



CITY OF WESTMINSTER

# MINUTES

## Licensing Sub-Committee (6)

### MINUTES OF PROCEEDINGS

Minutes of a meeting of the **Licensing Sub-Committee (6)** held on **Thursday 25th May, 2023**, Rooms 18.01 - 18.03 - 18th Floor, 64 Victoria Street, London, SW1E 6QP.

**Members Present:** Councillors Robert Eagleton (Chair), Concia Albert and Jim Glen

#### 1. MEMBERSHIP

1.1 There were no changes to the Membership.

#### 2. DECLARATIONS OF INTEREST

2.1 There were no declarations of Interest.

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

#### WESTMINSTER CITY COUNCIL LICENSING SUB-COMMITTEE NO. 2 ("The Committee")

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#### Thursday 25 May 2023 – Item 1

Membership: Councillor Robert Eagleton (Chair) Councillor Concia Albert and Councillor Jim Glen

Officer Support:      Legal Adviser:              Vivienne Walker  
                                 Policy Officer:              Daisy Gadd  
                                 Committee Officer:        Sarah Craddock  
                                 Presenting Officer:        Emanuela Meloyan

Other Parties:        Mr Munkhsaikh Davaakhuu (Leaseholder) and Ms Sally Fabbriatore (Environmental Health Service)

Application for New Premises Licence in respect of Eight Golden Horses 120-122 Horseferry Road London SW1P 2EF 23/01381/LIPN - Item 1

#### Full Decision

## **Premises**

Eight Golden Horses  
120-122 Horseferry Road  
London SW1P 2EF

## **Applicant**

Miss Chimedtseren Odongerel

## **Ward**

St James's

## **Cumulative Impact Zone**

N/A

## **Special Consideration Zone**

N/A

## **Activities and Hours applied for**

### **Sale by Retail of Alcohol (On and Off Sales)**

Monday to Thursday 09:00 to 23:30 hours

Friday to Saturday 09:00 to 00:00 hours

Sunday 09:00 to 22:30 hours

**Seasonal Variations:** On Sundays immediately prior to a bank holiday 09:00 to 00:00 hours. On New Year's Eve licensable activities may take place from the end of permitted hours until 04:00 on the following day.

### **Hours Premises are Open to the Public**

Monday to Saturday 06:30 to 23:00 hours

Sunday 07:30 to 22:30 hours

**Seasonal Variations:** On Sundays immediately prior to a bank holiday 09:00 to 00:00 hours. On New Year's Eve licensable activities may take place from the end of permitted hours until 04:00 on the following day.

## **Summary of Application**

This is an application for a New Premises Licence. The Premises currently operate as a restaurant. They serve tea, Monmouth Coffee and English Breakfast in the morning and Japanese and Mongolian national dishes during lunch and in the evenings. There is a resident count of 206.

## **Representations Received**

- Environmental Health Service
- Metropolitan Police Service (Withdrawn)

- Octavia House Resident's Association
- Six local residents

### **Summary of objections**

- The neighbours are already having very high concerns about anti-social behaviours in the area.
- We notice everyday anti-social behaviour associated with use of alcohol and drugs around the building.
- Already the permission for tables and chairs has affected the area.
- We are concerned that the permission for selling alcohol will affect the area.
- I do not think it would be safe for this property to have an alcohol licence.
- The premises operate mainly as a café. They are seldom open in the evenings.
- Daytime provision of alcohol would not be safe given and older school children passed the premises in the evening.
- The consumption of alcohol can lead to an increase in volume of speech, laughter and other displays of enjoyment. This needs to be carefully balanced against the ability of nearby residents to have the peaceful enjoyment of their own dwellings.
- The period between 8 p.m. and midnight will often be critical to residents and their children who will be seeking to rest and sleep.
- The application gives the impression that it is only so that customers may enjoy alcohol with their meals. However, with the bar clearly delineated on the plan and tables provided outside, this simply becomes another drinking establishment.
- In the evenings and at weekends the area is residential and quiet, I feel this will encourage noise and anti-social behaviour and annoy the neighbourhood.
- At present the premises applying to run as a café where all age group can go, how can it now become a place which serves alcohol?
- There are secondary school age children who pass this road and go into these shops.
- I feel the application would not be of any benefit to the local area.

### **Policy Positions**

#### **RNT1**

Applications outside the West End Cumulative Impact Zone will generally be granted subject to: 1. The application meeting the requirements of policies CD1, PS1, PN1 and CH1. 2. The hours for licensable activities being within the Council's Core Hours Policy HRS1.

#### **HRS1**

Applications for hours outside the core hours will be considered on their merits, subject to other relevant policies and with particular regard to the following:

1. The demonstration of compliance in the requirements of policies CD1, PS1,PN1 and CH1 associated with the likelihood of the effect of the grant

of a Licence for later or earlier hours on crime and disorder, public safety, public Nuisance and the protection of children from harm.

## **SUBMISSIONS AND REASONS**

Ms Emanuela Meloyan Senior Licensing Officer outlined the application to the Sub-Committee. She advised that representations had been received from the Environmental Health Service, Octavia House Resident's Association and six local residents. She confirmed that the Metropolitan Police Service had withdrawn their representation and that no Interested Parties were at the meeting. She advised that the Premises are located within the St James's Ward but not within the Cumulative Impact Zone or the Special Consideration Zone. She confirmed that the additional submissions from the Applicant and the Interested Parties had been circulated to the Sub Committee.

Mr Munkhsaikhan Davaakhuu (Leaseholder) on behalf of the Applicant outlined the application before the Sub-Committee. He explained that this was a small café with a capacity for 18 people to sit inside and for 14 people to sit outside of the Premises. He explained that the Applicant was applying for the Premises Licence because they needed to bring in extra revenue due to the impact of covid and the increase in business rates. He advised that they sold Japanese and Mongolian national dishes during lunch and in the evenings and that they wished to offer their customers the opportunity to have a small beer (between £6-£8) or a bottle of sake (£18-£25) with their meal. He stated that the Applicant was aware of the anti-social behaviour in the area and worked with the other Premises in the area and the Metropolitan Police Service to reduce the public nuisance.

In response to questions from the Sub Committee, Mr Davaakhuu advised that the café would operate within the Council's Core Hours Policy, and he was happy that the tables and chairs outside of the Premises were rendered unusable at 21:00 hours. He outlined that the café sold good quality coffee and their meals were around £8 each. He confirmed that the café had CCTV.

