to Saturday: 23:00 to 05:00

Sale by Retail of Alcohol

Monday to Saturday: 10:00 to 05:00
Sunday: 12:00 to 22:30

Seasonal Details: An additional hour to the standard and non-standard times on the day when British Summertime commences.

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

The opening hours of the premises:

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

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

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

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

Immerse London Ltd
4TH Floor Elsley Court
20-22 Great Titchfield Street
London
United Kingdom
W1W 8BE

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

12654840

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

Name: Bence Pillinger

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

Restricted

Date: 10 March 2023

This licence has been authorised by Jessica Donovan on behalf of the Director - Public Protection and Licensing.

LICENSING SUB-COMMITTEE No. 6

Thursday 11th January 2018

Membership: Councillor Melvyn Caplan (Chairman), Councillor Heather Acton and Councillor Rita Begum

Legal Adviser: Barry Panto

Policy Adviser: Chris Wroe

Committee Officer: Jonathan Deacon

Presenting Officer: Daisy Gadd. Heidi Lawrence in attendance.

Relevant Representations: Objector (wished to remain anonymous), City Inspectors and Licensing Authority

Present: Mr Stuart Jessop (Counsel, representing the anonymous objector), Mr Glyn Franks (City Inspectors) and Mr Nick Nelson (Licensing Authority), Mr Michael Bromley-Martin QC (Representing Applicant), Mr Thomas O'Maoileoin and Mr Jack Spiegler (solicitors, on behalf of the Applicant), Mr Daniel Owide (Director, Applicant Company), Ms Annette Leahy (Designated Premises Supervisor), Retired Chief Inspector Adrian Studd and Retired Inspector Graeme Ironside (Consultants to Applicant).

**The Windmill, 17-19 Great Windmill Street, W1
16/09992/LISEVR**

An application for the renewal of a Sexual Entertainment Venue Premises Licence to provide full nudity striptease, pole dancing and table dancing between the hours of 09:00 to 05:30 on each of the days Monday to Saturday and 14:00 to 03:00 on Sunday. The Applicant did not request to change the relevant entertainment or to remove any standard conditions to the licence in the event the application was granted. Objections to the renewal application had been submitted alleging serious breaches of the conditions on the licence.

Amendments to application advised at hearing:

None.

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

Ms Gadd, introducing the application advised at the hearing that the original Objector had not waived the right to anonymity.

Mr Bromley-Martin, representing the Applicant, wished to make a preliminary point. He requested that the Sub-Committee permit the submission of two witness statements on behalf of the Applicant, from Mr Owide and Ms Leahy, which had been sent to the Licensing Service the day prior to the hearing. Mr Bromley-Martin

clarified that the reason the witness statements had been sent at that time, which was after the deadline set out in the Council's Rules of Procedure ('all documentary or other information produced by a party in support of their application must be received by the Authority by noon on the third working day before the day of the hearing at which it is to be relied upon'), was in order to respond to further submissions sent on behalf of the Objector on Monday 8 January. He added that Mr Jessop, Mr Franks and Mr Nelson had no objection to the witness statements being submitted. The Sub-Committee permitted the submission of the two witness statements, adjourning briefly to read the documents.

The Sub-Committee decided to hear from the objectors first as that was considered to be the most appropriate way of dealing with an opposed application for renewal under the Sexual Entertainment Venue legislation.

Mr Jessop spoke first on behalf of the original objector, stating that the evidence on behalf of the objector was that there had been serious and significant breaches of the conditions on the premises licence. It was crucial that customers, performers and those involved in the industry were protected. Breaches of the conditions could have the effect of creating an atmosphere where the performers are encouraged or feel pressured to act in a certain way. In order to compete the performers may have felt it necessary to lower the standards.

Mr Jessop made the point that the breaches were serious and significant on the grounds that there were a number of performers who had not complied with the conditions and the breaches had occurred on a number of different days. It was not, he believed a small blip where one or two performers were taking a decision not to comply with conditions. It was a systemic failure of the Licensee's running of the premises, including the mismanagement of the performers and the security guards not preventing the issues from occurring. He also rejected what he believed to be the likely argument on behalf of the Applicant that the breaches were a 'one off' or occurred because of a period of difficulty. Mr Jessop commented that the issues had either deliberately been allowed to take place or gross negligence had been allowed to occur. He referred to key members of staff, including Mr Daniel Ovide, being present at the premises whilst repeated incidents were taking place.

Mr Jessop referred to evidence of the breaches shown in CCTV footage of 1 and 5 October 2017. He also said that the business had been put on notice as early as 13 October 2017 of the ex-police officers' visits on behalf of the Objector in September. However, despite this there had been further visits by the ex-police officers on specific dates after this time in October and the first half of November, the Applicant had still not put its 'house in order'. There had therefore been persistent or flagrant breaches. He added that this either showed an inability to improve the situation or an unwillingness to do so and queried whether the Applicant was a fit and proper person to run the premises.

Mr Jessop stated that despite Mr Franks on behalf of the City Inspectors having observed CCTV footage on 8 December which he described as a 'marked improvement in the activity of SIA staff patrolling, responding to instructions and talking to customers, as well as performers', the Licensing Authority had found evidence of 19 breaches of Condition 22 in this same footage. Mr Jessop made the

point that these breaches may not have been as serious or severe as those in September or October but he expressed the view that there had still been a large number of breaches. He asked the rhetorical question that if the most recent position was that there were still breaches when the Applicant was aware that the application was coming before the Sub-Committee, what would be the situation when the spotlight was not on the Applicant? Mr Jessop requested that the Applicant was not given a trial period to demonstrate that the situation had improved on the basis that the Applicant had had this opportunity already since September 2017 and had not improved sufficiently.

Mr Jessop referred to the Applicant potentially making the case that the issues were due to a period of difficulty arising from the ill health and death of Mr Oscar Owide. He said that he had sympathy for the Applicant on this point but that it had been recorded in the decision sheet at the Council's Sub-Committee meeting in 2012 that there had been a similar set of breaches of the conditions on the premises licence. Mr Jessop queried how Mr Daniel Owide, the son of Oscar Owide and current Director of the Company, had set out in his current witness statement that he was not aware of the breaches of the conditions in 2012. This was particularly as Ms Leahy had been the Designated Premises Supervisor ('DPS') at the time of the 2012 meeting, had been present at that meeting and would have been able to inform Mr Daniel Owide of the situation.

Mr Jessop also said that whilst it had been suggested that no criminal offences had taken place, there had been clear evidence of intimate touching and overt sex acts performed by performers. There were potential instances of prostitution and bribery of security guards to ignore incidents. Even if there were no criminal offences, there were clearly serious breaches of conditions.

The Sub-Committee heard from Mr Franks on behalf of the City Inspectors. He stated that he was made aware of the Objector's submission in respect of the premises on 13 October 2017. On 14 October he had sought to obtain CCTV footage of the premises. He was maintaining his objection on the basis of breaches of conditions of the premises licence which could be seen in footage obtained from 1 and 5 October 2017. Mr Franks had witnessed conduct that reflected breaches of conditions 17, 21 and 22 of the premises licence and in excess of 50% of the dances viewed would reflect breaches, or cause for concern. Mr Franks also advised that he had observed on the CCTV footage clear and prolonged contact between the customer and the performer, inappropriate contact between the performer and the customer and that the performers were not adequately managed. There was clear evidence of SIA staff being present and allowing the conduct to continue.

Mr Franks in response to a question from the Sub-Committee advised that there were clear full face images of the SIA staff in question and it was believed management had acted on information. Mr Bromley-Martin provided the information that the management did know the names of the SIA staff who had transgressed and that disciplinary action had been taken.

Mr Franks stated that following the evidence in the footage of the beginning of October, he had arranged a meeting with the licence holder for 14 November and had continued to monitor management and the conduct of the performers. He had

subsequently obtained images of 7 November and 8 December. Mr Franks expressed the view that there were no clear breaches of the conditions on these dates which were sufficient for a review of the licence or a prosecution. There had been instances of contact between the performer and the customer but Mr Franks did not perceive these instances to be indecent.

Mr Franks confirmed to the Sub-Committee that he had not viewed any CCTV footage at the premises since 8 December. He was awaiting the outcome of the current Sub-Committee hearing before taking a decision on whether to continue the enforcement process.

The Sub-Committee asked Mr Franks a number of questions. These included why he had selected specific dates for viewing CCTV footage. He replied that 1 October and 5 October footage had been requested because a meeting had taken place with the premises on 31 October and he wanted to assess whether the licence holder was complying with the need to retain it for 31 days. He had also selected days of the week which were similar to those when the ex-police officers had visited the premises. He had then randomly sought CCTV footage of 7 November and 8 December.

Mr Franks was asked whether he or City Inspector colleagues had visited the premises recently prior to the Objector's submissions. He replied that he had carried out inspections of the premises, including on 26 July 2017. Visits of SEV premises were conducted by City Inspectors at least three times a year. Mr Franks added that he had never during his visits witnessed any behaviour which he suspected of being a breach of the conditions. The nature of the visits was that he would introduce himself at the front door, then he would walk through the premises with a manager, they would go back to the office and often view CCTV. Most inspections would last approximately 15-20 minutes. All of these visits were unannounced. Mr Franks acknowledged that it was likely that the SIA door staff would make other staff aware of his visit as soon as he was at the front door.

Mr Franks advised that it was with consent that he viewed CCTV as the conditions did not require the operator to show it to him. It was his decision as to whether to request to view footage or not. He was not certain that he had viewed recent CCTV footage during his July 2017 visit. He had definitely looked at CCTV footage of the premises a couple of times during 2017. He generally requested footage of one or two of the private dancing areas as they were the greatest risk areas in terms of breaches of conditions.

The Sub-Committee heard from Mr Nelson on behalf of the Licensing Authority. He stated that the Licensing Authority had responded to allegations from the Objector. There had been discussions with the operator and the Licensing Authority had carried out its own investigations, largely by viewing CCTV clips of the premises during 2017 (from 1 October, 5 October, 7 November and 8 December). Mr Nelson concurred with Mr Jessop that the CCTV footage showed a high number of serious and significant breaches of the conditions on the premises licence. The Licensing Authority's view differed from Mr Franks', particularly in relation to footage of 7 November and 8 December, in that evidence of touching of customers still amounted to evidence of breaches. Mr Nelson perceived that he was taking a literal view of the

conditions whereas Mr Franks was viewing the footage from an enforcement perspective. Mr Nelson wished to clarify that he was in agreement with Mr Franks insofar that had he only seen footage of 7 November and 8 December and not 1 October or 5 October, it would be doubtful that the Licensing Authority would have made a representation.

