



CITY OF WESTMINSTER

MINUTES

Licensing Sub-Committee (6)

MINUTES OF PROCEEDINGS

Minutes of a meeting of the **Licensing Sub-Committee (6)** held on **Wednesday 7th July, 2021**, Rooms 18.01 - 18.03 - 18th Floor, 64 Victoria Street, London, SW1E 6QP.

Members Present: Councillors Tim Mitchell, Heather Acton and Aziz Toki

1. MEMBERSHIP

There were no changes of Membership.

2. DECLARATIONS OF INTEREST

THERE WERE NO DECLARATIONS OF INTEREST.

1. THE BOX, 11-12 WALKER'S COURT, LONDON, W1F 0ED

LICENSING SUB-COMMITTEE No. 6

Wednesday 7 July 2021

Membership: Councillor Tim Mitchell (Chairman), Councillor Heather Acton and Councillor Aziz Toki

Legal Adviser: Horatio Chance
Policy Officer: Kerry Simpkin
Committee Officer: Sarah Craddock
Presenting Officer: Karyn Abbott

Objections: Licensing Authority

Present: Mr Craig Baylis (Counsel, representing Mr Aasim Chaudhri), Mr Aasim Chaudhri (Applicant, representing Too 2 Much Ltd) and Mr Kevin Jackaman (Licensing Authority)

The Box, 11-12 Walker's Court, London, W1F 0ED

21/00868/LISEVN

1. New Sexual Entertainment Venue Premises Licence

The application was for a new sexual entertainment venue Premises Licence made by Too 2 Much Ltd to operate the Premises as a sexual entertainment venue between the hours of 09:00 to 04:00 on each of the days Monday to Saturday and 09:00 to 00:30 on Sundays.

Amendments to application advised at hearing:

None

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

Ms Karyn Abbott, representing the Licensing Service, introduced the report. She advised that this was an application for a new sexual entertainment venue Premises Licence made on behalf of the applicant, Too 2 Much Limited. She further advised that they had received one representation from the Licensing Authority.

Mr Baylis, representing the applicant, advised that the Premises had been operating as a sex establishment since 2012 and following the grant of the sex establishment licence, annual renewal applications on behalf of the applicant, Too 2 Much Limited, had been submitted and granted by the Licensing Sub-Committee in 2014 and granted under delegated authority in the subsequent years. Mr Baylis advised that the licence had expired on 2 December 2020 and had not been renewed due to the Applicant forgetting to do so as the Premises had been closed for redevelopment to enhance the customer's experience. The Sub-Committee noted that the Premise would re-open in September 2021.

Mr Baylis advised that the Premises had not received any complaints or objections from local residents and the Police were content with the management of the Premises. The Sub-Committee also heard how the surrounding area had been cleaned up and regenerated.

Mr Kevin Jackaman, representing the Licensing Authority, advised that the Premises had previously been licenced as a sexual entertainment venue licence. He confirmed that annual renewal applications had been submitted and granted every year until December 2020 when the Applicant had forgotten to renew the licence. This application was therefore for a new sexual entertainment venue Premises licence.

Mr Jackaman advised that the Licensing Authority had considered the application and deemed it appropriate to raise an objection in relation to it in order that the application could be determined by the Licensing Sub Committee in accordance with the Sexual Entertainment Venues – Schedule of Delegation as set out at appendix 1 of Westminster’s SEV Statement of Licensing Policy 2012.

Mr Jackaman further advised that the Licensing Sub Committee need to determine whether the layout, character and condition of premises are appropriate for the grant of a sexual entertainment venue licence in accordance with Policy LO3. In this regard, when determining this application, the Licensing Sub Committee will need to take into consideration several factors, namely the locality of the venue and its surrounding premises such as schools and places of worships.

The Sub-Committee noted that the number of sexual entertainment venues permitted within the Council’s Policy had not been exceeded and that there had been no complaints made regarding the Premises.

The Sub-Committee in its determination of the matter had regard to all the oral submissions made at the hearing and to all the written documentation that had been submitted. The Sub-Committee noted that there had been no local objections or breaches of the Premises Licence.

