

STATEMENT OF Andrew Bamber

I Andrew Bamber of (ADDRESS) will state as follows

1. I have been asked by Mr Luke Elford of Woods Whur 2014 Limited, St James's House, 28 Park Place, Leeds LS1 2SP to provide a statement about my work with Vanity, a venue that operates with a Sexual Entertainment Venue Licence at 4 Carlisle St, Soho, W1D 3BJ-19
2. I am aware that there is an application for the renewal of the Sexual Entertainment Venue Licence and that a number of representations have been received by Westminster City Council in respect of the application. The representations relate to the activity of Pedicabs in and around Carlisle Street.

Personal summary

3. I was a police officer in the Metropolitan Police and retired in January 2007 having served 34 years of exemplary service. Throughout my service I have been regularly involved in the enforcement, management, and development of licensing initiatives and policies. I retired as a Borough Commander having managed 2 London Boroughs.
4. As a constable I worked as an undercover officer detecting offences in late night licensed premises in central and west London. As an Inspector I was the Licensing Inspector for a very busy inner London policing division.
5. Whilst working as a Chief Inspector I was the operations manager in the central London Clubs and Vice unit from 1990-1996. As part of this role I had responsibility for late night licensing in Westminster and I supported other London boroughs as appropriate. During this period, I managed both covert and overt police operations on behalf of the police and the local authority to ensure compliance with the legislation and to prosecute breaches where necessary. The overt licensing visits were structured in a way that ensured that all premises operating with late night licences received at least 4 visits a year from a joint licensing team of police officers and local authority officers. It was during this period that I was involved in the development of the initial licensed door supervisors scheme, commissioned by Westminster City Council, which was implemented and managed by myself within the Clubs and Vice unit. During the same period I researched, with a local authority counterpart, the potential for the introduction of 'Lap Dancing' clubs in Westminster. The work resulted in the introduction of 'lap dancing'

establishments in the borough. The initiative and the supervision of the licence was then monitored covertly and overtly by officers under my direction.

6. As Detective Superintendent I was a senior investigating officer in the Metropolitan Police anti-corruption command investigating police corruption and serious incidents that presented a risk to the reputation of the organisation.
7. As a Borough Commander on 2 London boroughs, between 2001 and the beginning of 2007 (January), I worked with both local authorities to develop the respective licensing and enforcement policies. The work with the Local Authority formed a significant part of Community Safety and local policing plans. With the introduction of the new Licensing Act 2003 I oversaw the transfer of responsibilities to the local authority and was instrumental in setting up a joint licensing team for a busy inner London borough.
8. In 2007 having retired from the police I was employed by an inner London Local Authority as an Assistant Director for Safer Communities. I held this post for 10 years.
9. When working for the Council I had responsibility for a wide ranging Safer Communities portfolio that included the Council and the Partnership Crime Reduction Strategies. The role also included the Council's enforcement function, all licensing functions including the development of licensing policies and enforcement policies, Environmental Health, Trading Standards, the Drug and Alcohol Team, CCTV, Corporate Health and Safety, and Emergency Planning and Civil Contingencies, and many more corporate services and corporate roles.
10. My work involved comprehensive partnership working with all agencies involved in the crime reduction partnership, problem solving local hotspots and environmental audits with the associated action plans. Amongst the many roles I had responsibility for the Council's night time economy and the impact that it had on communities. In this role I worked closely with the local policing teams to ensure that licensed premises were effectively supervised and managed in line with local initiatives, the licensing objectives, and the borough licensing and enforcement policies. As the principal officer for licensing in the local authority I worked closely with local community groups, ward councillors, and members of the licensing committee to develop knowledge and understanding of local partnership enforcement policies, and crime and disorder initiatives linked to drugs and alcohol.
11. I delivered a structured approach to licensing management, supervision, and enforcement, the Council's Community Safety Plan, the Enforcement Policy, and the Licensing Policy. My role also included the consultation, development, and delivery of the

boroughs controlled drinking zone, cumulative impact zone, Sexual Entertainment Venues, late night levy, early morning restriction orders, Best Bar None, and alcohol treatment programmes.

