



CITY OF WESTMINSTER

MINUTES

Licensing Sub-Committee (6)

MINUTES OF PROCEEDINGS

Minutes of a meeting of the **Licensing Sub-Committee (6)** held on **Thursday 28th February, 2019**, Rooms 18.01 & 18.03, 18th Floor, 64 Victoria Street, London, SW1E 6QP.

Members Present: Councillors Heather Acton, Melvyn Caplan and Aicha Less

1 MEMBERSHIP

1.1 There were not changes to the Membership.

2 DECLARATIONS OF INTEREST

2.1 There were no declarations of interest.

1 BRASSERIE OF LIGHT (FIRST FLOOR DUKE ST ENTRANCE), SELFRIDGES, 400 OXFORD STREET, LONDON, W1A 1AB

LICENSING SUB-COMMITTEE No.6

Thursday 28 February 2019

Membership: Councillor Melvyn Caplan (Chairman), Councillor Heather Acton and Councillor Aicha Less

Legal Adviser: Barry Panto
Committee Officer: Sarah Craddock
Presenting Officer: Kevin Jackaman

Relevant Representations: One resident (objecting) and Selfridges Retail Ltd (in support).

Present: Clare Eames (Solicitor - Poppleston Allen representing Selfridges), Adam Laverty (Legal Counsel at Selfridges), Stephen Walsh Q.C. (Counsel, representing the applicant), Bruce Langlands (Applicant – Food and Restaurants Director), Karthek Chandran (General Manager), George Jones (Property Director for Harry's Bar) and Richard Brown (Citizens Advice Bureau, representing the local resident).

Brasserie of Light (First Floor Duke St Entrance), Selfridges, 400 Oxford Street, W1A 1AB (“The Premises”) 18/14882/LIPN

1. Live Music: Unamplified/amplified music will be via artists singing, DJ, bands and other music of a similar nature. (Indoors)

Recorded Music: Amplified music played on a loud speaker system (Indoors)

Monday to Sunday: 09:00 to 00:00

Seasonal variations/Non-standard timings: The premises may remain open for the sale of alcohol and the provision of late night refreshment and regulated entertainment from the terminal hour for those activities on New Year's Eve through to the commencement time for those activities on New Year's Day.

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 Harry's Bar Restaurants Limited (“the Applicant”) for a new Premises licence in respect of Brasserie of Light (First Floor Duke St Entrance), Selfridges, 400 Oxford Street, W1A 1AB.

The Presenting Officer provided an outline of the application to the Sub-Committee. He advised that the applicant had requested the same hours currently permitted by virtue of the existing premises licence held by Selfridges Retail Limited. He further advised that Selfridges Retail Limited was in support of the application and that a local resident had sent in a representation against the application. He confirmed that the premises was not located in a cumulative impact area.

Mr Walsh (representing the applicant) advised that the Sub-Committee had before it an application for a new premises licence. He stated that Harry's Bar Restaurants Limited had requested the same hours currently permitted by the existing licence held by Selfridges Retail Limited for the Ground and First Floor Licensed Premises within the Selfridges Departmental Store.

Mr Walsh outlined that the premises had opened in November 2018 as the Brasserie of Light and had traded since then (pursuant to the existing Selfridges Licence) without causing concern from the Responsible Authorities or residents. Mr Walsh advised that Harry's Bar Restaurant had been granted a 15 year' lease of the premises by Selfridges Retail Ltd and that they considered that it was appropriate to hold the premises licence as they would be the ones managing and operating the restaurant. Mr Walsh referred to the premises plans and emphasised that there was no change to the licensing activities, the layout of the premises or the entrances and exits to the restaurant. He also added that the applicant had an Operational Management Plan, which set out details regarding the arrival and departure of guests, the staffing arrangements, the training of staff and delivery arrangements. Mr Walsh confirmed that there

were further restrictions to this new licence with the addition of proposed condition 10 which ensured that 'the supply of alcohol shall only be to seated persons and by waiter or waitress service, except for the hatched area around the bar' and proposed condition 12 that added a capacity figure to the licence.

Mr Walsh advised that both Harry's Restaurant Bar and Selfridges Retail Ltd had contacted the local resident who had made representations against the new application and, through these discussions, the applicant had agreed to add two further conditions to the licence regarding the availability of a telephone number for the premises and arrangements for meeting with residents.

Mr Walsh referred to the request from the local resident for the model restaurant condition to be added to the premises licence. Mr Walsh advised that the applicant could not operate these premises with this condition attached to the licence as this stipulation had not been included as part of the Lease Agreement with Selfridges Retail Limited. Mr Walsh confirmed that the existing premises licence was granted in 2017 under the express understanding that it would operate as a restaurant/bar and with no requirement for the consumption of alcohol to be ancillary to a table meal.

Clare Eames confirmed that Selfridges were in support of this application and considered it perfectly proper that Harry's Restaurant Bar held the premises licence as they would be managing and operating the premises. She advised that Selfridges Retail Ltd had the same arrangement with other premises operators in Selfridges and explained how Selfridges worked in partnership with these premises to promote the Selfridge brand.

Mr Brown (representing the local resident) advised that the resident was concerned that the premises would turn into a bar if the restaurant condition was not added to the licence and the noise nuisance and anti-social behaviour this might cause in the late evenings and at night in the Oxford Street area. Mr Brown further advised that the premises, although located inside of Selfridges, was a stand-alone premises and therefore did not add to the customers' shopping experience in Selfridges. He stated that the restaurant condition had not been requested throughout the premises but only where customers were seated at a table. He confirmed that the local resident considered the applicant a responsible operator and had been pleased that the applicant had met with her and had agreed to add conditions 10 and 12 to the licence. Mr Brown requested that a further condition stating 'that the licence holder comply with the Operational Management Plan' be also attached to the licence.