Ms Sally Fabbriatore, representing the Environmental Health Service (EHS), advised that EHS had maintained their representation in regard to the Public Nuisance concerned raised by residents and to be at the meeting to answer the Sub Committee questions. She confirmed that the Council's Model Condition MC38 would be attached to the Premises Licence so alcohol could only be served with food and that off sales of alcohol could only be made with the purchase of a takeaway meal. She stated that residents were concerned about the operation of the outside area late into the night however, their concerns should now be alleviated as the Applicant had agreed to stop serving outside at 21:00 hours. She advised that the EHS were content with the application and that the Applicant had agreed to all their proposed conditions.

## **Conclusion**

The Sub-Committee considered the application on its individual merits. In reaching their decision, the Sub-Committee took into account all the committee papers, supplementary submissions made by the Applicant, and the oral evidence given by all parties during the hearing in its determination of the matter.

The Sub-Committee was satisfied that, in accordance with the Licensing Act 2003, Home Office Guidance and on the evidence before it, it was appropriate and proportionate, in all the circumstances, to **GRANT** the application.

The Sub-Committee took into consideration that conditions had been agreed with the Environmental Health Service who were satisfied with the application. The Sub Committee further noted that the Police Service had withdrawn their representation and that the Premises were not located in a stress area or a special consideration zone. The Sub-Committee noted that the application had been made within the Council's Core Hours Policy and that the Council's model condition MC38 that alcohol could only be served with food would be attached to the Premises Licence.

The Sub-Committee concluded based on the evidence and the agreement by the Environmental Health Service that they no longer had concerns with the application, together with the offer of conditions would ensure the application would not undermine the licensing objectives.

In reaching its decision, the Sub-Committee concluded that the conditions attached to the licence would alleviate the residents' concerns and were appropriate and would promote the licencing objectives.

Having carefully considered the committee papers and the submissions made by all the parties, both orally and in writing, **the Committee has decided**, after taking into account all the individual circumstances of this application and the promotion of the four licensing objectives to **grant** the application with the following permissions:

1. To grant permission for the **Sale by Retail of Alcohol** (On and Off Sales)  
Monday to Thursday 09:00 to 23:30 hours Friday to Saturday 09:00 to 00:00 hours Sunday 09:00 to 22:30 hours

**Seasonal Variations:** On Sundays immediately prior to a bank holiday 09:00 to 00:00 hours. On New Year's Eve licensable activities may take place from the end of permitted hours until 04:00 on the following day.

2. To grant permission for the **Opening Hours for the Premises to the Public**  
Monday to Saturday 06:30 to 23:00 hours and Sunday 07:30 to 22:30 hours

**Seasonal Variations:** On Sundays immediately prior to a bank holiday 09:00 to 00:00 hours. On New Year's Eve licensable activities may take place from the end of permitted hours until 04:00 on the following day.

3. That the Licence is subject to any relevant mandatory conditions.

4. That the Licence is subject to the following conditions imposed by the Committee which are considered appropriate and proportionate to promote the licensing objectives.

**Conditions imposed by the Committee after a hearing with the agreement of the Applicant**

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

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

10. The supply of alcohol shall be by waiter or waitress service only.
11. The number of seated persons inside and outside the premises (excluding staff) shall not exceed 30 persons.
12. Substantial food and non-intoxicating beverages, including drinking water, shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.
13. Patrons permitted to temporarily leave and then re-enter the premises, e.g., to smoke, shall not be permitted to take drinks or glass containers with them unless seated in an authorised external area.
14. All tables and chairs shall be rendered unusable by 21:00 hours each day.
15. All sales of alcohol for consumption off the premises shall be in sealed containers only and shall not be consumed on the premises.
16. Sales of alcohol for consumption off the premises shall only be supplied with, and ancillary to food that is available to take-away for immediate consumption or delivery.
17. Delivery drivers shall be given clear, written instructions to use their vehicles in a responsible manner so as not to cause a nuisance to any residents or generally outside the license premises; not to leave engines running when the vehicles are parked; and not to obstruct the highway.
18. No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.

19. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
20. A direct telephone number for the manager at the premises shall be publicly available at all times the premises are open. This telephone number is to be made available to residents and businesses in the vicinity.
21. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
22. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 23.00 hours and 08.00 hours on the following day.
23. No deliveries to the premises shall take place between 23.00 and 08.00 hours on the following day.
24. No collections of waste or recycling materials (including bottles) from the premises shall take place between 23.00 and 08.00 hours on the following day.
25. During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that this area shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business.
26. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises are open for licensable activities and during all times when customers remain on the premises and will include the external area immediately outside the premises entrance. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31-day period.
27. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
28. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police, which will record the following:
  - (a) all crimes reported to the venue
  - (b) all ejections of patrons

- (c) any complaints received regarding crime disorder
- (d) any incidents of disorder
- (e) any faults in the CCTV system
- (f) any refusal of the sale of alcohol
- (g) any visit by a relevant authority or emergency service.

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

**This is the Full Decision of the Licensing Sub-Committee which takes effect forthwith.**

**The Licensing Sub-Committee  
25 May 2023**

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

This application was Granted under Delegated Authority.

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

**WESTMINSTER CITY COUNCIL LICENSING SUB-COMMITTEE NO. 6**  
**("The Committee")**

**Thursday 25 May 2023 – Item 3**

Membership: Councillor Robert Eagleton (Chair),  
Councillor Concia Albert and Councillor Jim Glen

Officer Support:      Legal Adviser:              Viviene Walker  
                                 Policy Officer:              Daisy Gadd  
                                 Committee Officer:        Sarah Craddock  
                                 Presenting Officer:        Emanuela Meloyan

Other Parties:        Mr Gary Grant (Counsel for the Applicant), Mr Luke Elford and Heidi Lawrence (John Gaunt and Partners), Mr Manpal Clair (Director of the Applicant Company), Mr Andrew Bamber (Compliance Consultant to the Applicant Company), Dr Philip Hadfield (Consultant), Stephen Pantling (Proposed General Manager), Mr James Rankin (Counsel for the Metropolitan Police Force), PC Steve Muldoon and PC Reaz Guerra, Mr Richard Brown (Solicitor, Westminster's Citizens Advice representing the 4 objectors), Objector 1, 2 witnesses on behalf of objector 1 and Objector 3 and Objector 4.



