



# City of Westminster Licensing Sub-Committee

<b>Meeting:</b>	<i>Licensing Sub-Committee</i>
<b>Date:</b>	<i>26 February 2019</i>
<b>Classification:</b>	<i>General Release</i>
<b>Premises:</b>	<i>Sophisticats, 3-7 Brewer Street, London, W1F 0RD</i> <i>18/11064/LISEVR</i>
<b>Wards Affected:</b>	<i>West End, Core CAZ North</i>
<b>Financial Summary:</b>	<i>None</i>
<b>Report of:</b>	<i>Operational Director for Public Protection &amp; Licensing</i>

## **1. Executive Summary**

- 1.1 The council has received an application for the renewal of the sex establishment licence under the Local Government (Miscellaneous Provisions) Act 1982 (the Act) for Sophisticats, 3-7 Brewer Street, London, W1D 0RD. Sophisticats is licensed to operate as a sexual entertainment venue under the Act. The report sets out the application details, objections, policy and legal context along with other considerations that the Licensing Sub-Committee requires to determine this application.

## **2. Preliminary Point**

- 2.1 On 26 February 2019, Licensing Sub-Committee had before it this application to renew the sex establishment licence for this premises. It was noted at this hearing that an objection to the renewal application had been submitted outside of the 28 day consultation period. Following a detailed discussion between all parties regarding the late submission, it was agreed to adjourn the application to a future Licensing Sub-Committee date. A copy of the Decision from this hearing can be found as **Appendix A1**.

### **3. Recommendations**

- 3.1 That following consideration of this report, any information given orally at the hearing and/or in writing by the applicants and objectors the Licensing Sub-Committee may determine to:
- 3.1.1 Grant the application in full
  - 3.1.2 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
  - 3.1.3 Refuse the application

### **4. Relevant history**

- 4.1 The premises has operated as a sex establishment since 2012. The premises was originally licensed as 'Shadow Lounge,' with the licence held by A3D2 Limited. Following the grant of the sex establishment licence for Shadow Lounge in 2012, annual renewal applications on behalf of A3D2 Limited Ltd have been submitted and granted under delegated authority up until 2015.
- 4.2 In 2016, an application was submitted to transfer the SEV premises licence from A3D2 Limited to Devine Restaurants Ltd. This transfer application, along with the SEV premises licence renewal submitted on 23 September 2016, were both granted by Licensing Sub-Committee on 1 December 2016. The last renewal application was submitted on 25 September 2017 and was granted under delegated authority. This licence (reference 17/10693/LISEVR) expired on 30 September 2018. A copy of licence 17/10693/LISEVR is attached as **Appendix B1**.
- 4.3 It should be noted that on 6 December 2018, the Service received an application to transfer the SEV Premises Licence from Devine Restaurants Limited to John McKeown Clubs Ltd. The consultation period for this transfer application has now ended and no objections have been received by the Licensing Service.
- 4.4 A copy of the full sex establishment licence history for this premises since 2012 is attached as **Appendix C1**.

### **5. Application being considered**

- 5.1 On 19 September 2018, Devine Restaurants Limited submitted an application to renew the sex establishment licence to continue to operate the premises as a sexual entertainment venue. The licence permits partial nudity striptease on Monday to Saturday from 09:00 to 03:00, and on Sunday from 09:00 to 23:00.
- 5.2 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 as **Appendix D1**.

5.3 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.

## 6. Objections

### Objection Licensing Authority

- 6.1 On 11 October 2018, the Licensing Authority submitted an objection to the renewal application (attached as **Appendix E1**) within the 28 day consultation period. The Licensing Authority objected to this renewal application pending investigation into compliance with licence conditions and suitability of the applicant.
- 6.2 On 19 November 2018, the Licensing Authority submitted further documentation in relation to its objection (attached as **Appendix E2**). CCTV images were provided to the Licensing Authority and subsequently reviewed. The Licensing Authority did witness some physical contact between performers and customers whilst reviewing the recordings, although the recordings did not appear to show the licence holder to be knowingly contravening or knowingly permitting the contravention of conditions attached to the licence. Full details of the Licensing Authority's observations can be found at Appendix D1a.
- 6.3 On 31 March 2019, the Licensing Authority provided further submissions (attached as **Appendix E3**) detailing visits completed on 24 December 2018 and 30 March 2019.

### Objection 1

- 6.4 On 12 October 2018, an objection was received to the renewal application (attached as **Appendix E4**) within the 28 day consultation period stating a number of concerns with this premises. These issues are namely:
- The premises advertised a night named 'back to School Party'. The objector has stated concern that children could with relative ease find this content online.
  - The objector has stated concern over the image of a woman provocatively wearing a school uniform which they feel would be a concern for a child to be viewing.
  - The objector states that there is a duty to protect children from sexual content.
- 6.5 This objector has not confirmed to the Licensing Service that they wish to waive their right to anonymity, and for this reason the objector will remain anonymous.

## Objection 2

- 6.6 On 16 October 2018, another objection was received to the renewal application (attached as **Appendix E5**) within the 28 day consultation period, stating a number of issues with the operation of the premises, namely the following:
- The objector was approached by a tout that lead them to Sophisticats on Brewer Street.
  - The objector has stated that performers had offered a VIP booth where it was said 'touching' could happen without being bothered.
  - During the course of a dance, the objector states that the performer made full contact.
  - During a second dance, it is stated that the performer was kissing the objector's neck and ear. It is also stated that security did approach the booth to intervene but were given a £20 tip which resulted in security walking away.
  - The objector has stated that they were offered drugs during the course of the evening.
- 6.7 The objector has stated that they do not wish to waive their right to anonymity, and for this reason the objector will remain anonymous.

## Objection 3

- 6.8 On 16 October 2018, another objection was received to the renewal application (attached as **Appendix E6**) within the 28 day consultation period. In the objection, the objector stated that the applicant should not be deemed 'fit and proper' to hold a SEV licence. The objector states that the actions of the operating businesses behind the brand Sophisticats have acted in a way contrary to the licensing objectives. The main issues identified by the objector are:
- Sophisticats have hacked a domain and performed a 'back link' in order to better their own google rating. The objector states that by doing so, Sophisticats have committed online identify fraud.
  - Many of the hacked sites are child friendly and that due to the access link required for the hack, children may easily access adult content which the objector states is in direct conflict with the licensing objectives (protection of children from harm).
  - In the objector's view, the above details show that the Sophisticats licence holders are not fit and proper people to hold an SEV licence.
- 6.9 The objector has stated that they do not wish to waive their right to anonymity, and for this reason the objector will remain anonymous.

## Objection 4

- 6.10 On 31 December 2018, an objection was received to the renewal application (attached as **Appendix E7**) outside of the 28 day consultation period. Various additional documents and witness statements were provided as part of this objection which can be found at **Appendix E8**.
- 6.11 The ground of the objection is that the licence holder of the concerned is unsuitable to hold the licence.
- 6.12 The objector has waived their right to anonymity.

## **7. Further documentation**

- 7.1 Further documentation has been submitted on behalf of the applicant and can be found at **Appendix F1**.
- 7.2 On 26 March 2019, the Licensing Service received a letter from Thomas & Thomas Partners LLP. Thomas & Thomas Partners LLP is the solicitor firm instructed on behalf of the applicant, John McKeown Clubs Limited. This letter stated a request for a cross examination of witnesses. A copy of this letter is attached as **Appendix F2**.
- 7.3 On 27 March 2019, the Licensing Service provided a response to the letter sent by Thomas & Thomas Partners LLP. A copy of the Licensing Service's response can be found as **Appendix F3**.

## **8. Licensing Act 2003 Premises Licence**

- 8.1 The premises currently benefits from a premises licence (reference 16/09817/LIPN) issued under the provisions of the Licensing Act 2003. A copy of the current premises licence is provided at **Appendix G1** of this report.

## **9. Policy Considerations**

### **9.1 Suitability of applicant – SU1**

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

### **9.2 SEV carried on for the benefit of another person – SU2**

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

### 9.3 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.

### 9.4 Character of the relevant locality – LO1

This premises is in the heart of Soho within the West End. There is one faith group within the immediate vicinity of the premises. There is a primary school just outside the immediate vicinity of the premises.

### 9.5 Use of premises in the vicinity – LO2

The area is mainly made up of small shop units with residential properties above them. There are a number licensed sex establishments in the locality. The residential count within a 100m radius of the premises is 445. A map of the relevant locality is attached to this report as **Appendix H1**.

### 9.6 Layout, character or condition of the venue – LO3

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

## 10. **Legal Implications**

### 10.1 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.

### 10.2 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).

### 10.3 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).

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

- (a) that the applicant is unsuitable to hold a licence by reason of having been convicted of an offence or for any other reason;

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

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

- 10.5 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).
- 10.6 Should the Licensing Sub-Committee determine to refuse the application for the renewal of a licence under Paragraph 12(3)(a) or (b) of 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). The licence will remain in force until the time for bringing an appeal has expired and, if such an appeal is brought, until the determination or abandonment of that appeal (Para 27(10) Schedule 3 LG(MP)A1982).

## **11. Human Rights and Equality Issues**

- 11.1 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.
- 11.2 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.

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

## **Appendices**

- A1 – Decision from Licensing Sub-Committee hearing 26 February 2019
- B1 – Copy of sex establishment licence 17/10693/LISEVR
- C1 – Sex establishment licence history
- D1 – Application form
- E1 – Licensing Authority objection
- E2 – Licensing Authority further submissions 19 November 2018
- E3 – Licensing Authority further submissions 31 March 2019
- E4 – Objection comment 1
- E5 – Objection comment 2
- E6 – Objection comment 3
- E7 – Objection comment 4 received outside of 28 day consultation period
- E8 – supporting documents attached to objection comment 4
- F1 – further documentation on behalf of applicant
- F2 – Letter sent by Thomas & Thomas Partners LLP
- F3 – Licensing Service response
- G1 – Copy of premises licence 16/09817/LIPN
- H1 – Map of locality

**If you have any queries about this Report or wish to inspect any of the Background Papers please contact: Daisy Gadd on 020 7641 6500 or at [dgadd@westminster.gov.uk](mailto:dgadd@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

**LICENSING SUB-COMMITTEE No. 6**

*Tuesday 26th February 2019*

Membership: Councillor Melvyn Caplan (Chairman), Councillor Jim Glen and Councillor Shamim Talukder

Legal Adviser: Barry Panto  
Committee Officer: Tristan Fieldsend  
Presenting Officers: Angela Seaward  
Daisy Gadd

Objections: The Licensing Authority, three anonymous objections and Mr Simon Warr

Present: Ms Sarah Le Fevre (Counsel, representing the Applicant), Mr Jack Spiegler and Mr Thomas O'Maoleoin (Solicitors, representing the Applicant), Mr John McKeown (on behalf of the Applicant company), Ms Carmen Alonso (Designated Premises Supervisor), Mr Philip Kolvin QC (Counsel, representing Mr Simon Warr), Ms Lana Tricker (Solicitor, representing Mr Simon Warr), Mr Simon Warr (Objector), and Mr Steve Rowe and Mr James Hayes (Licensing Authority)

<b>Sophisticats, 3-7 Brewer Street, London, W1D 0RD 18/11064/LISEVR</b>	
<b>1.</b>	<b>Renewal of a Sexual Entertainment Venue Premises Licence</b>
	The application was to renew the sexual entertainment venue premises licence made by Devine Restaurants Ltd. It was noted that the licence had since been transferred to John McKeown Clubs Ltd.
	Amendments to application advised at hearing:  None
	Decision (including reasons if different from those set out in report):  The Sub-Committee considered an application by Devine Restaurants Ltd for a renewal of a sexual entertainment venue premises licence in respect of Sophisticats, 3-7 Brewer Street, London, W1F 0RD. The licence had since been transferred to John McKeown Clubs Ltd.  The Licensing Officer provided an outline of the application to the Sub-

Committee and advised that on 6 December 2018, the Licensing Service had received an application to transfer the SEV Premises Licence from Devine Restaurants Ltd to John McKeown Clubs Ltd. The consultation period for the transfer application had now ended and no objections had been received.

