

Objection 4

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Mishcon de Reya

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Public Protection and Licensing
Westminster City Council
15th Floor
Westminster City Hall
64 Victoria Street
London
SW1E 6QP

17 January 2022

Dear Sirs

**21/14650/LISEVN, Application for Sexual Entertainment Venue, Ground Floor
And Basement 3 - 4 Vere Street London W1G 0DH**

**21/14651/LIPN, Application for premises licence, Ground Floor And Basement 3
- 4 Vere Street London W1G 0DH**

We are instructed on behalf of 334 Ramsbury Oxford Limited, who are the owners/developers of the former Debenhams Store on the corner of Oxford Street and Vere Street.

Our client objects in the strongest terms to these applications, which involve the redevelopment of the former Maroush Restaurant as a sexual entertainment venue.

Objection to SEV licence

The objection is made on the following grounds arising under Schedule 3 paragraph 12(3) of the Local Government (Miscellaneous Provisions) Act 1982:

(c) that the appropriate number of sex establishments in the relevant locality is nil;

(d)(i) that the grant of the licence would be inappropriate having regard to the character of the relevant locality;

(d)(ii) that the grant of the licence would be inappropriate having regard to the use of premises in the vicinity;

(d)(iii) that the grant of the licence would be inappropriate having regard to the character of the premises in respect of which the application is made.

As the Council is aware, the locality of these premises is one of the most iconic retail destinations in the world.

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The Council's own sexual entertainment venue policy states:

2.4.6 In considering whether granting a licence would be inappropriate the council will specifically consider whether the character of the locality is predominately residential, high profile retail, of historic importance or iconic in nature, or one of family entertainment or leisure.

2.4.12 Localities characterised as areas of historic importance, or iconic in nature, will be particularly attractive to, and used by, visitors, both adults and children. The council may consider it inappropriate for these localities, which in many cases will be of national and international significance, to be associated with sexual entertainment venues and their associated character, because of the effect that such an association would have on visitors and on the image of London and Westminster in particular.

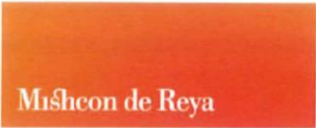
This evidently applies to the general locality of these premises.

More specifically, Vere Street is a short street connecting Oxford Street to Henrietta Place to the north. The entire western side of the street is occupied by the former Debenhams store, whose redevelopment will be instrumental in the regeneration of Oxford Street. Our client will be redeveloping the site for retail and flexible class E uses of the upper floors (offices and light medical envisaged) which will attract the community at large, including families and children. On 21st September 2021, the Council resolved to approve the proposal, ref. 21/05110/FULL, which provides for basement, ground and 9 upper floors of retail and commercial floorspace. The proposal includes new entrances on Vere Street and an upper floor terrace looking down over Vere Street, so this is expected to become an active, well-used frontage for both retail and other commercial purposes. The experience of all users of the redeveloped building, including staff, would be negatively impacted by having a substantial lap-dancing club immediately opposite. The amenity of the development, together with its marketability, would be negatively impacted.

On the eastern side of the street, immediately next to the application site and forming part of the same building is the Brazilian Consulate General. On the other side of the application site is Pret a Manger, and next to that is the London Institute for Contemporary Christianity, which occupies a beautiful 18th century church building. All of these uses would sit most uncomfortably with the proposed SEV use.

In summary, it is respectfully submitted that a sexual entertainment venue in this location would be harmful to the current mix of uses and to the locality more generally, in breach of the Council's SEV policies LOC1 and LOC2.

Furthermore, the building in which the proposed use is housed is itself a substantial, attractive, conspicuous building with three large windows at ground floor level. The proposal is apparently to have the main performance stage immediately behind the central window, with lounges for sexual entertainment on either side. Inevitably, therefore, these windows will need to be blacked out. As the licence application plans show, above the windows there will be the legend "Sophisticats" facing the former Debenhams Building.



On behalf of our client, we strongly submit that the character of this particular building is wrong for this use in this location. The use involves blacking out the main windows of the building in order to permit sexual entertainment activities to take place at ground floor level, with prominent signage drawing attention to the use within. This will create a foreboding and unpleasant aspect for those living, working and passing by.

Without prejudice to the above, our client strongly objects to the hours applied for, which are 10 a.m. to 5 a.m. on Monday to Saturday and 10 a.m. to midnight on Sunday. As for the 10 a.m. start, it is quite evidently inappropriate for what would be a prominent sexual entertainment venue to be open and operating throughout the working day across the road from a major development attracting families and children, next door to a consulate and close to a religious institution. As for the terminal hours, these are far beyond core hours as set out in the SEV policy HRS1.

Objection to premises licence

The hours applied for are far in excess of the Council's Core Hours set out in Policy HRS1 of its licensing policy.

Furthermore, the proposal is to operate the premises as an SEV. It is noted that condition 5 theoretically permits a conventional entertainment use by stating: *"The sale of alcohol shall be to seated persons only and ancillary to the provision of regulated entertainment or striptease entertainment authorised under a Sexual Entertainment Venue Licence."* However, the reality of the situation, including the nature of the operator, the layout and the hours applied for, mean that the proposal can only proceed as a lap dancing club. If, as our client requests, the application for the SEV licence is refused, the application for the premises licence must fall with it, since the applications go hand in hand.

Accordingly, the Council is respectfully requested to refuse both applications.

Yours faithfully

DocuSigned by:

8CACE103ECCA49E...

Mishcon de Reya LLP

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Objection 7

Dear Licensing Team,

I am writing to confirm my objection to this license application in my capacities as ward councillor and Cabinet Member for Young People. My ward colleague, Cllr Glanz, has given strong reasons for this application to be rejected and I will not repeat his points in full.

However, I would repeat the observation that this is a grossly unsuitable location for this activity given the close proximity of the church and LICC. Further, the site is in clear view of many of the family-orientated attractions and businesses of Oxford Street.

I am not against all sexual entertainment venues but local context is important and this is an inappropriate location.

Many thanks for your time in this matter

Objection 8

The application for a Sexual Entertainment Venue licence is inappropriate because it would contravene the following Council policies in relation to license approval, namely:

(1) Areas predominately characterised by general or family retail use may be inappropriate localities for sexual entertainment because of their use by children, either unsupervised or in a family context, and by adults wishing to avoid the characteristics of, or associated with, sexual entertainment venues. This area is one of the premier family retail areas in Europe, and in particular it would be most inappropriate for such a business to be situated opposite the new retail development in the former Debenhams building.

(2) Localities characterised as areas of historic importance, or iconic in nature, will be particularly attractive to, and used by, visitors, both adults and children. St Peter's Church is a Grade One listed building which under normal circumstances attracts a number of tourist visitors both to the building itself and to its stained glass windows.

(3) The council considers that sexual entertainment venues, providing a particular type of entertainment for a particular adult clientele, may be inappropriate in the vicinity of other premises depending on their use. This may include premises in the vicinity used for religious worship, by children and families, or vulnerable adults.

Although St Peter's is a deconsecrated church building, it is still used for acts of worship and currently 3 church congregations use the building on a weekly or regular basis

Objection 9

Pontegadea UK Limited

We act on behalf of Pontegadea UK Ltd which is the freehold owner of 328 to 332 (even) Oxford Street and 2 Vere Street, London. Those buildings are primarily offices although there is some retail on the ground floors.

Our client is concerned to learn of the application for a new SEV and premises licence at 3-4 Vere Street which is immediately adjacent to our client's premises and wishes to object to the applications made by Clarmans Clubs Ltd.

A number of tenants within the offices which our client owns have also expressed their opposition to these applications. Indeed it was one of the tenant companies that brought the matter to our client's attention.

The proposed use of the premises and operating hours of 10.00 to 05.00 the following day are entirely inappropriate for this venue which sits at the heart of a commercial and retail area. The proposed activities are inimical to the general use of office and retail space which is long established in the area and the grant would be inappropriate, having regard to the character of the relevant locality and the use to which any premises in the vicinity is put.

In August 2020 the licensing sub committee refused a similar application a third of a mile away in Duke Street W1, (20/02836/LISEVNJ) specifically stating that it found the locality to be inappropriate for the grant of the SEV application.