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

Standard Conditions

1. Whilst Relevant Entertainment is taking place no person under the age of 18 shall be on the licensed premises and a clear notice to that effect shall be displayed at the entrance in a prominent position so that it can be easily read by persons entering the premises.
2. Whenever persons under the age of 18 are admitted to the premises there will be no promotional or other material on display within the premises which depicts nudity or partial nudity.
3. The licence or a clear copy shall be prominently displayed at all times so as to be readily and easily seen by all persons using the premises.
4. No provision of relevant entertainment, or material depicting nudity or relevant entertainment, shall be visible from outside the premises.

	<p>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.</p> <p>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.</p> <p>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.</p> <p>8. Adequate toilets, washing and changing facilities for use by the Performers shall be provided.</p> <p>9. Either the licence holder or a named responsible person shall be present throughout the time the Relevant Entertainment takes place.</p> <p>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.</p> <p>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.</p> <p>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:</p> <ul style="list-style-type: none"> (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
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- equipment;
- (g) any refusal of the sale of alcohol;
- (h) any visit by a relevant authority or emergency service;
- (i) any breach of licence conditions reported by a Performer.

13. The licence holder shall produce a Code of Conduct setting out rules and obligations between the licence holder and performers whilst performing. All Performers shall sign the Code of Conduct in their proper name acknowledging that they have read, understood and are prepared to abide by the said Code of Conduct, and a copy so signed shall be retained by the licence holder and shall be readily available for inspection by the Police and/or authorised persons upon reasonable request.
14. Individual records shall be kept at the premises of the real names, stage names and addresses of all Performers working at the premises. The record will include either a copy of their birth certificate, current passport, EU driving licence or national identity card and shall be made immediately available for inspection by the Police and/or the Licensing Authority upon request.
15. Details of all work permits and/or immigration status relating to persons working at the premises shall be retained by the licence holder and be readily available for inspection by the Licensing Authority, a Police Officer or Immigration Officer.
16. Relevant Entertainment shall be given only by Performers and the audience shall not be permitted to participate in the relevant entertainment.
17. There shall be no physical contact between Performers whilst performing.
18. Performers will not request or give out any telephone number, address or any other contact information from or to any customer. Any such information given by a customer shall be surrendered to the premises manager as soon as is practicable.
19. Relevant Entertainment shall take place only in the designated areas approved by the Licensing Authority as shown on the licence plan. Arrangements for access to the dressing room shall be maintained at all times whilst Relevant Entertainment is taking place and immediately thereafter.
20. Customers must remain fully clothed at all times. The Performer must not remove any of the customer's clothing at any time.
21. Where Relevant Entertainment is provided in booths, or other areas of the premises where private performances are provided, the booth or area shall not have a door or other similar closure, the area shall be constantly monitored by CCTV, and access to the booth or other area shall be adequately supervised.

22. Whenever Relevant Entertainment is being provided there shall be no physical contact between Performers and customers or between customers and Performers except for the exchanging of money or tokens at the beginning or conclusion of the performance and only for the purpose of that performance. Clearly legible notices to this effect shall clearly be displayed in each private booth and in any performance area.

23. Performers must redress fully immediately after each performance.

Additional Conditions

24. At least one SIA registered door supervisor shall be permanently employed in the first floor licensed area of the premises and at least one permanently employed in the area providing entrance to the basement area. In addition, on such occasions that both floors are used for nude cabaret or nude table side dancing two additional door supervisors shall be so employed.

25. In the first-floor theatre and basement area (a) nude cabaret may be provided and (b) nude table side dancing may be provided. For the avoidance of doubt, nude table side dancing is the performance of dance, either nude or partially nude, for customers seated at a table.

26. The number of persons permitted in the premises (excluding staff) shall not exceed 288 at any one time.

27. Notwithstanding standard condition 17, necessary contact in order to perform skilled dance or acrobatic routines is permitted.

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

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

30. Curtains and hangings shall be arranged so as not to obstruct emergency signs.

31. 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.

32. 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.

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

	<p>34. 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.</p> <ul style="list-style-type: none">i. pyrotechnics including fire worksii. firearmsiii. lasersiv. explosives and highly flammable substancesv. real flamevi. strobe lighting <p>35. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.</p>
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