The Licensing officer also informed the Sub-Committee that five objections had been received to the application for the renewal of the SEV licence. One of the objections (from Simon Warr) had been received outside of the statutory 28-day consultation period and this consisted of additional documents and witness statements.

The Chairman advised that before the Sub-Committee could consider the application it was important to hear from Mr Warr, who had submitted the late objection, and the applicant on whether the late submission should form part of the evidence before it.

Mr Kolvin, representing Mr Warr, provided a background to the objection and the reasons why it should be considered a significant piece of evidence. It was explained that Mr Warr operated the SEV premises called Platinum Lace. In October 2018, Mr Warr had received an anonymous objection to the renewal of his SEV licence consisting of serious allegations against the premises and him personally. It was the third time such objections had been received and the non-renewal of the licence would be catastrophic to his business. To understand why such persistent objections were being received Mr Warr employed a former Police Officer to conduct an investigation into who was making the objections and their motivations. By the 31 December 2018 the investigation, which formed part of the late submission, had been finalised and collated and was ready to be presented to the Council in an acceptable format. Mr Kolvin advised that unfortunately the Council had not supplied this submission to the applicant until 13 February 2019, which was why they had received it at such a late stage.

Mr Kolvin recognised that the Local Government (Miscellaneous Provisions) Act 1982 stated that objections had to be submitted no later than 28 days after the date of the application. However, the Sub-Committee's attention was drawn to a House of Lords judgement entitled '*Belfast City Council v. Miss Behavin' Ltd*'. The judgement stated that "if a council received significant relevant information in a late objection, there could be circumstances in which its failure to take that information into account would itself be judicially reviewable." Mr Kolvin then highlighted the following passage from the judgement "It may very well be right to disregard a late objection if it was intentionally last minute, or if it was received so late that taking it into account would lead to unfairness to the applicant (because he would not have had the chance to consider it) or to unacceptable disruption to the council's business." Applying this judgement to the late objection, Mr Kolvin advised that the late submission was not intentional as it was submitted on time on 31 December 2018 and therefore it could not be considered to lead to unfairness to the applicant and would not disrupt Council

business. The House of Lords judgement stated that such a late objection should therefore be governed by administrative law principles.

The Sub-Committee was advised by Mr Kolvin that the material submitted concerned the honesty and integrity of the applicant and whether the Premises complied with licensing provisions and criminal law. Using an administrative law approach, even though the applicant had only recently received the material it had been submitted on time and it would be fair and reasonable for the material to be taken into account and a decision reached.

Ms Le Fevre, representing the applicant, considered that it was artificial to consider the admissibility of late material as a separate question from the relevancy of the material. The Sub-Committee was advised that relevancy was required as part of the consideration to ensure fairness to the decision makers and all relevant parties. Secondly, if late and potentially relevant material was to be admitted by the Sub-Committee the House of Lords judgement stated that "if such a late objection is to be taken into account by the council, then the applicant must be informed as to its contents in good time so as to be able to consider it and deal with it appropriately." Ms Le Fevre noted the letter from Ms Lana Tricker (representing Mr Warr) in the agenda papers acknowledging that the objection was late and as such, an adjournment of the Licensing Sub-Committee might have to be considered. The Sub-Committee was advised that the applicant had only received the late objection on 21 February 2019.

Ms Le Fevre expressed concern over the relevancy of the material contained within the late objection. The Sub-Committee was advised that it contained allegations and aspersions that were irrelevant and easily rebutted. The validity of several of the witness statements was questioned and it was doubted if they could properly assist the Sub-Committee in making its decision of whether to renew the licence. Therefore, the Sub-Committee was advised not to consider the late objection, not only because the applicant had received it late but also because it contained information that could not be considered relevant.

At the request of the Chairman, the Council's Legal Adviser was asked to provide an overview of the legal advice he would be providing to the Sub-Committee. All parties were informed that the Sub-Committee would have to consider not only the lateness of the objection but also the relevance of the material submitted and what weight to allocate it. Ultimately, it was important to ensure that none of the parties were prejudiced in any way by the late submission and that all parties had a chance to consider the evidence and respond appropriately to it. It was noted that it was within the remit of the Sub-Committee to decide how it wanted to proceed.

The Sub-Committee carefully considered the submissions it had heard with regard to whether it should accept the late objection received. The House of Lords judgement was taken into account and it was a matter for the Sub-

Committee to decide what the appropriate course of action was. It was considered that the nature of the late objection did raise several serious issues and it would therefore not be appropriate to exclude it. It could be only be through a Sub-Committee hearing that a decision could be taken on what weight to give these submissions. Therefore, it was in the Sub-Committee's view that to be fair to all parties the late objection would be accepted. It was recognised that the applicant strenuously denied the allegations contained within the objection and this was a conversation that should be properly had within a Licensing Sub-Committee. Paragraph 72 of the House of Lords judgement made it clear that if the late objection was not considered, taking into account the nature of the allegations made, the decision could potentially be liable to judicial review. It was therefore considered fair to all parties to adjourn the Sub-Committee meeting in order to provide the applicant with sufficient time to prepare a response to the allegations made. In the circumstances, the Sub-Committee was of the opinion that this was the correct decision to make and it was proper to reconvene the adjourned hearing for the week commencing 8 April 2019. The final date to be agreed between all parties.

**SEX ESTABLISHMENT LICENCE**  
Sexual Entertainment Venue

Premises licence number:	17/10693/LISEVR
Original Reference:	12/02456/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: Devine Restaurants Limited

to use the premises: Sophisticats  
3-7 Brewer Street  
London  
W1F 0RD

as a Sexual Entertainment Venue.

This licence commences on 01 October 2017 and will expire on 30 September 2018.

Relevant Entertainment (namely partial nudity striptease) 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.

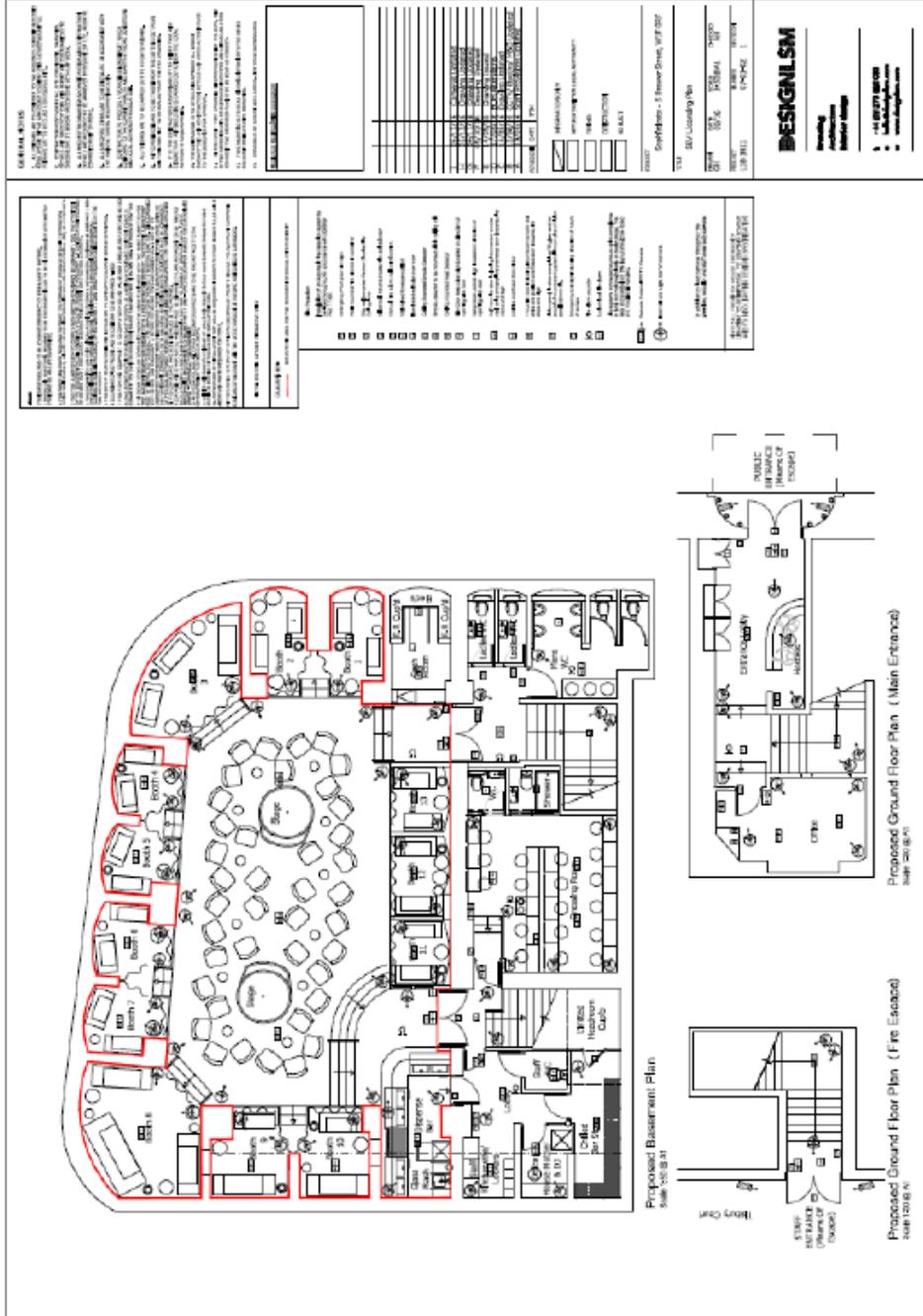
DATE: 27 OCTOBER 2017 SIGNED:



On behalf of the Director – Public Protection  
and Licensing



Appendix 1 – Plans



## **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.
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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.
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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. Whilst relevant entertainment takes place at least two door supervisors shall be employed in the part of the premises for table side dancing.
  25. On any such night when relevant entertainment takes place, a minimum of four Westminster (now SIA licenced) door supervisors shall be employed on the premises during opening hours, at least two of whom shall be employed within the basement area monitoring striptease performance.
  26. The maximum number of persons accommodated at any one time in the basement (excluding staff) shall not exceed 100 persons.
  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.
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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. No relevant Entertainment shall take place at the premises until the premises has been inspected to the satisfaction of the Licensing Service and Environmental Health Department.
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**Sex Establishment Licence history****Appendix C1**