In particular the sub committee noted that "in considering whether granting a licence would be inappropriate, the council will specifically consider whether the character of the locality is predominately residential, high profile retail, of historic importance or iconic in nature, or one of family entertainment or leisure. Areas predominately characterised by general or family retail use may be inappropriate localities for sexual entertainment because of their use by children, either unsupervised or in a family context, and by adults wishing to avoid the characteristics of, or associated with, sexual entertainment venues. Localities characterised as areas of historic importance, or iconic in nature, will be particularly attractive to, and used by, visitors, both adults and children. The council may consider it inappropriate for these localities, which in many cases will be of national and international significance, to be associated with sexual entertainment venues and their associated character, because of the effect that such an association would have on visitors and on the image of London and Westminster in particular."

We contend that exactly the same considerations apply to this application, so close to a previously refused application. On that basis the applications should be refused

Objection 10

Consulate General of Brazil in London - 3 Vere Street, London, W1G 0DG

The application revealed the applicant's intention to run a new sexual entertainment establishment in the ground floor and basement of the same building where the Consulate General of Brazil in London is based - 3-4 Vere Street, London, W1G 0DQ.

The Consulate General has made use of these premises over the last 15 years, and expressly manifests its firm objection to the application submitted by Clarmans Club Ltd for the reasons outlined below. It is important to note that a sexual entertainment venue means any premises at which a live display of nudity or live performance that is intended to stimulate sexual activity is provided before a live audience for the financial gain of the organiser or entertainer. The specific application mentions "full nudity striptease", as per the Statement of Licensing Policy 2012 issued by Westminster Council.

Please note that the activities developed by the Consulate are those enshrined in Art 5 of the Vienna Convention on Consular Relations, to which both Brazil and the United Kingdom are Parties. The Consulate General deals, thus, with several issues pertaining to Brazilian nationals' documentation including the registration of births and marriages, and it also counts with an assistance department which deals with vulnerable people on a daily basis.

We find it absolutely inappropriate to allow a sexual entertainment venue to be established in the same building where consular functions are regularly exercised and through which circulate children, elderly

and vulnerable people every day. Not to mention the clear inconsistency that there would be between the granting of the required licence and the commitment undertaken by Parties to the Vienna Convention to cooperate for the adequate performance of functions by consular posts.

Further detail provided by Consulate General of Brazil

We write further to your letter in which you attached a Notice of Application dated 22 December 2021 submitted by Clarmans Clubs Ltd.

The above-mentioned application revealed the applicant's intention to run a new sexual entertainment establishment in the ground floor and basement of the same building where the Consulate General of Brazil in London is based – 3-4 Vere Street, London, W1G 0DQ.

The Consulate General has made use of these premises over the last 15 years, and expressly manifests its firm objection to the application submitted by Clarmans Club Ltd for the reasons outlined below. It is important to note that a sexual entertainment venue means any premises at which a live display of nudity or live performance that is intended to stimulate sexual activity is provided before a live audience for the financial gain of the organiser or entertainer. The specific application mentions "full nudity striptease", as per the Statement of Licensing Policy 2012 issued by Westminster Council.

We would like to draw your attention to paragraph (3) (d) of Section 12 of Schedule 3 of the Local Government (miscellaneous Provisions) Act 1982, which sets out the legal framework with regards to the establishment of sexual premises:

"SCHEDULE 3

Control of Sex Establishments

(...)

Refusal of licences

(...)

(2) Subject to paragraph 27 below, **the appropriate authority may refuse—**

(a) an application for the grant or renewal of a licence on one or more of the grounds specified in sub-paragraph (3) below;

(b) an application for the transfer of a licence on either or both of the grounds specified in paragraphs (a) and (b) of that sub-paragraph.

(3) The grounds mentioned in sub-paragraph (2) above are—

(a) that the applicant is unsuitable to hold the licence by reason of having been convicted of an offence or for any other reason;

(b) that if the licence were to be granted, renewed or transferred 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, renewal or transfer 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 inappropriate, 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."

Please note that the activities developed by the Consulate are those enshrined in Art 5 of the Vienna Convention on Consular Relations, to which both Brazil and the United Kingdom are Parties.

The Consulate General deals, thus, with several issues pertaining to Brazilian nationals' documentation including the registration of births and marriages, and it also counts with an assistance department which deals with vulnerable people on a daily basis.

We find it absolutely inappropriate to allow a sexual entertainment venue to be established in the same building where consular functions are regularly exercised and through which circulate children, elderly and vulnerable people every day. Not to mention the clear inconsistency that there would be between the granting of the required licence and the commitment undertaken by Parties to the Vienna Convention to cooperate for the adequate performance of functions by consular posts.

Therefore, the Consulate exercises its right, as per the legislation above, to object the establishment of a sexual entertainment venue in the same building where the consular services are provided and put forward its disagreement with the concession of licence by the Westminster Council.

Objection 11

PRIVATE AND CONFIDENTIAL



City of Westminster
Licensing Service
Westminster City Hall
64 Victoria Street
London SW1E 6QP
AND BY EMAIL TO: licensing@westminster.gov.uk

Friday 14th January 2022

Dear Sir

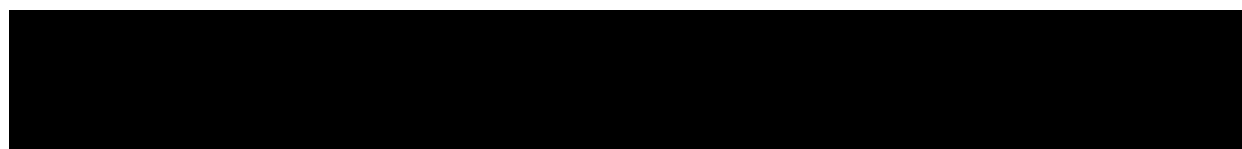
**New Premises Licence Application – Reference No: 21/14650/LISEVN (“Application”)
Applicant: Clarmans Clubs Limited (“Applicant”)
Premises: Ground Floor and Basement, 3-4 Vere Street, London W1G 0DH (“Premises”)**


In accordance with the provisions of paragraph 10(15) of the Local Government (Miscellaneous Provisions) Act 1982) (“Act”) we hereby give notice of our objection to the above-detailed Application for a sexual entertainment venue licence for the Premises.

We acknowledge that pursuant to paragraph 10(16) of the Act notice of our objection will be given to the Applicant. Please note, however, that we do not consent to our name, address or contact details being provided to the Applicant.

The following are our grounds of objection:

1. The Applicant was only incorporated on 21 December 2021, that date being the day immediately before the date appearing on the Application. Consequently, there is no evidence available to show that the Applicant has any experience of operating the type of business (a sexual entertainment venue) that it proposes, if a licence to do so is granted, to operate at the Premises:
2. The sole director of the Applicant is John Charles Wythe. According to Companies House, he is also a director of two other companies, namely JW Restaurants Limited (company number 13694745) and JW Clubs Limited (company number 13484575). Those companies were incorporated in October 2021 and June 2021 respectively, and so again are relatively “new” companies. Even if (which is unclear from the documents available at Companies House) JW Clubs Limited is in the business of operating sexual entertainment venues, given its recent incorporation there is nothing to suggest that



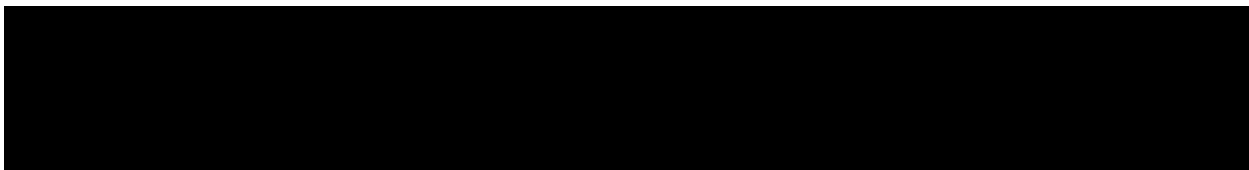


it has any significant (or any at all) experience of doing so. Having only been incorporated some 7 months ago, it would appear that it probably does not;