In response to Mr Brown, Mr Walsh confirmed that he was happy to add a condition that the licence holder comply with the Operational Management Plan. He advised that the original application was consulted with the Responsible Authorities and the reality was that the premises had been successfully trading without concern since November 2018. He emphasised that if a restaurant condition was imposed on the licence it would radically change the nature of the business and reduce the flexibility the licence required to be commercially successful. Mr Walsh further emphasised that the applicant had agreed to add condition 10 to the licence and hoped that having this condition would go some way to alleviate the resident's concerns about the new licence. There was no

	<p>requirement for customers to be seated or for them to be served by waiter or waitress service under the existing licence for Selfridges so this proposal did involve a tightening up of the licensing requirements in any event. In response to Mr Brown, Clare Eames advised that Harry's Restaurant Bar was not a stand-alone restaurant and was very much an integral part of Selfridges. She stated that there was a number of food and beverage offers within the store and it was very important that they all contributed towards the customer experience and Selfridge's brand.</p> <p>The Sub-Committee had regard to the oral and written submissions from the applicant, the written representation from the local resident and the oral representations from Richard Brown representing the local resident. After careful consideration, the Sub-Committee agreed to grant the application with the additional conditions being attached to the licence: namely, the availability of a telephone number, the timeframe for resident meetings and the licence holder complying with the Operational Management Plan.</p> <p>The Sub-Committee noted that the premises was not located in a cumulative impact area. The new restaurant could have continued to operate under the existing licence, but this proposal had tighter requirements and there had been no problems with the operation of the restaurant under the existing licence. In those circumstances, the Sub-Committee considered the conditions imposed on the Premises Licence to be appropriate and proportionate and was satisfied that they would help promote the licensing objectives.</p>
<p>2.</p>	<p>Light Night Refreshment (Indoors)</p> <p>Monday to Sunday: 23:00 to 00:00</p> <p>Seasonal variations/Non-standard timings: The premises may remain open for the sale of alcohol and the provision of late night refreshment and regulated entertainment from the terminal hour for those activities on New Year's Eve through to the commencement time for those activities on New Year's Day.</p>
	<p>Amendments to application advised at hearing:</p> <p>None</p>
	<p>Decision (including reasons if different from those set out in report):</p> <p>The application was granted, the reason for the decision is detailed in section 1</p>
<p>3.</p>	<p>Sale by retail of alcohol (on the premises)</p> <p>Monday to Sunday: 09:00 to 00:00</p> <p>Seasonal variations/Non-standard timings: The premises may remain open for the sale of alcohol and the provision of late night refreshment and regulated entertainment from the terminal hour for those activities on New Year's Eve through to the commencement time for those activities on New Year's Day.</p>

	<p>Amendments to application advised at hearing:</p> <p>None</p>
	<p>Decision (including reasons if different from those set out in report):</p> <p>The application was granted, the reason for the decision is detailed in section 1</p>
4.	<p>Hours premises are open to the public</p> <p>Monday to Sunday: 07:00 to 00:30</p> <p>Seasonal variations/Non-standard timings: The premises may remain open from the terminal hour on New Year's Eve through to the commencement time on New Year's Day.</p>
	<p>Amendments to application advised at hearing:</p> <p>None</p>
	<p>Decision (including reasons if different from those set out in report):</p> <p>The application was granted, the reason for the decision is detailed in section 1</p>

Conditions consistent with the Operating Schedule

1. No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.
2. No supply of alcohol may be made at a time when the designated premises supervisor does not hold a personal licence or the personal licence is suspended.
3. Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.
4.
 - (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
 - (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to;

- (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
 - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
5. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
6. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
- (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
- (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
- (a) a holographic mark, or
 - (b) an ultraviolet feature.
7. The responsible person must ensure that—

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

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

8(i) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

8(ii) For the purposes of the condition set out in paragraph 8(i) above -

(a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;

(b) "permitted price" is the price found by applying the formula -

$$P = D + (D \times V)$$

Where -

- (i) P is the permitted price,
 - (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
 - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -

- (i) the holder of the premises licence,
 - (ii) the designated premises supervisor (if any) in respect of such a licence, or
 - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
- (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
- (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.
- 8(iii). Where the permitted price given by Paragraph 8(ii)(b) above would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
- 8(iv). (1) Sub-paragraph 8(iv)(2) below applies where the permitted price given by Paragraph 8(ii)(b) above on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.
9. Substantial food and non-intoxicating beverages, including drinking water, shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.
10. The supply of alcohol shall only be to seated persons and by waiter or waitress service, except for the hatched area around the bar.
11. There shall be no vertical drinking at the premises save for those persons in the hatched area around the bar up to a maximum of 30 persons.
12. No licensing activities shall take place at the premises until the capacity of the premises has been determined by the Environmental Health Consultation Team and the licensing authority has replaced this condition on the licence with a condition detailing the capacity so determined.
13. A Challenge 21 proof of age scheme shall be operated 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.

14. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall not be permitted to take drinks or glass containers with them.
15. No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
16. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings will be stored for a minimum period of 31 days with the date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31 day period.
17. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open to the public. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
18. 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 concerning crime and disorder
 - (d) Any incidents of disorder
 - (e) All seizures of drugs or offensive weapons
 - (f) Any faults in the CCTV system
 - (g) Any refusal of the sale of alcohol
 - (h) Any visit by a relevant authority or emergency service.
19. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
20. 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.