<b><u>Application reference</u></b>	<b><u>Details of application</u></b>	<b><u>Date of determination</u></b>	<b><u>Decision</u></b>
12/02456/LISEVN	Application for a new Sexual Entertainment Venue licence	12.06.2012	Granted by Licensing Sub-Committee
13/06145/LISEVR	Application to renew the Sexual Entertainment Venue licence	28.01.2014	Granted under Delegated Authority
14/01192/LISEVV	Application to vary the Sexual Entertainment Venue licence that sought alterations to the layout.	10.06.2014	Granted under Delegated Authority
14/02983/LISEVV	Application to vary the Sexual Entertainment Venue licence that sought approval of a varied plan.	10.06.2014	Granted under Delegated Authority
14/07611/LISEVR	Application to renew the Sexual Entertainment Venue licence	09.12.2014	Granted under Delegated Authority
15/06700/LISEVR	Application to renew the Sexual Entertainment Venue licence	18.11.2015	Granted under Delegated Authority
16/09946/LISEVT	Application to transfer the SEV licence from A3D2 Limited to Devine Restaurants Ltd.	01.12.2016	Granted by Licensing Sub-Committee
16/09959/LISEVV	Application to vary the Sexual	01.12.2016	Granted by Licensing Sub-

	Entertainment Venue licence that sought to vary the plans attached to the SEV licence, to amend and remove conditions, and to increase the terminal hour for relevant entertainment to 06:00 Monday to Saturday and 05:00 on Sunday.		Committee. However, the Sub-Committee was of the opinion that it had not heard any evidence which provided it with confidence that granting the proposed hours to 06:00 Monday to Saturday and to 05:00 in this locality would be appropriate.
16/10288/LISEVR	Application to renew the Sexual Entertainment Venue licence	01.12.2016	Granted by Licensing Sub-Committee
16/14145/LISEVV	Application to vary the Sexual Entertainment Venue licence that sought to extend the terminal hour for relevant entertainment on Sunday's until 03:00 and to add conditions to the licence.	06.04.2017	Refused by Licensing Sub-Committee
17/10693/LISEVR	Application to renew the Sexual Entertainment Venue licence	27.10.2017	Granted under Delegated Authority
18/15767/LISEVT	Application to transfer the Sexual Entertainment Venue licence	No objections received	

	from Devine Restaurants Limited to John McKeown Clubs Ltd.		
--	--	--	--

<b>Westminster City Council</b>	
<b>Application for a sexual entertainment venue licence</b>	
Local Government (Miscellaneous Provisions) Act 1982	
<b>Application is hereby made and the necessary fee will be sent for a:</b>	
New Licence	<input type="checkbox"/>
Transfer of Licence	<input type="checkbox"/>
Renewal of Licence	<input checked="" type="checkbox"/>
Variation of Licence	<input type="checkbox"/>
	Licence search
	Licence number
	<input type="text" value="17/10693/LISEVR"/>

<b>Part 1 - Application Details</b>	
Name of premises	<input type="text" value="Sophisticats"/>
Address of premises	<input type="text" value="Basement And Part Ground Floor&lt;br/&gt;3-7 Brewer Street&lt;br/&gt;London"/>
Postcode	<input type="text" value="W1F 0RD"/>
The application is being made -	<input type="text" value="on behalf of an unincorporated or body corporate"/>
<b>If application is made on behalf of an individual:</b>	
Title	<input type="text"/>
Name	<input type="text"/>
Surname	<input type="text"/>
Date of birth	<input type="text"/>
Occupation (during preceding six months)	<input type="text"/>
Telephone number	<input type="text"/>
<b>If application is made on behalf of a corporate or incorporated body:</b>	
Name of applicant body:	<input type="text" value="Devine Restaurants Limited"/>
Is this an unincorporated or body corporate?	<input type="checkbox"/> Unincorporated <input checked="" type="checkbox"/> Body corporate
Registered / principal office address:	<input type="text" value="109 Gloucester Place&lt;br/&gt;London"/>
Postcode	<input type="text" value="W1U 6JW"/>
Company number	<input type="text" value="06048816"/>
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	
<input type="text"/>	

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.

## Licensing Authority objection

## Appendix E1

**From:** Haq, Roxsana: WCC  
**Sent:** 11 Oct 2018 16:08:58 +0000  
**To:** 'Ryan Peermamode'  
**Cc:** Gadd, Daisy: WCC  
**Subject:** 18/11064/LISEVR: Sophisticats, 3-7 Brewer Street

Dear Sirs

**18/11064/LISEVR: Sophisticats, 3-7 Brewer Street**

Under Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982, the licence holder, Devine Restaurants Limited, has applied to renew the Sexual Entertainment Venue licence for:

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

Further to paragraph 10(15) of that schedule, the Licensing Authority objects to this renewal application pending investigation into compliance with the licence conditions and suitability of the applicant. Pending the outcome of an investigation, the Licensing Authority reserves the right to enhance or amend this objection.

Please accept this email as a formal objection on behalf of the Licensing Authority against the SEV renewal application for the above premises.

Kind regards,

Roxsana

**Ms Roxsana Haq**  
**Senior Licensing Officer**

Licensing Team  
Public Protection & Licensing  
Westminster City Council  
22<sup>nd</sup> Floor  
Portland House  
Bressenden Place

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# Licensing Authority further submissions 19 November 2018

## Appendix E2

### CITY OF WESTMINSTER

#### CITY INSPECTOR (LICENSING ENFORCEMENT)

#### MEMORANDUM

TO Ms Daisy Gadd

REFERENCE 18/11064/LISEVR

FROM City Inspectors, 23<sup>rd</sup> Floor, Portland House, 020 7641 4428

REFERENCE 18/11064/LISEVR

BEING DEALT WITH BY Central East 1 (Team 6)

DATE 19 November 2018

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#### **SOPHISTICATS, 3-7 BREWER STREET, LONDON, W1F 0RD**

In response to an objection received in relation to application 18/11064/LISEVR, City Inspectors visited the premises on 17 and 18 October in order to request that CCTV recordings to be made available for the date(s) specified in the representation (11 October 2018).

These CCTV recordings were provided and were subsequently reviewed.

On 07 November a meeting was held at the premises with the licence holder and managers of the premises, and their representatives. Before the CCTV images had been discussed and reviewed, the licence holder stated they believed the representation to be malicious, and were planning to provide submissions as to why this was the case.

The CCTV recordings for 11 October were then reviewed. As the objector wished to remain anonymous, and City Inspectors do not know the identity of the objector, the recordings viewed were recordings that were believed to match similar details of the representation, rather than definitely being of the objector. Although no personal details for the objector were known or provided at any point, the licence holder and management of the premises believed the images on the CCTV recordings were those of the objector.

Upon reviewing the CCTV recordings, some inconsistencies were observed between the information included in the representation and the images, however it must again be stated identity of the objector is not known.

The CCTV system was comprehensive and all areas appeared monitored. The recordings from 22:41 and 02:14 hours were reviewed, with particular attention given to the private dancing areas. During the viewing, physical contact was observed between performers and customers or between customers and performers, however much of this contact was initiated by the customer, with the performer taking action to stop the contact.

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

I also viewed a number of other recordings from the same period, and the images viewed were similar to those described above.

Although some physical contact was observed between performers and customers, or between customers and performers while reviewing the recordings, the recordings I viewed did not appear to show the holder of the licence, without reasonable excuse, to be knowingly contravening or knowingly permitting the contravention of the conditions attached to the licence.

In order to ensure ongoing compliance with the conditions attached to the licence, further visits are planned, where CCTV recordings will be viewed at times relevant entertainment is taking place throughout the preceding 31 day period.

Kind regards

James Hayes  
Team Manager  
Public Protection and Licensing

## **Licensing Authority further submissions 31 March 2019**

## **Appendix E3**

Subsequent to November, we have made 2 unannounced visits to 3-7 Brewer Street. These were on 24.12.2018 and 30.03.2019.

On both occasions a walkthrough was completed, and the CCTV checked to ensure all areas were being monitored and that recordings were being stored for 31 days. We also reviewed recordings from the preceding 31 days looking for physical contact between Performers and customers or between customers and Performers, or between performers. We also reviewed the incident log, and used this to review incidents via the CCTV recordings to see how the incidents had been managed.

On each visit the premises was found to be well run and operating in accordance with the conditions on the licence.

**Comments for Licensing Application 18/11064/LISEVR**

**Application Summary**

Application Number: 18/11064/LISEVR  
Address: Basement And Part Ground Floor 3-7 Brewer Street London W1F 0RD  
Proposal: Sexual Entertainment Venue - Renewal  
Case Officer: Ms Daisy Gadd

**Customer Details**



**Comment Details**

Commenter Type: Other  
Stance: Customer objects to the Licensing Application  
Comment Reasons:  
Comment:9:25 AM on 12 Oct 2018 i feel compelled to register my concerns to some of this establishments promotional material. i feel a night advertised as "back to School Party" inappropriate and a concern that there is a danger that children could with relative ease find this content online. the date of the "party" coincides with the start of the new school term when a number of children are looking for "back to school" items and there is the danger that a child could come across the inappropriate images attached to this promotion. The child like font used alongside the image of a woman provocatively wearing a school uniform in my opinion is very inappropriate and an image that i feel would be a concern for a child to be viewing. This may seem like a small issue but in the bigger picture as a society i feel we have a duty to protect children from sexual content as best we can. I have hard copies of the promotion which i will submit by post.

---

## Objection comment 2

## Appendix E5

Dear Sir

Sophisticats - Brewer Street, Soho

I am writing to complain about the way I was treated when I visited Sophisticats on Brewer Street, Soho in London. I will speak to a solicitor and will take further, but at this stage I want to make the following comments about a recent visit to this premises that I and 2 friends experienced recently.

The circumstances of my visit are as follows;

My friend and I were walking down Wardour Street (from Shaftesbury Avenue) at around 23.45 on Friday 12th October. We were due to meet another friend in a London Club. We were stopped halfway down Wardour Street by what I would call a tout. He said his name was [REDACTED]. He told us to go with him to a club called Sophisticats as he would get a kick back. We were half an hour early meeting another friend so we decided to go to the club.

[REDACTED] took us to the club and had a discussion with the club security. We proceeded to the reception and paid £20 entry fee.

We ordered two drinks and told our third friend to meet us at Sophisticats. Our friend joined us while we were having a drink in the seated area in the middle of the club. Shortly thereafter we decided to have a VIP dance experience. We were assured that a VIP dance was much better and that we could touch the Dancers.

We were told we needed to buy a bottle of champagne in order to have a VIP experience. To my surprise the cheapest bottle was £250 plus Service charge. I normally pay between £65 to £85 per bottle.

We spoke with the manager on duty his name was [REDACTED] (slim build, appeared to be British). We asked if it was possible to buy a bottle of Whiskey. The manager said only champagne was allowed in VIP and we could share the bottle with some girls. He also said that buying a bottle would ensure we had a better dance. On this basis we agreed and tipped the manager to ensure we wouldn't be 'disturbed' during our VIP. We bought and were served a bottle of champagne and 3 dancers walked straight in (without invitation). We asked the waitress how much a dance cost and she said its £25. However the dancers were asking for £40.

I sat down with a dancer. She said her name is [REDACTED]. She asked £40 for a dance and said if I was willing to pay more she will let me touch her. I said, let me see the dance and if I'm happy I will give you more money. She performed a dance, rubbing her boobs against my face. [REDACTED] was rubbing her body against my body and grinding my crutch area with her knees and butt.