3. Our concern therefore is that neither Mr Wythe nor the Applicant appear to have any relevant experience which would suggest that they are suitably qualified to be operating a sexual entertainment venue;
4. In relation to the Application itself, paragraph 10(3)(iii) of the Act expressly requires that where, as here, an application is made by a body corporate, it shall state the full names and private addresses of the directors or other persons responsible for its management. The Application does not state anywhere the name of the Applicant's director, Mr Whyte. The use of the word "shall" in paragraph 10(3)(iii) means that compliance is mandatory. The Applicant is therefore in breach of this paragraph;
5. Paragraph 12(2) of the Act states that, subject to paragraph 27, the appropriate authority may refuse an application for the grant of a licence on one or more of the grounds specified in sub-paragraph (3). This includes, at (3)(c), that the number of sex establishments 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.
6. It also, states that the authority shall have regard to the character of the relevant locality [12(3)(d)(i)] and the use to which any premises in the vicinity are put [12(3)(d)(ii)]. In that regard we would comment as follows:
 - i. St. Peter's Church is located on Vere Street, with its official postal address being numbers 5-7. It is therefore in very close proximity to the Premises;
 - ii. The Brazilian Embassy is located in close proximity to the Premises;
 - iii. The Premises are also only a very short distance away from Oxford Street, with one of the closest stores to the Premises being The Disney Store which is regularly frequented by families including young children; and
 - iv. In the next road along from the road on which the Premises are located is a new block of residential flats and a hotel;
 - v. The Premises, given their location, are very much in the heart of the City of Westminster's lucrative and busy shopping district and are therefore likely to be passed by and visible to many people on a regular basis;



- vi. The building within which the Premises are located is, we believe, owned by the same family that owns the building housing the Brazilian Embassy. It appears from the plans submitted with the Application that the Premises would be required to share the emergency fire exit with the occupants of the Embassy and we understand that this is some considerable concern to the Embassy personnel.
7. Notwithstanding that paragraph 12(4) of the Act states that an appropriate number for the purposes of sub-paragraph (3)(c) may be nil, our investigations have revealed that there are currently four sex entertainment venues within the City of Westminster. They are:
- i. Vanity Soho, 4 Carlisle Street W1D 3BJ;
 - ii. Sophisticats – Premier Club Soho, 5 Brewer Street W1F 0RF;
 - iii. Sunset Strip – 30 Dean Street W1D 3SA; and
 - iv. The Mayfair Club – 50 Dover Street W1S 4NY
8. In the circumstances we believe that the number of sex establishments located in the City of Westminster already exceeds the number which should reasonably be considered appropriate. On that basis the Application should be refused;
9. Our prestigious offices at 1 Vere Street are located immediately adjacent to the Premises. We were established in 2011 as a response to the financial crisis to provide the specialist understanding and expertise required to promote and defend our clients' interests in a world where investment firms are under greater scrutiny than ever. Our clients range from single-strategy start-ups to global, multi-platform asset managers. We are also experts at managing unusual or challenging reputational issues for businesses and individuals. We pride ourselves on working with dedication and discretion and provide sophisticated communications advice on all aspects of clients' global reputations.
10. Having a sex establishment venue immediately adjacent to our offices is, we believe, likely to be extremely damaging in terms of our professional relationships with our clients (both current and prospective) who attend at our offices.





11. Another important factor is that our staff often work outside of what are generally considered to be “normal” working hours. As such, they will often have to walk past the Premises while they are open, either to access our offices or having exited them. We should not have to expose our staff to the risk of being confronted by patrons or employees of the Premises.

12. Consequently, we must object most strongly to the granting of the Application;

13. We have also taken the opportunity to review the City of Westminster’s Licensing Policy (on the basis that we had anticipated that the Applicant would also be seeking a licence to sell alcohol on the Premises) and there are a number of matters contained within the same which we say are relevant to whether or not the Application (including any application under the Licensing Act 2003) should be granted, and which we would say constitute further grounds for objecting to the Application. These include:

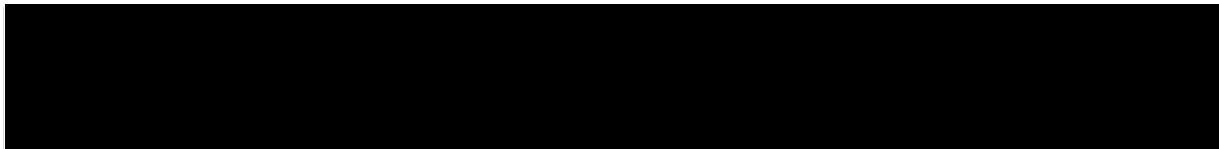
- i. The Prevention of Public Nuisance Policy PN1;
- ii. The Core Hours Policy HRS1; and
- iii. The Sexual Entertainment Venues and Sex Cinemas Policy SCEV1

14. Dealing with each of those in turn, we would comment as follows:

The Prevention of Public Nuisance Policy PN1 (“PN1”) – In deciding whether to grant an application, the licensing authority will apply the following criteria:

“The potential for nuisance associated with the style, characteristics and activities of the business to be carried out at the premises and the potential steps which would be taken to reduce the risk of nuisance occurring. This will particularly apply in areas of residential accommodation and where there is residential accommodation in the proximity of the premises”.

PN1 goes on to say that playing music can cause nuisance both through noise breakout, transmission through the structure of the building and also by its effect on patrons, who become accustomed to high sound levels and to shouting to make themselves heard, which can lead to them being noisier when leaving premises. The later that music is played the greater the potential for nuisance.





We should mention here that the Application seeks a licence to operate between the hours of 10am and 5am on Monday to Saturday and 10am to midnight on Sunday. Clearly therefore it is the Applicant's stated intention to carry on business into the early hours of the morning on six days of the week, thereby, we say, creating a greater risk of nuisance being caused.

PN1 also makes reference to residents often being subjected to nuisance from the noise of people on their way to or from the premises and loitering in the streets after they have left the premises. This can affect residents even at some distance from the premises themselves.

The proposed operating hours of the Premises will undoubtedly therefore create a risk that people and businesses in the locality will be subjected to noise nuisance from patrons of the establishment.

We therefore object to the Application on public nuisance grounds.

Core Hours Policy HRS1 ("HRS1")

HRS1 states that applications for operating hours which fall outside of the Authority's "core hours" will be considered on the merits. However, HRS1 also stipulates that the core hours for sexual entertainment venues are as follows:

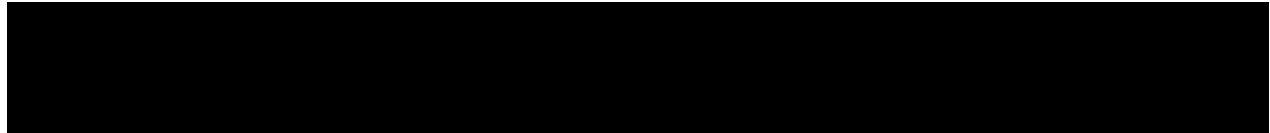
- i. Monday to Thursday – 9am to 11.30pm;
- ii. Friday and Saturday – 9am to midnight; and
- iii. Sunday – 9am to 10.30pm

Given that the Application seeks a licence to operate until 5am on Monday to Saturday and until midnight on Sunday it is obvious that those hours are considerably beyond those which you, as the licencing authority, consider acceptable in terms of the core hours.

We therefore object to the Application on the basis that it seeks to operate outside of the defined core hours.

Sexual Entertainment Venues and Sex Cinemas Policy SCEV1 ("SCEV1")

Pursuant to SCEV1, it is your policy to only grant applications for sexual entertainment venues in exceptional circumstances, and subject to (amongst other things) the following:





- i. The premises not being located in the proximity of residential accommodation, schools, places of worship and community facilities; and
- ii. The hours for licensable activities being within the Core Hours Policy.

As stated previously, the intention (according to the Application) is to operate the business considerably outside of the core hours on each day of the week, but especially between Monday and Saturday.

