



City of Westminster

Committee Agenda

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

Meeting Date: **Thursday 25 May 2023**

Time: **10.00 am**

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

Members: **Councillors:**

Robert Eagleton (Chair)
Concia Albert
Jim Glen

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. EIGHT GOLDEN HORSES, 120-122 HORSEFERRY ROAD, SW1P 2EF

(Pages 1 - 20)

Ward CIA* SCZ**	Site Name & Address	Application Type	Licensing Reference No.
St James's * None ** None	Eight Golden Horses 120-122 Horseferry Road SW1P 2EF	New Premises Licence	23/01381/LIPN
*Cumulative Impact Area ** Special Consideration Zone			

2. VICTORIA EMBANKMENT GARDENS, VILLIERS STREET, WC2N 6ND

(Pages 21 - 42)

Ward CIA* SCZ**	Site Name & Address	Application Type	Licensing Reference No.
St James's * None ** West End Buffer	Victoria Embankment Gardens Villiers Street WC2N 6ND	New Premises Licence	23/01258/LIPN
*Cumulative Impact Area ** Special Consideration Zone			

3. VANITY BAR AND NIGHTCLUB, 4 CARLISLE STREET, W1D 3BJ

(Pages 43 - 294)

Ward	Site Name & Address	Application Type	Licensing Reference No.
West End Core CAZ North	Vanity Bar and Nightclub 4 Carlisle Street W1D 3BJ	Sexual Entertainment Licence Renewal	22/11772/LISEVR
*Cumulative Impact Area: N/A ** Special Consideration Zone: N/A			

**Stuart Love
Chief Executive
17 May 2023**

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City of Westminster

Licensing Sub-Committee Report

Item No:	
Date:	25 May 2023
Licensing Ref No:	23/01381/LIPN - New Premises Licence
Title of Report:	Eight Golden Horses 120-122 Horseferry Road London SW1P 2EF
Report of:	Director of Public Protection and Licensing
Wards involved:	St James's
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Roxsana Haq Senior Licensing Officer
Contact details	Telephone: 020 7641 6500 Email: rhaq@westminster.gov.uk

1.	Application		
1-A	Applicant and premises		
Application Type:	New Premises Licence, Licensing Act 2003		
Application received date:	7 March 2023 (valid on 14 March 2023)		
Applicant:	Miss Chimedtseren Odongerel		
Premises:	Eight Golden Horses		
Premises address:	120-122 Horseferry Road London SW1P 2EF	Ward:	St James's
		Cumulative Impact Area:	None
		Special Consideration Zone:	None
Premises description:	According to the application these premises currently operate as a restaurant. They serve tea, Monmouth Coffee and English Breakfast in the morning. Japanese and Mongolian national dishes are served during lunch and evenings.		
Premises licence history:	This application is for a new premises licence, and therefore no premises licence history exists.		
Applicant submissions:	As part of the application the applicant has stated: "Some types of Japanese food, especially fish dishes, are traditionally eaten with Japanese wine".		
Applicant amendments:	None.		

1-B	Proposed licensable activities and hours.						
Sale by retail of alcohol				On or off sales or both:			Both
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	11:00	11:00	11:00	11:00	11:00	11:00	11:00
End:	23:00	23:00	23:00	23:00	23:00	23:00	23:00
Seasonal variations/ Non-standard timings:		On New Year's Eve licensable activities may take place from the end of permitted hours until 04:00 on the following day.					

Hours premises are open to the public.							
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	06:30	06:30	06:30	06:30	06:30	06:30	07:30
End:	23:00	23:00	23:00	23:00	23:00	23:00	23:00
Seasonal variations/ Non-standard timings:		On New Year's Eve licensable activities may take place from the end of permitted hours until 04:00 on the following day.					
Adult Entertainment:		None.					

2.	Representations
2-A	Responsible Authorities
Responsible Authority:	Environmental Health Service
Representative:	Mrs Sally Fabbriatore
Received:	7th April 2023
<p><u>120-122 Horseferry Road, London, SW1P 2EF</u></p> <p>I refer to the application for a new Premises Licence for the above premises.</p> <p>This representation is based on the Operating Schedule and the submitted plans, for the ground floor and basement titled with the address.</p> <p>The applicant is seeking the following on the ground floor and basement, to allow the Supply of Alcohol 'on' and 'off' the premises Monday to Sunday 11:00-23:00 hours.</p> <p>I wish to make the following representation in relation to the above application, the provision of the Supply of Alcohol may cause an increase in Public Nuisance in the area and may impact on Public Safety.</p> <p>Further information has been provided, which is being considered, but further conditions may be proposed by Environmental Health in order to protect the Licensing Objectives.</p> <p>The granting of the Premises Licence as presented would have the likely effect of causing an increase in Public Nuisance in the area and may impact on Public Safety.</p> <p>Should you wish to discuss the matter further please do not hesitate to contact me.</p> <p>Environmental Health have proposed conditions which have been agreed by the applicant. The proposed conditions are set out at appendix 4</p>	
Responsible Authority:	Metropolitan Police Service
Representative:	PC Steve Muldoon
Received:	5 th April 2023
<p><u>Re: 23/01381/LIPN – 120-122 Horseferry Road</u></p> <p>I refer to the above-mentioned application for a new premises licence.</p> <p>Following consideration of the application and how it may affect the Licensing Objectives, I wish to make the following representations:</p> <p>The proposal made is likely to undermine the following licensing objectives:</p> <ul style="list-style-type: none"> • The Prevention of Crime and Disorder <p>I have contacted the applicant to discuss this application and arrange a site visit.</p> <p>The Police have proposed conditions which have been agreed by the applicant. The proposed conditions are set out at appendix 4</p>	

2-B	Other Persons		
Name:	[REDACTED]		
Address and/or Residents Association:	[REDACTED] [REDACTED] [REDACTED]		
Status:	Valid	In support or opposed:	Opposed
Received:	22 March 2023		
<p>There are currently 5 pubs within 5 min from each other in the area. I really believe there is no need to add to this. The premise is currently more like snack bar and not a restaurant that would benefit from offering wine. I am afraid it would turn into a drink only place which would attract more trouble to the area.</p>			
Name:	[REDACTED]		
Address and/or Residents Association:	[REDACTED] [REDACTED] [REDACTED] [REDACTED]		
Status:	Valid	In support or opposed:	Opposed
Received:	28 March 2023		
<p>Hello,</p> <p>Thank you for letting us know about the application, I have consulted the application with other residents, I found that most of the neighbours are already having very high concerns about anti social behaviours in the area, We notice everyday anti-social behaviour associated with use of Alcohol and drugs in around the building, in some occasions the residence of the building collectively tried to raise the concern to the building management and requested for a forward to the authorities,</p> <p>Already the permission for tables and chairs has affected the area, In several occasions we have witnessed anti-social behaviours by the owner of the restaurant if necessary we can provide the video evidence which we captured from the window of our flat, We are concerned that the permission for selling alcohol will affect the area and will end up levelling up the anti-social behaviours, also we are concerned about respecting the regulations as the owner and staff of the restaurant caused disturbance with their anti-social behaviours which we believe was under influence use of alcohol in some occasions, If necessary, we can provide any collective objection.</p> <p>Thank you very much.</p>			

Name:		[REDACTED]	
Address and/or Residents Association		[REDACTED] [REDACTED]	
Status:	Valid	In support of opposed:	Opposed
Received:	30 March 2023		
<p>I do not think it would be safe for this property to have an alcohol licence.</p> <ol style="list-style-type: none"> 1. A pedestrian crossing has just been installed for all the school children. 2. There is outdoor seating and the doors of both (joined) premises are always open. 3. Dr Hickey's Surgery is adjacent with many drug and alcohol patients using the area, often drinking and vomiting on the pavement and road 4. The premises operate mainly as a cafe. They are seldom open in the evenings 5. The Cardinal Hume Centre's essential remit was to provide a safe haven for adolescents. This has long been expanded to provide afterschool, weekend and pre-schooler care as well as immigrant and homeless care. 6. Daytime provision of alcohol would not be safe given any of the above situations, and older school children are still passing by in the evenings. 			
Name:		[REDACTED]	
Address and/or Residents Association		[REDACTED] [REDACTED] [REDACTED]	
Status:	Valid	In support or opposed:	Opposed
Received:	6 April 2023		
<p>The Application submitted indicates that customers will have 7 tables inside the premises and 6 tables outside at street level directly adjoining the pavement. During the summer months, it would be typical therefore that the outside tables would be occupied and hence at least 45% of the customer activity will be outside the premises. The consumption of alcohol can, on many occasions, lead to an increase in volume of speech, laughter and other displays of enjoyment. All perfectly understandable, but this enjoyment needs to be carefully balanced against the ability of nearby residents to have the peaceful enjoyment of their own dwellings. It is requested that the licensing authority take full account of the proposed configuration of the premises, and that the surrounding neighbourhood is largely residential.</p> <p>In recent times these premises have reportedly served customers in situ with coffee and food within the hours of 8am and 8pm. This licence application is to serve alcohol between the hours of 11am and 11pm (and to 4am on New Year's Day). This implies a change of use and an increase of activity in the evenings with the potential to create disturbance to neighbours. The period between 8pm and midnight will often be critical to residents and their children who will be seeking to rest and sleep. (Note: The hour between 11pm and midnight is included as the dispersal of customers from a pub or restaurant usually takes some time after the serving of alcohol is finished.)</p> <p>The application form states that the intention of acquiring the licence is to be able to serve Japanese wine with certain meals. However a licence to serve alcohol has much wider applicability and a number of our residents are highly concerned that the street at the corner of Medway Street and Horseferry Road will become an outdoor drinking location. Some residents have reported that an alcohol licence had been issued to a previous establishment at this address some years ago and, that after incidents of fighting and drunkenness, the licence was rescinded. They request that the Licensing Authority are mindful not to allow such a situation to occur again.</p> <p>For the above reasons we respectfully request that the Licence request is refused.</p>			

Name:		[REDACTED]	
Address and/or Residents Association		[REDACTED] [REDACTED] [REDACTED]	
Status:	Valid	In support or opposed:	Opposed
Received:	7 April 2023		
<p>The application gives the impression that it is only so that customers may enjoy alcohol with their meals. However, with a bar clearly delineated on the plan and tables provided outside, this simply becomes another drinking establishment. Its location very close to the busy Horseferry Road poses considerable safety risks, putting drinkers too close to traffic. It also poses a source of potential disturbance and annoyance for residents in Medway Street. When this location previously had a licence it led to incidents when police had to be called.</p>			
Name:		[REDACTED] tori	
Address and/or Residents Association		[REDACTED] [REDACTED]	
Status	Valid	In support or opposed:	Opposed
Received:	11 April 2023		
<p>I do not think it would be a very good idea for an alcohol licence to be issued for the following reasons:</p> <ol style="list-style-type: none"> 1. There are many drinking establishments within the area already 2. There is already an issue with urinating and vomiting on the streets 3. Our shop has had the glass on door kicked in on a couple of occasions just for the sake of kicking it in. This is by people who have been drinking and I feel this will only make this happen more 4. In the evenings and at weekends the area is residential and quiet and I feel this will encourage noise and anti social behaviour and annoy the neighbourhood 5. At present the premises applying runs as a cafe where all age groups can go, how can it now become a place which serves alcohol? 6. There are secondary school age children who pass this road and go into these shops. I feel allowing this will encourage problems, the fact that the premises is on a corner will allow people to spill over into the roads and make it harder for people walking along these roads. <p>Horseferry Road is a very busy road and a zebra crossing has recently been added to increase safety. I do hope you take my concerns into account as this establishment as I am concerned about the safety of residents and people who use the area and work there.</p>			
Name:		[REDACTED]	
Address and/or Residents Association		[REDACTED] [REDACTED]	
Status:	Valid	In support or opposed:	Opposed
Received:	11 April 2023		
<p>I wish to object to this application as I feel it would not be of any benefit to the local area. The area is already well serviced with pubs and wine bars and this already brings an issue with people urinating on the streets and against buildings. The hours being applied for are very long as this is a cafe and I feel this would just increase anti social behaviour and bring an element of chaos to an already busy road. This road is used by people going to work, residents, mums taking small children to nursery and school and teenage children going to and from school on their own. These people cover a wide age range, each having their own needs and they do not need to contend with crowds that would form on the pavement as this cafe occupies a corner plot. I feel it would bring an increase in noise which would be unfair for the residents when they are trying to relax or sleep at night. There is also a Doctor's surgery (Dr Hickey) which is used by many drug and alcohol patients, I feel this would just put temptation in their way. I feel this would be a great disadvantage to our area.</p>			

3.	Policy & Guidance
The following policies within the City of Westminster Statement of Licensing Policy apply:	
Restaurant Policy RNT1 applies	<p>A. Applications outside the West End Cumulative Impact Zone will generally be granted subject to:</p> <ol style="list-style-type: none"> 1. The application meeting the requirements of policies CD1, PS1, PN1 and CH1. 2. The hours for licensable activities being within the council's Core Hours Policy HRS1. 3. The operation of any delivery services for alcohol and/or late night refreshment meeting the council's Ancillary Delivery of Alcohol and/or Late-Night Refreshment Policy DEL1. 4. The applicant has taken account of the Special Consideration Zones Policy SCZ1 if the premises are located within a designated zone. 5. The application and operation of the venue meeting the definition of a restaurant as per Clause C. <p>C. For the purposes of this policy a restaurant is defined as:</p> <ol style="list-style-type: none"> 1. A premises in which customers are shown to their table or the customer will select a table themselves to which food is either served to them or they have collected themselves. 2. Which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at a table. 3. Which do not provide any takeaway service of food and/or drink for immediate consumption, except if provided via an ancillary delivery service to customers at their residential or workplace address. 4. Where alcohol shall not be sold, supplied, or consumed on the premises otherwise than to persons who are bona fide taking substantial table meals and provided always that the consumption of alcohol by such persons is ancillary to taking such meals. 5. The sale and consumption of alcohol prior to such meals may be in a bar area but must also be ancillary to the taking of such meal.
Hours Policy HRS1 applies	<p>A. Applications within the core hours set out below in this policy will generally be granted for the relevant premises uses, subject to not being contrary to other policies in the Statement of Licensing Policy.</p> <p>B. Applications for hours outside the core hours set out in Clause C will be considered on their merits, subject to other relevant policies, and with particular regard to the following:</p> <ol style="list-style-type: none"> 1. The demonstration of compliance in the requirements of policies CD1, PS1, PN1 and CH1 associated with the likelihood of the effect of the grant of a licence for later or earlier hours on crime and disorder, public safety, public nuisance and the protection of children from harm. 2. If the application is located within a Special Consideration Zone they have demonstrated that they have taken account of the issues identified in that area and provided adequate mitigation. 3. Whether there is residential accommodation in the proximity of the premises that would likely be adversely affected by premises being open or carrying out operations at the hours proposed.

4. The proposed hours of the licensable activities and when customers will be permitted to remain on the premises.
 5. The proposed hours when any music, including incidental music, will be played.
 6. The hours when customers will be allowed to take food or drink outside the premises or be within open areas which form part of the premises.
 7. The existing hours of licensable activities and the past operation of the premises (if any) and hours of licensable premises in the vicinity.
 8. Whether customers and staff have adequate access to public transport when arriving at and leaving the premises, especially at night.
 9. The capacity of the premises.
 10. The type of use, recognising that some venues are more likely to impact the licensing objectives than others; for example, pubs and bars are higher risk than theatres, cinemas and other cultural and sporting venues due to the nature of the operation.
 11. The Licensing Authority will take into account the active measures proposed for a 'winding down' period including arrangements for people to be collected from the premises to travel home safely.
 12. Conditions on hours may be attached that require that the supply of alcohol for consumption on the premises ceases a suitable period of time before customers are required to leave the premises.
 13. The council, acting as the Licensing Authority, may reduce hours if, after review, it is necessary to impose conditions specifying shorter hours in order to promote the licensing objectives.
 14. Specific days for non-standard hours should be identified and justified as part of the application to allow responsible authorities and interested parties to evaluate the impact that these licensable activities may have, and to plan accordingly. The consideration of applications for later hours for Bank Holiday Mondays will take into account that later hours are generally granted for preceding Sundays and that the next day is a working day. Non-specific days are expected to be covered by Temporary Event Notices or variation applications.
- C.** For the purpose of Clauses A and B above, the Core Hours for applications for each premises use type as defined within this policy are:
- 8. Restaurants**
Monday to Thursday: 9am to 11.30pm.
Friday and Saturday: 9am to Midnight.
Sunday: 9am to 10.30pm.
Sundays immediately prior to a bank holiday: 9am to Midnight.
- D.** Core hours are when customers are permitted to be on the premises and therefore the maximum opening hours permitted will be to the same start and terminal hours for each of the days where licensable activity is permitted.
- E.** For the purposes of this policy, 'premises uses' are defined within the relevant premises use policies within this statement.
- Note:** The core hours are for all licensable activities but if an application includes late night refreshment, then the starting time for that licensable activity will be 11pm.

4. Equality Implications

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

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

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

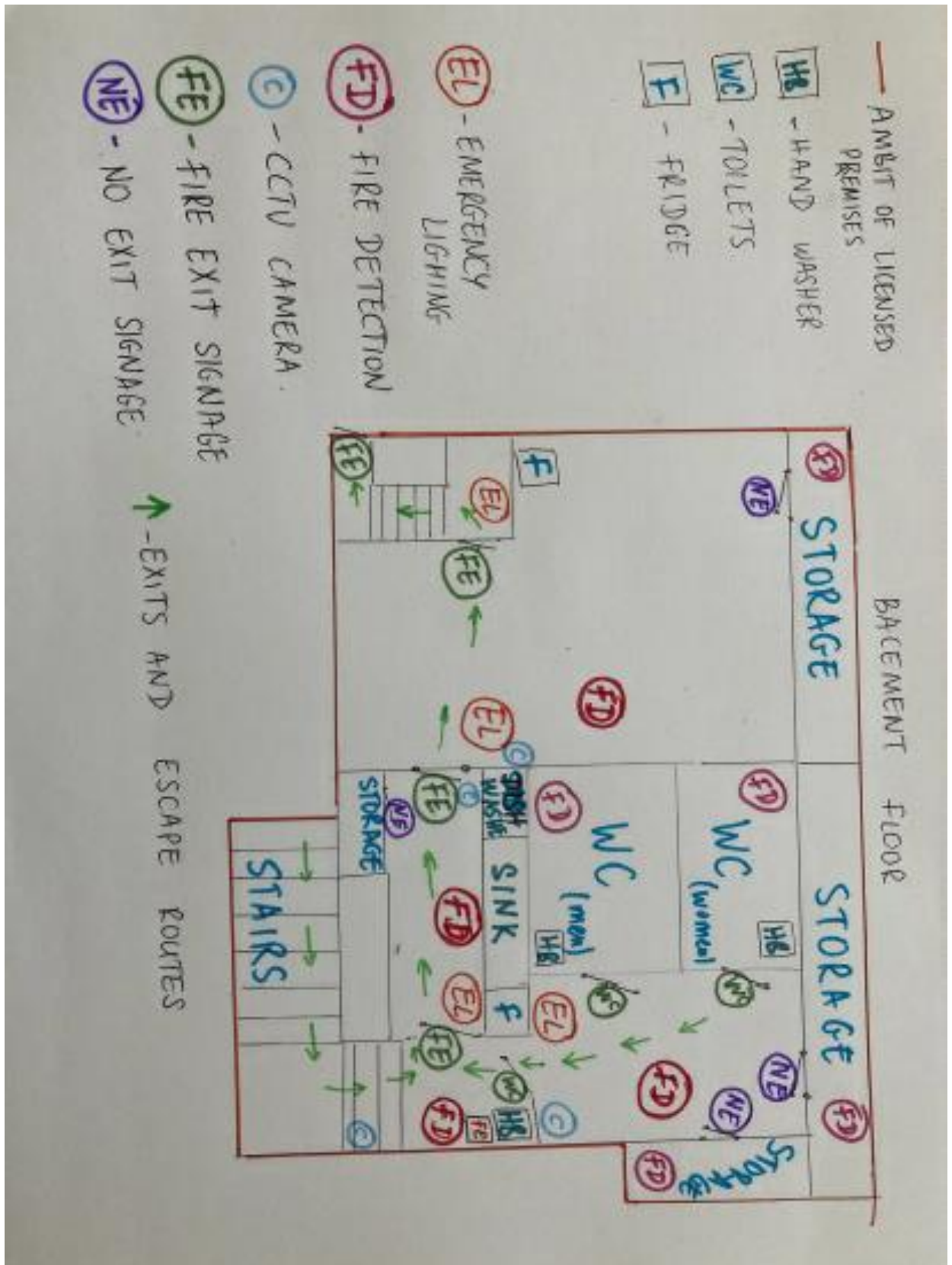
5.	Appendices
Appendix 1	Premises plans
Appendix 2	Applicant supporting documents
Appendix 3	Premises history
Appendix 4	Proposed conditions
Appendix 5	Residential map and list of premises in the vicinity

Report author:	Ms Roxsana Haq Senior Licensing Officer
Contact:	Telephone: 020 7641 6500 Email: rhaq@westminster.gov.uk

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

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

1	Licensing Act 2003	N/A
2	City of Westminster Statement of Licensing Policy	1 st October 2021
3	Amended Guidance issued under section 182 of the Licensing Act 2003	December 2022
4	Environmental Health Service representation	7 th April 2023
5	Metropolitan Police Service representation	5 th April 2023
6	Interested Party 1	22 nd March 2023
7	Interested Party 2	28 ^h March 2023
8	Interested Party 3	30 ^h March 2023
9	Interested Party 4	6 th April 2023
10	Interested Party 5	7 th April 2023
11	Interested Party 6	11 th April 2023
12	Interested Party 7	11 th April 2023



- T** - TABLE
- D** - chairs
- F** - FRIDGE
- HB** - HAND WASH BASINS
- P** - PRINTER
- E** - EXIT
- EL** - EMERGENCY LIGHTING
- C** - CCTV - CAMERA
- FSD** - FIXED ON THE CEILING FIRE DETECTION
- WC** - W.C. SIGNAGE
- FE** - FIRE EXIT
- WC** - W.C. SIGNAGE



→ - EXITS AND ESCAPE ROUTES.
 → PEDESTRIAN PASSAGEWAY

Applicant Supporting Documents

Appendix 2

There are no applicant Submissions.

Premises History

Appendix 3

There is no licence or appeal history for the premises.

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

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

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

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

Mandatory Conditions

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

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

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

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

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

Conditions consistent with the operating schedule.

None.

Conditions proposed by the Environmental Health Service and agreed by the applicant to form part of the operating schedule

9. The supply of alcohol for consumption on the premises (including the inside the premises and the external area) shall only be to a person seated taking a substantial table meal there and for consumption by such a person as ancillary to their meal.

For the purpose of this condition a 'Substantial Table Meal' means – a meal such as might be expected to be served as the main midday or main evening meal, or as a main course at either such meal and is eaten by a person seated at a table, or at a counter or other structure which serves the purposes of a table and is not used for the service of refreshments for consumption by persons not seated at a table or structure servicing the purposes of a table.

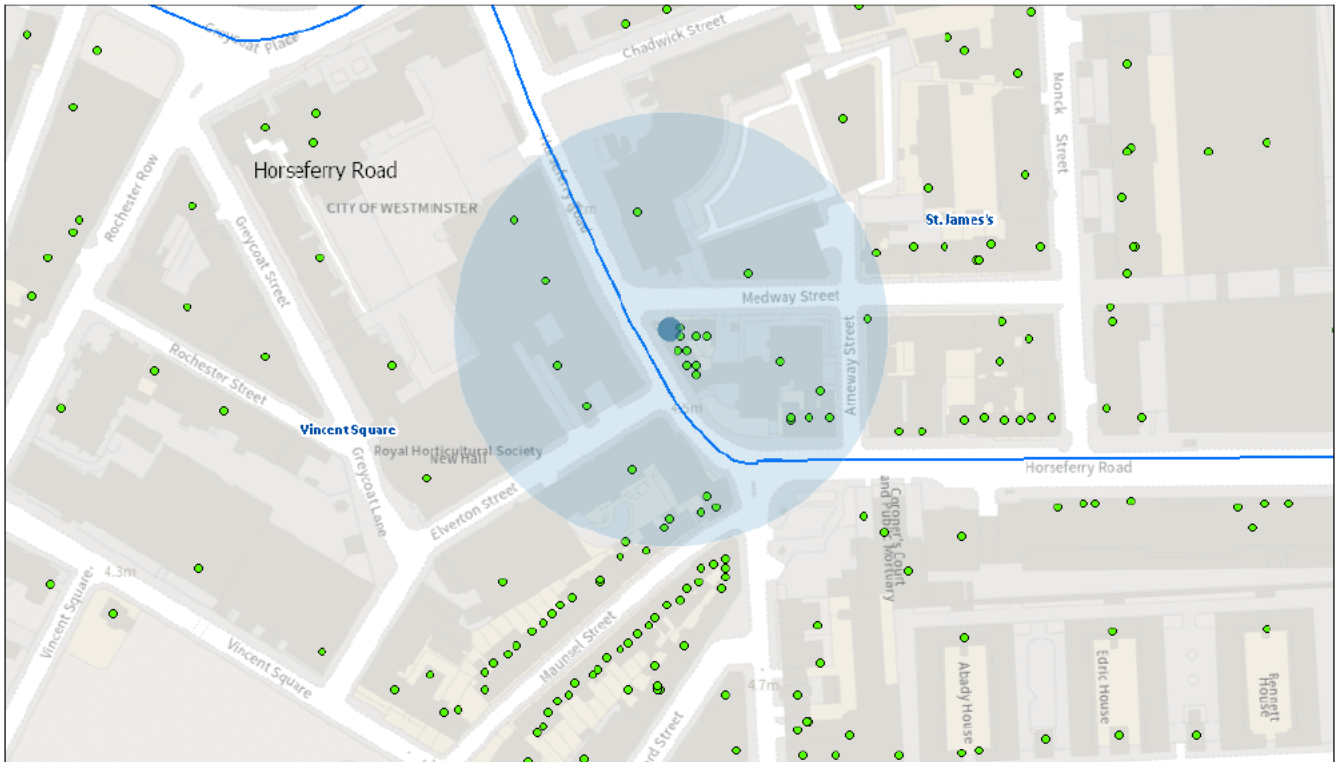
10. The supply of alcohol shall be by waiter or waitress service only.
11. The number of seated persons inside and outside the premises (excluding staff) shall not exceed 30 persons.
12. Substantial food and non-intoxicating beverages, including drinking water, shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.
13. 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 unless seated in an authorised external area.
14. All tables and chairs shall be removed from the outside area by (23.00) hours each day.
15. All sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises.
16. Sales of alcohol for consumption off the premises shall only be supplied with, and ancillary to food that is available to take-away for immediate consumption or delivery.
17. Delivery drivers shall be given clear, written instructions to use their vehicles in a responsible manner so as not to cause a nuisance to any residents or generally outside the license premises; not to leave engines running when the vehicles are parked; and not to obstruct the highway.
18. 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.
19. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
20. A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number is to be made available to residents and businesses in the vicinity.
21. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
22. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 23.00 hours and 08.00 hours on the following day.

23. No deliveries to the premises shall take place between 23.00 and 08.00 hours on the following day.
24. No collections of waste or recycling materials (including bottles) from the premises shall take place between 23.00 and 08.00 hours on the following day.
25. During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that this area shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business.
26. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises and will include the external area immediately outside the premises entrance. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31-day period.
27. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
28. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police, which will record the following:
 - (a) all crimes reported to the venue
 - (b) all ejections of patrons
 - (c) any complaints received regarding crime disorder
 - (d) any incidents of disorder
 - (e) any faults in the CCTV system
 - (f) any refusal of the sale of alcohol
 - (g) any visit by a relevant authority or emergency service.

Conditions proposed by the Metropolitan Police Service and agreed by the applicant to form part of the operating schedule.

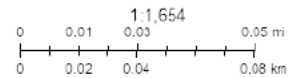
29. A Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.

120-122 Horseferry Road London SW1P 2EF



12/05/2023, 10:02:47

- Property Mailing List
- Ward Boundaries
- Borough Boundary - Mask
- Borough Boundary - Detailed
- Ward Labels
- Special Consideration Zones



Resident Count: 206

Licensed premises within 75 metres of 120-122 Horseferry Road London SW1P 2EF				
Licence Number	Trading Name	Address	Premises Type	Time Period
18/05770/LIPDPS	Channel 4 Television	124-126 Horseferry Road London SW1P 2TX	Film and TV studio	Monday to Sunday; 00:00 - 00:00

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City of Westminster

Licensing Sub-Committee Report

Item No:

Date:

25 May 2023

Licensing Ref No:

23/01258/LIPN - New Premises Licence

Title of Report:

Victoria Embankment Gardens
Villiers Street
London
WC2N 6ND

Report of:

Director of Public Protection and Licensing

Wards involved:

St James's

Policy context:

City of Westminster Statement of Licensing Policy

Financial summary:

None

Report Author:

Kevin Jackaman
Senior Licensing Officer

Contact details

Telephone: 0207 641 6500
Email: kjackaman@westminster.gov.uk

1.	Application						
1-A	Applicant and premises						
Application Type:	New Premises Licence, Licensing Act 2003						
Application received date:	2 March 2023						
Applicant:	Mr Vincent Barbuto						
Premises:	Refreshment Kiosk						
Premises address:	Victoria Embankment Gardens Villiers Street London WC2N 6ND				Ward:	St James's	
					Cumulative Impact Area:	None	
					Special Consideration Zone:	West End Buffer	
Premises description:	According to the application form the premises intends to operate primarily as a Refreshment Kiosk during the summer months of the year, selling hot and cold drinks, light snacks and ice creams.						
Premises licence history:	While there is no current premises licence in respect of this premises, there is a further licences in respect of a separate areas of Victoria Embankment Gardens. There have also been a number of time limited premise licenses in respect of the gardens. A complete licence history appears at appendix 3						
Applicant submissions:	The applicant has provided the following submissions in support of their application: <ul style="list-style-type: none"> • The Premises is situated in the grounds of Victoria Embankment Gardens London. • The premises has a limited outside seating area. • The premises has one staff toilet facility. Public toilets are situated and accessed outside Victoria Embankment Gardens main gates being the building behind the kiosk premises. 						
Applicant amendments:	None						

1-B	Proposed licensable activities and hours						
Sale by retail of alcohol					On or off sales or both:		Off
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	10:00	10:00	10:00	10:00	10:00	10:00	12:00
End:	21:00	21:00	21:00	21:0	21:00	21:00	21:00
Seasonal variations/ Non-standard timings:				None			

Hours premises are open to the public							
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	08:00	08:00	08:00	08:0	08:00	08:00	08:00
End:	21:00	21:00	21:00	21:00	21:00	21:00	21:00
Seasonal variations/ Non-standard timings:		None					
Adult Entertainment:		None					

2.	Representations
2-A	Responsible Authorities
Responsible Authority:	Metropolitan Police Service
Representative:	Tom Stewart
Received:	29 March 2023
<p>The Metropolitan Police Service (“the Police”) object to the granting of this new premises licence application on the ground of “The Prevention of Crime and Disorder” licensing objective.</p> <p>The application’s operating schedule is lacking in conditions to demonstrate how the premises intends to promote the 4 licensing objectives. The application does not address the concerns and issues raised in the Statement of Licensing Policy in regard to the West End Buffer Special Consideration Zone, which is where the proposed premises is located.</p> <p>The application is also unclear in respect of the scope of the alcohol sales. For example, you have indicated on the application that you only intend to sell alcohol for consumption ‘on’ the premises, but within the plans attached to the application you have not demarcated where the licensable activity will take place with a red line. The ‘location plan’ indicates a external seating area but this is not included within the licensing plan. Any sales of alcohol to persons seated within this seating area would constitute an “off sale” of alcohol. You have not applied for off sales.</p> <p>Please can you provide further information to address the above concerns.</p> <p>The Police have proposed conditions which to date have not been agreed by the applicant. The proposed conditions are set out at appendix 4</p>	
Responsible Authority:	Environmental Health
Representative:	Ayesha Bolton
Received:	04 April 2023
<p>I refer to the application for a new Premises Licence for the above premises.</p> <p>The applicant has submitted floor plans of the premises.</p> <p>This representation is based on the plans and operating schedule submitted.</p>	

The applicant is seeking the following:

1. To provide for the Supply of Alcohol 'Off' the premises only from Monday to Saturday 10.00 to 21.00 hours and Sunday 12.00 to 21.00 hours.

I wish to make the following representation:

1. The provision and the hours requested for the Supply of Alcohol will have the likely effect of causing an increase in Public Nuisance within the area and may impact on Public Safety.

The granting of the application as presented would have the likely effect of causing an increase in Public Nuisance and may impact on Public Safety.

Environmental Health have proposed conditions which to date have not been agreed by the applicant. The proposed conditions are set out at appendix 4

3.	Policy & Guidance
The following policies within the City Of Westminster Statement of Licensing Policy apply:	
Policy SCZ1 applies	<p>A. In addition to meeting the other policies within this statement, applications within a designated Special Consideration Zone should demonstrate that they have taken account of the issues particular to the Zone, in question as identified within the 2020 Cumulative Impact Assessment, and should set out any proposed mitigation measures in relation to those issues within their operating schedule.</p> <p>B. For the purpose of Clause A, the designated Special Consideration Zones for this application is:</p> <ul style="list-style-type: none"> • West End Buffer.
Policy HRS1 applies	<p>A. Applications within the core hours set out below in this policy will generally be granted for the relevant premises uses, subject to not being contrary to other policies in the Statement of Licensing Policy.</p> <p>B. Applications for hours outside the core hours set out in Clause C will be considered on their merits, subject to other relevant policies, and with particular regard to the following:</p> <ol style="list-style-type: none"> 1. The demonstration of compliance in the requirements of policies CD1, PS1, PN1 and CH1 associated with the likelihood of the effect of the grant of a licence for later or earlier hours on crime and disorder, public safety, public nuisance and the protection of children from harm. 2. If the application is located within a Special Consideration Zone they have demonstrated that they have taken account of the issues identified in that area and provided adequate mitigation. 3. Whether there is residential accommodation in the proximity of the premises that would likely be adversely affected by premises being open or carrying out operations at the hours proposed. 4. The proposed hours of the licensable activities and when customers will be permitted to remain on the premises. 5. The proposed hours when any music, including incidental music, will be played. 6. The hours when customers will be allowed to take food or drink outside the premises or be within open areas which form part of the premises. 7. The existing hours of licensable activities and the past operation

	<p>of the premises (if any) and hours of licensable premises in the vicinity.</p> <p>8. Whether customers and staff have adequate access to public transport when arriving at and leaving the premises, especially at night.</p> <p>9. The capacity of the premises.</p> <p>10. The type of use, recognising that some venues are more likely to impact the licensing objectives than others; for example, pubs and bars are higher risk than theatres, cinemas and other cultural and sporting venues due to the nature of the operation.</p> <p>11. The Licensing Authority will take into account the active measures proposed for a 'winding down' period including arrangements for people to be collected from the premises to travel home safely.</p> <p>12. Conditions on hours may be attached that require that the supply of alcohol for consumption on the premises ceases a suitable period of time before customers are required to leave the premises.</p> <p>13. The council, acting as the Licensing Authority, may reduce hours if, after review, it is necessary to impose conditions specifying shorter hours in order to promote the licensing objectives.</p> <p>14. Specific days for non-standard hours should be identified and justified as part of the application to allow responsible authorities and interested parties to evaluate the impact that these licensable activities may have, and to plan accordingly. The consideration of applications for later hours for Bank Holiday Mondays will take into account that later hours are generally granted for preceding Sundays and that the next day is a working day. Non-specific days are expected to be covered by Temporary Event Notices or variation applications.</p> <p>C. For the purpose of Clauses A and B above, the Core Hours for applications for each premises use type as defined within this policy are:</p> <p>10a. Shops (all licensable activities that are provided as ancillary to the primary use of the premises as a shop except the off sale of alcohol)</p> <p>Monday to Thursday: 9am to 11.30pm. Friday and Saturday: 9am to Midnight. Sunday: 9am to 10.30pm. Sundays immediately prior to a bank holiday: 9am to Midnight.</p> <p>10b. Shops (off-sales of alcohol where it forms either the ancillary or primary use of the premises) Monday to Saturday: 8am to 11pm. Sunday: 9am to 10.30pm.</p> <p>D. Core hours are when customers are permitted to be on the premises and therefore the maximum opening hours permitted will be to the same start and terminal hours for each of the days where licensable activity is permitted</p>
<p>Policy PB1(A) applies</p>	<p>A. Applications outside the West End Cumulative Zone will generally be granted subject to:</p> <ol style="list-style-type: none"> 1. The application meeting the requirements of policies CD1, PS1, PN1 and CH1. 2. The hours for licensable activities being within the council's Core Hours Policy HRS1. 3. The operation of any delivery services for alcohol and/or latenight refreshment meeting the council's Ancillary Delivery of Alcohol and/or Late-Night Refreshment Policy DEL1. 4. The applicant has taken account of the Special Consideration Zones policy SCZ1 if the premises are located within a designated

	<p>zone.</p> <p>5. The application and operation of the venue meet the definition of a Public House or Bar in Clause D.</p> <p>D. For the purposes of this policy a Public House or Bar is defined as a premises, or part of a premises that's primary use is the sale or supply of alcohol for consumption on those premises and/or for consumption off the premises for consumption outside the venue.</p>
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4. Equality Implications

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

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

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

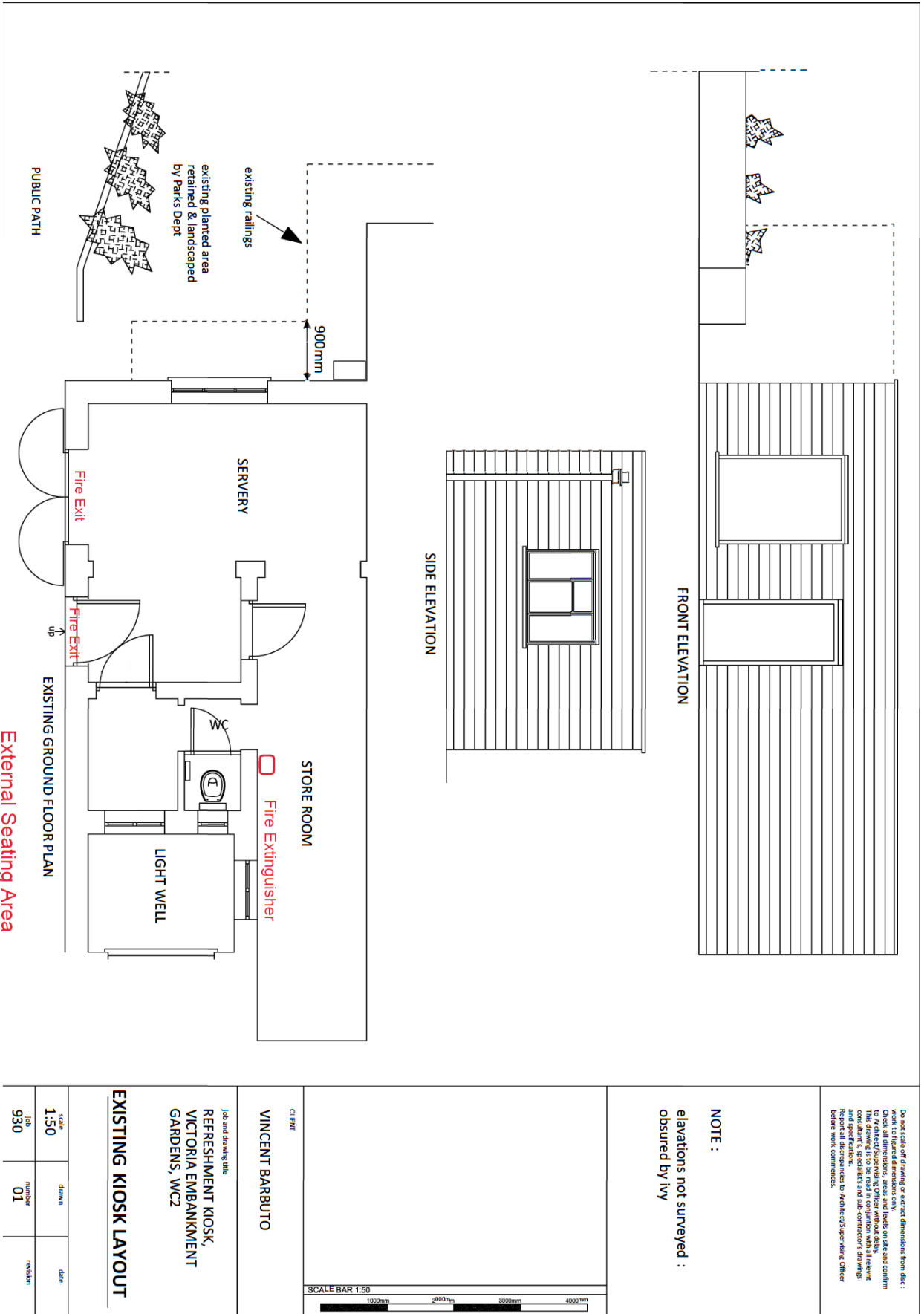
5.	Appendices
Appendix 1	Premises plans
Appendix 2	Applicant supporting documents
Appendix 3	Premises history
Appendix 4	Proposed conditions
Appendix 5	Residential map and list of premises in the vicinity

Report author:	Kevin Jackaman Senior Licensing Officer
Contact:	Telephone: 0207 641 6500 Email: kjackaman@westminster.gov.uk

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

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

1	Licensing Act 2003	N/A
2	City of Westminster Statement of Licensing Policy	October 2021
3	Amended Guidance issued under section 182 of the Licensing Act 2003	December 2022
4	Metropolitan Police service representation	04 April 2023
5	Environmental Health representation	29 March 2023



Do not scale off drawings or extract dimensions from files:
 Work to figured dimensions only.
 Check all dimensions, areas and levels on site and confirm
 to Architect/Supervising Officer without delay.
 The Architect/Supervising Officer is not responsible for
 consultant's, specialist's and sub-contractor's drawings
 and specifications.
 Report all discrepancies to Architect/Supervising Officer
 before work commences.