21. The approved arrangements at the premises, including means of escape provisions, emergency warning equipment, the electrical installation and mechanical equipment, shall at all times be maintained in good condition and full working order.
22. 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.
23. All emergency exit doors shall be available at all material times without the use of a key, code, card or similar means.
24. All emergency doors shall be maintained effectively self-closing and not held open other than by an approved device.
25. Curtains and hangings shall be arranged so as not to obstruct emergency safety signs or emergency equipment.
26. Licensable activities can be provided from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.
27. No licensable activities shall take place at the premises until the premises has been assessed as satisfactory by the Environmental Health Consultation Team at which time this condition shall be removed from the Licence by the licensing authority.
28. Before the premises open 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. Where the premises layout has changed during the course of construction new plans shall be provided to the Environmental Health Consultation Team and the Licensing Authority.

Conditions attached after a hearing by the Licensing Authority

29. A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number is to be made available to residents and businesses in the vicinity.
30. The Premises Licence Holder will meet with residents should they request in writing to do so upon providing the Premises Licence Holder 14 days notice in which to arrange the meeting.

31. The Licence Holder will comply with an Operational Management Plan, a copy of which will be retained at the premises and immediately produced when requested by a Police Officer or an Environmental Health Officer.

2 10 BERKELEY SQUARE, LONDON, W1J 6EF

LICENSING SUB-COMMITTEE No.6

Thursday 28 February 2019

Membership: Councillor Melvyn Caplan (Chairman), Councillor Heather Acton and Councillor Aicha Less

Legal Adviser: Barry Panto
 Committee Officer: Sarah Craddock
 Presenting Officer: Kevin Jackaman

Relevant Representations: One local resident.

Present: Mr Alun Thomas (representing the Applicant) and Mr Alexander Forney (Applicant).

Amazonico, 10 Berkeley Square, W1J 6EF (“The Premises”) 18/14709/LIPN	
1.	<p>Live music, Recorded music (Indoors):</p> <p>Monday to Saturday: 10:00 to 01:00 Sunday: 12:00 to 00:00</p> <p>Seasonal variations/Non-standard timings: From the end of permitted hours on New Year’s Eve to the start of permitted hours on New Year’s Day.</p> <p>On Sundays prior to bank holidays 10:00 to 00:00</p>
	<p>Amendments to application advised at hearing:</p> <p>None</p>
	<p>Decision (including reasons if different from those set out in report):</p> <p>The Sub-Committee considered an application by Mosela Investments SI (“the Applicant”) for a new licence in respect of a restaurant to be called Amazonico, situated at 10 Berkeley Square, W1J 6EF.</p> <p>The Presenting Officer provided an outline of the application to the Sub-Committee. He advised that the applicant had applied for live music, recorded music, late night refreshment and the supply of alcohol at the premises. He further advised that a local resident had sent in a representation against the application but was unable to attend the hearing.</p>

Mr Alun Thomas (representing the applicant) advised that the Sub-Committee had before it an application for a new premises licence called Amazonico, which would be part of the Dogus Group, which was responsible for several London restaurants.

The Sub-Committee heard that one Mayfair resident had made a representation against the application because of concern about late night deliveries and servicing of the premises through local residential streets. The Sub-Committee noted that the resident had requested that a condition be attached to the licence that no collections from the premises or deliveries be made after 8pm. Mr Thomas advised that the applicant could not agree to this condition as Environmental Health had agreed to the condition of no servicing between 7am and 11pm, which was common with the vast majority of other premises in Westminster. Mr Thomas further advised that the applicant was happy with the four servicing and delivery model conditions proposed on the premises licence.

Mr Thomas outlined that the applicant had written to the resident regarding her concerns setting out that in accordance with planning permission reference 18/05958/FULL dated 1 November 2018 servicing facilities were on-site in the basement of the premises. Mr Thomas made the point that the resident lived half a mile/11 minutes' walk away from the premises and therefore the premises' activities would not directly affect the resident. He added that there had been no representations received from residents living in closer proximity to the premises.

The Sub-Committee noted the written representation from the resident, which outlined the concerns with deliveries and servicing up to 11pm at night through residential streets. The resident considered that deliveries and servicing up to 8pm would be preferable. The Sub-Committee further noted that the premises had its own off-street servicing bay adjacent to the application unit and was located outside of the City Council's Cumulative Impact Area.

The Sub-Committee had regard to the oral and written submissions from the applicant and the written representation from the local resident who was not in attendance at the hearing. After careful consideration, the Sub-Committee agreed to grant the application. There was no policy to refuse the application and there had been no representations from any residents living in the immediate vicinity of the premises. In addition, there had been no representations from any of the responsible authorities. The Sub-Committee considered the conditions imposed on the Premises Licence to be appropriate and proportionate and was satisfied that they would help promote the licensing objectives. No changes were made to the servicing arrangements as the hours proposed were considered reasonable for the area and it was noted that the premises also had a dedicated servicing facility on site in the basement. It was also noted that the delivery vehicles would be in the area in any event as they serviced other restaurants and that most deliveries were actually scheduled to take place in the afternoon.