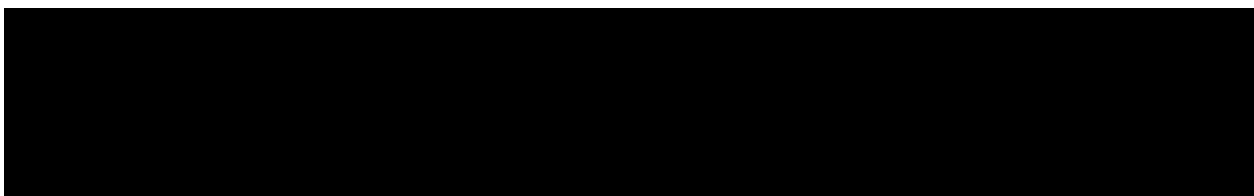
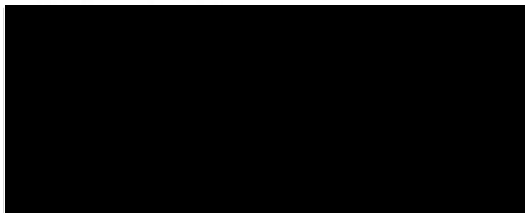
As stated above, the Premises are in close proximity to residential accommodation, a place of worship and other community facilities including, but not limited to, the Oxford Street retail district.

We therefore submit that there are no exceptional circumstances which would enable you to grant the Application.

Given the content of this letter, it is our firmly held opinion that it would be entirely inappropriate for the City of Westminster to grant the Application and we would therefore respectfully submit that the same should be refused.

We can be contacted in relation to this matter either by telephone on 0207 952 2000 or by email at enquiries@greenbrookpr.com

Yours faithfully



Objection 12



Public Protection and Licensing
Westminster City Council
15th Floor
Westminster City Hall
64 Victoria Street
London
SW1E 6QP

Monday 17th January 2022



Dear Sirs,

Letter of Objection

21/14650/LISEVN, Application for Sexual Entertainment Venue, Ground Floor And Basement 3 - 4 Vere Street London W1G 0DH

21/14651/LIPN, Application for premises licence, Ground Floor And Basement 3 - 4 Vere Street London W1G 0DH

We write in response to the referenced licensing applications above. We most strongly object to applications for this property.

 is an investment firm located on the  where we hold a 10 year lease.

We do not believe that a **Sex Entertainment Venue** is an appropriate use in this vicinity. Indeed, we are concerned that allowing it, and setting a precedent, would significantly damage the area.

The site, just off Oxford Street, is in a highly prominent position with large windows easily seen from the street. We feel a sex entertainment venue could be highly damaging to families congregating in the locality of Vere Street, particularly given the significant residential development and the positions of both the Brazilian Consulate General at 2 Vere Street and the London Institute for Contemporary Christianity in an 18th century church building on Chapels Place.

Objection to SEV licence

The objection is made on the following grounds arising under Schedule 3 paragraph 12(3) of the Local Government (Miscellaneous Provisions) Act 1982:



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(c) that the appropriate number of sex establishments in the relevant locality is nil;

(d)(i) that the grant of the licence would be inappropriate having regard to the character of the relevant locality;

(d)(ii) that the grant of the licence would be inappropriate having regard to the use of premises in the vicinity;

(d)(iii) that the grant of the licence would be inappropriate having regard to the character of the premises in respect of which the application is made.

As the Council is aware, the locality of these premises is one of the most iconic retail destinations in the world.

The Council's own sexual entertainment venue policy states:

2.4.6 In considering whether granting a licence would be inappropriate the council will specifically consider whether the character of the locality is predominately residential, high profile retail, of historic importance or iconic in nature, or one of family entertainment or leisure.

2.4.12 Localities characterised as areas of historic importance, or iconic in nature, will be particularly attractive to, and used by, visitors, both adults and children. The council may consider it inappropriate for these localities, which in many cases will be of national and international significance, to be associated with sexual entertainment venues and their associated character, because of the effect that such an association would have on visitors and on the image of London and Westminster in particular.

This evidently applies to the general locality of these premises.

In summary, it is respectfully submitted that a sexual entertainment venue in this location would be harmful to the current mix of uses and to the locality more generally, in breach of the Council's SEV policies LOC1 and LOC2.

We also strongly object to the hours applied for, which are 10 a.m. to 5 a.m. on Monday to Saturday and 10 a.m. to midnight on Sunday. Regarding the 10 a.m. start, we feel this would have an adverse impact on our business. As for the terminal hours, these are far beyond core hours as set out in the SEV policy HRS1.

Objection to premises licence

The hours applied for are far in excess of the Council's Core Hours set out in Policy HRS1 of its licensing policy.

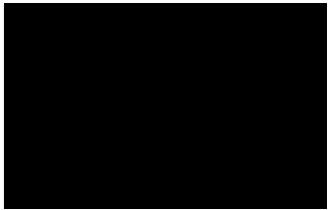
Furthermore, the proposal is to operate the premises as an SEV. It is noted that condition 5 theoretically permits a conventional entertainment use by stating: *"The sale of alcohol shall be to seated persons only and ancillary to the provision of regulated entertainment or striptease entertainment authorised under a Sexual Entertainment Venue Licence."* However, the reality of the situation, including the nature of the operator, the layout and the hours applied for, mean that the



proposal can only proceed as a lap dancing club. If, as our client requests, the application for the SEV licence is refused, the application for the premises licence must fall with it, since the applications go hand in hand.

Accordingly, the Council is respectfully requested to refuse both applications.

Yours sincerely



Objection 13

KEYSTONE LAW

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United Kingdom

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Licensing Team
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15th Floor West
64 Victoria Street
London
SW1P 6QP

Your ref:21/14650/LISEVN
Our ref:MAR298/2
Robert.sutherland@keystonelaw.co.uk

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18th January 2022

Dear Sirs,

Re: 3-4 Vere Street, London W1G 0DH – Objection to new SEV Licence application

We act for [REDACTED] the junction of Marylebone Lane, Henrietta Place and Welbeck Street. We are instructed to make an objection to the SEV licence application in respect of 3-4 Vere Street, London W1 by Clarman's Clubs.

The objector does not wish their details to be disclosed to the applicant or public.

The objections are made on the basis that:

1. The application does not promote the aims and objectives of City of Westminster Sex establishment policy 2012 to promote;
 - a. prevention of crime and disorder
 - b. public safety
 - c. prevention of public nuisance
 - d. protection of children from harm
 - e. improvement in the character and function of the city, or areas of it
2. The suitability of the applicant to hold a licence or manage or carry on a business at the premises.
3. The number of SEV licensed premises in this specific locality should be Zero.
4. The appropriateness of granting a sex entertainment venue licence, having regard to the character of the relevant locality, the use to which premises in the vicinity are put.
5. The layout, character or condition of the venue in respect of which the application is made.
6. The hours during which licensable activity will be permitted at the premises and the hours that the premises is permitted to be open.

Taking each of the points in turn:

1. The council have developed a licensing policy to promote the licensing objectives the application seeking the extensive licensing hours is outside the hours considered by the policy to be appropriate

and does not promote the aims and objectives of the council's policy. Due to the allegations raised by the police in respect of other premises known as Sophisticats and the findings of the Licensing Committee in Camden there are concerns that granting a SEV licence will not promote the prevention of crime and disorder licensing objective.

2. From the supporting documentation submitted with the application it appears that the application is in respect of premises to be called 'Sophisticats' We understand that a club with the same name was subject to a police review of the premises licence for premises in Eversholt Street. Concerns are raised whether the same or connected persons are involved in some capacity or the operation of the premises will provide benefit to persons who were involved in the Sophisticats at Eversholt Street. In their review application in 2019, the Metropolitan Police state in their application "The Metropolitan Police Service (MPS) have instigated a review of the Premises Licence as we have concerns that the following Licensing Objectives, namely the Prevention of Crime and Disorder and Public Safety objectives have been undermined. Within the last 18 months there have been 11 incidents of crime, which we consider to be indicative of the management of the premises. The offences are mainly allegations of fraud, and Administering a Substance with Intent (drinks being spiked). There have been crimes reported where the initiation of the offence begins in Sophisticats in Brewer Street, Westminster and then continues in the Sophisticats in Eversholt Street, Camden. Thus providing a link to London Sophisticat venues, hence why I have also mentioned Brewer Street and Marylebone Road in my representations. Prior to Sophisticats opening in Eversholt Street, the club was situated on Marylebone Road. All three Sophisticats venues have had allegations of fraudulent transactions made against them, with the same methods reported and the victims reporting substantial losses of monies." This led to the determination of the following by the Camden licensing committee in January 2020 –

"In deliberation, the Panel Members expressed concern at the number of complaints received from customers regarding the circumstances in which they had had large sums of money debited from their credit cards in the Sophisticats venues. The Panel noted that licence holder had said that there was no evidence to support the complaints and no offences had been proven by the Police. However, similar complaints had not been received from customers of other SEVs in Camden which brought them to question the effectiveness of the management of Sophisticats. When this club had operated as a Secrets venue, it did not have these sorts of incidents; it was only when it became a Sophisticats venue that all the problems started.