NOTE :
 elevations not surveyed :
 obscured by ivy

CLIENT
 VINCENT BARBUTO

Job and drawing title
 REFRESHMENT KIOSK,
 VICTORIA EMBANKMENT
 GARDENS, WC2

EXISTING KIOSK LAYOUT

scale	drawn	date
1:50		
job	number	revision
930	01	

Applicant Supporting Documents

Appendix 2

None

Licence & Appeal History

Application	Details of Application	Date Determined	Decision
06/13603/LIPN	Application for a new premises licence for the Embankment Cafe, seeking the supply of alcohol from 10:00 to 21:00 Monday to Saturday and 12:00 to 21:00 Sunday	15.02.2007	Granted by Licensing Sub Committee.
10/04181/LIPDPS	Vary DPS	25.06.2010	Granted under delegated authority
14/09519/LIPVM	Minor variation – Remove no draught beer condition	03.12.2014	Granted under delegated authority
15/01681/LIPT	Transfer - Mark Wilson to Vincent Barbuto	28.04.2015	Granted under delegated authority
15/01697/LIPDPS	Vary DPS	28.04.2015	Granted under delegated authority
16/05343/LIPVM	Minor variation – Change of layout	14.06.2016	Granted under delegated authority
22/06646/LIPDPS	Vary DPS	25.07.2022	Granted under delegated authority
22/07307/LIPT	Transfer - Vincent Barbuto to Riverside Embankment Ltd	16.08.2022	Granted under delegated authority

Application	Details of Application	Date Determined	Decision
06/04233/LIPN	Application for a new premises licence for the Bandstand enclosure, seeking regulated entertainment from 07:30 to 20:30	13.07.2006	Granted by Licensing Sub Committee.

Application	Details of Application	Date Determined	Decision
18/05605/LIPN	Time limited premises licence seeking films, recorded music and supply of alcohol, from regulated entertainment and sale of from 10:30 to 22:30	16.07.2018	Granted under delegated authority (Licence expired)

Application	Details of Application	Date Determined	Decision
19/06382/LIPN	Time limited premises licence seeking films, recorded music and supply of alcohol, from regulated entertainment and sale of from 10:30 to 22:30	12.07.2019	Granted under delegated authority (Licence expired)

Application	Details of Application	Date Determined	Decision
20/02417/LIPN	Time limited premises licence seeking films, recorded music and supply of alcohol, from regulated entertainment and sale of from 10:30 to 22:30	27.03.2020	Granted under delegated authority (Licence expired)

There is no appeal history

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

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

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

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

Mandatory Conditions

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

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

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

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

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

Conditions proposed by the Environmental Health to replace those contained within the operating schedule

9. The sale and supply of alcohol for consumption off the premises shall be restricted to alcohol consumed at outside tables and chairs within the designated area, shown on the licence plan.

The Metropolitan Police Service have proposed an alternative condition as set out at condition 20 below

10. There shall be a minimum of 25 seats provided within the external seating area.

The Metropolitan Police Service have proposed an alternative condition as set out at condition 21 below

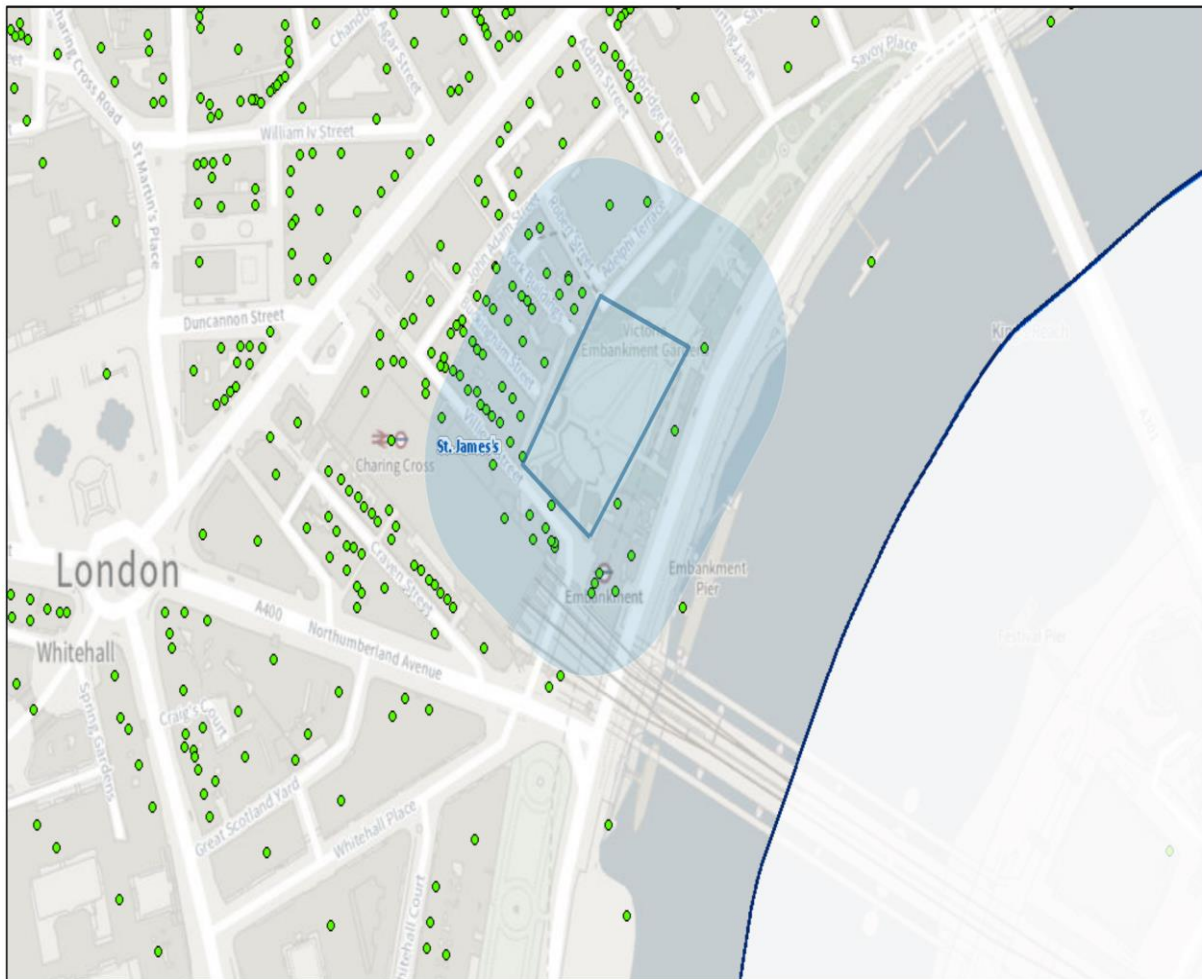
11. There shall be a personal licence holder on duty on the premises at all times when the premises are authorised to sell alcohol.
12. No drinks shall be served in glass containers at any time.
13. Substantial food and non-intoxicating beverages, including drinking water, shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.
14. A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number is to be made available to residents and businesses in the vicinity.
15. No super-strength beer, lagers, ciders or spirit mixtures of 5.5% ABV (alcohol by volume) or above shall be sold at the premises.
16. No more than (15)% of the sales area shall be used at any one time for the sale, exposure for sale, or display of alcohol.
17. There shall be no self service of alcohol on the premises.
18. Upon the direction of a Police Officer, on the grounds of the prevention of crime and disorder or public safety, the premises will immediately cease trading for that day.
19. All cashiers shall receive refresher training on the relevant alcohol laws and the licence holder's policy on challenging for ID. Such training shall take place at least twice a year. Records shall be maintained at the premises containing information about the training of any person who may make a sale of alcohol including the date of their training and the nature of the training undertaken. The relevant documentation shall be produced on request to a police officer or relevant officer of a responsible authority.

Conditions proposed by the Police to replace those contained within the operating schedule

20. The sale and supply of alcohol for consumption off the premises shall be restricted to alcohol consumed at the outside tables and chairs (the designated area) shown on the licence plan and shall be only to persons taking table meals as ancillary to their meal.
21. The number of persons consuming alcohol within the external seating area shall not exceed 25.

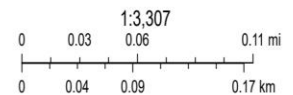
22. A Challenge 21 or Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram
23. Substantial food and non-intoxicating beverages, including drinking water, shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises
24. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises and will include the external area immediately outside the premises entrance. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31-day period.
25. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
26. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police. It must be completed within 24 hours of the incident and will record the following:
 - (a) all crimes reported to the venue
 - (b) all ejections of patrons
 - (c) any complaints received concerning crime and disorder
 - (d) any incidents of disorder
 - (e) all seizures of drugs or offensive weapons
 - (f) any faults in the CCTV system, searching equipment or scanning equipment
 - (g) any refusal of the sale of alcohol
 - (h) any visit by a relevant authority or emergency service.
27. Prominent signage shall be displayed informing customers that alcohol can only be consumed within the designated seating area.

Victoria Embankment Gardens



12/05/2023, 09:18:33

- Property Mailing List
- Ward Boundaries
- Borough Boundary - Mask
- Borough Boundary - Detailed
- Ward Labels



Resident count: 108

Licensed premises within 75m of Victoria Embankment Gardens, London, WC2				
Licence Number	Trading Name	Address	Premises Type	Time Period
18/05605/LIPN	Not Recorded	Victoria Embankment Gardens Villiers Street London WC2N 6ND	Park / Open Space	Monday to Sunday; 10:00 - 23:30

06/07302/WCCMAP	Bandstand Enclosure	Victoria Embankment Gardens Villiers Street London WC2N 6ND	Park / Open Space	Monday to Friday; 07:30 - 20:30 Saturday to Sunday; 07:30 - 20:30
19/12119/LIPN	Gordon's Wine Bar	47 Villiers Street London WC2N 6NE	Wine bar	Sunday; 10:00 - 22:30 Monday to Saturday; 08:00 - 23:30
18/10456/LIPVM	Hungerford House	Hungerford House Victoria Embankment London WC2N 6PA	Night clubs and discos	Sunday; 09:00 - 02:00 Monday to Tuesday; 09:00 - 03:00 Wednesday to Saturday; 09:00 - 04:00 Sundays before Bank Holidays; 09:00 - 02:30
21/05122/LIPDPS	Not Recorded	21 - 22 Embankment Place London WC2N 6NN	Shop	Monday; 00:00 - XXXX Tuesday; 00:00 - XXXX Wednesday; 00:00 - XXXX Thursday; 00:00 - XXXX Friday; 00:00 - XXXX Saturday; 00:00 - XXXX Sunday; 00:00 - XXXX
13/04058/LIPN	Subway	19-20 Embankment Place London WC2N 6NN	Restaurant	Thursday to Saturday; 06:00 - 06:00 Sunday to Wednesday; 06:00 - 02:00 New Year's Eve; 00:00 - 00:00
22/06449/LIPV	Aire Ancient Baths London	2 - 3 Robert Street London WC2N 6BH	Special Treatment - Low risk premises	Monday to Sunday; 10:00 - 00:00

21/01852/LIPN	Not Recorded	2 - 3 Robert Street London WC2N 6BH	Miscellaneous	Monday to Friday; 09:00 - 17:00
19/10006/LIPN	Fratelli La Bufala	35 Villiers Street London WC2N 6ND	Not Recorded	Sunday; 12:00 - 00:00 Monday to Saturday; 10:00 - 00:00
22/07307/LIPT	Embankment Cafe	Embankment Tea Rooms Victoria Embankment London WC2N 6PB	Cafe	Monday to Sunday; 09:00 - 21:30
23/00773/LIPDPS	Ippudo	31 Villiers Street London WC2N 6ND	Restaurant	Monday to Sunday; 07:00 - 00:30
21/13491/LIPDPS	Thunderbird Fried Chicken	Basement And Ground Floor 29 Villiers Street London WC2N 6ND	Restaurant	Sunday; 12:00 - 00:00 Monday to Saturday; 10:00 - 00:30
21/11535/LIPDPS	The Princess Of Wales	27 Villiers Street London WC2N 6ND	Public house or pub restaurant	Monday to Sunday; 07:00 - 00:30
15/00609/LIPDPS	L'Ulivo	21-23 Villiers Street London WC2N 6ND	Restaurant	Sunday; 12:00 - 00:00 Monday to Saturday; 10:00 - 00:30
22/02606/LIPDPS	Smith & Wollensky	The Adelphi 1-11 John Adam Street London WC2N 6HT	Restaurant	Monday; 07:00 - 23:30 Tuesday; 07:00 - 23:30 Wednesday; 07:00 - 23:30 Thursday; 07:00 - 23:30 Friday; 07:00 - 00:00 Saturday; 07:00 - 00:00 Sunday; 07:00 - 22:30
20/08466/LIPT	Glasgow City Council..strathclyde Pension Fund	19 Villiers Street London WC2N 6ND	Takeaway food outlet	Thursday to Saturday; 07:00 - 02:00 Sunday to Wednesday; 07:00 - 01:00

19/11570/LIPVM	Heaven Nightclub	10A The Arches London WC2N 6NG	Night clubs and discos	Monday; 00:00 - 00:00 Tuesday; 00:00 - 00:00 Wednesday; 00:00 - 00:00 Thursday; 00:00 - 00:00 Friday; 00:00 - 00:00 Saturday; 00:00 - 00:00 Sunday; 00:00 - 00:00
22/00378/LIPVM	Heaven Nightclub	10A The Arches London WC2N 6NG	Night clubs and discos	Monday; 00:00 - 00:00 Tuesday; 00:00 - 00:00 Wednesday; 00:00 - 00:00 Thursday; 00:00 - 00:00 Friday; 00:00 - 00:00 Saturday; 00:00 - 00:00 Sunday; 00:00 - 00:00
18/05489/LIPCH	MOC Kitchen	2 The Arches London WC2N 6NG	Restaurant	Sunday; 08:00 - 22:30 Monday to Thursday; 08:00 - 23:30 Friday to Saturday; 08:00 - 00:00
23/01416/LIPCH	The New Players Theatre Restaurant & Bar	Lower Ground Floor 15 The Arches London WC2N 6NQ	Theatre	Monday; 09:00 - 00:00 Tuesday; 09:00 - 00:00 Wednesday; 09:00 - 00:00 Thursday; 09:00 - 00:00 Friday; 09:00 - 00:00 Saturday; 09:00 - 00:00 Sunday; 09:00 - 00:00

23/01420/LIPCH	The New Players Theatre Restaurant & Bar	Ground Floor And Mezzanine 15 The Arches London WC2N 6NQ	Theatre	Monday to Sunday; 06:30 - 03:00
20/06911/LIPDPS	Champagne Charlies	17 The Arches London WC2N 6NG	Wine bar	Sunday; 12:00 - 23:00 Monday to Saturday; 07:30 - 00:30
17/06026/LIPVM	Jumbo Retail Limited	3 The Arches London WC2N 6NG	Shop	Sunday; 10:00 - 22:30 Monday to Saturday; 08:00 - 23:00

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City of Westminster Licensing Sub-Committee

Meeting:	<i>Licensing Sub-Committee</i>
Date:	<i>25 May 2023</i>
Classification:	<i>General Release</i>
Premises:	<i>Vanity Bar And Nightclub, 4 Carlisle Street, London, W1D 3BJ</i> <i>22/11772/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 Vanity Bar And Nightclub, 4 Carlisle Street, London, W1D 3BJ. 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 Basement to First Floor at 4 Carlisle Street has operated as a sex establishment (Sexual Entertainment Venue) since 2012. In 2014, the licence was transferred but in 2020 the licence was subsequently transferred to the current Premises Licence Holder (Vanity License Ltd). Following the transfer of the Sexual Entertainment Venue Licence in 2020, a renewal submitted on 30 November 2021 and was granted under delegated authority. This licence (reference 21/13871/LISEVR) expired on 15 December 2022. A copy of licence 21/13871/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 08 December 2022, Vanity License Ltd submitted an application to renew the sex establishment licence to continue to operate the premises as a sexual entertainment venue. The licence permits relevant entertainment Monday to Saturday from 09:00 to 03:00 and Sunday from 09:00 to 23:00.
- 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 a representation from the Metropolitan Police Service set out at **Appendix D and D1**.
- 5.2 The application has also received objections from 5 interested parties, set out at **Appendix D2**.
- 5.3 The objectors have not confirmed to the Licensing Service that they wish to waive their right to anonymity, and for this reason the objector will remain anonymous.

6. Licensing Act 2003 Premises Licence

- 6.1 The Premises also have the benefit of a Premises Licence. The Current Premises Licence reference is 20/03227/LIPT. The premises licence was subjected to a review in December 2022 and the licence was amended following a Licensing Sub-Committee hearing. A copy of the Premises Licence appears at **Appendix E**.
- 6.2 A copy of the Licensing Sub-Committee decision can be found at **Appendix E1**.

7. Policy Considerations

- 7.1 Suitability of applicant – SU1

The applicant has stated that no relevant offences have been committed.

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

The applicant has confirmed that they will not be carrying out the functions of regulated entertainment at this premises for the benefit of another person.

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

Carlisle Street is a small cul-de-sac with no through traffic.

7.5 Use of premises in the vicinity – LO2

The main use of the premises in the immediate vicinity is residential with a few licensed premises (Licensing Act 2003). Within a 100 metre radius of the premises, there is a resident count of 135. There are no other SEV premises or schools within 100 metres of the premises. There is 1 place of worship within 100 metres 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 has its main entrance on Carlisle Street. The basement, ground and first floors are included within the licensable areas 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 Vanity Bar And Nightclub 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 – Metropolitan Police Service representation
- D1 – Metropolitan Police Service additional submissions
- D2 – Interested party representations
- E – Copy of premises licence 20/03227/LIPT
- E1 – Licensing Sub-Committee Decision
- 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:	21/13871/LISEVR
Original Reference:	12/02594/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: **Vanity License Ltd**
to use the premises: Vanity Bar and Nightclub
4 Carlisle Street
London
W1D 3BJ

as a Sexual Entertainment Venue.

This licence commences on 16 December 2021 and will expire on 15 December 2022.

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

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

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

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

DATE: 6 JANUARY 2022 SIGNED:



**On behalf of the Director – Public Protection
and Licensing**



Appendix 2 – Conditions

Standard Conditions:

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

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

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

Additional Conditions:

24. No Relevant Entertainment shall take place unless CCTV adequately covers and monitors the stage area to the satisfaction of the Environmental Health Consultation Team and the Licensing Service.
25. Relevant Entertainment shall be restricted to the area outlined in red. On the ground floor performers may only perform on the stage area.
26. Whilst Relevant Entertainment is taking place at the premises, the maximum number of persons accommodated at any one time (excluding staff and dancers) shall not exceed 9 persons in the basement, 55 persons on the ground floor and 25 persons on the first floor.
27. All emergency doors shall be maintained effectively self closing and not held open other than by an approved device.
28. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.
29. Curtains and hangings shall be arranged so as not to obstruct emergency signs.
30. The approved arrangements at the premises, including means of escape provisions, emergency warning equipment, the electrical installation and mechanical equipment, shall at all material times be maintained in good condition and full working order.
31. The means of escape provided for the premises shall be maintained unobstructed, free of trip hazards, be immediately available and clearly identified in accordance with the plans provided.
32. All exit doors shall be available at all material times without the use of a key, code, card or similar means.

33. Any special effects or mechanical installations shall be arranged and stored so as to minimise any risk to the safety of those using the premises. The following special effects will only be used on 10 days prior notice being given to the Licensing Authority where consent has not previously been given.
 - i. pyrotechnics including fire works
 - ii. firearms
 - iii. lasers
 - iv. explosives and highly flammable substances.
 - v. real flame.
 - vi. strobe lighting.
34. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
35. There shall be at least one SIA registered door supervisor on duty on every floor where Relevant Entertainment is provided for the entire time the Relevant Entertainment is provided.
36. All windows and external doors shall be kept closed at any time when Relevant Entertainment takes place, except for the immediate access and egress of persons.
37. 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, Premises Management 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.
38. No sexual entertainment performances will take place which will involve the passing round of a glass or jar or any other container that has to be filled with money before the performers remove any clothing.
39. The licence holder will employ a designated member of staff who will work in Carlisle Street outside the venue during the early hours of the morning, up until closure and a period thereafter for dispersal of customers and staff.
40. The designated member of staff will be tasked with encouraging pedicab drivers that look for fares in the Dean Street area to respect the needs of local residents by being quiet and also ask them to move away /not congregate in Carlisle Street or near the venue.
41. The designated member of staff will record any unresolved disputes with rickshaw or pedicab drivers in the venue's incident log. The venue will share information

with Westminster City Council in furtherance of any specific enforcement work by the authorities around nuisance caused by pedicabs in the Soho area.

Sex Establishment Licence History**Appendix B**

<u>Application reference</u>	<u>Details of application</u>	<u>Date of determination</u>	<u>Decision</u>
12/02694/LISEVN	Application for a new Sexual Entertainment Venue licence	12.06.2012	Granted by Licensing Sub-Committee
14/01806/LISEVT	Application to transfer the Sexual Entertainment Venue licence	16.06.2014	Granted under Delegated Authority
14/06704/LISEVV	Application to vary the Sexual Entertainment Venue licence	18.12.2014	Granted under Delegated Authority
14/11173/LISEVR	Application to renew the Sexual Entertainment Venue licence	12.02.2015	Granted by Licensing Sub-Committee
15/11556/LISEVR	Application to renew the Sexual Entertainment Venue licence	01.03.2016	Granted under Delegated Authority
16/13696/LISEVR	Application to renew the Sexual Entertainment Venue licence	11.01.2017	Granted under Delegated Authority
17/14637/LISEVR	Application to renew the Sexual Entertainment Venue licence	07.03.2018	Granted under Delegated Authority
18/15940/LISEVR	Application to renew the Sexual Entertainment Venue licence	28.03.2019	Granted by Licensing Sub-Committee
19/16592/LISEVR	Application to renew the Sexual Entertainment Venue licence	13.02.2020	Granted by Licensing Sub-Committee
20/07234/LISEVV	Application to vary the Sexual Entertainment Venue licence	18.09.2020	Granted under Delegated Authority
20/11421/LISEVR	Application to renew the Sexual Entertainment Venue licence	04.01.2021	Granted under Delegated Authority
20/11422/LISEVT	Application to transfer the Sexual Entertainment Venue licence	04.01.2021	Granted under Delegated Authority
21/13871/LISEVR	Application to renew the Sexual Entertainment Venue licence	06.01.2022	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="21/13871/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 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

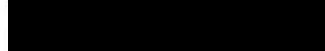
Please send all supporting material to the address below. Specific documents will be returned to the correspondence address after a decision has been made regarding the application.

Your
Our 22/11772/LISEVR
Date: 3rd January 2023



Vanity License Ltd
4 Carlisle Street
London
W1D 3BJ

**METROPOLITAN POLICE
SERVICE**
Police Constable Reaz Guerra
Westminster Police Licensing Unit
Westminster City Hall
Fourth Floor
64 Victoria Street
London
SW1E 6QP



Dear Vanity License Ltd

**Application for a Renewal of Sexual Entertainment Venue Licence
Basement To First Floor, 4 Carlisle Street, London
22/11772/LISEVR**

With reference to the above application, I am writing to inform you that the Metropolitan Police, as a Responsible Authority object to this renewal application.

The Premises is currently subject to a review of its premises licence, it is believed that there has been numerous breaches of the conditions on both SEV Licence and Premises Licence. Additional supporting evidence will be submitted in due course.

The nature and severity of the alleged breaches raises serious concerns with the Police regarding the licence holder's ability to operate the premises in line with the conditions attached to the SEV licence.

It is for these reasons that we are objecting to the application.


Should you wish to discuss the matter further please contact PC Reaz Guerra on [REDACTED] or via email, [REDACTED]

Yours sincerely.

Reaz Guerra
Police Constable
Westminster Police Licensing Team

RESTRICTED (when complete)

MG11

STATEMENT OF WITNESS <i>(Criminal Procedure Rules, r. 16.2; Criminal Justice Act 1967, s. 9)</i>			
		URN	<input type="text"/>
Statement of: Constable Stephen Muldoon Age if under 18: Over 18 Occupation: Police officer			
This statement is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it, anything which I know to be false, or do not believe to be true.			
Signature:  Date: 15 May 2023			

I am the above named person and am currently employed by the Metropolitan Police Service to work as a police constable in the London borough of Westminster. My current role is to work as a licensing officer, part of this role is to deal with applications for new/varied licences and to look at incidents that are alleged to have taken place within licensed premises.

This statement is being submitted to support the objection from the Metropolitan Police for the renewal of a Sexual entertainment venue (SEV) licence for Vanity Ltd, 4 Carlisle St, W1. Vanity has a current premises licence - 20/03227/LIPT.

I was in possession of CCTV from inside the venue for the night of the 23rd November into the early hours of the 24th November 2022. I came into possession of this from Pc GUERRA as we were investigating various allegations from various customers. Whilst viewing the CCTV for the alleged incidents it became apparent that there was countless breaches of the SEV licence. As part of the SEV licence there were two specific conditions that were breached.

- 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
- 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.

Watching the footage it was quite clear that the majority if not all of the performers would deliberately touch the customers whilst performing, this varied degrees to sitting on customers to lying fully naked on top of customers and using what I would describe as a grinding motion. These acts would regularly take place in front of the security or the then manager.

I can produce in evidence the following screenshots as exhibits:

- SM/1 – Female dancer (a) in one booth sitting on top of a male customer (obscured by seating), female dancer (b) sitting on male customer. Both dancers are topless (01:19 - 24th Nov, Camera 14)
- SM/2 – Female dancers in both booths sitting on male customers, both dancers appear naked (02:16 - 24th Nov, Camera 14)

Signature: 

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Continuation of Statement of: Constable Stephen Muldoon

SM/3- Male customer and female dancer obscured from view whilst 2 female dancers are in view with one dancer bent over and the other holding her bum (23:34 - 23rd Nov, Camera 15)
 SM/4 – Male customer touching a female's breast. (03:11, 24th November, Camera 14)
 SM/5 – 2 females dancing for a male customer. The customer is on a booth with another dancer out of view. (23:35 - 23rd November, Camera 15)
 SM/6 – 2 females dancing together, appearing to kiss each-other. (23:38 - 23rd November, Camera 15)
 SM/7 – Female dancer with her arms round a male customer. (01:23 - 24th November, Camera 16)
 SM/8 – Naked female dancer sitting with/on a male customer. Another customer hidden in booth by a blind spot (01:21, 24th November)
 SM/9 – Female dancer on top of a male customer. Appear hidden by the hanging beads. (02:27, 24th November Camera17)
 SM/10 – Naked female rubbing up and down male customer. Security present sitting on the couch at the bottom right. (00:15, 24th November, Camera 7)
 SM/11 – Naked female dancer sitting on a male customer whilst opening and closing her legs. (00:34, 24th November, Camera 7)
 SM/12 – Female dancer on her knees at a male customers crotch area. (00:05, 24th November)
 SM/13 – Female dancer sitting on male customer. (02:51, 24th November, Camera 7)
 SM/14 – Female dancer sitting on male customer. (02:27, 24th November, Camera 7)
 SM/15 – Male customer appearing to kiss the naked body of the female dancer. (00:06, 24th November, Camera 9)
 SM/16 – Male customer and female dancer on the left in close to each-other. Male has his hands on the dancer. The male customer is also being sat on by the dancer on the top right. Security are sitting on the sofa on the bottom right of the screen. (03:30, 24th November, Camera 7)
 SM/17 – Naked female dance rubbing her body from behind on a male dancer (00:07, 24th November, Camera 9)
 SM/18 – Naked female dancer laying on her front on a male customer. The male customer has his hand on her bum. (00:07, 24th November, Camera 9)

The above is just a selection of screenshots however the breaches were constant by the dancers, ignored by all the staff and appeared expected by the customers. This was clear this was just not one slip up and this was a regular and I would suggest normal occurrence for the venue and how they operate.

I can also produce in evidence the following:

Exhibit SM/19 - Tower Hamlets licensing committee agenda and papers for Tuesday 16th May 2023.
 Exhibit SM/20 - Minutes/agenda from an extraordinary committee report for Tower Hamlets for Tuesday 17th October 2017
 Exhibit SM/21 - Companies house page for Vanity Licence Ltd
 Exhibit SM/22 - Companies House page for Nags Head Ltd

I received notification that Tower Hamlets council were to be reviewing the SEV licence of The Nags Head on Tuesday 16th May 2023, I was aware that the licence holder for the Nags Head is Nags Head Ltd, a check on companies house shows the sole director of Nags Head Ltd being [REDACTED]. (Shown in Exhibit SM/22). [REDACTED] is also the sole director of Vanity Licence Ltd (as shown is Exhibit SM/21).

I read through and attached the committee papers in SM/19. This shows that the act of touching customers is not alone to Vanity and this also takes place at the Nags Head. I also identified from the papers that there have been numerous previous incidents of breaches of SEV identified at the Nags Head both in 2016 and 2017. (Exhibit SM/20) shows the committee minutes for a hearing that documents these breaches.

During a summary review hearing [REDACTED] proportioned blame on to the then DPS and her son. Whilst I do not doubt they had no control over the premises it is clear and evident that for years both of [REDACTED] venues where he is the SEV licence holder have operated with constant breaches.

Witness Signature: 

Signature Witnessed by:

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Continuation of Statement of: Constable Stephen Muldoon

Having reviewed the countless breaches that I have witnessed on CCTV at Vanity, the committee papers from both 2023 and 2017 from Tower Hamlets it is clear that Vanity is being run and operated extremely poorly. The licence holder has no control as to what goes on at the venues and the only apparent consistent thing is the apology he gives when breaches are found. It the opinion of the Metropolitan police service that [REDACTED] should not be granted an SEV licence and is not a suitable person to operate one.

Witness Signature: 

Signature Witnessed by:

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WITNESS STATEMENT

CJ Act 1967, s.9; MC Act 1980, ss.5A(3)(a) and 5B; Criminal Procedure Rules 2005, Rule 27.1

Statement of PC Reaz Guerra [redacted] URN: [] [] [] []

Age if under 18 Over 18 (if over 18 insert 'over 18') Occupation: Police Officer

This statement (consisting of: ... 15.... pages each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything in it which I know to be false, or do not believe to be true.

Signature: PC [redacted] Date: 14th May 2023.....

Tick if witness evidence is visually recorded [] (supply witness details on rear)

I am the above-named person, currently employed in the Westminster Police Licensing Unit.

I am the above-named person, currently employed in the Westminster Police Licensing Unit. I joined the Metropolitan Police Service in 2002 and was posted to the Borough of Westminster in 2003, working in numerous operational roles. I moved to the Westminster Police Licensing Unit in April 2011. Since my appointment in the Licensing Unit I have dealt with a wide range of licensing matters including applications for new premises licences, variations to existing premises licenses, licensing committee hearings, licensing reviews and a large number of licensing visits to licensed premises within the City of Westminster. I am also a specially trained search officer, licensed by the Home Office, with over 17 years experience performing this role.

I submit the below information in relation to an application by the Westminster Police Licensing Unit, on behalf of the Commissioner of the Metropolitan Police, to revoke the Sexual Entertainment Venue licence for Vanity Bar And Nightclub Basement to First Floor 4 Carlisle Street London W1D 3BJ, The premises is also licensed, Premises Licence number 20/03227/LIPT.

The premises which is located within the West End Cumulative impact area as defined by Westminster City Councils statement of licensing policy.

Signature: PC [redacted] Signature witnessed by:

Continuation of Statement of **PC Reaz Guerra** [REDACTED]

Vanity Bar & Nightclub is located on the north footway of Carlisle Street approximately ten (10) metres west of the junction with Dean Street. The main entrance is a large single door on Carlisle Street. As you enter the premises into a small lobby there is a small storage room to the left and another single door into the main ground floor area. The bar is located on the righthand side, opposite the bar there is a staircase which leads up to the first floor and also down to the basement level. In the basement the, from the areas I have seen there is a room with approximately 6 booths and there is a door leading to an office.

In December 2022, the police made an application for a summary review of the premises licence for Vanity Soho (ref 22/11860/LIREVX), as part of this application the Police requested CCTV to be downloaded which is detailed in my statement in relation to the review application 22/11860/LIREVX.

The CCTV provided contained footage from 21st-22nd November 2022 and 23rd-24th November, with footage from 19 different cameras. The following is a summary of the location/field of view of the cameras provided, this is from my knowledge of the areas I have seen within the venue and using the premises plans.

Camera No	Approximate location/coverage
3	Ground floor by edge of bar pointing towards front of premises
4	Ground floor located by staircase, looking towards bar
5	Ground floor located behind bar, looking over bar and towards staircase
6	Ground floor located by staircase, looking towards bar.
7	1 st Floor, above/by entrance looking into room

Signature: [REDACTED] Signature witnessed by:

Continuation of Statement of **PC Reaz Guerra** [REDACTED]

9	1 st Floor, located on far wall looking back across room towards room.
10	Basement, lobby/landing area at bottom of stair, entrance to the booth is on the left, female toilet on the right.
11	Basement, Landing area between stairs/ female toilets and changing rooms.
12	Basement Changing Rooms
13	Basement, camera located in centre of walkway between booths looking at double entrance door from lobby into booths.
14	Basement booths, located above 1 st right hand booth as you enter room.
15	Basement booths, located in last booth on the right, entrance to booth area is top right of screen
16	Basement booths, located in last booth on the left, entrance to booth area is top left of screen, door on right leads to staff office and back of house area
17	Basement booths, located above 1 st left hand booth as you enter room.
18	Believed fire escape – exact location unknown
19	Storeroom – exact location unknown
20	Basement - office
21	Believed fire escape – exact location unknown

Signature: [REDACTED] Signature witnessed by:

Continuation of Statement of **PC Reaz Guerra** [REDACTED]

22	Ground floor – outside main entrance looking west along Carlisle street.
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Notably cameras 1,2 and 8 were not included in the footage provided. The CCTV Time stamp on the recorded footage is three (3) Minutes fast.

From the CCTV that I have viewed from 21st/22nd and 23rd/24th November 2022 I have produced a transcript, exhibits RGG/001 and RGG/002 refer.

Both the Premises licence and SEV Licence have conditions relating to CCTV :-

Premises licence – Conditions 29 & 30

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

30. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested

Sev Licence conditions 10 & 11

The premises will install and maintain a comprehensive CCTV system as per the minimum requirements of a Metropolitan Police Crime Prevention Officer that

Signature: [REDACTED] Signature witnessed by:

Continuation of Statement of **PC Reaz Guerra** [REDACTED]

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.

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.

On the ground floor, the camera outside the main entrance (Camera 22) does not adequately capture a facial image of all persons entering or exiting. an example of this is evidenced in the CCTV on Camera 22, on 24/11/22 at 03:07:41, two people leave the premises and the footage is of insufficient quality to identify them. (screenshot produced as exhibit **RGG/004**)

The only other camera that covers the internal entrance in the main area of the ground floor is Camera 3 and again this does not provide sufficient quality footage, particularly of people leaving in all light conditions. There are no cameras in the lobby area between the main street entrance and the entrance to the ground floor.

SEV - Condition 21

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.

Signature: [REDACTED] Signature witnessed by:

Continuation of Statement of **PC Reaz Guerra** [REDACTED]

On the 1st floor, the relevant entertainment takes place in a large room, there are approximately eight (8) armchairs located around the periphery of the room, where customers sit, there are three (3) movable concertina screens (approximately 1.8m high) which are positioned ad hoc to provide privacy.

The two cameras located on the ceiling at either end of this large room do not provide sufficient coverage, particularly as the seats located on the periphery of the room are often obscured by screens, also the seats at the far end of the room are out of view of the camera position at the far end of the room and in low light condition are not adequately covered by the only other camera.

In the Basement booth area, there are 6 booths three on each side with a walkway down the middle. As you enter this room, there is a seat/area just to the immediate left as you enter, where the PDQ machine is situated and staff often stand/sit. Within the booth area there are only four cameras to cover all six booths (cameras 14, 15, 16, 17). The booths have bead screens in-between them and this obscure the CCTV coverage, particularly of the middle booths. The positioning of the seating within the booth allows customers to be seated out of view of the CCTV cameras, the dancers are also aware that the seats are out of camera view, this is evident on Camera 15 (21/11/22 23:06:15), when a male enters the booth and sits in the chair that is within the view of the camera, the dancer the speaks to him, turns and points at the camera and the male gets up and sits in the seat out of the view of the camera – Screenshot Nov21 Cam15 230645 - Exhibit RGG/005).

I also produce screen shots of Camera 14, 16 and 17, showing the inadequate coverage of all the booths, in each of the screen shots all the booths are occupied by at least one customer and one dancer.

Exhibit RGG/006 – Nov 21 Cam 14 225919 – male out of view at bottom of screen, dancer/male in middle booth obscured by beaded screen

Exhibit RGG/005 - Nov 21 Cam 15 230645 - dancer/male in middle booth obscured by beaded screen

Signature: [REDACTED] Signature witnessed by:

Continuation of Statement of **PC Reaz Guerra**

Exhibit RGG/007 - Nov 21 Cam 16 232708 - dancer/male in middle booth obscured by beaded screen

Exhibit RGG/008 - Nov 21 Cam 17 234542 - dancer/male in middle booth obscured by beaded screen.

The inadequate coverage breaches both the conditions on the SEV and premises licence, as the minimum expectation would be that all areas where relevant entertainment takes place should be adequately covered by CCTV as per the conditions on both licences.

Premises licence condition 24

24. The sale of alcohol shall be ancillary to the use of the premises for either i) music and dancing and substantial refreshment or ii) Relevant Entertainment and substantial refreshment.

The CCTV does not show and evidence of any substantial refreshment being provided, the only form of food being consumed are the lemon/limes being provided with what is assumed to be shots of tequila., whilst it is evident that regulated entertainment is being provided (recorded music), the premises was essentially operating as a Sexual Entertainment Venue on both 21/22nd and 23/24th November 2022, and therefore should be fully compliant their SEV Licence.


Numerous conditions have been breached on both dates and is evident on the CCTV.

SEV Conditions breached:-

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.

20. Customers must remain fully clothed at all times. The Performer must not remove any of the customer's clothing at any time.

Signature:  Signature witnessed by:

Continuation of Statement of **PC Reaz Guerra** [REDACTED]

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.

It is clearly evident from CCTV that there are many instances where customers and performers are permitted to touch each other, with physical contact frequently being made often of a sexual nature, whereby customers are permitted to touch the breasts, bottom and vaginas of the dancers; and dancers touch and rub the customers crotches. Touching takes place from the moment customers walk in to the premises, with the dancers often hugging customers as they enter the bar, dancers can be seen with arms around customers, stroking the chests, touching their bottoms. Customers are also seen with their hands on dancers bottoms without being challenged, deeming this acceptable and permitted behaviour.

These incidents are not limited to a single performer or customer but occur between numerous dancers and different customers. It appears to be commonplace and regular behaviour, the SIA security or management when positioned on each floor ignore and are not seen to actively challenge or prevent the touching/between performers and customers. Breaching conditions 16, 17, 21, 22 and 23.

These many incidents of touching have been detailed with the CCTV transcripts, Exhibits RGG/01 & RGG/02.

Signature: [REDACTED] Signature witnessed by:

Continuation of Statement of **PC Reaz Guerra** [REDACTED]

To highlight but just a few incidents on the 24th November: -

Male seated in chair, top left of screen. Dancer is lying on male facing him, her breasts in his face, male has his hands on her bottom. **Screenshot - Camera 7 02:59:21 – Exhibit RGG/009**

Male seated in chair, Dancer is stood in front of male, bent over with left knee on his thigh, male has right hand on her left breast **Screenshot -24Nov Cam7– 03:00:56 - Exhibit RGG/010.**

Male seated in chair, top left of screen. Dancer is kneeling down on floor in front of male and has her hand in male’s crotch **Screenshot -24Nov Cam7– 02:59:34 - Exhibit RGG/011**

Male seated in chair middle left of screen, dancer seated sideways on left leg of male, male has his right hand in dancers crotch. **Screenshot 24Nov – Cam 9 03:53: 29 - Exhibit RGG/012**

Male seated in chair middle left of screen, dancer is stood in front of male, bent over, male has right hand on her bottom. believed his left hand is also on dancers bottom but view is obscured by screen. - **Screenshot 24Nov – Cam 9 03:54: 52 - Exhibit RGG/013**

Male is seated out of camera view, dancer is stood up in front of male facing away, male places hands on her hips and the grabs/rubs her bottom. **Screenshot 24Nov – Cam 14 01:18: 48 - Exhibit RGG/014**

Male is seated out of camera view, Dancer is stood up facing away from Male, he places his right hand into dancers bottom onto her vagina. **Screenshot 24Nov – Cam 14 03:10:59 - Exhibit RGG/015**

Signature: [REDACTED] Signature witnessed by:

Continuation of Statement of **PC Reaz Guerra** [REDACTED]

Male is seated out of camera view; Dancer is stood up facing Male. Male has his hand in between dancer's legs on her vagina, then hand moves in and out between dancers' legs - **Screenshot 24Nov – Cam 14 03:11:38 - Exhibit RGG/016**

Male and dancer stood up facing each other, male then runs his right index finger up the front of the dancer knickers. - **Screenshot 24Nov – Cam 14 03:24:06 - Exhibit RGG/017**

Dancer is facing seated male, male touches dancers' breasts with both his hands **Screenshot 24Nov – Cam 16 02:41:42 - Exhibit RGG/018**

Male and dancer stood up embracing each other and kissing on lips - **Screenshot 24Nov – Cam 16 03:35:15 - Exhibit RGG/019**

Male and dancer stood up embracing each other and kissing on lips - **Screenshot 24Nov – Cam 16 03:41:22 - Exhibit RGG/020**

Female with her hand on males bottom. - **Screenshot 21Nov – Cam 04 22:45:23 - Exhibit RGG/0021**

Male holding hands with female, hands on the females bottom. - **Screenshot 21Nov – Cam 04 22:53:41 - Exhibit RGG/022**

Two Females hugging male - **Screenshot 21Nov – Cam 04 23:05:32 - Exhibit RGG/023**

Male with hand on females bottom - **Screenshot 21Nov – Cam 04 22:55:47 - Exhibit RGG/024**

Male with hand on females bottom - **Screenshot 21Nov – Cam 04 22:56:15 - Exhibit RGG/025**

Male with hand on females bottom - **Screenshot 22Nov – Cam 04 00:20:53 - Exhibit RGG/026**

Dancer with breasts in males face - **Screenshot 21Nov – Cam 07 23:57:04 - Exhibit RGG/027**

Signature: [REDACTED] Signature witnessed by:

Continuation of Statement of **PC Reaz Guerra** [REDACTED]

Dancer lying down on male with her hand on her vagina - **Screenshot 21Nov – Cam 07 23:59:04 - Exhibit RGG/028**

Male has his right hand on her vagina. - **Screenshot 22Nov – Cam 07 00:00:59 - Exhibit RGG/029 -**

Exhibit RGG/030 - Male with face in dancers bottom. - **Screenshot 22Nov – Cam 04 00:04:49**

Dancer with money (notes) from given to her by the male customer. - **Screenshot 21Nov – Cam 17 23:32:34 - Exhibit RGG/031**

It is also evident that, many of the male customers are intoxicated and in their intoxicated state are being encouraged to purchase more dances/performances. two such examples being

22nd November 22 – 02:27 to 03:00 – Intoxicated male attempts various different payments, by phone and bank cards, has 4 dancers with him in the booth, when the performance ends the male stands up and clearly unsteady on his feet.

