

WESTMINSTER CITY COUNCIL

LICENSING SUB-COMMITTEE

**APPLICATION TO RENEW A
SEXUAL ENTERTAINMENT
VENUE LICENCE**

WITNESS STATEMENT OF MANPAL SINGH CLAIR

1. My name is Manpal Singh Clair. I am a Director of Nags Head Ltd which is the Premises Licence and Sexual Entertainment Venue ("SEV") Licence holders at Vanity Bar & Nightclub, 4 Carlisle Street, London W1D 4BJ ("the Premises").
2. I make this statement in support of the application to renew the SEV Licence at the Premises and in response to the representations received from two unnamed local residents. I have read both representations and will refer to them throughout as follows:
 - a. Representation dated 6 January 2020 timed 19:24 ("Representation One"); and
 - b. Representation dated 6 January 2020 timed 14:47 ("Representation Two").
3. Westminster City Council was kind enough to grant Vanity Bar a SEV licence in 2014 and have renewed that licence every year since.

Representation One

4. When granting the SEV licence back in 2014, Westminster City Council determined that an SEV was appropriate in Carlisle Street. Nothing has changed in that regard.
5. Representation One makes the point that the Premises was open until 5am in December 2019 the run up to Christmas. That is correct and was in no way illegitimate. I personally gave a number of Temporary Event Notices ("TENS") to increase the trading hours in December 2019. I exhibit as **MSC/1** copies of the TENS given to Westminster City Council.

6. Representation One makes reference to pedicabs in the vicinity of the Premises. I would like to make it clear that not all pedicabs in the vicinity of the Premises are there to attract customers from the Premises. Pedicab operatives regularly pick up customers from other venues on Dean Street and in the surrounding area. As a business the Premises is doing everything we can do to deal with pedicabs. They are as much of a problem for us as they are for the complainant.
7. My experience is that pedicabs operate across Soho and the West End. Primarily they look for short journeys taking customers from one premises to another. When not completing journey's pedicabs congregate where they know that footfall makes it likely that they will attract customers. One such location is the junction of Dean Street and Carlisle Street. Pedicabs congregate here because there is not much traffic and a steady stream of customers coming into, out of, and across Soho.
8. We have a designated member of staff whose job it is to discourage any pedicabs from congregating near the Premises, approaching our customers, or seeking custom at the junction of Carlisle Street and Dean Street. The member of staff regularly approaches pedicab operatives to ask them to keep noise to a minimum or to move away from the Premises. Unfortunately, the designated member of staff has no enforcement powers to require pedicab operatives to be quiet or disperse. The designated member of staff is not an enforcement officer.
9. The business has a pedicab policy which sets out our approach to pedicabs. As a business we encourage our customers not to use pedicabs and require our staff not to use pedicabs. We can control the behaviour of our staff, but customer behaviour is more difficult. Representation One makes the point that they see members of staff talking to the pedicab operatives. We have had more success getting the pedicab operatives to comply with our directions by talking to them than by aggressively asking them to move away which can cause more problems than it resolves. We try to move on all pedicabs whether or not they are seeking customers from the Premises.
10. Representation One talks about pedicab drivers congregating under the awning of the Nellie Dean Public House. I recall this was something we offered to do for local residents on the basis that a) the pedicab drivers would be further away from their homes and b) the awning would act as a breaker to noise. If this is now a problem we will stop the practice. We have an interest in the Nellie Dean Public House and can ensure that the awning is retracted every evening so that there is no sheltering underneath it. This is something that we did to make things better. If it has made things worse we will stop.
11. Representation One makes an allegation that they have observed pedicab operatives delivering food to the Premises' SIA door supervisors. I do not believe that this is the

case, but just in case it did happen, I have reminded all staff that they are not to use pedicab operatives as a delivery service.

12. Representation One also makes an allegation that the Premises' SIA door supervisors listen to music or watch television shows on their phones and that it is audible. Again, I do not believe this to be the case, but I have explained to our SIA provider that if door supervisors do listen to music or watch television shows on their phones during quiet periods then they are to do so through headphones and not out loud.
13. Representation One also talks about our staff members and performers smoking outside the front entrance to the Premises. Customers have to smoke outside the Premises. Historically, we asked our staff to smoke in a designated smoking area at first floor level but put a stop to that when a local resident asked us to. The stool at the entrance to the Premises is for use by the SIA door supervisor.
14. I do not agree with the allegation that the Premises is in breach of conditions of the SEV Licence.
15. Condition 7 requires us not to seek custom by personal solicitation. Any performers outside the Premises are there to smoke. They have smoke their cigarette and re-enter the Premises. They are appropriately attired at all times.
16. Condition 18 is about performers giving out their personal details. If the maker of Representation One has any evidence at all that this has happened or is happening then I should be delighted to receive it because I will not, and the management will not, tolerate that kind of behaviour at the Premises.
17. Condition 22 relates to how performers behave during their performances. I cannot for the life of me see how this has anything to do with their behaviour whilst they have a cigarette outside?
18. Representation One makes reference to an altercation that took place during December 2019 outside the Premises. This was not a particularly serious incident and is not something that happens frequently. I exhibit as **MSC/2** a copy of the incident report relating to the incident.
19. I note the reference to a meeting on 13 November 2019 that took place between myself and the managing agent of 4 Carlisle Street. To be absolutely clear, the meeting was about a leak within the building and not anything to do with the operation of the Premises.
20. During the meeting, a local resident who I know to be Ms Dugdale intervened. She mentioned noise from pedicabs. I apologised that she was having problems with

pedicabs in the area and pointed out that beyond a certain point, the behavior of pedicab operatives is outside of the control of the Premises.

21. I explained that if the Premises was not a SEV it would end up returning to its former incarnation which was a bar/club, which in my view would be a far worse proposition for local residents and would attract more, not less pedicabs.
22. I understand the frustrations expressed by the person making Representation One. I really do. As a business we are doing everything we can to help alleviate the problem. We can't do any more than we do currently without the help of the Responsible Authorities who have enforcement powers to deal with pedicab drivers.

Representation Two

23. There is not much that I wish to add in relation to Representation Two that I have not said in relation to Representation One. The point about December I have addressed above.
24. In relation to pedicab operatives playing music my experience is that this is pedicab operatives passing the Premises on their way to a destination and not the pedicabs that hang around in the vicinity. We have done a good job, I think, in convincing those pedicab operators to not play any form of music and to wait quietly or to disperse altogether.
25. A significant problem is that pedicabs can cut through to Wardour Street by mounting the pavement at the end of Carlisle Street and entering Sheraton Street. I exhibit as **MSC/3** a diagram showing the route taken by pedicabs. If the council's highways department was to make it more difficult for pedicabs to use this cut through (by raising the kerb and/or narrowing the passable width) my view is that it would go a long way to alleviating this problem.

Conclusion

26. As I have stated above, I genuinely believe we are doing all that we can to address the problems caused by pedicabs. It is not fair to say that if the Premises wasn't there, the problem would go away. It wouldn't.
27. Local residents didn't want the Premises to open at all and have objected to our very existence ever since. I don't believe they will stop until they drive us out of business. Westminster City Council disagreed and granted us our Premises Licence and SEV Licence. Westminster City Council have renewed our SEV Licence every year since. I sincerely hope for the same outcome this year.
28. I believe that the facts stated in this statement are true.

Signed: 

Name: MANPAL SINGH CLAIR

Dated: 31/01/2020