The Police investigations into those allegations had revealed a pattern of inappropriate behaviour which could not be tolerated at any licenced premises. This included selling inappropriate quantities of alcohol, including to already intoxicated customers, selling large quantities of alcohol shortly before the closing time of the premises and pressure selling alcohol by the performers. The actions of the dancers in the CCTV footage in trying to control the complainants handling of the cards and the waitress encouraging them to distract him was particularly concerning. The licence holder had also resorted to personal attacks on professional police officers alleging that a police officer had committed professional misconduct, but



there was no evidence at all to substantiate these claims. Panel Members were also concerned by the lack of cooperation and lack of willingness to compromise with the Police.

The Panel noted the options available to them, as set out on page 70 of the agenda. Following legal advice, Panel Members noted that any decision they made would only take effect after 21 days or after an appeal had been concluded.

Panel Members then discussed the possibility of modifying the conditions of the licence. However, given the evidence submitted and the frequency of the incidents, Panel Members were of the view that, if the licence was allowed to continue with modified conditions, the licence holder would continue to breach the licence conditions and fail to promote the prevention of crime and disorder and the prevention of public safety licensing objectives. Panel Members did not feel that conditions would properly address the issues that had been raised; nor would removing the DPS be the solution, as it was the premises, not a single individual, that was the issue. Nor did they feel suspension would be the appropriate or proportionate response. Given this, the Panel agreed that the licence should be revoked." See minutes attached.

3. The area in which the premises are located are approximate to a major west end shopping area with families and children frequenting the area. The hours sought would mean the premises is open at times when the character of the area and the use of local premises for shopping mean that such an SEV premises is inappropriate. Further the premises are proximate to residential premises and medical premises. As a result many different types of person are in the area who may well be affected by frequenting an area where an SEV premises is located. They may not wish to attend an area with such premises but have no choice in the matter due to the locality. In line with the council's policy NO1 it is our submission that any additional premises offering sex related entertainment in this locality will affect the balance and mix of uses in this area around Cavendish Square, Harley Street, Wimpole Street and Oxford Street which could deter visitors and have a negative impact overall. Within the confines of policy NO1 and notwithstanding the maximum numbers we would invite the committee to determine that the appropriate number of SEV premises in this immediate locality is zero.
4. Notwithstanding, the appropriate number of SEV premises it is further submitted that the area in which the premises are located are approximate to a major west end shopping area with families and children frequenting the area. The hours sought would mean the premises is open at times when the character of the area and the use of local premises for shopping mean that such an SEV premises is inappropriate. We submit that para 2.4.11 of the Westminster policy applies:
"Areas predominately characterised by general or family retail use may be inappropriate localities for sexual entertainment because of their use by children, either unsupervised or in a family context, and by adults wishing to avoid the characteristics of, or associated with, sexual entertainment venues."
In addition, reference should be made to policy LO2 and para 2.4.17 – "The council considers that sexual entertainment venues, providing a particular type of entertainment for a particular adult clientele, may be inappropriate in the vicinity of other premises depending on their use. This may include premises in the vicinity used for religious worship, by children and families, or vulnerable




adults.” The proposed location is several metres from St Peter’s chapel that provides a place of religious worship and training for people living and working in the area. Reference has already been made to the other uses in the locality – medical and residential including hotel, which also make this area inappropriate for a sex establishment.

5. The premises suitability is raised because of the apparent failures in the operations at another premises called Sophisticats in Eversholt street and referred to above. The layouts of those premises were approved by the authority and still breaches were alleged to have taken place.
6. Consideration of policy HR1 and hours generally. The hours sought during the day when the area is frequented by persons of all ages including children make such an operation inappropriate. The hours sought also extend beyond normal core hours and would mean that people are in an area where residents may be disturbed by activity, nuisance and disturbance of people queuing, smoking and or leaving the premises. Such nuisance to residents including hotel residents should not be encouraged through the granting of such late hours.

We will submit further detail in support of this objection in due course. Please notify us of when the committee hearing is likely to be so we can make the necessary arrangements and provide the supporting material.

Should there be further questions please do not hesitate to contact Robert Sutherland.

Yours faithfully,


Robert Sutherland
Consultant Solicitor
Keystone Law Limited



THE LONDON BOROUGH OF CAMDEN

At a meeting of **LICENSING PANEL D** held on **THURSDAY, 30TH JANUARY, 2020** at 7.00 pm in Committee Room 1, Crowndale Centre, 218 Eversholt Street, London, NW1 1BD

MEMBERS OF THE PANEL PRESENT

Councillors Leo Cassarani (Chair) and Jenny Headlam-Wells

MEMBERS OF THE PANEL ABSENT

Councillor Jonathan Simpson

The minutes should be read in conjunction with the agenda for the meeting. They are subject to approval and signature at the next meeting of Licensing Panel D and any corrections approved at that meeting will be recorded in those minutes.

MINUTES

1. APOLOGIES

Apologies were received from Councillor Jonathan Simpson.

The Committee Officer confirmed that the Panel was quorate with two Members present.

2. DECLARATIONS BY MEMBERS OF PECUNIARY AND NON-PECUNIARY INTERESTS IN RESPECT OF ITEMS ON THIS AGENDA

Councillors Cassarani and Headlam-Wells declared, for the sake of transparency, that they were members of the Licensing (Sexual Entertainment Venues (SEV)) Sub-Committee where they had previously considered sexual establishment applications submitted by the licence holder regarding Sophisticats. They acknowledged that this application was being considered under the Licensing Act 2003 and confirmed that they would consider this application on its own merits under the Licensing Act 2003.

3. ANNOUNCEMENTS (IF ANY)

The Chair proposed and it was agreed that item 5 "Minutes" would be considered after item 6. The remaining items were considered in the order in which they appeared on the agenda.

4. NOTIFICATION OF ANY ITEMS OF BUSINESS THAT THE CHAIR DECIDES TO TAKE AS URGENT

There was no urgent business.

5. MINUTES

Consideration was given to the minutes of the meeting held on 17th October 2019, 21st November 2019 and 23rd December 2019.

RESOLVED –

- (i) THAT the minutes of the meetings held on 17th October 2019 and 21st November 2019 be approved and signed as a correct record; and
- (ii) THAT the minutes of the meeting held on 23rd December 2019 be deferred to the next week of the Panel as neither Councillor Cassarani nor Councillor Headlam-Wells were at that meeting.

6. SOPHISTICATS, 34-38 EVERS Holt STREET, LONDON, NW1 1DA

Consideration was given to a report of the Executive Director Supporting Communities regarding an application to review a premises licence under Section 51 of the Licensing Act 2003.

It was noted that additional information had been submitted by the applicant which had been circulated and published in a supplementary agenda on 29th January 2020. A submission from the Metropolitan Police Service (MPS) had also been circulated and published later that day in a second supplementary agenda.

Mr Robert Cohen, barrister, representing the applicant, the Metropolitan Police Service (MPS) informed the Panel that repeated concerns had been raised about Sophisticats. Within the last 18 months there had been 12 incidents of crime, some where the initiation of the offence began in Sophisticats in Brewer Street, Westminster and then continued in the Sophisticats in Eversholt Street, Camden. Prior to Sophisticats taking over the club in Eversholt Street, it had been a Secrets club. Sophisticats also had clubs in Brewer Street and on Marylebone Lane. All three Sophisticats venues had had allegations of fraudulent transactions made against them, with the same methods reported and the victims reporting substantial losses of monies. Thus providing a link to London Sophisticats venues and leading the Police to believe it was indicative of the management of the premises.