Mr Nelson advised that there were clips of CCTV footage of the premises should the Sub-Committee wish to view them. The Sub-Committee asked Mr Nelson what information would be obtained from the clips that was not known by Members having read all the papers. Mr Bromley-Martin, in order to assist the Sub-Committee, indicated at this point that the Applicant had no dispute with the content of the witness statements submitted on behalf of the Objector or the assertion there were substantial breaches shown in the CCTV footage of 1 and 5 October. The Applicant also did not object to the assessment of the 7 November and 8 December footage given by Mr Franks or Mr Nelson.

Mr Nelson referred to the Licensing Authority having viewed 37 hours of CCTV footage at the premises. Breaches of conditions 17, 20, 22 and 23 of the premises licence had been observed as set out in his written representation. Mr Nelson described the breaches of 1 and 5 October as 'extreme' as there had been a very significant level of contact and over-familiarity between performer and customer and performer and performer. Mr Nelson advised that it could be seen from the footage of 8 December that there had been a period of re-education of the performers that the previous levels of contact were not acceptable. There were later examples of security staff interrupting performances and pointing to plaques on the wall which it was believed prohibited contact. There were also later examples of performers performing further away and pushing customers back into their seats. Mr Nelson said there were still some examples of performers dancing very close to the customers and there being some contact such as touching a shoulder, knee or thigh. The examples of contact could be seen as 'soft breaches'.

Mr Nelson advised that it was clear that there had been a marked improvement but it was clear that from a literal interpretation of the conditions, breaches were still occurring on the most recent footage viewed. More active monitoring, management and security of the premises appeared to be taking place. It was up to the licence holder to design an operation that is able to comply with conditions. The Licensing Authority needed confidence in the licence holder's ability to do so. Mr Nelson had read the submissions of the ex-Police officers on behalf of the Objector and he was of the view that they were consistent with what he had observed in the CCTV footage. He was concerned that performers and customers had been able to locate blind spots which were not covered by the CCTV cameras but this appeared to be resolved. Mr Nelson advised that he had seen Ms Leahy in later footage monitoring the performances. He believed that the training measures set out in the Applicant's submissions were positive.

Mr Nelson perceived that customers had developed an expectation of receiving more than just a dance from the performers. This had led to frustration, including arguing, on their part. Management would need to demonstrate that they were able to manage the customers so that there was no expectation of more than just a dance.

Mr Nelson said that the option was open to the Sub-Committee to grant a probationary licence of less than a year. This would give management the opportunity to improve whilst monitoring takes place. The Sub-Committee needed to have confidence that the premises would be operated so that conditions were complied with.

The Sub-Committee asked Mr Nelson whether he believed the Applicant was able to comply with conditions on the premises licence. Mr Nelson replied that the situation had been dire. He believed the operators had the ability to manage the premises and comply with the conditions. He was concerned that there could be a situation where the Licensing Service intervenes and the licence holder improves its procedures only for a gradual decline to occur over time. Mr Nelson referred to the recorded issues in 2012 but wished to balance this with the point that no enforcement action had been taken against the premises in the last five years.

The Sub-Committee was addressed by Mr Bromley-Martin. He began by asking questions to officers. Mr Nelson confirmed that he had received full co-operation from the licence holder in the Licensing Authority's investigation. Mr Nelson also confirmed it was his understanding that there had been a full review of CCTV and an improvement of the coverage. Mr Franks was asked whether there had been an improvement in the CCTV and he replied that there had been with the blind spots having been removed. There were now additional screens for management to view. He believed it probably had been the case that from the CCTV footage on 7 November the performers were aware where the blind spots were. Mr Nelson and Mr Franks also confirmed they were aware that disciplinary and compliance documentation had been produced on the part of the Applicant.

The Sub-Committee asked representatives on behalf of the Applicant to explain about the CCTV. Ms Leahy and Mr Bromley-Martin stated that there was comprehensive coverage now, including in the private booths on the first floor. It had been identified that there were blind spots that were being exploited. Performers had been able to see this from the monitors. Performers had then needed to ensure that security staff either did not see what was taking place or did not report them. Ms Leahy informed the Sub-Committee that there were monitors at the reception desk. Mr Owide informed the Sub-Committee that he was able to monitor the venue from his office in the basement and that the performers and security staff could no longer observe the monitors in reception. Only Ms Leahy could see them or another trusted member of staff if Ms Leahy was busy.

Mr Bromley-Martin stated that The Windmill had been an institution for many years. It had been owned by Mr Oscar Owide until his death in December 2017. Mr Bromley-Martin accepted that by October 2017 there was a systemic failure to comply with the conditions on the premises licence, including in relation to the contact between the customers and the performers. He explained that the way in which the venue was run was always in accordance with Mr Oscar Owide's wishes. He described Mr Oscar Owide as a man of positive character who was autocratic to a degree. He had not allowed his son Daniel, the manager of the premises, to be in the office unless he was there.

Mr Bromley-Martin wished to refute what he perceived to be the suggestion in the

Objector's written representation that the management was involved in the breach of the conditions as part of the exploitation of the performers. He said it was not a case of profiteering at the expense of performers. The performers and security staff who had transgressed had disregarded rules because they were able to make more money.

Mr Bromley-Martin said that there was a duty on the part of the Applicant/licence holder to prevent breaches of the conditions occurring and this was accepted by management. It was necessary to take appropriate disciplinary action against staff who had transgressed.

Mr Bromley-Martin stated that the issue was not whether The Windmill should be punished for the earlier systemic failure to comply with conditions but whether the Sub-Committee could be confident such a situation would not arise again. It was his intention to persuade the Sub-Committee that the management of the premises had the determination and willingness to comply with the conditions. He referred to the Applicant providing CCTV footage to Council officers as requested after it had become apparent that there were issues. CCTV coverage had been improved after it had become apparent that there were some blind spots. Monitoring of the CCTV by management had also been improved so that Ms Leahy and Mr Ovide could be seen on 8 December CCTV footage arriving on the scene and action having been taken.

Mr Bromley-Martin made the point that the ex-Police officers' detailed witness statements on behalf of the Objector had enabled the management of the premises to take the necessary disciplinary action. As a result, seven performers had been dismissed and a number disciplined and warned. Also, four security staff had been dismissed.

Mr Bromley-Martin explained that Retired Inspector Graeme Ironside had been employed to review the compliance documentation and provide training to staff on compliance and discipline. His reports had been included in additional papers submitted to the Sub-Committee by the Applicant. The training to staff had taken place on 30 November 2017. Mr Bromley-Martin informed the Sub-Committee that there had been a need for disciplinary action since that date with there being at least one dismissal.

The report from Retired Chief Inspector Adrian Studd was also included in additional papers submitted by the Applicant. Mr Bromley-Martin explained that Mr Studd had been employed to assess the premises and then report his findings to the licence holder. Mr Studd had made recommendations and then returned to make covert investigations of the premises including the behaviour of the performers and security staff in December 2017 to see whether the conditions on the premises licence were being complied with.

Mr Bromley-Martin expressed the view that it was important that the Sub-Committee accepted the analysis of the situation provided by Mr Nelson and Mr Franks rather than Mr Jessop.

Mr Bromley-Martin wished to highlight the conclusions of Mr Studd's report. This was that whilst there had been issues at the premises in the past, he was satisfied that

'the premises is now in compliance with the standard conditions for SEV premises and will continue to do so should the licence be renewed'.

The Sub-Committee wished to understand from Ms Leahy how, when she had been the DPS for many years, she was not aware that the breaches of the conditions were taking place. There were concerns about how the premises was being run. Ms Leahy had stated for instance that she was not at the premises on the evening of 25-26 October 2017 when the ex-Police officers had visited the premises and uncovered breaches of the conditions. Ms Leahy responded that the business was run in a different way by Mr Oscar Owide than his son Daniel and the latter wanted to take the business in a different direction. A mistake had been made in trusting security staff who had worked at the venue for some time. It had been a shock to management that they had not been respecting the conditions. Ms Leahy had been aware that there had been some breaches of the conditions. She said disciplinary action had been taken in relation to the breaches she had been aware of. It was Ms Leahy's submission that there was a culture where door staff would use their radios when the management was approaching to warn security upstairs they were coming. By the time the management were upstairs all staff were behaving. As far as she was aware there were no concerns.

The Sub-Committee also wished to understand from Mr Daniel Owide why the flagrant breaches would not happen in the future. Mr Owide responded that his father was very controlling and gave no input to the management, particularly in the final months of his life. Mr Owide explained that his intention going forward was to advertise for new performers and do in-house training. Staff on site would all be part of the compliance team. He added that security staff had been employed by his father. It had not been a complete surprise to him regarding the breaches although the degree of the issues had been. Now security staff would be rotated in order to prevent them being over-familiar with their positions.

The Sub-Committee asked Mr Owide how the venue was managed when Ms Leahy was not on duty. Mr Owide replied there was always a member of the management at the premises. There was another lady who was able to cover. The general manager had received his SIA security training. Performers and staff would be re-trained after Christmas.

Mr Jessop was given the opportunity to ask questions of the Applicant. He asked Ms Leahy why she had not informed Mr Daniel Owide of the concerns raised about breaches of conditions at the Licensing Sub-Committee meeting in 2012. She replied that her view was that matters that were raised in 2012 had been dealt with. New staff had been brought in, including to monitor the CCTV. The Council had asked to view CCTV footage and no issues had been raised by officers. It was not until the last six months that the issues had been brought to her attention. Security staff had become too comfortable and over-familiar. Ms Leahy informed the Sub-Committee and Mr Jessop that the previous individual who had monitored the CCTV had left the role and one of the existing security guards had taken over who was believed to have been part of the problem. She had become aware of the extent of a culture having developed regarding performers and security staff at the premises in November.

Ms Leahy also said that in addition to being made aware of the Objector's submissions in October 2017, Mr Daniel Owide had been affected at the time by his father's illness and had not been at the premises as much. It may have been that his attention was diverted.

Mr Jessop asked Mr Owide whether he was at the premises on the evening of 25-26 October 2017 when Ms Leahy had set out in her witness statement that she had not been present. This was an evening when the ex-Police officers had visited the premises and uncovered breaches of the conditions. Mr Owide confirmed that he had been at The Windmill that evening but explained that he was unaware of what had taken place.

Mr Owide wished to bring to the Sub-Committee's attention that during the period when breaches had taken place, he had been occupied with touts standing outside the front door (conversations had taken place with Mr Franks on this issue). Many regular customers had stopped coming to the venue and had been taken to another nightclub. Mr Owide had therefore stayed outside observing what was occurring.