2.	<p>Late Night Refreshment (Indoors)</p> <p>Monday to Saturday: 23:00 to 01:00 Sunday: 23:00 to 00:00</p> <p>Seasonal variations/Non-standard timings: From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day</p>
	<p>Amendments to application advised at hearing:</p> <p>None</p>
	<p>Decision (including reasons if different from those set out in report):</p> <p>The application was granted, the reason for the decision is detailed in section 1.</p>
3.	<p>Sale by retail of alcohol (on and off the premises)</p> <p>Monday to Saturday: 10:00 to 01:00 Sunday: 12:00 to 00:00</p> <p>Seasonal variations/Non-standard timings: From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.</p> <p>On Sundays prior to bank holidays 10:00 to 00.00</p>
	<p>Amendments to application advised at hearing:</p> <p>None</p>
	<p>Decision (including reasons if different from those set out in report):</p> <p>The application was granted, the reason for the decision is detailed in section 1.</p>
4.	<p>Hours premises are open to the public</p> <p>Monday to Saturday: 07:00 to 01:00 Sunday: 09:00 to 00:00</p> <p>Seasonal variations/Non-standard timings: From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.</p>
	<p>Amendments to application advised at hearing:</p> <p>None.</p>
	<p>Decision (including reasons if different from those set out in report):</p> <p>The application was granted, the reason for the decision is detailed in section 1.</p>

Conditions attached to the Licence

Mandatory Conditions

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

5. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
6.
 - (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
 - (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
 - (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
 - (a) a holographic mark, or
 - (b) an ultraviolet feature.
7. The responsible person must ensure that—
 - (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml;
 - (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
 - (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

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

8(i) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

8(ii) For the purposes of the condition set out in paragraph 8(i) above -

(a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;

(b) "permitted price" is the price found by applying the formula -

$$P = D + (D \times V)$$

Where -

(i) P is the permitted price,

(ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and

(iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -

(i) the holder of the premises licence,

(ii) the designated premises supervisor (if any) in respect of such a licence, or

(iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

8(iii). Where the permitted price given by Paragraph 8(ii)(b) above would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

8(iv). (1) Sub-paragraph 8(iv)(2) below applies where the permitted price given by Paragraph 8(ii)(b) above on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.

- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Conditions consistent with the operating schedule

9. The premises shall only operate as a restaurant where (save for the area hatched red on the deposited plans):
 - i) Customers are shown to their table
 - ii) The supply of alcohol is by waiter or waitress service only,
 - iii) Food is provided in the form of substantial table meals that are prepared on the premises and are served and consumed at the table using non disposable crockery,
 - iv) There is no provision of any take away service of food or drink for immediate consumption,
 - v) There is no provision of any take away service of food or drink after 23:00, and
 - vi) Where alcohol shall not be sold or supplied for consumption on the premises, otherwise than for consumption by persons who are seated in the premises and bona fide taking a substantial table meal there, and provided always that the consumption of alcohol by such persons is ancillary to taking such meals.

Notwithstanding this condition customers are permitted to take from the premises part consumed and resealed bottles of wine supplied ancillary to their meal.

10. In the area hatched red, alcohol can only be served to persons before, during or after a table meal consumed at the premises.
11. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke shall not be permitted to take drinks or glass containers with them.
12. All sales of alcohol for consumption off the premises shall be in sealed containers only and shall not be consumed on the premises.
13. There shall be no sales of alcohol for consumption off the premises after 23.00.
14. Substantial food and non-intoxicating beverages, including drinking water shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.
15. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a

minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31 day period.

16. 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.
17. A Challenge 21 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.
18. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police. It must be completed within 24 hours of the incident and will record the following:
 - (a) all crimes reported to the venue
 - (b) all ejections of patrons
 - (c) any complaints received concerning crime and disorder
 - (d) any incidents of disorder
 - (e) all seizures of drugs or offensive weapons
 - (f) any faults in the CCTV system
 - (g) any refusal of the sale of alcohol
 - (h) any visit by a relevant authority or emergency service.
19. No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
20. All windows and external doors shall be kept closed after 23:00 hours, or at any time when regulated entertainment takes place, except for the immediate access and egress of persons.
21. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
22. 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 sweeping collected and stored in accordance with the approved refuse storage arrangements by close of business.
23. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 23.00 hours and 07.00 hours on the following day.

24. Except for deliveries of dairy, bakery products, fruit and vegetables, no deliveries to the premises shall take place between 23.00 and 07.00 on the following day.
25. No collections of waste or recycling materials (including bottles) from the premises shall take place between 23.00 and 07.00 on the following day.
26. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
27. 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.
28. Loudspeakers shall not be located outside the premises building.
29. The number of persons permitted within the premises at any one time (excluding staff) shall not exceed 281.
30. The Licence will have no effect until the works shown on the plans appended to the application (or subsequently substituted plans) have been assessed as satisfactory by the Environmental Health Consultation Team and this condition has been removed from the Licence.
31. Before the premises open to the public, the plans as deposited (or subsequently substituted plans) will be checked by the Environmental Health Consultation Team to ensure they are an accurate reflection of the premises constructed. Where the premises layout has changed during the course of construction, new plans shall be provided to the Environmental Health Consultation Team and the Licensing Authority
32. A noise limiter must be fitted to the musical amplification system set at a level determined by and to the satisfaction of an authorised officer of the Environmental Health Service, so as to ensure that no noise nuisance is caused to local residents or businesses. The operational panel of the noise limiter shall then be secured by key or password to the satisfaction of officers from the Environmental Health Service and access shall only be by persons authorised by the Premises Licence holder. The limiter shall not be altered without prior agreement with the Environmental Health Service. No alteration or modification to any existing sound system(s) should be effected without prior knowledge of an authorised Officer of the Environmental Health Service. No additional sound generating equipment shall be used on the premises without being routed through the sound limiter device.