**Application for a Renewal of a Sex Establishment Licence in respect of Vanity Bar and Nightclub 4 Carlisle Street London W1D 3BJ 22/11772/LISEVR**

**FULL DECISION**

**Premises:**

Vanity Bar and Nightclub  
4 Carlisle Street  
London W1D 3BJ

**Applicant**

Vanity License Limited

**Ward**

West End

**Summary of Application**

This is an application for the renewal of a Sex Establishment Licence (Sexual Entertainment Venue) under Schedule 3 of the Local Government Miscellaneous Provisions Act 1982 as amended (LG(MP)A1982) for the Premises known as Vanity Bar and Nightclub, 4 Carlisle Street, London W1D 3BJ. The Basement to First Floor of the Premises has operated as a sex establishment (Sexual Entertainment Venue) since 2012. The Premises are located in Westminster core CAZ North.

There is a resident count of 135.

There was a transfer of the Licence in 2020 which was renewed on 30 November 2021 and was granted under delegated authority. This Licence reference 21/13871/LISEVR expired on 15 December 2022. The Premises also have the benefit of a Premises Licence. Reference 20/03227/LIPT.

On 8 December 2022, Vanity License Limited submitted an application to renew the Sex Establishment Licence to continue to operate the Premises as a Sexual Entertainment Venue. The Licence permits relevant entertainment Monday to Saturday from 09:00 to 03:00 hours and Sunday from 09:00 to 23:00 hours.

**Representations Received**

- Metropolitan Police Service (PC Reaz Guerra)
- Five Interested Parties.

**Issues raised by Objectors**

- It is believed that there have been numerous breaches of the conditions on both SEV Licence and Premises Licence.

- The nature and severity of the alleged breaches raises serious concerns with the Police regarding the licence holder's ability to operate the premises in line with the conditions attached to the SEV Licence.
- The conduct of staff and customers, the disruption and noise plus the safety concerns have steadily got worse over the years and is now intolerable.
- The noise continues every night until 4 a.m. as pedicabs and the last customers who hang around and staff leave.
- The amount of violent or abusive incidents that occur on a regular basis is worrying.
- I am aware of a steady deterioration of the quality of life in Carlisle Street.
- The noise generated immediately in front of the building which the residents have itemised and reported in Licensing hearings since 1989 has never abated.

### **Policy Position**

#### **Suitability of Applicant – SU1**

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

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

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

#### **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.

#### **Character of the relevant locality – LO1**

Carlisle Street is a small cul-de-sac with not through traffic.

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

The main use of the premises in the immediate vicinity is residential with a few licensed premises (under the Licensing Act 2003). Within a 100-metre radius of the premises, there is a resident count of 135. There are no other SEV premises or schools within 100 metres of the premises. There is one place of worship within 100 metres of the premises.

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

The premises have its main entrance on Carlisle Street. The basement, ground and first floors are included within the licensable areas for Relevant Entertainment purposes.

## **SUBMISSIONS AND REASONS**

Ms Emanuela Meloyan, Senior Licensing Officer, outlined the application to the Committee. She advised that representations had been received from the Metropolitan Police Service and five Interested Parties. She advised that the Premises are located within the West End Ward and the Westminster core CAZ North. She confirmed that the additional submissions from the Applicant, the Metropolitan Police Service and the Interested Parties had been circulated to the Committee.

Mr Gary Grant, Counsel on behalf of the Applicant outlined the application for the annual renewal of the Sex Establishment Licence for Vanity before the Committee. He stated that Vanity was now compliant with all 14 reopening conditions imposed on its Premises Licence at the Summary Review and that the Responsibility Authorities had met with the new Designated Premises Supervisor (DPS) who would also be the General Manager of Vanity. Mr Grant confirmed that the Applicant had decided not to reopen Vanity until all the new processes, policies and management team were in place with a verifiable compliance regime overseeing the operation.

Mr Grant outlined that sexual entertainment was not to everyone's liking however in a liberal democracy this was not enough to refuse the renewal of this SEV licence. He advised the Committee of the history of the Premises and stated that the Applicant had taken over the Premises in 2014, reopened it after refurbishment in 2015 and that the SEV licence had been successfully renewed without objection in 2016, 2017 2018 and most recently in 2021 and 2022. He emphasised that this was an established business and that although the type of business was not to everyone's taste that in itself was not enough to prohibit it. He added that over 20,000 people visited Vanity annually and it offered a legitimate and lawful source of entertainment for many people (male and female) of all ages and sexual orientation. He advised that although breaches of the SEV licence had taken place there had been no outright prostitution or sexual intercourse or forced labour occurring within the Premises and therefore the breaches were not at the top end of seriousness of breaches. He emphasised that the Applicant had been horrified to learn of the breaches at Vanity and had worked with purpose to resolve matters.

Mr Grant referred to the suitability of the locality for the Premises and stated that Soho had been (and still is to some extent) famously known for its adult entertainment since the 1930s and that this Premises had been operating as a sexual entertainment venue for the past 40 years. He explained that the renewal of the SEV licence had been mainly unopposed however on the occasions the annual renewal of the SEV licence had been opposed there had been residential objections made regarding Public Nuisance. He advised that all the locality submissions made by residents that this was not an appropriate place for this venue had been previously raised on each and every contested renewal application since 2014, and each time the Committee had considered these representations in detail and had decided that the locality point was not a good reason to refuse the renewal of this SEV licence. He added that nothing had now changed to rule that a lap dancing venue was inappropriate in Soho. He outlined that there were two other SEV licences operating within a three minute walk from Vanity and that Vanity was located right in the middle of the West End CAZ North area deemed a suitable location for such venues as stated in the Council's Sexual Entertainment Venues Statement of Licensing Policy.

Mr Grant advised that the Council had already determined through its own SEV Policy that the West End CAZ North was the appropriate place for up to 25 SEV licences. He added that there was nowhere near that number of SEV licences currently operating in this locality. He stated that the Environmental Health Service and the Licensing Authority had not objected to the renewal of the SEV licence as one would expect if it was an inappropriate location, so on policy grounds the Council's own experts in particular the Licensing Authority did not object to the locality of Vanity. He advised that the Public Nuisance issues raised by the objectors were similar to the ones raised during the Summary Review in January 2023 and that the 14 additional conditions attached to the Premises Licence at that hearing had dealt with the Public Nuisance issues. He referred the Committee to page 143 of the Agenda Pack where Mr Watson, Environmental Health Service (EHS) advised that the noise limiter had been signed off by the EHS and he confirmed that they had not objected to the renewal of the SEV licence as there had not been any substantial complaints against the Premises since 11 November 2021, when there had been fighting on the street which did not involve customers from Vanity. He stated that Public Nuisance was not an objective in the renewal of a sex establishment licence.