Mr Studd was asked by Mr Bromley-Martin to comment on confidence in the present management to comply with conditions and ensure that the breaches never happened again. Mr Studd replied that he believed that he, Mr Nelson and Mr Franks had all been struck by the shock of Ms Leahy and Mr Owide when they had become aware of the extent of the issues at the premises. He believed significant improvements had been made at the premises, including in relation to the CCTV and training and replacement of staff. Mr Studd was of the view that Ms Leahy and Mr Owide had accepted responsibility to address the issues that had arisen. He believed it had been tempting to rely on people who had been employed at the premises for a long time.

The plans of the premises were discussed. Mr Bromley-Martin offered on behalf of the Applicant to provide up to date plans which included the locations of the CCTV cameras and monitors.

The Sub-Committee asked Ms Leahy how often staff meetings had taken place and whether any issues had been raised there. She replied that staff meetings took place once a month and no issues had been raised there.

The Sub-Committee heard the final submissions from Mr Jessop and Mr Bromley-Martin. Mr Jessop referred to a paragraph in the decision sheet for The Windmill at the Licensing Sub-Committee hearing in May 2012. The Applicant in that instance had stated that 'the necessary disciplinary action had been taken in respect of the performers and the security. The CCTV would in future be monitored more closely and the company was in the process of employing someone to view the CCTV continuously. Currently there was a receptionist employed full time and Ms Leahy, the DPS was also viewing CCTV for 15 to 20 minutes each hour in reception'. Mr Jessop commented that not only had there been significant contact between performers and customers then but similar solutions had been offered. Ms Leahy had also been in the same role. He re-iterated that there was a question to answer as to why Ms Leahy did not advise Mr Daniel Owide of the previous issues which had existed in 2012. Mr Jessop made the point that whilst his father may have been an

autocrat, Mr Daniel Owide was in a position of influence.

Mr Jessop picked up on the comment Ms Leahy had made that she had been aware that there had been some breaches of the conditions prior to October. He questioned whether Ms Leahy would have been totally unaware of the culture of breaches as documented in the Objector's submissions. Mr Jessop quoted Mr Nelson's representation that 'it is clear from the footage that an expectation has been created amongst customers of the premises that contact can be expected from performers. This is very clear in later CCTV footage when frustration is clearly visible amongst some customers when contact is not forthcoming. The premises is likely going through a transition phase where customers still expect to receive contact and will likely face difficulties in changing this behaviour and managing this expectation out'. Mr Jessop concluded it was common sense that cultures do not arise overnight or in the space of a few weeks. If customers were struggling with the new culture, it was because they had got used to the old one which was likely to have been over a long period of time. This was a period of time when Ms Leahy was DPS and Mr Daniel Owide should have been made aware of the problems, as documented in 2012.

Mr Jessop said that he accepted Mr Bromley-Martin's point that the Sub-Committee's decision should not be about punishment but whether the operator was suitable to run the premises. He asked the Sub-Committee to give careful consideration to whether the operator was fit and proper, given that either Ms Leahy or Mr Daniel Owide were at the premises whilst the breaches were taking place.

Mr Jessop made the point that the evidence of the serious breaches was not merely confined to what had been seen on the CCTV footage. The ex-Police officers had witnessed them on dates when CCTV footage had not been observed by Council officers. The evidence of the ex-Police officers was accepted by the Applicant. The CCTV footage had been viewed on 7 November and the officers had deemed there to have been an improvement, which had been described as 'soft breaches'. However, the ex-Police officers had visited the premises on 9 November and found a number of serious breaches of the conditions, including physical contact between the performer and the customer.

Mr Jessop queried why management had not been aware there were blind spots in the CCTV coverage which had been picked up by the performers who had transgressed. He believed that the performers and the security staff were scapegoats for these failings and there was a lack of responsibility taken by management.

Mr Jessop commented that conditions had been placed on the premises licence for a reason. It was only a short journey from the 'soft breaches' to the more serious breaches. The conditions were placed on the premises licence in the context of sexually charged activities. Mr Jessop expressed the view that the breaches involving touching could therefore not be deemed to be soft. The conditions were there to safeguard staff and customers.

Mr Jessop did not dispute that there had been recent progress. However, the issue was whether the Applicant was fit or proper to run the premises. If breaches were

still carrying on, and he did not accept the definition of 'soft breaches', then he believed the Applicant fell at that hurdle. He was of the view that the breaches were still carrying on as they were still taking place in December 2017 when the most recent CCTV footage had been viewed. Despite being put on notice in October 2017, there were still conditions that were not being complied with.

Mr Bromley-Martin, in his final submission, stated that the breach of the touching rule plagues table dancing venues. He wished to emphasise that Mr Daniel Owide had not been involved in managing the premises in 2012 when the issues with contact between performers and customers were raised at the Council's Sub-Committee meeting. The premises were firmly run by his father. He expressed the view that there was little significance in what had taken place in 2012.

Mr Bromley-Martin believed it was wrong for Mr Jessop to suggest that the breaches had been taking place for a long time. He said there was no evidence to suggest anything untoward was happening before 1 October 2017. The Licence Holder was grateful for the evidence provided by the Objector which was to the advantage of all.

Mr Bromley-Martin requested that the Sub-Committee accept the submissions of Mr Nelson and Mr Franks. He believed the evidence was that there had been a serious problem in October, an intermediary period in November and by December the problem is solved. There were no actionable breaches by December. Mr Bromley-Martin believed it was of note that there was no evidence since 8 December of actionable breaches. He described the steps taken by management as strong actions. At least eleven staff had lost their livelihoods. He was of the view that reassurance should be given by the report of Retired Chief Inspector Adrian Studd that the breaches had been resolved and the premises are now being managed properly.

Mr Bromley-Martin recommended that a probationary period was not imposed by the Sub-Committee as this had already existed between December 2017 and the current hearing.

The Sub-Committee considered, in reaching a decision, that a large part of the case was not in dispute as all parties to the hearing had accepted, including the Applicant, that there were serious and severe breaches of the conditions on the premises licence. It was for the Sub-Committee to judge the suitability of the Applicant holding the premises licence. Mr Jessop had made the point that the issues had either deliberately been allowed to take place or gross negligence had been allowed to occur. The Sub-Committee considered that there were situations where one off breaches take place. However, in this case, as accepted by all parties, there had been a systemic failure to comply with the conditions on the premises licence.

The Sub-Committee had noted that the initial evidence of breaches had been provided by the original Objector who had no direct connection with the premises. The suggestion was that customers also had an expectation that the performers would engage in more than just a dance for them. The only people who had appeared to be unaware of what was taking place in The Windmill were those in charge of the Applicant company. It was the duty of the management to make sure that they are aware of what is taking place in the premises. There was a failure and

a lack of responsibility taken on the Applicant's part.

The Sub-Committee was required, as asserted by Mr Bromley-Martin, to decide whether there was confidence that breaches of the conditions would not happen again. The Sub-Committee had been asked to take into account the improvements in place and that training had been carried out and whether that was sufficient that issues would not arise in the future. Members had found it hard to believe that the nature of the breaches had only been taking place since October 2017. They accepted the point that the CCTV footage had demonstrated that an expectation had been created amongst customers of the premises that contact can be expected from performers and that the culture was not likely to have arisen over a short period of time. The Sub-Committee had to weigh up that the management going forward would be the same as the management in the past. The Sub-Committee gave its condolences to Mr Owide for the loss of his father and appreciated that his ill health and death would have been a stressful period for Mr Owide. However, if the management stayed the same, the Sub-Committee had to be convinced that the culture would change.

The Sub-Committee had been asked to accept the evidence from the Applicant that Mr Oscar Owide was such a dominant character that it was not possible to prevent a culture where the conditions were not complied with. The Sub-Committee did not consider it an option as to whether licence holders complied with conditions on the premises licence. It was absolutely necessary for licence holders to comply with conditions at all times. The Sub-Committee also did not accept the concept of 'soft breaches'. Any breaches were not acceptable. The Applicant had been advised in October 2017 of the breaches and the Council had been told that they would never happen again. However, severe breaches had occurred again as set out in the ex-Police's officers witness statements on behalf of the Objector relating to visits to the premises on 26th October and 10th November 2017.

The Sub-Committee had given consideration to whether a trial probationary period was appropriate. It had been suggested by Mr Jessop and Mr Bromley-Martin that this had been in existence already. The Sub-Committee had decided that this was not appropriate. The licence was due for renewal in September 2018.

Having read all the evidence and listened to the submissions at the hearing, the Sub-Committee was not convinced that similar issues to those documented over recent months would not happen again. The same management, notably the DPS, were in place. The Sub-Committee was not convinced that the conditions on the licence would be adhered to. The Sub-Committee recognised that training had been given to staff and that had led to some improvements. However, the test was whether the Applicant was suitable and whether such incidents would happen again. The Sub-Committee did not consider that the Applicant was suitable to hold the Sexual Entertainment Venue Premises Licence and the decision was therefore that the renewal of the licence was refused.

Sex Establishment Licence history – The Box			
Application reference	Application details	Decision	Date of licence expiration
12/02708/LISEVN	Application for a New Sexual Entertainment Venue Licence.	Granted by Licensing Sub-Committee 12.06.2012	30 September 2013
13/07331/LISEVR	Application to renew the Sexual Entertainment Venue Licence.	Granted under Delegated Authority 09.01.2014	30 September 2014
14/08247/LISEVR	Application to renew the Sexual Entertainment Venue Licence.	Granted under Delegated Authority 06.01.2015	30 September 2015
15/08078/LISEVR	Application to renew the Sexual Entertainment Venue Licence.	Granted under Delegated Authority 17.11.2015	30 September 2016
16/09992/LISEVR	Application to renew the Sexual Entertainment Venue Licence	Granted under Delegated Authority 28.03.2017	30 September 2017
17/10780/LISEVR	Application to renew the Sexual Entertainment Venue Licence	Refused by Licensing Sub Committee 11.01.2018	N/A

1. 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 or similar entertainment that shall take place.
2. 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).
3. The performance of relevant entertainment shall be restricted to the stage area of the premises only.

The applicant has proposed the following alternative condition:

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

4. 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.
5. 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.
6. 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.
7. No provision of relevant entertainment, or material depicting nudity or relevant entertainment, shall be visible from outside the premises.
8. 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.
9. 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.