A number of customers had complained of the circumstances in which they had had large sums of money debited from their credit cards. Investigations into those allegations had revealed a pattern of concerning behaviour which, in his view, could not be tolerated at any licenced premises. This included:

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- a. Selling inappropriate quantities of alcohol (including to already intoxicated customers);
- b. Selling large quantities of alcohol shortly before the closing time of the premises (in the expectation, presumably, that the customer would drink a large quantity in a short time).
- c. Pressure selling alcohol

Not all of these allegations were originally reported to the Police. Some had gone to Trading Standards and others to the charity Action Fraud. There had not been any charges or prosecutions arising from the investigation, but he stressed that this did not mean that matters of serious concern had not come to light.

It was noted that for the purposes of this review, the Police would focus on the incident which occurred on 27th February 2019. Mr Cohen informed the Panel that the complainant had contacted the London Borough of Camden Licensing Unit. He alleged that he could remember nothing of his evening after he entered Sophisticats in Soho. It later transpired that he had been transported to Sophisticats on Eversholt Street. He had spent £50,000. The Police accessed the CCTV, with Sophisticats' cooperation, which showed that there were several moments at which the complainant appeared to be extremely intoxicated. The footage showed what he described as "an especially troubling scene" in which performers could be seen to manipulate the complainant into handing a credit card over. The Police had collated important sections of the footage for the Panel to see and consider. As the complainant could be identified, the Panel agreed to move into Part II and excluded the press and public and passed the following resolution:

RESOLVED –

THAT the press and public be excluded from the proceedings of the Licensing Panel on 30th January 2020 on the grounds that it is likely, in view of the nature of the business to be transacted, that were members of the public to be present, there would be disclosure of exempt information as defined in Schedule 12A to the Local Government Act 1972 (as amended) and that the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

Specifically, that publicity in respect of item 6 would be likely to lead to the disclosure of information relating to any action taken or to be taken in connection with the investigation or prosecution of a crime by virtue of Category 7 of Schedule 12A of the Local Government Act 1972 (as amended).

Part II – Private Session

The Panel was firstly provided with CCTV footage from the early hours of the 27th February 2019 where the complainant alleged fraudulent transactions on his bankcard. PC Patrick went through the footage of the alleged incident highlighting his concerns with regard to the pattern of behaviour of the complainant:

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- The complainant appeared to be intoxicated and did not have full control of his faculties. He took a long time to enter a PIN code and fumbled when trying to return a card to a wallet. He was also staring at the floor or away from the performers around him.
- He had a performer sitting either side of him. The customer allowed his hand to be manipulated into handing over a credit card. The dancer on the right of him took his card out of his wallet, but put it in his hand as he was the one who had to make the payment.
- A waitress entered and the customer gave her the card, which she put into the machine and showed it to the customer, but the dancer pushed it away. The customer was concentrating on the dancer. The waitress entered numbers into the machine. The dancer had stood up, but the waitress guided her back to be seated next to him and prompted him to enter his PIN. The dancer began dancing and they were all laughing and hugging. At this point there were 2 receipts on the table – 2 transactions had been made at 04.27 hours and 04.28 hours for £4,000 and £6,000 respectively.
- At 04.29 hours the customer was sitting on the sofa with his wallet open, it was not clear if he was trying to put his card away or take it out. The two dancers either side of him explained something to him and started touching his wallet. The customer got a card out of the wallet and so did the dancer. The waiter sat down laughing while the dancer explained something to him.
- 04.33 hours the customer had his wallet open and one of the dancers started going through it and pointed to a card. The dancer on his right motioned to someone outside the area and the waiter then took the card. The customer appeared expressionless.
- 04.45 hours more dancers appeared in the area. The customer took a time, about 3 minutes, to enter his PIN number in the machine. During this time a phone was brought into the VIP area and the customer uses its light which helped him see the key pad.

The Panel then moved back into public session.

Part I – Public session

Mr Cohen said that the CCTV footage showed that the complainant was intoxicated to the extent that he did not have full control of his faculties and was struggling to complete normal tasks. He suggested that a responsible licensee would have taken steps in these types of circumstance to stop serving their customer. The approach, however, taken by Sophisticats was to the opposite effect as they sold him two further 3 litre bottles of champagne. In total the complainant purchased 9 litres of champagne (108 units of alcohol) and 5 Jagerbombs (5 units of alcohol) whilst at Sophisticats, totalling 113 units of alcohol. Mr Cohen suggested that this was inconsistent with the usual licensing practice and objectives.

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Mr Cohen referred to the licensee's submission which he considered resorted to personal attacks on professional police officers rather than addressing the obvious concerns that had arisen in relation to Sophisticats. They alleged that a police officer had committed professional misconduct, but there was no evidence at all to substantiate these claims. The licensee's argument appeared to be that a police officer had directly discriminated because he was a man and had investigated without talking to the female performers. This was incorrect as it would be inappropriate (and unlawful) for a police officer to try and speak to a potential suspect, as the female performers were, without making sure that that person was questioned in accordance with the provisions of the Police and Criminal Evidence Act 1984. In particular, this would require that the suspect be cautioned and their evidence recorded.

Also, it had been alleged that the police officer had indirectly discriminated because he had taken the word of the male complainants rather than the female performers because he distrusted them due to his dislike of the work which they carried out. Again this was incorrect, as the officer did not proceed solely on the basis of the complainant's accounts, he had behaved professionally and reviewed the CCTV footage and other available evidence. Contrary to the suggestion in the licence holder's submission, he said that it was not unlawful discrimination for the Panel to conclude that the licence should be revoked even if this had an adverse effect on a mainly female workforce. There was no requirement for a licensing authority to overlook bad and unsafe practices in a licensed establishment in the name of equality.

With regard to concerns as to the operation of the premises, Mr Cohen said that the evidence showed that vulnerable individuals were pressured into spending large amounts of money. These individuals were vulnerable because of the amount they had drunk and the fact that it was very late at night or in the early hours of the morning. The evidence demonstrated that transactions occurred which the complainants were only partially aware of together with evidence of manipulation and pressure selling. All of these matters were contrary to the licensing objectives.

This pattern was similar in other cases. For instance, customers were allowed to purchase four bottles of champagne in no more than an hour on 21st July 2019; on 28th September 2019, two customers were permitted to purchase 2¼ litres of champagne, 2 Gin and Tonics and 3 'rounds of drinks'. The practice of selling very large quantities of alcohol to an intoxicated person was outlawed by any responsible licensee and increased the risk of crime and disorder and nuisance. Furthermore, many of the alcohol sales, including large bottles of champagne, were made shortly before the premises closed. For instance, on 27th February 2019 the customer was permitted to buy one 3 litre bottle of champagne at 04:27 hours (1.5 hours before closing) and another 3 litre bottle at 04:53 hours (1 hour and 7 minutes before closing). It was also relevant to Camden's own statement of licensing policy that "rapidly ascending and high blood alcohol concentrations are shown to be associated with violence and uninhibited behaviour".

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He concluded that the evidence submitted by the Police set out the concerning circumstances in which transactions seemed to occur, on multiple occasions at a number of Sophisticats premises when the customer did not appear to be aware of what they were purchasing or how much they were spending. The licensee did not accept the seriousness of the situation which led Mr Cohen to urge the Panel to revoke the licence

Martin Harland, Head of Trading Standards, had submitted a statement in support of the Police application. He summarised his statement and answered questions as follows:

- He said that receipts regarding sales relating to the incident which took place on 27th February were all headed up "Brewer Restaurants Ltd" but there was no company registered with that name when he checked the Companies list. This, therefore, appeared to be fraudulent. In response to a question, he said that this was also the case in respect of one other incident. Sophisticats had given no explanation for this.
- The Consumer Protection Act 2008 stated that aggressive practices to cause consumers to make transactions was a criminal act. The CCTV shown by the Police demonstrated that such practices were occurring in this case. Normally the customer would take control when making a payment but in this case was not protecting his PIN and appeared vulnerable.