Mr Grant explained that the Premises use to operate as a full on nightclub and that the Premises Licence permitted the venue to open until 03:30 hours Monday to Saturday and its conditions specifically envisages the venue operating as a 'discotheque'. He advised that the Applicant wished to continue operating this venue as a sex establishment venue, however if he was not permitted to do so he would be forced to revert to operating it as a nightclub. He added that the Applicant had already had several inquiries from nightclub operators offering to purchase the venue and that evidence from both the Council's Responsible Authorities and Mr Andrew Bamber (Compliance Consultant to the Applicant Company) and Dr Philip Hadfield (Consultant) indicated that the impact on residents from SEV establishments were much less than on vertical drinking nightclubs or late night bars. He further added that the SEV licence restricted the capacity of the Premises to 89 patrons whereas the Premises licence alone would allow for a capacity of 175 patrons.

Mr Grant advised that the Applicant had accepted that the pedicabs were a real concern for residents and had demonstrated this by agreeing to the 14 additional conditions being added to the Premises Licence after the Summary Review hearing. He explained that the Applicant was very much in favour that these 14 additional conditions on the Premises Licence be added to the SEV licence to alleviate resident's concerns. Mr Grant highlighted that pedicabs were a problem for the whole of the West End and that although the Council had lobbied central Government on this issue there was still no legislative powers to deal with them. He stated that removing the SEV licence would not resolve the issue of pedicabs and that pedicabs would still operate in the immediate vicinity.

Mr Grant referred to Dr Philip Hadfield's (Consultant) findings contained in the Agenda Pack. He advised that Dr Hadfield had visited the area on a Friday and Saturday night in late January 2023 and the photograph contained at page 329 of the pack clearly indicated pedicabs going into Carlisle Street even when Vanity was closed. Mr Grant also referred the Committee to a photograph that showed a sign located outside of Vanity clearly informing patrons not to engage with pedicabs and

warning them that they were a source of crime and disorder. He advised that there was now a SIA door supervisor employed solely to deter pedicabs from the area because it was not something that the Applicant wanted associated with the Premises.

Mr Grant referred to pages 212 to 227 of the Agenda Pack which contained the following updated policies and procedures: Codes of conduct for dancers and performers, Drug Policy, Noise Management, Welfare and Safeguarding and Pedicabs. He advised that there would also be a dispersal policy, SIA monitoring of the outside area in the future and vehicles would be encouraged to move away from the Premises. He advised that the suggestion of noise outbreak from the Premises was somewhat historical because the Applicant had undertaken a full refurbishment which included extensive noise dampening and the fitting of a noise limiter which has now been recalibrated and checked by EHS on 22 May 2023. He strongly emphasised that the Applicant would arrange regular engagement with residents and that a condition had been imposed on the Premises Licence to have quarterly residential meetings. He added that an invitation had been sent out a week ago for the first meeting and all those who had sent in representations for the Summary Review had been invited via emails/letter.

Mr Grant referred to Dr Hadfield report contained at pages 279 to 338 of the Agenda Pack. Mr Grant requested that the Committee pay particular attention to paragraph 40 of the report (the executive summary). He advised that Dr Hadfield was a leading reliable expert in gaining evidence regarding cumulative impact in licensing policy matters and he had been instructed to consider all the locality points raised by the residents. Dr Hadfield advised the Committee that he had found that although Carlisle Street was a cu de sac many people mitigated that way out of Soho to Oxford Street because of the one way traffic system and that it had been bustling with noisy activity in the early hours of the morning even whilst Vanity was not operating. He advised that it was his belief that Soho was the correct location for SEV licences, and that the Council's Policy had worked in that it had prevented a proliferation of SEV licences throughout Westminster. Dr Hadfield advised that there were certain public safety advantages for Vanity to operate as this part of the street was particularly dark so having an open venue would ensure there were 'eyes on the street'. He added that at the moment there was no natural surveillance and people were walking through dark streets. Mr Grant then emphasised that the Premises were right in the heart of precisely the area where the Council's Policy sets out was appropriate for SEVs.

Mr Grant referred to the CCTV installed in Vanity in 2015. He advised that all the cameras were in the exact positions as they were at the time Westminster Licensing Police Officers had approved them. He outlined that the Applicant and the management of Vanity had assisted the Police with their CCTV request and in no way had obstructed the handover of the CCTV footage. He advised that for seven years the Premises had operated without incident or complaint and that footage was only requested because of the allegations made at the Summary Review. He confirmed that two of the CCTV cameras had not been working due to a water leakage in the first floor flat. He explained that it was absolutely right that there had been correspondence between Mr Elford, the instructing solicitor, requesting a more targeted and proportionate request for CCTV by the Police and that the Applicant had been unfairly treated because asking for 500+ hours of footage downloaded

onto memory sticks was not an easy or quick job. He confirmed that all the CCTV footage was handed over voluntarily once the Applicant had received the proper paperwork and clearly demonstrated breaches to the conditions on the SEV licence. Mr Grant emphasised that the Applicant was not trying to hide the breaches he simply did not know the breaches were occurring in Vanity. Mr Grant advised that PC Muldoon had met with the new DPS and had confirmed that the CCTV was now fully compliant, and the training records were completed and are up to date.

Mr Grant set out the suitability of the Applicant to hold a SEV licence. He referred to the Decision Notice of the Summary Review which stated that Mr Clair was suitable to hold an alcohol and regulated entertainment Premises Licence and promote the licensing objectives including the Prevention of Crime and Disorder because if they had concluded otherwise the Premises Licence would have been revoked which was the Police's request. Mr Grant advised instead the Committee accepted the suggestion of the suspension for three months and imposed a number of conditions on the Premises Licence as well as the removal of the management of Vanity. Mr Grant emphasised that the Licensing Committee on the 9 January 2023 had deemed Mr Clair a perfectly fit and proper person to hold an alcohol and entertainment Premises Licence.

