



# City of Westminster Licensing Sub-Committee

<b>Meeting:</b>	<i>Licensing Sub-Committee</i>
<b>Date:</b>	<i>6 February 2020</i>
<b>Classification:</b>	<i>General Release</i>
<b>Premises:</b>	<i>The Boulevard, 7-12 Walkers Court, London, W1F 0BS</i>  <i>19/11432/LISEVR</i>
<b>Wards Affected:</b>	<i>West End</i>
<b>Financial Summary:</b>	<i>None</i>
<b>Report of:</b>	<i>Operational Director for Public Protection &amp; Licensing</i>

## **1. Executive Summary**

- 1.1 The City Council (“the Council”) has received an application to renew the of the Sex Establishment Licence under the Local Government (Miscellaneous Provisions) Act 1982 (the Act) for The Boulevard, 7-12 Walkers Court, London, W1F 0BS. The Boulevard is licensed to operate as a sexual entertainment venue under the Act. The report sets out the application details, objections, policy and legal context along with other considerations that the Licensing Sub-Committee requires to determine this application.

## **2. Recommendations**

- 2.1 That following consideration of this report, any information given orally at the hearing and/or in writing by the applicants and objectors the Licensing Sub-Committee may determine to:
- 2.1.1 Renew the licence as applied for;
  - 2.1.2 Vary the licence subject to any modifications to any part of the application and imposition of any additional conditions or restrictions as they think fit, or
  - 2.1.3 Refuse the application

### 3. Application

- 3.1 On 10 September 2019, Soho Estates Limited applied to renew the Sexual Entertainment Venue premises licence.

### 4. Objections

- 4.1 A member of the public has submitted an objection to the application.

#### 4.2 Objector 1

I [REDACTED]  
[REDACTED] The Boulevard Theatre, which [REDACTED] Peter Street.

We oppose the application for renewal of the Sexual Entertainments Venue licence, which we believe would be inappropriate to the character of the locality, and unsuitable to the use to which premises in the vicinity are put. We list some of these below:

- 1 The area around the Boulevard Theatre has changed greatly since the original license was granted. Recent building works along Peter Street and Berwick Street have elevated the tone of the area, and fashion shops and fashionable cafés and eateries have been established.
- 2 This has attracted many single professional women [REDACTED].
- 3 Ten doors north of the Boulevard Theatre, at 10 Berwick St, stands an Islamic Centre and mosque. On Fridays its worshippers prostrate themselves on the cobbles of Berwick Street. In this context a theatre with a sexual entertainments license would be inappropriate and unsuitable.
- 4 Ten yards from the Boulevard Theatre, at 3 Green's Court stands the City Gates evangelical church. Again, a sexual entertainments license is inappropriate and unsuitable.
- 5 New building 90-104 Berwick Street has created affordable housing for families.
- 6 Luxury housing with penthouse suites.

- 4.3 The objector has not confirmed to the Licensing Service that they wish to waive their right to anonymity, and for this reason the objector will remain anonymous.

### 5. Relevant history

- 5.1 The Boulevard has operated as a sex establishment (Sexual Entertainment Venue) since 2012 under Schedule 3 of the Local Government (Miscellaneous Provisions) although the premises has traded for many years prior to 2012. In 2013, the licence was varied to extend the terminal hour to 03:00 hours, Monday to Saturday and was granted by the Licensing Sub-Committee. The renewal of the Licence since 2013 and subsequent renewals until 2018 have been granted under delegated authority. The current licence (reference 18/11200/LISEVR) expired on the 30 September 2019. A copy of the licence is attached at **Appendix A1**.
- 5.2 A copy of the full sex establishment licence history for this premises since 2012 is attached as **Appendix B1**.

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

- 6.1 The premises does not have the benefit of a current Premises Licence as the Premises and building no longer exists. The applicant has continued to renew the Sexual Entertainment Licence as they have submitted an application for a new Sexual Entertainment Licence for Boulevard Theatre situated at 6 Walker's Court.

## **7. Policy Considerations**

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

Walker's Court is a pedestrian street in the Soho district of the City of Westminster, London. The street dates from around the early 1700s and escaped modernisation in the late nineteenth century so that it retains its original narrow layout. The character of the area is a mix of businesses including a mix of social venues within the vicinity.

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

The main use of the premises in the area are a mix of businesses including social and commercial businesses. There are various licensed premises in the vicinity and opposite Boulevard is a licensed venue providing regulated entertainment. Upon checking Westminster City Council's GIS mapping system there are no places of worship, schools or faith groups within 100 metres of the premises. A map of the relevant locality is attached to this report as Appendix F1.