12. On my retirement from Local Government I set up my own compliance consultancy and I now offer independent advice, environmental audits, and compliance audits and risk assessments for licensed premises. The compliance visits are both overt and covert.
13. I have a Masters Degree in Business Administration, I am a member of the Institute of Licensing and I have a Personal Licence.
14. I have been involved with Nags Head Ltd, the owners of Vanity, since May 2017. I came on board at the request of the owners who were keen to do all they can to promote the Licensing Objectives. During that time I have introduced a due diligence model, reviewing, and where appropriate, redesigned the policies and operating procedures for their venues, and conducting annual risk assessments on all of the operating procedures and licence conditions.
15. The due diligence model also includes conducting overt and covert licensing visits to the venue. These compliance visits are the same as the overt licensing visits undertaken by the police and licensing officers. The covert visits or 'test purchases' are also the same as those conducted by police forces across the country or 'mystery shopping exercises' conducted by many organisations and businesses to test their employees compliance with their company rules and policies. The visits are arranged on a date and time without the prior knowledge of the owners or management team. At the conclusion of the visit a full report is supplied to the owner.
16. The risk assessment process identified a specific risks that may impact on the venue. Two risk areas are the activities of street touts and nuisance caused by pedicabs that operate in the Soho area. Both groups suggest to members of the public that they work for various venues.
17. The risk assessment has been informed by both covert and overt visits to the venue and is updated as necessary. During the visits street touts who purport to work for venues to entice customers to local clubs. Pedicab operators work in a similar way and they tend to gather around key late night venues looking for fares.
18. The due diligence process developed by the owner underlines the importance that the owners place on the threat that these individuals pose, especially when the activities of such individuals are beyond the scope of their influence and control.

19. Street based enforcement is the province of the police and local authority enforcement teams. Whilst the owner can (and does) discourage customers from associating with such groups ultimately they cannot stop their customers from engaging if they wish to do so. Equally the owners of late night venues have no enforcement powers to prevent any street based activity around the location of their venue. That is the province of the authorities.
20. During the last renewal process I was aware that there was an objection to the renewal of the licence and that in part it related to the activities of pedicabs in the street outside the venue. I am aware that as a result the owners met with the council officers and the objector to fully understand the concerns and assist in whatever way they could.
21. The condition on the licence is that management will not conduct any business by way of 'touting' in the west end. Therefore as long as the owners do not engage with and specifically use pedicabs to tout for business then the management of street based activity is actually a matter for the council and the police to deal with, not the owners of premises operating in the Soho area. No overt or covert visit to the premises has disclosed any evidence that the premises is in breach of this condition and from talking to the operator and their staff I know they do not engage touts to attract business.
22. Since the last renewal process the owners have employed a street marshal to try to keep Carlisle Street free of pedicabs.
23. The street marshal initiative tries ensure that pedicabs frequenting the Dean Street area did not park outside the venue or underneath residential properties, as they do outside other clubs elsewhere in Soho.
24. Initially, pedicabs were asked to park in the north section of Dean Street, the section running north of Carlisle Street. However, the Crossrail works at the north end of Dean Street have resulted in the road being narrowed and now makes it difficult to corral the pedicabs at that location.
25. Since the representations during last year's renewal process the owners have employed a dedicated member of staff to work in the street to discourage pedicabs from using and parking in Carlisle Street. It is important to point out that this member of staff has no more power than any member of the public to require pedicabs to move or comply with instructions. Only an authorised person, such as a police officer, has the power to require pedicabs to move away.