24th November 22, 03:30 – Camera 16 - Male stands up, clearly unsteady on his feet, stumble as he gets up and has to use his right hand to hold on to wall to support himself, swaying from side to side and has to lean against wall. Dancer returns and male has his hand on her bottom, then grabs her bottom with both hands.

35. There shall be at least one SIA registered door supervisor on duty on every floor where Relevant Entertainment is provided for the entire time the Relevant Entertainment is provided.

Signature: [REDACTED] Signature witnessed by:

Continuation of Statement of **PC Reaz Guerra** [REDACTED]

On 24th November 2022, cameras 13 and 17 between 0300hours to 0440 hours the basement booths are supervised solely by a male member of staff, he is not wearing or displaying an SIA badge, it is believed that he is not an accredited SIA security person.

Another noteworthy incident is captured on camera 6 (ground floor bar) and camera 15 (basement booths) a male customer having entered the booth with a dancer at approximately 23:06 hours. Then at approximately 23:30 hours on camera 15, male is seated out of view a member of staff attempting to make a payment using his phone, Male makes payment on card machine, then staff screws up both copies of the printed receipt, staff the takes the customers mobile phone which is unlocked (bank card image visible on phone screen) up to the bar on the ground floor to complete the transaction (See Camera 6 - 23:31:55) Staff returns to booth, transaction appears declined, staff leave momentarily and returns with another PDQ machine, unclear if transaction made as out of camera view. It is questionable as to why the customer allowed the member of staff to use his phone for a payment with the customer not being present.

The premises is failing to uphold and fully promote the licensing objectives, their obstructive approach in providing CCTV, which clearly evidences many breaches of both their Premises Licence and SEV Licence and shows the premises is being managed and operated in an irresponsible manner.

Summary of Exhibits

Exhibit Number	Description of Exhibit
RGG/001	CCTV Transcript 21/22 Dec 2022
RGG/002	CCTV Transcript 23/24 Dec 2022
RGG/003	Email chain between Solicitor (Luke Elford) and PC Guerra
RGG/004	Screenshot showing male leaving premises, poor camera quality/position does not allow person to be identified. - CCTV on

Signature: [REDACTED] Signature witnessed by:

Continuation of Statement of **PC Reaz Guerra** [REDACTED]

	Camera 22, on 24/11/22 at 03:07:41
RGG/005	Screenshot Nov21 Cam15 230645 - Exhibit RGG/005) – dancer points at the camera and the male gets up and sits in the seat out of the view of the camera
RGG/006	Screenshot – Nov 21 Cam 14 225919 – male out of view at bottom of screen, dancer/male in middle booth obscured by beaded screen
RGG/007	Screenshot - Nov 21 Cam 16 232708 - dancer/male in middle booth obscured by beaded screen
RGG/008	Screenshot - Nov 21 Cam 17 234542 - dancer/male in middle booth obscured by beaded screen.
RGG/009	Screenshot - Camera 7 02:59:21 – Male seated in chair, top left of screen. Dancer is lying on male facing him, breasts in his face, male has his hands on her bottom.
RGG/010	Screenshot -24Nov Cam7– 03:00:56 - Dancer is stood in front of male, bent over with left knee on his thigh, male has right hand on her left breast
RGG/011	Male seated in chair, top left of screen. Dancer is kneeling down on floor in front of male has hand in male’s crotch Screenshot -24Nov Cam7– 02:59:34
RGG/012	Male seated in chair middle left of screen, dancer seated sideways on left leg of male, male has his right hand in dancers crotch. Screenshot 24Nov – Cam 9 03:53: 29
RGG/013	Male seated in chair middle left of screen, dancer is stood in front of male, bent over, male has right hand on her bottom. believed his left hand is also on dancers bottom but view is obscured by screen. - Screenshot 24Nov – Cam 9 03:54: 52 -

Signature: [REDACTED] Signature witnessed by:

Continuation of Statement of **PC Reaz Guerra** [REDACTED]

RGG/014	Male is seated out of camera view, dancer is stood up in front of male facing away, male places hands on her hips and the grabs/rubs her bottom. Screenshot 24Nov – Cam 14 01:18: 48
RGG/015	Male is seated out of camera view, Dancer is stood up facing away from Male, he places his right hand into dancers bottom onto her vagina. Screenshot 24Nov – Cam 14 03:10:59
RGG/016	Male is seated out of camera view, Dancer is stood up facing Male. Male has his hand in between dancer’s legs on her vagina, then hand moves in and out between dancers legs - Screenshot 24Nov – Cam 14 03:11:38
RGG/017	Male and dancer stood up facing each other, male then runs his right index finger up the front of the dancer knickers. - Screenshot 24Nov – Cam 14 03:24:06
RGG/018	Dancer is facing seated male, male touches dancers’ breasts with both his hands Screenshot 24Nov – Cam 16 02:41:42
RGG/019	Male and dancer stood up embracing each other and kissing on lips - Screenshot 24Nov – Cam 16 03:35:15
RGG/020	Male and dancer stood up embracing each other and kissing on lips - Screenshot 24Nov – Cam 16 03:41:22
RGG/021	Female with her hand on males bottom. - Screenshot 21Nov – Cam 04 22:45:23
RGG/022	Male holding hands with female, hands on the females bottom. - Screenshot 21Nov – Cam 04 22:53:41
RGG/023	Two Females hugging male. - Screenshot 21Nov – Cam 04 23:05:32
RGG/024	Male with hand on females bottom. - Screenshot 21Nov – Cam 04 22:55:47
RGG/025	Male with hand on females bottom. - Screenshot 21Nov – Cam 04

Signature: [REDACTED] Signature witnessed by:

Continuation of Statement of **PC Reaz Guerra** [REDACTED]

	22:56:15
RGG/026	RGG/026 - Male with hand on females bottom. - Screenshot 22Nov – Cam 04 00:20:53
RGG/027	Dancer with breasts in males face -. - Screenshot 21Nov – Cam 07 23:57:04
RGG/028	Dancer lying down on male with her hand on her vagina-. - Screenshot 21Nov – Cam 07 23:59:04
RGG/029	Male has his right hand on her vagina. - Screenshot 22Nov – Cam 07 00:00:59
RGG/030	Male with face in dancers bottom. - Screenshot 22Nov – Cam 04 00:04:49
RGG/031	Dancer with money (notes) from given to her by the male customer -. - Screenshot 21Nov – Cam 17 23:32:34

[REDACTED]

Signature: [REDACTED] Signature witnessed by:

Witness contact details

Home address:
..... Postcode:
Home telephone number Work telephone number
Mobile/pager number Email address:
Preferred means of contact:
Male / Female (delete as applicable) Date and place of birth:
Former name: Ethnicity Code (16+1): Religion/belief:

Dates of witness non-availability

Witness care

- a) Is the witness willing and likely to attend court? Yes / No. If 'No', include reason(s) on **MG6**.
- b) What can be done to ensure attendance?
- c) Does the witness require a Special Measures Assessment as a vulnerable or intimidated witness? Yes / No. If 'Yes' submit **MG2** with file.
- d) Does the witness have any specific care needs? Yes / No. If 'Yes' what are they? (Disability, healthcare, childcare, transport, language difficulties, visually impaired, restricted mobility or other concerns?)

Witness Consent (for witness completion)

- a) The criminal justice process and Victim Personal Statement scheme (victims only) has been explained to me Yes No
- b) I have been given the Victim Personal Statement leaflet Yes No
- c) I have been given the leaflet 'Giving a witness statement to police — what happens next?' Yes No
- d) I consent to police having access to my medical record(s) in relation to this matter: (obtained in accordance with local practice) Yes No N/A
- e) I consent to my medical record in relation to this matter being disclosed to the defence: Yes No N/A
- f) I consent to the statement being disclosed for the purposes of civil proceedings e.g. child care proceedings, CICA Yes No
- g) The information recorded above will be disclosed to the Witness Service so they can offer help and support, unless you ask them not to. Tick this box to decline their services:

Signature of witness: Print name:
Signature of parent/guardian/appropriate adult: Print name:
Address and telephone number if different from above:

Statement taken by (print name): **PC GUERRA**..... Station: **City Hall Westminster**.....

Time and place statement taken:



Exhibit RGG/004 - Screenshot showing male leaving premises, poor camera quality/position does not allow person to be identified. - CCTV on Camera 22, on 24/11/22 at 03:07:41



Exhibit RGG/005- Screenshot Nov21 Cam15 230645 - Dancer points at the camera and the male gets up and sits in the seat out of the view of the camera

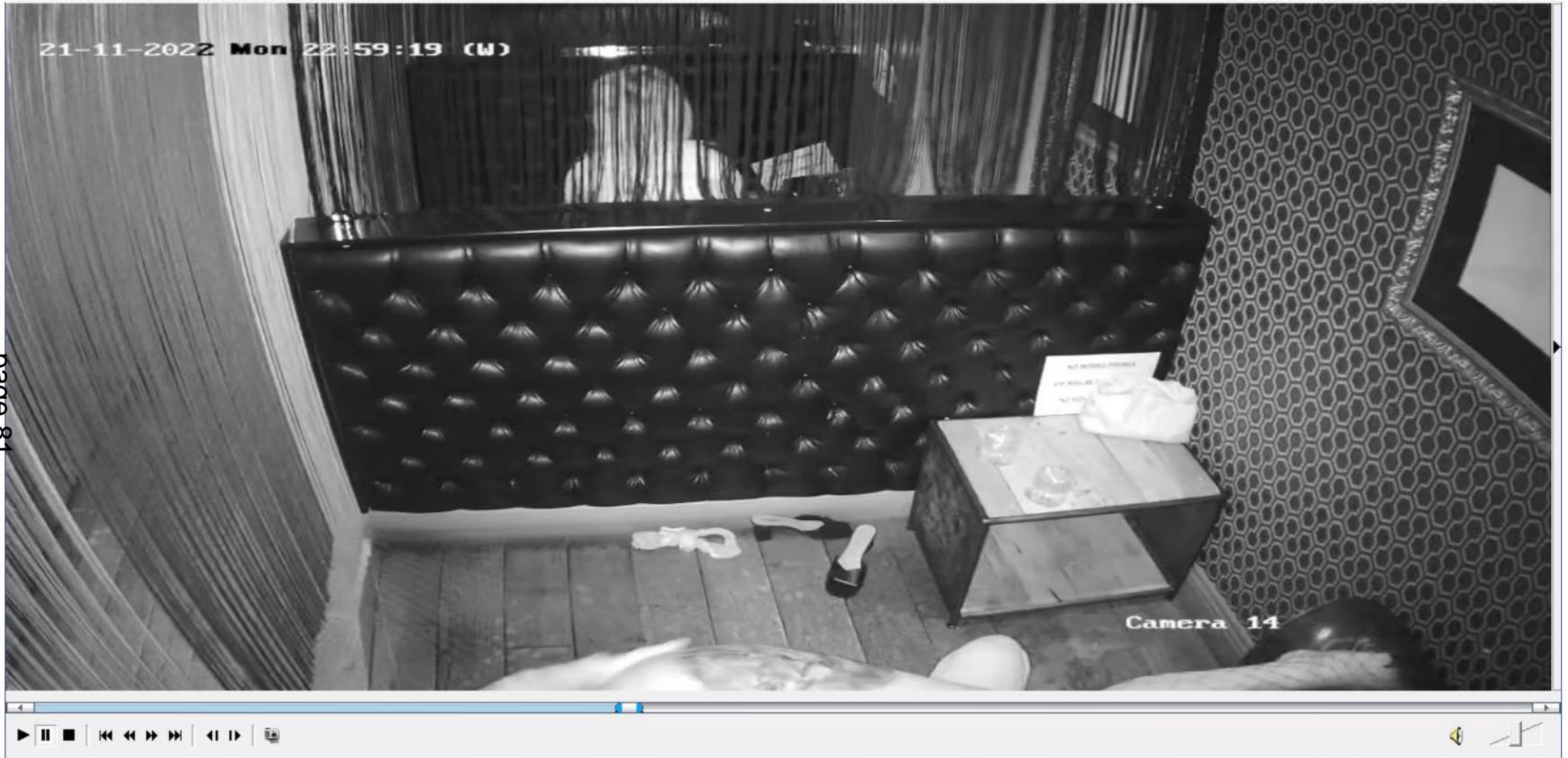


Exhibit RGG/006 - **Screenshot** – Nov 21 Cam 14 225919 – male out of view at bottom of screen, dancer/male in middle booth obscured by beaded screen



Exhibit RGG/007 - Screenshot - Nov 21 Cam 16 232708 - dancer/male in middle booth obscured by beaded screen



Exhibit RGG/008 - **Screenshot** - Nov 21 Cam 17 234542 - dancer/male in middle booth obscured by beaded screen.

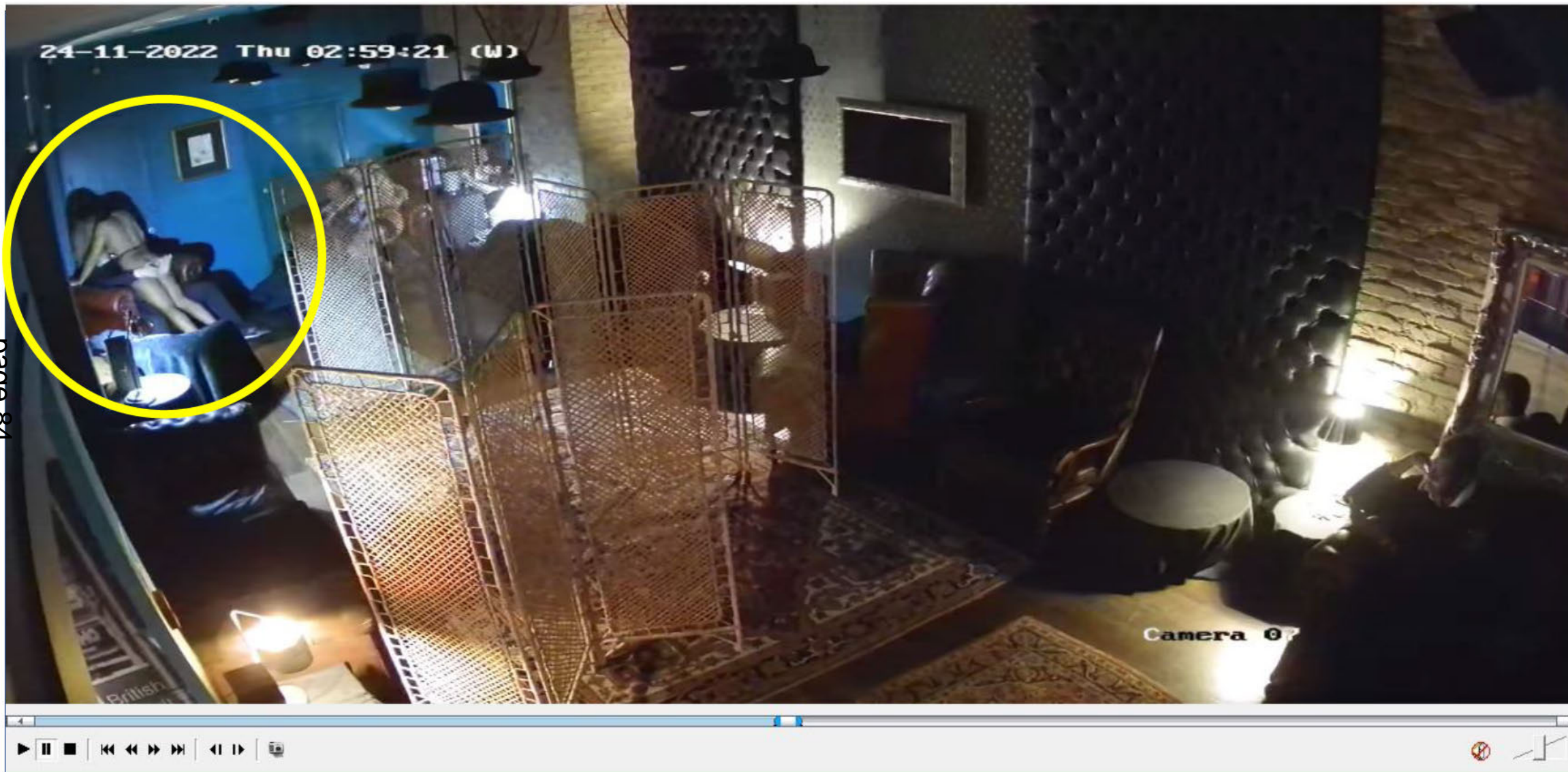
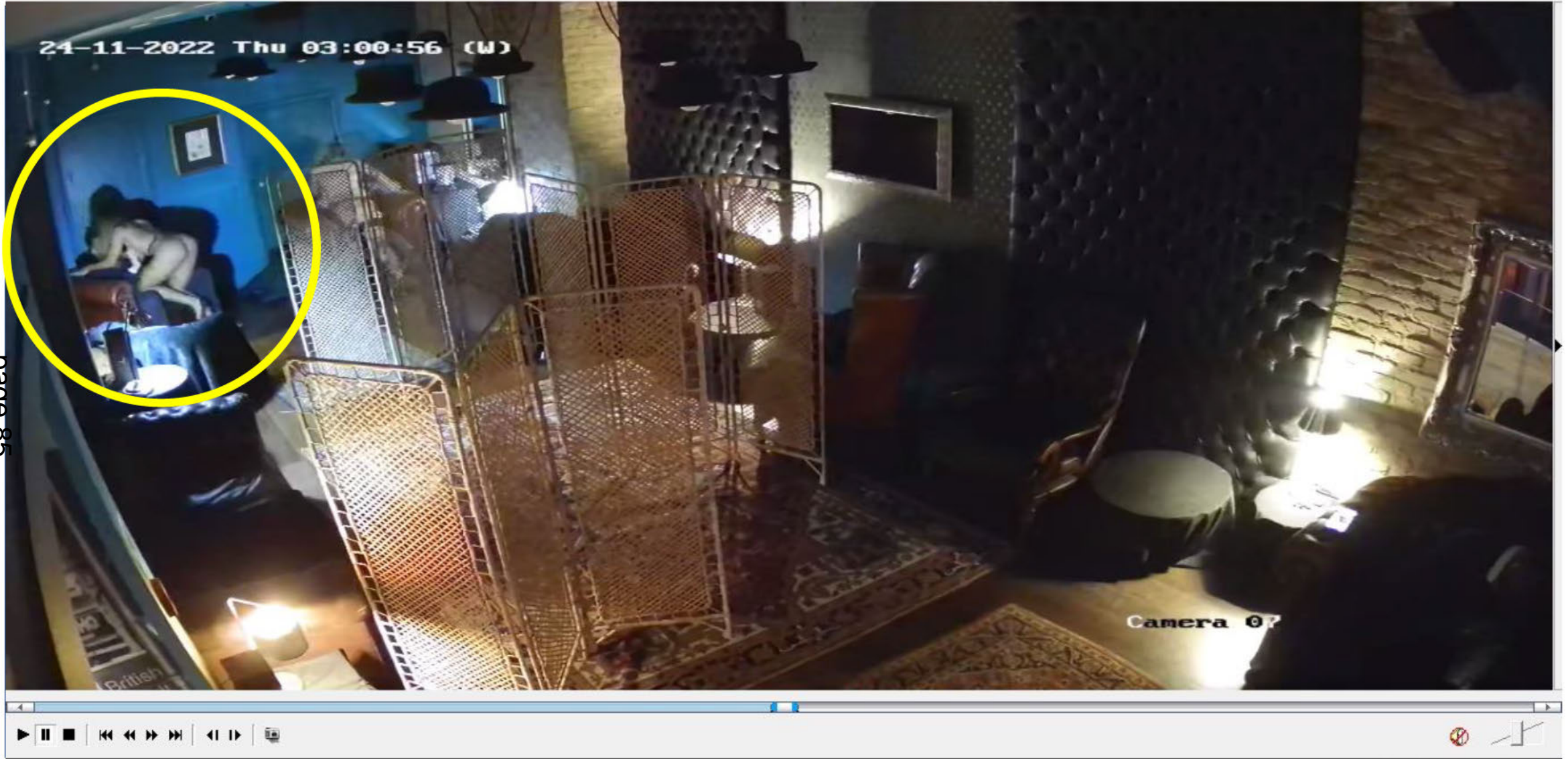


Exhibit RGG/009 - Screenshot - Camera 7 02:59:21 – Male seated in chair, top left of screen. Dancer is lying on male facing him, breasts in his face, male has his hands on her bottom.



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Exhibit RGG/010 - Screenshot -24Nov Cam7- 03:00:56 - Dancer is stood in front of male, bent over with left knee on his thigh, male has right hand on her left breast

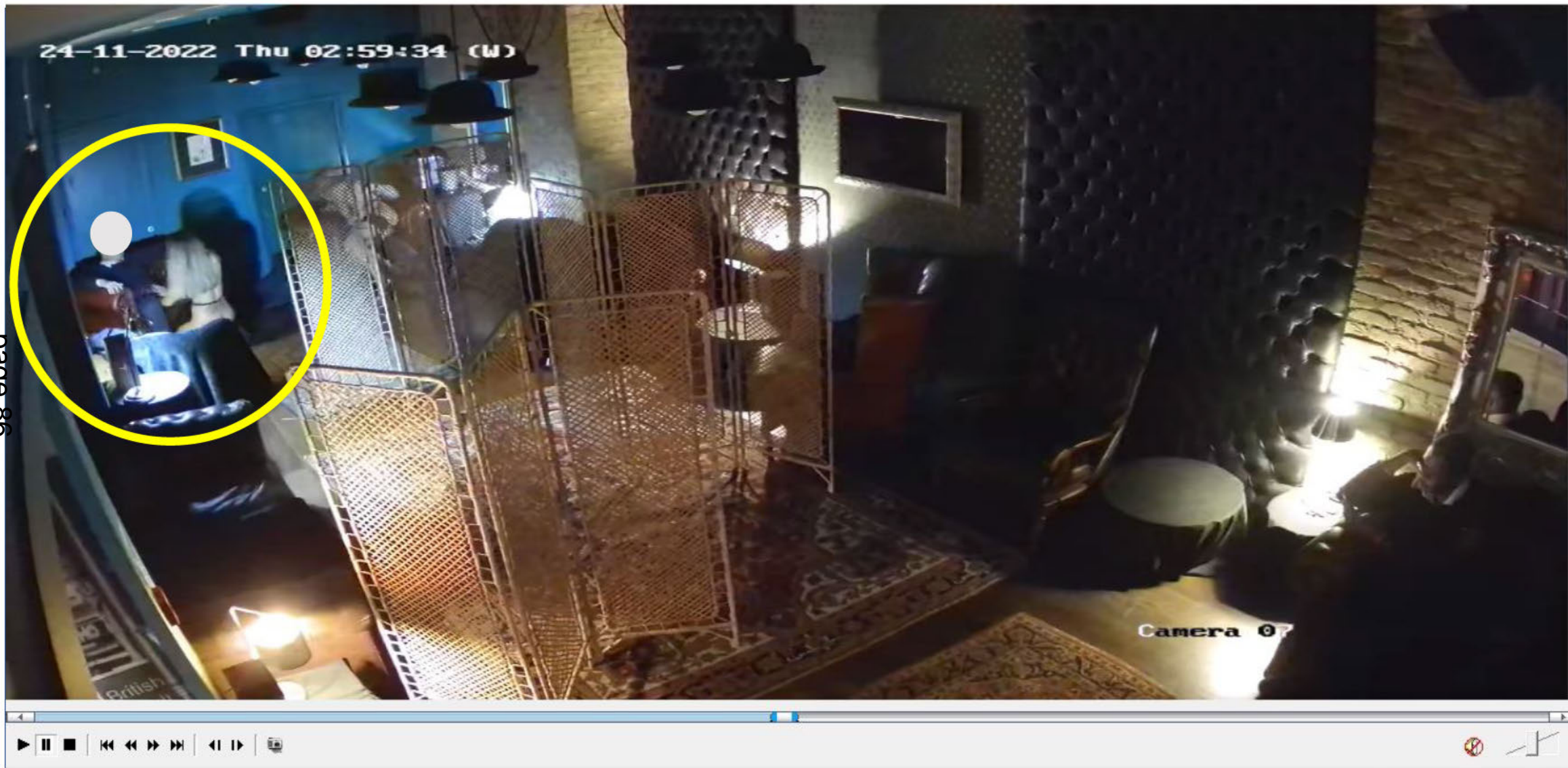


Exhibit RGG/011 - Male seated in chair, top left of screen. Dancer is kneeling down on floor in front of male has hand in male's crotch Screenshot -24Nov Cam7- 02:59:34

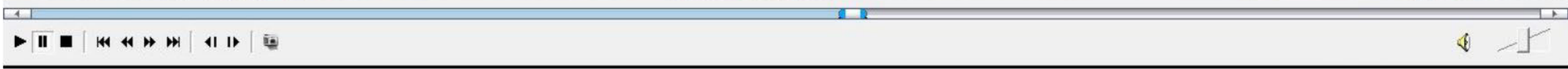


Exhibit RGG/012 - Male seated in chair middle left of screen, dancer seated sideways on left leg of male, male has his right hand in dancers crotch. **Screenshot 24Nov – Cam 9 03:53: 29**



Exhibit RGG/013 - Male seated in chair middle left of screen, dancer is stood in front of male, bent over, male has right hand on her bottom. believed his left hand is also on dancers bottom but view is obscured by screen. - Screenshot 24Nov – Cam 9 03:54: 52



Exhibit RGG/014 - Male is seated out of camera view, dancer is stood up in front of male facing away, male places hands on her hips and the grabs/rubs her bottom. **Screenshot 24Nov – Cam 14 01:18: 48**

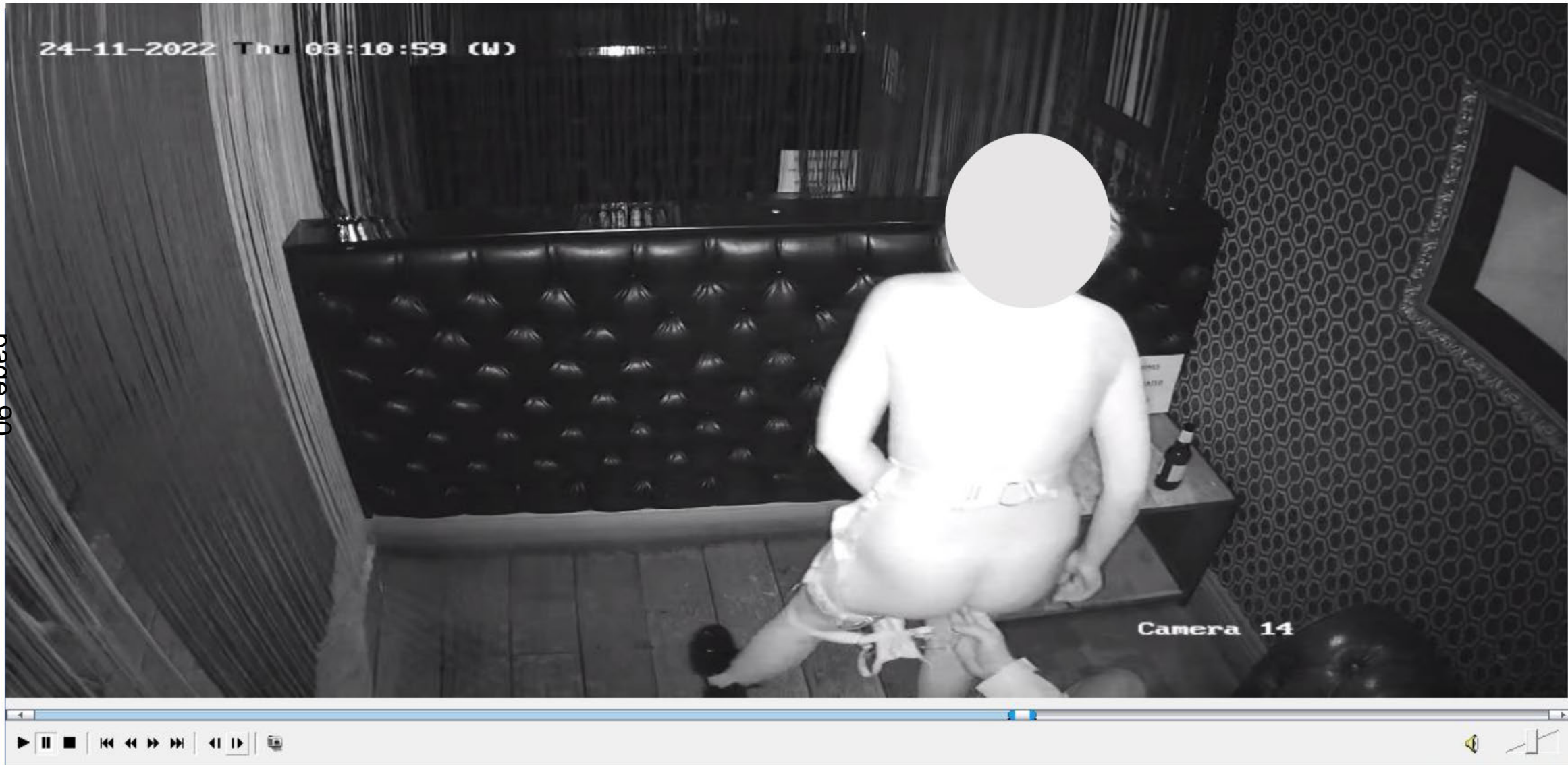


Exhibit RGG/015 - Male is seated out of camera view, Dancer is stood up facing away from Male, he places his right hand into dancers bottom onto her vagina. Screenshot 24Nov – Cam 14 03:10:59



Exhibit RGG/016 - Male is seated out of camera view, Dancer is stood up facing Male. Male has his hand in between dancer's legs on her vagina, then hand moves in and out between dancers legs - **Screenshot 24Nov – Cam 14 03:11:38**



Exhibit RGG/017 - Male and dancer stood up facing each other, male then runs his right index finger up the front of the dancer knickers. - Screenshot 24Nov – Cam 14 03:24:06



Exhibit RGG/018 - Dancer is facing seated male, male touches dancers breasts with both his hands Screenshot 24Nov – Cam 16 02:41:42



Exhibit RGG/019 - Male and dancer stood up embracing each other and kissing on lips - Screenshot 24Nov – Cam 16 03:35:15



Exhibit RGG/020 - Male and dancer stood up embracing each other and kissing on lips - Screenshot 24Nov – Cam 16 03:41:22



Exhibit RGG/0021 - Female with her hand on males bottom. - Screenshot 21Nov - Cam 04 22:45:23



Exhibit RGG/022 - Male holding hands with female, hands on the females bottom. - Screenshot 21Nov – Cam 04 22:53:41



Exhibit RGG/023 - Two Females hugging male. - Screenshot 21Nov - Cam 04 23:05:32



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Exhibit RGG/024 - - Male with hand on females bottom. - Screenshot 21Nov – Cam 04 22:55:47



Exhibit RGG/025 - Male with hand on females bottom. - Screenshot 21Nov – Cam 04 22:56:15



Exhibit RGG/026 - Male with hand on females bottom. - Screenshot 22Nov - Cam 04 00:20:53



Exhibit RGG/027 Dancer with breasts in males face -. - Screenshot 21Nov – Cam 07 23:57:04



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Exhibit RGG/028 dancer lying down on male with her hand on her vagina-. - Screenshot 21Nov – Cam 07 23:59:04



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Exhibit RGG/029 -Male has his right hand on her vagina. - Screenshot 22Nov – Cam 07 00:00:59



Exhibit RGG/030 - Male with face in dancers bottom. - Screenshot 22Nov - Cam 04 00:04:49



Exhibit RGG/031 Dancer with money (notes) from given to her by the male customer - Screenshot 21Nov – Cam 17 23:32:34

WITNESS STATEMENT

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

Statement of David Morgan [redacted] URN:

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Age if under 18 **Over 18** (if over 18 insert 'over 18') Occupation: Police Officer

This statement (consisting of:**3**.... pages each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything in it which I know to be false, or do not believe to be true.

Signature: [redacted] Date: 03/01/2023.....

I am the above named person and this statement is a continuation of the statement that I provided on Tuesday 3rd January 2023 with regards to viewing the CCTV for the Vanity bar, 4 Carlisle Street, W1D 3BJ.

Whilst viewing the CCTV for the initial drink spike crime report allegation, I noticed various unconnected incidents that took place within the venue that are contrary to the premises licence and Sexual Entertainment Venue (SEV) licence conditions.

PC Guerra has made reference to many of these conditions in his statement that he wrote on the 2nd January 2023 and my statement includes further incidents of breaches that I witnessed whilst watching the CCTV. Most of the breaches are connected with conditions 17 and 22 of the SEV licence (i.e. no physical contact between the performers and customers whilst relevant entertainment is being provided).

Whilst watching the CCTV, it has become clear that many of the female performers are allowing physical contact between themselves and the customers and there seems to be frequent contact of a sexual nature between both the customers and the performers. These range from kissing, to the touching of the performer's breasts, buttocks and vaginas. Some of the incidents that I have witnessed have already been documented in PC Guerra's statement, so I won't duplicate those. However, the additional incidents that I have noticed in addition to those PC Guerra has supplied for

Signature: [redacted] Signature witnessed by:

Continuation of Statement of David Morgan

the 24th November 2023 are as follows:

At **01:29:55 on Camera 3**, an IC1 male in a dark coloured jacket is seen talking to an IC1 female with shoulder length blonde hair. The female is talking to the male and is seen hugging him and talking in his ear. The male can be seen to take out some notes from his trouser pocket and starts to hand over some money to the female. She is seen to grab some money from his hand and starts to count it. The male seems to ask for some of the money back and she hands one of the notes back. The female then walks away followed by the male and they proceed to go upstairs where she provides him with a private dance. This incident is of note as during the interim committee hearing, it was stated that no money is taken from customers by the performers and that all transactions go through the DPS or other members of the management staff. This does not seem to be the case on this occasion. I have taken a screen shot of this incident and I exhibit it as DJM/1.

At **01:10:04 on Camera 14**, a female performer is giving a male customer a private dance in one of the booths. During the dance, the female is facing away from the male and the male can clearly be seen to be touching the performer’s buttocks afterwhich the female does not to stop him. I have taken a screen shot of this and exhibit it as DJM/2. A few seconds later, the female is facing straddling the male and the he is seen to touch her genitals. Again, the female make no attempts to stop him or does she call for a member of staff or security. This screen shot is exhibited as DJM/3. The dance continues and the male continues to touch the female’s breasts and buttocks numerous times.

At **02:13:52 on camera14**, a different female is performing a dance for a male customer and the male can be seen touching the females buttocks. I exhibit this screenshot as DJM/4. During this dance, the female removes her underwear and the male continues to touch her thighs and slaps her buttocks. This can be seen at 02:16:43 and 02:18:03, screenshots of which I exhibit as DJM/5 and DJM/6. Throughout, the dance, members of staff can be seen walking up and down the corridor, but

Signature: [redacted] Signature witnessed by:

Continuation of Statement of David Morgan [REDACTED]

at no time does anyone intervene nor does the female performer ask the male to stop.

At **02:39:21 on camera 14**, again, another female performer is dancing for another male customer.

As the female is sat on the male facing away from him, he can be seen touching her buttocks and slapping them. I exhibit this screenshot as DJM/7. Again, at no point does the female resist, nor do any members of the management intervene. A minute or so later, the female turns to face the male and his right hand can be seen moving towards her genitals and it appears that his hand makes contact with her vagina as she sits on his lap. This screen shot is exhibited as DJM/8. The female continues to dance and the male continues to touch her and at one point kisses one of her buttocks.

At **02:43:46**, the female can be seen facing away from the male, and he is seen to place his finger directly between her legs touching her vagina. At this point, the female does turn around and moves his hand away, but the dance continues without the female calling for assistance from staff or security.

Throughout my viewing of the CCTV footage, it was clear that the DPS and members of management staff were constantly walking past the booths and were within sight of the performers and customers. However, at no point have I seen them intervene or ask the performers or customers not to make contact with each other. As such, I believe that the SEV conditions have been breached on numerous occasions and it is from this, that I believe that the venue is being managed in an irresponsible manner.

[REDACTED]

Signature: [REDACTED] Signature witnessed by:

RESTRICTED – FOR POLICE AND PROSECUTION ONLY
(when completed)

Home address:

..... Postcode:

Home telephone number Work telephone number

Mobile/pager number Email address:

Preferred means of contact:

Male / Female (delete as applicable) Date and place of birth:

Former name: Height: Ethnicity Code:

Dates of witness non-availability

.....

Witness care

- a) Is the witness willing and likely to attend court? Yes / No. If 'No', include reason(s) on MG6. What can be done to ensure attendance?
- b) Does the witness require 'special measures' as a vulnerable or intimidated witness? Yes / No. If 'Yes' submit MG2 with file.
- c) Does the witness have any specific care needs? Yes / No. If 'Yes' what are they? (Healthcare, childcare, transport, disability, language difficulties, visually impaired, restricted mobility or other concerns?)

Witness Consent (for witness completion)

- a) The criminal justice process and Victim Personal Statement scheme (victims only) has been explained to me Yes No
- b) I have been given the leaflet 'Giving a witness statement to police — what happens next?' Yes No
- c) I consent to police having access to my medical records in relation to this matter: Yes No N/A
- d) I consent to my medical record in relation to this matter being disclosed to the defence: Yes No N/A
- e) I consent to the statement being disclosed for the purposes of civil proceedings e.g. child care proceedings (if applicable) Yes No N/A
- f) The information recorded above will be disclosed to the Witness Service so they can offer help and support, unless you ask them not to. Tick this box to decline their services:

Signature of witness:

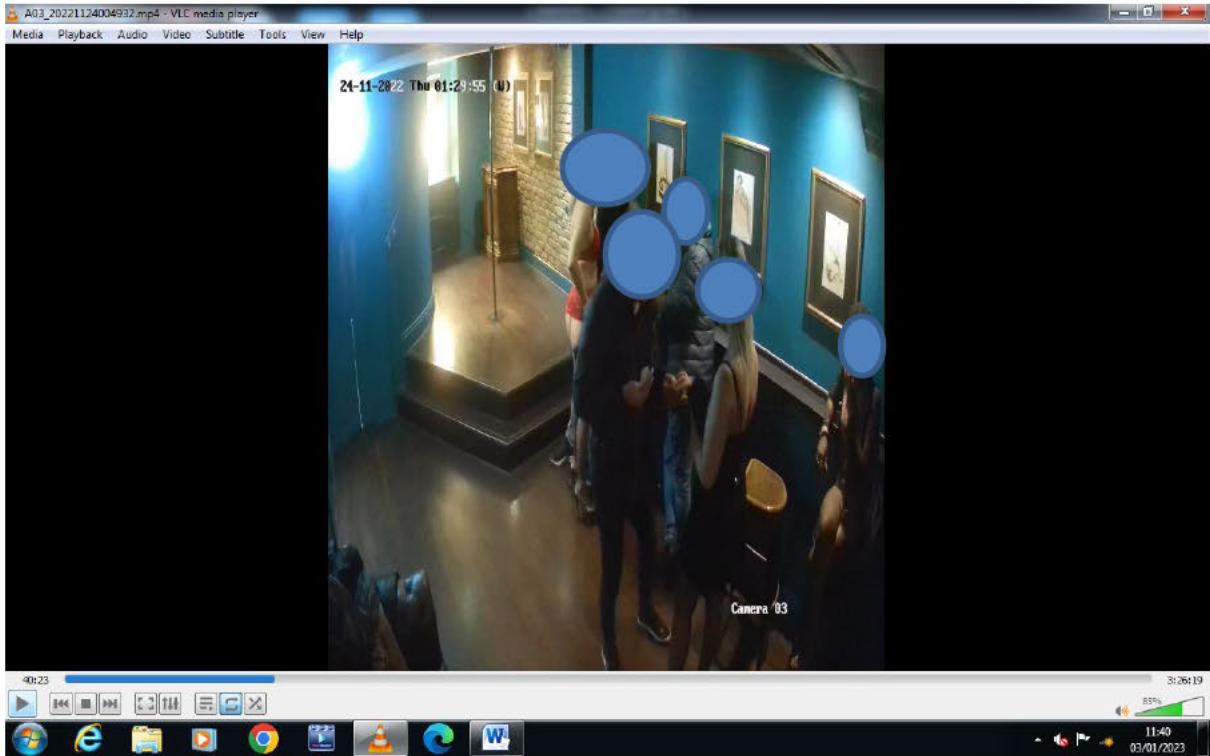
Statement taken by (print name): David Morgan PC [REDACTED]

Station: Westminster Licensing unit

Time and place statement taken: [REDACTED]

Signature of witness: DM [REDACTED]

DJM/1 – Male handing cash to female



DJM/2 – Male customer touching females buttocks



DJM/3 – Male customer touching females genitals



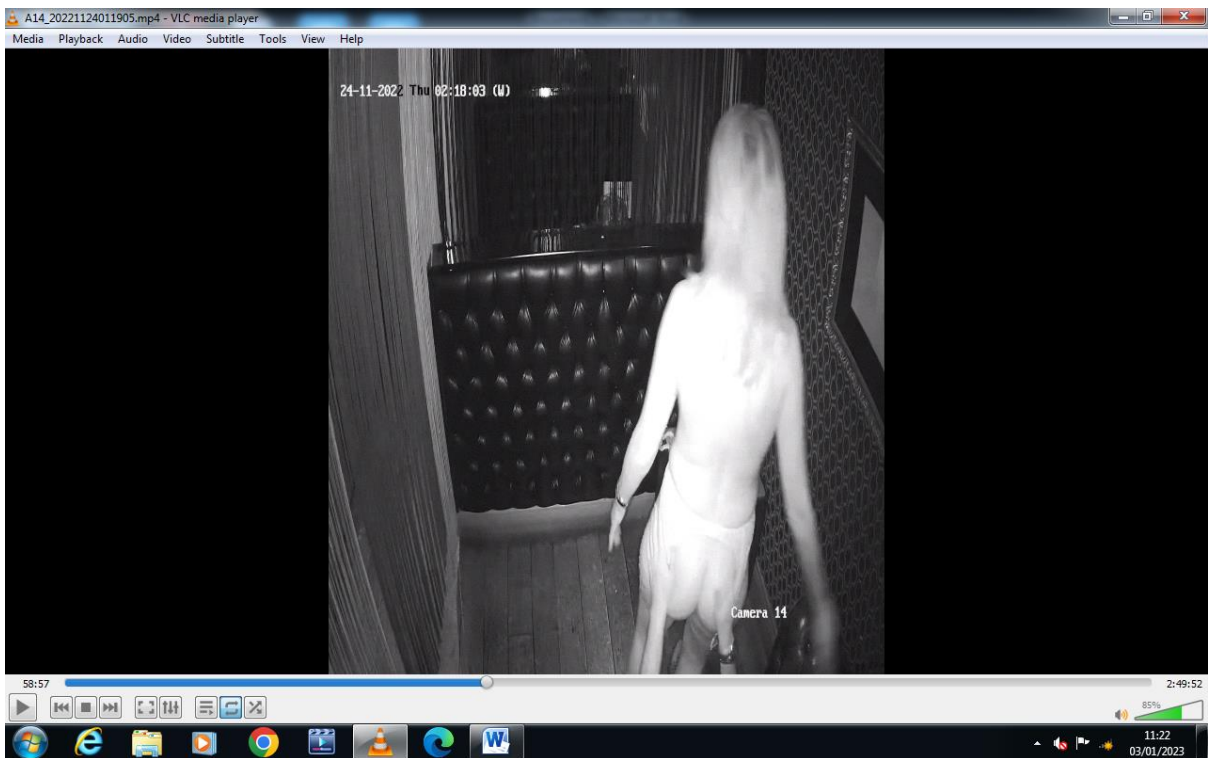
DJM/4 - Male touching females buttocks



DJM/5 – Male touching females buttocks



DJM/6 – Male touching females buttocks



DJM/7 - Male touching females buttocks



DJM/8 – Male appearing to touch females genitals.