Mr Grant explained that Mr Clair was a 40 year old man who had not been convicted of an offence except for one driving incident. He was a man of good character with no convictions and no cautions against him. He was a reputable businessman, and his family has been involved in this industry since he was a boy. He strongly advised that merely because there have been breaches in Vanity did not mean he was an unsuitable person to manage the Premises. He advised that it was the conclusion at the Summary Review that the spiking of drinks was not occurring at Vanity but at a secondary place after the customers had left the Premises and that it was independent players acting alone. He advised that the Premises would now employ a Welfare Officer to be on duty at all times and that drunkenness was an issue for every licenced Premises within Soho.

Mr Grant advised that the Applicant had been outraged to see the breaches of the conditions of the SEV licence on the CCTV footage and had dismissed the Vanity management team immediately. He outlined that the Applicant manages several venues and due to personal reasons he took his 'eye off the ball' when his baby was born and had left the day to day management to his managers who were experienced and trusted, however, this trust had been misplaced. Mr Grant explained that the Applicant had previously employed a professional compliance team to monitor the activities in the venue but had stopped using the company due to the high cost of it and because the business was in debt because of being closed over covid. Mr Grant highlighted to the Committee that Mr Bamber's report stated that there was not one SEV licence where a dancer had not stepped over the line in order to make more money and these breaches were not unique to Vanity. He outlined that when a dancer did breach the house rules they were immediately dismissed. He emphasised that when there was a compliance regime in place there was no repeated breaches of conditions and that the Applicant had suggested that going forward Mr Bamber's team would make 15 covert visits in the first year to ensure compliance with the conditions of the SEV licence.

Mr Grant called Mr Andrew Bamber (Compliance Consultant to the Applicant Company) to address the Committee. Mr Bamber advised that he met the Applicant in 2017, when he had approached him to develop a compliance system for the Premises. He advised that he had carried out a standard risk assessment which had identified gaps and stress areas in the business and had then supported the Applicant in covert and overt visits. He stated that checks included inspecting signage, checking employment records and for breaches of the house rules.

Mr Grant set out the breaches that had occurred in the Applicant's Premises called the Nags Head located in Tower Hamlets. He advised that the Applicant had authorised an investigation as soon as he had been informed of the breaches that had been spotted on the CCTV and the dancers in question had been immediately dismissed. Mr Grant advised that the Applicant had then asked for dip sampling of CCTV footage of dancers over a month period from 20 August to 24 September 2022, which had shown no further breaches of the conditions of the SEV licence. He emphasised that this indicated that the Applicant proactively dealt with the breaches before the Authorities even notified him of any problems and this incident gave the Licensing Committee at Tower Hamlets the confidence that the Applicant could deal with incidences swiftly.

Mr Grant advised of the new DPS that the Applicant had employed and who had provided a witness statement at page 268 of the Agenda Pack. He outlined that the new DPS had previously operated an SEV licence for 14 years and was enormously experienced in operating a Premises Licence. Mr Grant confirmed that the Applicant is now aware of the problems of the past, and so there was every reason to believe that he would run a tight ship from now on. He confirmed that the Applicant had undertaken all the necessary training. He further advised that the Applicant had employed a new dance manager (house mother) who was previously a former performer at the venue. He outlined how she was married and relied on the income from the Premises. He strongly emphasised that the dancers did not feel that they were exploited and that they resented the patronising attitude that sometimes comes to bear on what they had chosen to do as adults for a living.

Mr Grant emphasised that systems, policies and procedures had now been put in place to ensure there would be no further breaches to the house rules. He outlined there would also be compliance visits to ensure standards were maintained. He emphasised again that the Applicant wished to duplicate the 14 new conditions proposed on the Premises Licence to the SEV licence and there would be quarterly meetings with the residents. He then outlined the additional conditions that the Applicant had agreed to be attached to the current SEV licence upon its renewal which were contained at pages 44 and 45 of the Additional Pack.

The Committee commented that it appeared there had been a widespread culture of disregard for the conditions on the SEV licence because the photographs of the CCTV footage indicated brazen breaches from multiple dancers not individuals in full view of security and management staff with no action being taken. The Committee also considered that the Applicant should have engaged with the residents during the five months that Vanity had been closed to work, in order to alleviate their concerns before the Premises are open to the public.

In response to questions from the Committee, Mr Grant advised that going forward the Applicant would definitely be more involved in all his businesses. He highlighted how CCTV could now be monitored from the Applicant's mobile phone and how the covert visits would ensure standards would be maintained. He advised of the challenges regarding the pedicabs but emphasised that the Applicant should not be punished for something that was out of his control. He emphasised that the breaches were not as serious as say as the venue operating as a brothel. He advised of the experience of the new DPS and General Manager and that the Premises had operated without complaint for seven years. He advised that the Applicant accepted responsibility for everything that has happened under his SEV licence, and he was now putting things right. He advised that the Applicant had made the mistake of trusting others when he had personal issues to deal with and he would not make the same mistake twice. Mr Elford outlined what qualities the Applicant had looked for in the new house mother and that a customer would be immediately asked to leave the Premises if he started touching a dancer. He outlined that there would be a new security team, policies and procedures so the venue would have a completely new culture.

Mr James Rankin, Counsel for the Metropolitan Police Service confirmed that the Police were against the renewal of the SEV licence even though they have had sighting of the CCTV. He outlined that the Police had taken on board that the Applicant had a whole new raft of policies, however, there had been numerous and continuous failings of the conditions of the SEV licence and this behaviour could not be allowed to continue with the Applicant simply coming back to the Licensing Committee with new policies/management and security. He stated that the Police accepted that in some respects their evidence on the 9 January 2023, at the Summary Review had been lacking however what was determined then did not predetermine the decision today.

Mr Rankin referred the Licensing Committee to the Decision Notice of the 9 January 2023, and advised that Mr Grant had cherry picked a line from the decision. He requested that the Committee refer to paragraph 29 of the Decision Notice where it was noted by the Committee that there had been breaches of the condition of the Premises Licence and SEV Licence and although this hearing was conducted under the Licensing Act 2003, the breaches of the SEV licence conditions was good evidence of poor management of the Premises. He advised that Mr Grant had not gone on to paragraph 30 where it had been noted that the breaches of the SEV licence would be dealt with under different legislation and that the findings of this Sub Committee in relation to the Review of the Premises Licence was not to be binding on any other Licensing Sub Committee. It stated instead that this decision should not be used to sway the decision of any other Licensing Sub Committee dealing with the renewal of the SEV licence. He advised that the Committee deliberately avoided making any findings in relation to the breaches of the conditions on the SEV licence save to use them as evidence of poor management. He then referred to the third paragraph under paragraph 21 which stated that this decision was in no way intended to sway or influence any future decision. Mr Rankin advised the Committee that this was entirely the correct approach as the two licences needed to be dealt with under different legislation.