My friend whom I arrived with sat down with a dancer called [REDACTED], she said she is from [REDACTED]. He didn't like her at all and didn't want a dance from her. He didn't show her any interest so she started touching him to try and get a dance, hugging him, stroking him to entice a performance and payment from him but he refused to dance with her.

My other friend who arrived late was sitting with a girl called [REDACTED], she said she was [REDACTED] and her real name was [REDACTED]. She said she was born [REDACTED]. He paid her £20 to sit with him and have a chat. She asked for his number and said she would meet us later. He gave her another £80. She said she is not allowed to carry her mobile around and suggested he put his number on a piece of paper so security don't notice. He wrote his number on some paper and put it inside a folded £20 note, she promised to call him later and come meet us. She did not meet us later.

Despite the manager promising we wouldn't be interrupted (having bought the over-priced champagne) the Waitress interrupted [REDACTED] to see what she was doing. She said they were having a half hour VIP. My friend gave [REDACTED] another £100 for half an hour VIP. She allowed him to touch her. At the end of the performance, she said we could buy cocaine from the toilet attendant and that she would ring us and meet us later.

Eventually I went upstairs with my friend that I arrived with for a cigarette. Security staff were at the front door and told 2 bicycle guys named [REDACTED] to go and get them more customers. Minutes later, the one called [REDACTED] brought 3 customers to the club. We got some photos with the bike touts as they seemed good fun. Shortly after, the 3 of us left the premises.

## **Objection comment 3**

## **Appendix E6**

16 October 2018

Westminster Licensing  
Westminster City Council  
Portland House  
Bressenden Place  
London SW1E 5RS

Dear Licensing Team

**RE: (1) Sophisticats Basement And Part Ground Floor 3-7 Brewer Street London W1F 0RD- 18/11064/LISEVR**

**RE: (2) Sophisticats 77 Welbeck Street London W1G 9BN- 18/11062/LISEVR**

I am writing to oppose the SEVL renewals for both of the above two Sophisticats premises – application reference numbers 18/11064/LISEVR and 18/11062/LISEVR.

The applicants for these renewals should not be deemed 'fit and proper' to hold a SEVL due to their actions that could be construed as tantamount to fraud. I appreciate the applicants are different companies but the basis for my objections to both premises are the same.

The actions of the operating businesses behind the brand Sophisticats, have acted in a way contrary to the licensing objectives set out in the Licensing Act and further, such breaches are contrary to the requirements of an individual/entity to hold a Sexual Entertainment Venue Licence.

My company provides media solutions to clients and as part of a routine audit for a client to see why the client's website had lost their google rating we discovered that Sophisticats performed what is known as a 'back link' in order to better their own google rating.

In more details, we discovered that Sophisticats have effectively been 'back linking' onto other sites (many of which may be deemed sensitive in nature - please see the list attached – appendix 1), creating what is known as a 'back link'.

By creating a back link with targeted/hacked websites and their own, Sophisticats are able to hijack the reputational benefit from non-adult related sites to boost and enhance their own on line profile.

By doing this Sophisticats have committed online identity fraud in a deliberate, callous and deceitful manner where their only motivation is for self-gain through the detriment and loss of innocent and unwilling victims – identity fraud on a largely intangible and silent basis.

In addition, by forming the link, Sophisticats have effectively created a bridge whereby people using the hacked websites will in turn have easy access to Sophisticat's own website.

As per appendix 1, many of the hacked sites are child friendly and specific. Due to the access link required for the hack (thereby effectively by-passing the security protocols of an adult site), children may easily access adult content. This is in direct conflict with the licensing objectives (protection of children from harm) and also show in our view that the Sophisticats licence holders are not fit and proper people to hold a SEVL.

Unless regular audits and forensic investigations are carried out, many of the victims may be unaware of the unauthorised intrusion. They may be aware that traffic to their own website has dropped but will not be aware that the link between their website and that of Sophisticats is the cause. The negative reciprocal online effect of enhancing the Sophisticats website is that a hacked website is then compromised by the back link to adult entertainment content.

Most concerning of all, Sophisticats have performed this guerrilla tactic twice before and yet again deliberately breach online protocols for their own gain.

Such repeated actions must raise concern as to the integrity of those benefiting from the deceit and whether the beneficial owner is fit and proper as an individual to hold a SEVL (Company House records show there is a single named individual as the majority shareholder behind the corporate structure).

Below I present to Westminster City Council a summary that will outline

how the fraud is committed and the associated damages to others and the potential threat to children.

When used correctly, backlinks are a way for partnered websites to increase their prominence in relation to customer searches through google and other search engine sites. This is because collectively all the 'linked' sites have a larger 'share of voice' or exposure compared to a single user. This is known as Search Engine Optimisation (SEO). The more links you have, the greater the likelihood of your website appearing in a prominent position when searched (thus increasing awareness and sales).

In what is referred to by the industry as 'black hat' operations, backlinks may be attached to your website without your knowledge or approval.

Although virtually invisible, these actions are malicious and unwarranted and in reality may cause damages to your brand or website in the following way;

- Traffic to your own website may have dropped off due to your website being invisibly linked to a site containing adult content

- Many of the hacked sites are child friendly and specific. Due to the access link required for the hack (thereby effectively by-passing the security protocols of an adult site), children may easily access adult content.

I am sure Sophisticats will be quick to throw the blame onto a third party internet provider, however, they must be accountable for their own business practices. Additionally, if the third party has acted under instruction, they have enabled the fraud and associated damages.

Alternatively, if Sophisticats claim no knowledge of the back links then by default, they must be deemed to be not 'fit and proper' as they are not in control of an integral part of their brand and business that is causing damages to other web users and potentially putting children at risk.

The following websites have hidden links on their page that go to the Sophisticats website. These links have been added maliciously, as they are hidden by javascript code (done by setting the font size to 0px - 0 pixels). All of the javascript code used has the same div id

(div#bdd1b7801d9329b2f9d7313381627c70c1).

This shows that all of the links added to site aren't random and have instead been added without the site owner's permission - as it is highly unlikely that a respected website would have hidden links to adult content. We have spoken to one of the business who had a link on their site and they ensured us that they had no knowledge, nor had they given consent for any link to be added to the website by SoCats (Sophisticats).

Some of these websites have content that is meant for children - SoCats are linked onto these pages, meaning that children are able to access inappropriate content on a website that is supposed to be safe for them. Those who we have spoken to are disgusted and enraged at the fact they have done this. As well as this, they are also damaging the companies' reputations, domain authority, online visibility (and therefore enquiries & sales) as these links can be found on the site using auditing software.

In particular, the website for [REDACTED] have a sponsored link

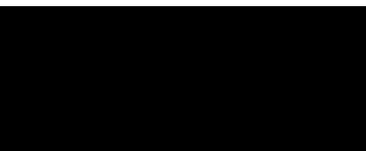
We also found that the domain name sophisticats has already been blacklisted by Google, they have set up another website under a new domain name (SoCats) in order to continue with their black hat techniques, putting many decent businesses at risk. This, to us, shows that all of this is premeditated as they are using black hat SEO techniques to improve their domain authority which improves their online presence and therefore enquiries/sales.

I am happy to expand on any point raised above as required by the Council.

---



This link is hidden, as the code shows that the font size for this link has been set to "0px" (invisible)



Our software indicates that there is a socats link on this site. The link is hidden and cannot be seen in the page's source code.

The image "e-d-a" shows that there is javascript on this page with the exact same code as the ones that are linking to socats:  
div#bdd1b7801d9329b2f9d7313381627c70c1 - this is the exact same code used on the other sites that SoCats are linked to.

I've outlined the same code in the image:

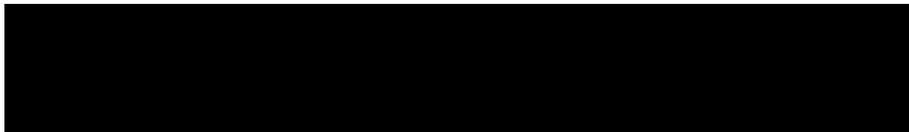


Image link on a domain name that points to the above address

The domain name [redacted] redirects to the [redacted]. There is a link attached to explosion.org.uk from socats - so they are linking to a site that redirects to the royal navy.



Image link (hidden)

This site has been flagged for having a socats link attached to it. It can't be seen in the source code but our software is pulling it up.

-----



Image Link (hidden)

The image: [redacted] was not visible last time we checked and now is, meaning some of these sites could have hidden links that they can't even check for or protect themselves against. This is malicious and shows that site may have been hacked.

-----



Hidden Link

The link cannot be found on this page anymore. However, we spoke to the company and showed them the link on their page. They seen this and were disgusted that the link had been added to their site.

Image "email-to-victims" is the email we sent out to the websites who had hidden links on the page. These websites would not be linking to adult entertainment, especially as this company is "by appointment to her majesty the queen specialist box makers".

This link has been removed now, but I'm sure the person we spoke to would be more than happy to confirm this as he was, in his own words, "enraged" that this had been added without his consent or knowledge.

-----



Text link

This site has high domain authority and there's a "sponsored link" with the text anchor "lap dance London" that directs to the socats website.

In image [REDACTED] you can see this text anchor linking to socats in the page source

In image [REDACTED] you can see the text link on the front end of the website

In image [REDACTED] you can see that there is a link to a [REDACTED] meaning this site has a link to SoCats Strip Club AND a link to content for minors - openly allowing children access to adult content.

---

[REDACTED]

Image Link

This link has been hidden. We can't see it in the page's source code, but we couldn't see it in the page source for [REDACTED] last time - this is now visible.

---

[REDACTED]

Hidden link at bottom of page

This site has the same javascript code used on the other sites that have fallen victim to this.

The image: [REDACTED] shows this code being used and the link to SoCats

---

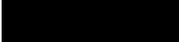
[REDACTED]

Hidden link on page

The image: [REDACTED] shows the same code being used again and a link to socats next to it. This is the same as the rest as it's being hidden from the front end to deceive the site owners and their users.



Hidden link on page (possibly image)

The image:  shows , again, the same code being used to hide links on the site.

The image:  shows that the page it's linked on has like of their own directing to pages for children.

This site has a lot of domain authority, and has pages for information on a wide range of subjects. SoCats have made it possible for adult content to be found on a website that discusses children, diversity, public freedom, refugees, suicide, etc.

Also, this link has been hidden with Javascript code, meaning the webmaster of the site hasn't gone and done this. The same code is being used across a wide variety of websites that have no relevance to each other whatsoever. This indicates that the code is being added by a single source that is directly connected to SoCats.



Hidden link on site

Our software picked this website up as having a link to socats on it. The link has since been removed, but our software recorded that it was added to the site with the anchor text "strip clubs in London" (First Found February 24th 2018)



Hidden link on site

This is the same as  where the link was added over an image (First Found February 24th 2018) and has since been

removed.

-----



Hidden link on site

This is the same as  where the link was added over an image (First Found February 24th 2018) and has since been removed.