DJM/9 – Male touching females genitals



Vanity screenshots exhibits from CCTV 23rd November 23 – 24th November 23

SM/1 - SM/18

SM/1 – Female dancer (a) in one booth sitting on top of a male customer (obscured by seating), female dancer (b) sitting on male customer. Both dancers are topless



SM/2 – Female dancers in both booths sitting on male customers, both dancers appear naked



SM/3 – Male customer and female dancer obscured from view whilst 2 female dancers are in view with one dancer bent over and the other holding her bum



SM/4 – Male customer touching a female's breast.



SM/5 – 2 females dancing for a male customer. The customer is on a booth with another dancer out of view.

23-11-2022 Wed 23:38:28 (W)



other.

SM/6 – 2 females dancing together, appearing to kiss each-

24-11-2022 Thu 01:23:58 (W)



SM/7 – Female dancer with her arms round a male customer.



SM/8 – Naked female dancer sitting with/on a male customer.

Another customer hidden in booth by a blind spot



SM/9 – Female dancer on top of a male customer. Appear

hidden by the hanging beads.



SM/10 – Naked female rubbing up and down male customer.
Security present sitting on the couch at the bottom right.



SM/11 – Naked female dancer sitting on a male customer
whilst opening and closing her legs.



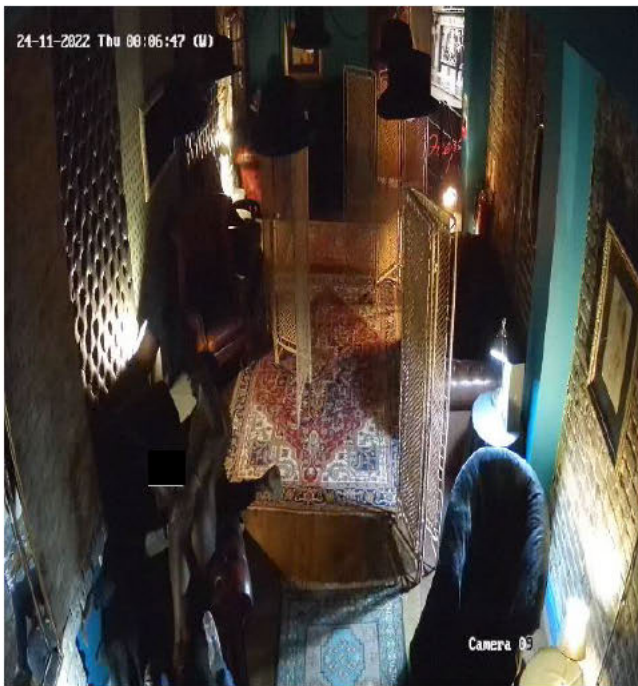
SM/12 – Female dancer on her knees at a male customers crotch area.



SM/13 – Female dancer sitting on male customer.



SM/14 – Female dancer sitting on male customer.



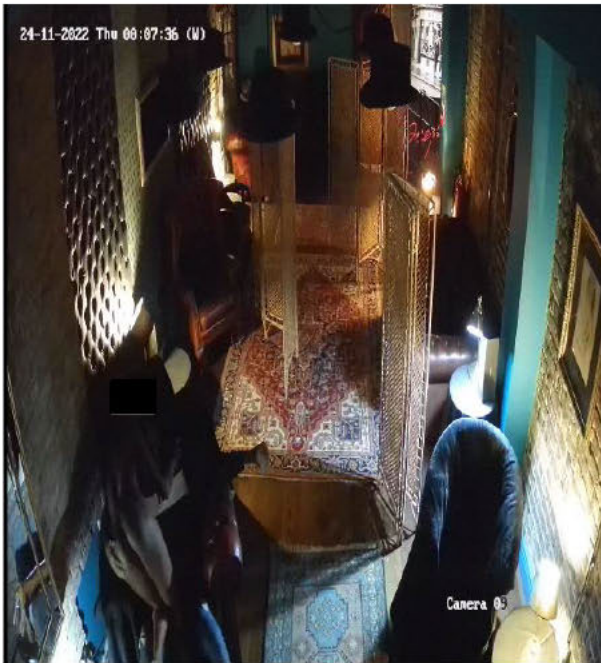
SM/15 – Male customer appearing to kiss the naked body of the female dancer.



SM/16 – Male customer and female dancer on the left in close to each-other. Male has his hands on the dancer. The male customer is also being sat on by the dancer on the top right. Security are sitting on the sofa on the bottom right of the screen.



SM/17 – Naked female dance rubbing her body from behind on a male dancer



SM/18 – Naked female dancer laying on her front on a male customer. The male customer has his hand on her bum.

Licensing Committee

Agenda

Tuesday, 16 May 2023 at 6.30 p.m.
Council Chamber - Town Hall, Whitechapel

Members:

Chair: [REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

[The quorum for this body is 3 voting Members]

Contact for further enquiries:

[REDACTED]
[REDACTED]
[REDACTED] 7

Town Hall, 160 Whitechapel Road, London, E1 1BJ

<http://www.towerhamlets.gov.uk/committee>



Public Information

Viewing or Participating in Committee Meetings

The meeting will be broadcast live on the Council's website. A link to the website is detailed below. The press and public are encouraged to watch this meeting on line.

Please note: Whilst the meeting is open to the public, the public seating in the meeting room for observers may be limited due to health and safety measures. You are advised to contact the Democratic Services Officer to reserve a place.

Meeting Webcast

The meeting is being webcast for viewing through the Council's webcast system.

<http://towerhamlets.public-i.tv/core/portal/home>

Electronic agendas reports and minutes.

Copies of agendas, reports and minutes for council meetings can also be found on our website from day of publication.

To access this, click www.towerhamlets.gov.uk/committee and search for the relevant committee and meeting date.

Agendas are available on the Modern.Gov, Windows, iPad and Android apps



Scan this QR code to view the electronic agenda



A Guide to Licensing Committee

The Licensing Committee will determine Licensing policy/procedure (excluding the Council's Statement of Policy) as well as Licensing fees and charges.

The Committee will also establish a Licensing Sub-Committee to consider Licensing matters under the Licensing 2003 Act where representations have been made.

Public Engagement

Meetings of the committee are open to the public to attend, and a timetable for meeting dates and deadlines can be found on the council's website.

Licensing Committee

Tuesday, 16 May 2023

6.30 p.m.

APOLOGIES FOR ABSENCE

1. DECLARATIONS OF INTEREST (PAGES 5 - 6)

Members are reminded to consider the categories of interest in the Code of Conduct for Members to determine whether they have an interest in any agenda item and any action they should take. For further details, please see the attached note from the Monitoring Officer.

Members are reminded to declare the nature of the interest and the agenda item it relates to. Please note that ultimately, it's the Members' responsibility to declare any interests form and to update their register of interest form as required by the Code.

If in doubt as to the nature of your interest, you are advised to seek advice prior to the meeting by contacting the Monitoring Officer or Democratic Services

2. RULES OF PROCEDURE - LICENCES FOR SEXUAL ENTERTAINMENT VENUES (PAGES 7 - 12)

To note the rules of procedure relating to determinations of licenses for sexual entertainment venues.

3. ITEMS FOR CONSIDERATION

3.1 Revocation of a Sexual Entertainment Venue Licence for the Nags Head, 17-19 Whitechapel Road, London, E1 1DU (Pages 13 - 104)

Next Meeting of the Licensing Committee

Thursday, 1 June 2023 at 6.30 p.m. to be held in Council Chamber - Town Hall, Whitechapel



Agenda Item 1

DECLARATIONS OF INTERESTS AT MEETINGS– NOTE FROM THE MONITORING OFFICER

This note is for guidance only. For further details please consult the Code of Conduct for Members at Part C, Section 31 of the Council's Constitution

(i) Disclosable Pecuniary Interests (DPI)

You have a DPI in any item of business on the agenda where it relates to the categories listed in **Appendix A** to this guidance. Please note that a DPI includes: (i) Your own relevant interests; (ii) Those of your spouse or civil partner; (iii) A person with whom the Member is living as husband/wife/civil partners. Other individuals, e.g. Children, siblings and flatmates do not need to be considered. Failure to disclose or register a DPI (within 28 days) is a criminal offence.

Members with a DPI, (unless granted a dispensation) must not seek to improperly influence the decision, must declare the nature of the interest and leave the meeting room (including the public gallery) during the consideration and decision on the item – unless exercising their right to address the Committee.

DPI Dispensations and Sensitive Interests. In certain circumstances, Members may make a request to the Monitoring Officer for a dispensation or for an interest to be treated as sensitive.

(ii) Non - DPI Interests that the Council has decided should be registered – (Non - DPIs)

You will have 'Non DPI Interest' in any item on the agenda, where it relates to (i) the offer of gifts or hospitality, (with an estimated value of at least £25) (ii) Council Appointments or nominations to bodies (iii) Membership of any body exercising a function of a public nature, a charitable purpose or aimed at influencing public opinion.

Members must declare the nature of the interest, but may stay in the meeting room and participate in the consideration of the matter and vote on it **unless:**

- A reasonable person would think that your interest is so significant that it would be likely to impair your judgement of the public interest. **If so, you must withdraw and take no part in the consideration or discussion of the matter.**

(iii) Declarations of Interests not included in the Register of Members' Interest.

Occasions may arise where a matter under consideration would, or would be likely to, **affect the wellbeing of you, your family, or close associate(s) more than it would anyone else living in the local area** but which is not required to be included in the Register of Members' Interests. In such matters, Members must consider the information set out in paragraph (ii) above regarding Non DPI - interests and apply the test, set out in this paragraph.

Guidance on Predetermination and Bias

Member's attention is drawn to the guidance on predetermination and bias, particularly the need to consider the merits of the case with an open mind, as set out in the Planning and Licensing Codes of Conduct, (Part C, Section 34 and 35 of the Constitution). For further advice on the possibility of bias or predetermination, you are advised to seek advice prior to the meeting.

Section 106 of the Local Government Finance Act, 1992 - Declarations which restrict Members in Council Tax arrears, for at least a two months from voting

In such circumstances the member may not vote on any reports and motions with respect to the matter.

Further Advice contact: [REDACTED].

APPENDIX A: Definition of a Disclosable Pecuniary Interest

(Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012, Reg 2 and Schedule)

Subject	Prescribed description
Employment, office, trade, profession or vacation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by the Member in carrying out duties as a member, or towards the election expenses of the Member. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
Contracts	Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority— (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.
Land	Any beneficial interest in land which is within the area of the relevant authority.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.
Corporate tenancies	Any tenancy where (to the Member's knowledge)— (a) the landlord is the relevant authority; and (b) the tenant is a body in which the relevant person has a beneficial interest.
Securities	Any beneficial interest in securities of a body where— (a) that body (to the Member's knowledge) has a place of business or land in the area of the relevant authority; and (b) either— (i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

TOWER HAMLETS



LICENSING COMMITTEE

RULES OF PROCEDURE

GOVERNING APPLICATIONS FOR

SEX ESTABLISHMENT LICENCES

UNDER SECTION 2 OF AND SCHEDULE 3 TO THE LOCAL GOVERNMENT

(MISCELLANEOUS PROVISIONS) ACT 1982

Date Last Reviewed:	22 nd September 2016
Reviewed By:	Senior Corporate and Governance Legal Officer
Approved By:	Licensing Committee
Date Approved:	14 th June 2016
Version No.	1
Document Owner:	[REDACTED]
Post Holder:	Senior Corporate and Governance Legal Officer
Date of Next Scheduled Review:	31 st March 2018

1. Interpretation

- 1.1 These Procedures describe the way in which hearings will be conducted under section 2 of and schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 as amended.

2. Composition of the Licensing Committee

- 2.1 The Licensing Committee will consist of fifteen (15) members and no business shall be transacted unless at least three (3) members of the Licensing Committee are present and able to form a properly constituted Licensing Committee. The Chair shall have a second or casting vote.

3. Procedure

- 3.1 The hearing shall take place in public save that the Licensing Committee may exclude the public from all or part of a hearing where it considers that, on balance, it is in the public interest to do so. The parties and any person representing them may be excluded in the same way as another member of the public. Any person so excluded may, before the end of the hearing, submit to the Licensing Committee in writing, any information which, they would have been entitled to give orally had they not been required to leave. Where there are a number of items on the agenda, the adjournment of that item for a short period, whilst another item is heard, may allow this process to be carried out effectively.
- 3.2 The Chair will begin by asking the parties to identify themselves and confirm whether or not they are represented.
- 3.3 The Licensing Committee should always satisfy itself that sufficient notice of the hearing has been given to all parties and if not satisfied, then the Licensing Committee should take such steps as it thinks fit to deal with that issue before reaching its determination and this could include adjourning that application to a later date.
- 3.4 The Chair will explain how the proceedings will be conducted, and indicate any time limits that will be imposed on the parties. In setting time limits, the Licensing Committee will take into account the importance of ensuring that all parties receive a fair hearing, and the importance of ensuring that all applications are determined expeditiously and without undue delay. Further the Licensing Committee should allow each party an equal amount of time.
- 3.5 If a party considers that any time limit is not sufficient then they should address the Licensing Committee and which will determine accordingly.

- 3.6 If any party has informed the Authority that they will not be attending or be represented at the hearing or any party does not give notice that they will not be attending but fails to attend and is not represented, the Licensing Committee may proceed in their absence or adjourn the hearing.
- 3.7 If the Licensing Committee adjourns the hearing it should specify the date, time and place to which the hearing has been adjourned.
- 3.8 If the Licensing Committee holds the hearing in the absence of a party, it will consider at the hearing the application or objection given by that party.
- 3.9 The Chair will invite an Officer of the Licensing Section to present the report by briefly summarising the application and the number and type of the representations as set out in the papers circulated. The Officer will also advise of any discussions held with the parties; any amendments made to the application; any objections withdrawn; and any agreed conditions that the Licensing Committee is being asked to consider. The Officer shall not give any opinion on the application or ask the Committee to make an inference based on such an opinion.
- 3.10 Members of the Licensing Committee can then ask questions of clarification of the Licensing Officer or seek legal advice from the Legal Adviser to the Licensing Committee if they require in respect of matters raised during the presentation by the Licensing Officer.
- 3.11 The Legal Adviser to the Licensing Committee will then give any relevant legal advice that the Licensing Committee need to take into consideration.
- 3.12 The Chair will then ask the applicant or their representative, if present, to state their case. This should avoid repetition of material already available to the Licensing Committee in the Officer's report or otherwise, and include any reasons why an exception should be made to the Sex Establishment Licensing Policy, where appropriate; address, where appropriate, the matters stated in the Sex Establishment Licensing Policy that the Licensing Committee will take into account when considering applications; and respond to the written objections received. The submission may be followed by the evidence of any person who is giving supporting evidence on behalf of the applicant or who has made a representation in favour of the application.
- 3.13 The application is to be presented within any time limit that has been set.
- 3.14 Where an applicant is unrepresented and having difficulty in presenting their application then the Legal Adviser to the Licensing Committee may ask questions of the applicant so that the relevant points are addressed and clarified for the Licensing Committee.

- 3.15 The objectors (or their representative) will be invited to question the applicant.
- 3.16 Members of the Licensing Committee may ask questions of the applicant and/or their representative as well as any other person who has spoken in support of the application. Members can also ask questions of any other person present for the applicant who they consider can assist.
- 3.17 The Legal Adviser to the Licensing Committee may ask questions for the purpose of clarifying points for the Licensing Committee.
- 3.18 The Chair will then ask objectors against the application to state their case within any time limit that has been set. The objectors should not repeat what is already set out in their objections. In stating their case, the objectors should provide clarification on any points previously requested by the Council. The submission may be followed by the evidence of any person who is giving supporting evidence.
- 3.19 The applicant (or their representative) will be invited to question the objectors.
- 3.20 Members of the Licensing Committee may then ask questions of the objectors and any other person who has spoken given evidence in support. Members can also ask questions of any other person present who they consider can assist.
- 3.21 The Legal Adviser to the Licensing Committee may ask questions for the purpose of clarifying points for the Licensing Committee.
- 3.22 Petitions will be considered but Members should proceed with caution when relying upon petitions used as evidence due to the structure and wording used.
- 3.23 The Chair will intervene at any stage of the hearing to prevent repetitious or irrelevant points being raised.
- 3.24 The objectors (or their representative) will then be permitted to “Sum Up”.
- 3.25 The applicant (or their representative) will then be permitted to “Sum Up”.
- 3.26 The Licensing Committee will consider its decision in private save that the Legal Adviser and Democratic Services Officer will remain with them.
- 3.27 The Licensing Committee will normally return to open session to announce its decision but where they consider it appropriate for the determination to be given at a later time then the Chair will advise the parties present that the decision will not be announced then but that the determination will take place later and that written notification will be dispatched to all parties advising them of the determination.

4. Exclusions

- 4.1 In addition to any exclusion under paragraph 3.1 above, The Licensing Committee may require any person attending the hearing who in their opinion is behaving in a disruptive manner to leave the hearing and may refuse to permit the person to return; or allow them to return only on such conditions as Licensing Committee may specify.
- 4.2 Any person so excluded may, before the end of the hearing, submit to the Authority in writing, any information which, they would have been entitled to give orally had they not been required to leave.

DO'S AND DO NOT'S

1. Councillors must:
 - (a) Attend compulsory training sessions;
 - (b) Be open minded and impartial;
 - (c) Declare any actual interest;
 - (d) Listen to the arguments for and against;
 - (e) Carefully weigh up all relevant issues;
 - (f) Ask questions that relate only to licensing considerations relevant to the particular application;
 - (g) Make decisions on merit and on licensing considerations only;
 - (h) Respect the impartiality and integrity of the Council's officers;
 - (i) Report any lobbying from applicants, agents, objectors or any other Councillor;
 - (j) Promote and support the highest standards of conduct; and
 - (k) Promote equality and not discriminate unlawfully against any person, and treat all people with respect.

2. Councillors must not:
 - (a) Be biased or give the impression of being biased;
 - (b) Improperly confer an advantage or disadvantage on any person nor seek to do so;
 - (c) Act to gain a financial or other benefit for themselves, their family, friends or close associates;
 - (d) Place themselves under a financial or other obligation to any individual or organisation that might seek to influence the performance of their duties as a member (e.g. by accepting gifts or hospitality from any person involved in or affected by a licensing application);
 - (e) Place themselves in a position where their integrity might reasonably be questioned;
 - (f) Participate in a meeting where they have a DPI;
 - (g) Participate in a meeting where they have an interest which does or could be reasonably considered as giving rise to bias; and
 - (h) Express opinions during any site visit to any person present, including other Members.

Agenda Item 3.1

Committee :	Date	Classification	Report No.	Agenda Item No.
Licensing Committee		Unclassified		

Report of : Head of Environmental Health & Trading Standards Originating Officer: Licensing Officer	Title: Local Government (Miscellaneous Provisions) Act 1982 Revocation of a Sexual Entertainment Venue Licence for the Nags Head, 17-19 Whitechapel Road, London, E1 1DU Ward affected: Spitalfields and Banglatown
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1.0

Summary

Name and Address of Premises: **Nags Head Public House
17-19 Whitechapel Road
London
E1 1DU**

Application to revoke : **Local Government (Miscellaneous Provisions) Act 1982 (as amended)
Sexual Entertainment Venue Licence**

Application triggered by: **Licensing Authority**

2.0 Recommendations

2.1 That the Licensing Committee considers the application and then adjudicate accordingly.

LOCAL GOVERNMENT 2000 (Section 97) LIST OF "BACKGROUND PAPERS" USED IN THE DRAFTING OF THIS REPORT

Brief description of "background paper"

Tick if copy supplied for register

If not supplied, name and telephone number of holder

Tower Hamlets SEV Policy File

[Redacted]
[Redacted]

The licence permits the following licensable activities:

- The sale by retail of alcohol (on & off sales)
- The provision of regulated entertainment consisting of recorded music, performance of dance, anything of similar nature.
- Facilities for making music and dancing and similar nature.

- Monday to Saturday 11:00 hrs to 03:00 hrs the following day
- Sunday 12:00 hrs to 22:30 hrs

The opening hours of the premises:

- Monday to Saturday 11:00 hrs to 03:30 hrs the following day
- Sunday 12:00 hrs to 23:00 hrs

4.8 Members should note that the two regimes run concurrently. Therefore, the premises licence granted under the Licensing Act 2003 could effectively run without the SEV in operation, if alcohol and regulated entertainment was solely taking place.

5.0 Policy - Appropriate Number of Sexual Entertainment Venues

5.1 The Council has determined that there are a sufficient number of sex shops, sex cinemas and sexual entertainment venues currently operating in the borough, and it does not want to see an increase in the numbers of premises that are currently providing these activities.

5.2 The Council has adopted a policy to limit the number of sexual entertainment venues in the borough to nil. However, it recognises that there are a number of businesses that have been providing sexual entertainment in Tower Hamlets for several years. The Council will not apply this limitation when considering applications for premises that were already trading with express permission for the type of entertainment which is now defined as sexual entertainment on the date that the licensing provisions were adopted by the authority if they can demonstrate in their application:

- High standards of management;
- A management structure and capacity to operate the venue;
- The ability to adhere to the standard conditions for sex establishments.

5.3 Members should consider the relevant legislation, the Council's SEV Policy and Standard Conditions (See **Appendix 8 and 4** respectively.)

6.0 Home Office Guidance

6.1 The Home Office issued guidance to local authorities in March 2010 to assist local authorities in carrying out their functions under the Act.

7.0 Licence Conditions

- 7.1 Once the Council has decided to grant a licence they are able to impose terms, conditions and restrictions on that licence, either in the form of conditions specific to the individual licence under paragraph 8 of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982, or standard conditions applicable to all SEVs or particular types of SEV.
- 7.2 Where the Council decides to produce standard conditions under paragraph 13, they will apply to every licence granted, renewed or transferred by the authority unless they have been expressly excluded or varied.
- 7.3 Most SEVs will require a premises licence as well as an SEV licence. Where this is the case, local authorities should avoid duplicating licence conditions and should ensure that conditions imposed on each licence are relevant to the activities authorised by that licence. For example, conditions relating to the sale of alcohol should only appear on a premises licence or clubs premises certificate and should not be imposed on an SEV licence. Likewise, conditions relating to the provisions of relevant entertainment should appear on the SEV licence and not a premises licence or club premises certificate. Local authorities should also avoid imposing conditions on either licence that are contradictory.
- 7.4 In many cases licences granted under the 2003 Act to existing operators will contain conditions that relate expressly and exclusively to the provision of relevant entertainment. Such a condition might prohibit contact between a performer and customer during a lap dance. In these cases, in order to avoid duplication, where conditions on premises licences or club premises certificates relate only to the provision of relevant entertainment, they shall be read as if they were deleted from the 3rd appointed day onwards.
- 7.5 In cases where conditions on a premises licence or clubs premises certificate are inconsistent with, and less onerous than, the conditions in the licence granted under the 1982 Act they shall likewise be read as though they have been deleted.

8.0 Determination of applications

- 8.1 A licence from the Council is required for the use of a premise as a sex establishment. An SEV is any premises at which relevant entertainment is provided before a live audience for the financial gain of the organiser or the entertainer.

Relevant entertainment means:

- any live performance; or
- any live display of nudity;

which is of such 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).

9.0 Legal Comments

9.1 The Council has power to revoke a sex establishment licence under Paragraph 17(1) of Schedule 3 to the 1982 Act. This is on the basis of either the mandatory grounds on which a licence should be refused or on the first two of the discretionary grounds.

9.2 The mandatory grounds for refusal are:

- (a) the applicant is under the age of 18;
- (b) that the applicant is for the time being disqualified from holding a licence;
- (c) that the person is a person other than a body corporate, who is not resident in the U.K. or an EEA state or was not so resident throughout the six months preceding the date of the application;
- (d) that the applicant is a body corporate which is not incorporated in the U.K or an EEA state; or that the applicant has been refused the grant or renewal of a sex establishment licence for the premises within the twelve months preceding the date of the application and the refusal has not been reversed on appeal.

9.3 The discretionary grounds for refusal (so far as relevant to this application) are:

- a) 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, renewed or transferred, the business to which it relates would be managed by or carried on for the benefit of a person other than the applicant who would have been refused a licence if they had applied themselves;

9.4 The Licensing Committee may, after giving the holder of an SEV licence under this Schedule an opportunity of appearing before and being heard by them, revoke the licence at any time on the basis of any of the grounds referred to in paragraphs 9.2 or 9.3.

9.5 If the licence is revoked, the authority must, if required to do so by the person who held the SEV licence, give a statement of reasons for their decision within seven days of being so required.

- 9.6 Where an SEV licence is revoked, the holder is disqualified from holding or obtaining a licence in the area of the authority for a period of twelve months beginning with the date of revocation.
- 9.7 The Council's SEV Licensing Policy made specific provision for those SEVs trading in the borough when the 1982 Act was adopted and confirms it will not apply the nil SEV policy to existing businesses that were already trading as SEVs with authorisation, subject to certain requirements being satisfied. However, the policy similarly makes clear that if any of those venues cease to trade, there is no presumption that any new application will be treated more favourably.
- 9.8 Paragraph 27 of Schedule 3 to the 1982 Act provides the licence holder with a right to appeal to the magistrates' court. The decision of the magistrates' court may be further appealed to the Crown Court.
- 9.9 The Committee should only consider those comments within the written objection or made orally at the hearing which are relevant to the mandatory or discretionary grounds for revocation. Comments within the written application or orally at the hearing which relate to moral grounds, for example, must not be considered by the Committee.
- 9.10 The Council's legal advisor will give further advice as required at the hearing.

10.0 Finance Comments

- 10.1 There are no material financial implications arising from the request to revoke the Sexual Entertainment Venue (SEV) licence. If the decision is to revoke the licence the Council will forego the licence income, and there are possible cost implications if the decision is appealed, however this will be managed within existing budget provision.

11.0 Appendices

Appendix 1	Application & supporting documents - LA
Appendix 2	Visits to the premises
Appendix 3	A copy of the existing SEV licence
Appendix 4	A copy of the Councils adopted standard conditions
Appendix 5	Layout Plan
Appendix 6	Maps of the premises showing the site location
Appendix 7	A copy of the existing Premises Licence
Appendix 8	Copy of LBTH SEV Policy

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Appendix 1

The London Borough of Tower Hamlets
Acting as an Appropriate Authority
Tower Hamlets Town Hall
160 Whitechapel Road
London
E1 1BJ

licensing@towerhamlets.gov.uk

3rd March 2023

Your ref:
Our ref: PSU:010281

Place Directorate
Public Realm

Head of Environmental Health and
Trading Standards: David Tolley

Environmental Health & Trading
Standards
Licensing & Safety Team
4th Floor, Tower Hamlets Town Hall
160 Whitechapel Road
London E1 1BJ

Tel: [REDACTED]
Enquiries to: [REDACTED]
Email: [REDACTED]

www.towerhamlets.gov.uk

Dear Appropriate Authority,

**Schedule 3 of the Local Governmental (Miscellaneous Provisions) Act 1982 as
amended by the Policing and Crime Act 2009**
RE: The Nags Head, 17-19 Whitechapel Road, London E1 1DU

I write in the capacity of the Licensing Authority, acting as a Responsible Authority to request the Appropriate Authority consider revoking the Sexual Entertainment Venue Licence for the above premises.

The reasons for this request is that test purchases carried out on the 18th August 2022 led to physical contact initiated by performers in relation to the individuals making the test purchases". This included pushing of the breast in face of the test purchasers, kissing of their neck and grinding into the groin areas. Please see attached witness statements from the Surveillance Operatives. Note, we have redacted the Officer's names and will be referring to them as Officer A and Officer B.

CCTV footage was requested on the 9th September 2022, which the Licensing Authority noted confirmed breaches of the below standard licence conditions, and supported the witness evidence mentioned. A chronology of breaches seen in the CCTV footage will be provided shortly.

The evidence shows of breaches of the following Standard Conditions attached to these premises' current Sexual Entertainment Venue Licence.

- 35. *During a performance there shall be no intentional physical contact between a performer and the customer other than the transfer of money or token at the beginning, during and at the conclusion of a dance into the hand or a garter worn by the performer. For the avoidance of doubt nothing in this condition shall prevent Performers from acting to prevent, deter or counter any attempts of physical contact by a customer.***

38. ***During a performance there shall be no full body physical contact between performers and they are not to touch each other's breasts or genitalia either with their bodies or with objects. Any performance shall be restricted to dancing and the removal of clothes. There must not be any other form of sexual activity, including but not limited to acts or the simulation of acts of personal stimulation.***

As the copy of the CCTV footage was requested from the licence holder, we understand that they have retained the original copy. We reserve the right to play the same footage at the hearing in a closed session.

The applicant's solicitor has responded to the Licensing Authority and stated the following:

"concerns about the way in which performances were being delivered by those performers were flagged by staff to management and dip sampling of CCTV footage of performances was undertaken. The dip sampling revealed, inter alia, breaches of my client's Performer and Customer Codes of Conduct. This triggered my client's internal disciplinary procedures and the Performers involved were suspended".

Given the above, the Licensing Authority acting as a Responsible Authority is requesting the revocation of this licence because the licence holder is unsuitable to hold the licence by reason of the breaches witnessed, with regard to paragraphs 17(1) and 12(3)(a) in Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982.

It is also worth noting that a similar breaches of the SEV licence were found at the premises in 2017, which resulted to objection to the renewal of the licence. Details of the hearing for this renewal can be found in the link below. On this occasion the Licensing Committee granted the renewal with additional conditions.

<http://democracy.towerhamlets.gov.uk/ieListDocuments.aspx?CId=324&MId=8231&Ver=4>

This letter is being copied to the company as the licence holder and also to the director of the company (also copied to their solicitor).

Yours sincerely,

[Redacted signature]

[Redacted name] Officer

Cc:

[Redacted list of recipients]

CJ Act 1967, s.9; MC Act 1980, ss.5A(3) (a) and 5B; Criminal Procedure Rules 2005, Rule 27.1

URN:

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Statement of: [REDACTED]

Age if under 18 (if over insert "over 18"): over 18

Occupation: Surveillance Operative

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

Name / Signature: [REDACTED]

Date: 18/08/2022

Tick if witness evidence is visually recorded: (Supply witness details on last page)

Statement

1. I am [REDACTED] and I am employed by [REDACTED]
2. I was instructed by [REDACTED] to attend The Nags Head Gentlemens Club, 17-19 Whitechapel Road, London, E1 1DU, in order to conduct a test purchase task on behalf of the London Borough of Tower Hamlets.
3. At approximately 22:45 hrs on the 18/08/2022 I arrived at The Nags Head Gentlemens Club, 17-19 Whitechapel Road, London, E1 1DU, in order to conduct a test purchase task.
4. Upon arrival at the premises the front entrance was covered by a single male sat at a table by the door. The entrance fee was £3.00. I was verbally told the rules and nothing was visible of the rules on show. The individual had some form of identification around his neck.
5. Inside the premises there were two further security staff members with ID cards around their necks. I walked up to the bar and ordered a drink then sat down at the seats directly by the stage where pole dancers performed. The venue had CCTV visible in multiple areas including the private and VIP areas. There were two members of staff working the bar area and an individual who appeared to be a manager at the end of the bar taking payments for dances. All staff were appropriately dressed in smart casual wear.
6. Inside the venue the stage was to the back with seating directly in front of the stage. The bar ran along the right-hand side where four private booths were also located. At the other end of the bar there were toilets in the far-right hand corner and three VIP booths on the left-hand side.

Name / Signature: [REDACTED]

Witness Statement

CJ Act 1967, s.9; MC Act 1980, ss.5A(3) (a) and 5B; Criminal Procedure Rules 2005 , Rule 27.1

7. *There were more than ten dancers who walked around the establishment, asking for money before they went on stage. I was asked if I could buy a dancer a drink, which I obliged.*
8. *I conversed with an English girl named [REDACTED] and I bought her a drink and then we went for a private dance which cost £20 for five minutes. Myself and my colleague were in the same booth during this dance. The dancer rubbed herself against me but no touching was allowed. The security guard did come in from time to time to check but spent most of the time at the entrance, CCTV was visible in the booth areas.*
9. *After the dance had finished, I paid £240 for a 30-minute VIP dance and a drink. This dance was in a separate booth where CCTV was visible directly to the front. The dancer made quite a bit of contact with me whilst naked, thrusting herself against my groin whilst rubbing her breasts against my face and also kissing my neck. She told me that I was allowed to touch her but not the vagina area, I politely declined the offer.*
10. *During the dance we talked about her having a daughter and the other job she did in the day working in a shop. She said she enjoyed the dance work though because it pays really good money.*
11. *At no time during the visit was there any mention of any drug use.*
12. *There were no performer inside the gentleman's toilets and there was no physical contact between performers.*
13. *Following my visit, I immediately returned to my vehicle and wrote notes on the details of the event within a document on my work-issued smart-phone on 18/08/2022. I exhibit these as [REDACTED].001.*
14. *I believe the facts stated in this witness statement are true.*

Name / Signature: [REDACTED]

The Nags Head – E1 1DU

18/8/2022 – 19/8/2022



Entered the premises @ 22.45

When we arrived at the establishment we were not touted into the premises. The front entrance was covered by a single male sat at a table by the door. The entrance fee was £3. He verbally told us the rules but there was nothing visible of the rules on show. He did have some form of identification around his neck but unsure as to whether it was an SIA licence or not.

Once inside the venue it was noted that there were 2 further security staff again with id cards around their necks but unsure if they were SIA. We walked upto the bar and ordered ourselves some drinks before going to sit down at the seats directly by the stage where the pole dancers performed. CCTV was visible in multiple areas around the venue including the Private and VIP areas. There were 2 members of staff working the bar area with what looked like the manager at the end of the bar taking payments for the dances. All staff were appropriately dressed in smart casual wear and also fully covered.

As you walked into the venue, the stage was to the back of the venue, where there was seating directly in front. The bar ran along the right hand side where there also was the private dance booths, 4 in total. At the other end of the bar there was the toilets in the far right hand corner and on the left hand side of the venue was where the VIP dance booths were, 3 in total.

Inside, there were 10+ dancers that we could see who all walked around with either a jar or their purses open asking us for money before they went on stage. We were also asked if we could buy them a drink which we obliged. I got talking to an English girl called [REDACTED] where I bought her a drink and then we went for a private dance which cost £20 for 5 minutes. Myself and my colleague were both in the same booth whilst this was happening. The dancer did rub herself against me but no touching was allowed. The security guard did come in from time to time to check but spent most of the time at the entrance, CCTV was visible in the booth areas. After that had finished we paid £240 for a ½ an hour VIP dance and also a drink. It was separate booths this time where CCTV was visible directly to the front. The dancer made quite a bit of contact with me whilst naked, thrusting herself against my groin whilst rubbing her breasts against my face and also kissing my neck. She told me that I was allowed to touch her but not the virgina area, I politely declined the offer. During the dance we talked about her having a daughter and the other job she did in the day working in a shop. She said she enjoyed the dance work though because it pays really good money.

At no time whilst in there did we see or hear any mention of any drug use.

There were no performers inside the gents toilets and there was no sexual physical contact between the performers.

CJ Act 1967, s.9; MC Act 1980, ss.5A(3) (a) and 5B; Criminal Procedure Rules 2005, Rule 27.1

URN:

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Statement of: [REDACTED]

Age if under 18 (if over insert "over 18"): over 18

Occupation: Surveillance Operative

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

Name / Signature: [REDACTED]

Date: 18/08/2022

Tick if witness evidence is visually recorded: (Supply witness details on last page)

Statement

1. I am [REDACTED] and I am employed by [REDACTED]
2. I was instructed by [REDACTED] to attend The Nags Head Gentlemens Club, 17-19 Whitechaple Road, London, E1 1DU, in order to conduct a test purchase task on behalf of the London Borough of Tower Hamlets.
3. At approximately 22:45 hrs on the 18/08/2022 I arrived at The Nags Head Gentlemens Club, 17-19 Whitechaple Road, London, E1 1DU, in order to conduct a test purchase task.
4. Upon arrival at the premises the front entrance had a male at the door. The entrance fee was £3 and the male verbally communicated the rules upon entering the venue. The male had an identification badge around his neck.
5. Upon entering Inside the premises there were two further security staff members with ID cards around their necks. I ordered a drink at the bar and then sat down directly in front of the stage where pole dancers performed. TV's were situated above the bar and also in the private and VIP areas. There appeared to be 2 people working at the bar, with a possible manager that was taking card payments for the dances. The staff were all appropriately dressed, smart casual and fully covered.
6. The layout as you walk into the venue, the stage is located at the very back, where one female would dance on the pole. To the middle, in front was the seating area. The bar ran along the right-hand side, before the bar to the right-hand side was the private booths dance area, that contained at least four private booths. To the far end of the bar was the toilets in the right-hand corner. And the left-hand side went into the VIP dance area, which had at least three open booths.

Name / Signature: [REDACTED]

Witness Statement

CJ Act 1967, s.9; MC Act 1980, ss.5A(3) (a) and 5B; Criminal Procedure Rules 2005 , Rule 27.1

7. *There were approximately ten or more dancers and they walked around collecting money from individuals before they got up on to the stage, taking it in turns, on the occasion buying one a drink. I conversed with a Romanian dancer " [REDACTED] " and I decided to go for a private dance, which I paid £20.*
8. *I had a double performance with my colleague in the same room with his dancer. The dancer made contact with me on my lap. The security did check on us through the beaded curtains but was outside of it most of the time.*
9. *I then had a VIP dance which was £240 and included a drink for us both. In the VIP booth no security was seen until the very end of the dance. There was CCTV directly in front of us and it was an open booth area. The dancers looked out for each other's bag and the dancer explained to me that someone had once ran off with one of their bags.*
10. *The dancer made a fair amount of contact with me, she pressed her breasts into my face, brushing against my neck and ear. She spent a lot of time on my lap with her underwear to the side and touching her vagina, she would also grind against my groin area. She did explain to me that I was allowed to touch her a little bit if I wanted, I declined politely. We spoke a bit about my tattoos and she told me how she wanted to get bum implants.*
11. *There was no mention at all about drug use within the premises, and no offers of further sexual service.*
12. *On visiting the gentleman's toilets there were no performers inside. There was no sexual physical contact between the dancers.*
13. *Following my visit, I immediately returned to my vehicle and wrote notes on the details of the event within a document on my work-issued smart-phone on 18/08/2022. I exhibit these as [REDACTED] 001.*
14. *I believe the facts stated in this witness statement are true.*

Name / Signature: [REDACTED]

Operative Notes

The Nags Head E1 1DU

18/8/22

██████████

Entry approximately: 22:45.

Arriving at the Nags head venue we were not tought into the premises, the front entrance had a male sat by the door, entrance was £3, he verbally communicated the rules to us for when entering the venue. He had a badge attached around his neck, unable to see if it was SIA licence.

On entering inside the venue there was a further 2 security staff. Both of which also had the badges around their neck. We ordered our drinks at the bar and went and sat down directly infront of the stage where the pole was for the dancers. Cctv could be seen in multiple places over the stage, above the TV's, above the bar, also in the private and VIP dance areas. There appeared to be 2 people working at the bar, with a possible manager that was taking card payments for the dances. The staff were all appropriately dressed, smart casual and fully covered.

The layout as you walk into the venue, you have the stage at the very back, where one female would dance on the pole. To the middle infront was all the seating area. The bar ran along the right hand side, before the bar to the right hand side was the private booths dance area that contained atleast 4 private boothes. The far end of the bar was the toilets in the right hand corner. And the left hand side went into the VIP dance area, which again had atleast 3 open boothes. .

There was approximately 10+ dancers, they would walk around collecting money from individuals before they got up on to the stage, taking it in turns, on the occasion buying one a drink. I got talking to a Romanian dancer "██████████" we decided to go for a private dance, which we paid £20, we ended up having a double performance with my colleague in the same room with his dancer. The dancer did make contact with me on my lap. The security did check on us through the beaded curtains but was outside of it most of the time. We then went for a VIP dance which was £240 and included a drink for us both. In the VIP no security was seen until the very end of the dance, but there was cctv directly infront of us, as it was quite an open booth area. The dancers would look out for each other's bag, as the dancer explained to me that someone had once ran off with one of their bags. The dancer made a fair amount of contact with me, she pressed her breasts into my face, brushing against my neck and ear. She spent a lot of time on my lap with her underwear to the side and touching her vagina, she would also grind against my groin area. She did explain to me that I was aloud to touch her a little bit if I wanted, I declined politely. We spoke a bit about my tattoos and she told me how she wanted to get bum implants.

There was no mention at all about drug use within the premises, and no offers of further sexual service. On visiting the gents toilets there were no performers inside. There was no sexual physical contact between the dancers.

Corinne Holland

From: [REDACTED]
Sent: 20 April 2023 16:19
To: [REDACTED]
Cc: [REDACTED]
Subject: Nags License Ltd - The Nags Head, 17-19 Whitechapel Road, London E1
Attachments: WhitechapelRd.17-19.CCTVChronology.Red.pdf

Dear Appropriate Authority [REDACTED]

Please see attached the additional evidence (chronology of breaches) as referred to in the revocation request. Please note that we are meeting with our legal team in the middle of next week, and may serve any additional evidence (if there is any).