Mr Rankin advised why he had introduced the evidence in relation to the London Borough of Tower Hamlets and the Nags Head and that it had not been to booster the Police's case but because Mr Grant had advised that the Committee had been given the 'full picture' of Mr Clair at the Licensing Committee on the 9 January 2023, and this was not the case. Mr Rankin referred the Committee to page 274, paragraph 54 of the Agenda Pack and read it out to members. He stated that what the paragraph did not mention was that the Applicant had faced an awkward renewal of his SEV licence for the Nags Head in 2017 and that he just narrowly squeaked by and got his SEV licence. He added that the Police considered that the Committee should be aware of this and the incident(s) on the 18 August 2022.

Mr Rankin then referred the Committee to page 232 of the Agenda Pack and reminded Members that Mr Grant had stated that it had just been one dancer that had been touched however this was not what the Licensing Sub Committee at Tower Hamlets had concluded. He advised that they had found a serious breach of standard condition 12 and that there had been intentional sexual contact between the performances and covert Police Officers. He then outlined that the two Police Officers acting on behalf of the Licencing Authority carried out covert test purchases which confirmed that dancers were making repeated intentional sexual contact with customers. He advised that the Committee did however grant the renewal of the SEV licence as Mr Clair had committed to enforce the standard conditions and cooperate with licencing officers in the future and in particular not to obstruct the viewing of CCTV footage, including the viewing of CCTV in the course of random checks by the Licensing Officers. He emphasised that Mr Grant omitted to inform the Committee sitting on the 9 January 2023, of this and how Mr Clair now faces an application to revoke this SEV licence for precisely what happened on the 18 August 2022.

Mr Rankin set out that the Applicant had decided to do CCTV dip sampling to determine whether the performers had been breaching the no touching conditions in a fairly substantial way. He advised that this could just be good management or concern for the dancers, or it could be that the Police Officers that did the regulatory check on the 18 August 2022, had been clocked by the management of the Nags Heads. The Applicant then as a result of this contacted Mr Bamber so they were able to come before the Committee and say that they had discovered the breaches themselves before the regulatory or enforcement proceedings by the London Borough of Tower Hamlets. Mr Rankin emphasised that the Police believe the opposite and referred the Committee to the Police's statements contained at pages 158,159 and 161 of the Agenda Pack. He advised that he did not know how Mr Bamber could say these two Police Officers were drunk because the hearing to consider the renewal application had been adjourned so this was untested evidence.

Mr Rankin advised that if the Applicant had discovered the breaches himself and it is to be believed that he was concerned about them (maybe he had already dismissed Mr Bamber by then) why had he not carried out dip sampling at Vanity because if he had, he would have discovered that in embedded in Vanity was a culture of breaches of touching that went way beyond just casual contact which the CCTV footage would clearly demonstrate to the Committee. Mr Rankin advised that after Mr Bamber was dismissed, within that six month period, standards slipped and when they viewed the evidence it would indicate that it was not just on one occasion it was actually

embedded in every single one of the girls because every single girl that appeared on the CCTV was indulging in behaviour that went way beyond casual touching.

Mr Rankin emphasised that there was seven minutes of CCTV footage to show the Committee which needed to be played in closed session. The TEAMS Live EVENT was switched off and the Press and Public were asked to leave the gallery.

The seven minutes of CCTV footage was then played to the Licensing Committee and all parties present at the hearing. Mr Rankin highlighted to the Committee the breaches of the conditions that had taken place in Vanity whilst the CCTV footage was being played to all parties.

Mr Rankin advised that at some stage the cameras had been moved or their angles tilted so that all areas of the club were not covered by CCTV. Mr Rankin then outlined the conditions of the SEV licence that he believed had been breached:

- Condition 10 (CCTV had been removed or titled and did not cover the whole of the Premises)
- Condition 16 (relevant entertainment should be given only by performers and the audience should not be permitted to participate in the relevant entertainment)
- Condition 17 (there shall be no physical contact between performers performing)
- Condition 20 (customers must remain fully clothed)
- Condition 21 (booths shall be constantly monitored by CCTV)
- Condition 22 (there shall be no physical contact between the performer and customers except for the exchange of money or tokens)
- Condition 35 (there shall be at least one SIA on duty on every floor where relevant entertainment is provided for the entire time the relevant entertainment is provided)

Mr Rankin referred the Committee to PC Muldoon's statement on page 6, Mr Guerra's statement on page 63 and David Morgan's statement on page 170 of the Agenda Pack. He advised that the CCTV footage was obtained but not without difficulty and he added that he did not want Mr Grant to champion this as something that the Applicant should be rewarded for doing. He emphasised that it had been a struggle to get hold of the CCTV footage and that eventually the Applicant had no option but to give the Police the footage. He added that this was not the behaviour expected of a SEV Licence Holder.

Mr Rankin referred to the newly appointed DPS and General Manager of Vanity Mr Pantling. He advised that Mr Pantling had been graded for the Committee's consideration as a man with considerable experience, however, he had last operated a SEV licence 10 years ago in Hillingdon where he had a pub called the Old Norwood that did strip tease. Mr Rankin advised that Mr Pantling was 68 years old and that operating Vanity was a young man's game because the General Manager needed up to date experience of administering all the policies and procedures. Mr Rankin then referred to the possibility of the Premises turning into a night club if the renewal of the SEV was not made, however, the view of the Commissioner was 'do it

and let us see what happens' and if the Applicant manages the Premises badly it would be subject to another Review Hearing.

Mr Rankin concluded by confirming that the Police had no faith in the Applicant even with the introduction of the new policies, procedures, management team and the offering of additional conditions on the SEV licence.

In response to questions from the Committee, Mr Rankin outlined why the Police had decided not to prosecute the Applicant but had instead made representations to revoke his SEV licence. He advised that the Police would have viewed the circumstances differently if the breaches had occurred by one rogue performer and not multiply performances. He emphasised that the Applicant had already been given the space to improve the operation of his Premises, however, it appeared that he was not genuinely committed to doing this and complying with the conditions of his licences. He confirmed that the Police were requesting the refusal of the renewal of the licence based on the breaches that had occurred within the Premises and not regarding it being an unsuitable locality for a sexual entertainment venue. PC Muldoon confirmed that there were residents living across and down the street from the Premises however the Council's Policy did deem it as a suitable place for such a venue.

