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All correspondence should be sent to our Leeds office

Councillors Mitchell, Glen, and Less
Licensing Sub-Committee (6)
Westminster City Council
c/o Michelle Steward
Senior Licensing Officer

Our ref LE/SG/NAG002-3-8/4735

Your ref Licensing Sub-Committee (6)

By email only to:
msteward1@westminster.gov.uk

Thursday 6 February 2020

Dear Councillors,

Nags Head Ltd

Application to renew a Sexual Entertainment Venue Licence at Vanity Bar & Nightclub, 4 Carlisle Street, London W1D 3BJ

I act for Nags Head Ltd and I write further to my client's application to renew its Sexual Entertainment Venue ("SEV") Licence at Vanity Bar & Nightclub ("the Premises").

You are due to determine this application at a hearing of your Licensing Sub-Committee on Thursday 13 February 2020. Your determination is required because the application has attracted two (2) representations from local residents. There are no representations from any of your officers or from the Police.

Under the Local Government (Miscellaneous Provisions) Act 1982, which is the regime governing SEV licensing, those making representations are entitled to anonymity so I hope you will forgive me when I refer to the representations as:

- Representation One - Received by your licensing service on 6 January 2020 at 19:24; and
- Representation Two - similarly received at 14:47.

Copies of these representations will doubtless be within your agenda papers.

I thought it might be useful to write, in advance of the hearing, to set out my client's stall and to offer some observations in relation to the representations and the, in my view, unprecedented steps my client is taking to address the concerns raised.

First, if you will permit me, a brief background. Nags Head Ltd was formed in 2007 though the family behind the company, the Singh family, have been operating SEVs since the early 1980s.

In 2015 Nags Head Ltd took over the former Candy Bar site in Carlisle Street and applied to Westminster City Council for a SEV Licence. On that occasion the Sub-Committee was kind enough to grant my client a SEV Licence and subsequent Sub-Committees have been kind enough to renew that SEV Licence five (5) times since. I respectfully invite you to grant my client's renewal for a sixth time.

Representation One

I have reviewed Representation One. In my opinion, and I hope you agree, Representation One raises three issues:

1. Suitability of the location for a SEV;
2. Staff behaviour; and
3. Nuisance from pedicabs.

The position in relation to the suitability of the location for a SEV is very simple. In 2015 Westminster City Council formed the view that the location was suitable for a SEV. That is a stance that is backed up by your SEV Policy and has been approved by no less than five (5) Sub-Committees since. It is open to you to form a contrary view but the onus is on the person making Representation One to convince you that the character of the relevant locality has changed. We say it hasn't and that there is nothing that should persuade you otherwise.

It is fair to say that my client does not recognise the allegations made in relation to behaviour by its staff and contractors as being an accurate reflection of the position on the ground. In his witness statement, Mr Singh Clair deals with these issues.

Pedicabs and the behaviour of pedicabs are an issue that I am sure you will be familiar with. In 2019, as a responsible licence holder, the company volunteered to employ a designated member of staff who would operate outside the premises to try and address the problem of pedicabs in the vicinity. It was acknowledged at the time that the designated member of staff has no power whatsoever to require pedicabs to behave in a certain way and that he or she would not be a substitute for a properly authorised enforcement officer. Nevertheless, the designated member of staff was put in position and has worked in that role for the past 12 months. Mr Russell, in his witness statement, deals with the issues he has faced and how he has approached them.

What you have here is a complex issue (pedicabs) and a licence holder that is doing its very best to minimise a nuisance that is outside of his control. I urge you not to make the mistake of thinking that getting rid of the premises will get rid of the problem - it won't.

I will be happy to develop these points and to deal with any queries you may have at the Sub-Committee hearing.

Representation Two

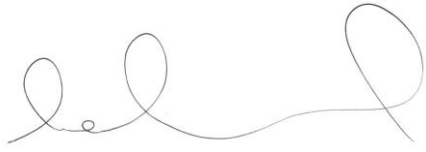
One point raised by Representation Two that isn't covered in Representation One relates to the use of the premises in December.

Mr Singh Clair submitted a number of Temporary Event Notices covering the festive period and these cover the later hours complained of. For the sake of completeness I have included copies of all of the TENs approved by the council within our papers.

Nags Head Ltd is a responsible SEV licence (and premises licence holder). The company is going above and beyond to try to control and issue that is wider than just the operation of this premises.

I kindly ask that you renew my client's SEV licence as applied for.

Yours sincerely,

A handwritten signature in black ink, consisting of a series of loops and a long horizontal stroke, likely representing the name 'Luke Elford'.

Luke Elford
Associate
Woods Whur

Enc.