Kind regards,

[REDACTED]

[REDACTED]
www.towerhamlets.gov.uk [REDACTED]

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Tower Hamlets is reviewing its Licensing Policy to take part in the consultation visit the link below:
<https://talk.towerhamlets.gov.uk/statement-of-licensing-policy-review-consultation-2023>

Nags Head, "Nags Head Public House", 17-19 Whitechapel Road, London E1 1DU

Table of Breaches from CCTV for 18th August 2022

Standard Conditions attached to these premises' current Sexual Entertainment Venue Licence:

35. ***During a performance there shall be no intentional physical contact between a performer and the customer other than the transfer of money or token at the beginning, during and at the conclusion of a dance into the hand or a garter worn by the performer. For the avoidance of doubt nothing in this condition shall prevent Performers from acting to prevent, deter or counter any attempts of physical contact by a customer.***
38. ***During a performance there shall be no full body physical contact between performers and they are not to touch each other's breasts or genitalia either with their bodies or with objects. Any performance shall be restricted to dancing and the removal of clothes. There must not be any other form of sexual activity, including but not limited to acts or the simulation of acts of personal stimulation.***

Officer A - Surveillance Operative [REDACTED]

Performer A - "[REDACTED] in statement)

Officer B - Surveillance Operative [REDACTED]

Performer B: [REDACTED]

Customer C - unidentified customer at the end of video

Performer C - unnamed performer at the end of video

Room Name/ Camera number	Date/ Time as shown on screen	Subjects seen: Officer (A, B)* Performers (A, B)*	Description of Activity	Duration	Breach of condition (Condition(s) listed)
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Camera 01 (VIP Room)	18/08/20 22 23:10:38	Performer A Officer A	Performer A straddled onto Officer A's lap and touched Officer A's body, including his groin intermittently. Officer A is touched by Performer A.	1 minute 26 Seconds	Cond 35 & 38
Camera 01 (VIP Room)	18/08/20 22 23:10:39	Performer A Officer A	Performer A straddled onto Officer A's lap, taking Office A's left hand and put it on her leg. Officer A invited to touch Performer A's leg.	32 Seconds	Cond 35
Camera 01 (VIP Room)	18/08/20 22 23:11:21	Performer A Officer A	Performer A invited Officer A to touch Performers A's waist. Officer A invited to touch performer A's waist.	2 Seconds	Cond 35
Camera 01 (VIP Room)	18/08/20 22 23:11:28	Performer A Officer A	Performer A sat of Officers A's lap taking Officer A's hands and put it on her breasts. Officer A invited to touch Performer A's breasts.	10 Seconds	Cond 35 & 38
Camera 01 (VIP Room)	18/08/20 22 23:11:45	Performer A Officer A	Performer A accepted uninvited touch of Officers A's hands. Officer A touched Performers A's legs.	18 Seconds	Cond 35
Camera 01 (VIP Room)	18/08/20 22	Performer A	Performer A accepted uninvited touch of Officers A's hands.	37 Seconds	Cond 35

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	23:12:11	Officer A	Officer A touched Performers A's legs.		
Camera 01 (VIP Room)	18/08/2022 23:12:27	Performer A Officer A	Performer A sat on Officer A's lap and touched Officers A's face. Officer A is touched by Performer A.	3 Seconds	Cond 35
Camera 01 (VIP Room)	18/08/2022 23:12:30	Performer A Officer A	Performer A sat on Officer A's lap and covered her genitals to deter Officer A's advances of hands.	7 Seconds	Cond 35
Camera 01 (VIP Room)	18/08/2022 23:13:06	Performer A Officer A	Performer A touched Officer A's body and head intermittently. Officer A is touched by Performer A.	59 Seconds	Cond 35
Camera 01 (VIP Room)	18/08/2022 23:14:08	Performer B Officer B	Performer B touched Officers B's face and possibly kissed Officers B's neck. Officer B is touched and possibly kissed by Performer B.	16 Seconds	Cond 35
Camera 01 (VIP Room)	18/08/2022 23:14:30	Performer A Officer A	Performer A sat on Officers A's lap and stroked Officers A's body. Officer A is touched by Performer A.	40 Seconds	Cond 35
Camera 01 (VIP Room)	18/08/2022 23:15:11	Performer A Officer A	Performer A high fived Officer A. Officer A is touched by Performer A.	1 Second	Cond 35

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Camera 01 (VIP Room)	18/08/2022 23:15:30	Performer A Officer A	Performer A touched Officers A's body and groin. Officer A is touched by Performer A.	1 minute 11 Seconds	Cond 35
Camera 01 (VIP Room)	18/08/2022 23:15:44	Performer A Officer A	Performer A invited Officer A to touch Performers A's bottom and body. Officer A invited to touch performer A's bottom and body.	38 Seconds	Cond 35
Camera 01 (VIP Room)	18/08/2022 23:16:37	Performer A Officer A	Performer A invited Officer A to touch Performers A's legs. Officer A invited to touch performer A's legs.	30 Seconds	Cond 35
Camera 01 (VIP Room)	18/08/2022 23:17:15	Performer A Officer A	Performer A accepted uninvited touch of Officers A's hands. Officer A touched Performers A's body.	9 Seconds	Cond 35
Camera 01 (VIP Room)	18/08/2022 23:17:26	Performer A Officer A	Performer A touched Officers A's body. Officer A is touched by Performer A.	21 Seconds	Cond 35
Camera 01 (VIP Room)	18/08/2022 23:17:27	Performer A Officer A	Performer A accepted uninvited touch of Officers A's hands intermittently. Officer A touched Performers A's body.	20 Seconds	Cond 35

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Camera 01 (VIP Room)	18/08/20 22 23:17:54	Performer A Officer A	Performer A accepted uninvited touch of Officers A's hands intermittently. Officer A touched Performers A's body.	2 minutes 46 Seconds	Cond 35
Camera 01 (VIP Room)	18/08/20 22 23:18:06	Performer B Officer B	Performer B touched Officer B's left arm. Officer B is touched by Performer B.	2 Seconds	Cond 35
Camera 01 (VIP Room)	18/08/20 22 23:18:26	Performer B Officer B	Performer B touched Officer B's body. Officer B is touched by Performer B.	2 Seconds	Cond 35
Camera 01 (VIP Room)	18/08/20 22 23:18:33	Performer A Officer A	Performer A strokes Officers A's groin and body intermittently. Officer A is touched by Performer A.	1 minute 40 Seconds	Cond 35 & 38
Camera 01 (VIP Room)	18/08/20 22 23:21:06	Performer A Officer A	Performer A straddled Officer A and invited Officer A to touch Performers A's body. Performer A touched Officer A's body. Officer A invited to touch performer A's body and is touched by Performer A.	1 minute 17 Seconds	Cond 35
Camera 01 (VIP Room)	18/08/20 22 23:22:33	Performer A Officer A	Performer A accepted uninvited touch of Officers A's hands intermittently. Officer A touched Performers A's body.	27 Seconds	Cond 35

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Camera 01 (VIP Room)	18/08/20 22 23:22:42	Performer A Officer A	Performer A invited Officer A to touch Performers A's breasts. Officer A invited to touch performer A's breasts.	7 Seconds	Cond 35 & 38
Camera 01 (VIP Room)	18/08/20 22 23:23:23	Performer A Officer A	Performer A sat on Officer A's lap and accepted uninvited touch of Officers A's hands. Officer A touched Performers A's body.	21 Seconds	Cond 35
Camera 01 (VIP Room)	18/08/20 22 23:23:43	Performer A Officer A	Performer A touched Officers A's groin and body intermittently. Performer A possibly kissed Officer A's neck. Officer A is touched by Performer A.	1 minute 32 Seconds	Cond 35 & 38
Camera 01 (VIP Room)	18/08/20 22 23:24:38	Performer A Officer A	Performer A accepted uninvited touch of Officers A's hands intermittently. Officer A touched Performers A's body.	1 minute 30 Seconds	Cond 35
Camera 01 (VIP Room)	18/08/20 22 23:26:13	Performer A Officer A	Performer A accepted uninvited touch of Officers A's hands intermittently. Officer A touched Performers A's body.	47 Seconds	Cond 35
Camera 01 (VIP Room)	18/08/20 22	Performer B	Performer B touched Officer B's face.	2 Seconds	Cond 35

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	23:26:53	Officer B	Officer B is touched by Performer B.		
Camera 01 (VIP Room)	18/08/20 22 23:27:21	Performer A Officer A	Performer A accepted uninvited touch of Officers A's hands intermittently. Officer A touched Performers A's body including breasts.	36 Seconds	Cond 35 & 38
Camera 01 (VIP Room)	18/08/20 22 23:28:28	Performer A Officer A	Performer A invited Officer A to hug and touched Office A's body intermittently. Officer A invited to touch performer A.	1 minutes 8 Seconds	Cond 35
Camera 01 (VIP Room)	18/08/20 22 23:28:55	Performer B Officer B	Performer B touched Officer B's face intermittently. Officer B is touched by Performer B. Missing footage from 23:29:14 – 23:09:23*	17 Seconds	Cond 35
Camera 01 (VIP Room)	18/08/20 22 23:30:18	Performer A Officer A	Performer A touched Officers A's body intermittently. Officer A is touched by Performer A.	15 Seconds	Cond 35
Camera 01 (VIP Room)	18/08/20 22 23:30:33	Performer A Officer A	Performer A invited Officers A's to touch Performer A's body. Officer A touched Performers A's body, including breast.	28 Seconds	Cond 35 & 38

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Camera 01 (VIP Room)	18/08/2022 23:31:37	Performer A Officer A	Performer A touched Officers A's face and body. Officer A is touched by Performer A.	18 Seconds	Cond 35
Camera 01 (VIP Room)	18/08/2022 23:31:41	Performer B Officer B	Performer B touched Officer B's chest. Officer B is touched by Performer B.	1 Second	Cond 35
Camera 01 (VIP Room)	18/08/2022 23:32:32	Performer A Officer A	Performer A touched Officers A's face and body. Officer A is touched by Performer A.	6 Seconds	Cond 35
Camera 01 (VIP Room)	18/08/2022 23:32:48	Performer A Officer A	Performer A touched Officers A's hand. Officer A is touched by Performer A.	4 Seconds	Cond 35
Camera 01 (VIP Room)	18/08/2022 23:33:19	Performer A Officer A	Performer A accepted uninvited touch of Officers A's hands. Officer A touched Performers A's body.	7 Seconds	Cond 35
Camera 01 (VIP Room)	18/08/2022 23:33:35	Performer A Officer A	Performer A touched Officers A's shoulder. Officer A is touched by Performer A.	1 Second	Cond 35

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Camera 01 (VIP Room)	18/08/2022 23:33:41	Performer A Officer A	Performer A accepted uninvited touch of Officers A's hands. Officer A touched Performers A's body.	5 Seconds	Cond 35
Camera 01 (VIP Room)	18/08/2022 23:34:30	Performer A Officer A	Performer A invited Officer A to a kiss on the cheek and a hug. Officer A invited to touch performer A's waist.	5 Seconds	Cond 35
Camera 01 (VIP Room)	18/08/2022 23:34:34	Performer B Officer B	Performer B kisses Officer B's cheeks. Officer B is touched by Performer B.	2 Seconds	Cond 35
Camera 01 (VIP Room)	18/08/2022 23:46:48	Performer C Customer C	Performer C accepted uninvited touch of Customer C's hands. Customer C touched Performer C's body, including breasts.	6 Seconds	Cond 35 & 38
Camera 01 (VIP Room)	18/08/2022 23:47:10	Performer C Customer C	Performer C accepted uninvited touch of Customer C's hands. Customer C touched Performer C's body and breasts. Customer C removes part of Performer C's clothing.	32 Seconds	Cond 35 & 38
Camera 01 (VIP Room)	18/08/2022 23:47:58	Performer C Customer C	Performer C straddled Customer C's lap and accepted uninvited touch of Customer C's hands.	55 Seconds	Cond 35 & 38

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			Customer C touched Performer C's body and breasts. Customer C removes part of Performer C's clothing.		
Camera 01 (VIP Room)	18/08/20 22 23:47:58	Performer C Customer C	Performer C touched Customer C's body. Customer C is touched by Performer C.	29 Seconds	Cond 35
Camera 01 (VIP Room)	18/08/20 22 23:49:23	Performer C Customer C	Performer C accepted uninvited touch of Customer C's hands intermittently. Customer C touched Performer C's body including her genitals and breasts.	2 minutes 41 Seconds	Cond 35 & 38
Camera 01 (VIP Room)	18/08/20 22 23:50:54	Performer C Customer C	Performer C touched Customer C's groin. Customer C is touched by Performer C.	4 Seconds	Cond 35
Camera 01 (VIP Room)	18/08/20 22 23:51:05	Performer C Customer C	Performer C stands on sofa and puts genitals in Customer C's face. Missing footage from 23:51:14 – 23:51:21*	8 Seconds	Cond 35
Camera 01 (VIP Room)	18/08/20 22 23:51:32	Performer C Customer C	Performer C accepted uninvited touch of Customer C's hands intermittently. Customer C touched Performer C's body and breasts.	1 minute 45 Seconds	Cond 35 & 38
Camera 01 (VIP Room)	18/08/20 22	Performer C	Performer C straddled Customer C and touched Customer C's chest.	5 Seconds	Cond 35

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	23:51:34	Customer C	Customer C is touched by Performer C.		
Camera 01 (VIP Room)	18/08/20 22 23:53:12	Performer C Customer C	Performer C accepted uninvited touch of Customer C's hands intermittently. Customer C then licked/kissed Performer C's back. Performer C stops dancing and talks to Customer C once licked/kissed. Performer C departs room. Customer C touched Performer C's body and breasts.	1 minute 45 Seconds	Cond 35 & 38
Camera 01 (VIP Room)	18/08/20 22 23:54:24	Performer C Customer C	Performer C accepted uninvited touch of Customer C's hands and face intermittently. Customer C touched Performer C's body and genitals.	30 Seconds	Cond 35 & 38
Camera 01 (VIP Room)	18/08/20 22 23:54:25	Performer C Customer C	Performer C touched Customer C's groin. Customer C is touched by Performer C.	4 Seconds	Cond 35
Camera 01 (VIP Room)	18/08/20 22 23:54:54	Performer C Customer C	Performer C deters Customer C from touching her genitals.	2 Seconds	Cond 35
Camera 01 (VIP Room)	18/08/20 22 23:55:41	Performer C Customer C	Performer C accepted uninvited touch of Customer C's hands.	33 Seconds	Cond 35 & 38

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			Customer C touched Performer C's body and breasts. Missing footage from 23:56:15 – 23:56:26*		
Camera 01 (VIP Room)	18/08/2022 23:56:12	Performer C Customer C	Customer C kissed/licked Performer C's breast. Performer C deters Customer C kissing her breasts. Customer C touched Performers C's breasts.	2 Seconds	Cond 35 & 38
Camera 01 (VIP Room)	18/08/2022 23:56:41	Performer C Customer C	Performer C accepted uninvited touch of Customer C's hands intermittently. Customer C touched Performer C's body including breasts, and her genitals.	1 Minute 25 Seconds	Cond 35 & 38
Camera 01 (VIP Room)	18/08/2022 23:58:13	Performer C Customer C	Performer C accepted uninvited touch of Customer C's hands intermittently. Customer C touched Performer C's body including breasts, licked her breast, and kissed Performer C on face.	38 Seconds	Cond 35 & 38
Camera 01 (VIP Room)	18/08/2022 23:58:20	Performer C Customer C	Performer C touched Customer C's chest, stands on sofa and puts genitals in Customer C's face.	10 Seconds	Cond 35 & 38
Camera 01 (VIP Room)	18/08/2022 23:59:27	Performer C Customer C	Performer C accepted uninvited touch of Customer C's hands intermittently.	32 Seconds	Cond 35 & 38

Nags Head, "Nags Head Public House", 17-19 Whitechapel Road, London E1 1DU

			Customer C touched Performer C's body including breasts.		
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Appendix 2

[REDACTED]

From: [REDACTED]
Sent: 12 April 2023 11:22
To: [REDACTED]
Subject: FW: Nags License Ltd - The Nags Head, 17-19 Whitechapel Road, London E1 - Visits to Premises
Attachments: Copy of NagsHeadInspVis.Jan2014toDate.xlsx; NagsHeadEnfVis.Jan2014toDate.xlsx

Dear [REDACTED]

Please see attached list of visits as requested.

Kind regards

[REDACTED]
Licensing Officer
Environmental Health and Trading Standards
Licensing & Safety Team
4th Floor Tower Hamlets Town Hall
160 Whitechapel Road
London
E1 1BJ

[REDACTED]
www.towerhamlets.gov.uk

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From: [REDACTED]
Sent: 28 March 2023 13:45
To: [REDACTED] >
Cc: [REDACTED]
[REDACTED] Ltd - The Nags Head, 17-19 Whitechapel Road, London E1 - Visits to Premises

Dear Mohshin,

I hope this finds you well.

Please would you supply us with a list of all visits to The Nags Head, 17-19 Whitechapel Road undertaken by officers of Tower Hamlets Council and/or any persons instructed by the Council from 1 June 2014 to date.

Please also supply details of the visits e.g. times/dates/other relevant information.

I would be grateful if this information could be collated and supplied by 5pm on 11 April 2023.

Many thanks.

Kind Regards

[Redacted]
Partner

[Redacted]



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Partners: Tim Shield (569713) | Michelle Hazlewood (569714)
Christopher Grunerf | Jon Wallsgrove | Patrick Robson | Luke Eford
Practice Manager: Jonathan Pupius

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Licensing/other Visits

REF	DATE	NAME	TYPE	OFFICER	TEXT
65862	20/03/2014	Nags Head	1L Licensing Act visit	KB	<p>KD visit L LA2003 visit: DPS not present manager : ██████████ present Licence on display full licence on premises no DPS no letter of authorisation</p> <p>Condition 18 1 SIA on premises up to 2 Thur-Fri performances every 10-15 mins# Record of Security CCTV - covering all reas stage area obscured in smaller screen. Authorisation not provided - will correct. VIP areas covered by CCTV No dancing taking place at time of inspection</p>
67514	02/03/2015	Nags Head	1V Licensing SEV visit	ANH	<p>2nd March 2015 17-19 Whitechapel Road, London, E1 1DU Present: ██████████ (Licensing Officer), ██████████ (Applicant) and ██████████ (legal representative – ██████████ Solicitors) AH: I am very concerned by the lack of CCTV coverage in the two private booth areas. I highlighted to the Applicant that there are many blind spots. In the first triple-boothed area, there are two cameras; the booths have high walls that camera cannot see in to, only across the top. The Applicant suggested dropping the walls of the booths; I advised that I do not believe that this will be enough to prevent blind spots. The</p>

					<p>Applicant’s legal advisor tells me that “you are always going to have blind spots” – I am concerned that there is a lack of willingness to cooperate. If each booth requires a camera to be able to see into it, then that is what will satisfy the LBTH Council’s conditions.</p> <p>There is a second private dance area with a large private room that has one camera filming one lower corner of the room, there are another 3 booths that have a camera not focused in on them, but to a door to a store room (sometimes used as a changing area, I am advised).</p> <p>I advised that this is not satisfactory and will need addressing before coming to the Hearing, they may wish to supply a plan to Members so they can consider if the premises will have sufficient coverage by the time the licence is granted.</p>
67656	31/03/2015	Nags Head	1V Licensing SEV visit	ANH	<p>██████████ On 31st March 2015, I revisited the Nags Head. I was met by ██████████, the Applicant.</p> <p>This visit was to look at the additional CCTV cameras that had been installed following the first visit, where it was highlighted that all of the private dance areas had no CCTV contrary to the LBTH SEV Policy.</p> <p>I was given a tour of the premises looking at the positioning of all the new cameras in each room. I was shown the cameras positioned in the two private booth areas. They had good coverage from above and there were no blind spots. I was satisfied that the coverage was adequate.</p> <p>We went to the upstairs office and overviewed the system so that I could see the view that cameras have when operational.</p>

					<p>██████████ advised that they were not at present recording as he had received advice from his legal representative that they should not be turned on. I advised that I not only need to see it being operational, but also the functionality of it, which would include him showing me historical recordings, even if they were from the previous 24hour period. I advised that I would need to return again, likely unannounced, to make sure that the system is on and recording. ██████████ further advised that the images will be available to download onto USB sticks and made available to the Responsible Authorities upon request.</p> <p>We also discussed the Code of Conduct ██████████ advised that each dancer signs the Code of Conduct on their first night performing, and that is kept for around a year after they depart, though he'll occasionally get request from past dancers asking for that to be destroyed before that time. He advised that the copy in the dressing room would be permanently framed.</p>
67747	24/04/2015	Nags Head	1R Licensing revisit	JMC	Visit with ██████████ LBTH Licensing Committee - saw ██████████ brother of Licensee.
68933	06/11/2015	Nags Head	T3 TS Primary	IDM	Joint licensing visit to SEV with Police and Licensing - specific conditions with regard to pricing appear to be complied with
69429	06/11/2015	Nags Head	1V Licensing SEV visit	JSM	SEV visit with Police licensing, all SEV licence conditions checked,
69169	16/02/2016	Nags Head	TB TS virtual/desktop visit	KVM	Trading Standard virtual/desktop visit

69317	04/03/2016	Nags Head	T3 TS Primary	KVM	Visit to T to UBS stick containing CCTV images re: complaint of overcharging on 9/2/16. Placed into evidence bag no: [REDACTED].
71186	31/05/2016	Nags Head	1N Licensing Notice check visit	DAD	Notice ok
69854	22/06/2016	Nags Head	1V Licensing SEV visit	MAL	Premises visited for SEV renewal compliance check. All ok
	30/09/2016		Police visits		Breach (touching) 2 Police Officers. Licensing Committee heard evidence (we did not have delegated authority at this stage) – Dates 05/09/2016 and 15/11/2016 – licence granted
70570	17/10/2016	Nags Head	1L Licensing Act visit	ANH	17/10/2016 15:54 ANH Visit at 15:30 to hand deliver letter requesting retention of CCTV. Met with licence holder, he was aware of the letter, as advised by solicitor [REDACTED] earlier that day. He said that it was taking a long time to download, only one hour took an hour to record. I advised that all SEVs have received the same request and that the decision to ask for this has come from management.
70600	20/10/2016	Nags Head	1L Licensing Act visit	ANH	21/10/2016 9:32 ANH Hand-delivered third SEV CCTV retention letter - Gave to PLH [REDACTED] [REDACTED]
	11/05/2017		Police visits		Breach (touching) 2 Police Officers. Objection by Police and Licensing Authority to renewal – Committee on 17/10/2017 – licence granted with conditions. http://democracy.towerhamlets.gov.uk/mgAi.aspx?ID=82394

72353	12/06/2017	Nags Head	1V Licensing SEV visit	MAL	<p>Premises visited for SEV renewal compliance check. On Monday 12th June 2017, I was working with my colleague Corinne HOLLAND (Licensing Officer). We were met by [REDACTED] (licence holder and manager) and [REDACTED] (legal representative). I had printed out my notes from the compliance visit of 2016 which I used this to make my notes for this visit.</p> <p>Once the compliance visit was done, Officer [REDACTED] ND asked Mr [REDACTED] if we could see the incident book but [REDACTED] looked towards [REDACTED] for an answer. [REDACTED] said that they couldn't show us the incident book as it would be in breach of data protection as it contained personal information. He said they would show it to the Police if there was an incident. I advised that we were aware of an incident that took place on the 4th May 2017 and asked if we could see this. [REDACTED] went to get the incident book and he then showed us one of the pages whilst holding the book in his hands. I could see some entries had been made but as he did not hand it over to us for full inspection I was not clear as to what information the incident book had contained. We were told that the incident of 4th May 2017 was not in the incident book and this was kept separately in a full log which had been made available to the Police. They said that they were unaware that an incident had occurred at the time. We then left the premises</p>
73561	13/04/2018	Nags Head	1L Licensing Act visit	DAD	SEV compliance visit done- All ok
73718	20/06/2018	Nags Head	1L Licensing Act visit	DAD	<p>20/ 6/2018 16:24 DAD</p> <p>Visited Nags Head circa 14:00- An IC3 doorman was on duty (although</p>

					he doesn't stand directly outside premises, he was sitting on a stool in the alcove by the entrance)
09/05/2019		██████████	09/05/2019		██████████ – no issues noted.
79901	11/05/2022	Nags Head	1N Licensing Notice check visit	MAL	Renewal public notice checked
80618	18/08/2022	Nags Head	1T Licensing - Test purchase	MAL	Covert visit found breaches of conditions which lead to revocation application

Food Safety Visits

ref	pname	off	vtype	vtypeA	lastdate	ptype	housetno	street	Text
80344	Nags Head	MD	AS	Food - Surveillance	17/07/2014	F20 Public House/Wine Bar-catering	17-19	Whitechapel Road	Rating 4
90558	Nags Head	FE	AS	Food - Surveillance	19/07/2016	F20 Public House/Wine Bar-catering	17-19	Whitechapel Road	Rating 5
100140	Nags Head	KDI	AS	Food - Surveillance	12/06/2018	F20 Public House/Wine Bar-catering	17-19	Whitechapel Road	Rating

Appendix 3



Lic No:
148900

LICENCE FOR A SEXUAL ENTERTAINMENT VENUE

Licence Number: 148900

The **LONDON BOROUGH OF TOWER HAMLETS** under provisions of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982, in relation to the licensing of sex establishments, as amended by section 27 of the Policing and Crime Act 2009, grants, in accordance to its Licensing Policy:

Name of holder (s) of SEV licence:

NH License Ltd (No 12523134)

to use premises:

Postal address of premises, or if none, ordnance survey map reference or description

The Nags Head
17-19 Whitechapel Road

Post town

London

Post Code

E1 1DU

Tele hone number

as a Sexual Entertainment Venue.

This licence is in force up to: **31st May 2023** or during the time that the licensee(s) is/are the occupier of the premises, whichever is the shorter period, or unless sooner surrendered or revoked.

The hours permitted are:

- **Monday to Saturday from 11:00hrs to 03:00hrs (the following day)**
- **Sunday from 12:00hrs (midday) to 22:30hrs**

The Premises are as per the plans submitted to the Licensing Authority on:

- **28th April 2022 - Ground Floor only with changing facilities on first floor**

The named management responsible for this premises are

[REDACTED]

This licence is granted subject to conditions as follows:

the Standard Conditions of the London Borough of Tower Hamlets made under paragraph 13 of Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 as revised on 23rd June 2015 are attached as **Appendix 1** (Conditions 1-41) It is the duty of the licence holder to be aware of and abide by those conditions.

the following additional conditions specific to this Premises:
(Conditions added by the Licensing Committee on the 17th October 2017):

42. Documents to prove compliance with the Licence pursuant to Standard Condition 3.

An incident log shall be kept at the premises, and made available on request to authorised officers immediately. It must be completed within 3 hours of the incident and shall record the following:

- a. all crimes reported to the venue by a member of the public, a performer or member of staff;
- b. any breach or alleged breach of either the House Rules made by a member of the public or the Code of Conduct made by a performer, and the action taken by the management;
- c. when a person is removed from the premises;
- d. any faults in the CCTV system;
- e. any visit by a relevant authority or emergency service.

43. In the event that a performer alleges that they have been sexually assaulted the management will immediately ensure that

- a. the police (and, where appropriate, the London Ambulance Service) are called without delay;
- b. all measures that are reasonably practicable are taken to apprehend a suspect pending the arrival of the police;
- c. the crime scene is preserved so as to enable a full forensic investigation to be carried out by the police; and
- d. such other measures are taken (as appropriate) to fully protect the safety of all persons present on the premises.

44. In the event that during a performance the management or security either witness a member of the public making intentional physical contact with a performer (save as permitted by Standard Conditions 35 or 36) or a performer makes a similar allegation to management or security, that member of the public shall be removed from the premises without delay. The management or security may use their discretion to allow that member of the public a supervised 10 minute drink up time prior to being removed from the premises.
45. Without prejudice to Standard Conditions 12 and 13, at all times the private performance areas and booths are occupied by performers and members of the public trained staff shall regularly monitor the CCTVs which cover that area.
46. Independent Compliance Audit
 - a. An independent compliance auditor, to be instructed and paid for by the Licensees, must carry out a minimum of four (4) compliance audits per year of the private performance areas and booths when sexual entertainment is offered at the premises. The compliance audits must not be pre-arranged with the Licensees or any employee or agent of the Licensees.
 - b. A copy of the compliance audit, signed and dated by the Compliance Auditor, must be kept at the premises (The Nags Head Public House, 17-19 Whitechapel Road E1 1DU) and made available to authorised officers without delay.
47. The number of persons to be accommodated in the Premises at any one time shall not exceed 100 persons.

Other requirements or restrictions:

48. This licence must be prominently and visibly displayed inside the entrance to the Premises.
49. This licence together with the standard conditions must be available at the Premises at all times.

Signed by:


Head of Environmental Health & Trading Standards

Dated: 27th June 2022

Appendix 4

STANDARD CONDITIONS FOR SEXUAL ENTERTAINMENT VENUES
(REVISED 23RD JUNE, 2015)

Definitions

In this Licence,

‘approved layout’ means the layout of the Premises shown on the attached plan.

‘authorised officers’ means officers of the Borough Council or of the Police

‘drinks tariff’ means a tariff showing the price of all drinks

‘entertainment tariff’ means a tariff showing the price of all sexual entertainment performances, displays of nudity and services related to the sexual entertainment performance (including charges for admission to any part of the Premises; for hire of rooms, booths or reserved areas; or for the company of performers)

‘nudity’ , ‘display of nudity’ and ‘sexual entertainment’ are references to those terms as defined by section 27 of the Policing and Crime Act 2009.

‘performers’ means persons engaged by or through the Licensee who provide or participate in sexual entertainment

‘premises’ includes land, buildings, stalls, structures or erections, and all forms of vessels or vehicles (including for the avoidance of doubt bicycles, motor vehicles, boats and aircraft). It does not include any private dwelling to which the public is not admitted.

‘the Premises’ means the premises authorised in this Licence as a sexual entertainment venue and shown on the attached plan.

‘public area(s)’ means the area(s) outlined in blue on the attached plan, being the area within the Premises that the public are permitted to enter.

‘the public’ includes customers, guests and visitors to the premises, but excludes performers and those employees or agents of the Licensee lawfully engaged in managing or operating the Premises.

‘sexual entertainment area(s)’ means the area(s) outlined in red on the attached plan, being locations where sexual entertainment is permitted to take place.

‘suggestive advertising content’ means photographs, sculptures, images, tableaux, displays, sounds, spoken words or writing - including graphics, logos or trademarks- that depict, indicate or suggest that sexual entertainment takes place on the Premises

General

1. The Licensee must remain in personal control of the premises at all times that it is trading or nominate in writing an individual over the age of 18 with the authority to direct activities within the Premises.
2. The Licensee shall notify the Council, in writing, of any change in directors, trustees, partners or other persons concerned in the management of the licensed activities within 14 days of such change.
3. The Licensee shall admit authorised officers to the Premises at all reasonable times and at any time when the Premises are providing sexual entertainment. The Licensee shall provide in a timely fashion copies of any documents reasonably required by an authorised officer to prove compliance with this Licence.
4. The Licensee must give written notice to the Council if s/he wishes to surrender the licence.
5. A suitable and sufficient number of door supervisors and trained staff will be employed (based on a risk assessment) when sexual entertainment is offered. Their duties will include monitoring customers to ensure that the Code of Conduct for Performers and the House Rules are being obeyed.
6. The Licensee is to implement a suitable policy for the safety of the performers when they leave the Premises.
7. The Council reserves the right to amend or alter these conditions (provided that such change will not prevent the operators from viably carrying on the business of the Premises) following consultation with the licensees.

Premises

8. The approved layout of the Premises shall not be altered without prior consent of the Council.
9. The Licensee shall ensure that the interior of the Premises where sexual entertainment is offered shall not be capable of being seen from the outside of the Premises, and that the exterior is maintained with a suitable level of decorum (i.e. that it does not have anything that depicts, indicates or suggests that sexual entertainment takes place on the Premises).
10. Sexual entertainment shall take place only in the designated sexual entertainment areas.
11. No member of the public shall be permitted to go anywhere outside the public areas. The public shall not be permitted access to the performers' changing rooms.
12. Without prejudice to condition 13 below CCTV shall be installed to cover the inside and the outside of the Premises, covering all public areas, including private performance areas and booths, entrances and exits, but excluding the interior of toilets. All cameras must be maintained in working order. All cameras shall continually record whilst the Premises are open to the public and the recorded images shall be kept available for a minimum of 31 days. Recorded images shall be made available to an authorised officer together with facilities for viewing. The recordings for the preceding 2 days shall be made available immediately upon request. Recordings outside this period shall be made available on 24 hours' notice.
13. CCTV cameras shall be installed and maintained at the locations shown on the attached plan, to the reasonable satisfaction of the licensing authority.
14. Members of the public may not enter or remain in the toilet cubicles in the company of any performer. Only one person at a time to enter a toilet cubicle.

Advertising

15. The Licensee shall neither cause nor permit the display of suggestive advertising content which is directed at or may be seen or heard by any person from within the London Borough of Tower Hamlets:

on any public highway, street, waterway or railway;
in any place of general public use or access; or
in publicly accessible areas of premises open to the public.

This condition shall apply to prevent suggestive advertising content being displayed on the exterior of the Premises or handed out as flyers on the street. It shall also apply to prevent suggestive advertising content being displayed on or in street furniture; telephone booths; hoardings, billboards, screens or projections; as well as advertising displayed on or within any vehicles located on or near the highway. The Licensee shall not permit any person to tout for business or encourage other persons to visit the Premises whilst on a public highway.

For the avoidance of doubt, this condition shall not be taken to prevent the Licensee from advertising the Premises using suggestive advertising content in media that restrict access to persons over the age of 18 years and would not reasonably be expected to be directed at persons in a public place (for instance, in adult magazines, websites or television channels).

16. All persons engaged or employed to attend to the entrance area or exterior of the Premises must be suitably dressed and conduct themselves so as not to indicate or suggest the availability of sexual entertainment at the Premises.
17. Where the Council has given notice in writing to the Licensee objecting to an advertisement on grounds that it would offend public decency or be likely to encourage or incite crime or disorder, that advertisement shall be removed or not be displayed.

Admission to the Premises

18. No person under the age of 18 years shall be admitted to nor permitted to remain on the Premises when sexual entertainment is being offered, and a clear notice to this effect will be displayed at each entrance to the Premises.

19. Customers who appear to be under the age of 21 must be asked to provide a Pass-scheme approved photographic card, their passport or photographic driving licence to prove their age. Prominent notices must be clearly displayed to this effect at each entrance to the Premises.

House Rules

20. The Licensee shall prepare House Rules governing the conduct of customers.
21. The House Rules shall be prominently and legibly displayed close to each entrance of the Premises.
22. The House Rules must be made known to customers prior to their admission to the Premises when sexual entertainment is provided
23. Signs must be displayed at appropriate locations advising that any customer attempting to make physical contact with a performer will be asked to leave.
24. No member of the public shall be admitted or allowed to remain at the Premises if they appear to be intoxicated or under the influence of illegal substances.
25. Customers may not be permitted to photograph, film or electronically record any performance.
26. The House Rules must be implemented and effectively enforced at all times when the premises are operating with sexual entertainment.

Performers

27. Sexual entertainment will be given only by the performers engaged by or through the Licensee and there will be no audience participation in any performances.
28. The Licensee shall keep a record of each performer, including their proper name and any aliases, and their residential address. With each record the Licensee shall keep a copy of a photographic form of identity and proof of address of the performer. With each record the Licensee shall keep a clear copy of an authorised document demonstrating that each Performer and each member of the staff is

entitled to work within the UK. A clear copy of this record shall be kept on the Premises at all times and be made immediately available for inspection by authorised officers.

29. On days when sexual entertainment is provided, the Licensee or their representative shall keep a record of those performers working at the Premises on that day in a daily record. The daily record shall be retained securely for at least 31 days and shall be made immediately available for inspection by authorised officers.

Tariffs

30. The Licensee shall prominently and legibly display the drinks tariff at or by the bar and at the entrance. No charge shall be made nor payment accepted for any drink other than in accordance with the tariff, save for clearly advertised discounts to the tariff.
31. The Licensee shall prominently and legibly display the entertainment tariff in the entrance area and at key locations within the Premises including entrances to any private performance areas and so far as possible at the place(s) at which payment for any performance or service is transacted as marked on the attached plan. No charge shall be made nor payment accepted by the Licensee for any services other than in accordance with the tariff or clearly advertised discounts to the tariff.
32. The Licensee shall so far as reasonably practicable keep such records as are necessary to prove that the sums charged and payments taken are for products or services advertised on the relevant tariff at the amount shown on that tariff. These records must be made available within a reasonable time if requested by an authorised officer.

Code of Conduct

33. The Licensee shall prepare and implement a suitable Code of Conduct for performers.
34. The Licensee shall ensure that each performer signs the Code of Conduct in their proper name, acknowledging that they have read and understood and are prepared to abide by the Code of Conduct, and signed copies be kept on the premises for inspection by authorised officers.

35. During a performance there shall be no intentional physical contact between a performer and the customer other than the transfer of money or token at the beginning, during and at the conclusion of a dance into the hand or a garter worn by the performer. For the avoidance of doubt nothing in this condition shall prevent Performers from acting to prevent, deter or counter any attempts of physical contact by a customer.
36. Without prejudice to standard condition 35 above, at the conclusion of a performance there shall be no intentional physical contact between a performer and the customer, save for a handshake. For the avoidance of doubt kissing is not permitted.
37. The Licensee must not permit gratuities or any other items to be thrown at performers.
38. During a performance there shall be no full body physical contact between performers and they are not to touch each other's breasts or genitalia either with their bodies or with objects. Any performance shall be restricted to dancing and the removal of clothes. There must not be any other form of sexual activity, including but not limited to acts or the simulation of acts of personal stimulation.
39. Performers shall be provided with a changing room to which the public have no access.
40. Performers must remain fully dressed while on the Premises, except while performing in the sexual entertainment areas and in the changing rooms shown on the approved plan. [Without prejudice to this requirement, there is to be no display of nudity in the public areas of the Premises, other than during the course of a performance].
41. Performers must re-dress at the conclusion of a performance.