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

LICENSING SUB-COMMITTEE No. 6

Thursday 28 February 2019

Membership: Councillor Melvyn Caplan (Chairman), Councillor Heather Acton
and Councillor Aicha Less

Legal Adviser: Barry Panto

Committee Officer: Sarah Craddock

Presenting Officer: Kevin Jackaman. Daisy Gadd in attendance

Objections: Objector 1 (wished to remain anonymous) and
Licensing Authority.

Present: Mr Stuart Jessop (Counsel, representing the anonymous objector), Mr
Philip Kolvin QC (Counsel, representing Mr Simon Warr on behalf of
Platinum Lace (Management) Ltd), Ms Lana Tricker (Solicitor representing
Mr Simon Warr on behalf of Platinum Lace (Management) Ltd), Mr Simon
Warr (Platinum Lace (Management) Limited), Mr Steve Rowe (Licensing
Authority), Francis Keegan (City Inspector) and John Oddi (City Inspector).

Platinum Lace Gentleman's Club, Unit 33, Trocadero, 13 Coventry Street, W1D 7AB 18/10134/LISEXR	
1.	Renewal of a Sexual Entertainment Venue Premises Licence
	The application was to renew the sexual entertainment venue premises licence made by Platinum Lace (Management) Limited to continue to operate the premises as a sexual entertainment venue between the hours of 15:00 to 06:00 on each of the days Monday to Saturday and 15:00 to 03:00 on Sunday. The Applicant did not request to change the relevant entertainment or to remove any standard conditions on the licence in the event the application was granted. Objections to the renewal application had been submitted alleging serious breaches of the conditions on the licence and, in particular, alleged breaches of conditions that prohibit contact between customers and performers.
	Amendments to application advised at hearing: None
	Decision (including reasons if different from those set out in report): Mr Jackaman, introducing the application and advised that Objector 1 had not waived the right to anonymity. The Sub-Committee decided to hear from the objectors first as that was

considered to be the most appropriate way of dealing with an opposed application for renewal under the Sexual Entertainment Venue legislation.

The request for an Adjournment of the Hearing

Mr Jessop (Counsel, representing the anonymous objector) referred to the recent application for an adjournment of the hearing due to the investigators and the objector not being available on the scheduled date for the hearing. He advised that the application had been refused by the Chairman.

Mr Jessop then advised he would like to renew the application for an adjournment in the interests of justice and the interest of fairness as the Sub-Committee may wish to hear from the investigators because of the very serious nature of the allegations and give them the opportunity to respond to questions from the Applicant and Sub-Committee.

Mr Philip Kolvin (Counsel, representing Mr Simon Warr) advised that the notification of the hearing date had been sent out to all parties two weeks ago and that the applicant's evidence had been served to the Licensing Authority in the correct timeframe. He requested that the hearing proceed today.

Mr Panto advised that the Sub-Committee would consider the submissions from both parties and if the hearing proceeded it would be conducted under the Local Government (Miscellaneous Provisions) Act 1982. He pointed out that, under that legislation, objectors are not entitled to a hearing, though it is the normal practice to allow objectors to attend and give evidence if they are available.

The Sub-Committee considered that they had all the evidence before them and that it was for the applicant to respond to the allegations made by the objector and the representations from the Licensing Authority. The Sub-Committee refused the application for an adjournment of the hearing.

The Application for the Renewal of the Sex Establishment Licence

Mr Jessop spoke first on behalf of the anonymous objector stating that the evidence on behalf of the objector was that there had been serious and significant breaches of the conditions to the premises licence and that the applicant was not a fit and proper person to hold a sex establishment licence. Mr Jessop advised that the evidence should be the focus of the hearing and not the supposition that the objector was a competing commercial establishment.

Mr Jessop referred to the evidence contained in the witnesses' statements. These appeared as Appendix D1 to the report. He advised that on the 11 and 12 July 2018 independent ex-police officers visited Platinum Lace and witnessed a number of serious breaches of their sex establishment licence (conditions 17 and 22). Mr Jessop explained the breaches included touching of customer bodies, allowing the customers to touch the bodies of dancers, touching customer bodies with the naked genitalia of the dancer that involved prolonged sexual contact and sexual bodily contact between the dancers themselves. The visit had lasted for about two hours.

Mr Jessop stated that these visits clearly identified breaches of the licence conditions and the applicant's attempts to impugn the character of the ex-police officers by suggesting that they were lying on behalf of the objectors was far-fetched. This was especially true as the Licensing Authority had corroborated the evidence contained in the ex-police officers witness statements. Mr Jessop made the point that even if there was a link between the investigators and a competing commercial establishment, it was difficult to see the relevance of this to this hearing. Mr Jessop further added that ex-police officers would be very aware that it was a criminal offence to make up evidence.

The Sub-Committee heard from the Licensing Authority and City Inspectors

Mr Steve Rowe (Licensing Authority) advised that the Licensing Authority had maintained their representation pending investigations into compliance with licence conditions and suitability of the applicant. He advised that Mr Francis Keegan and Mr John Oddi (City Inspectors) had carried out the investigation and they would advise the Sub-Committee of their findings which were outlined in their witness statement which appeared at Appendix D3 of the report. He added that the venue had been co-operative with the investigation.