Mr Rankin continued and advised that it was perfectly possible to operate a nightclub without complaint and that the Police would wait to see what the Applicant did with the Premises if his SEV licence was not renewed today. He outlined the difficulty the Police had in obtaining the CCTV footage and advised that the Police eventually collected it on the 21 December 2022, by hand which left them very little time to view and gather further evidence for the Summary Review hearing held early in January 2023. He further outlined that the Police had difficulty pinpointing exactly what they needed which was why they had requested over 500+ hours of CCTV footage from the venue. He commented that the new DPS needed to be strong and up to date with all the new policies and procedures as operating a SEV licence in Soho was particularly tricky. He referred to the Premises Plans on page 49 of the Agenda Pack and indicated the areas where the CCTV cameras were either not working/or had been tilted the other way or where screens had obstructed the view of the cameras.

Ms Daisy Gadd, Policy Officer, advised that she believed that she had seen a further breach during the showing of the CCTV footage in that sexual entertainment had been taken place after 03:00 hours. The parties then discussed this further breach and the legal advisor advised she would seek clarification.

Mr Richard Brown, Solicitor from Westminster's Citizens Advice representing the 4 objectors advised that it was arguable that if a Premises were granted a TENS that it would be entitled to the 11 exceptions if it already had a SEV licence. Mr Grant advised that there had been no objections from the Police or the Environmental Health Service regarding the use of the TENS for Regulated Entertainment.

Mr Brown advised that Carlisle Street was a cul de sac which had very little traffic late at night and that since the closure of Vanity on the 22 December 2022, the street had been increasingly quieter. He advised that there were other Licensed Premises operating in the street, however it had become clear to residents the negative impact

that Vanity had on the area during its closure over the last five months. He advised that the locality for the purpose of the SEV policy was Westminster CAZ north. He added that circumstances could change and even if they had not changed the Act gives the Committee the discretion on this application to make a different decision to the one set in the Council's policy as long as the decision could be justified. Mr Brown emphasised that the residents believed that the circumstances had changed for one important reason which was the source of nuisance that was specifically linked to these Premises. He advised that the findings from the Summary Review highlighted the nuisance caused by the pedicabs waiting outside the Premises for customers who had consumed too much alcohol and were unable to make informed decision which was the direct reason pedicabs were in Carlisle Street. Mr Brown referred to the photograph provided by Dr Hatfield on page 329 of the Agenda Pack and advised that the residents were aware that pedicabs would always pass through Carlisle Street, however, since Vanity had closed, they had stopped congregating in Carlisle Street. This had made a huge difference to the noise levels and Public Nuisance in the street, and this was the crucial point to residents.

Mr Brown advised that Dr Hatfield evidence was based on visiting the area twice compared to residents who have lived in the vicinity for over 30 years. He advised that the residents accepted that pedicabs would come into the street as they were part of the West End however it was not until Vanity closed could the residents prove that the pedicabs specifically congregated in Carlisle Street because of Vanity. He advised that the street had improved immensely since the closure of Vanity and until now residents were unable to demonstrate the pedicabs were attracted specifically to the street because of the SEV licence.

Mr Brown advised that in terms of the breaches to the SEV licence it was clear from the CCTV footage that repeated and frequent breaches had occurred by multiple performances and customers. He echoed what the Committee had implied that the behaviour was more of a cultural thing which was more difficult to change. He added that on the 24 November 2022, when Temporary Events Notices (TENS) were granted. There was an extension of alcohol until 05:00 hours however there was no mechanism under the Licensing Act 2003 to extend relevant entertainment so therefore every instance after 03:00 hours was a breach of the conditions of the TENS.

Mr Brown advised that the Licensing Committee on the 9 January 2023, found significant comfort in the fact that the Applicant had committed to employ an experienced DPS and it was for this Committee to decide whether the person that had been chosen was experienced enough to operate this sort of Premises. He advised that operating in Westminster was a particular challenge especially within the West End Cumulative Impact Area. He added that there would soon be a 24-hour hostel operating near the site of Vanity and therefore the surveillance of the street that Dr Hatfield had mentioned in his report would be achieved then.

Mr Brown explained that the absence of complaints regarding a Premises did not mean there were no operating problems. He advised that the residents had informed him that making complaints was futile and time consuming which was why they had decided to concentrate their efforts on making representation on the renewal applications. He advised that the threat to operate a late-night bar was something that the residents had discussed at length and considered that they would

prefer to a SEV licence because they could always apply to Review the Premises Licence.

Objector 1 stated that she could not always face complaining and objecting to applications as it took a lot of time and energy. She outlined how literally life changing the closing of Vanity had been on the resident's lives and how she could now have an uninterrupted night's sleep for the first time in years. She explained that there was no longer pedicabs congregating in the street or SIAs or customers or dancers talking and laughing into the early hours of the morning. She advised of the negative impact of pedicabs and how the drivers hung around the streets shouting, arguing and chatting to the SIAs who did nothing to control their noise. She outlined how the noise from the street reverberated into her flat. She advised that she did not dispute that Soho was a busy place however she would still like to emphasis the locality point because she considered that the building was not fit to operate an SEV licence as the noise within the building travels in odd ways.

Objector 1 advised that the Applicant had had eight years to sort out the issues and alleviate the concerns of residents. She set out how the previous manager had discussed concerns with her however the relationship had eventually deteriorated. She explained how she had undertaken mediation in 2017 through the Council but it had not improved the situation. She advised that the Applicant had written lots of policies and procedures that sounded impressive however they did not mean anything as they do not respect the residents because dancers and customers were allowed out on the street causing Public Nuisance.

Witness 1 gave a background to the use of the Premises over the years and advised that Paul Raymond had sold him the building as he had decided that Carlisle Street was no longer an appropriate place to operate a sexual entertainment venue. He advised that when the Premises were operated as a striptease and nude Premises without alcohol (which was the crucial different to Vanity) there had been no issues. He advised that he had been accosted on several occasions by working girls seeking to bring his custom into the Premises which he had refused. He considered that the Applicant's case was weak because he had not been able to operate a tight ship. He strongly considered that the SEV licence should be revoked. The Committee noted that the pervious DPS had seemed quite diligent from the resident's perspective and had tried to deter the pedicabs from the venue, however her strategy had only worked for a couple of weeks.