26. On the night of the 17th January 2020 I conducted an overt licensing visit to the venue and the surrounding streets. As part of the visit I inspected the operation of the venue in line with the operating schedule and the licence conditions and a matrix is attached at appendix 1. I also took a number of photographs that I have attached at appendix 2.
27. On the 17th I arrived in Soho at about 22.00. I walked from Oxford Street station along Great Marlborough Street, in to Noel Street, Wardour Street, then Sheraton Street. As I reached the end of Sheraton Street where the short paved area links Carlisle Street and Sheraton Street I had to step to one side to allow a pedicab pass as the driver used the pedestrian walk way as a cut through.
28. I noticed that the kerbs in both Carlisle Street and Sheraton St had both been lowered and therefore made it ideal as a cut through or 'rat run' for such vehicles.
29. Having encountered the pedicab I then walked to St Annes Court, Meard Sreet, and Bouchier Street and noticed that at least one kerb at each of the locations was a "high" kerb that effectively prevented pedicabs from using the cut through between Wardour Street and Dean Street.
30. The passageway that links Carlisle Street and Sheraton Street provides an ideal rat run in Soho for pedicabs so that they do not have to go up to Oxford Street or down Shaftsbury Avenue to cut cross Soho from East to West or vice-versa.
31. Pedicabs that are "on journey" or completing a trip often tend to play music at high volume as they race through the streets to their destination. I have, on previous occasions, observed pedicabs passing the venue playing loud music as they moved along Carlisle Street towards Soho Square.
32. After checking the surrounding streets and finding pedicabs parked outside of a number of venues I walked to Carlisle Street where there were no pedicabs parked. I noticed a male standing on the North West Corner of Dean Street and Carlise Street. He was dressed in a distinctive and high visibility jacket and he was talking to a traffic warden.
33. I then entered Vanity and conducted a compliance review of the venue. My review matrix is attached at appendix1.
34. On exiting the venue I walked over to the male who was still on the north west corner of the junction with Den Street and Carlisle Street. He identified himself as the member of staff designated to deal with pedicabs. I introduced myself and spoke to him about his role monitoring the pedicabs.

35. He clearly understood his role, the requirements to try and keep the area around Vanity pedicab free. He explained the difficulties, that he had no powers but he used charm, humour, and goodwill to encourage the operators not to gather in Carlisle Street. He pointed out that becoming aggressive with the pedicab drivers or being forceful in his demeanor towards them caused more issues than it resolved. He explained that the new design of the North section of Dean Street (the narrowing of the road) made it difficult to encourage the pedicabs to park there. That it was difficult when customers arrived from other parts of Soho and had used pedicabs to get to Carlisle Street and expected to be dropped off outside the venue.
36. He explained the problems with pedicabs using the cut through to Sheraton Street and that the pedicabs sometimes had loud music and that the drivers shouted to their customers as they passed by and that there was nothing that he could do.
37. He was however positive about the impact he was having, reducing the number of pedicabs at the location, ensuring that the noise levels are managed, and that the operators are more aware of the fact that there are residents in Soho.
38. I noted that Dean Street/Carlisle Street is a very busy junction for both vehicle and pedestrian traffic and has noise levels associated with both. Even at 02.00 the junction was busy.
39. The street activity of pedicabs and others is an enforcement issue for the City enforcement teams and the local police. However, it is clear that the owner wants to assist wherever he can. He actively discourages customers from using pedicabs as they leave his venue and he pays for a Street Marshall to help manage the immediate vicinity around his establishment.
40. The owners of Vanity are conscious of the issues caused by on-street touting and pedicabs and are taking what steps they can to deal with the issue. Ultimately though, the venue owners and the venue management are not a substitute for enforcement officers or enforcement action. From my discussions with the owners of Vanity, I know that the owners would be supportive of any targeted enforcement action to dissuade pedicabs and the use of them as a mode of transportation by people visiting the area.
41. Having read the representations for this renewal process I am able to comment upon (A) SIA using pedicabs to order/have food delivered (B) SIA using their mobile telephones to play music or television out loud (C) Staff smoking outside the venue.

42. As I mentioned in paragraph 14. I have been involved with Nags Head Ltd since May 2017 and completed an annual risk assessment, and organised both covert and overt compliance visits to the venue. In addition, I also undertake other work in the West End and the Soho area and while doing so I regularly walk past the venue late at night or in the early hours of the morning to provide an additional visual assessment.

43. In all that time I have never witnessed pedicabs delivering food to the venue. I have observed the security staff using their phones to either listen to music or stream video. On every occasion that I have witnessed this the individual has always had earphones in place and there has been no audible sound from their device. I have never seen the door staff smoking. However, I have witnessed customers, entertainers, and the manager outside smoking. The numbers are strictly regulated and both the manager and the security staff positively manage the activity to ensure that it is undertaken quietly and in a manner that could or would disturb anybody.