Mr Keegan advised that following a departmental re-organisation his Team became responsible for Platinum Lace in September 2018. Mr Keegan explained that he had visited the premises and had obtained a number of disks showing images from the venue's CCTV system covering various areas within the club over three sample dates chosen at random. The CCTV images related to periods on 28 August, 12 September and 21 September 2018 and on each of the dates, these images viewed by Mr Oddi revealed numerous breaches of the 'no touching' condition. Mr Keegan advised that a shortlist of 10 incidents that were considered to be the most serious and significant contacts/breaches had been documented and sent to the venue who had not disputed their accuracy.

Mr Oddi advised that he had spent 40 working hours viewing 9 hours of CCTV images over 3 separate dates during which he discovered 454 physical contacts: 379 initiated by the performer to the customer and 75 initiated by the customer to the performer. Mr Oddi stated that out of 454 physical contacts viewed, 105 were considered as serious contact, in which it could be considered that the contact was simulating sexual arousal in the customer. Mr Oddi advised that these 105 incidents were then narrowed down to the 10 most serious incidents documented in the witness statement.

In response to questions from the Sub-Committee, Mr Keegan advised that the venue had been monitored quarterly and had found it to be well managed. No previous breaches had been identified. He further advised that the dates and times of the CCTV footage viewed had been chosen at random. Mr Keegan confirmed that he could not corroborate the ex-police officer's witness statements as the venue's CCTV footage for July had already been destroyed. He added that the venue had stated that if they had been aware of the incidents/allegations earlier they would have kept the CCTV disks for viewing by the City Inspectors. Mr Keegan advised that the Licensing Authority had not

previously objected to the renewal of this licence.

The Sub-Committee heard that the City Inspectors had recently reviewed CCTV images at the applicant's other venue (in Leicester Square) and had found no matters of concern. The City Inspectors were therefore confident that the other premises were being operated in accordance with their licence. Mr Keegan then referred to both the number and nature of the incidents at Platinum Lace and stated that it was clear that there had been a management issue at the premises on these 3 dates. Mr Keegan confirmed that the 9 hours of CCTV viewed was a dip sampling and that the City Inspectors considered that it was possible for the applicant to operate Platinum Lace in accordance with the licence conditions as they did at their other venue.

In response to questions regarding the operation of Platinum Lace, Mr Keegan advised that there was always someone monitoring the CCTV footage who would radio security or management to intervene directly if they saw something concerning on the CCTV screens. Mr Keegan added that there were always security staff and management patrolling the corridors and areas outside of the booths and any incidents were recorded in an incident book. Mr Keegan confirmed that there was a system of tariffs enforced when the rules were broken in the premises.

Mr Keegan confirmed that he had worked for the Council for 29 years and that in his opinion there would be the occasional incidents between a performer and customer due to the nature of the business, however, these incidents would be minimised by good management of the premises. He advised that it would be very unusual for the breaches to be initiated by performers as this would indicate a management problem at the venue.

The Sub-Committee heard the Applicant's Case

Mr Philip Kolvin QC (Counsel, representing Mr Simon Warr), advised that under the Local Government (Miscellaneous) Act 1982 there was the presumption to grant or renew the licence except for the reasons set out in (Para 12(3) Schedule 3 LG (MP)A 1982). He referred to the only ground that could be applicable, namely 'that the applicant is unsuitable to hold a licence by reason of having been convicted of an offence or for any other reason'.

Mr Kolvin introduced Mr Simon Warr, the owner of Platinum Lace (Management) Limited. He advised that Mr Warr was of good character, had no criminal convictions or bankruptcy and had worked in the sexual entertainment industry for 18 years. He had formerly been the European President for Spearmint Rhino and had established the Lap-dancing Association in 2006 to promote best practice in the Industry. Mr Kolvin advised that Mr Warr had established Platinum Lace in 2009 and that he currently owned two venues in Westminster as well as sexual entertainment clubs around the country. Mr Kolvin added that Mr Warr aimed to provide the best customer experience in terms of service and facilities in a well-managed compliant environment and operated in complete openness with all the Responsibility Authorities. Mr Warr called his approach 'Open Book'.

Mr Kolvin stated that Mr Warr had never been subject to a licence review in any

of his clubs because he had strict policies that were enforced by management and security staff. Mr Kolvin made the point that new performers had to sign a contractual agreement, attend an induction course emphasising that 'this was a no touching club' and were paired with experienced dancers to learn the club's culture. He emphasised that the venue's policies were enforced by a series of procedures ranging from mere interventions, financial penalties, verbal and written warnings to the termination of a performer's contract. He advised that there was full CCTV in the venue, which was available to be viewed at any time by the Responsible Authorities.

Mr Kolvin made the point that there was never any trouble in sexual entertainment venues and that the security staff were employed to enforce the rules of the venue. He confirmed that CCTV constantly monitored the booths from the moment the venue opened to the moment it closed. Mr Kolvin advised that during the day shifts (3pm to 8pm) three security guards were employed along with one manager, on Sunday and Monday nights (8pm to close) six security guards were employed along with two managers and on Tuesday to Saturdays (8pm to close) there were 7-8 security guards employed along with two managers. Mr Kolvin stated that mystery shoppers were also employed who visited the venue monthly to report on any physical contact or any conduct relevant to the licence. Mr Kolvin emphasised that Mr Warr understood the licence conditions, had successfully operated six venues across the country and had no previous issues regarding the renewal of any of his sex establishment licences.

Mr Kolvin referred to the Licensing Authorities objection to the renewal of the sex establishment licence. Mr Kolvin respectfully advised that the physical contact outlined in the 10 most serious and significant contacts/breaches to the licence ranged from two seconds to nine seconds which was momentarily brushing and not in any way performers/customers engaging in sexual activities. He further advised that, in his opinion, it was not clear in some clips if there had been physical contact and in others whether the contact had just been accidental brushing. Mr Kolvin did make the point that there had been some clips showing deliberate touching and that the performers had been reprimanded.