Appendix 5



১৯৭১ সালের ৩য় জুলাই তারিখে বাংলাদেশ স্বাধীন হওয়ার পরে দেশের আর্থনৈতিক পরিস্থিতি ছিল অত্যন্ত দুর্বল। সরকারি খণ্ডের অভাবে দেশের অর্থনীতি পুরোপুরি পঙ্গু হয়ে পড়েছিল। এই পরিস্থিতিতে দেশের অর্থনীতি পুনরুদ্ধার এবং দেশের অর্থনীতিতে বিনিয়োগের প্রয়োজনীয়তা অনুভব করা হয়েছিল।

এই প্রেক্ষাপটে সরকারি খণ্ডের অভাব মেটাতে এবং দেশের অর্থনীতিতে বিনিয়োগের প্রয়োজনীয়তা অনুভব করা হয়েছিল। সরকারি খণ্ডের অভাব মেটাতে এবং দেশের অর্থনীতিতে বিনিয়োগের প্রয়োজনীয়তা অনুভব করা হয়েছিল।

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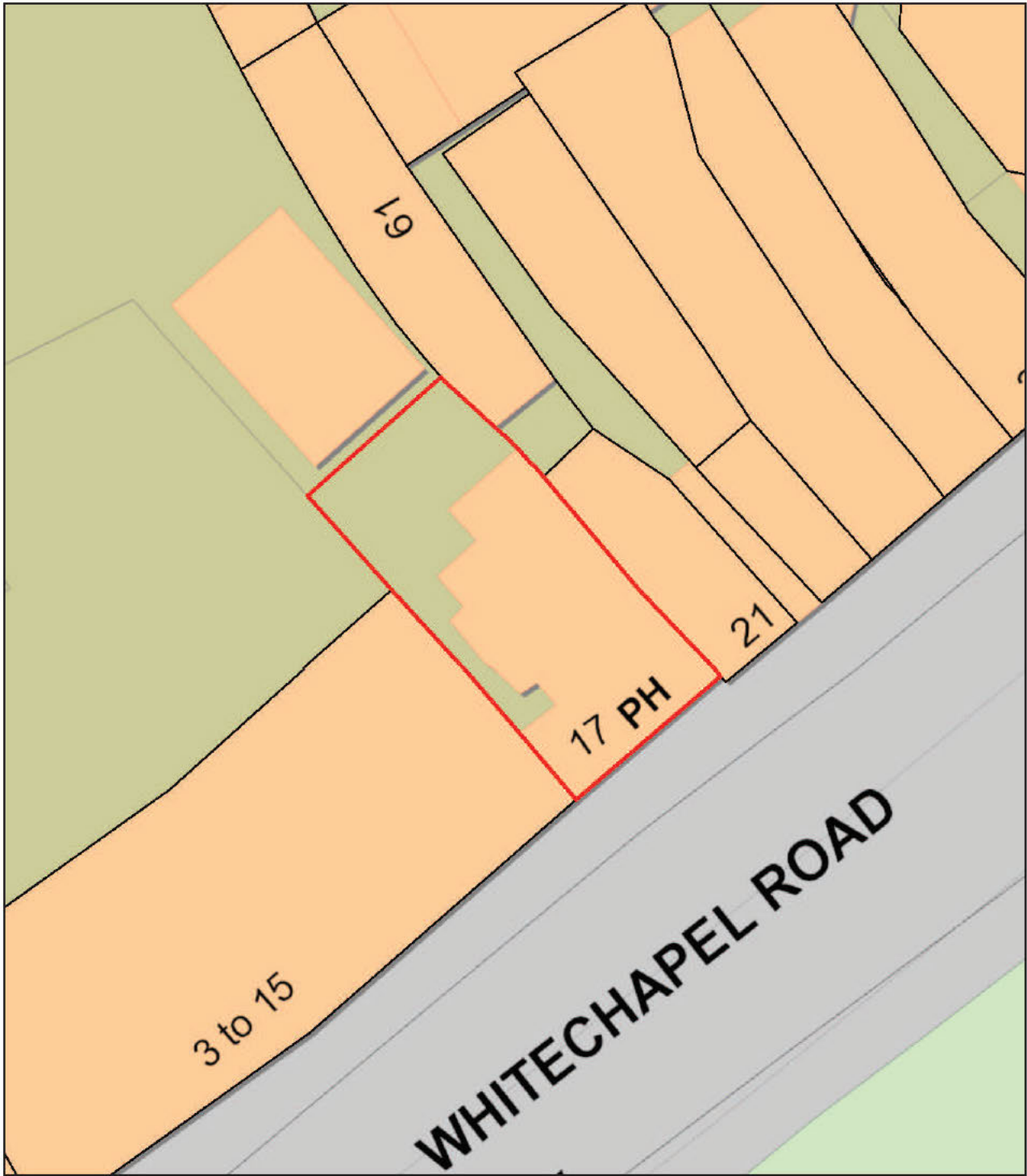


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Appendix 6



17-19 Whitechapel Road

Map 1



Scale 1:334



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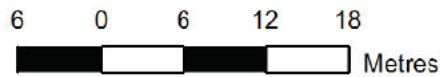


17-19 Whitechapel Road

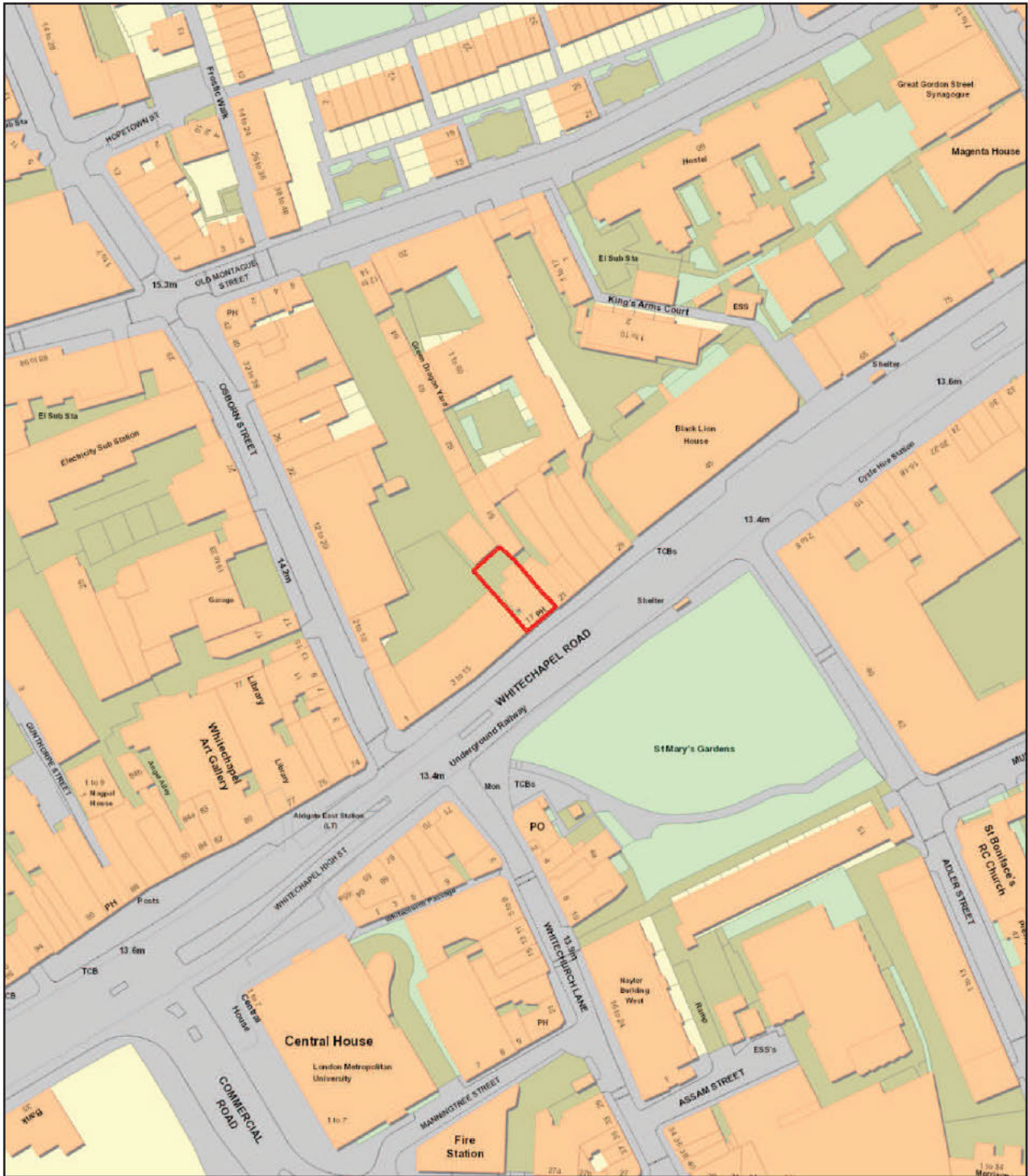
Map 2



Scale 1:668



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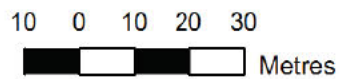


17-19 Whitechapel Road

Map 3



Scale 1:1669



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Appendix 7

**(The Nags Head Public House)
17-19 Whitechapel Road
London
E1 1DU**

Licensable Activities authorised by the licence

Retail sale of alcohol
Provision of Regulated Entertainment

See the attached licence for the licence conditions

Signed by



Head of Environmental Health & Trading Standards

Date: 7th October 2005

Amended Minor variation 11th November 2010



TOWER HAMLETS

LICENSING ACT 2003

Part A - Format of premises licence

Premises licence number

29631

Part 1 - Premises details

Postal address of premises, or if none, ordnance survey map reference or description

(The Nags Head Public House)
17-19 Whitechapel Road
E1 1DU

Post town

London

Post code

E1 1DU

Telephone number

[REDACTED]

Where the licence is time limited the dates

Not applicable

Licensable activities authorised by the licence

The sale by retail of alcohol

The provision of regulated entertainment consisting of recorded music, performance of dance, anything of similar nature.

Facilities for making music and dancing and similar nature.

The times the licence authorises the carrying out of licensable activities

Monday to Saturday 11 00 hrs to 03 00 hrs the following day
Sunday 12 00 hrs to 22 30 hrs

The opening hours of the premises

From Monday to Saturday from 11 00 hrs until 03 30 hrs the following day
Sunday 12 00 hrs to 23 00 hrs

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

On and off sales

Part 2

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

NH License Ltd
[Redacted]

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

12523134

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

[Redacted]

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol

Personal License No: [Redacted]

Issuing Authority: [Redacted]

Annex 1 - Mandatory conditions

No supply of alcohol may be made under the premises licence-

- a) at a time where there is no designated premises supervisor in respect of the premises licence, or
- b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended

Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence

1.

- (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 disability)
2. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

3.
 - (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.

4. 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.

5.
 1. 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.
 2. For the purposes of the condition set out in paragraph 1—
 - (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
3. Where the permitted price given by Paragraph (b) of paragraph 2 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.
4. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 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

Private Entertainment

The premises may be used for the following purpose, that is to say, dancing, music, or other entertainment of the like kind which-

- a) is not a public entertainment but is promoted for private gain

Annex 2 - Conditions consistent with the operating Schedule

Regulated Entertainment

Only recorded music, dance (performed by striptease artists), anything of a similar description

provision of facilities for making music, provision of facilities for dancing (performed by striptease artists), provision of facilities for entertainment of a similar description.

Provide a local taxi firm contact to drive customers home

In relation to Striptease

1. The total number of persons to be accommodated at the premises at any one time shall not exceed 100 persons.
2. The inward opening doors to Whitechapel Road, which provides emergency exit, shall be locked back in the open position when the premises are in use under this licence.
3. One leaf of the inward opening double doors which provide entry from Whitechapel Road shall be secured open at all times that the premises are occupied by the public.
4. All doors (apart from those specified in items 2 and 3) are to be kept closed during entertainment and satisfactory acoustic sealing should be applied to them.
5. There shall be no door provided to separate the "personal dance" area from the general bar area.
6. A registered door supervisor shall be positioned at the entry to the room providing the "personal dances" at all times that it is in use.
7. The number of performers that are performing within the "personal dance" area (excluding VIP area) at any one time shall not exceed three.
8. To the extent that striptease is permitted by law it shall be deemed in these conditions to apply to all forms of striptease or nudity by male or female performers.
9. Striptease shall only be permitted at premises which have a liquor licence.
10. The striptease entertainment shall be given only by paid performers/entertainers who are engaged exclusively for that purpose.

11. There shall be no physical participation by the audience.
12. Any performance will be restricted to dancing and the removal of clothes, here must not be any other form of sexual activity.
13. All striptease shall take place in an area which is not visible from the street or overlooking buildings.
14. The performance area shall be separated from the audience and consist of a stage, platform or similar construction or an area clearly identified as a performing area that meets with the approval of the Council.
15. The performer shall have direct access to a changing room without passing through the audience, or when direct access is not practical the performer shall be escorted from the stage by a steward or other employee of the licence holder.
16. The performer shall be provided with a changing room which must be separate and apart from public facilities.
17. There shall be no sexually explicit external advertising likely to cause offence as to the nature of the activity being held at the premises.
18. A notice shall be prominently displayed in a conspicuous position on the premises at least one hour before the start, advising customers when the performance is to commence.
19. Whilst striptease is taking place no person under the age of 18 shall be allowed on any part of the premises licensed for the sales of alcohol and a notice shall be displayed in clear terms at each entrance that :- NO PERSON UNDER 18 TO BE ADMITTED
20. The licensee shall ensure that gratuities are not thrown at the performer.
21. Where premises are within a radius of 100 metres of places of worship the entertainment shall not be held at such times as would cause offence to religious observers.
22. Where premises are within a radius of 100 metres of any school or educational establishment, striptease performances will not take place until after 8.30p.m. except on Saturday and Sunday.
23. There shall be no contact between the performer and any of the audience during performances
24. There shall be only one performer on the stage at any one time.

25. The layout of the premises must remain unaltered to that inspected and approved by the Council at the time of renewal or application; any alterations to the premises during the currency of the licence must be approved by the Council prior to the works commencing.
26. The number of performers that are performing within the VIP areas at any one time shall not exceed six.

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

Not Applicable

Annex 4 - Plans

The plans are those submitted to the licensing authority on the following date:

19 October 2010 - Ground Floor only.



Part B - Premises licence summary

Premises licence number

29631

Premises details

Postal address of premises, or if none, ordnance survey map reference or description

(The Nags Head Public House)
17-19 Whitechapel Road
E1 1DU

Post town
London

Post code
E1 1DU

Tele hone number

Where the licence is time limited
the dates

N/a

Licensable activities authorised
by the licence

The sale by retail of alcohol
The provision of regulated entertainment
consisting of recorded music, performance of
dance, anything of similar nature.
Facilities for making music and dancing and
similar nature.

The times the licence authorises the carrying out of licensable activities	Monday to Saturday 11 00 hrs to 03 00 hrs the following day Sunday 12 00 hrs to 22 30 hrs
The opening hours of the premises	From Monday to Saturday from 11 00 hrs until 03 30 hrs the following day Sunday 12 00 hrs to 23 00 hrs
Name, (registered) address of holder of premises licence	NH License Ltd [Redacted]
Where the licence authorises supplies of alcohol whether these are on and / or off supplies	On and off sales
Registered number of holder, for example company number, charity number (where applicable)	12523134
Name of designated premises supervisor where the premises licence authorises for the supply of alcohol	[Redacted]
State whether access to the premises by children is restricted or prohibited	Yes

Appendix 8

Appendix One

Tower Hamlets Council

Sex Establishment Licensing Policy

Introduction

This policy sets out Tower Hamlets Council's proposed approach to regulating sex establishments and the procedure that it will adopt in relation to applications for sex establishment licences.

The policy of the Council is to refuse applications for sexual entertainment venues. This policy is intended to be strictly applied and will only be overridden in genuinely exceptional circumstances. Such circumstances will not be taken to include the quality of the management, its compliance with licence conditions, the size of the premises or its operating hours.

The policy is intended as a guide to applicants, licence holders, people who want to object to applications and members of the Licensing Committee who are responsible for determining contested applications. It also aims to guide and reassure the public and other public authorities, ensuring transparency and consistency in decision making.

When the decision making powers of the Council are engaged each application will be dealt with on its own merits but this policy gives prospective applicants an early indication of whether their application is likely to be granted or not. It also provides prospective applicants details of what is expected of them should an application be made.

The legal controls for sex establishment premises are contained in the Local Governmental (Miscellaneous Provisions) Act 1982 as amended by the Policing and Crime Act 2009.

There are 3 types of sex establishments which fall into the licensing regime:-

Sex shops

Sex cinemas

Sexual entertainment venues

The role of the Council in its position as Licensing Authority is to administer the licensing regime in accordance with the law and not in accordance with moral standing. The Council recognises that Parliament has made it lawful to operate a sex establishment and such businesses are a legitimate part of the retail and leisure industries.

Policy Rationale

The policy has been developed that sets out how the legislation will be administered and applied. The policy identifies how the Council would exercise the licensing regime in relation to sexual entertainment venues.

The policy has been developed to reflect and complement existing Council plans and strategic approach, namely:-

- Tower Hamlets Community Plan.
- Tower Hamlets Crime & Drug Reduction Partnership Plan.
- Tower Hamlets Enforcement Policy.
- Tower Hamlets Core Strategy.
- Tower Hamlets Town Centre Spatial Strategy.
- Tower Hamlets Statement of Licensing Policy (Licensing Act 2003).
- Tower Hamlets Statement of Licensing Policy (Gambling Act 2005).

The policy has also been prepared with regard to:

- Consultation responses
- Human Rights Act 1998
- Equalities Act 2010

The policy seeks to contribute to the “One Tower Hamlets” principle by fostering community cohesion, reducing inequalities and empowering communities. The public consultation that was undertaken concerning the adoption of a nil policy did not have overwhelming support. Therefore careful consideration has been given to the policy response, given the balance that the consultation returns did not give overwhelming support.

Policy Considerations

Existing Licensed Premises

The Council has had the ability to licence sex shops and sex cinemas under the Local Government (Miscellaneous Provisions) Act 1982 for many years.

There are no licensed sex shops in Tower Hamlets.

The businesses that hold premises licences under the Licensing Act 2003 with permissions that will be affected by the adoption of the sexual entertainment venue licensing regime are as follows:-

NAME	ADDRESS
THE BEEHIVE	104-106 Empson Street, London, E3 3LT
EONE CLUB	168 Mile End Road, London, E1 4LJ
NAGS HEAD PUBLIC HOUSE	17-19 Whitechapel Road, London, E1 1DU
THE PLEASURE LOUNGE	234 Cambridge Heath Road, London, E2 9NN
WHITE SWAN	556 Commercial Road, London, E14 7JD
ASTON'S CHAMPAGNE AND WINE BAR BASEMENT & 1ST FLOOR	187 Marsh Wall, London, E14 9SH
CLUB PAISA	28 Hancock Road, London, E3 3DA
OOPS	30 Alie Street, London, E1 8DA
WHITE'S GENTLEMANS CLUB	32-38 Leman Street, London, E1 8EW
SECRETS	43-45 East Smithfield, London, E1W 1AP
IMAGES	483 Hackney Road, London, E2 9ED

Tower Hamlets Council has adopted schedule 3 Local Government (Miscellaneous Provisions) Act 1982 with effect from 1st June 2014 so that it can:

- set a limit on the number of sexual entertainment venues
- determine premises that are appropriate for the borough and
- licence sexual entertainment venues

Sexual entertainment venues are those that regularly provide lap dancing and other forms of live performance or live display of nudity.

Establishments that hold events involving full or partial nudity less than once a month may be exempt from the requirements to obtain a sex establishment licence and applicants are advised to contact the Licensing Team for advice.

Limits on the number of licensed premises

The Council has determined that there are a sufficient number of sex shops, sex cinemas and sexual entertainment venues currently operating in the borough and it does not want to see an increase in the numbers of premises that are currently providing these activities.

The Council intends to adopt a policy to limit the number of sexual entertainment venues in the borough to nil however it recognises that there are a number of businesses that have been providing sexual entertainment in Tower Hamlets for several years. The Council will not apply this limitation when considering applications for premises that were already trading with express permission for the type of entertainment which is now defined as sexual entertainment on the date that the licensing provisions were adopted by the authority if they can demonstrate in their application:

- High standards of management
- A management structure and capacity to operate the venue
- The ability to adhere to the standard conditions for sex establishments

The Council will consider each application on its merit although new applicants will have to demonstrate why the Council should depart from its policy. Furthermore if any of the existing premises cease trading there is no presumption that the Council will consider any new applications more favourably.

Location of premises

The Council's policy is that there is no locality within Tower Hamlets in which it would be appropriate to license a sex establishment. Accordingly, the appropriate number of sex establishments for each and every locality within Tower Hamlets is zero.

As previously stated in the policy the Council will treat each application on its own merits however applicants should be aware that the Council will take into consideration the location of the proposed premises and its proximity to:

- residential accommodation,
- schools,
- premises used by children and vulnerable persons
- youth, community & leisure centres,
- religious centres and public places of worship
- access routes to and from premises listed above
- existing licensed premises in the vicinity

Impact

In considering applications for the grant of new or variation applications the Council will assess the likelihood of a grant causing impacts, particularly on the local community.

The Council will take the following matters into account:

- the type of activity
- the duration of the proposed licence
- the proposed hours of operation
- the layout and condition of the premises
- the use of other premises in the vicinity
- the character and locality of the area
- the applicant's previous knowledge and experience
- the applicant's ability to minimise the impact of their business on local residents and businesses
- any evidence of the operation of existing /previous licences held by the applicant

- any reports about the applicant and management of the premises received from residents, Council officers or the police
- the ability of the proposed management structure to deliver compliance with licensing requirements, policies on staff training and the welfare of performers
- crime and disorder issues
- cumulative impact of licensed premises, including hours of operation
- the nature and concerns of local residents
- any evidence of complaints about noise or disturbance caused by premises
- planning permission and planning policy considerations

In considering applications for renewal the Council will take into account

- the applicant's ability to minimise the impact of their business on local residents and businesses
- any reports about the licensee and management of the premises received from residents, Council officers or the police
- whether appropriate measures have been agreed and put into place to mitigate any adverse impacts
- any evidence of complaints about noise or disturbance caused by premises

In considering applications for transfer the Council will take into account:

- the applicants previous knowledge and experience
- the applicants ability to minimise the impact of their business on local residents and businesses
- any evidence of the operation of existing /previous licences held by the applicant
- any reports about the applicant and management of the premises received from residents, Council officers or the police

- the ability of the proposed management structure to deliver compliance with licensing requirements, policies on staff training and the welfare of performers

Applicants

Where appropriate the Council expects applicants to:

- demonstrate that they are qualified by experience
- have an understanding of general conditions
- propose a management structure which will deliver compliance with operating conditions for example through
- Management competence
- Presence
- Credible management structure
- enforcement of rules internally – training & monitoring
- a viable business plan covering door staff, CCTV
- policies for welfare of performers
- demonstrate that they can be relied upon to act in best interests of performers through remuneration, facilities, protection, physical and psychological welfare
- have a transparent charging scheme with freedom from solicitation
- a track record of management compliant premises or employ individuals with such a track record

New applicants may be invited for interview by the Licensing Officer and /or Police Officer prior to the application being referred to the Licensing Committee for determination.

Applications from anyone who intends to manage the premises on behalf of third party will be refused.

Premises appearance and layout

The Council expects premises to:-

- have an external appearance which is in keeping with the locality
- prevent the display outside the premises of photographs or other images which may be construed as offensive to public decency

- adequate lighting to allow monitoring of all public areas
- surveillance by CCTV
- surveillance by CCTV of all private booths

Conditions

The council will prescribe, and from time to time revise, standard conditions which will apply generally to licences that the council will grant or renew.

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.

Specifically, standard conditions could include measures which are found in the appendix of this policy.

The Application Process

Making a new, renewal, transfer or variation application

The Act requires the Council to refuse all application if the applicant:

- Is under the age of 18 or
- Has had their licence revoked in the last 12 months or
- Is not resident in the UK, or has not been a UK resident for the last 6months or
- Has been refused an application in the last 12 months or
- Is a corporate body which in not incorporated in the UK

Applications forms and details of current fee levels are available:

- on the Council's website ([www.towerhamlets .gov.uk](http://www.towerhamlets.gov.uk))
- from the Licensing Team on 020 7364 5008
- by email to [licensing@towerhamlets .gov.uk](mailto:licensing@towerhamlets.gov.uk)

The Council prefers to receive electronic applications and *offers a choice off payment options the details of which are contained in the application pack.*

The Council expects the premises to have planning consent for the intended use and hours of operation, or otherwise have lawful planning status before making an application for a new licence.

In order for the application to be valid the applicant must:

- Submit the completed application form
- Pay the application fee
- Submit a floor plan, drawn to scale showing the layout of the premises(new applications only)
- Submit a location plan (1:1250) showing the location of the premises(NB. plans will not be required for transfers nor renewal applications)
- 2 passport size photos of the applicant where the applicant is an individual rather than a limited company
- 2 passport size photos of the manager if applicant is a limited company(NB: photos will only be required if there has been a change of applicant or manager since the last application)
- Display an A4 notice at the proposed premises for 21 days following the date that the completed application is submitted setting out the application details. The notice must be in a prominent position so that it can be easily read by passers-by. A notice template will be provided with the application form.
- publish a notice on at least one occasion in a local newspaper, during the period of ten working days starting on the day the application was given Council. The advert can be any size or colour but must be readable.

Applicants who wish to advertise the application in another local newspaper are advised to contact the Licensing Team beforehand, to confirm that it is acceptable.

On receipt of a valid application the Council will consult:

- The Police
- The Fire Brigade
- Building Control
- Health and Safety
- Ward Councillors

For new and variation applications the Council will also consult:

- Development Control Team
- Local residents living within 50m of the premises

Authorised Officers from the Council, Fire Brigade and Police may choose to inspect the premises and require works to be carried out to bring the premises up to the required standard before the premises can be used for licensable activities.

The Council will not determine an application for a licence unless the applicant allows an authorised officer reasonable opportunity to enter the premises to make such examination and enquiries as may be necessary to determine the suitability of the applicant and the sex establishment.

Representations

Anyone wishing to object to the application must submit a representation, in writing, within 28 days of the date that the valid application was received by the Council.

Representations can either be submitted via

- Our website: www.towerhamlets.gov.uk
- Email to: licensing@towerhamlets.gov.uk
- Post to: Consumer and Business Regulations, Licensing Team, 6th Floor, Mulberry Place, 5 Clove Crescent, E14 2BG.

A person making a representation must clearly state their name, address, and the grounds for objecting to the application and indicate whether they consent to have their name and address revealed to the applicant. Copies of representations will be made available to the applicant 14 days before the committee hearing.

The Council will not consider objections that are frivolous or vexatious or which relate to moral grounds (as these are outside the scope of the Act).

The Council prefers to receive electronic representations.

Late representations may be admissible at the discretion of the Council if there's sufficient reason to indicate that applicants will not be significantly prejudiced by the

decision to allow a late objection to be considered. In making such a decision the Council will take into account:

- The length of the delay
- The amount of time that the applicant has to consider the representation before the hearing date
- If other representations have been received before the deadline

Determining an application

Applications with no representations will be approved under delegated authority to officers.

Applications with representations recommending that conditions be attached to the licence and which are acceptable to both the applicant and person making the representation can be approved under delegated authority to officers.

All other contested applications will be referred to the Licensing Committee for determination. The applicant, anyone making a representation and the ward Councillors will be notified the date, time and venue of the hearing and invited to attend to address the committee in person.

Applications can take up to 14 weeks to be determined. If an application is likely to take longer than 14 weeks to determine the Council will notify the applicant in writing before this deadline. Applications for sex establishment licenses are exempt from the tacit consent provisions of the EU Services Directive on the grounds of public interest and the legitimate interests of third parties.

The applicant will be notified in writing about the outcome of their application within 5 working days of the decision being made.

Sex Establishment licences are usually issued for 12 months, but can be issued for a shorter period if deemed appropriate.

In order to continue operating as a sex establishment the licence holder must make a renewal application prior to the expiry of the existing licence.

Appeals

Any applicant who is aggrieved by a decision to refuse an application or by the imposition of any conditions can appeal to the Magistrates Court within 21 days of receiving the decision in writing.

Grounds for refusing an application

1. The applicant is unsuitable to hold a licence by reason of having been convicted of any offence or for any other reason
2. That if the license were to be granted, renewed or transferred the business to which it relates would be managed by or carried on for the benefit of a person, other than the applicant, who would be refused the grant, renewal or transfer of such a license if he made the application himself
3. That the number of sex establishments in the relevant locality at the time the application is made is equal to or exceeds the number which the authority consider is appropriate for that locality
4. That the grant or renewal of the license would be inappropriate, having regard:-
 - a. to the character of the relevant locality
 - b. to the use to which any premises in the vicinity are put; or
 - c. to the layout, character or condition of the premises, vehicle, vessel or stall in respect of which the application is made.

Transitional Arrangements

Broadly speaking, those existing sexual entertainment venues (lap dancing clubs etc) with a premises licence under the Licensing Act 2003, under which it is lawful to provide such entertainment, will continue to be able to operate for one year after the Council adopts the 2009 Act provisions or, if later, the determination of any application submitted during that year.

The 'transitional period' will last for 12-months beginning with the date that the Council resolves that Schedule 3 as amended by the 2009 Act will come into force in their area ('the 1st appointed day'). Six months following the 1st appointed day will be known as the '2nd appointed day' and the day on which the transitional period ends will be known as the '3rd appointed day'

Existing Operators

To allow time to comply with the new regime, existing operators, who, immediately before the 1st appointed day, have a 2003 Act licence and lawfully use premises as a sexual entertainment venue under that licence or are undertaking preparatory work to use the venue in that way will be allowed to continue to provide relevant entertainment until the 3rd appointed day or the determination of any application they have submitted before that time (including any appeal against the refusal to grant a licence), whichever is later

For the purposes of the Transition a "2003 Act Licence" means a premises licence or club premises certificate under the Licensing Act 2003 under which it is lawful to provide relevant entertainment.

"Preparatory work" refers to work carried out by an operator, such as a refurbishment or refit, in order that they can use the premises as a sexual entertainment venue in the future. The operator will have been granted a 2003 Act licence before the 1st appointed day but will not have used the premises as a sexual entertainment venue by that date. It is likely that such operators will be known to the Council. However, where a dispute arises between the Council and

a licence-holder over whether the licence-holder qualifies as an existing operator by virtue of this provision the Council will need to seek evidence from the licence-holder to demonstrate that they clearly intended to operate a sexual entertainment venue in the future and work had been done to achieve this end.

For the purposes of the Transition a “2003 Act Licence” means a premises licence or club premises certificate under the Licensing Act 2003 under which it is lawful to provide relevant entertainment.

Appointed Days

1st Appointed Day

The day on which the Sexual Entertainment Venue regime comes into force in the Borough and the beginning of the transitional period (1st June 2014)

2nd Appointed Day

The day 6 months after the 1st appointed day (1st December 2014)

3rd Appointed Day

The day 6 months after the 2nd appointed day and the end of the transitional period (1st June 2015)

New Applications

New applicants are people who wish to use premises as a sexual entertainment venue after the 1st appointed day but do not already have a premises licence or club premises certificate to operate as such under the 2003 Act or do have such a licence but have not taken any steps towards operating as such. After the 1st appointed day new applicants will not be able to operate as a sexual entertainment venue until they have been granted a sexual entertainment venue licence

Determining Applications Received On or Before the 2nd Appointed Day

Applicants will be able to submit their application for a sexual entertainment venue from the 1st appointed day onwards.

As the Council is able to refuse applications having regard to the number of sex establishments they consider appropriate for a particular locality, all applications made on or after the 1st appointed day but on or before the 2nd appointed day shall be considered together. This will ensure that applicants are given sufficient time to submit their application and all applications received on or before the 2nd appointed day are considered on their individual merit and not on a first come first serve basis.

No applications shall be determined before the 2nd appointed day. After the 2nd appointed day the appropriate authority shall decide what if any licences should be granted. If a new applicant is granted a licence it will take effect immediately. If an existing operator is granted a licence, it will not take effect until the 3rd appointed day, up to which point they will be allowed to continue to operate under their existing premises licence or club premises certificate.

Determining Applications Received After the 2nd Appointed Day

Applications made after the 2nd appointed day shall be considered when they are made but only once all applications made on or before that date have been determined. However, reference to determination here does not include references to the determination of any appeal against the refusal of a licence.

As with applications received on or before the 2nd appointed day, licences granted to new applicants shall take effect immediately and licences granted to existing operators shall take effect from the 3rd appointed day or, if later, the date the application is determined.

Outstanding Applications

The Council will attempt where possible to determine outstanding applications made under the 2003 Act, which include an application for the provision of

relevant entertainment, before the date that Schedule 3 as amended by the 2009 Act comes into force in their area.

Where it has not been possible to determine application before the 1st appointed day, applicants will need to submit an application for a sex establishment licence as set out in Schedule 3 if they wish to provide relevant entertainment. From the 1st appointed day onwards outstanding applicants shall be dealt with as though they are new applicants

Additional information and advice

Please contact:

Consumer and Business Regulations
Licensing Team
6th Floor,
Mulberry Place,
5 Clove Crescent,
E14 2BG.
licensing@towerhamlets.gov.uk
020 7364 5008

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Agenda item

Application for a Renewal of a Sexual Entertainment Venue Licence for the Nags Head, 17-19 Whitechapel Road, London E1 1DU

- [Meeting of EXtraordinary - SEV Renewals, Licensing Committee, Tuesday, 17th October, 2017 10.00 a.m. \(Item 3.1\)](#)

Minutes:

The Chair exercised his power to exclude the press and public from the meeting.

It was agreed that;

"Pursuant to Public Bodies (Admission to Meetings) Act 1960, and the Local Government Act 1972 the members decided that exceptionally a Licensing Committee hearing on Tuesday October 17th at 10 o'clock should be closed to the public because it was likely that exempt information would be disclosed in the course of a full hearing to determine the application for a renewal of a sexual entertainment venue licence. The exempt information related to action taken or to be taken in connection with the investigation or prosecution of a serious sexual assault at the licensed premises on May 4th 2017, and that there was also a risk that information would have been disclosed which identified the victim or witnesses which may have prejudiced the investigation or prosecution of the offence.

At the request of the Chair, ██████████ Licensing Officer, introduced the report which detailed the application for a renewal of the Sexual Entertainment Venue licence for The Nags Head, 17- 19 Whitechapel Road, London E1 1DU. It was noted that the licence consists of the basic licence, plus additional conditions relevant to the premises only. In addition, the Tower Hamlets standard SEV conditions also apply and form part of the licence. It was noted that the Licensing Authority had objected to the application and this had been supported by the Police.

At the request of the Chair ██████████ acting on behalf of the Applicants, gave apologies on behalf of M ██████████ Licensing Consultant, and ██████████ manager, and asked that there evidence is accepted as hearsay.

██████████ explained that the premises had been run by the ██████████ family for the past 30 years, and that it was their third year for applying for a SEV licence, it was noted that there had been no objections from local residents, local businesses or objections based on the environment or character of the area. ██████████ explained that he would address the two issues that had been referred to in the objection, the first one was of the reported assault on 4th May 2017 and the second one was the conduct of dancers on 11th May 2017.

██████████ explained that there had been a rigorous process and effort to ensure compliance measures were in place to improve procedures. It was noted that as a result of these incidents a number of compliance visits had been conducted and all had shown that the venue was fully compliant.

██████████ stated that since the adjournment at the previous meeting on 2nd October 2017, ██████████ now accepted that touching had occurred on 11th May 2017 this was detailed on page 6 of the Supplemental Agenda 2 ██████████ unreservedly expressed his apologies for this incident and wanted to highlight that this was not an example of how the venue was run. It was noted that measures were now in place to prevent this from ever happening again.

He then went on to explain that the ██████████ family had no history of bankruptcy, had no convictions and had other venues in London that were compliant and licensed venues. He refereed Members to page 232 of the Supplemental Agenda 1, the Entertainer's Daily Briefing which was explained to the performers on a daily basis. Customer house rules were on page 230 and it was confirmed this was displayed all around the venue.

It was noted that Mr [REDACTED] Compliance Consultant had been appointed by the [REDACTED] Family to help with compliance, measures and controls. [REDACTED] gave a brief introduction and a summary of his experience to date. He confirmed that his appointment was independent and had started work with the venue from Feb/Mar 2017. It was noted that [REDACTED] had arranged a number of covert/compliance visits and reported his findings to management after each visit.

It was further noted that [REDACTED] had arranged nine compliance visits and all nine visits found the venue to be compliant. A dip sampling process had also been introduced, where random samplings of CCTV footage would be checked, so a three layer check was now in place, overt, covert and dip sampling. [REDACTED] confirmed that he visited the venue on a regular basis and confirmed to his best knowledge that there wasn't another venue as compliant as the Nags Head in London.

[REDACTED] then highlighted the sequence of events leading up to alleged assault on 4th May 2017.
(Restricted)

Members then heard about the incidents on 11th May 2017, where covert officers undertook test purchases and found significant breaches of the conditions on the licence. When a further visit was made on 15 June 2017 the premises was found to be fully compliant. It was noted that [REDACTED] was not informed of these allegations on 11th May until 50 days after the incident, if this had been within 31 days (according to the conditions) then this could have been verified by the CCTV footage that is kept for 31 days. Management and performers had initially denied that this took place, however it was clear from Members that they wanted to hear from the Covert Police Officers who carried out the test purchases, and with no CCTV footage as evidence, [REDACTED] accepted what the Police had said in terms of the number of breaches that were made on 11th May and would give the dancers involved final written warnings as there was clear misconduct and instructions were not adhered to.

Members were referred to pages 49 & 62 where further compliance visits were made and the venue was found to be compliant. [REDACTED] then went on to detail the conditions that had been drafted between Licensing Services, Police and the Applicants. He believed that these conditions were sufficient to prevent these incidents from happening again and was satisfied that these conditions would be adhered to.

[REDACTED] concluded by referring to the discretionary grounds for refusal and highlighted that the standard of fitness was obviously met, with high standard of management, there had been no objections on vicinity, no changes to demographics and the layout of the venue was small, neat and tidy.

[REDACTED] through the Chair asked questions on the layout of the premises, the availability of incident log and questioned whether the Licensing Officers would be able to access CCTV footage. It was confirmed that Licensing Officers and Police Officers would be able to view CCTV footage, even on a random check, but not be able to download and take it away unless there was a criminal investigation or breach of conditions as the Applicant said this would infringe guidance from the Information Commission Office and the Data Protection Act.

The Chair adjourned the meeting at 11.55am for a short comfort break and reconvened at 12.10pm.

At the request of the Chair [REDACTED] Licensing Team Leader briefly explained the two main issues which were of concern i.e. the assault on 4th May 2017 and the conduct of the dancers and the breach of conditions on 11th May 2017. [REDACTED] then detailed the incidents in full. [REDACTED] informed Members that one of the officers who conducted the covert visit was present at the meeting and available to answer any questions and asked that his identity remain anonymous and be referred to as Officer P.

It was noted that a meeting (without prejudice) was arranged and all interested parties met and agreed on a draft set of proposed conditions, which were robust and better enforceable. [REDACTED] confirmed that his objection was supported by the Police.

Members then heard from [REDACTED] Metropolitan Police who explained that SEV licences required a greater amount of monitoring and he was concerned about the inappropriate behaviour of dancers at the venue. [REDACTED] then referred Members to page 28 of the supplemental agenda 1 and explained the series of events which took place in relation to the assault on 4th May 2017.

[REDACTED] (Restricted) the incidents on 11 May did support the culture of inappropriate touching at the venue. He also believed that the additional conditions proposed would help alleviate concerns.

[REDACTED] welcomed the efforts made on behalf of the Applicant and was pleased and reassured that information would be available on request. He explained that the Police had the power to seize evidence if required. [REDACTED] concluded that he welcomed the fact that the applicants had accepted that the incidents on 11th May had occurred and had offered conditions and were working with officers.

Following a detailed discussion, Members asked a number of questions to which the following was noted;

- That the incident on 4th May (**Restricted**)
- That there was a financial contract between the performers and the owners of the venue as they had to pay to work at the venue.
- It was the applicant's view that management acted accordingly and in line with procedures and did what was right based on the information given.
- Concerns were raised as to blame culture on women (dancers)
- That the Entertainer's Daily Briefing was read out and explained to all performers before the venue opened each day.
- The customer conduct was displayed all around the venue.
- That there had been eleven compliance visits in total over the last six months, and all were found the venue to be compliant.
- It was noted that the victim on the 4th May (**Restricted**).
- Witness statements from other performers state that if sexually assaulted then the dance is immediately stopped and the customer is asked to leave the venue.
- (**Restricted**)
- That the CCTV footage taken on 4th May also showed that there was a breach of condition where a performer was seen to be hugging a customer.

At 1pm the Chair closed the meeting.

The second meeting started at 2pm.

The Chair welcomed everyone.

In response to further questions from Members the following was noted;

- Authorised Officers referred to in the proposed draft conditions included Police Officers and Licensing Officers.
- The Applicant maintained that officers would be able to view CCTV footage but would not be allowed to download footage or be handed over footage unless it was associated to criminal proceedings or to investigate a breach of conditions.
- That the Entertainers Daily Briefing and Customer Rules had been rewritten in order to make the rules more robust and enforceable and clear that you must not touch the dancer.
- SIA door staff also explained the rules to customers when they come into the venue.
- That there were 12 dancers performing on 11th May
- That during the 30 years of trading, there had only been one complaint of sexual assault.
- That there was a further need to educate customers and dancers.
- That dip sampling meant that 4-5 CCTV footage slots would be randomly picked and checked to see that everything was compliant.
- That there was no sign outside the venue, no advertising, and there were no staff outside touting, that SIA door staff stand inside the entrance.

At this stage the Chair formally asked that Police Officer P who was present at the meeting could be released as there were no questions to ask of him.

██████████ asked if questions could be asked of one of the performers who was in attendance at the meeting but was not a witness.

The Chair adjourned the meeting at 3.20pm to seek legal advice and reconvened at 3.27pm.

The Chair announced that they would not ask ██████████ to call the performer.

██████████ then asked the Chair if he could voluntarily call the performer as his witness and asked her questions despite the fact she had not made a witness statement. The Chair sought legal advice and consulted the Committee (without adjourning) and then said that exceptionally the Committee would agree to the performer being called to give evidence at this stage. The performer confirmed the following;

- That her name was (**Restricted**) (Ms A) and that she had worked at the Nags Head for 12 years.
- That she was part of the East London Strippers Union Collective
- That Nags Head was the safest place to work in where dancers felt protected.
- That she had a good relationship with managers and staff
- That she had never been sexually assaulted at the premises.
- That dancers do not permit sexual contact and can easily protect themselves if they were being assaulted

- That she had been working on the night of 4th May, (**Restricted**).
- That she was also working on 11th May and she did not engage or see anything that was described by Police Officers
- That dancers were given a daily briefing.
- That she did not see everything that goes on in the venue.

The Chair invited all parties to make final submissions.

██████████ concluded by saying that no touching is allowed, dancers are protected. That policy and procedures had been scrutinised and revised with great care. He highlighted that the venue was a good family run business, with a dedicated Compliance Manager. The applicants expressed their apologies for the breaches in May. ██████████ said that they accept the conditions and felt that the imposing of the conditions would be a proportionate response as the venue was a compliant business. He highlighted that there was a total of 80 staff working at the venue, the venue had been trading for decades, there was a commitment to work with the responsible authorities and that there had been 11 compliance visits within the last 6 months and all had been found to be fully compliant.

Members then heard from ██████████ who stated that they were happy with the conditions and if agreed by Members then this would help alleviate the concerns they had. They were also pleased that the police evidence on 11th May had been accepted by the applicants.

██████████ for clarity confirmed that the Applicant expressly agreed that authorised officers could review CCTV footage although not ask for a copy unless investigating a breach of conditions or criminal offence.

Members adjourned the meeting at 3.40pm for deliberations and reconvened at 4.50pm.

Accordingly, the Sub Committee unanimously

RESOLVED

That the application for a renewal of a Sexual Entertainment Venue Licence for The Nags Head, 17-19 Whitechapel Road, London E1 1DU be **GRANTED an identical licence with additional conditions.**

At a hearing of the London Borough of Tower Hamlets Licensing Committee on Tuesday October 17th 2017 the Committee unanimously resolved to grant the renewal of a Sexual Entertainment Venue Licence to the Nags Head at 17-19 Whitechapel Road, London E1 1DU subject to the Standard Conditions, and additional conditions set out below.

The Committee imposed additional conditions after determining that the Licensees had committed serious breaches of the Standard Conditions, and that in May and June 2017 the management did not have the ability to adhere to the Standard Conditions for sex establishments.

The SEV Licence will expire on 31st May 2018.

In reaching its decision the Licensing Committee had regard to the Act, Tower Hamlets' Sex Establishment Licensing Policy made pursuant to Schedule 3 of the Act (the Policy), the information contained in the Agenda (white papers), Supplemental Agenda 1 and Supplemental Agenda 2 (pink restricted papers). Over the course of two meetings the Committee heard submissions on behalf of the Applicant and the Licensing Authority as Objector, and evidence from ██████████ and Ms A (a performer at the premises) on behalf of the Objector. The Applicant and Objector agreed that all the other witness statements on behalf of both parties could be admitted as hearsay statements.

The Committee decided to conduct a full hearing review into the application for renewal of the SEV Licence because the Licensing Authority had objected on the basis that the Licensees were unsuitable to hold a licence pursuant to paragraph 12(3) of Schedule 3 of the Act, ie that they were unsuitable "for any other reason".

The events which gave rise to the full hearing review occurred on May 4th and May 11th 2017.

The Committee accepted ██████████ unchallenged evidence that by May 2017 there had, in all probability, developed among some of the performers at the premises a culture of consensual inappropriate touching which was in breach of the Standard Conditions. One such incident ("the hug") was recorded on CCTV on May 4th between a performer and member of the public. ██████████ went on to say that this culture was not safe and it was "a slippery slope because if you say it is ok to hug they [the members of the public] will take it further especially if they had had something to

drink." [REDACTED] on behalf of the Applicant conceded that the May incidents were not acceptable and that they "exposed a fault line" about how the premises were managed

Alleged sexual assault

On May 4th 2017 a performer at the premises, referred to as Ms Y, was allegedly assaulted by a member of the public (referred to as Mr X) during a private dance. **(Restricted)**

The Committee accepted all the hearsay evidence regarding how performers responded if touched during a private dance and carefully analysed the agreed CCTV recording timeline of the incident on May 4th. **(Restricted)**

(Restricted)

(Restricted), the Committee found that the management failed to take the matter sufficiently seriously, or properly investigate it. The management also failed to protect Ms Y on May 4th, and had failed to provide appropriate support to Ms Y at the time of the alleged sexual assault or afterwards.

The position was aggravated by what the Committee considered was the Licensees' generally dismissive approach to the matter, especially when it knew beyond doubt that the allegation was that of a serious sexual assault. It was compounded by the Licensees' subsequent obstruction of, and failure to cooperate with the licensing officers in the investigation of the incident. The Committee did not accept the Licensees' reasons for refusing to provide a copy of the CCTV of the incident to the licensing officer (redacted as necessary) and this was a serious breach of Standard Condition 12. The Committee found that the Licensees' failure to cooperate promptly with the licensing officers request for a copy of the incident book was inconsistent with the high standard of management stipulated by the Policy.