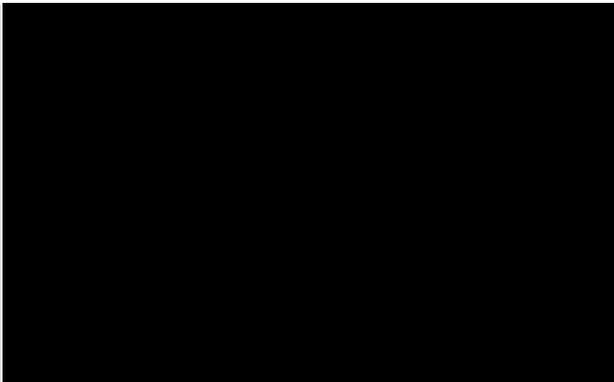
-----



Hidden link on site

The image:  shows the same code being used again to hide links on the site. This could potentially damage the site it's linked on as it damages their domain authority, which reduces their ranks in Google (online visibility) which is directly related to sales/enquiries.

These URLs were also flagged up by our software:



## How We Found the Links

We were running an audit on the website, and their various competitors across the UK, to see what other websites they had a link/links on that were redirecting to their website (backlinks).

The reason we do this is to get a link to our website on the same pages as our competitors so that search engines view us to be as relevant as our competitors. Google, and other search engines, look at your backlinks and linking domains (*websites that have a link redirecting to your website*) and can improve your rank for the search term the text is over and your website's overall domain authority (*a measure of the power of a domain name*).

## What is Domain Authority?

Here is an explanation from the SEO experts who developed the Domain Authority score:

*"Domain Authority (DA) is a search engine ranking score developed by Moz that predicts how well a website will rank on search engine result pages (SERPs). A Domain Authority score ranges from one to 100, with higher scores corresponding to a greater ability to rank.*

*Domain Authority is calculated by evaluating multiple factors, including linking root domains and number of total links, into a single DA score. This score can then be used when comparing websites or tracking the "ranking strength" of a website over time.*

*You can view a website's DA by using MozBar (a free Chrome-extension), Link Explorer (a backlink analysis tool), the SERP Analysis section of Keyword Explorer, and dozens of other SEO tools across the web."*

- Moz.com (<https://moz.com/learn/seo/domain-authority>)

One way to improve a website's domain authority is through a method called Link Building.

## Link Building Explained

Link Building is a method used by SEOs (**S**earch **E**ngine **O**ptimisers) to improve a website's domain authority in order to appear higher in the search engines for specific search terms. This is normally done by adding links to local directories, relevant websites, partner websites, news platforms, etc. The idea is to have a backlink on one of their pages that discusses a topic relevant to your search term so that search engines notice and increase your ranking within search engine results pages (SERPS).

Essentially, having a link to your website on another website is good for increasing your ranks/domain authority.

## SEO SpyGlass

We discovered the links using [REDACTED] from the company [REDACTED]. The software crawls webpages and collects information on what websites have links to other websites on their pages.

From this, we can see what websites SoCats have (or had) links on and attempt to get links to the Platinum Lace website so that we can match their domain authority (or attempt to by having the same, or more, backlinks). This is where we found the suspicious links.

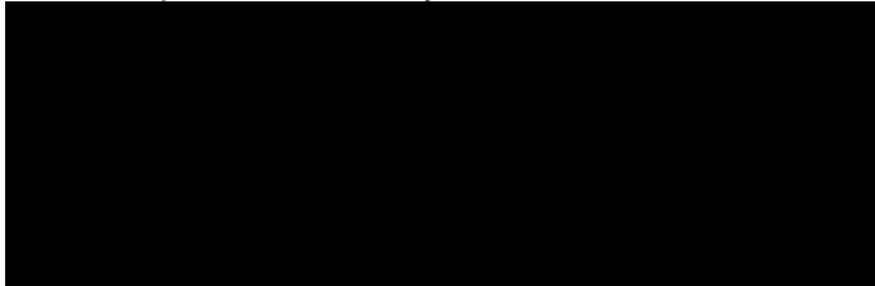
## Finding the First Links

Reading through the list of linking domains, I saw a few that didn't sound relevant to the adult entertainment industry. Upon checking these, I found there was no link on the front end of the website (*the page you see on your computer screen*). This was confusing, as if someone wanted to legitimately link build with another company they would want their brand name to be seen or at least over some visible text to give the user context as to what they were clicking into. So, I checked the page's source code and found the link over text promoting their services that was hidden on the page.

The link was included in a piece of Javascript that was hiding the text on the front end.

## First Links Found

Here are two examples first found on January 1st 2014.



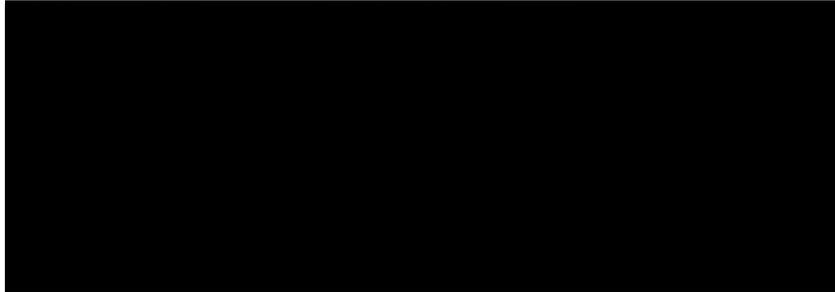
Here is a screenshot of the [REDACTED] website containing the code and SoCats link:



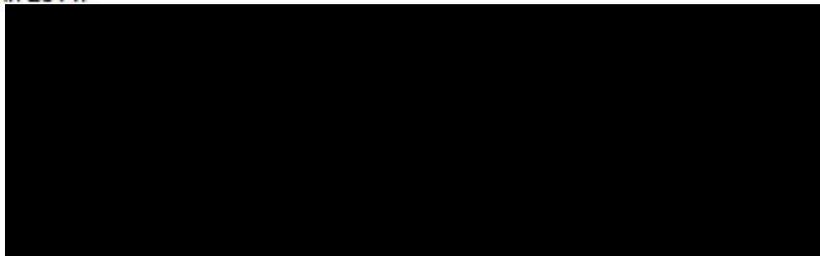
This shows the process has been going on since January 2017.

### Last Found Links

The last link we found on the website was added on November 17th 2018 to a website for the company [REDACTED]



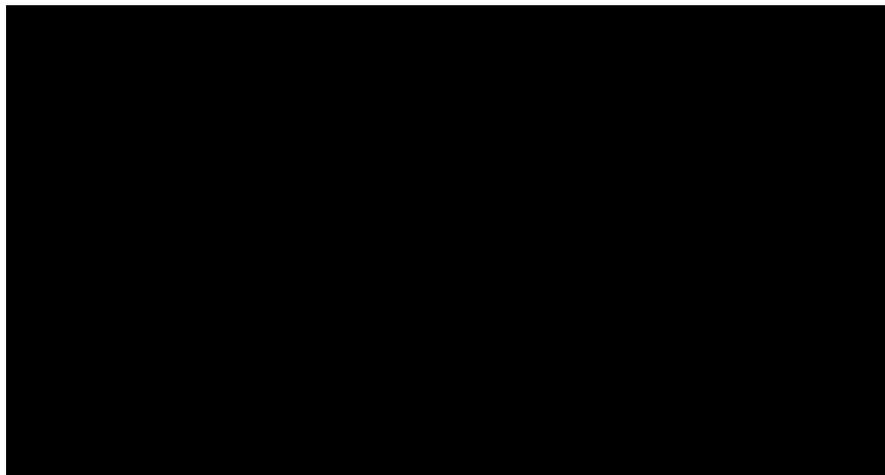
Here is an image of the page's source code showing the same code used as on the [REDACTED] website in 2014:



This shows that the same process has been going on for at least 4 years.

### Links that Were Removed

Here is a screenshot of the websites that did have links but no longer have them, highlighting the websites that raised concerns:

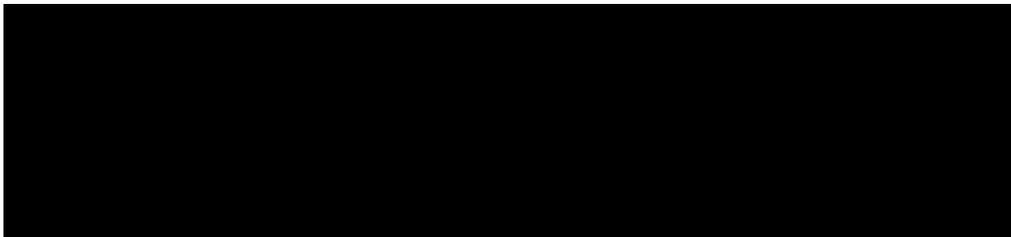


The two websites highlighted are both schools [REDACTED] that, between May 7th 2017 - May 14th 2017, had a link to the SoCats website over the text "lap dance London". This is out of character, as a school would never allow for this to be added to their website. However, we were unable to record any evidence of this.

The other highlighted website is [REDACTED] that, between May 11th 2017 - September 3rd 2017, had a link to the SoCats website over the text "gentlemans club London". Unable to find the link on the front end or source code, I used a website archiver called [REDACTED] to see stored versions of the web page from specific dates.

[REDACTED]

A website archiver that takes screenshots of web pages and stores them. I ran [REDACTED] and checked the screenshot between the dates the link was found. Here is a screenshot of the page's code on May 21st 2017:



#### How the Code Could Have Got There

- 1) The owner of the website purposefully added a hidden link to their own website either by request or on their own grounds.
- 2) The website has had the code added to it via a vulnerability that allows users, who don't have legitimate access to the website, add their own code on to specific pages.

No matter how the links were added, they could only have been placed there by someone with legitimate access or someone with the means to add code to websites without permission. One way this could have been done is by injecting code onto the website through a vulnerability in the websites security.

## **The Code Used**

Code can't just be added to a website by anyone, you have to have access to the website or find a way to inject the code onto the site - this would mean having unauthorised access to computer material and is an offence under the Computer Misuse Act 1990.

## **Use of Acint.net**

I noticed that all these sites with the character string also mentioned "acint.net" in the code. Upon further investigation, I found a report on Stack Overflow (see sources) from 4 years and 9 months ago, saying that someone had been hacked and that "hidden malicious script inserting code" was on their web page.

A user comment on this report stated:

"The malware javascript is loaded from [REDACTED] and because of it it takes about 20 seconds to fully load the page."

This is one example of Acint.net being used to load javascript malware onto a site. This is the same type of code that we suspect has been injected onto these sites as this would never be legitimately approved by a primary school, secondary school or any website designed for or considered safe for children.

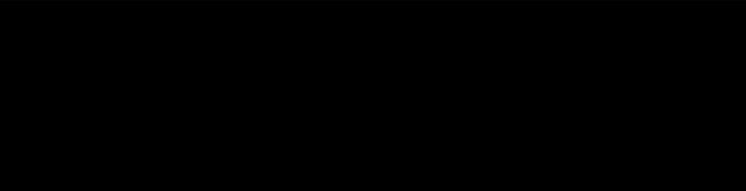
## **Illegal Black Hat SEO Tactics**

"Black Hat" is a term used to describe techniques that directly violate search engine guidelines in an attempt to exploit loopholes in current search engine algorithms and rank websites higher than they deserve to be.

One of these methods includes injecting hidden links into a website you do not own by exploiting a security flaw. Not all Black Hat SEO techniques are illegal, some are just to trick search engines. However, javascript code injection is illegal as it's adding something to a website without permission.

These tactics don't work long-term as search engines are constantly updating their algorithms to combat this. This could explain the links being removed from the sites, as if they're caught using these tactics they will definitely be penalised by search engines.