In response to questions from the Panel, PC Patrick said that

- The complainant could only remember going to Sophisticats in Brewer Street but had no recollection of attending the premises in Eversholt Street. He discovered this when he found the receipts in his pocket.
- The actions of the dancers in the CCTV footage looked like it had been practiced before the February incident, especially the behaviour of the dancers in trying to control the complainants handling of the cards and the waitress encouraging them to distract him.
- Customers were only allowed in the VIP area if they purchased champagne or paid the equivalent amount.
- The Police did not know how much alcohol the complainant and dancers actually had to drink. The CCTV showed that he had a glass in his hand at the beginning of the film but not towards the end. Champagne had been brought into the VIP area but some had been taken out of the area in glasses.
- When purchasing a certain amount of alcohol the approval of a senior manager was required. The CCTV footage did show a man entering the VIP area on 3 or 4 occasions who did speak to the dancers and waitress. It was assumed that he was a manager.
- The VIP room was very dark and customers should be asked to move outside to the payment desk to pay for transactions. There was CCTV at the payment desk but not audio.
- A maximum of 2 dancers only could be with a customer, but in the case of the complainant there were up to 5 performers in the VIP area.
- All customer receipts should contain the name and address of the premises.
- All purchases of alcohol should be itemised individually and gratuities should be shown on the receipts.

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- There was no evidence that the complainants drink had been spiked.
- In most venues people drank in open areas so it became obvious if they were intoxicated. However, customers drinking in the VIP booths were in secluded areas where it might not be so noticeable.

The Police recommended that

- there should be a log book to record gratuities
- payment for champagne, 750ml or more should be made at the payment desk
- customers should be asked to take a breathalyser test at the payment desk to ensure that they were not intoxicated. This would be then evidenced on CCTV

Sarah Lefevre, barrister, was representing the licence holder John McKeown, the Director and owner of Devine Restaurants and Secrets (Camden) Ltd trading as Sophisticats. Sarah Lefevre referred to the Panel's question to the Police with regard to the drinks consumed by the complainant on 27th February 2020. She drew the Panel's attention to pages 472 – 474 of the first supplemental agenda containing additional documents submitted by the licence holder. This document detailed the drinks consumed by the various complainants and had been prepared by Leveche Associates Ltd, an independent company dealing with licensing and security in the private sector after watching several hours of CCTV footage. The complainant in respect of the incident which occurred on 27th February 2019 had consumed a glass of champagne and a Jagerbomb at the Soho premises (from 02.36 hours – 03.09 hours) and a Jagerbomb, 6 glasses of champagne and a bottle of water at the Euston premises (from 03.24 hours – 05.52 hours).

In response to some of the issues raised by Martin Harland, trading standards, Sarah Lefevre drew the Panel's attention to page 415 of the first supplemental agenda. She confirmed that the company name "Brewer Street Restaurants Ltd" had been registered at Companies House but had not been displayed on the PDQ card receipts due to an error.

She added that the complainant had an Amex card. Amex investigators viewed 6 hours of CCTV and saw no evidence of fraud. PC Dean Patrick reminded the meeting that he had viewed 30 hours of CCTV footage and had, therefore, seen more than the Amex inspectors had. Sarah Lefevre responded that the Amex inspectors might have had a different interpretation of the footage they had seen.

Sarah Lefevre then began to present the licence holders case. She said that at the end of February 2019, Sophisticats began trading at premises on Eversholt Street, in Camden. Sophisticats had a long and impressive record of trading SEV premises in the neighbouring borough of Westminster. Their record included demonstrably strong relationships with the police and licensing authorities and a proven track record of excellence and continuous improvement in setting and meeting licensing and internal policies and requirements, so as to ensure the maximum protection of performers and customers alike.

The premises in Eversholt Street had traded for many years as one of the Secrets chain of SEVs in the borough. The premises licence was transferred to the current

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holder John McKeown, Secrets (Camden) Ltd, on 27th February 2019. No objection was raised to the transfer application, by the police or other responsible authority. Investigations were complete by the date of the hearing into the allegation relating to 27th February 2019; questions were asked of and answered by Camden's licensing officer and by the Sophisticats representatives at the hearing, and the transfer application granted. Camden accordingly took a proper evidenced based approach decision in October 2019 and hoped that the Panel would repeat that approach when considering the application and evidence submitted by the Police.

She then referred to the Police representation stating that:

- The Police representation incorrectly referred to 13 allegations. The 13th allegation related to an incident which occurred in December 2019, but was disproved following a comprehensive investigation by Sophisticats. There had been no proper analysis or assessment by the Police of the 12 allegations which they had relied upon and there was a virtually identical representation submitted by Trading Standards. The 12 allegations related to three Sophisticats venues over a period of almost 2 years. The total attendance across the three venues in that two year period was approximately 100,000.
- The Police representation repeatedly referred to 'offences' but no offence had ever been proven.
- Those allegations, where proper investigation had been carried out, had been dismantled and discredited. Some incidents had not been properly investigated due to delay in notification, which in some cases was over 18 months, and/or other decision making by the Police (or Trading Standards) to Sophisticats. The Police had originally screened out 4 of the allegations as not meriting any investigation at all, but over a year later the Police included these cases as part of the 12 incidents and now relied upon them in their submission.
- On receipt of the police and trading standards representations, Sophisticats carried out a comprehensive investigation to provide a full response to the allegations, which included:
 - a statement from a dancer employed by Sophisticats dated 5th January 2020; and
 - a report from Leveche Associates Ltd, including:
 - incident specific reviews, incorporating CCTV viewing logs, internal witness statements, police CRIS reports (available for 10 of the 12 incidents) and other relevant material (Appendices A-L and Appendix O) ; and
 - sample reviews of 'Big Spend' customers (Appendices M and N).
- Sophisticats had taken the allegations extremely seriously and had subjected itself to a high degree of scrutiny. They had looked for evidence of dishonesty, drunkenness, spiking, breach of condition and customer, staff, or performer misconduct. They had also seen this as an opportunity to consider what if any additional processes it might identify and adopt, so as to avoid the risk of any such issue actually materialising and to protect itself against further spurious allegations arising in the future.

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- 4 allegations (3 of the original 12 and the further allegation of 13th December 2019) related to Sophisticats on Eversholt Street.
 - 27th February 2019: Appendix A
 - 20th July 2019: Appendix B
 - 28th September 2019: Appendix C
 - 13th December 2019: Appendix 1
- None of the allegations have ever been relied upon by the Police in Westminster to restrict the licence for Sophisticats venues in that borough.
- 6 of the 12 allegations were brought to the attention of Sophisticats for the first time through the Police representation. CCTV was never requested from the relevant Sophisticats venue in respect of these allegations, and due to the time delay most of the CCTV relating to these incidents had been deleted.
- The Police had never sought to take any witness statement or to secure any account from any Sophisticats performer or other member of staff. Also with one exception, the complainants and their (non-complaining) colleagues were male. It was apparent that whenever a female investigator had been involved (ie a police officer or fraud investigator employed by the relevant credit card company), they had found that there was no substance to the allegation.
- There are no repeat occurrences of fraud and/or unfair practices at the premises. A table had been prepared setting out the nature of the allegation and the outcome. In no case had any fraud been established. The male complainants had received what they were willing to and wished to pay for.
- The performers and staff at Sophisticats took pride in their work and were extremely good at their jobs.
- A small minority of customers might feel some regret at their expenditure in the cold light of day. An even tinier minority, 13 or 14 individuals in a total attendance of many thousands, had expressed that regret by blaming others.
- There was no evidence before Camden to justify a finding that the premises licence should be revoked or restricted

Riley, a dancer who had worked for Sophisticats for over 4 years, then presented her witness statement, as set out on pages 543 -544 of the first supplemental agenda. She highlighted a number of points stating that she had worked in a number of clubs and had found Sophisticats to be the cleanest in terms of compliance of conduct and safest that she had worked in. It gave her a well structured job in a disciplined workplace with good values.

As previously mentioned, on behalf of Sophisticats, Leveche Associates Ltd had investigated the allegations and had produced a report as well as collating important sections of the footage for the Panel to see and consider. As the complainant could be identified, the Panel agreed to move into Part II and excluded the press and public and passed the following resolution:

RESOLVED –

THAT the press and public be excluded from the proceedings of the Licensing Panel on 30th January 2020 on the grounds that it is likely, in view of the nature of the

business to be transacted, that were members of the public to be present, there would be disclosure of exempt information as defined in Schedule 12A to the Local Government Act 1972 (as amended) and that the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

Specifically, that publicity in respect of item 6 would be likely to lead to the disclosure of information relating to any action taken or to be taken in connection with the investigation or prosecution of a crime by virtue of Category 7 of Schedule 12A of the Local Government Act 1972 (as amended).