Intentional sexual contact between performers and covert police officers

On May 11th 2017 two police officers, acting on behalf of the Licensing Authority, carried out covert test purchases. These purchases confirmed that performers were making repeated intentional sexual contact with customers. The nature of the sexual contact is summarised below.

- Grinding of buttocks onto officers groin, this occurred on several occasions with all performers, and on one occasion one performer was grinding their vagina on officer's groin.
- Placing of the breast into the officers faces. This was mostly only light contact (slight brushing across the face). However on one occasion one of the performers in putting their breast in the officer's face made contact with the officer's closed mouth with their nipple.
- Squeezing of officer's penis, this occurred on two occasions by one performer who reached behind her with one hand and squeezed the officer's penis through their clothing.
- Rubbing of forehead on penis, this occurred with one performer where they knelt between the legs of the officer and rubbed their forehead back and forth on the officer's penis through their clothing.
- Breast being in open hands of the officers whilst seated, which occurred once with one performer.
- One performer asked one of the Officers to put their hand on the performer's buttocks, which they did.
- One performer placed one of the Officer's hand on her exposed pubic area.
- During one of the private dances one of the performers kissed one of the Officers with a closed mouth.

Officers describe in their statements that there were a number of occasions performers touched their vagina's and parting the lips of their vagina's. Furthermore on one occasion a performer simulated acts of personal stimulation by parting their vagina with her fingers exposing their labia and with their other hand rubbed their inner vagina from the base up to the clitoris.

The Licensees admitted that two of its performers had committed the above intentional sexual behaviour.

The Committee found that the above intentional sexual behaviour of two performers was a serious and persistent breach of Standard Condition 26 (implementation and enforcement of House Rules), Conditions 35 and 36 (no intentional physical contact - save for specified exceptions) and Condition 38 (no other form of sexual activity, including but not limited to acts or the simulation of acts of personal stimulation).

The Committee found that the lack of effective enforcement of the Standard Conditions and compliance with the House Rules was likely to be directly affecting the safety of performers as evidenced by the alleged sexual assault on May 4th.

The Committee decided that in May and June 2017 the Licensees' clearly did not have a high standard of management. The management structure was such that it lacked the capacity to operate the venue, or the ability to ensure adherence to the Standard Conditions for sex establishments. As such, it was arguable that, at that time, the Licenses were unsuitable "for any other reason" to hold a SEV Licence.

After careful consideration the Committee decided to grant the renewal of the SEV Licence after taking full account of the following matters.



- 1 The admissions by the Licensee, their apology for the breaches, their positive track record, and their full commitment in the future to enforce the Standard Conditions, and strict adherence to, and compliance with the House Rules and Code of Conduct, and any other conditions the Committee might impose.
- 2 The Committee accepted the Licensees' promise to fully cooperate with licensing officers in the future and in particular not to obstruct the viewing of CCTV footage (including the viewing of CCTV in the course of random checks by the licensing officers).
- 3 That [REDACTED] Team Leader, Licensing and Safety Team Environmental Health and Trading Standards) considered that the imposition of additional stringent conditions would mitigate the risks of similar problems occurring at the premises in the future.
- 4 The significant efforts already made by the Licensees to ensure that the premises operated in a way which was fully compliant with the Standard Conditions, and the additional conditions that the Committee were going to impose.

The Committee imposed the following additional conditions.

- 42 Documents to prove compliance with the Licence pursuant to Standard Condition 3.
An incident log shall be kept at the premises, and made available on request to authorised officers immediately. It must be completed within 3 hours of the incident and shall record the following
 - (a) all crimes reported to the venue by a member of the public, a performer or member of staff;
 - (b) any breach or alleged breach of either the House Rules made by a member of the public or the Code of Conduct made by a performer, and the action taken by the management;
 - (c) when a person is removed from the premises;
 - (d) any faults in the CCTV system;
 - (e) any visit by a relevant authority or emergency service.
- 43 In the event that a performer alleges that they have been sexually assaulted the management will immediately ensure that
 - (a) the police (and, where appropriate, the London Ambulance Service) are called without delay;
 - (b) all measures that are reasonably practicable are taken to apprehend a suspect pending the arrival of the police;
 - (c) the crime scene is preserved so as to enable a full forensic investigation to be carried out by the police; and
 - (d) such other measures are taken (as appropriate) to fully protect the safety of all persons present on the premises.

- 44 In the event that during a performance the management or security either witness a member of the public making intentional physical contact with a performer (save as permitted by Standard Conditions 35 or 36) or a performer makes a similar allegation to management or security, that member of the public shall be removed from the premises without delay. The management or security may use their discretion to allow that member of the public a supervised 10 minute drink up time prior to being removed from the premises.
- 45 Without prejudice to Standard Conditions 12 and 13, at all times the private performance areas and booths are occupied by performers and members of the public trained staff shall regularly monitor the CCTVs which cover that area.
- 46 Independent Compliance Audit
- (a) An independent compliance auditor, to be instructed and paid for by the Licensees, must carry out a minimum of four (4) compliance audits per year of the private performance areas and booths when sexual entertainment is offered at the premises. The compliance audits must not be pre-arranged with the Licensees or any employee or agent of the Licensees.
- (b) A copy of the compliance audit, signed and dated by the Compliance Auditor, must be kept at the premises (The Nags Head Public House, 17-19 Whitechapel Road E1 1DU) and made available to authorised officers without delay.

Supporting documents:

- [Nags Head cover report, item 3.1](#)  PDF 134 KB
- [Nags Head Appendices Only, item 3.1](#)  PDF 7 MB
- Restricted enclosure [View the reasons why document 3.1/3 is restricted](#)
- Restricted enclosure [View the reasons why document 3.1/4 is restricted](#)
- Restricted enclosure [View the reasons why document 3.1/5 is restricted](#)
- Restricted enclosure [View the reasons why document 3.1/6 is restricted](#)
- Restricted enclosure [View the reasons why document 3.1/7 is restricted](#)
- Restricted enclosure [View the reasons why document 3.1/8 is restricted](#)
- Restricted enclosure [View the reasons why document 3.1/9 is restricted](#)
- Restricted enclosure [View the reasons why document 3.1/10 is restricted](#)
- Restricted enclosure [View the reasons why document 3.1/11 is restricted](#)
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- Restricted enclosure [View the reasons why document 3.1/13 is restricted](#)
- Restricted enclosure [View the reasons why document 3.1/14 is restricted](#)
- Restricted enclosure [View the reasons why document 3.1/15 is restricted](#)
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- Restricted enclosure [View the reasons why document 3.1/18 is restricted](#)
- Restricted enclosure [View the reasons why document 3.1/19 is restricted](#)
- Restricted enclosure [View the reasons why document 3.1/20 is restricted](#)



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[Redacted]

Correspondence address [Redacted]

Role Active **Director**

Date of birth [Redacted]

Appointed on **18 March 2020**

Nationality **British**

Country of residence **England**

Occupation **Businessman**

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NAGS HEAD LIMITED

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Correspondence address

Role Active **Secretary**

Appointed on **19 June 2007**

[REDACTED]

Correspondence address [REDACTED]

Role Active **Director**

Date of birth [REDACTED]

Appointed on **19 June 2007**

Nationality **British**

Country of residence **United Kingdom**

Occupation **Co Director**

[REDACTED]

Correspondence address [REDACTED]

Role Resigned **Secretary**

Appointed on **18 May 2007**

Resigned on **18 May 2007**

[REDACTED]

Correspondence address [REDACTED]

Role Resigned **Director**

Appointed on **18 May 2007**

Resigned on **18 May 2007**

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- **Received: 3 January 2023**
OBJECTION

To whom it may concern,

I am writing to object to the renewal of the Sexual Entertainment Venues licence on the following grounds:

- That 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'.
- That accordingly, the grant would be inappropriate, having regard to the character of the relevant locality;
- That accordingly, the grant would be inappropriate, having regard to the use of premises in the area;
- That accordingly, the grant would be inappropriate, having regard to the layout, character or condition of the premises.

The club is located in the basement, ground and first floor mezzanine of 4 Carlisle Street, beneath three occupied flats, with residential at no 5 next door and the landlord and [REDACTED]. The situation of the club seems inappropriate in that this part of Carlisle Street ends in a cul-de-sac and is a relatively quiet area of Soho. The upper part of Dean Street has been closed to traffic since 2010 (due to Cross Rail) and therefore acts as another cul-de-sac. Once the pubs (Nellie Dean and Toucan), Pizza Express and the Piano Bar close after midnight there is very little noise apart from that generated by Vanity. The other premises in this part of Carlisle Street are residential or office with a hotel at the end, which does not have bars or restaurants open to the public. Apart from Vanity there is no attraction for passing trade on the street after midnight. Venues of this type are more suited to the buzzy atmosphere of the southern parts of Dean St (Sunset strip), Old Compton St and Brewer Street area.

My principal objection to the renewal of the club's licence is the noise in the street. I am also aware of an 'expedited' review in respect of the premises licence, and await further details of the allegations raised by the police.

Although some of the issues are historic, I believe that others have arisen specifically due to the operation as an SEV. The club attracts pedicabs which hang around outside the club particularly near closing time – the club closes at 3am but the pedicab noise invariably starts earlier as they start to congregate either dropping people but more likely just hanging around waiting to pounce on a customer. It is usually open until 5am in December during the run up to Christmas. The SEV licence has a terminal hour of 3am Mon-Sat, 11pm Sunday for 'relevant entertainment'. The only reason the pedicabs are in Carlisle Street is the presence of the club. No Club, no noise. There was a blissful time during Covid when if you woke in the night there was silence in the street. Apart from Vanity there are no very late venues nearby so after everywhere else closes the possibility of picking up a fare anywhere else is limited, hence the attraction of Vanity.

The pedicab drivers congregate in Carlisle Street, [REDACTED], 4-5 (sometimes more) lined up across the road and on corner of Carlisle & Dean Street. They either sit in their pedicabs or stand around underneath the awning of the Nellie Dean pub next door to number 4. They laugh, chat, argue etc with no care for the residents who are trying to sleep. The fact that both Carlisle Street and Dean Street are dead ends so there is no passing traffic which lends to its appeal as a pedicab park, where they can leave their vehicles and lurk undisturbed. On occasions you see a customer leaving Vanity only to be harassed by a number of drivers, each trying to entice them into their vehicle which adds to the noise. All this is clearly audible despite my bedroom having double glazing, which was fitted to my flat at the behest of a WCC licensing committee in the late 1980's.

In February 2018 during a previous SEV renewal process there was a mediation meeting with the club management under the auspices of WCC and for a while the problem with noise and the pedicabs improved but the problem returned. Another [REDACTED] and I objected to the next renewal of the SEV licence and it went to the Licensing Sub-Committee on 28th March 2019. Three additional conditions were added to the Vanity Club licence relating to controlling the noise from pedicabs in the street. Since then, there has been no real change to the street noise though the problem with the music within the building has improved. It can still be heard in the common parts but hardly at all in the flats.

The management and the doormen seem to tolerate the pedicabs rather than doing anything to discourage them. You see members of staff chatting amicably to the drivers, maybe they are asking them to politely move but it does not have any effect. You see and hear the same pedicab drivers so they are obviously undeterred by the 'designated member of staff encouraging them to look for fares in Dean Street and to respect the needs of local residents and also to ask them to move away/not congregate in Carlisle Street or near the venue' (Condition 2 added to licence 2019). I have seen pedicab drivers delivering food & packages to the staff. We are lucky in that the Club Staff do seem to stop the pedicabs playing music in Carlisle Street which is a definite plus.

Much of the outside noise comes from members of staff. The 2-3 security men, who talk loudly to each other until closing time, the female staff, who hang around outside the club to smoke and chat to each other and their customers. This is despite the assertion on behalf of the premises at a previous Licensing Hearing 'that members of staff do not congregate outside the premises'. There is even a stool on the doorstep for the dancers to sit on and an outside heater. Whilst this does not appear to be directly in breach of any conditions on the SEV licence, it could jeopardise compliance with condition 7, 18, and 22. It is also contrary to previous assertions that there is a designated smoking area for performers on the first floor.

The Club management are cognisant of the residents' problems with the noise. [REDACTED], owner of the club, attended a meeting at 4 Carlisle Street in 2019 with the building management agent. After the meeting, I mentioned to him that the residents were still having a problem with the noise from pedicabs. He replied that he was sorry about that but he had no control over noise happening in the street outside the club and could do nothing to help. If I didn't like that he could always open a disco like the Candy Bar with more people in the street. I replied that we had survived outside noise from previous clubs but the noise associated with the pedicabs was more persistent and

disturbing. The DPS is also well aware of the problem as we have discussed it in the past but as the situation never changes, I have given up trying to raise the issue.

I am continuing to object to the renewal of the SEV licence of Vanity as the premises are an inappropriate location for a club of this type both as to the location in a quiet area away from the main areas of nightlife of Soho and to the nature of the building [REDACTED].

- [REDACTED]
Received: 3 January 2023
OBJECTION

I write to oppose the renewal of the SEV in respect of the above premises.

Please see my email below re the Licence Review by the Police in respect of these premises, and in particular the incident of contact between a customer and a dancer.

I would like this also to stand as my objection in the application for the SEV renewal, as I understand they should be objected to separately

I write to support the application by the Met Police in this matter. I am a long time resident of Soho and [REDACTED] and it is in this capacity that I support the application to revoke this licence.

I listened in to the interim application when the licence was suspended, and I found this to a very concerning set of circumstances, and very unlikely to be a one off event, as there was a schedule of similar complaints against these premises, which seemed to have slipped through the net, possibly going to be dealt with by Action Fraud team. I didn't see this in its entirety and couldn't comment on individual items but it seemed to have a theme (separating friends from each other) charging them exorbitant amounts with a suggestion of at least one drink being spiked, and then seemingly not allowing them to communicate, unless the other party pays for the dance. The victims were then taken off in vehicles seemingly ordered by Vanity.

Pedicabs seem to feature in this rather sorry story, and there have been suggestions of payments to pedicabs in the past, though I have to say this is entirely anecdotal. Soho has long suffered from ASB on the part of pedicab operators.

This seems like extraordinarily corrupt behaviour. The victim in this case seems to have lost a large sum of money, and the suggestion by the management of Vanity that complaints of this nature are often made to cover overspending and to get reimbursed by a bank is, frankly, ludicrous.

The DPS's justification for allowing transactions to go through frankly beggars belief.

These incidents (including the incident mentioned of contact between a dancer and a customer in a booth) clearly do not support any of the licensing objectives, and are on the face of it clear examples of criminality.

I would therefore support the police application to have the licence revoked permanently, the DPS removed forthwith and the application by the club for the renewal of the SEV to be rejected by the Committee.

Received: 28 December 2022

OBJECTION

To whom it may concern.

Vanity, 4 Carlisle Street and I wish to object to the continuation of the licence being granted to them.

It has become a magnet for pedicabs which regularly drop clients off there and often park outside my house to collect clients. They have music playing loudly from the pedicabs as well as eating takeaway food and they leave the litter and bottles outside my house which has to be cleared up in the morning. The noise is horrendous.

Being open until 3.00am there is very loud talk from people smoking and gathering outside.

All this precludes sleep without ear plugs which I am forced to use.

I have objected many times but all to no avail.

Received: 3 January 2023

OBJECTION

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

About

is a charitable company limited by guarantee established in 1972. is a recognised amenity group and was formed to make Soho a better place to live, work or visit by preserving and enhancing the area's existing diversity of character and uses, and by improving its facilities, amenities and environment.

Representation

This is an application for the renewal of the sexual entertainment venue licence for Vanity, a lap dancing / strip club which operates seven days a week, Monday to Saturday 9am - 3am and Sunday 9am to 11pm with a capacity of 89. objects to this renewal under the following policies of the Sexual Entertainment Venues Statement of Licensing Policy 2012, namely, SU1: suitability of an applicant to hold an sexual entertainment licence, 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 and PS1: failing to protect the public / public safety.

The Licensing Sub-Committee will be aware of a recent allegation on 26th November of a serious incident at this lap dancing / strip club, which involved a male victim of drink spiking and theft of large sums of money, £3,000 payment taken by Vanity over four transactions, plus numerous other transactions to different people/companies to the approximate value of £16,000, a total loss of £19,000. A subsequent review by the

police also identified a further 10 allegations of a similar nature this year, with the loss of nearly £250,000, some victims say they have reported this to the venue with no action taken. At the 'interim steps' hearing on 15th December 2022 the police presented its case to the Committee and sought the immediate suspension of the licence pending the full review hearing. The police indicated that they would seek revocation of the licence at the hearing, in order to protect the licensing objectives. The Committee agreed with police that immediate suspension was the appropriate action. [REDACTED] supported the review of the licence on the basis of the prevention of crime and disorder, the prevention of public nuisance and failing to protect the public / public safety, the full hearing is due to take place on 9th January.

These are extremely serious allegations and in the opinion of the police these premises are associated with crime and disorder. It is the responsibility of the licence holder to ensure the safety of those using the premises, which also includes the prevention of crime and disorder. We have not yet seen the full details of the police's case in respect of the expedited review, but they clearly feel that there has been a gross failure in this case which has resulted in the failure to prevent crime and disorder and failure to protect the public. If the police case leads to revocation of the premises licence, it follows that the applicant is unsuitable to hold a sexual entertainment venue licence.

Issues relating to noise nuisance resulting from the operation of the premises have been ongoing for many years and precedes the current occupant, this highlights the unsuitability of the location and character of this late night club in this street. The proximity of noise sensitive premises, residents living above the club and others residing in the street fails to promote the prevention of public nuisance as the nuisance of late night noise continues resulting in sleep disturbance to residents.

The Committee will be aware of the background and history of complaints and objections by residents to the renewal of this licence (19/16592/LISEVR, 18/15940/LISEVR) all relating to noise nuisance from inside and outside the premises. The club is situated in a small and narrow cul-de-sac, generally this is a quiet street compared to others in Soho, however, this changes late at night where noise is amplified and reverberates around the street. Residents continue to be disturbed by the noise from pedicab riders in the street talking to each other or to the security guards, by customers talking outside and when they are being pestered by pedicab riders. The ongoing noise problems provides the evidence, alongside the applicant's inability to resolve these issues that this club is in an unsuitable location.

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.

In the Sexual Entertainment Statement of Licensing Policy 2012 the council rightly raises concerns regarding the location of sexual entertainment venues and the crime and anti social behaviour associated with them, citing touting, prostitution and clipping. Men leaving the premises late at night intoxicated and vulnerable are easy prey to such criminal activity. This is even more of a concern when considering the high crime rates in Soho, which are on the increase as evidenced by recent crime reports provided to the Licensing Sub-Committee from the Westminster Police Licensing Team, they highlight

the increase in crime which is now back to pre-COVID levels and in some cases, for example, assaults, sexual assaults and robbery are even higher than pre-COVID levels.

In summary, a SEV licence for this venue is contrary to the character of the relevant locality, use of premises in the vicinity, and the layout, character or condition of the venue, for the reasons set out above. The licence holder has failed to promote the licensing objectives of the prevention of crime and disorder, the prevention of public nuisance, public safety and failing to protect the public. In addition, due to the police's allegations in respect of the premises licence, our view is that the applicant is unsuitable to hold an sexual entertainment venue licence.

We respectfully ask the Committee to refuse the renewal of this licence.

Yours faithfully,

Licensing Committee
[REDACTED]

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.

[REDACTED]. 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. 1 in Broadwick St and 1 in Marshall St. 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.

[REDACTED] ... 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.

• [REDACTED]
Received: 28 December 2022
OBJECTION

I would also like to flag that it appears that the premises' SEV licence is also due for renewal. Although this is a separate matter for the purpose of the review of the alcohol

licence I would like to flag that I have real concerns about the renewal of this licence in all of the circumstances.

Under the relevant legislation, there are mandatory grounds of refusal (e.g. if the applicant is under 18, disqualified etc) and discretionary grounds. Schedule 3 para 12(3) Local Government (Miscellaneous Provisions) Act 1982 sets out the discretionary grounds, the most pertinent of which are that: granting the licence would be inappropriate, having regard to: (i) the character of the relevant locality; (ii) the use to which any premises in the vicinity are put; (iii) the layout, character or condition of the premises...in respect of which the application is made.

Grounds (i), (ii) and (iii) align with policies in the City Council's 'Sexual Entertainment Venues Statement of Licensing Policy 2012' ("the SEV Policy") i.e. LO1 (character of relevant locality'; LO2 (use of premises in the vicinity); L03 (layout, character or condition of the venue).

The evidence is that this venue and this locality is being used for criminal activities. Not – I stress – by the owners of the premises, but by some of those who frequent it. The venue is becoming a real threat to public safety. It is in any event out of keeping with the residential area in which it sits. It is quite detached from other SEV-licensed venues in an area of Soho (Dean Street/Carlisle Street) not known for this kind of activity.

I would urge the officers and the committee to reject the renewal of the SEV licence.



Schedule 12
Part A

WARD: West End
UPRN: 010033531502

City of Westminster

64 Victoria Street, London, SW1E 6QP

Premises licence

Regulation 33, 34

Premises licence number:

20/03227/LIPT

Original Reference:

05/03985/LIPCV

Part 1 – Premises details

Postal address of premises:

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

Where the licence is time limited, the dates:

Not applicable

Licensable activities authorised by the licence:

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

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

Performance of Dance

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

Performance of Live Music

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

Playing of Recorded Music

Unrestricted

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

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

Late Night Refreshment

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

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

Sale by Retail of Alcohol

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

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

The opening hours of the premises:

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

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

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

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

Vanity License Ltd
Kemp House
160 City Road
London
EC1V 2NX

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

12523049

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

Name: DPS has been removed

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: N/A

Licensing Authority: N/A

Date: 16 May 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. All persons guarding premises against unauthorised access or occupation or against outbreaks of disorder or against damage (door supervisors) must be licensed by the Security Industry Authority.

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

Conditions relating to regulated entertainment:

- 10. 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. The entertainment provided at the premises shall be of the type commonly known as discotheque, karaoke and striptease.
- 12. Only activities which have previously been agreed by the council shall take place.
- 13. The basement door going onto the street shall be kept closed at all times, except for emergency use.
- 14. All doors giving access/egress to the premises shall not be fixed open after 23:00.

Conditions for Sale of Alcohol

- 15. 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.
- 16. There shall be no payment made by or on behalf of the licensees to any person for bringing customers to the premises.

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

17. Alcohol shall not be sold, supplied or consumed in or taken from the premises except during permitted hours.
- (a) Subject to the following paragraphs, the permitted hours on weekdays shall commence at 10.00 (12.00 on Christmas Day and Good Friday) and extend until 03.00 on the morning following, except that -
 - (i) the permitted hours shall end at 00.00 midnight on any day on which music and dancing is not provided after midnight; and
 - (ii) on any day that music and dancing end between 00.00 midnight and 03.00, the permitted hours shall end when the music and dancing end;
 - (b) In relation to the morning on which summer time begins, paragraph (a) of this condition shall have effect-
 - (i) with the substitution of references to 04.00 for references to 03.00.
 - (c) Except on Sundays immediately before bank holidays (apart from Easter Sunday), the permitted hours on Sundays shall commence at 12.00 and extend until 00.30 on the morning following, except that-
 - (i) the permitted hours shall end at 00.00 midnight on any Sunday on which music and dancing is not provided after midnight;
 - (ii) where music and dancing end between 00.00 midnight on any Sunday and 00.30, the permitted hours on that Sunday shall end when the music and dancing end.
 - (d) On Sundays immediately before bank holidays (other than Easter Sunday), the permitted hours shall commence at 12.00 and extend until 03.00 on the morning following, except that-
 - (i) the permitted hours shall end at 00.00 midnight on any Sunday on which music and dancing is not provided after 00.00 midnight;
 - (ii) where music and dancing end between 00.00 midnight on any Sunday and 03.00, the permitted hours on that Sunday shall end when the music and dancing end.
 - (iii) The terminal hour for late night refreshment shall extend to 30 minutes after the end of permitted hours for the sale of alcohol set out in d(i) and (ii) above.
 - (e) The 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.

18. 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.

19. 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.

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

Annex 2 – Conditions consistent with the operating Schedule

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

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

22. The licensee will adopt a street management plan to be agreed with the Environmental Health Officer. Such plan to include the following:
- Ordering taxis from inside the premises
 - Encouraging patrons waiting for taxis to remain inside the premises
 - Asking taxi drivers to turn off their engines whilst waiting
 - Control of smokers
 - Control of patrons leaving the premises.
23. At least one Personal Licence Holder shall be present during the whole time alcohol is sold, supplied or consumed.
24. The sale of alcohol shall be ancillary to the use of the premises for either i) music and dancing and substantial refreshment or ii) Relevant Entertainment and substantial refreshment.
25. 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, Premises Management 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.
26. Where the premises is used for Licensable Activities other than Relevant Entertainment, SIA registered security staff are to be employed on a 1:50 ratio (staff/customers).
27. A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number is to be made available to residents and businesses in the vicinity.
28. Except where Relevant Entertainment is provided The number of persons accommodated (excluding staff) shall not exceed:
- Basement - 70,
Ground Floor - 80,
First Floor - 25.
29. (a) The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team.
(b) All entry and exit points shall be covered enabling frontal identification of every person entering in any light condition.
(c) The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises and shall include the external pavement area outside the premises entrance.
(d) All recordings shall be stored for a minimum period of 31 days with date and time stamping.
(e) Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31-day period.

30. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
31. All windows and external doors shall be kept closed at any time when regulated entertainment takes place, except for the immediate access and egress of persons.
32. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall be limited to 7 persons at any one time.
33. 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.
34. There shall be no striptease or nudity, and all persons shall be decently attired at all times, except when the premises are operating under the authority of a Sexual Entertainment Venue licence.
35. All emergency doors shall be maintained effectively self closing and not held open other than by an approved device.
36. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.
37. Curtains and hangings shall be arranged so as not to obstruct emergency signs.
38. 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.
39. 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.
40. All exit doors shall be available at all material times without the use of a key, code, card or similar means.
41. 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.
42. Neither Lorraine Forman or Shaine Mountier shall have any involvement in:
 1. the day to day running of the premises,
 2. management of the premises or
 3. management of the operation at the premises

43. No Licensable Activities shall take place at the Premises until such time as a site visit has been arranged with the Licensing Authority, The Police Licensing Team, and the Environmental Health Consultation Team. The purpose of the visit shall be for the above-named Responsible Authorities to:
- a. Confirm that they agree that the layout and appearance of the Premises is such that views in areas where Relevant Entertainment takes place are unobstructed.
 - b. Confirm that they agree that the CCTV system at the Premises complies with the CCTV conditions and the locations and angles of CCTV cameras are appropriate to the provision of relevant entertainment.
 - c. Confirm that the noise limiter is set at a level determined by and to the satisfaction of an authorised Environmental Health Officer and secured by key or password with access only to persons authorised by the Premises Licence Holder.
 - d. Confirm that they have viewed training records for all relevant staff members in accordance with the Premises' training conditions.
 - e. Confirm that they have met with the Designated Premises Supervisor (or Designated Premises Supervisor Elect), and if in place, the manager and assistant manager of the Premises.
- Following confirmation of items (a) to (e) being satisfactorily completed this condition shall be removed from the Premises Licence by the Licensing Authority.
44. From the date on which licensable activities under the Licensing Act 2003 first commence in 2023, a site visit shall thereafter be arranged annually with the Licensing Authority and the Metropolitan Police Licensing Team. The purpose of the visit shall be for the above-named Responsible Authorities to:
- a. Confirm that they agree that the layout and appearance of the Premises is such that views in areas where Relevant Entertainment takes place are unobstructed.
 - b. Confirm that they agree that the CCTV system at the Premises complies with model condition MC01 and the locations and angles of CCTV cameras are appropriate to the provision of relevant entertainment.
 - c. Confirm that the noise limiter is set at a level determined by and to the satisfaction of an authorised Environmental Health Officer and secured by key or password with access only to persons authorised by the Premises Licence Holder.
 - d. Confirm that they have viewed training records for all relevant staff members in accordance with the Premises' training conditions.
 - e. Confirm that they have met with the Designated Premises Supervisor (or Designated Premises Supervisor Elect) and if in place, the manager and assistant manager of the Premises.
45. The Premises Licence Holder shall devise, implement, and maintain a Training regime for:
- a. All staff (including self-employed performers) working in customer facing roles at the Premises; and
 - b. All SIA licensed door supervisors engaged by the Premises.

46. The Training Regime shall, as a minimum, cover the following:
 - a. The hours and conditions of this Premises Licence
 - b. The Licensing Objectives and The Licensing Act 2003
 - c. The Premises' Welfare and Safeguarding Policy
 - d. Identifying intoxicated individuals (alcohol and prohibited substances)
47. Staff (including self-employed performers) and SIA licensed door supervisors shall not be permitted to commence work at the Premises until such time as they have undergone induction training on (a) to (d) above {Namely: a. The hours and conditions of this Premises Licence, b. The Licensing Objectives and The Licensing Act 2003, c. The Premises' Welfare and Safeguarding Policy, d. Identifying intoxicated individuals (alcohol and prohibited substances)}.
48. All training at the premises shall be dated and signed off in writing by the Premises Licence Holder.
49. Staff (including self-employed performers) and SIA licensed door supervisors shall be re-trained at least twice annually (January to December).
50. Training Records shall be kept for all members of staff (including self-employed performers) and SIA licensed door supervisors. The Records shall be kept at the Premises and made available for inspection by Responsible Authority Officers. Training records shall be kept for a period of 18 months from the date on which the training was delivered.
51. Prior to licensable activities under the Licensing Act 2003 taking place at the premises, all members of customer facing staff (including self-employed performers) and SIA licensed door supervisors shall be provided with the Metropolitan Police's Welfare and Vulnerability Engagement (WAVE) training (or equivalent training) at least once annually (January to December). Training Records for WAVE training shall be kept for all members of staff (including self-employed performers) and SIA licensed door supervisors. The Records shall be kept at the Premises and made available for inspection by Responsible Authority Officers. Training records shall be kept for a period of 18 months from the date on which the training was delivered.
52. The Premises Licence holder shall devise, implement, and maintain the following policies in relation to Licensable Activities at the Premises:
 - a. Customer Complaints Policy
 - b. Welfare and Safeguarding Policy
 - c. Noise Management Policy
 - d. Pedicab Policy
 - e. Drugs Policy

Copies of these policies shall be kept at the Premises and made available for inspection by Responsible Authority Officers. The Customer Complaints Policy shall also be made available to members of the public on request.
53. The Premises Licence Holder shall appoint an Independent Compliance Auditor, to be instructed and paid for by the Premises Licence Holder, and who must carry out a minimum of (4) Compliance Audits per year (January to December) to assess the promotion of the Licensing Objectives and compliance with the conditions of this Premises Licence.
54. The Compliance Audits must not be pre-arranged/booked with the Premises Licence Holder, or any employee of the Premises Licence Holder (including self-employed Performers or SIA Licensed Door Supervisors).

55. A copy of the Compliance Audit, signed and dated by the Compliance Auditor, must be kept at the Premises for a period of 18 months from the date of completion of the Compliance Audit and be made available to Responsible Authority Officers on request.
56. The Premises Licence Holder shall designate a member of staff a responsible for customer welfare at all times that the Premises are open for Licensable Activities and for a period of 30 minutes after the Premises closes to customers. The designated staff member shall be identifiable at all times when on duty and shall wear a high-visibility tabard or a t-shirt (or similar) saying "Customer Welfare Officer."
57. The premises licence holder shall organise quarterly residents' meetings and shall provide 28 days' notice in writing by:
1. Displaying an A4 notice at the premises; and
 2. Email to any address given to the premises licence holder requesting notice

The premises licence holder shall take a minute of the meeting and circulate attendees.

The premises licence holder shall keep records of meetings for 18 months from the date of last meeting and those records shall be made available to responsible authority officers on request.

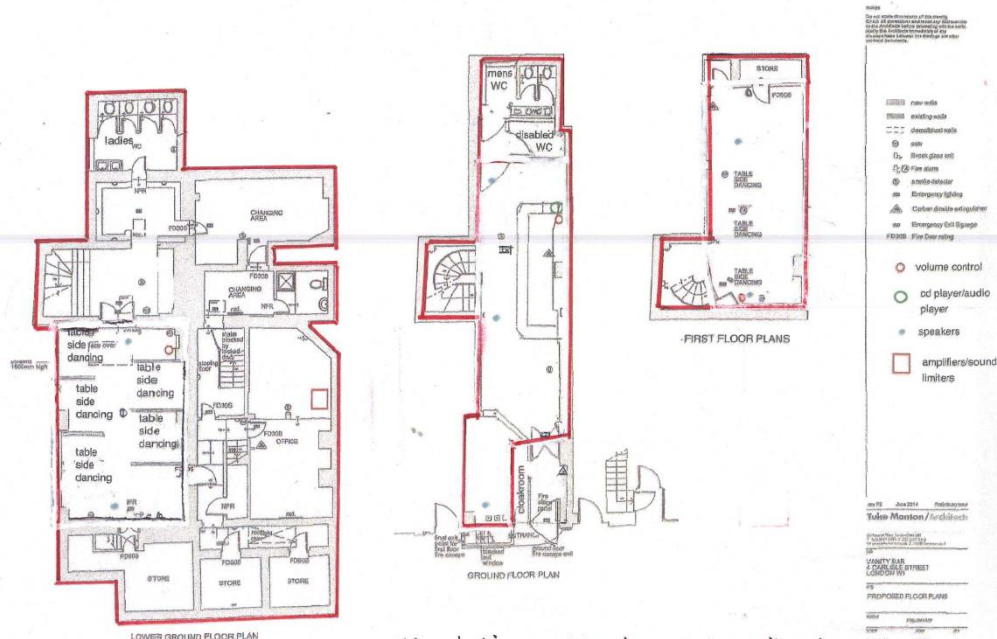
58. The Premises Licence Holder shall provide a Customer Pay Point (or Pay Points) at locations agreed with the Metropolitan Police Service within the Premises and shown marked XXXXXXXX on the approved Premises Licence Plan. The Pay Point(s) shall be covered by a specific camera or cameras capturing payments taking place. All payments shall only be taken at those Pay Point(s).
59. 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 shall record the following:
- (a) all crimes reported to the venue
 - (b) all ejections of patrons
 - (c) any complaints received concerning crime and disorder
 - (d) any incidents of disorder
 - (e) all seizures of drugs or offensive weapons
 - (f) any faults in the CCTV system, searching equipment or scanning equipment
 - (g) any refusal of the sale of alcohol
 - (h) any visit by a relevant authority or emergency service
 - (i) any reports of lost property (including money)

The incident logs shall be reviewed and assessed, then signed off by Premises Licence Holder if he is satisfied with the entries, management of the incident and conclusion.

60. All door supervisors shall wear reflective armbands which shall be clearly visible when on duty at the premises.

Annex 4 – Plans

PREMISES LICENCE PLAN



licensable activities may take place anywhere within the red line

Loose furniture is show for indicative diagrammatic purposes only.
Locations of any fire safety and other equipment are subject to change in accordance with the requirements of the responsible authorities or a fire risk assessment

Any detail shown on the plan that is not required by the Regulations is indicative only and subject to change at any time.
TLT LLP 13/01/17



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

Schedule 12
Part B

WARD: West End
UPRN: 010033531502

**Premises licence
summary**

Regulation 33, 34

Premises licence number:

20/03227/LIPT

Part 1 – Premises details

Postal address of premises:

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

Where the licence is time limited, the dates:

Not applicable

Licensable activities authorised by the licence:

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

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

Performance of Dance

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

Performance of Live Music

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

Playing of Recorded Music	Unrestricted
Anything of a similar description to Live Music, Recorded Music or Performance of Dance	
Monday to Thursday:	09:00 to 23:30
Friday to Saturday:	09:00 to 02:00
Sunday:	09:00 to 23:00
Late Night Refreshment	
Monday to Saturday:	23:00 to 03:30
Sunday:	23:00 to 01:00
Private Entertainment consisting of dancing, music or other entertainment of a like kind for consideration and with a view to profit	
Unrestricted	
Sale by Retail of Alcohol	
Monday to Saturday:	10:00 to 03:00
Sunday:	12:00 to 00:30
<i>For times authorised for Christmas, New Year and Good Friday see conditions at Annex 1</i>	

The opening hours of the premises:	
Monday to Saturday:	09:00 to 03:30
Sunday:	09:00 to 01:00

Where the licence authorises supplies of alcohol, whether these are on and/or off supplies:	
Alcohol is supplied for consumption both on and off the Premises.	

Name and (registered) address of holder of premises licence:	
Vanity License Ltd Kemp House 160 City Road London EC1V 2NX	

Registered number of holder, for example company number, charity number (where applicable)	
12523049	

Name of designated premises supervisor where the premises licence authorises for the supply of alcohol:	
Name:	DPS has been removed

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

Restricted

Date: 16 May 2023

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

WESTMINSTER CITY COUNCIL LICENSING SUB-COMMITTEE NO.4 (“the Committee”)

Licensing Review Decision

Monday 9th January 2023

Membership: Councillor Angela Piddock (Chair), Councillor Concia Albert and Councillor Caroline Sargent

Vanity Bar and Nightclub, Basement to 1st Floor, 4, Carlisle Street W1D 3BJ (the Premises) - 22/11860/LIREVX

The Metropolitan Police Service submitted an application for a Summary Review of the above Premises pursuant to Section 53A of the Licensing Act 2003 (the “Act”) on 13 December 2022 as the Police considered the Premises is associated with serious crime and serious disorder. The Premises Licence Holder (PLH) of the Premises is Vanity License Limited, whose sole director is Manpal Clair

The Interim Steps Hearing took place on 15 December 2022, when the Committee imposed the Interim Steps specified in Schedule 1 attached to this Decision. The purpose of today’s hearing is to determine the full Review by deciding whether it is appropriate and proportionate to take any steps to promote the licensing objectives and to review the Interim Steps taken.

Persons attending the hearing:

For the Police (MPS): Mr Gerald Gouriet KC (Counsel)
PC Steve Muldoon
PC Reaz Guerra
PC Dave Morgan

For the Premises Licence Holder (PLH):

Mr Gary Grant (Counsel)
[REDACTED], Director Vanity License Ltd the PLH
Luke Elford (John Gaunt and Partners)
Andrew Bamber (Licensing Consultant)

Interested Parties:

Cllr Paul Fisher - Local Ward Councillor and Deputy Cabinet Member (Licensing and Public Protection)

[REDACTED]
[REDACTED]
[REDACTED]

Other Officers present:

The Presenting Officer – Kevin Jackaman;
The Legal Adviser – Steve Burnett;

Activities and Hours

The Premises is a venue which provides lap dancing and other regulated entertainment, including music, dancing and the sale of alcohol.

The permitted hours for licensable activities are as stated in the committee report.

The opening hours are Sunday 09:00 to 01:00
 Monday to Saturday 09:00 to 03:30

Preliminary Matters

1. At the start of the hearing the Chair introduced the Members of the Committee, identified the parties attending the hearing who wished to speak and outlined the procedure for the hearing. No declarations of interest were made and all parties in attendance were given ample time to present their submissions.
2. The Chair noted that the committee report and additional information pack consisted of the application for Review together with a large bundle of crime data in support of the MPS's case and which totalled over 650 pages; a further bundle of evidence of over 360 pages was submitted by the PLH. There was also video footage in support of both parties' case.
3. The Chair confirmed that the Committee had considered all the written and video evidence.
4. The Committee recognised that the Interim Steps Hearing took place on 15 December 2022. The full decision of that hearing appears at pages 520 - 524 of the committee papers.
5. The Committee was mindful that this hearing was a two stage process, namely:-
 - (1) To take such steps as the Committee considers appropriate and proportionate to promote the licensing objectives.

The steps the licensing authority can take are:

- a. the modification of the conditions of the premises licence;
- b. the exclusion of a licensable activity from the scope of the licence;
- c. the removal of the designated premises supervisor from the licence;
- d. the suspension of the licence for a period not exceeding 3 months; and
- e. the revocation of the licence.

(2) To review the Interim steps and to decide whether it considers any of the steps should be modified or remain and whether those steps should have immediate effect.

6. Mr Jackaman, Licensing Officer, introduced the parties in attendance and outlined the Summary Review application which has been brought by the Metropolitan Police Service (MPS) on the grounds that the Premises are associated with serious crime or serious disorder or both. This attracted 11 representations in support and against the application
7. Mr Grant on behalf of the PLH confirmed the Committee's receipt of document Annex A, a document location list compiled by his instructing solicitor and a list of essential reading.

Submissions on behalf of the MPS

8. Mr Gouriet advised the Committee that this full Review was not confined to the incidents detailed at the Interim Steps hearing.
9. He informed the Committee that the MPS enquiries had been hampered by a delay in obtaining the CCTV footage from the PLH and public holidays but what had been viewed on CCTV was serious mismanagement of the Premises.
10. The Committee were referred to PC Guerra's statement at page 103 of the Additional Bundle 1 (AB1), pages 66 – 95, 107 – 111, 103, 96 – 102 of the committee papers which Mr Gouriet states, show customers being encouraged by dancers, management, and promotional material to touch dancers and drink excessively. This leads to customers leaving the Premises in a vulnerable state and being taken advantage of usually by criminal pedicab drivers. The MPS have concerns about the quantity of drinks given to customers.
11. The Committee was informed that the victim, in what is referred to as the trigger incident on the 24 November 2022, had drinks given to him when he was drunk and unsteady on his feet. (committee papers pages 98). Mr Gouriet submitted that no customer should be taken to that point of intoxication and then left to fend for himself.
12. Mr Gouriet highlighted certain oddities. Namely that there was a rope barrier across the stairs leading to the basement and that the DPS, [REDACTED], enters the victims' booth on 3 occasions. However, there are only 2 payment transactions shown. There is also a transaction of £1232.00 paid by the victim as a gratuity to the dancer, [REDACTED], which seems unusually substantial.
13. Mr Gouriet highlighted a number of breaches of conditions on the Premises Licence and the Sexual Entertainment Venue Licence (SEV). He advised that the breaches are criminal offences and the MPS does not accept they are marginal. (committee papers pages 44 – 51).
14. The Committee were informed that the statement of Tony Miah identifies that he took a pedicab and was informed by the owner that no payment was

required. Leading Counsel asserts that this is odd, as payment would have to come from somewhere and he advanced that payment was made by the premises. This is supported by evidence from representations at page 515 of the Committee papers where a resident saw money being handed to a pedicab driver by a member of the Premises door team.