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

The main entrance to the premises is a discrete doorway on Walker's Court. No indications of the nature of the premises were visible from the exterior of the premises when the premises existed. The premises has since been reconfigured and the layout of 7-12 Walkers Court no longer exists.

## **8. Legal Implications**

- 8.1 The Licensing Sub-Committee may determine to:
- (a) Renew the licence as applied for;
  - (b) Vary the licence subject to any modifications to any part of the application and imposition of any additional conditions or restrictions as they think fit; or
  - (c) Refuse the application.
- 8.2 Before refusing to renew an application, the Licensing Authority shall give the licence holder an opportunity to appear before and of being heard by the Licensing Sub-Committee (Para 10(19) Schedule 3 LG(MP)A1982).
- 8.3 In considering this application, the Licensing Sub-Committee shall have regard to any observations submitted to them by the Chief Officer of Police and any objections that have been received in writing within the 28 day consultation period (Para 10(18) Schedule 3 LG(MP)A1982).
- 8.4 The Licensing Sub-Committee may refuse to grant or renew a licence for the following reasons set out in (Para 12(3) Schedule 3 LG(MP)A1982):

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

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

- 8.5 If the Licensing Sub-Committee determine to grant a Sexual Entertainment Venue licence, the licence will be subject to the Standard Conditions for Sexual Entertainment Venue licences, unless the Sub-Committee determines that certain Standard Conditions should be expressly excluded or varied (Para 13(4) Schedule 3 LG(MP)A1982).
- 8.6 Should the Licensing Sub-Committee determine to refuse the application for the renewal of a licence under Paragraph 12(3)(a) or (b) Schedule 3 LG(MP)A 1982, the applicant may appeal to the Magistrates' Court within 21 days beginning with the date on which the applicant is notified of the refusal of his application (Para 27(1) Schedule 3 LG(MP)A1982). The licence will remain in force until the time for bringing an appeal has expired and, if such an appeal is brought, until the determination or abandonment of that appeal (Para 27(10) Schedule 3 LG(MP)A1982).

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

- 9.1 In making a decision consideration will need to be given to the applicant's rights under the European Convention on Human Rights. The right to peaceful enjoyment of possessions (Article 1 of the First Protocol) and freedom of expression (Article 10) may be relevant.
- 9.2 The Council in its capacity as Licensing Authority has a duty to have regard to its public sector equality duty under section 149 of the Equality Act 2010. In summary section 149 provides that a Public Authority must, in the exercise of its functions, have due regard to the need to-
  - (a) eliminate discrimination harassment, victimisation and any other conduct that is prohibited by or under this Act;
  - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
  - (c) foster good relations between persons who share a relevant protected characteristics and persons who do not share it.

- 9.3 Section 149 (7) of the Equality Act 2010 defines the relevant protected characteristics as age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.
- 9.4 An Equalities Impact Assessment has been conducted and the Council believes that the granting of this application for the sexual entertainment venue licence renewal for The Boulevard will not have an adverse impact or unlawfully discriminates against any protected characteristics.

## **Appendices**

- A1 – Copy of sex establishment licence 18/11200/LISEVR
- B1 – Sex establishment licence history
- C1 – Application form
- D1 – Plans
- E1 - Objection
- F1 – Map of locality

**If you have any queries about this Report or wish to inspect any of the Background Papers please contact: Michelle Steward on 020 7641 6500 or at [msteward1@westminster.gov.uk](mailto:msteward1@westminster.gov.uk)**

## **BACKGROUND PAPERS**

Local Government (Miscellaneous Provisions) Act 1982  
Policing and Crime Act 2009  
Sexual Entertainment Venues Statement of Licensing Policy 2012  
Sexual Entertainment Venues Guidance and Procedure effective 17 February 2012  
Home Office Guidance March 2010

**SEX ESTABLISHMENT LICENCE**  
Sexual Entertainment Venue

Premises licence number:

18/11200/LISEVR

Original Reference:

12/02602/LISEVN

The CITY OF WESTMINSTER, under the provisions of the Local Government (Miscellaneous Provisions) Act 1982 as amended by the Policing and Crime Act 2009

hereby licences: **Soho Estates Ltd**

to use the premises: **The Boulevard  
7-12 Walker's Court  
London  
W1F 0BS**

as a Sexual Entertainment Venue.

This licence commences on 1 October 2018 and will expire on 30 September 2019.