Mr Kolvin advised that the Licensing Authority had not informed the applicant that they had witnessed 454 physical contacts on the CCTV footage: 379 initiated by the performer to the customer and 75 initiated by the customer to the performer until today and the number had come as a complete surprise to the applicant. Mr Kolvin respectfully advised, in considering this number of physical contacts, that the City Inspection Team previously in charge of Sexual Entertainment Venues had not viewed casual brushing as serious or worth remarking on during their inspection visits. Mr Kolvin then made the point that if these short casual accidental brushes were not going to be tolerated now then the venue would adjust their operation.

Mr Kolvin referred to the other objection to the renewal of the sex establishment licence. Mr Kolvin advised that the evidence presented by the objector was hearsay evidence and what was very troubling was that the witnesses' statements were unsigned and the language in both statements was identical. Mr Kolvin made the point that Westminster City Council had taken 400 hours of

CCTV footage over three nights and had uncovered at best very brief casual contact between performer and customer. He added that these men, however, had come into the venue and in one evening had experienced prolonged deliberate sexual contact for a few hours. Mr Kolvin stated that if these witnesses' statements were correct such activity would surely have been discovered during the nine hours of CCTV footage watched by the City Inspectors. Mr Kolvin further advised that the allegations were inconsistent with the records kept by the club (and made no reference to interventions which are recorded by the club for the dates concerned) and completely inconsistent with the conduct of all of the applicant's venues over the past nine years. He described the evidence as an aberration. Platinum Lace had strict policies and procedures in place that included the training of performers and the recording and monitoring of activities within the club. Mr Kolvin stated that the objection was served after the 31 day retention period for CCTV footage had lapsed and it was difficult to understand why the incident not been reported straight away if there had been genuine concern for the performers so the CCTV footage could be viewed by all parties.

Mr Kolvin stated that it appeared that Westminster's operators were turning against each other and hoped that this would discontinue as all sexual entertainment venues had to operate within the licence conditions. Mr Kolvin confirmed that Mr Warr had been distressed about the allegations against Platinum Lace and Mr Warr wanted the Sub-Committee to know that he was dedicated to compliance and managing the venue to the highest standard.

In response to questions from the Sub-Committee, Mr Warr advised that there had been approximately 22 dismissals at Platinum Lace over the past 12 months for a number of different reasons and approximately 10 dismissals at his other venue. Mr Warr advised that he was embarrassed by the high number of incidents uncovered by the CCTV footage but emphasised that the venue had operated to a standard agreed by Westminster City Council. He further advised that the mystery shopper scheme had been very useful and had identified potential breaches of the licence conditions that had been eliminated by the termination of the performer's contracts.

In response to questions regarding the 454 physical contact incidents witnessed on the CCTV footage, Mr Kolvin advised that it was difficult to account for the incidents as this was the first time they had been mentioned today. Mr Kolvin made the point that if the 10 incidents listed were the most serious, and it was difficult to see actual physical contact on some of the 10 clips, then the other incidents would be less serious. He suggested that the experienced City Inspectors who had previously visited the venue would have looked at the same CCTV footage and considered that there was nothing of concern within the clips. Mr Kolvin confirmed that he could not provide a response on the 454 clips as he had not seen or known about them until today. Mr Kolvin further confirmed that the venue was very happy to comply with this stricter approach to the licence conditions.

The Sub-Committee asked for an explanation about the 374 incidents witnessed on the CCTV that had been initiated by the performers. Mr Kolvin advised that there was a massive difference between a performer who sat down on a

customer lap or put their breasts into a customer face to the kind of conduct that had been viewed in the clips from Platinum Lace where there was only slight contact (brushing) in the majority of the 10 most serious incidents identified by the inspectors.

The Sub-Committee further asked about the two witnesses' statements from the ex-police officers who the Sub-Committee considered were credible witnesses. Mr Kolvin advised that it was regretful that the witnesses were unable to attend the hearing but emphasised that the witnesses' statements had not been signed, were hearsay and Mr Warr believed that they had been paid for by a rival competitor to deliberately damage Platinum Lace. Mr Kolvin made the point that the statements were completely contrary to all the systems, procedures and management style in Mr Warr's clubs and therefore it was very difficult to understand how over a 2 hour period there had been consistent serious breaches of the venue's rules that had not been identified in any other evidence produced against the club.

In response to questions from the Sub-Committee, Mr Keegan advised of his visit to the venue, the viewing of the CCTV and the conversation he had with staff who considered slight brushing as accidental and not deliberate contact. Mr Keegan confirmed that the licence conditions were clear that during Regulated Entertainment there should be no physical contact between the performers and customers. Mr Keegan further confirmed that he stood by the 454 incidents of physical contacts witnessed on the CCTV footage and that the 10 incidents listed in the witness statement were the most serious breaches to the licence conditions.

In response to questions from Mr Panto, Mr Kolvin advised that the performers identified in the statements produced by the ex-police officers had been spoken to but could not recall the incidents, but they had confirmed that they did not conduct themselves in the manner described in the witnesses' statements. Mr Kolvin confirmed that none of the performers identified in the statements had been dismissed. Mr Panto asked some further questions about the charging regime as he wondered whether a customer's expectation of what might be involved in the performance would vary depending on the amount being charged, especially as the charges varied from £20 to £600. Mr Kolvin further advised that performers charged £20 for a 3 minute dance and up to £600 for one hour for a sit down with a performer.