15. The MPS submitted that this alone, as a package, justifies revocation of the Premises Licence.
16. Leading Counsel then highlighted to the Committee the incidents of spiking. It was submitted that there were too many incidents for them to be dismissed. As the Premises had not been compliant with the conditions on their licenses, the incidents must be seen as credible.
17. Mr Gouriet stated that the victims who have stated that they have been spiked, confirmed that they have never been affected in this way previously. Customers who were seen to have money were targeted, and one victim had two needle pricks on his person.
18. The Committee was requested by the applicant to re-read the following documents.
 - i. PC Guerra statement at page 40 of the committee papers
 - ii. PC Muldoon Statement at page 47 AB1
 - iii. PC Morgan's log of the victims' movements at page 96 of the committee papers.
 - iv. All the statement from the victims
19. In response to questions from the Committee, Mr Gouriet confirmed that the MPS has seen the statement of ██████████ starting at page 45 of the additional bundle 2 (AB2) but the MPS case is not impacted by the contents of ██████████ ██████████ report. The MPS would not be swayed by promises that the PLH will do things differently when the PLH has blatantly breached conditions as shown on video footage.
20. Mr Gouriet confirmed that the name of the Superintendent who had signed the Expedited Review Certificate had been supplied to the PLH.
21. The Committee was told that the MPS could not get the times of the fraudulent transactions as they could not make contact the victim. However, the MPS reminded the Committee that there is CCTV and photographic evidence.
22. Mr Gouriet was asked about the missing footage from the 3 CCTV cameras. PC Guerra had seen footage previously at the premises which he has not seen on any of the footage supplied by the PLH. Mr Gouriet submitted that it can only be assumed that the footage is on one of the missing cameras.
23. The MPS were asked by the Committee about the inaccurate date provided for the trigger incident at the Interim Steps hearing and which had hindered the

PLH from making enquiries. PC Muldoon explained that they had missed the correct date which was in the body of the CRIS report but the main date at the head of the report was used incorrectly.

24. In response to a query from the Committee, the MPS stated that they had searched all CRIS reports pertinent to Vanity or the address. It is the MPS case that customers are getting drunk, some victims say the pedicabs are supplied by the Premises but a connection between the Premises and actual spiking could not be made.
25. PC Muldoon confirmed that on the 24 November 2022, the premises was trading under a TEN.
26. Mr Gouriet finalised the MPS submissions by stating that it was not good enough for the PLH to blame it on management and say he is getting rid of management.

Submissions from Mr Brown

27. [REDACTED] and a local resident, [REDACTED].
28. Mr Brown stated that his clients are all very concerned about the allegations and the totality of the MPS case is alarming. They are concerned about the impact of pedicabs although they have no insight about what happens inside the premises.
29. Mr Brown informed the Committee that [REDACTED] were concerned that customers will be the victim of crime and that they have submitted a representation in support of the Review because they have concerns about how the Premises is managed and whether the PLH was able to promote the licensing objectives.
30. The Committee was referred to [REDACTED] report at page 282-286 of AB2, which identifies the sheer volume of alcohol consumed by the victim of the incident which took place on the 24 November 2022.
31. Mr Brown submitted that customers leaving the premises in a state of intoxication were vulnerable to crime being committed against them. There is also evidence that customers are being encouraged to drink excessively.
32. The Committee was informed that there are regular complaints about pedicab and that pedicabs attend Vanity as it is the only late night licensed premises open until 03.00 in the area.
33. Mr Brown stated that customers are so intoxicated that the Premises cannot promote the Licensing Objectives and that the timeline for transactions for the victim on the 24 November is confusing and requires clarity.

34. Mr Brown also raised the point that on the 24 Nov, the Premises traded under a TEN until 05.00 but the SEV only permitted adult entertainment until 03.00.

Submissions by ██████████

35. ██████████ informed the Committee that ██████████ the Premises in 1989, thinking the basement would remain a restaurant. Since the premises became a club, there have been problems with noise in the street and from the Premise. It's located in a quiet area without not much open after midnight.
36. The Committee was informed that staff and customers are very noisy outside, but this has been made worse with pedicabs. A customer leaves the premises and pedicabs swarm to try and get their custom. There is often shouting, laughing, talking and fighting.
37. ██████████ stated that there is some kind of relationship between the club and pedicabs as she has seen money exchanging hands. She is of the opinion that the Premises cannot control the pedicabs as nothing the Premises has done so far has alleviated the matter.

Submissions from ██████████

38. ██████████ highlighted the following points to the Committee.
- a. Soho is not only a place for entertainment and drinking but it is also a residential area.
 - b. Over 30% of people living in Soho are in social housing
 - c. There was good CCTV coverage in Soho in 2016 but the MPS were unable to agree on CCTV funding therefore, a number of cameras were removed. Since this event, crime and anti-social behaviour has increased significantly.
 - d. It is sad and now common that people now feel unsafe to visit Soho.
 - e. The Society note the increased noise nuisance in the nights which is making it hard for residents.
 - f. The Society feel police resources in the area are over stretched.
39. ██████████ concluded and stated to the Committee that as a result of the breaches of conditions the Premises Licence should be revoked.

Submissions from ██████████

40. ██████████ informed the Committee that it is deeply concerning that there is evidence of criminal activity and obvious evidence of excessive alcohol being sold to customers, which is inconsistent with the Licensing Objectives.
41. The Committee was informed that ██████████ statements show a general indifference to the allegations of spiking. (Paragraph 272-273 at page 86 and Page 321 paragraph 160 of AB2)

42. ██████ submitted to the Committee that ██████ evidence not entirely an independent expert as he has previously provided consultancy services to the venue. Therefore, limited weight should be given to his comments. In addition, ██████ approach is that of criminal proceedings, but this is a licensing hearing. ██████ also speculates how money is taken from victims. (Pages 56-57, 64-66 AB2)
43. ██████ also submitted that ██████ general attitude to spiking is lacking as he suggests motivations for customer making these claims and ██████ claims widespread dirty tricks. (eg writing negative Google Review). Complaints are managed by the Premises inadequately and complaints about criminal activity are treated with indifference by the Premises.
44. The Committee was advised that the proposed solution from ██████ on page 298 of AB2 is that he clears out management, close for a short period of time, recruit a new experienced DPS. ██████ actions are a sign that there was a big issue.
45. ██████ stated that he supports the Council's initial decision to suspend the Premises Licence and that it is very difficult for him to envisage a case that is more right to revoke an alcohol licence than this one.
46. In response to questions from the Committee, the Committee was informed that ██████ used to have a noise issue. However, this is a lot better although noise still emanate from the common parts before midnight. ██████ also stated that the most pedicabs she had seen around the premises is about 11 but is usually around 7. She also believes that the pedicabs have changed since pre COVID. ██████ confirmed there were 2 occasions where pedicabs went up to doormen at the Premises and cash was handed over to them by door supervisors.
47. Mr Brown informed the Committee that there was mediation which started after a SEV licence renewal, he believes in 2019. The Council offered to host the meeting and it resulted in 3 conditions being added to the SEV licence. Mr Elford verified to the Committee that the mediation group were trying to come up with solutions to minimise the disruption of the pedicabs.
48. The Committee asked MPS whether they asked to check the incident log when they visited the Premises. PC Muldoon confirmed they had but there was very little in the incident log. Recorded were Police and Council visits as an opposed to customer incidents. The PLH confirmed they had the incident logs at the hearing.

Submissions on behalf of the Premises Licence Holder (PLH)

49. Mr Grant on behalf of the Applicant told the Committee that there is a big shift in the MPS's submission today from their arguments at the Interim Steps hearing on the 15 December 2022. The MPS had presented a bold and scary submission that Vanity is being used as some sort of criminal hub organised for customers to have their drinks spiked which would then enable Vanity to defraud customers of money from their credit cards. This is why the Premises Licence was suspended. (See Schedule 1).
50. The Committee was told that today there is very significant shift which has not been done voluntarily by the MPS but as a result of the evidence served by the PLH.
51. Mr Grant accepted things have gone wrong, such as a clear issue of some of customers getting too drunk and clear issues with breaching the conditions on the SEV licence. However, the focus on serious crime and serious disorder has resulted in the MPS withdrawing from their bold position.
52. The Committee were reminded of the Revised Guidance issue under section 182 of the Act (the Guidance) at para 9.12. Namely that it remains incumbent on the police to ensure their representations can stand the scrutiny at the hearing. There should have been a proper scrutiny by the MPS, not the PLH of their own evidence.
53. Mr Grant suggested that if there were revocation of premises licence of late-night venues in Soho due to some people getting too drunk and spending too much, then there are very few late-night venues that would pass the scrutiny of this Committee. Mr Grant felt that the issues can be dealt with in a different way opposed to revocation.
54. The Committee were reminded that a man's livelihood, jobs of those he employs, the self-employed 18 dancers were at stake and that [REDACTED] (director and PLH) [REDACTED], has not a single criminal conviction (bar one driving offence). He has operated 5 licensed premises over 20 years in London. 3 of these are still operating. He has not faced a single Review of any of his licenses.
55. The Committee were informed that the PLH proposes to employ an experienced DPS, and that [REDACTED] is sorry and is trying to turn this around by suspending the Manager and Deputy Manager of the premises. He will need to close the premises in order to bring in new management and the Committee have the power to suspend the licence for up to 3 months in order to do this. Mr Grant stated that this means the premises can reopen in a safer and well managed way.
56. The Committee was informed that MPS were looking at the wrong date which is why they could not identify the victim of the trigger incident and the

Summary Review was launched. The PLH have since traced the individual complainant and have documented his journey and his expenditure. CCTV shows details of the 2 allegations within 31-day period where CCTV footage was retained.

57. The Committee were advised that limited Google reviews were 'cherry picked' by the MPS. They failed to fairly share the larger number of positive reviews available. Mr Grant also stated that buyers' remorse is a real proposition and not one made up by the PLH. It is common for customers who have attended lap dancing venues to wake up with buyers' remorse. When girlfriends/partners find out their partners attendance or spend at a lap dancing venue, customers will try to give explanations and have blamed their behaviour on being spiked.
58. In some of the allegations, the investigating Police Officer investigated the reports and decided that complaints are not fit for further investigation, other cases where money is taken after victims have left the venue. There are also allegations where the customer has left the premises, they go, with assistance with pedicabs, to unlawful brothels where they are then "ripped off". Mr Grant informed the Committee that it is wrong for the MPS not to scrutinise their evidence and deliberately blamed the Premises.
59. Mr Grant informed the Committee that pedicabs are a problem at the venue along with many other venues in Soho.
60. Mr Grant confirmed that the PLH have no financial dealings with pedicabs and have a Marshall outside to deal with them. There is a big sign in the venue saying 'please do not use the pedicabs'. A few years ago, some doormen did ask the pedicabs to go and collect them food and paid them cash. Once Mr Clair found out about this, he placed an end to it.
61. Mr Grant informed the Committee that the MPS cannot point to a single incident with actual evidence of someone being spiked. There is evidence, summarised by ██████████, which is leading Police research, to try find out what is happening nationally with spiking. On the rare occasion it does happen, and it is extremely serious. ██████████ has said if there is any evidence of his staff or performers spiking customers then he will cooperate with the police to have this person arrested.
62. Mr Grant then stated that there is no direct or reliable evidence that Vanity have taken any unauthorised sums of money. There is strong evidence that customers have had money stolen after they have left the venue. This could be where pedicabs may be associated with organised crime in the area. The large sums of money taken did not go anywhere near Vanity. It went to companies, some of which the PLH know, have been named on the victim's account. Mr Grant questions why haven't the MPS told the Committee about their

investigation into the company that took the money? He submits that the MPS finds it is easier to say the customer went to Vanity and blame it on the venue to strengthen this Review and this should not be enough to close down a business.

63. Mr Grant then highlighted inadequacies in the MPS investigation of the incidents and in his submissions, he referred to specific pages in the AB2.
64. In Mr Bamber's report at pages 52 – 84, he highlighted that the large sums of cash went to [REDACTED] and not Vanity. The details have been checked on Companies House register at page 144 -146 by the PLH. Mr Grant questions why the MPS, knowing where the transactions had been sent, did not conduct any proper investigations into them.
65. The Committee was told by Mr Grant that what the victims are stating to the MPS are not reflected in the facts.
66. The Committee was shown that in the first incident 22nd November 2022 at page 163 the PLH proves how each transaction, referred to in the complainant's statement as stolen, is made to Vanity. Receipts for the transactions have been located and exhibited. The dancer, [REDACTED] on page 349 confirms she danced on her own for this man most of the night and this is reflected in the money he spent. At page 183, CCTV stills also shows him leaving Vanity standing up right.
67. In the Second incident on 24 November 2022 at page 129 -142 the PLH was able to trace the victim and provide details and receipts of his transactions. CCTV shows the same individual authorising payments himself and walking out and leaving the Premises. A dancer known as [REDACTED] at page 353 states she performed for the male on the 24 November and that this man paid for every dance and performance
68. The trigger incident (24 November) story boards pages 142 - 183 that demonstrates that every payment is legitimate authorised by this individual. This is further supported by the dancers.
69. The Committee was shown that the MPS placed evidential weight on cash being handed to a performer shown in the CCTV. The Applicant said this must have been something dubious. However, PC Morgan at page 104 of AB1, failed to fairly go on to say that in the CCTV he watched, the cash was immediately handed to the bar staff. According to the Applicant, this is another example where the MPS have unfairly cherry-picked evidence against the Premises.
70. Mr Grant stated that the two recent allegations through CCTV can show what the victims state are not supported by facts. The CCTV footage can only be

retained for 31 days. The Committee was advised to consider the other incidents with caution.

71. Mr Grant then briefly summarised some of the other complaints by stating at page 175 of the main committee report, the incident on the 3-4 February 2022 is positive evidence of the customer leaving Vanity but who afterwards, ends up having their money taken. At page 231 of the committee report, the initial report from the complainant states the victim left the club and was approached by a guy who invited him back to an after party, where he lost money. Page 233 of the committee report shows a pedicab driver took the customer to an unknown address for a drink and once there he was “fleeced of money”.
72. The Committee noted from Mr Grant that the PLH was not complacent about spiking, and he takes this very seriously. The comments about spiking are actually from research conducted by Devon and Cornwall Constabulary who ran local trials. (Page 6 and 7).
73. Mr Grant explained that buyer remorse is supported by evidence from ██████ at page 191 onwards. The complainant has phoned up his credit card company, the credit card company in turn, phoned Vanity for evidence. The PLH supplied both the receipts and CCTV footage showing the transaction took place, and ██████ emails and accepts it's a false claim. In June 2021 the same situation occurs.
74. Counsel for the PLH also highlighted to the Committee that there is an allegation of spiking at page 59 of the main committee report, then at page 60 the same complainant's wife is alerted of the monetary spend.
75. At page 329 to 330 the CRIS report states that this victim complains of vomiting and confusion having attended Vanity. He had a urine test, no drugs were found and the investigating officer reports the victim ‘was either misinformed or being untruthful.’
76. The Committee then heard from ██████ who detailed the wealth of his experience. He confirmed to the Committee that there is no direct or reliable evidence of someone being spiked at the Premises nor is there direct or reliable evidence of someone being fraudulently “fleeced” of their money at the Premises.
77. ██████ confirmed he was previously involved with the compliance of Vanity, but his independence is unquestionable and not compromised. He referred to his CV and the jobs he has undertaken and reiterated that he has not been corrupted.
78. ██████ has worked with a number of establishments in Soho. He is familiar with what is going on in the sex trade which operates around London.

He operated the Vice unit. The last occasion he visited Soho was on 20th December, when he was touted in the street and was told by a pedicab he could get 'drinks, parties and sexy ladies'.

79. The Committee was advised that customers take alcohol and sometimes elicit substances and end up spending more money than they originally intend to. They wake up in the morning and realise they have spent an awful lot of money. They then may be challenged by partners and have to explain the spend. This is then usually blamed on spiking and then a subsequent claim against credit card companies.
80. ██████████ advised that the removal of the DPS and manager will ensure the premises will be run effectively, but not in the same way as when he was associated with it.
81. The Committee heard from ██████████ that the research into the spiking statistics show that out of those who have made allegations of spiking, 1.6-5% had been spiked.
82. Mr Grant explained that out of 22 cameras, 3 didn't work. 1 shows a storeroom and one is covered by other cameras. They are now all fixed.
83. The Website and social media are controlled by a company in India which means they effectively have stock photos that are not related to the venue and which they use on the website. The PLH should have monitored this but has decided to take control of social media and his website inhouse.
84. The PLH will continue to work with ██████████ in relation to the nuisance caused by his Premises and he is working to try and solve the pedicabs issue.
85. The Committee considered the incident log dated July 2017 to November 2022 and permitted the Applicant to consider and comment on the same. In response to the Committee's questions, PC Muldoon stated that there were several sheets that referred to visits made by officers and licensing and that there were no records of any incidents relating to customers. Additional notes had now been included. The officer only looked at the incident logs over the last year. The addition of notes since the MPS viewing was denied by Mr Elford.
86. ██████████ (PLH) confirmed he only checked the incident log 4 times per year, but he would expect details of drunken customers to be recorded as an incident.
87. Mr Grant finalised his submissions to the Committee by stating there are some issues with some out of 20,000 customers per annum, being drunk, being given more alcohol at the Premises and SEV condition breaches. He advised

that the SEV is not before the Committee today, but it will be considered by a separate Committee shortly.

88. The PLH cannot promise that as a late-night venue, customers will not get drunk but there are already steps in place such as WAVE training of all new employees and Annex A is the formal proposal, and this is what is felt to be the proportionate steps to take:
- a. Suspend the licence to employ new management and to deal with some of the issues
 - b. Formally remove Ms Forman as a DPS.
 - c. To replace CCTV conditions
 - d. To add the new proposed conditions to the licence
89. In response to questions from the Committee, the representatives for the PLH stated that customers paying for an hour may have slightly less than that. If the hour expires, then the performer goes upstairs or downstairs to see another client. The dancer will see if their existing client wants another hour to continue the night. Customers are always charged before the dance takes place.
90. ██████ stated that sometimes it is hard to see if clients are intoxicated as they are sitting down. Staff will see if they can walk somewhere, eg to a pay point, to see if they are drunk.
91. The Committee was advised that the way the incident was described by the MPS, about 2 males being separated is incorrect. CCTV shows, one of the males purchases a VIP dance which is downstairs. The other friend purchases a dance upstairs. They both proceed to have further dances and the friend leaves before his friend does. Customers will try and get into the dance area with their friend. Where there is a genuine emergency then the DPS will allow someone into the area. On other occasions a message will be passed on.
92. Cocaine seems to be the drug of choice. Part of the process would be taking it in the toilets. If the PLH suspect someone taking drugs, then they will be asked to leave.
93. There are random searches conducted on customers coming into the venue. They are aware that they are on CCTV and there are notices to say CCTV is in operation.

Conditions discussion

94. Mr Burnett, Legal Adviser to the Committee, sought clarification and agreement from the PLH in relation to the proposed conditions contained in document Annex A served by the PLH.
95. If the Premises Licence is retained, Mr Grant on behalf of the PLH and with reference to the conditions detailed in the Decision below, agreed to:

- a. Condition 3, 5, 9, 18, 20 and 21 being added,
- b. Condition 4(e), 8, 12 and 19 being amended to read as detailed below
- c. The addition of (e) Drugs Policy to Condition 13
- d. All other conditions on Annex A being added to the Premises Licence
- e. All conditions on the existing Premises Licence being retained save for replacing the CCTV conditions 29 and 30 on the Premises Licence with Westminster's Model Conditions MC01 and MC02.

SUMMING UP

1. In summary, Mr Grant stated, that the SEV breaches are a problem and better conditions for the Premises Licence have been proposed which are appropriate and proportionate.
2. Mr Grant advised that out of 20,000 customers who attend the Premises per annum, some get drunk. It is not the first venue to be accused of this and it will not be the last.
3. Compliance is key. It is the first time [REDACTED] has been Reviewed in 20 years in the licensing trade.
4. Mr Brown summarised and stated it is not fair to blame the pedicabs. Pedicabs see evidence from social media and the website and see customers leaving the premises drunk, so are attracted there.
5. The statements from the dancers in relation to customers being drunk are inconsistent with [REDACTED] account. The Dancers say the customers are not drunk whereas the timeline in [REDACTED] report shows excessive drinking by those same customers.
6. The sum of £1232.00 is a curious amount to be a tip to a dancer who had danced with a customer for a matter of minutes.
7. The Committee have evidence that on the 21 and 22nd November there was excessive drunkenness. The Premises has had an impact on [REDACTED] from 1987.
8. [REDACTED] was unavailable to add to the summaries.
9. Mr Gouriet KC summarised for the Applicant and informed the Committee that this is not a trial. The case of *Sharanjeet Lalli v The Commissioner of Police For The Metropolis (1) The Council of the London Borough of Newham (2) [2015] EWHC 14 (Admin)*, the only issue is what are the appropriate steps to take to promote the licensing objectives.

10. The MPS case is victims are incapacitated either by drugs or excessive amounts of alcohol, cash rich customers are targeted and then taken where they suffer loss. There is no proof of spiking at the premises but customers leaving the premises have money taken from their accounts.
11. There is also unlawful dancing and breaches of the SEV conditions. The approach is if the Premises did not have an alcohol licence and they applied for a new premises licence with CCTV footage showing illegal dancing, would the Committee grant the Premises Licence?
12. Mr Gouriet advised the Committee that removing the management at a licensed premises is not enough. The public may expect something more to be done as confirmed in the case of Regina v. Knightsbridge Crown Court, Ex Parte International Sporting Club (London) Ltd. and Another [1982] QB 304
13. The Committee adjourned the hearing to make its determination and resumed the hearing to announce its Decision and to summarise its reasons which are more fully set out below.

FULL DECISION OF THE REVIEW OF THE PREMISES LICENCE

1. In reaching its decision the Committee has had regard to the relevant legislation, the Secretary of State's Guidance ("Guidance") particularly in relation to reviews and the Council's Statement of Licensing Policy ("SLP").
2. The Committee considered the Review application, the representations and submissions made by all the parties involved, verbally, in CCTV footage and in writing.
3. The Committee recognised that the proceedings set out in the Act for Reviewing premises licences represent a key protection for the community when problems associated with crime and disorder, public safety, public nuisance or the protection of children from harm are occurring. Paragraph 11.1 of the Guidance.
4. The Act provides the Licensing Authority with a range of powers on determining a Review that it may exercise where it considers them appropriate and proportionate for the promotion of the licensing objectives. (Paragraph 11.16 of the Guidance).
5. "In deciding which of these powers to invoke, the Licensing Authority should so far as possible, seek to establish the cause or causes of the concerns which the representations identify. The remedial action taken should generally be directed at these causes and should always be no more than an appropriate and proportionate response. Each case has to be determined on its own merits, on the balance of probabilities." (Paragraph 11.20 of the Guidance)

6. The Committee also recognised that paragraph 11.24 of the Guidance advises that:-

When dealing with reviews in connection with crime, “ *Licensing authorities do not have the power to judge the criminality or otherwise of any issue. This is a matter for the courts. The licensing authority’s role when determining such a review is not therefore to establish the guilt or innocence of any individual but to ensure the promotion of the crime prevention objective.*”

7. Pertinent to this case, the Committee also notes that para 9.12 of the Guidance states “*it remains incumbent on all responsible authorities to ensure that their representations can withstand the scrutiny to which they would be subject at a hearing*”
8. There are in summary, four aspects of this matter which causes the Committee concerns. The allegations of spiking and fraudulent acquisition of money from vulnerable customers, drunkenness of some customers on the premises, several breaches of conditions and nuisance caused to neighbours.
9. The Committee notes 9.43 of the Guidance which states “*The authority’s determination should be evidence-based, justified as being appropriate for the promotion of the licensing objectives and proportionate to what it is intended to achieve.*”
10. The MPS relies on evidence detailed at pages 25 to 27 of the committee report to support their allegations of spiking and fraudulent acquisition of customers money. In some transactions this involve funds of £20K, £98K, £37.5K and £30K. This evidence was also used to support the MPS request to suspend the Premises Licence at the Interim Steps hearing on the 15 December 2022.
11. The PLH has produced documentary evidence that these substantial amounts have not been transferred to any account belonging or linked to Vanity.
12. However, it was the credible evidence of Mr Bamber at pages 45 – 106 in AB2, who forensically investigated each offence which provided the Committee with key information, and it is right that this evidence is cited in summary at this stage:

13. Incident of 8/9/21

The premises was closed when the theft took place and the police CRIS Report confirms that the money was in fact taken from a cash point. The investigating office states no suspect is identified.

14. Incident of 7/11/21

The premises was closed. No mention of the incident taking place in the Premises or the Premises having anything to do with the pedicab in the CRIS Report. The theft of money took place at a flat in Marylebone.

15. Incident of 3/2/22

The victim has a drink at Vanity then leaves at 21.00. The police CRIS Report states that at a [REDACTED], he has a drink, takes cocaine and his bank cards are taken and photographed by a woman.

16. Incident of 10/2/22

No allegations on the CRIS report of spiking and that the victim went downstairs in the club which suggests he purchased some form of entertainment. The PLH has supplied authorised receipts which matches the amounts of allegedly stolen money which the victim complains of.

17. Incident of 20-22/4/22

Incident reported on the 28/4/22 by the victim's girlfriend after she finds out that money was taken from their account.

18. Incident of 29-30/4 /22

Victim goes to Vanity until early hours of the 30/4 and then meets his wife. He states he was spiked and suffers monetary loss. He is sick and goes to the hospital where he has a urine test. He states that there is cannabis found but the medical report confirms no drugs was found. The money alleged as stolen, correlates to the pricing of dances at the premises.

19. Incident of 14/6/22

The victim states he was at Vanity but leaves and goes voluntarily to a brothel where he suffers loss of money from his account. The financial transactions were made when Vanity was closed. He recalls a woman at the flat slapping him and demanding his bank details which he supplies.

20. Incident of 13/8/22

The CRIS Report states the victim reports loss of his wallet and phone outside a restaurant on Rupert Street. Police are considering an arrest and no mention in the CRIS Report of Vanity.

21. Incident of 21/10/22

The individual was with a friend on the night in question. At the club for around 3 hours with a friend. No action taken by his friend had he been spiked. Money taken covers a period of nearly 2 hours after his initial dance and the consumption of one drink. No evidence of wrongdoing at the venue on the CRIS Report.

22. Incidents of the 22 and 26 November 2022 are covered earlier in this Decision.

23. The Committee has approached the allegation of spiking and fraudulent taking of customers money with caution in the surprising absence of detailed investigations by the MPS, the inaccurate reporting and evidence from the MPS.
24. The Committee has considered the MPS summary of the incidents of spiking detailed on their reports at pages 25 – 27 of the committee papers. The first allegation dates back to September 2021. No action was taken against the Premises until the trigger incident on the 24 November 2022, over a year later.
25. The Committee also notes that the Premises has had the benefit of 10 Temporary Event Notices (TENs) from 21 December **2021** to 18 December **2022**. (Page 527 of the committee papers). The MPS and Environmental Health Service (EHS) have the opportunity to object to each of these, but the notices were granted including a TEN on the 24 November 2022 when the 'trigger event' took place.
26. This Review application has not attracted representations from any of the other Relevant Authorities, including the EHS in relation to nuisance.
27. It is clear from the evidence provided at the hearing that alcohol is being sold to drunk customers at the Premises. Responsibility is often delegated by PLH companies to managers and DPS to control the day to day running of licensed premises. The DPS and her son have not managed the premises to the standards expected by Westminster City Council and the Committee notes that conditions proposed removes the DPS and manager and places more responsibility on the PLH, who is a man of previously good licensing experience and of good character (save for a driving offence).
28. The Committee also notes Mr Grant's assertion that there is drunkenness of some customers and that the Premises has in the region of 20,000 customers attending the Premises annually.
29. It is noted by the Committee that there are breaches of conditions on the Premises Licence and SEV licence. Although this hearing is conducted under the Act, the breaches of the SEV Licence conditions is good evidence of poor management of the Premises and the operation, so it has not been ignored.
30. It is noted that the breaches of the SEV licence will be dealt with under different legislation. The findings of this Committee in relation to the Review of the Premises Licence is not to be binding on any other Committee. Indeed, this Decision should not be used to sway the Decision of any other Committee dealing with the SEV. This Committee has deliberately avoided making any findings in relation to the breach of conditions on the SEV Licence, save to use them as evidence of poor management.

31. The Committee welcomes and appreciates the crucial evidence provided by the interested parties and in particular [REDACTED]. The Committee expects that all licensed premises in Westminster have a duty to ensure that nuisance is not caused to residents as a result of their operation whether this be music noise, patrons and staff noise, taxis, or pedicabs. PLHs must and are expected to manage their premises with robust policies to promote the Licensing Objectives.
32. In all the circumstances, in making this Decision, the Committee, so far as possible, sought to identify the issues at the Premises and what remedial action should be taken to ensure these are directed at those issues.
33. The Committee has not sought to establish the guilt or innocence of any party but to ensure the promotion of the crime prevention objective. The MPS evidence was subject to scrutiny at this hearing and the Committee realises its Decision is to be evidence-based and justified as being appropriate for the promotion of the licensing objectives and proportionate to what it is intended to achieve.
34. This case has been determined on its own merits and facts, on the balance of probabilities.
35. Having carefully considered the committee papers, the additional evidence the CCTV footage and the oral submissions made by the Metropolitan Police, Interested Parties and the Premises Licence Holder, **the Committee has decided**, after taking into account all of the individual circumstances of this case and the promotion of the four licensing objectives, that it is appropriate and proportionate for **the following steps to be taken in relation to the full Review of the Premises Licence for Vanity Bar and Nightclub, Basement to 1st Floor, 4, Carlisle Street W1D 3BJ, namely:**
- a. **To suspend the premises licence for a period of up to 3 months.**
 - b. **To remove the DPS, Lorraine Forman, with immediate effect.**
 - c **To modify the conditions on the premises licence:**

To replace current Premises Licence conditions 29 and 30 with:

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

(c) The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises and shall include the external pavement area outside the premises entrance.

(d) All recordings shall be stored for a minimum period of 31 days with date and time stamping.

(e) Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31-day period.

2. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.

To add the following conditions to the existing conditions on the Premises Licence:

3. Neither Lorraine Forman or Shaine Mountier shall have any involvement in:

1. the day to day running of the premises,
2. management of the premises or
3. management of the operation at the premises

4. No Licensable Activities shall take place at the Premises until such time as a site visit has been arranged with the Licensing Authority, The Police Licensing Team, and the Environmental Health Consultation Team. The purpose of the visit shall be for the above-named Responsible Authorities to:

a. Confirm that they agree that the layout and appearance of the Premises is such that views in areas where Relevant Entertainment takes place are unobstructed.

b. Confirm that they agree that the CCTV system at the Premises complies with the CCTV conditions and the locations and angles of CCTV cameras are appropriate to the provision of relevant entertainment.

c. Confirm that the noise limiter is set at a level determined by and to the satisfaction of an authorised Environmental Health Officer and secured by key or password with access only to persons authorised by the Premises Licence Holder.

d. Confirm that they have viewed training records for all relevant staff members in accordance with the Premises' training conditions.

e. Confirm that they have met with the Designated Premises Supervisor (or Designated Premises Supervisor Elect), and if in place, the manager and assistant manager of the Premises.

Following confirmation of items (a) to (e) being satisfactorily completed this condition shall be removed from the Premises Licence by the Licensing Authority.

5. From the date on which licensable activities under the Licensing Act 2003 first commence in 2023, a site visit shall thereafter be arranged annually with the Licensing Authority and the Metropolitan Police Licensing Team. The purpose of the visit shall be for the above-named Responsible Authorities to:

- a. Confirm that they agree that the layout and appearance of the Premises is such that views in areas where Relevant Entertainment takes place are unobstructed.
- b. Confirm that they agree that the CCTV system at the Premises complies with model condition MC01 and the locations and angles of CCTV cameras are appropriate to the provision of relevant entertainment.
- c. Confirm that the noise limiter is set at a level determined by and to the satisfaction of an authorised Environmental Health Officer and secured by key or password with access only to persons authorised by the Premises Licence Holder.
- d. Confirm that they have viewed training records for all relevant staff members in accordance with the Premises' training conditions.
- e. Confirm that they have met with the Designated Premises Supervisor (or Designated Premises Supervisor Elect) and if in place, the manager and assistant manager of the Premises.

6. The Premises Licence Holder shall devise, implement, and maintain a Training regime for:

- a. All staff (including self-employed performers) working in customer facing roles at the Premises; and
- b. All SIA licensed door supervisors engaged by the Premises.

7. The Training Regime shall, as a minimum, cover the following:

- a. The hours and conditions of this Premises Licence
- b. The Licensing Objectives and The Licensing Act 2003
- c. The Premises' Welfare and Safeguarding Policy
- d. Identifying intoxicated individuals (alcohol and prohibited substances)

8. Staff (including self-employed performers) and SIA licensed door supervisors shall not be permitted to commence work at the Premises until such time as they have undergone induction training on (a) to (d) above {Namely: a. The hours and conditions of this Premises Licence, b. The Licensing Objectives and The Licensing Act 2003, c. The Premises' Welfare and Safeguarding Policy, d. Identifying intoxicated individuals (alcohol and prohibited substances)}

9. All training at the premises shall be dated and signed off in writing by the Premises Licence Holder.

10. Staff (including self-employed performers) and SIA licensed door supervisors shall be re-trained at least twice annually (January to December).

11. Training Records shall be kept for all members of staff (including self-employed performers) and SIA licensed door supervisors. The Records shall be kept at the Premises and made available for inspection by Responsible Authority Officers. Training records shall be kept for a period of 18 months from the date on which the training was delivered.

12. Prior to licensable activities under the Licensing Act 2003 taking place at the premises, all members of customer facing staff (including self-employed performers) and SIA licensed door supervisors shall be provided with the Metropolitan Police's Welfare and Vulnerability Engagement (WAVE) training (or equivalent training) at least once annually (January to December). Training Records for WAVE training shall be kept for all members of staff (including self-employed performers) and SIA licensed door supervisors. The Records shall be kept at the Premises and made available for inspection by Responsible Authority Officers. Training records shall be kept for a period of 18 months from the date on which the training was delivered.

13. The Premises Licence holder shall devise, implement, and maintain the following policies in relation to Licensable Activities at the Premises:

- a. Customer Complaints Policy
- b. Welfare and Safeguarding Policy
- c. Noise Management Policy
- d. Pedicab Policy
- e. Drugs Policy

Copies of these policies shall be kept at the Premises and made available for inspection by Responsible Authority Officers. The Customer Complaints Policy shall also be made available to members of the public on request.

14. The Premises Licence Holder shall appoint an Independent Compliance Auditor, to be instructed and paid for by the Premises Licence Holder, and who must carry out a minimum of (4) Compliance Audits per year (January to December) to assess the promotion of the Licensing Objectives and compliance with the conditions of this Premises Licence.

15. The Compliance Audits must not be pre-arranged/booked with the Premises Licence Holder, or any employee of the Premises Licence Holder (including self-employed Performers or SIA Licensed Door Supervisors).

16. A copy of the Compliance Audit, signed and dated by the Compliance Auditor, must be kept at the Premises for a period of 18 months from the date of completion

of the Compliance Audit and be made available to Responsible Authority Officers on request.

17. The Premises Licence Holder shall designate a member of staff a responsible for customer welfare at all times that the Premises are open for Licensable Activities and for a period of 30 minutes after the Premises closes to customers. The designated staff member shall be identifiable at all times when on duty and shall wear a high-visibility tabard or a t-shirt (or similar) saying "Customer Welfare Officer."

18. The premises licence holder shall organise quarterly residents' meetings and shall provide 28 days' notice in writing by:

1. Displaying an A4 notice at the premises; and
2. Email to any address given to the premises licence holder requesting notice

The premises licence holder shall take a minute of the meeting and circulate attendees.

The premises licence holder shall keep records of meetings for 18 months from the date of last meeting and those records shall be made available to responsible authority officers on request.

19. The Premises Licence Holder shall provide a Customer Pay Point (or Pay Points) at locations agreed with the Metropolitan Police Service within the Premises and shown marked XXXXXXXX on the approved Premises Licence Plan. The Pay Point(s) shall be covered by a specific camera or cameras capturing payments taking place. All payments shall only be taken at those Pay Point(s).

20. 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 shall record the following:

- (a) all crimes reported to the venue
- (b) all ejections of patrons
- (c) any complaints received concerning crime and disorder
- (d) any incidents of disorder
- (e) all seizures of drugs or offensive weapons
- (f) any faults in the CCTV system, searching equipment or scanning equipment
- (g) any refusal of the sale of alcohol
- (h) any visit by a relevant authority or emergency service
- (i) any reports of lost property (including money)

The incident logs shall be reviewed and assessed, then signed off by Premises Licence Holder if he is satisfied with the entries, management of the incident and conclusion.

21. All door supervisors shall wear reflective armbands which shall be clearly visible when on duty at the premises.

The Committee's determination in relation to the full Review does not have effect until the end of the period given for appealing against **the reasoned decision**, or if the decision is appealed against, until the appeal is disposed of.

This Decision is in no way intended to sway or influence any future Decision in relation to the renewal of the premises SEV Licence. The Committee recognises that on determining the SEV Licence renewal the Authority would assess the merits of the SEV application and any breaches which were relevant to that application.

SUBMISSIONS IN RELATION TO THE REVIEW OF THE INTERIM STEPS

Mr Gouriet on behalf of the MPS submitted to the Committee that the interim step to suspend the Premises Licence should continue until end of the period given for appealing against the reasoned decision, or if the decision is appealed against, until the appeal is disposed of.

Mr Brown had no observations

██████████ was unavailable.

Mr Grant confirmed to the Committee that the PLH does not resist the Applicant's request.

The Committee adjourned the hearing to make its determination and resumed the hearing to announce its Decision and to summarise its reasons which are more fully as set out below.

Interim Step Review Decision

The Committee recognised that the purpose of today's hearing is twofold: -

- (1) Firstly, to consider what appropriate and proportionate steps should be taken for the promotion of the licensing objectives in respect of the review and
- (2) Secondly, to review the interim steps taken on 15 December 2022 at the Interim Steps hearing and decide whether it is appropriate for any of the steps to remain in place or to be modified and if so, whether such steps should continue to have immediate effect.

The Committee has reviewed the Interim Steps and heard the submissions by the parties and has determined that **the suspension of the Premises Licence imposed at the Interim Steps hearing on the 15 December 2022 shall continue.**

The Committee further decided that the reviewed Interim Step shall take **immediate effect** and the suspension of the Premises Licence shall continue until end of the period given for appealing against the reasoned decision, or if the decision is appealed against, until the appeal is disposed of.

Informative:

- i. It is expected that the approved Premises Licence plans compliant with the condition 19 shall be appropriately supplied to the Licensing Authority before the Premises trades under the Premises Licence.
- ii. This Decision is in no way intended to sway or influence any future Decision in relation to the renewal of the Premises SEV Licence. The Committee recognised that on determining the SEV Licence renewal the Authority would assess the merits of the SEV application and any breaches which were relevant to that application.

Licensing Sub-Committee

9 January 2023

Schedule 1 – details of the Interim Steps taken on 15th December 2022

INTERIM STEPS DECISION

The Committee concluded that the incident on the 26th November 2022, which has been reported to the MPS, has raised concerns about the Licensing Objectives, in particular protection of the public and the prevention of crime.

The Committee noted that there are a number of similar incidents linked to the Premises to be investigated, which causes extreme concern.

It is the PLH's duty to promote the licensing objectives and to be aware of what is taking place at his/her Premises. The DPS authorises the sale of alcohol and has day to day control of the Premises. The Committee is satisfied that customers' safety is at risk and that serious criminal activities have taken place against customers who have attended the Premises.

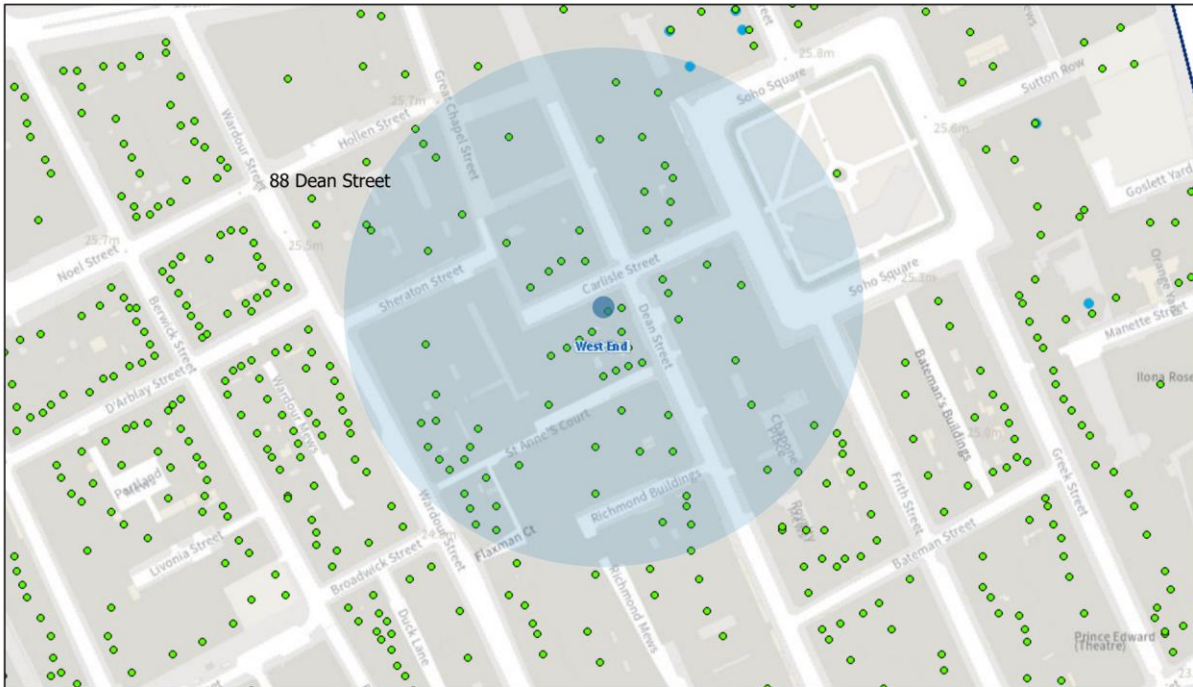
The Committee considered that the condition proposed by Mr Grant would not be sufficient to protect customers. Namely that *"All credit card transactions shall take place in full view of CCTV cameras."*

The Licensing Objectives of public safety and the prevention of crime and disorder are not being promoted and the Committee has not been convinced that the Premises is taking sufficient measures to promote the Licensing Objectives.

Having carefully considered the application for an expedited review and the evidence presented by the MPS and the Premises Licence Holder, both verbally and in writing, the Committee has concluded that the Premises is associated with serious crime and serious disorder and it is necessary and proportionate to take the following step, namely to suspend the premises licence.

In view of the seriousness of this case, it is necessary and proportionate for the Interim Step and for this Interim Decision to take **immediate effect**.

Vanity Bar And Nightclub, 4 Carlisle Street, London, W1D 3BJ



Resident Count: 135

Faith Groups: 1

Schools: 0

Sexual Entertainment Venues: 0

Sex Establishment: 0

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