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

Monday to Thursday	09:00 to 23:30
Friday to Saturday	09:00 to 01:00
Sunday	09:00 to 23:00

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

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

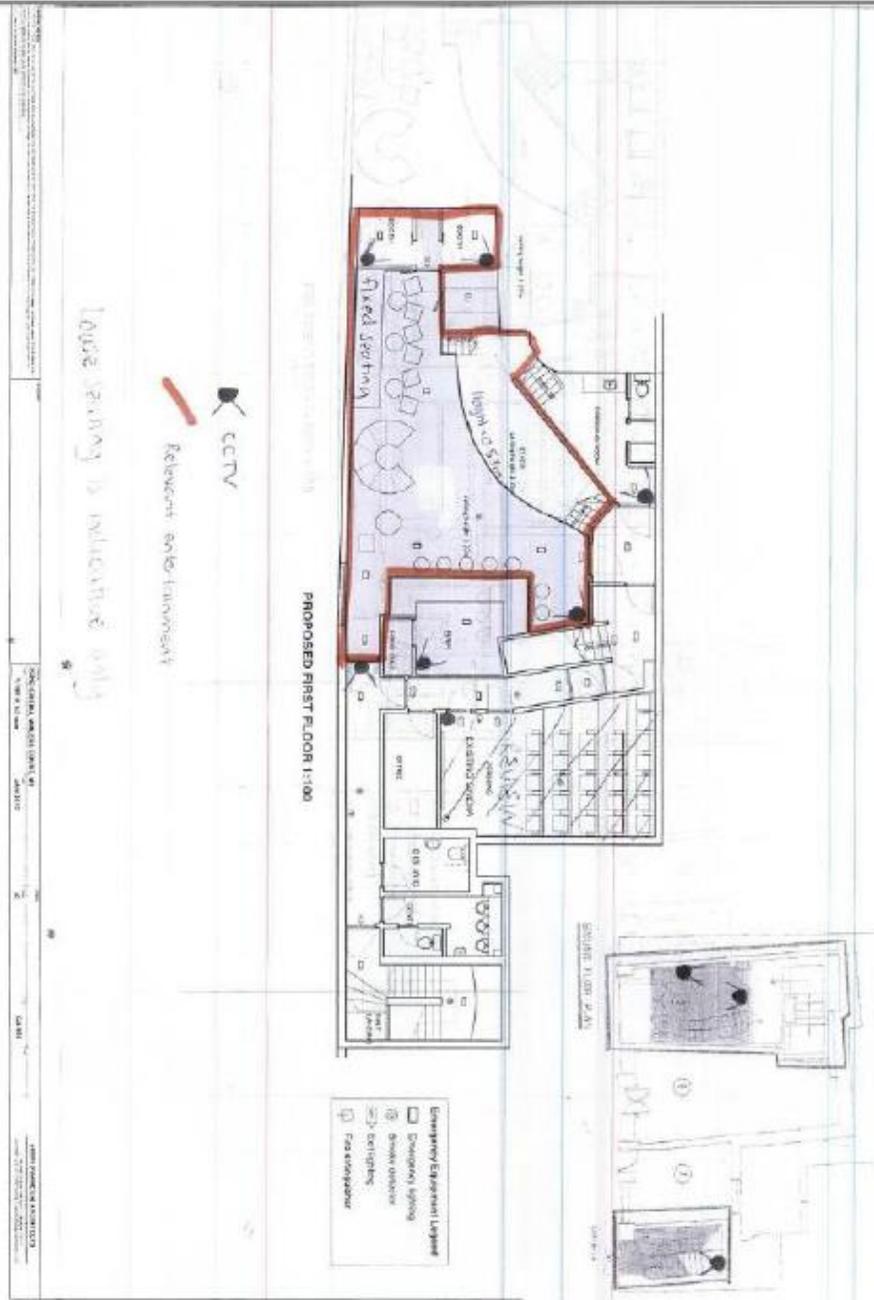
**DATE: 25 OCTOBER 2018 SIGNED:**



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



Appendix 1 – Plans



## **Appendix 2 – Conditions**

### **Standard Conditions:**

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

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

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

**Additional Conditions:**

24. At all the times the striptease entertainment is taking place there shall be a minimum of 2 door supervisors on duty on the premises.
25. The performance of striptease shall only be allowed on the raised stage area, and in the private booths as indicated on the premises plans. A maximum of one customer and one performer shall be accommodated in each private dancing booth at any one time.
26. At all times the striptease entertainment is provided there shall be a minimum of 1 door supervisor on duty in the licensed bar area.
27. The maximum number of persons accommodated at any one time (excluding staff) shall not exceed 90 persons.
28. Permanent seating must be provided for 45 persons at all times, for members of the audience during any performance of striptease.
29. All emergency doors shall be maintained effectively self closing and not held open other than by an approved device.
30. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.
31. Curtains and hangings shall be arranged so as not to obstruct emergency signs.
32. 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.