10. Adequate toilets, washing and changing facilities for use by the Performers shall be provided.
11. Either the licence holder or a named responsible person shall be present throughout the time the Relevant Entertainment takes place.
12. The premises will install and maintain a comprehensive CCTV system as per the minimum requirements of a Metropolitan Police Crime Prevention Officer that ensures all areas of the licensed premises are monitored including all entry and exit points will be covered enabling frontal identification of every person entering any light condition. All cameras shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period together with facilities for viewing.
13. 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.
14. 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.
15. 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.
16. 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.

17. 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.
18. Relevant entertainment shall be given only by performers and the audience shall not be permitted to participate in the relevant entertainment.
19. There shall be no physical contact between Performers whilst performing.

The applicant has proposed the following alternative condition.

Save for performances by the Windmill Girls, there shall be no physical contact between Performers whilst performing Relevant Entertainment.

20. 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.
21. Customers must remain fully clothed at all times. The Performer must not remove any of the customer's clothing at any time.
22. Whenever Relevant Entertainment is being provided there shall be no physical contact between Performers and customers or between customers and Performers.

Conditions proposed by Environmental Health and agreed by the applicant

23. The maximum capacity of the premises shall not exceed:
 - i) Ground Floor and Mezzanine - 250 persons (excluding staff).
 - ii) Basement - 100 persons (excluding Staff)

The above figures are subject to the following restrictions on the whole Premises.

- iii) From 09:00am to 3.30am - 350 persons (excluding Staff)
 - iv) From 3.30am to 5.00am - 150 persons (excluding Staff)
24. 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.
25. All emergency exit doors shall be available at all material times without the use of a key, code, card or similar means.
26. All emergency doors shall be maintained effectively self-closing and not held open other than by an approved device.
27. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.

28. Curtains and hangings shall be arranged so as not to obstruct emergency safety signs or emergency equipment.
29. 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.
30. The approved arrangements at the premises, including means of escape provisions, emergency warning equipment, the electrical installation and mechanical equipment, shall at all material times be maintained in good condition and full working order.
31. The means of escape provided for the premises shall be maintained unobstructed, free of trip hazards, be immediately available and clearly identified in accordance with the plans provided.
32. Any special effects or mechanical installations shall be arranged and stored so as to minimise any risk to the safety of those using the premises. The following special effects will only be used on 10 days prior notice being given to the Licensing Authority where consent has not previously been given.
 - i. pyrotechnics including fire works
 - ii. firearms
 - iii. lasers
 - iv. explosives and highly flammable substances.
 - v. real flame.
 - vi. strobe lighting.
33. 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.

Informative

Definitions

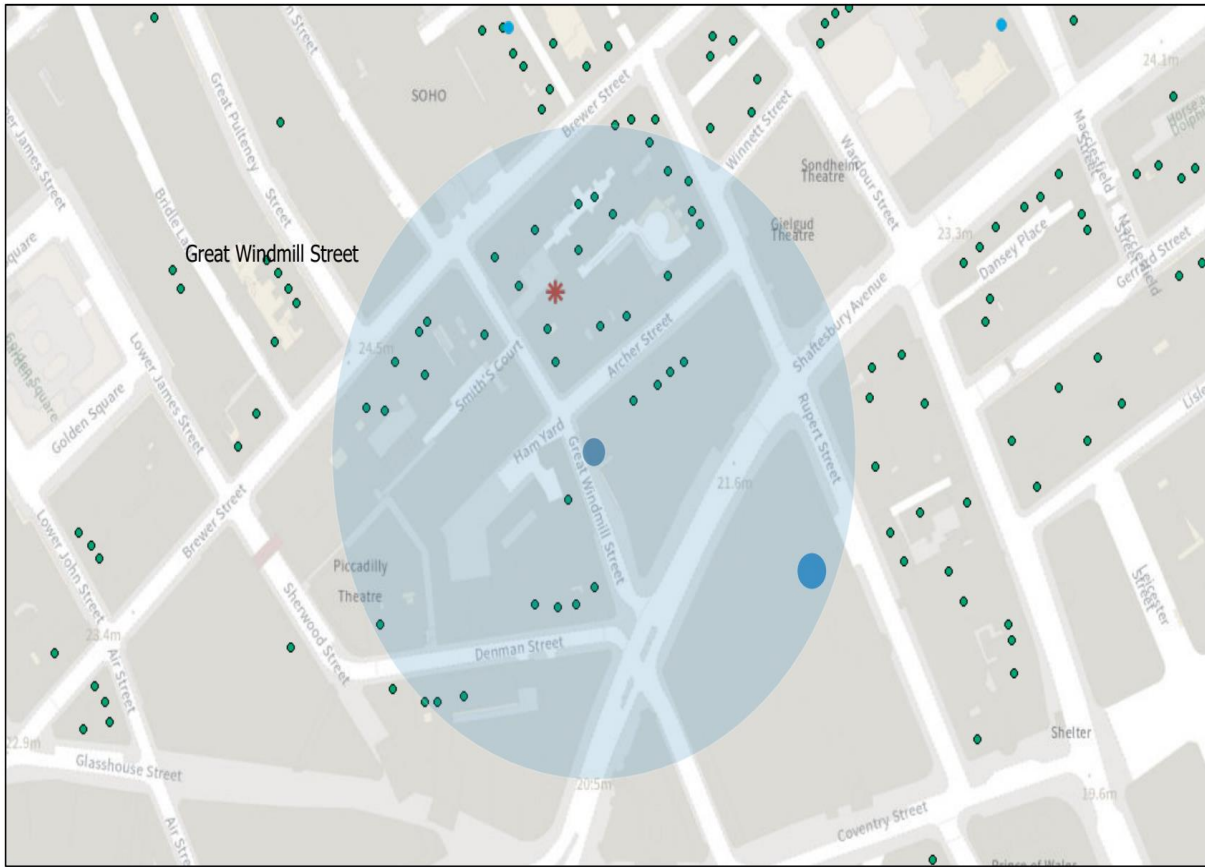
Relevant Entertainment is defined as:

- (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).

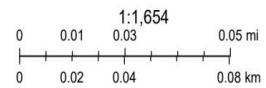
Performer is defined as any person operating at a sexual entertainment venue who carries out any activity falling within the definition of Relevant Entertainment.

17-19 Great Windmill Street



15/03/2023, 17:33:07

- | | | | |
|------------------|-----------|---------------|---------------|
| ● Faith Groups | ● Schools | ★ Primary | ★ Independent |
| ● Resident Count | ● Others | ★ Free School | ★ Nursery |
| | ★ Academy | ★ Special | ★ Secondary |



Resident count: 253
 Sex Establishments: 1
 Schools: 1
 Faith Groups: 0

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City of Westminster Licensing Sub-Committee

Meeting:	<i>Licensing Sub-Committee</i>
Date:	<i>23 March 2023</i>
Classification:	<i>General Release</i>
Premises:	<i>La Capannina, Basement, 21 Bateman Street, London, W1D 3AL</i> <i>23/00288/LISEVR</i>
Wards Affected:	<i>West End, Core CAZ North</i>
Financial Summary:	<i>None</i>
Report of:	<i>Operational Director for Premises Management</i>

1. Executive Summary

- 1.1 The Council has received an application for the Renewal of the Sex Establishment Licence (Sexual Entertainment Venue) under the Local Government (Miscellaneous Provisions) Act 1982 (as amended by the Policing and Crime Act 2009) for the Premises known as La Capannina, Basement, 21 Bateman Street, London, W1D 3AL. The report sets out the application details, representations, policy and legal context along with other considerations that the Licensing Sub-Committee requires to determine this application.

2. Powers of the Licensing Sub-Committee

- 2.1 That following consideration of the application and evidence given orally at the hearing and in writing by the applicant and objectors the Licensing Sub-Committee's powers are to:
 - 2.1.1 Grant the application in full
 - 2.1.2 Grant the application subject to the standard conditions and/or any modifications to any part of the application and imposition of any additional conditions proposed by a party to the hearing, or
 - 2.1.3 Refuse the application

3. Relevant History

- 3.1 The Premises has operated as a sex establishment since 2012 with the licence held by Goldhonour Limited. Following the grant of the sex establishment licence in 2012, annual renewal applications on behalf of Goldhonour Limited have been submitted and granted under delegated authority since 2014. The last renewal application was submitted on 13 January 2022 and was granted under delegated authority. This licence (reference 22/00285/LISEVR) expired on 20 January 2023. A copy of licence 22/00285/LISEVR is attached as **Appendix A**.
- 3.2 A copy of the full sex establishment licence history for this Premises since 2012 is attached at **Appendix B**.

4. Application being considered

- 4.1 On 17 January 2023 Goldhonour Limited submitted an application to renew the sexual entertainment venue premises licence to provide full and partial nudity striptease, pole dancing and table dancing on Monday to Saturday from 10:00 to 03:00, and on Sunday from 10:00 to 00:00.
- 4.2 The applicant has not requested to change the relevant entertainment or to remove any standard conditions to the licence if this application is granted. A copy of the application form is attached at **Appendix C**.
- 4.3 As a valid application has been received prior to the expiry of the SEV Premises Licence, the licence is deemed to continue until it is determined by the Council.

5. Objections

- 5.1 The application has received one objection from an interested party, set out at **Appendix D**.

6. Licensing Act 2003 Premises Licence

- 6.1 The Premises also have the benefit of a Premises Licence. The Current Premises Licence reference is 19/09656/LIPDPS and a copy of the Premises Licence appears at **Appendix E**.

7. Policy Considerations

7.1 Suitability of applicant – SU1

The applicant has stated that no relevant offences have been committed. In addition, the Police and the Council's Licensing Inspectorate have carried out fit and proper persons checks and have not made any objections to the application.

7.2 SEV carried on for the benefit of another person – SU2

The Police and the Council's Licensing Inspectorate have undertaken appropriate checks and have made no comments.

7.3 Appropriate number of SEV in a locality – NO1

The appropriate number of sexual entertainment venues in the relevant localities is 25 in the Westminster core CAZ north. As the premises are currently licensed this application, if granted, will not exceed 25.

7.4 Character of the relevant locality – LO1

Bateman Street is located in Soho and is surrounded by a range of premises with a mix of entertainment and social venues and business spaces, together with a small number of residential use. Within a 100 metre radius of the premises, there is a resident count of 155.

7.5 Use of premises in the vicinity – LO2

The main use of the Premises in the immediate vicinity are commercial. There is one sex shop and one other SEV premises, within a 100 metre radius of the Premises. There is one place of worship and no schools located within a 100 metre radius of the Premises. A map of the relevant locality is attached to this report at **Appendix F**.

7.6 Layout, character or condition of the venue – LO3

The Premises is spread over the basement and ground floor. Only the basement floor is included within the licensable area for Relevant Entertainment purposes.