## See for Yourself



Upon completing these 5 simple steps, you will be able to see the link to socats website on [redacted] website but hidden.

Also, when checking the other sites with similar code that also have these links to socats we can see they all contain the same character string:

```
"div#bdd1b7801d9329b2f9d7313381627c70c2"
```

## Malware Still on Sites

I recently checked the [redacted] website. There is currently no link to SoCats and the last found link to SoCats was found on September 3, 2017. But, the website still has the javascript code with a link to a website promoting a spice grinding machine. This suggests whoever is behind this is moving the links to avoid detection from Google while still building up a large portfolio of links on other websites.

I ran [redacted] through a malware checker (see sources) and found that there was malware detected:

```
"Known javascript malware: spam-seo.sape?1"
```

And provided the following description:

```
"Detected code used associated with a Russian backlink purchase service Sape. This service allows webmasters to sell placement of third-party links on their sites. This practice is considered a violation of Google's Webmaster Guidelines"
```

```
"Moreover, we often find that Sape code installed by hackers on compromised websites"
```

This means that one of the following happened:

1: Those who had links on the websites approached the webmasters and paid to have their links added to the website. This isn't illegal as they've been given permission. However, conspiring with multiple websites including [redacted] to add links to websites containing adult content would be an example of gross negligence in the

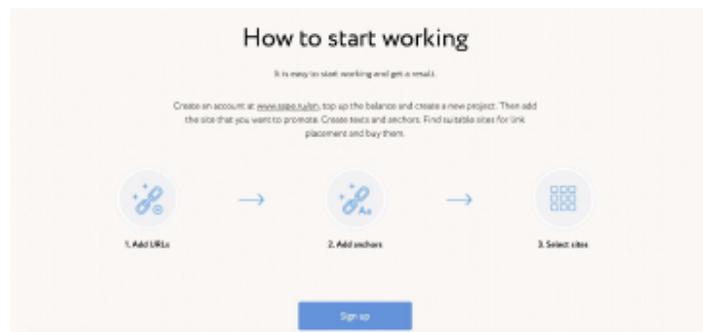
safeguarding of the children accessing these websites by the webmaster who authorised the service, the third party who added the links and those who paid for their links to be added.

2: If the code was installed by hackers on compromised sites like suggested by the checker, then this would be a criminal offence under the Computer Misuse Act 1990. This would mean that someone has either paid to have these links added or done it themselves.

### ██████████ Russian Backlink Purchasing Service

The website ██████████ is a Russian backlink purchasing service, where website owners sell space on their website for backlinks. People would then go to Sape and pay them to add backlinks to the websites that have sold space for backlinks. The following steps are then to;

1. Add URLs
2. Add Anchors
3. Select Sites



Screenshot of ██████████

However, if the companies had no knowledge of selling space on their site for these links, and the links are hidden in code on the website, then it would indicate that the links were added illegally through unauthorised access to computer material - as there would be no other way to add your own code to another website you have no access to.

### Conclusion

From the looks of it, someone has either conspired with companies to add links or has paid for links to be added to the websites via javascript injection and those who had links on these websites would directly benefit.

There is no legal way for this to have been done to the two school websites. Even if it was authorised, they have added adult content onto a website that is supposed to be safe for children.

**Objection comment 4 received outside of 28 consultation period**  
**Appendix E7**



18 Soho Square, London W1D 3QL

The Licensing Team  
Westminster City Council  
Public Protection & Licensing  
Portland House – 22<sup>nd</sup> Floor  
Bressenden Place  
London SW1E 5RS

31 December 2018

Dear Sirs

**OBJECTION BY SIMON WARR TO RENEWALS OF SEXUAL ENTERTAINMENT VENUE LICENCES SOPHISTICATS AT 3-7 BREWER STREET W1 AND 77 WELBECK STREET W1**

We are instructed by Mr Simon Warr to object to the renewal of the above-mentioned sexual entertainment venue licences.

The ground of the objections are that the business is managed or carried on for the benefit of John McKeown and / or Simon Langer who are unsuitable to hold the licences concerned and/or because the applicants themselves are unsuitable to hold the licences concerned due to the involvement of John McKeown and / or Simon Langer.

We are here attaching witness statements of Tony Nash and Simon Warr which substantiate the above grounds.

The evidence which is attached is the product of an ongoing investigation instigated by Mr Warr following and because of an objection to the renewal of his licence at Platinum Lace, Coventry Street W1. As you will see, it reveals a malicious and deceitful course of action implemented by Messrs. McKeown and Langer targeted at Mr Warr's business, designed to manipulate Westminster City Council into shutting down his club. It also contains evidence of participation by Messrs. McKeown and/or Langer in a mortgage fraud by one of the participants in the action, Maya Hawie.

The timing of this objection has been dictated by the ongoing nature of the investigation, rather than by any tactical considerations. As you will know, the Council has a discretion whether to admit objections out of time: *Belfast City Council v Miss Behavin'* [2007] UKHL 19. As the case makes clear, a consideration for the Council is whether the licensee will have sufficient time to answer the objection. As to that, firstly, the matters alleged are all within the knowledge of the applicant. Second, in any case, Mr Warr would not object to an adjournment to enable the applicant to answer the allegations fully, if they wish. Third, the allegations made are serious ones: they ought to be heard, and should not be shut out because of their timing, which was dictated by logistics and not tactics.

We look forward to hearing from you.

Yours faithfully

**LT LAW**

**Supporting documents attached to objection comment 5 Appendix E8**

Appendix E8 will be provided as a supplementary document to the report.

Thomas & Thomas  
Partners LLP

Your ref: 18/110644/LISEVR & 18/11062/LISEVR  
Our ref: JS/TOM/MCK.9.3

38a Monmouth Street  
London WC2H 9EP  
tel: 020 7042 0410  
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Westminster City Council  
Licensing Service  
15th Floor  
Westminster City Hall  
64 Victoria Street  
London SW1E 6QP

By email: [licensing@westminster.gov.uk](mailto:licensing@westminster.gov.uk)  
[dgadd@westminster.gov.uk](mailto:dgadd@westminster.gov.uk)

19 February 2019

Dear Sirs

**Local Government (Miscellaneous Provisions) Act 1982, Schedule 3**  
**Sophisticats, 3-7 Brewer Street, 18/110644/LISEVR & 77 Welbeck Street 18/11062/LISEVR**

We act for the applicant of the above renewal applications and refer to the Licensing Sub-Committee hearing scheduled 26 February 2019.

**Preliminary Matter – Late Objection by Mr Simon Warr**

Our client's position in relation to Mr Warr's objection is as follows:

1. The objection was submitted late and should not be considered. The last date for objections was 17 October 2018. We understand the objection was submitted to the Licensing Authority **over 2 months later**, on or around 1 January 2019;
2. The objection was not sent to us until 13 February 2019. Delivery was further delayed due to the size of the files being sent by email. As a result, our client has not had a fair and proper opportunity to address the allegations made ahead of the hearing scheduled 26 February 2019;
3. It is accepted in the objection covering letter dated 31 December 2018 that the *"timing of this objection has been dictated by the ongoing nature of the investigation, rather than by any tactical considerations"* and the *"timing, which was dictated by logistics and not tactics."* It would appear from this admission that these matters and allegations were known to Mr Warr earlier, possibly during or before the consultation period. If that is right, those allegations could and should have been made before or during the consultation period. Accordingly, Mr Warr cannot seek the

discretion of the Licensing Authority to admit these allegations (if they were known before) and any such discretion does not fall within the ambit of the *Miss Behavin' case* (see below).

4. A very significant majority of the allegations made in the objection are untrue and it would be prejudicial to admit them. We understand the allegations are based primarily upon information provided by [REDACTED] is currently going through a highly contentious divorce with [REDACTED] who was previously involved in our client's business operation. [REDACTED] has no current involvement in our client's business whatsoever. Whilst hearsay evidence may be admissible, great care should be taken when allowing such 'evidence' in circumstances such as these.
5. Of utmost importance, the matters raised in the objection have no relevance to the Committee's determination of the current renewal applications in any event. The allegations do not relate or justify how our client provides relevant entertainment at the premises or whether Mr McKeown (as a director of the applicant company) is unsuitable to be granted a licence.
6. The only relevant evidence (other than our client's evidence) in this regard is that of the Licensing Authority, who have closely examined our client's CCTV footage in respect of these renewal applications and many hours of routine checks over recent years.
7. The objection covering letter dated 31 December 2018 cites *Miss Behavin' Ltd -v- Belfast City Council* [2007] UK HL 19 in respect of Mr Warr's submission that the late objection should be considered by the Committee. In that case, Lord Neuberger at paragraph 71 said:

*"If an objection which revealed to the council for the first time certain **highly relevant** information was received **one day** late, it would be little short of absurd if it could not be taken into account".*

In the current circumstances, the information was submitted some 2+ months after the last date for objections and does not contain relevant information, let alone *highly* relevant information.

8. The position in respect of the receipt of representations is clearly set out at:

Paragraph 15 of Schedule 3 Local Government (Miscellaneous Provisions) Act 1982:

*"Any person objecting to an application for the grant, renewal or transfer of a licence under this schedule shall give notice in writing of his objection to the appropriate authority, stating in general terms the grounds of the objection, **not later than 28 days after the date of the application**".*

This text is replicated in paragraph 4.9 of the Westminster City Council Sexual Entertainment Venues Guidance and Procedure dated 17 February 2012.

Home Office Guidance For Sexual Entertainment Venues Paragraph 3.23 and Paragraph 3.26:

*"When considering an application of a grant, renewal or transfer of a licence the appropriate authority **should have regard** to any observations submitted to it by the chief officer of the police and any objections that they have received from anyone else **within 28 days of the application**".*

*"Although a local authority is under a duty to consider any objections made **within 28 days of the application**, it has **discretion** to hear later objections provided the applicant is given the **opportunity***

*to deal with those objections.” (this Guidance presumably being based on the principles in Miss Behavin’).*

9. Even if the material contained in the objection was relevant (which it is not), our client has not had a fair and proper opportunity to deal with it. The objection is voluminous. It was submitted over 2 months after the last date for objections and thereafter held by the Licensing Authority for over 6 weeks before being sent to our client, less than 2 weeks before the scheduled hearing. Our client’s legitimate expectation to have their application dealt with on the evidence presented within the consultation period would therefore be unfairly and unlawfully prejudiced if the late objection was considered.
10. If required, our client intends to deal with the admissibility of the late objection as a preliminary matter during the hearing on 26 February 2019. As a result, our client does not intend and will be unable to address the Committee on the allegations made within the objection either in this letter or at the hearing, firstly because they are not valid, and secondly because there has been inadequate time properly so to do.
11. In any event, should the Committee be minded to consider the late objection at any adjourned hearing, any weight that might be placed on the late objection will necessarily have to be assessed and balanced against the evidence that indicates Mr Warr has himself engaged in the same conduct he alleges against our client (see below).
12. Our client does reserve its rights to rebut the allegations made in the event the Committee decide to admit and place weight on the objection but will not be able to do so at the scheduled hearing. Similarly, our client reserves its rights and remedies in respect of separate proceedings against Mr Warr. Instead, after such preliminary issue, our client will focus submissions on the objections made within the 28-day consultation period. For the assistance of the Committee, these matters are addressed in summary form below.