33. 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.
34. All exit doors shall be available at all material times without the use of a key, code, card or similar means.
35. Any special effects or mechanical installations shall be arranged and stored so as to minimise any risk to the safety of those using the premises. The following special effects will only be used on 10 days prior notice being given to the Licensing Authority where consent has not previously been given.
  - i. pyrotechnics including fire works
  - ii. firearms
  - iii. lasers
  - iv. explosives and highly flammable substances.
  - v. real flame.
  - vi. strobe lighting.
36. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.

**Sex establishment licence history****Appendix B1**

<b>Application reference</b>	<b>Details of application</b>	<b>Date of determination</b>	<b>Decision</b>
12/02602/LISEVN	Application for a new Sexual Entertainment Venue licence.	Granted by Licensing Sub-Committee	11 June 2012
13/05217/LISEVV	Application to vary Sexual Entertainment Venue licence	Granted by Licensing Sub-Committee	10 October 2013
13/07333/LISEVR	Application to renew Sexual Entertainment Venue licence	Granted under delegated authority	25 October 2013
14/00232/LISEVT	Application to transfer the Sexual Entertainment Venue licence from Steve Bruce to Soho Estates Limited	Granted under delegated authority	16 November 2014
14/08264/LISEVR	Application to renew Sexual Entertainment Venue licence	Granted under delegated authority	16 November 2014
15/07952/LISEVR	Application to renew Sexual Entertainment Venue licence	Granted under delegated authority	17 November 2015
16/10360/LISEVR	Application to renew Sexual Entertainment Venue licence	Granted under delegated authority	26 October 2016
17/10698/LISEVR	Application to renew Sexual Entertainment Venue licence	Granted under delegated authority	25 October 2017
18/11200/LISEVR	Application to renew Sexual Entertainment Venue licence	Granted under delegated authority	16 November 2018

**Westminster City Council**

**Application for a sexual entertainment venue licence**  
Local Government (Miscellaneous Provisions) Act 1982

**Application is hereby made and the necessary fee will be sent for a:**

New Licence	<input type="checkbox"/>	
Transfer of Licence	<input type="checkbox"/>	Licence search
Renewal of Licence	<input checked="" type="checkbox"/>	Licence number <input type="text" value="18/11200/LISEVR"/>
Variation of Licence	<input type="checkbox"/>	

**Part 1 - Application Details**

Name of premises

Address of premises

Postcode

The application is being made -

**If application is made on behalf of an individual:**

Title	<input type="text"/>	<input type="text"/>
Name	<input type="text"/>	Occupation (during preceding six months)
Surname	<input type="text"/>	<input type="text"/>
Date of birth	<input type="text"/>	Telephone number

**If application is made on behalf of a corporate or incorporated body:**

Name of applicant body:

Is this an unincorporated or body corporate?  Unincorporated  Body corporate

Registered / principal office address:   
Postcode

Company number

Full names of directors and other persons responsible for the management of the body, including the names of managers, company secretary and similar officers and the manager of the establishment

Please continue by answering the questions you are asked below -

### Part 2 - Licence Details

What hours and what days are you applying for?

What *relevant* entertainment will be performed?

**For variation applications** - what does the variation consist of?

Is only part of the building to be licensed?

No

Yes  Please provide details

Will any part of the premises be used for the exhibition of moving pictures?

No

Yes  Please provide details

Does the applicant presently use the premises as a sex establishment?

No

Yes  If yes, when did the use commence?

If not, what is the present use?

#### Supporting Material Checklist - *tick to confirm*

- I understand that I am required to send this application with a plan showing the area to be licensed and the statutory declarations for the applicants, the directors of the company applying for the licence and any other person who will be responsible for the management of the licensed premises.

I confirm that no changes have taken place since the last renewal

**All supporting material should be sent / provided to the address shown on the declaration.**

## Declaration Page

### Important

It is an offence, liable on conviction to a fine up to level 5 on the standard scale, under section 158 of the licensing act 2003 to make a false statement in or in connection with this application

### Fee

The non-returnable fee for this application is  and must be submitted with this application.

An additional fee of  will be payable before any approval is issued

### Declaration

I hereby declare that the information given on this form is correct to the best of my knowledge and belief.

I understand we are required to send / provide the sum of , being the fee for this application.

*Confirmation*    *Date*     *Name*   
*Capacity*

### Contact details for correspondence, leave blank if due to be provided premises address

*Title*   
*Name*   
*Surname*   
*Postal address*   
*Postcode*   
*Telephone number*   
*Email address*

### Supporting Material Return Address

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





**Map of locality**

**Appendix F1**



0 = Sex establishment

0 = Place of Worship

1 = Faith Groups