8. Legal Implications

8.1 The Licensing Sub-Committee may determine to:

- (a) Grant the application in full
- (b) Grant with additional special conditions which the Licensing Sub-Committee deem appropriate; or
- (c) Refuse the application.

8.2 Before refusing to renew an application, the Licensing Authority shall give the licence holder an opportunity to appear before and of being heard by the Licensing Sub-Committee (Para 10(19) Schedule 3 LG(MP)A1982).

8.3 In considering this application, the Licensing Sub-Committee shall have regard to any observations submitted to them by the Chief Officer of Police and any objections that have been received in writing within the 28 day consultation period (Para 10(18) Schedule 3 LG(MP)A1982).

8.4 The Licensing Sub-Committee may refuse to grant or renew a licence for the following reasons set out in (Para 12(3) Schedule 3 LG(MP)A1982):

- (a) that the applicant is unsuitable to hold a licence by reason of having been convicted of an offence or for any other reason;
- (b) that if the licence were to be granted the business to which it relates would be managed by or carried on for the benefit of a person, other than the applicant, who would be refused the grant of such a licence if he made the application himself;
- (c) that the number of sex establishments, or of sex establishments of a particular kind, in the relevant locality at the time the application is determined is equal to or exceeds the number which the authority consider is appropriate for that locality;
- (d) that the grant or renewal of the licence would be inappropriate, having regard:
 - (i) to the character of the relevant locality; or
 - (ii) to the use to which any premises in the vicinity are put; or
 - (iii) to the layout, character or condition of the premises, vehicle, vessel or stall in respect of which the application is made.

An applicant whose application for the grant or renewal of a licence is refused on either ground specified in paragraph (c) or (d) above shall not have the right to appeal to the magistrates' court.

- 8.5 If the Licensing Sub-Committee determine to grant a Sexual Entertainment Venue licence, the licence will be subject to the Standard Conditions for Sexual Entertainment Venue licences, unless the Sub-Committee determines that certain Standard Conditions should be expressly excluded or varied (Para 13(4) Schedule 3 LG(MP)A1982).
- 8.6 Should the Licensing Sub-Committee determine to refuse the application for the renewal of a licence under Paragraph 12(3)(a) or (b) Schedule 3 LG(MP)A 1982, the applicant may appeal to the Magistrates' Court within 21 days beginning with the date on which the applicant is notified of the refusal of his application (Para 27(1) Schedule 3 LG(MP)A1982).

9. Human Rights and Equality Issues

- 9.1 In making a decision consideration will need to be given to the applicant's rights under the European Convention on Human Rights. The right to peaceful enjoyment of possessions (Article 1 of the First Protocol) and freedom of expression (Article 10) may be relevant.
- 9.2 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.
- 9.3 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.
- 9.4 An Equalities Impact Assessment has been conducted and the Council believes that the granting of this application for the sexual entertainment venue licence renewal for Sophisticats will not have an adverse impact or unlawfully discriminates against any protected characteristics.

Appendices

- A - Copy of existing sex establishment licence 22/00285/LISEVR
- B - Sex establishment licence history
- C - Application form
- D - Objections
- E - Copy of premises licence 19/09656/LIPDPS
- F – Map of locality

If you have any queries about this Report or wish to inspect any of the background papers please contact: Jessica Donovan on 020 7641 6500 or at Jdonovan@westminster.gov.uk

BACKGROUND PAPERS

Local Government (Miscellaneous Provisions) Act 1982
Policing and Crime Act 2009
Sexual Entertainment Venues Statement of Licensing Policy 2012
Sexual Entertainment Venues Guidance and Procedure effective 17 February 2012
Home Office Guidance March 2010

**SEX ESTABLISHMENT LICENCE
Sexual Entertainment Venue**

Premises licence number: 22/00285/LISEVR

Original Reference: 12/02623/LISEVN

The CITY OF WESTMINSTER, under the provisions of the Local Government (Miscellaneous Provisions) Act 1982 as amended by the Policing and Crime Act 2009

hereby licences: Goldhonour Limited
to use the premises: La Capannina
Basement
21 Bateman Street London
W1D 3AL

as a Sexual Entertainment Venue.

This licence commences from the **21 January 2022** and will expire on the **20 January 2023**.

Relevant Entertainment (namely striptease, pole dancing, table dancing including full and partial nudity) may be provided during the following times:

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

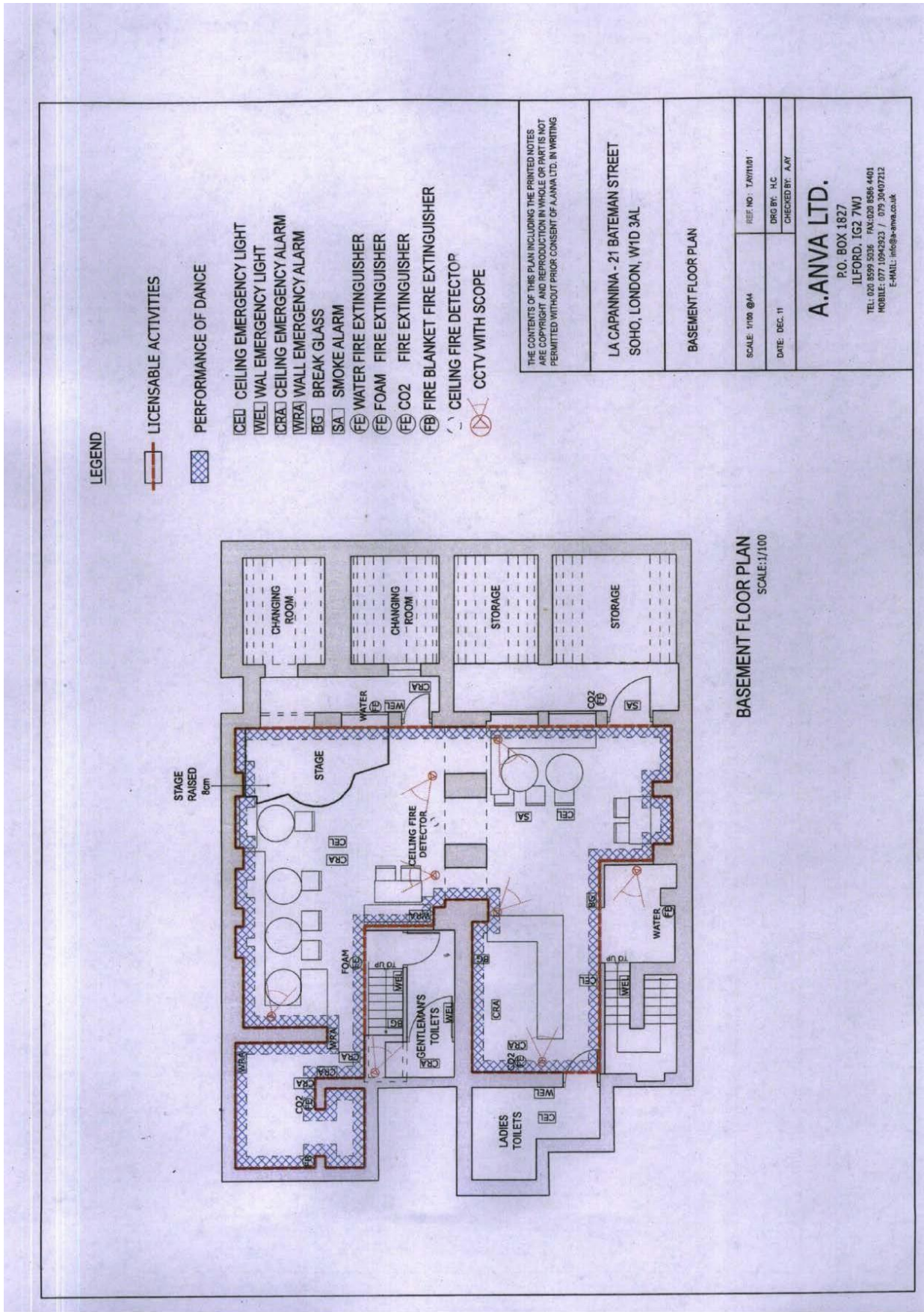
Relevant Entertainment may only be provided in the permitted areas outlined in red shown on the plans attached at Appendix 1.

This licence is granted subject to the conditions attached at Appendix 2.

DATE: 21 April 2022

SIGNED: 

**On behalf of the Operational Director -
Public Protection and Licensing.**



LEGEND

- LICENSABLE ACTIVITIES
- PERFORMANCE OF DANCE
- CEILING EMERGENCY LIGHT
- WALL EMERGENCY LIGHT
- CEILING EMERGENCY ALARM
- WALL EMERGENCY ALARM
- BREAK GLASS
- SMOKE ALARM
- WATER FIRE EXTINGUISHER
- FOAM FIRE EXTINGUISHER
- CO2 FIRE EXTINGUISHER
- FIRE BLANKET FIRE EXTINGUISHER
- CEILING FIRE DETECTOR^P
- CCTV WITH SCOPE