Part II – Private Session

The Panel was firstly provided with CCTV footage from the early hours of the 27th February 2019 where the complainant alleged fraudulent transactions on his bankcard. Nick Mason, Director of Leveche Associates Ltd, went through the footage of the alleged incident explaining that the footage began at 02:38 hours in the Soho venue and then continued at the Euston venue until 05:52 hours:

- This investigation was in relation to an allegation of fraudulent transactions on the complainant's credit card amounting to £52,000 and was initially screened in for investigation, but was later described as a 'Non-Crimed CRIS', meaning the report was used for retaining information concerning the incident, but there was no evidence of crime.
- The premises security CCTV had been reviewed and the complainant was clearly seen ordering bottles of champagne, interacting with dancers and using his credit card to make payments for goods and services supplied. None of this appeared under any duress and there was no evidence of coercion.
- The complainant visited both the Soho and Euston Sophisticats premises and the CCTV footage showed he made a number of attempts to touch the dancers while they were performing. This was dealt with by the dancers themselves along with security staff who intervened and appeared to warn the complainant about his behaviour.
- Whilst at the Soho and Euston premises the complainant was seen to drink six glasses of champagne, two Jagerbombs and some water.
- During this period of time the complainant sat with his legs on the sofa and at times appeared unsteady on his feet with the inference being he might be drunk. However, from the CCTV footage when he left the premises the complainant was in complete control and had no issues with walking.
- When the complainant attempted to touch dancers during performances they were at all times rebuked by dancers. While this may constitute a breach of the Condition 53, because he was not ejected, the security and management staff dealt with the complainant at the time apparently warning him about his behaviour.
- All credit card transactions were authorised by the credit card company as the correct PIN was entered by the complainant when he made purchases at Sophisticats.

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- On 8th April 2019 a representative of American Express wrote to the complainant confirming all charges were correctly authorised and would remain on his account.
- It was clear that although this matter was reported as fraudulent transactions, there was insufficient evidence to substantiate an allegation of crime.
- The matter had been dealt with by the investigating police officer as 'No Crime,' and had not been progressed with the last entry on the investigating officer's crime report being made in July 2019.
- In his view it was a well run club.

The Panel then moved back into public session.

Part I – Public session

Councillor Headlam-Wells recognised that there should be no touching, but asked if that applied to the dancer touching the customer as the footage showed the dancer touching the complainant. Mr Mason replied that if the dancer was performing there should be no contact, but normal contact was allowed when the dancer was not performing.

In reply to a question from Councillor Cassarani, Mr Mason said that there was no apparent reason for the complainant to be running out of the club when he left, it was something he chose to do.

Laura Prince, Matrix Chambers had prepared a statement focusing on the Equality Act 2010 in relation to the application which was considered to be discriminatory on the grounds of sex (pages 19-23 of the first supplementary agenda). She highlighted the following:

- PC Patrick's representations might amount to direct discrimination because PC Patrick, a male police officer, had chosen to take the word of the male complainants without even considering talking to the female performers involved, whose livelihood was at risk as a result of these allegations, in order to obtain their version of events. This suggested that PC Patrick might have taken the view that the male complainants were trustworthy and that the female performers would not be. This could be direct discrimination on grounds of sex.
- Alternatively, PC Patrick, might have taken the decision to take the word of the male complainants without talking to the females because he distrusted them due to a dislike of the work which they carried out. This could be indirect discrimination.
- It was important for the Panel to consider all evidence including the witness statements of the performers before reaching a decision.

Mr John McKeown, sole director of Secrets (Camden) Ltd, which was the Sexual Entertainment Venue Licence ("SEVL") and Premises Licence holder of Sophisticats Euston, highlighted the main points of his submission and answered questions from the Panel as follows:

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- He had opened Sophisticats, Euston, in February 2019. Prior to this he had been involved in the operation of nightclubs and restaurants since the early 1980's. He operated Sophisticats, Marylebone, between October 2001 and February 2019 and in December 2016 he opened Sophisticats, Soho.
- His primary objectives had always been to operate compliant businesses and provide a safe environment for customers and performers.
- Some people did not agree with the operation of his clubs, but everything that occurred in his venues was done so by consensual agreement.
- Human contact was very important and the performer who was touching the man was not doing so in connection with his wallet nor to encourage him to pay out more money.
- It might appear that the complainant had bought a lot of drinks but he was buying drinks for everyone in the club. The CCTV footage had shown the champagne being taken from the booth for the rest of the club, ie customers and dancers, although there was no CCTV footage showing the area outside the VIP area to confirm this.
- 50% of his customers make return visits to the clubs
- Sophisticats did occasionally have to deal with complaints from customers who had spent significant sums of money, but after investigation it had been found that there was no wrongdoing. Most customers were often wealthy. The complaints were usually made by individuals who had had an enjoyable evening and had got carried away, regretting what they had spent when they later discover the amount the following morning. Many withdraw their complaint when they see the CCTV footage of themselves in control and making the transactions.
- Condition 52 'Payment for private dancers and the performers time will be made at a payment desk away from the VIP areas' was already in place for large transactions. It had been included after the incident on 27th February 2019 so had not been shown in the CCTV footage.
- The CCTV footage did show the complainant's card being taken out of the card machine by the waitress and being put back in. This was due to the card machine not functioning correctly. When this happened the transaction was cancelled and was not duplicated, which had been confirmed following investigation.
- Some purchases had been made near to closing time, one might have been the tip of £28,000.

Mr Cohen said that in the Police CCTV footage (at 04.26 hours), it showed a performer taking the complainant's hand, pushing upwards and then placing a card into his hand. This, however, had not appeared in the CCTV footage supplied by Mr Mason. Mr Mason said that he had not recorded this in his log.

Mr Robert Cohen summed up the applicant's case.

Ms Sarah Lefevre summed up the licence holder's case.

Panel Decision and Reasons

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In deliberation, the Panel Members expressed concern at the number of complaints received from customers regarding the circumstances in which they had had large sums of money debited from their credit cards in the Sophisticats venues. The Panel noted that licence holder had said that there was no evidence to support the complaints and no offences had been proven by the Police. However, similar complaints had not been received from customers of other SEVs in Camden which brought them to question the effectiveness of the management of Sophisticats. When this club had operated as a Secrets venue, it did not have these sorts of incidents; it was only when it became a Sophisticats venue that all the problems started.

The Police investigations into those allegations had revealed a pattern of inappropriate behaviour which could not be tolerated at any licenced premises. This included selling inappropriate quantities of alcohol, including to already intoxicated customers, selling large quantities of alcohol shortly before the closing time of the premises and pressure selling alcohol by the performers. The actions of the dancers in the CCTV footage in trying to control the complainants handling of the cards and the waitress encouraging them to distract him was particularly concerning.

The licence holder had also resorted to personal attacks on professional police officers alleging that a police officer had committed professional misconduct, but there was no evidence at all to substantiate these claims. Panel Members were also concerned by the lack of cooperation and lack of willingness to compromise with the Police.

The Panel noted the options available to them, as set out on page 70 of the agenda. Following legal advice, Panel Members noted that any decision they made would only take effect after 21 days or after an appeal had been concluded.

Panel Members then discussed the possibility of modifying the conditions of the licence. However, given the evidence submitted and the frequency of the incidents, Panel Members were of the view that, if the licence was allowed to continue with modified conditions, the licence holder would continue to breach the licence conditions and fail to promote the prevention of crime and disorder and the prevention of public safety licensing objectives. Panel Members did not feel that conditions would properly address the issues that had been raised; nor would removing the DPS be the solution, as it was the premises, not a single individual, that was the issue. Nor did they feel suspension would be the appropriate or proportionate response. Given this, the Panel agreed that the licence should be revoked.

RESOLVED –

THAT the licence in respect of Sophisticats, 34-38 Eversholt Street, NW1 1DA be revoked.

ACTION BY: Executive Director Supporting Communities