Witness 2 advised that he had been on friendly terms with the previous manager who had been dismissed. He stated that she had been open to discuss issues with him and on one occasion she had helped him when his bike was stolen. He advised that vibrations transmitted through the structure of building so the Premises were not suitable to be a nightclub. He set out how he had seen one of the dancers canoodling with a customer at the bottom of the stairs of the front door where there was obviously no CCTV. He advised that it was impossible for one person to view 20 CCTV cameras and that the CCTV footage indicated that there was not much dancing going on at the Premises. He emphasised that he considered that it was a completely inappropriate place for a sexual entertainment Premises and/or a nightclub and such venues had moved out to industrial spaces where they did not bother anyone. He wondered if these breaches occurred before midnight or afterwards because it seemed the more intoxicated the customers got the more the

house rules were broken. He requested that if the Committee were not minded to revoke the SEV licence that they consider reducing the opening hours to midnight to alleviate the resident's concerns.

Objector 2 advised that the Soho Society and people living in Soho recognise that the place was originally the heart of the sex industry and therefore did not often make representations against such application/Premises. She advised of the mixture of sexual entertainment venues such as cabaret, striptease and gentlemen's clubs and stated that she could not remember the last time the Soho Society had called for a Review of such an establishment. She advised that it was crucial for the Soho Society that all Premises maintain and do not breach the conditions on their licences, especially SEVs and that the Applicant had demonstrated that he was unable to comply with the conditions on his SEV licence. She set out that the Soho Society believed that Vanity had a culture of acceptance for this type of behaviour which seemed to have occurred on a regular basis late into the night. She advised that the other Premises in Carlisle Street either closed around 11pm or midnight and after that the street was fairly quiet. She advised that it was obvious from the Decision Notice from the Summary Review that pedicabs were picking up intoxicated people from the club and taking them off somewhere and robbing them and therefore the opening of Vanity would increase the crime and disorder in the area.

Objector 3 echoed everything that the other objectors and witnesses had shared with the Committee. She advised that the pedicabs pick up people and take them to places as well as pick them up and bring them to Vanity for a tip from the Premises. She considered that the Police would never get to the bottom of the spiking allegations however what could be determined was that they all occurred after customers had attended Vanity.

During his summing up, Mr Rankin advised that having a SEV licence brings with it great responsibility and therefore how many times could the Applicant be allowed to get away with breaching the conditions on his licences by simply turning up and imposing further conditions on his licences and employing a different management team. He stated that the Applicant took 'his eye of the ball' for more than several months and that if one delegates to someone that operates their business badly it was ultimately still their responsibility. He concluded by advising the Committee that the Police, on the balance of probabilities, considered that Mr Clair was not a fit and proper person to hold a SEV licence.

During his summing up, Mr Grant referred to the suitability of the locality and the Applicant. He requested that the Committee turn to page 46 of the Agenda Pack where he referred to paragraph 8.4 of the Officers' report which sets out the statutory test for the suitability of the locality. He advised that the Council's SEV Policy clearly stated that Westminster CAZ North was an appropriate location for such Premises and indeed 25 of such Premises. He advised that Public Nuisance was a specific licensing objective under the Licensing Act when dealing with Premises Licence and this was raised in the Summary Review and 14 additional conditions had been attached to the Premises Licence to alleviate residential concerns. He emphasised that this had been the appropriate forum to deal with such matters and not under the SEV legislation. He confirmed that the layout of the Premises did not make it unsuitable to be either a SEV establishment or a nightclub and that a place for smokers had not been realised on the 1<sup>st</sup> floor because of residential complaints. Mr

Grant emphasised that it was not fair to blame the Premises for a much wider problem of pedicabs and that by revoking the SEV licence did not simply cure the pedicab problem in the West End.

Mr Grant concluded by reminding the Committee of the suitability of the Applicant. He advised that the Premises had operated for seven years without complaint and reminded Members of all the new policies and procedures that had been put in place to ensure the conditions on the SEV licence were not breached again. He emphasised the compliance regime that would be operating throughout the Premises by Mr Bamber, a highly respected businessman and that the new DPS and General Manager was more than qualified to operate the Premises. He advised that the Applicant had been punished enough by having to close for five months and this would be enough of a deterrent to ensure that no breaches ever occurred again. He concluded by advising that the Committee ultimately look at this renewal proportionality and ask themselves whether the only sanction was to refuse the renewal application or consider that the culture could change at this venue with all the new policies and procedure and new management in place.

### **Conclusion**

1. The Committee noted that it has a duty to consider each application on its individual merits and did so when determining the application.
2. The Committee has determined an application for a renewal of a Sexual Entertainment Venue Premises Licence made by Vanity License Limited to operate the Premises as a Sexual Entertainment Venue between the of Monday to Saturday 09:00 to 03:00 hours Sunday 09:00 to 23:00 hours.
3. The Committee noted that the Applicant had made a very detailed application which included experts' reports but was not convinced, having heard all the evidence from the Metropolitan Police Service and local residents, that the Applicant was a fit and proper person to hold a SEV Licence.
4. The Committee noted that the Applicant had put in place new policies and procedures but despite that, there have been numerous and continued breaches of the conditions of the SEV Licence.
5. The Committee considered that they did not have confidence that the Applicant would operate the Premises responsibly because of his failures to comply with all relevant conditions of the SEV Licence.
6. Serious breaches at Vanity came to light from the Police examining the CCTV footage submitted by the Premises after the allegations of serious criminal behaviour in the Premises including fraud and drink spiking. No charges were brought in relation to those allegations, however serious breaches of Condition 17 were observed being committed by most of the dancers employed at the premises, not just one or two rogue performers.
6. The Committee felt that a pattern of behaviour and breaches of the SEV Licence conditions over several years and across the Applicant's venues had been demonstrated by the Metropolitan Police Service and local residents.

7. The Committee noted that the Applicant had previously offered extra conditions which were added to the Licence at the previous Committee hearing. These have not been found to be effective in solving the issues. The Applicant failed to comply with those conditions.

Having carefully considered the committee papers, the additional material and the submissions made by all parties, both orally and in writing, the Committee has decided to Refuse the application for the above reasons and in particular, pursuant to Paragraph 12(3)(a) of Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 as amended.

In all the individual circumstances of the case the application is **Refused**.

**This is the Full Decision of the Committee which takes effect forthwith.  
The Licensing Sub-Committee  
25 May 2023**

The Meeting ended at 5.52 pm