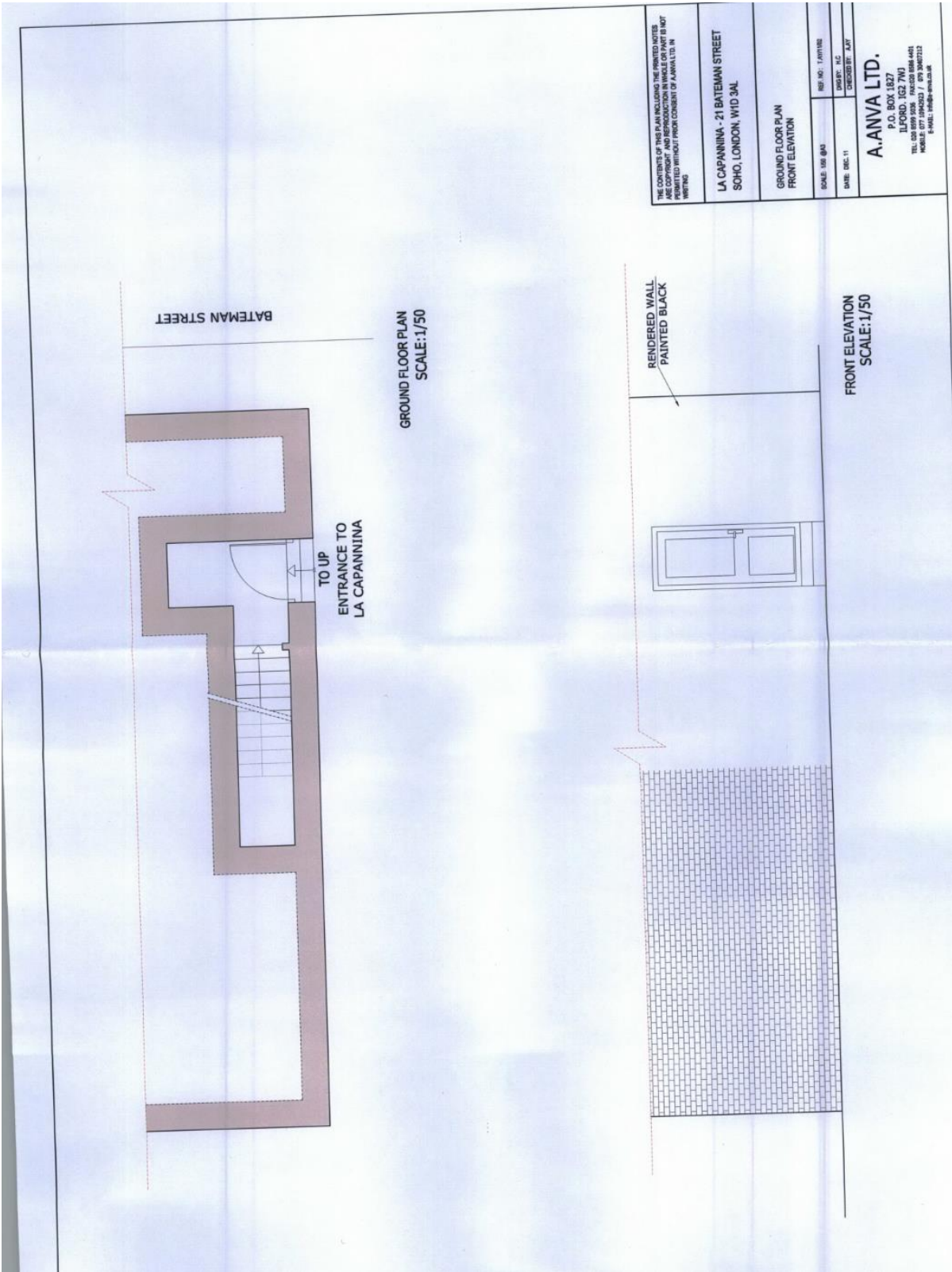
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LA CAPANNINA - 21 BATEMAN STREET
SOHO, LONDON, W1D 3AL

BASEMENT FLOOR PLAN

BASEMENT FLOOR PLAN
SCALE: 1/100

SCALE: 1/100 @A4	REF. NO: TAV1101
DATE: DEC. 11	DRG BY: H.C
	CHECKED BY: A.A.V
A.A.N.V.A. LTD.	
P.O. BOX 1827 ILFORD, IG2 7WJ	
TEL: 020 8599 5036 FAX: 020 8586 4401 MOBILE: 077 10942523 / 079 30407212 E-MAIL: info@a-anva.co.uk	



Appendix 2 – Conditions

Standard conditions

1. Whilst Relevant Entertainment is taking place no person under the age of 18 shall be on the licensed premises and a clear notice to that effect shall be displayed at the entrance in a prominent position so that it can be easily read by persons entering the premises.
2. Whenever persons under the age of 18 are admitted to the premises there will be no promotional or other material on display within the premises which depicts nudity or partial nudity.
3. The licence or a clear copy shall be prominently displayed at all times so as to be readily and easily seen by all persons using the premises.
4. No provision of relevant entertainment, or material depicting nudity or relevant entertainment, shall be visible from outside the premises.
5. Menus and drinks price lists shall be clearly displayed at the front entrance of the club, reception area, tables and bar at such a position and size as to be easily read by customers. This price list shall show all consumable items and any minimum tariff including charges and fees applicable to Performers.
6. Except with the consent of the Licensing Authority, no advertisements of any kind (including placard, poster, sticker, flyer, picture, letter, sign or other mark) shall be inscribed or affixed at the premises, on the surface of the highway or on any building, structure, works, street furniture, tree or any other property or be distributed in the street to the public that advertises or promotes the relevant entertainment at the premises.
7. The licence holder or other person concerned in the conduct or management of the premises shall not seek to obtain custom by means of personal solicitation or touting, nor enter into any agreement with a third party to do so.
8. Adequate toilets, washing and changing facilities for use by the Performers shall be provided.
9. Either the licence holder or a named responsible person shall be present throughout the time the Relevant Entertainment takes place.
10. The premises will install and maintain a comprehensive CCTV system as per the minimum requirements of a Metropolitan Police Crime Prevention Officer that ensures all areas of the licensed premises are monitored including all entry and exit points will be covered enabling frontal identification of every person entering any light condition. All cameras shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Recordings shall be made available immediately upon the request of

Police or authorised officer throughout the preceding 31 day period together with facilities for viewing.

11. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open to the public and this staff member should be able to show Police recent data and footage with the absolute minimum of delay of the request.
12. An incident log shall be kept at the premises, and made available on request to the Licensing Authority or the Police, which will record the following:
 - (a) all crimes reported to the venue;
 - (b) all ejections of patrons;
 - (c) any complaints received;
 - (d) any incidents of disorder;
 - (e) seizures of drugs or offensive weapons;
 - (f) any faults in the CCTV system or searching equipment or scanning equipment;
 - (g) any refusal of the sale of alcohol;
 - (h) any visit by a relevant authority or emergency service;
 - (i) any breach of licence conditions reported by a Performer
13. The licence holder shall produce a Code of Conduct setting out rules and obligations between the licence holder and performers whilst performing. All Performers shall sign the Code of Conduct in their proper name acknowledging that they have read, understood and are prepared to abide by the said Code of Conduct, and a copy so signed shall be retained by the licence holder and shall be readily available for inspection by the Police and/or authorised persons upon reasonable request.
14. Individual records shall be kept at the premises of the real names, stage names and addresses of all Performers working at the premises. The record will include either a copy of their birth certificate, current passport, EU driving licence or national identity card and shall be made immediately available for inspection by the Police and/or the Licensing Authority upon request.
15. Details of all work permits and/or immigration status relating to persons working at the premises shall be retained by the licence holder and be readily available for inspection by the Licensing Authority, a Police Officer or Immigration Officer.
16. Relevant Entertainment shall be given only by Performers and the audience shall not be permitted to participate in the relevant entertainment.
17. There shall be no physical contact between Performers whilst performing.
18. Performers will not request or give out any telephone number, address or any other contact information from or to any customer. Any such information given by a customer shall be surrendered to the premises manager as soon as is practicable.
19. Relevant Entertainment shall take place only in the designated areas approved by the Licensing Authority as shown on the licence plan. Arrangements for access to the

dressing room shall be maintained at all times whilst Relevant Entertainment is taking place and immediately thereafter.

20. Customers must remain fully clothed at all times. The Performer must not remove any of the customer's clothing at any time.
21. Where Relevant Entertainment is provided in booths, or other areas of the premises where private performances are provided, the booth or area shall not have a door or other similar closure, the area shall be constantly monitored by CCTV, and access to the booth or other area shall be adequately supervised.
22. Whenever Relevant Entertainment is being provided there shall be no physical contact between Performers and customers or between customers and Performers except for the exchanging of money or tokens at the beginning or conclusion of the performance and only for the purpose of that performance. Clearly legible notices to this effect shall clearly be displayed in each private booth and in any performance area.
23. Performers must redress fully immediately after each performance.

Additional conditions

24. 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.
24. Curtains and hangings shall be arranged so as not to obstruct emergency signs.
25. The approved arrangements at the premises, including means of escape provisions, emergency warning equipment, the electrical installation and mechanical equipment, shall at all material times be maintained in good condition and full working order.
26. The means of escape provided for the premises shall be maintained unobstructed, free of trip hazards, be immediately available and clearly identified in accordance with the plans provided.
27. All exit doors shall be available at all material times without the use of a key, code, card or similar means.

28. 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.
29. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
30. 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.

Sex Establishment Licence History**Appendix B**

<u>Application reference</u>	<u>Details of application</u>	<u>Date of determination</u>	<u>Decision</u>
12/02623/LISEVN	Application for a new Sexual Entertainment Venue licence	17.07.2012	Granted by Licensing Sub-Committee
14/00209/LISEVR	Application to renew the Sexual Entertainment Venue licence	10.03.2014	Granted under Delegated Authority
15/00589/LISEVR	Application to renew the Sexual Entertainment Venue licence	02.06.2015	Granted under Delegated Authority
16/00394/LISEVR	Application to renew the Sexual Entertainment Venue licence	04.03.2016	Granted under Delegated Authority
17/00685/LISEVR	Application to renew the Sexual Entertainment Venue licence	08.03.2017	Granted under Delegated Authority
18/00707/LISEVR	Application to renew the Sexual Entertainment Venue licence	07.03.2018	Granted under Delegated Authority
19/00855/LISEVR	Application to renew the Sexual Entertainment Venue licence	21.03.2019	Granted under Delegated Authority
20/00813/LISEVR	Application to renew the Sexual Entertainment Venue licence	24.02.2020	Granted under Delegated Authority
21/00324/LISEVR	Application to renew the Sexual Entertainment Venue licence	17.02.2021	Granted under Delegated Authority
22/00285/LISEVR	Application to renew the Sexual Entertainment Venue licence	10.02.2022	Granted under Delegated Authority

Westminster City Council

Application for a sexual entertainment venue licence
Local Government (Miscellaneous Provisions) Act 1982

Application is hereby made and the necessary fee will be sent for a:

New Licence	<input type="checkbox"/>	
Transfer of Licence	<input type="checkbox"/>	Licence search
Renewal of Licence	<input checked="" type="checkbox"/>	Licence number <input type="text" value="22/00285/LISEVR"/>
Variation of Licence	<input type="checkbox"/>	

Part 1 - Application Details

Name of premises

Address of premises

Postcode

The application is being made -

If application is made on behalf of an individual:

Title	<input type="text"/>	<input type="text"/>
Name	<input type="text"/>	Occupation (during preceding six months)
Surname	<input type="text"/>	<input type="text"/>
Date of birth	<input type="text"/>	Telephone number

If application is made on behalf of a corporate or incorporated body:

Name of applicant body:

Is this an unincorporated or body corporate? Unincorporated Body corporate

Registered / principal office address:

Postcode

Company number

Full names of directors and other persons responsible for the management of the body, including the names of managers, company secretary and similar officers and the manager of the establishment

Please continue by answering the questions you are asked below -

Part 2 - Licence Details

What hours and what days are you applying for?