Mr Jessop was given the opportunity to make some closing remarks and advised that it was his view that Mr Kolvin had not taken the allegations contained in the witnesses' statements seriously and emphasised that the witness statements had come from ex-police officers who knew that making up evidence was very serious and a criminal offence. Mr Jessop further made the point that serious breaches had taken place at the venue that had been corroborated by the Licensing Authority and that 374 incidents of physical contact initiated by performers indicated management failure in the venue. When making his closing remarks, Mr Kolvin emphasised that Mr Warr was not a rule breaker and there was no question of Mr Warr knowingly permitting breaches of the licence conditions. He advised that Mr Warr had a good reputation in the industry and was very willing to work with the Council to ensure

both his venues operated in the appropriate and expected manner set out in the sex establishment licence.

The Sub-Committee had regard to all the submissions made at the hearing and to all the written documentation that had been submitted, including the statement and exhibits from Kenny Favel, the Director of Operations and the General Manager at Platinum Lace. Everyone present at the hearing was aware that the applicant had expressed a clear view as to who the “anonymous” objection had come from, the suggestion being that it was a competitor to Platinum Lace. However, at no point did Mr Jessop confirm that view. The Chairman had made it clear, therefore, that he wanted the applicant to concentrate on the actual evidence that had been presented about the alleged breaches at the premises. Mr Kolvin respected that view in presenting the case for his client but questioned the weight that could be attached to the evidence submitted by the two ex-police officers, calling that evidence an aberration compared to the evidence submitted by the licensing authority itself. There was a clear suggestion on the part of the applicants that they had been “set up” by the anonymous objector.

The Sub-Committee considered that there had been clear breaches of the conditions at the premises and emphasised that the licence conditions were not open to interpretation and that no touching meant ‘no touching’. If there had been any doubt about that in the past it would be clear going forward so as to ensure that there was absolutely no doubt about the requirements of the licence.

The Sub-Committee considered that the evidence from the ex-police officers was credible (in the sense that the members did accept the truth of what the officers had witnessed) though it was also noted that there was no reference to alleged interventions by the Platinum Lace security staff. However, the Sub-Committee was most concerned as to why it had not been submitted earlier in view of the serious nature of the breaches identified in the witness statements and therefore gave it less weight than might have been the case if it could have been corroborated by both the applicant and the Licensing Authority. As it was, the evidence of the two ex-police officers did appear to be an aberration (as suggested by Mr Kolvin) compared to the evidence obtained by the licensing inspectors from viewing a considerable amount of CCTV footage thereafter.

In deciding to renew the SEV licence for Platinum Lace, the Sub-Committee wanted to emphasise that that the decision was based on the evidence as submitted and not on the basis that Platinum Lace had been “set up”. The Licensing Sub-Committee made no specific finding on that point other than to recognise that the allegations were being made.

Having regard to the entirety of the evidence, the members were of the view that the threshold for revocation had not been reached, despite the fact that there were a large number of undisputed breaches that had been identified on the CCTV viewed by the licensing inspectors. Very few of these appeared to be of a particularly serious nature and none of them bore any resemblance to the evidence submitted by the ex-police officers. On one of the three dates no breaches were identified at all and an analysis of the evidence of the 10 incidents presented to the Sub-Committee, which were described as the most serious breaches identified from the CCTV footage, indicated that the physical

touching ranged from 2 seconds to 9 seconds.

The operator had acknowledged the breaches that had taken place but was surprised at the number of the alleged breaches observed by the licensing inspectors (though this data was only given by the licensing service at the hearing itself) and had given evidence of how the premises was managed and the actions that were taken when breaches had been identified (including evidence regarding interventions by security staff and of the dismissal of a number of the entertainers). It was also noted that there was no evidence of any breaches at the other Platinum Lace premises situated at 14, Leicester Square.

In the final analysis, the Licensing Sub-Committee did retain confidence in Simon Warr, the owner of Platinum Lace. They recognised his active role within the business and accepted that he had a leadership role as a regulator of the industry itself. There had been no prior allegations against his premises that had resulted in objections being lodged to the renewal of any of his licences in Westminster. Breaches had been identified and admitted but it was considered that the clear indication that no touching was to be allowed under any circumstances would be understood and complied with going forward. There was an expectation on the part of the members of the Licensing Sub-Committee that random viewings of the CCTV at the premises would be undertaken by the licensing inspectors and the Sub-Committee wanted to make it absolutely clear that any further breaches of the no touching rule would be taken very seriously indeed, even if the evidence of those breaches was similar to the evidence presented at this hearing. It was possible that similar breaches in the future might result in the licence not being renewed or in the licence being revoked.

For the record, the members of the Licensing Sub-Committee wanted to emphasise that this decision, as with all decisions, has been taken on its individual merits and is based on the evidence presented to the Sub-Committee regarding the renewal of the licence for these particular premises. It is also based on the individuals who are involved in the running of these premises and the responses that they have given to the allegations made and the further questions posed at the hearing itself. This is not a precedent in relation to any other premises in Westminster and it must not be assumed that a similar decision will be reached if similar allegations are made in relation to other SEV premises within Westminster. Any other matter that arises will also be dealt with on its individual merits.

The Sub-Committee confirmed that the Licence was renewed subject to the Standard Conditions applicable to licences for sex establishments in Westminster as prescribed by the Council pursuant to Paragraph 13 of Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982.

The Meeting ended at 2.35 pm

CHAIRMAN: _____

DATE _____