**Objections submitted (in time) in respect of Sophisticats 3- 7 Brewer Street**

13. As well as the holding representation submitted by the Licensing Authority, the following representations were made in respect of the renewal application:

Objection 1 - visit 11 October 2018 (6 days before the consultation period expired)

14. Our client was able to identify the author of this objection as either a former or current employee of Mr Warr. We understand the individual making the objection has now formally withdrawn the representation.
15. Our client conducted a wide-ranging and thorough investigation in respect of the allegations made. An independent review of the CCTV footage by private investigators and Mr James Hayes of the Licensing Authority revealed the allegations made in the objection were without merit and untrue. If required, our client is able to provide a written minute-by-minute analysis of the relevant CCTV footage undertaken by the private investigators to rebut the allegations made.

Objection 2 – visit 12 October 2018

16. This objection related to a visit just 1 night after the 11 October 2018 visit made by the former or current employee of Mr Warr.

17. Again, a comprehensive analysis of the allegations made by our client's private investigators and Mr Hayes has revealed the allegations made in this objection to be similarly unfounded and without merit.

Objection 3 – Email promotion

18. The promotion referred to in this objection was only sent to persons on our client's mailing list. The mailing list requires recipients to proactively "opt in" and confirm they are aged 18 years or over. All recipients of the mailing list have also recently undergone further "opt in" GDPR checks.
19. As a result, our client questions the authenticity of the objection since the author would have signed up to receive these promotions by email. In any event, our client submits it is not a relevant matter for the Committee to consider.

**Sophisticats 77 Wellbeck Street**

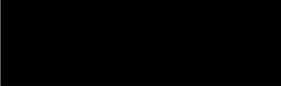
20. The single interested party objection alleges website hacking to generate additional traffic on our client's website. This allegation is denied by our client. Our client's I.T. consultants have been instructed to analyse the allegations made and ensure they are appropriately rebutted. Again, the content of this objection has little, if any, relevance to the Committee's determination of the renewal application in any event.

Our client respectfully asks that either the late representation is deemed inadmissible prior to the scheduled hearing and that fact communicated to us; alternatively, that the issue of admissibility of that late representation is dealt with as a preliminary issue on the scheduled hearing date and that, in the event that any of the late material is admitted on 26 February 2019, that the hearing is adjourned so that such (untrue) allegations can be appropriately rebutted. Assuming that the late allegations are excluded, the renewals would proceed on the evidence of the officers of the Licensing Authority, who have carried out detailed investigations as to the suitability of this applicant to hold a licence.

Thank you for your consideration of this letter. Please do not hesitate to contact us if you have any queries arising.

Yours faithfully

**Thomas & Thomas Partners LLP**



Thomas & Thomas  
Partners LLP

Your ref: 18/110644/LISEVR & 18/11062/LISEVR  
Our ref: JS/TOM/MCK.9.3

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London WC2H 9EP  
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Ms Daisy Gadd  
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Licensing Service  
15th Floor  
Westminster City Hall  
64 Victoria Street  
London SW1E 6QP

By email: [licensing@westminster.gov.uk](mailto:licensing@westminster.gov.uk)  
[dgadd@westminster.gov.uk](mailto:dgadd@westminster.gov.uk)

26 March 2019

Dear Ms Gadd

**Local Government (Miscellaneous Provisions) Act 1982, Schedule 3  
Sophisticats, 3-7 Brewer Street, 18/110644/LISEVR & 77 Welbeck Street 18/11062/LISEVR**

We refer to the Licensing Sub-Committee hearing scheduled for 10 April 2019 to determine the application for renewal of the SEVLs in respect of the above premises.

As set out in paragraphs 5.2, 5.4, 5.6 & 5.8 of the Agenda Report for the now adjourned hearing on 26 February 2018, there remain four objections to this application. Objectors 1, 2 & 3 remain anonymous under paragraph 10(17) of Schedule 3 of the 1982 Act. However, in relation to objection 4, Mr Warr and Mr Nash have given consent for their identity to be revealed. Also, in his second statement dated 17 February 2019, Mr Nash revealed the identity of objector 3 (at Appendix D4 of the 26 February 2018 report) as [REDACTED]

All four of the objections rely upon factual evidence to support their representations. Much of the factual evidence is not accepted by the applicant to be accurate or true and indeed may well be borne of malice. It is our position that, in those circumstances, and in order to substantiate their objections, the objectors must provide the factual evidence through a witness or witnesses. It is necessary for the disputed evidence to be given through a witness or witnesses because otherwise (i) there is no opportunity for the applicant to cross-examine/question the evidence and (ii) the alleged evidence itself, which is merely set out in writing in the objection letters, amounts to anonymous hearsay. Whilst ordinary hearsay is always admissible in licensing hearings, anonymous hearsay is always objectionable [please see *White v Nursing and Midwifery Council* [2014] EWHC 520 (Admin)].

The necessity for any factual evidence to be given by a witness or witnesses in person is of particular importance in this case because, as you know, an earlier objector to this application was one [REDACTED] [REDACTED] in an anonymous objection letter, purported to give evidence of a visit to Sophisticats and alleged breaches of the licence which, upon his identity being revealed, were shown to be false or at least materially inaccurate. [REDACTED] subsequently withdrew his objection. [REDACTED] is connected to Simon Warr and Tony Nash (objection 4) who are connected to [REDACTED]. It is also strongly believed that Mr. Brown and Simon Warr are connected to objection 2.

Paragraphs 5.15(a)&(c) and 5.7 of Westminster City Council's Sexual Entertainment Venues Guidance and Procedure document dated 17 February 2012 ("Westminster SEV Guidance") require any witness to state their full name and to be available to be questioned by Members of the Licensing Sub Committee, its legal and policy advisors and opposing parties. Thus, whilst it is perfectly proper for objectors to remain anonymous under paragraph 10(17), it is not possible for a witness to remain anonymous.

Please therefore note our client's contention that if any of the four objectors wish to rely upon factual evidence to support their objection, this must be effected by the calling of a witness or witnesses at the hearing. Such witness or witnesses must provide their full name and be subject to questioning by Members of the Licensing Sub Committee, its legal and policy advisors and opposing parties in accordance with paragraphs 5.7 & 5.15 of the Westminster SEV Guidance.

In any event, it will be necessary for all objectors, anonymous or not, to attend the hearing in person, in accordance with paragraph 5.8 of the Westminster SEV Guidance.

We would be most grateful if you could please ensure enough time is set aside to permit cross examination of witnesses in accordance with paragraph 5.7 of the Westminster SEV Guidance.

Yours sincerely

Thomas & Thomas Partners LLP  
[REDACTED]

## **Licensing Service response to Thomas & Thomas Partners LLP**

### **Appendix F3**

Dear Jack,

Thank you for your letter dated 26<sup>th</sup> March 2019, the contents of which have been noted. A copy will be made available to the members at the meeting on 10<sup>th</sup> April. In addition, a copy will be sent to all four objectors so that they are aware of your legal submissions and assertions to the effect that evidence of factual evidence will have to be given by witnesses who can be cross-examined.

We note your comments regarding the Council's SEV guidance and procedure notes effective from 17<sup>th</sup> February 2012. However, you will also be aware that rule 5.20 does allow for any of the rules relating to the hearings to be waived, altered or modified by the Sub-Committee. As matters currently stand we will bring your letter to the attention of the objectors as described above but, at officer level, we do not accept that the objectors do have to attend the hearing in person and we are also of the view that a witness can potentially attend and give evidence without revealing their name and address.

We note your reference to the case of *White v Nursing and Midwifery Council [2014] EWHC 520 (Admin)*. We do not accept that the judgment in that case is relevant to a licensing hearing being held pursuant to Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982. That case was specifically about whether or not anonymous hearsay evidence is admissible in professional disciplinary proceedings.

The rules of procedure are not legally binding. The legislation, on the other hand, does contain some binding procedural requirements in paragraph 10 of Schedule 3. It is quite clear that the licensing authority is not permitted to reveal the name or address of any objector to the applicant without their consent. Notice in writing of the general terms of the objection have to be given to the applicant and it is our policy to give you the full objection that has been received. The authority must have regard to any objections which have been received within the 28 day period specified and has discretion to consider objections received after the 28 day period. Only the applicant has a right to be heard by the Licensing Sub-Committee but our practice is to allow objectors to be heard if they choose to attend the hearing.

With a renewal application, our usual approach is to suggest that the objectors who are present are heard first so that the applicant has full details of the objections before giving their own evidence. The applicant can obviously dispute any of the evidence presented by the objectors and the members will then decide the weight to be given to the evidence having regard to whether the objectors remain anonymous and whether they do attend to give that evidence. The members of the Sub-Committee may ask pertinent questions of the applicant and the objectors with a view to establishing the truth or otherwise of the evidence that is presented. The applicant will always have the

final word before the members retire to consider their decision. Cross-examination is generally discouraged but may be permitted with the consent of the Sub-Committee.

The members of the Licensing Sub-Committee will determine how the proceedings are actually conducted on the day and you will have an opportunity to express your views in that regard at the start of the hearing.

Kind regards

Michelle Steward

Senior Licensing Officer

Licensing Service  
Public Protection and Licensing

Westminster City Council  
15th Floor  
Westminster City Hall  
64 Victoria Street  
London SW1E 6QP

# Copy of existing premises licence

# Appendix G1



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

Schedule 12  
Part A

WARD: West End  
UPRN: 010033540855

Premises licence

Regulation 33, 34

Premises licence number:

16/09817/LIPN

Original Reference:

16/14154/LIPV

### Part 1 – Premises details

#### Postal address of premises:

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

**Telephone Number:** Not supplied

#### Where the licence is time limited, the dates:

Not applicable

#### Licensable activities authorised by the licence:

Performance of Dance  
Performance of Live Music  
Playing of Recorded Music  
Anything of a similar description to Live Music, Recorded Music or Performance of Dance  
Late Night Refreshment  
Sale by Retail of Alcohol

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

##### Performance of Dance

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

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

An additional hour when British summer time commences.

##### Performance of Live Music

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

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

An additional hour when British Summer time commences.

**Playing of Recorded Music**

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

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

An additional hour when British summer time commences.

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

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

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

An additional hour when British summer time commences.

**Late Night Refreshment**

Monday to Saturday: 23:00 to 03:00

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

An additional hour when British summer time commences.

**Sale by Retail of Alcohol**

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

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

An additional hour when British summer time commences.

**The opening hours of the premises:**

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

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

An additional hour when British summer time commences.

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

Alcohol is supplied for consumption on the Premises.