What *relevant* entertainment will be performed?

For variation applications - what does the variation consist of?

Is only part of the building to be licensed?

No

Yes Please provide details

Will any part of the premises be used for the exhibition of moving pictures?

No

Yes Please provide details

Does the applicant presently use the premises as a sex establishment?

No

Yes If yes, when did the use commence?

If not, what is the present use?

Supporting Material Checklist - tick to confirm

- I understand that I am required to send this application with a plan showing the area to be licensed and the statutory declarations for the applicants, the directors of the company applying for the licence and any other person who will be responsible for the management of the licensed premises.

I confirm that no changes have taken place since the last renewal

All supporting material should be sent / provided to the address shown on the declaration.

Declaration Page

Important

It is an offence, liable on conviction to a fine up to level 5 on the standard scale, under section 158 of the licensing act 2003 to make a false statement in or in connection with this application

Fee

The non-returnable fee for this application is £1096.00 and must be submitted with this application.

An additional fee of £2379.00 will be payable before any approval is issued

Declaration

I hereby declare that the information given on this form is correct to the best of my knowledge and belief.

I understand we are required to send / provide the sum of £1096.00, being the fee for this application.

Confirmation Date Name
Capacity

Contact details for correspondence, leave blank if due to be provided premises address

Title
Name
Surname
Postal address
Postcode
Telephone number
Email address

Supporting Material Return Address

Please send all supporting material to the address below. Specific documents will be returned to the correspondence address after a decision has been made regarding the application.

- [REDACTED]

Received: 10 Feb 2023

23/00288/LISEVR

OBJECTION to renewal premises licence application for La Capannina

Dear Sir/Madam,

I write as a local resident to object to the renewal of this SEV licence.

I understand that the SEV licence has a condition that:

'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.'

I believe that this condition is breached on a regular and ongoing basis.

Specifically, there is a woman who touts for business for the club, at the top of her voice, on the street [REDACTED] until the early hours almost every night. I believe that she is employed by the club but even if not she is still clearly doing it for pecuniary gain. Whether she is employed or not, the condition should still prevent this happening. It is very disturbing in many ways. It wakes us up or keeps us awake and serves to encourage people, who are frequently drunk, to hang around in a threatening way. We have had a number of arrests in recent weeks in the immediate vicinity including a mass brawl around 3am on 1st February that left someone fighting for their life.

I am concerned about increasing public nuisance in the immediate area and indeed public safety and crime and disorder. La Capannina opens late. Zebrano opens late, Simmons has applied for a 3am licence. With other late night venues further afield, the touting attracts people to the vicinity (as it is obviously intended to do) and the attendant additional footfall can easily lead to flashpoints at worst, noise nuisance at best.

I understand that the Council applies standard conditions to all SEV licences.

The Council's SEV Policy states that:

3.1.7 Through standard conditions the council seeks to ensure that sexual entertainment venues are well managed and supervised, restrict the sexual entertainment activities and the manner in which they are permitted to be provided, protect performers, and control the impact of the venue and its customers in relation to its locality.

3.1.8 Specifically, standard conditions could include measures which would: (a) [] (b) [] (c) control advertising and touting of the venue at the premises and in the locality

The issues I have experienced are clearly anticipated in the SEV policy e.g.:

2.4.9 The council is also aware of the potential for crime and anti social behaviour associated with the location of sexual entertainment venues, such as prostitution, touting and "clipping", which it would be particularly inappropriate to introduce in localities of the character identified in paragraph 2.4.6 above (i.e. predominately residential, high profile retail, of historic importance or iconic in nature, or one of family entertainment or leisure).

This issue is specifically related to the operation of the premises as an SEV.

I question the suitability of an applicant who permits this to happen i) in breach of a condition to which every SEV is subject; and ii) when it causes a nuisance to residents. My main objection is that with this issue ongoing and unresolved, to grant the renewal would be inappropriate, having regard:

- i) To the character of the relevant locality; and
- ii) To the use to which any premises in the vicinity are put;

These points align with policies LO1 (character of relevant locality' and LO2 (use of premises in the vicinity) in the Council's SEV policy.

I confirm that I do not waive my right to anonymity.



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

Schedule 12
Part A

WARD: West End
UPRN: 010033589966

Premises licence

Regulation 33, 34

Premises licence
number:

19/09656/LIPDPS

Original Reference:

05/10471/LIPC

Part 1 – Premises details

Postal address of premises:

La Capannina Club
Basement
21 Bateman Street
London
W1D 3AL

Telephone Number: Not Supplied

Where the licence is time limited, the dates:

Not applicable

Licensable activities authorised by the licence:

Performance of Dance
Performance of Live Music
Playing of Recorded Music
Anything of a similar description to Live Music, Recorded Music or Performance of Dance
Late Night Refreshment
Private Entertainment consisting of dancing, music or other entertainment of a like kind for consideration and with a view to profit
Sale by Retail of Alcohol

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

Performance of Dance

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

Performance of Live Music

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

Playing of Recorded Music

Unrestricted

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

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

Late Night Refreshment

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

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

Unrestricted

Sale by Retail of Alcohol

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

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

The opening hours of the premises:

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

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

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

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

Goldhonour Limited
21 Bateman Street
London
W1D 3AL

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

05305669

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

Name: Peter Eyre

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: 26047

Licensing Authority: London Borough Of Tower Hamlets

Date: 22 October 2019

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

Conditions relating to regulated entertainment

9. This licence is subject to all the former Rules of Management for Places of Public Entertainment licensed by Westminster City Council, in force from 4 September 1998 and incorporating amendments agreed by the Council on 25 October 1999, 30 June 2000, 16 January 2001 and 1 October 2001.
10. On New Year's Eve the premises can remain open for the purpose of providing regulated entertainment from the time when the provision of regulated entertainment must otherwise cease on New Year's Eve to the time when regulated entertainment can commence on New Year's Day (or until midnight on New Year's Eve where no regulated entertainment takes place on New Year's Day).
11. Notwithstanding the provisions of rule of management no.6 the premises may remain open for the purposes of this licence from 23:00 on each of the days Monday to Saturday to 03:00 on the day following and from 23:00 to 00:00 on Sundays.
12. The main entrance door shall be locked back in the open position during the whole time the premises are open to the public
- 13.* Notwithstanding the provisions of rule of management no. 4 entertainment by way of traditional strip tease may be provided.
14. All refuse must be paid, properly presented, and can only be placed on the street 30 minutes before the scheduled collection time
15. No unauthorised advertisements of any kind (including placard, poster, sticker, flyer, picture, letter, sign or other mark) is inscribed or affixed upon the surface of the highway, or upon any building, structure, works, street furniture, tree, or any other property, or is distributed on street to the public that advertises or promotes the establishment, its premises, or any of its events, facilities, goods and services.
16. The number of persons accommodated at any one time (excluding staff) in the basement shall not exceed 50.

Conditions for Sale of Alcohol

17. Substantial food and suitable non intoxicating beverages, including drinking water, shall be available throughout the permitted hours in all parts of the premises where intoxicating liquor is sold or supplied.

18. On any evening where the premises are open for music, dance or entertainment and a section 77 special hours certificate is in operation, intoxicating liquor may not be sold or supplied to persons admitted to the premises after 23:00 other than to Persons who have paid a minimum admission fee of at least £5 Sunday to Thursday, and £7 Friday and Saturday for admission (not to be credited against consumables); or Persons who have paid a minimum annual admission fee of at least £150 payable; or members of the club and their bone fide guests, a list of whom will be held at reception for inspection by the appropriate authorities. No person shall be admitted to membership without an interval of at least 24 hours between nomination or application for membership or admission. Any person attending a private function at the premises, details of the type of function, host and list of persons attending having been provided to police at least 24 hours previously; or Artistes or persons employed on the premises; or Bone fide guests of the proprietor (not exceeding 10% of the total capacity for the premises as specified in the Public Entertainment Licence for the premises), a list of whom shall be kept at reception for inspection by appropriate authorities; or Persons taking full table meals a list of whom are held for inspection by the relevant statutory authorities.
19. A closed circuit television system shall be installed, maintained and operated correctly as agreed with by a Metropolitan Police Crime Prevention Officer. The tapes from the system to be retained for a period of 28 days.
20. No payment to be made by or on behalf of the premises for distribution of flyers or tickets within public areas in the Licensing Districts of Westminster
21. * No Performers under 21 years of age to be allowed admittance.
22. * All persons employed as performers must provide to the licence holders the following documentation Birth Certificate or passport/ID documentation. The documents to be copied and retained by the licensees. The documents to be made available to the statutory authorities at their request.
- 23.* The licence holders are to introduce a code of conduct for performers, to be approved by the police, which is to be deposited with licensing Justices'.

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

24. (a) Subject to the following paragraphs, the permitted hours on weekdays shall commence at 10.00 (12.00 on Christmas Day and Good Friday) and extend until 03.00 on the morning following, except that -
 - (i) the permitted hours shall end at 00.00 midnight on any day on which music and dancing is not provided after midnight; and
 - (ii) on any day that music and dancing end between 00.00 midnight and 03.00, the permitted hours shall end when the music and dancing end;
- (b) In relation to the morning on which summer time begins, paragraph (a) of this condition shall have effect-
 - (i) with the substitution of references to 04.00 for references to 03.00.

(c) The permitted hours on Sundays shall commence at 12.00 and extend until 00.00 on the morning following.

(d) The sale of alcohol must be ancillary to the use of the premises for music and dancing and substantial refreshment.

(e) The permitted hours on New Year's Eve will extend to the start of permitted hours on the following day, or if there are no permitted hours on 1 January, to 00.00 on New Year's Eve.

NOTE - The above restrictions do not prohibit:

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

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

(c) the sale or supply of alcohol to or the consumption of alcohol by any person residing in the licensed premises;

(d) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;

(e) the sale of alcohol to a trader or registered club for the purposes of the trade or club;

(f) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of her Majesty's naval, military or air forces;

(g) the taking of alcohol from the premises by a person residing there;

(h) the supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of alcohol by persons so supplied;

(i) the supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence, or the consumption of liquor so supplied, if the liquor is supplied at the expense of their employer or of the person carrying on or in charge of the business on the premises.

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

25. No person under fourteen shall be in the bar of the licensed premises during the permitted hours unless one of the following applies:

(a) He is the child of the holder of the premises licence.

(b) He resides in the premises, but is not employed there.

(c) He is in the bar solely for the purpose of passing to or from some part of the premises which is not a bar and to or from which there is no other convenient means of access or egress.

(d) The bar is in railway refreshment rooms or other premises constructed, fitted and intended to be used bona fide for any purpose to which the holding of the licence is ancillary.

In this condition "bar" includes any place exclusively or mainly used for the consumption of intoxicating liquor. But an area is not a bar when it is usual for it to be, and it is, set apart for the

service of table meals and alcohol is only sold or supplied to persons as an ancillary to their table meals.

26. If any entertainment is provided for children or if an entertainment is provided at which the majority of persons attending are children, then, if the number of children attending the entertainment exceeds 100, it shall be the duty of the holder of the premises licence (or the holder of the club premises certificate):

(a) to station and keep stationed wherever necessary a sufficient number of adult attendants, properly instructed as to their duties, to prevent more children or other persons being admitted to the building, or to any part thereof, than the building or part can properly accommodate,

(b) to control the movement of the children and other persons admitted while entering and leaving the building or any part thereof, and

(c) to take all other reasonable precautions for the safety of the children.

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

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

Annex 2 – Conditions consistent with the operating Schedule

None

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



None

Annex 4 – Plans

NOTE:
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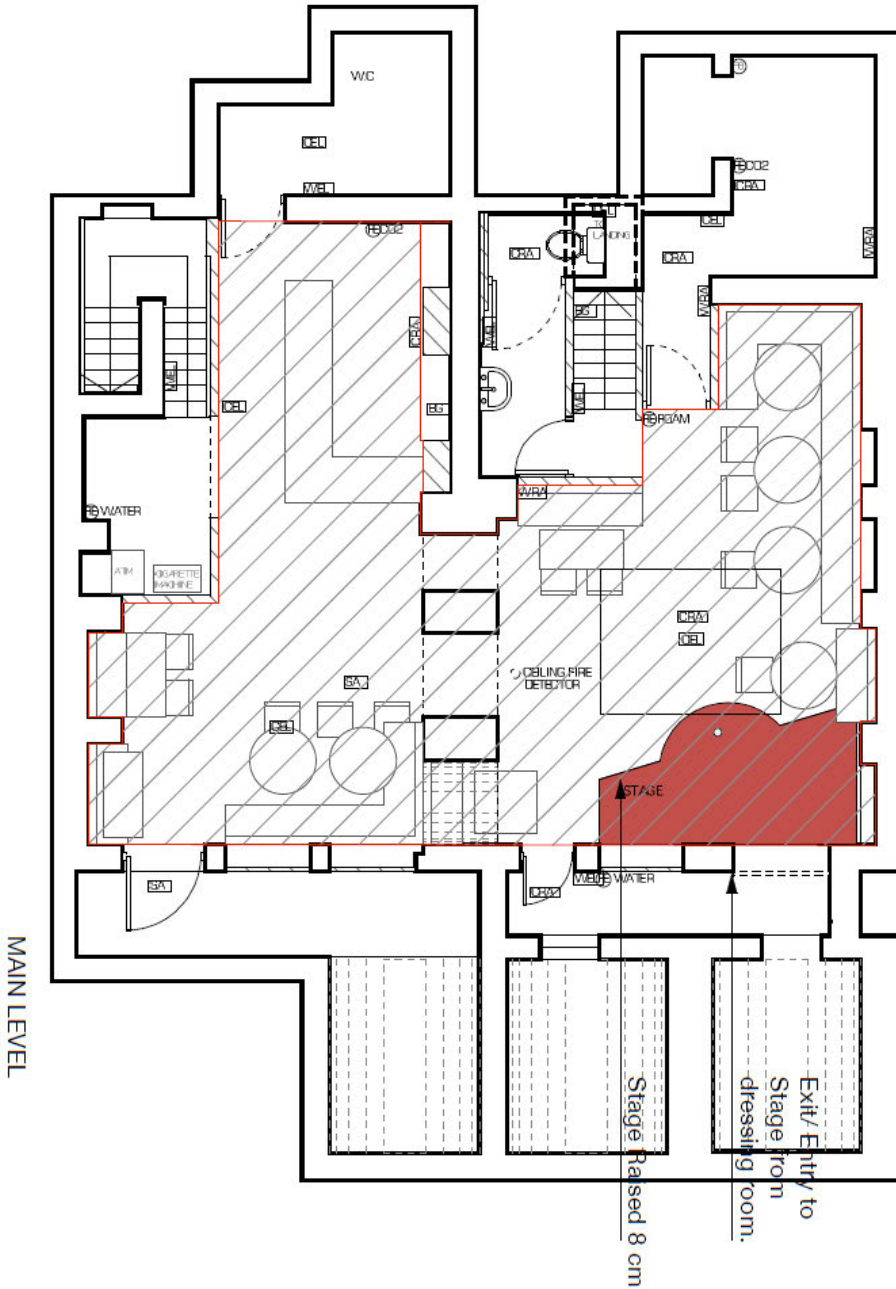
KEY

- CEL CEILING EMERGENCY LIGHT
- WEL WALL EMERGENCY LIGHT
- GRA CEILING EMERGENCY ALARM
- WRA WALL EMERGENCY ALARM
- BG BREAK GLASS
- SA SMOKE ALARM
- WATER FIRE EXTINGUISHER
- FB FIRE Blanket FIRE EXTINGUISHER
- FOO2 FIRE EXTINGUISHER
- FOAM FIRE EXTINGUISHER
- CEILING FIRE DETECTOR

-  Authorized Licensable Activities - Regulated Ent/ Sale of Alcohol by Retail / Late Night Refreshment
-  Performance of Dance

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La Capannina Location of New Stage area & Licensable Activities Areas



MAIN LEVEL

OTB DESIGN A Creative Design & Production Studio T: 02088 917171 Company No: 723848 STAFF:	Project: LA CAPANNINA, 21 BATEMAN ST SOHO, LONDON, W1D 3AL	Client: LA CAPANNINA	Details: La Capannina Location of New Stage area & Licensable Activities Areas	Project No: CO9021	Scale: 1:75 @ A4, 1:100 @ A3	Drawn By: TO
				Drawing No: D-003	Date: MAR 2010	Checked By: JA



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

Schedule 12
Part B

WARD: West End
UPRN: 010033589966

Premises licence
summary

Regulation 33, 34

Premises licence
number:

19/09656/LIPDPS

Part 1 – Premises details

Postal address of premises:

La Capannina Club
Basement
21 Bateman Street
London
W1D 3AL

Telephone Number: Not Supplied

Where the licence is time limited, the dates:

Not applicable

Licensable activities authorised by the licence:

Performance of Dance
Performance of Live Music
Playing of Recorded Music
Anything of a similar description to Live Music, Recorded Music or Performance of Dance
Late Night Refreshment
Private Entertainment consisting of dancing, music or other entertainment of a like kind for consideration and with a view to profit
Sale by Retail of Alcohol

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

Performance of Dance

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

Performance of Live Music

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

Playing of Recorded Music

Unrestricted

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

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

Late Night Refreshment

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

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

Unrestricted

Sale by Retail of Alcohol

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

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

The opening hours of the premises:

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

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

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

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

Goldhonour Limited
21 Bateman Street
London
W1D 3AL

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

05305669

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

Name: Peter Eyre

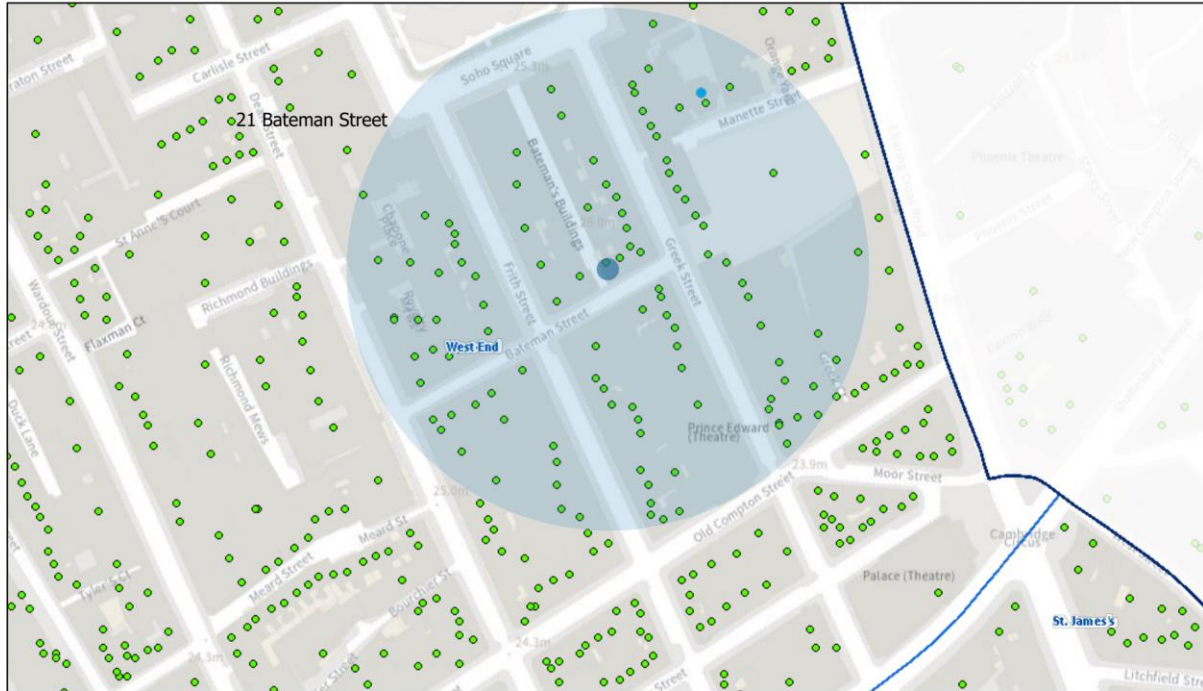
State whether access to the premises by children is restricted or prohibited:

Restricted

Date: 22 October 2019

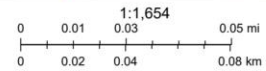
This licence has been authorised by Emanuela Meloyan on behalf of the Director - Public Protection and Licensing.

Basement, 21 Bateman Street, London, W1D 3AL



08/03/2023, 14:58:10

- Property Mailing List
- Borough Boundary - Mask
- ▭ Ward Boundaries
- Ward Labels
- Borough Boundary - Detailed
- Faith Groups
- Schools
- ★ Others
- ★ Academy
- ★ Primary
- ★ Free School
- ★ Special
- ★ Independent
- ★ Nursery
- ★ Secondary



Resident Count: 155

Faith Groups: 1

Schools: 0

Sexual Entertainment Venues: 1

Sex Establishment: 1