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

Devine Restaurants Ltd  
109 Gloucester Place  
London  
W1U 6JW  
*Business Phone Number : Not Supplied*

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

06048816

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

**Name:** Maria Carmen Alonso Fernandez

*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:** 83025  
**Licensing Authority:** London Borough Of Islington

**Date:** 27<sup>th</sup> March 2017

**This licence has been authorised by Miss Heidi Lawrance on behalf of the Director - Public Protection and Licensing.**

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#### Annex 1 – Mandatory conditions

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

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

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

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

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

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



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

9. The sale of intoxicating liquor shall be ancillary to the provision of striptease entertainment and whilst the premises is operating under a Sexual Entertainment Venue licence.
  10. There shall be a minimum of two door supervisors to be employed at the entrance of the premises whenever there is striptease entertainment.
  11. All staff engaged outside the entrance to the premises, or supervising or controlling queues, shall wear high visibility jackets or vests.
  12. Door supervisors shall remain on duty to supervise the area immediately outside the premises until at least 15 minutes after the last patron has left the premises.
  13. There shall be a personal licence holder on duty at the premises at all times when the premises are authorised to sell alcohol.
  14. Substantial food and non-intoxicating beverages, including drinking water, shall be available during the whole of the permitted hours in all parts of the premises where intoxicants are provided.
  15. The supply of alcohol shall be by waiter/waitress service at tables only and there shall be no vertical drinking of alcohol at the premises.
  16. Any person permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall not be permitted to take drinks or glass containers with them.
  17. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of a Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewings of recordings shall be made available immediately upon the request of Police or authorised officer of the City Council throughout the preceding 31 day period.
  18. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
  19. The premises management will become members and actively participate in a pub watch scheme (or similar) if one is operating in the area of the premises.
  20. A sound limiting device located in a separate and remote lockable cabinet from the volume control shall be fitted to any musical amplification system and set at a level determined by and to the satisfaction of an authorised officer of the Environmental Health Service to ensure that no noise nuisance is caused to local residents. No additional sound generating equipment shall be used on the premises without being routed through the sound limiter device. The operational panel of the noise limiter shall then be secured to the satisfaction of officer from the Environmental Health Service. The keys securing the noise limiter cabinet shall be held by the licence holder or authorised manager only, and shall not be accessed by any other person. The limiter shall not be altered without prior agreement with the Environmental Health Service.
  21. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
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22. Loudspeakers shall not be located in the entrance lobby or outside the premises building.
  23. All external doors shall be kept closed after (21:00) hours, or at any time when regulated entertainment takes place, except for the immediate access and egress of persons.
  24. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and use the area quietly.
  25. Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly.
  26. No waste or recyclable materials, including bottles, shall be moved, removed or placed in outside areas between (23:00) hours and (08:00) hours.
  27. During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that this area shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business.
  28. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police, which will record the following:
    - (a) all crimes reported to the venue
    - (b) all ejections of patrons
    - (c) any complaints received
    - (d) any incidents of disorder
    - (e) all seizures of drugs or offensive weapons
    - (f) any faults in the CCTV system
    - (g) any refusal of the sale of alcohol
    - (h) any visit by a relevant authority or emergency service.
  29. Any special effects or mechanical installations shall be arranged and stored so as to minimise any risk to the safety of those using the premises. The following special effects will only be used on 10 days prior notice being given to the Licensing Authority where consent has not previously been given:
    - o Dry ice and cryogenic fog
    - o Smoke machines and fog generators
    - o Pyrotechnics including fire works
    - o Firearms
    - o Lasers
    - o Explosives and highly flammable substances
    - o Real flame
    - o Strobe lighting
  30. The licence holder shall enter into an agreement with a hackney carriage and/or private hire firm to provide transport for customers, with contact numbers made readily available to customers who will be encouraged to use such services.
  31. All emergency doors shall be maintained effectively self-closing and not held open other than by an approved device.
  32. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.
  33. Curtains and hangings shall be arranged so as not to obstruct emergency signs.
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34. The approved arrangements at the premises, including means of escape provisions, fire warning and fire fighting equipment, the electrical installation and mechanical equipment, shall at all material times be maintained in good condition and full working order.
  35. The means of escape provided for the premises shall be maintained unobstructed, free of trip hazards, be immediately and clearly identified in accordance with the plans provided.
  36. All exit doors shall be available at all material times without the use of a key, code, card or similar means.
  37. Patrons permitted to temporarily leave and then re-enter the premises e.g. to smoke, shall be limited to (5) persons at any one time.
  38. Patrons will have a designated smoking area, which shall be supervised by a SIA door supervisor.
  39. Performers/Dancers shall not be permitted to temporarily leave to smoke and then re-enter the premises.
  40. An attendant shall be on duty in the cloakroom during the whole time that it is in use.
  41. A challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
  42. The certificates listed below shall be submitted to the Licensing Authority upon written request:
    - a) Any emergency lighting battery or system
    - b) Any electrical installation
    - c) Any emergency warning system
  43. Flashing or particularly bright lights on or outside the premises shall not cause a nuisance to nearby properties (save insofar as they are necessary for the prevention of crime).
  44. No advertisements of any kind (including placard, poster, sticker, flyer, picture, letter, sign or other mark) that advertises or promotes the establishment, its premises, or any of its highway, or upon any building, structure, works, street furniture, tree, or any other property, or be distributed to the public.
  45. There shall be no payment made by or on behalf of the licence holder to any person for bringing customers to the premises.
  46. No person on behalf of the premises or on behalf of a person carrying or attempting to carry on a licensable activity at the premises shall cause, permit, employ or allow, directly or indirectly through a third party, whether on payment or otherwise, any person(s) to importune, solicit or tout members of the public on any public highway within the specified area outlined below for the purpose of bringing customers to then premises.
  47. For the purposes of this condition, 'Specified Area' means the area encompassed within Shaftesbury Avenue, Piccadilly Circus, regent Street up to the junction with Pall Mall, Cockspur Street, Trafalgar Square, Strand up to the junction with Bedford Street, Garrick Street, Great Newport Street and Charing Cross Road to the junction of Shaftesbury Avenue.
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48. The maximum number of persons accommodated at any one time (excluding staff and performers) shall not exceed 100 persons.
  49. The licence will have no effect until the Licensing Authority are satisfied that the premises is constructed or altered in accordance with the appropriate provisions of the District Surveyor's Association - Technical Standards for Places of Entertainment and the reasonable requirements of Westminster Environmental Health Consultation Team, at which time this condition will be removed from the Licence.
  50. Before the premises opens to the public, the plans as deposited will be checked by the Environmental Health Consultation Team to ensure they are an accurate reflection of the premises constructed and CCTV is operational and positioned in accordance with the CCTV conditions and plans submitted with the Sexual Entertainment Licence application. Where the premises layout has changed during the course of consultation new plans shall be provided to the LFEPA Environmental Health Consultation Team, the Police and the Licensing Authority.
  51. There shall be no striptease or nudity, and all persons shall be decently attired at all times, except when the premises are operating under the authority of a Sexual Entertainment Venue licence.
  52. Customers shall not enter or leave the premises other than the Brewer Street entrance/exit, except in the event of an emergency.
  53. No licensable activities shall take place at the premises until premises licence 16/05696/LIPDPS (or such other licence subsequently issued for the premises) has been surrendered and is incapable of resurrection.
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**City of Westminster**  
64 Victoria Street, London, SW1E 6QP

Schedule 12  
Part B

WARD: West End  
UPRN: 010033540855

Premises licence  
summary

Regulation 33, 34

Premises licence number:

16/09817/LIPN

**Part 1 – Premises details**

**Postal address of premises:**

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

**Telephone Number:** Not supplied

**Where the licence is time limited, the dates:**

Not applicable

**Licensable activities authorised by the licence:**

Performance of Dance  
Performance of Live Music  
Playing of Recorded Music  
Anything of a similar description to Live Music, Recorded Music or Performance of Dance  
Late Night Refreshment  
Sale by Retail of Alcohol

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

**Performance of Dance**

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

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

An additional hour when British summer time commences.

**Performance of Live Music**

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

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

An additional hour when British Summer time commences.

**Playing of Recorded Music**

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

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

An additional hour when British summer time commences.

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

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

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

An additional hour when British summer time commences.

**Late Night Refreshment**

Monday to Saturday: 23:00 to 03:00

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

An additional hour when British summer time commences.

**Sale by Retail of Alcohol**

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

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

An additional hour when British summer time commences.

**The opening hours of the premises:**

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

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

An additional hour when British summer time commences.

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

Alcohol is supplied for consumption on the Premises.

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

Devine Restaurants Ltd

109 Gloucester Place  
London  
W1U 6JW

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

06048816

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

Name: Maria Carmen Alonso Fernandez

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

Restricted

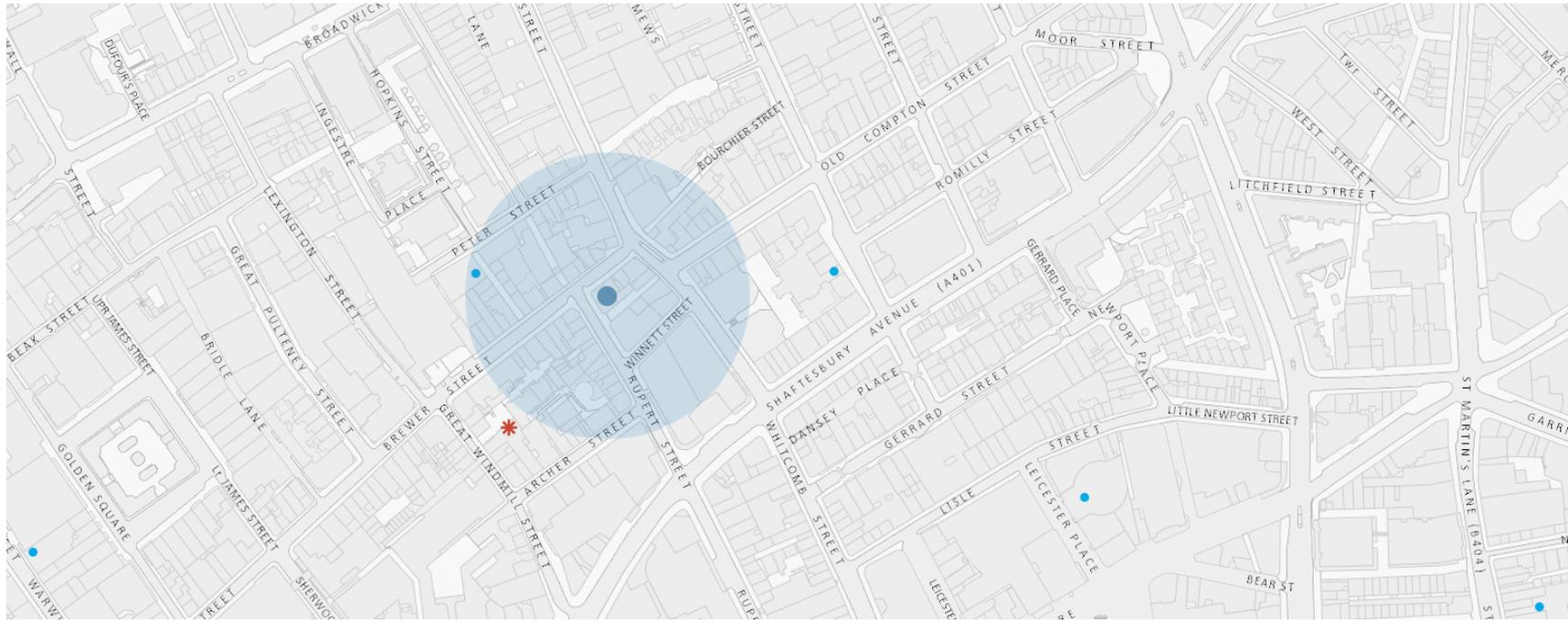
Date: 27<sup>th</sup> March 2017

This licence has been authorised by Miss Heidi Lawrance on behalf of the Director - Public Protection and Licensing.

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## Residential Map

## Appendix H1



Key:

-  = Faith groups
-  = Schools