

[REDACTED]

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**From:** [REDACTED]  
**Sent:** 12 April 2023 11:22  
**To:** [REDACTED]  
**Subject:** FW: Nags License Ltd - The Nags Head, 17-19 Whitechapel Road, London E1 - Visits to Premises  
**Attachments:** Copy of NagsHeadInspVis.Jan2014toDate.xlsx; NagsHeadEnfVis.Jan2014toDate.xlsx

Dear [REDACTED]

Please see attached list of visits as requested.

Kind regards

[REDACTED]  
Licensing Officer  
Environmental Health and Trading Standards  
Licensing & Safety Team  
4<sup>th</sup> Floor Tower Hamlets Town Hall  
160 Whitechapel Road  
London  
E1 1BJ

[REDACTED]  
[www.towerhamlets.gov.uk](http://www.towerhamlets.gov.uk)

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**From:** [REDACTED]  
**Sent:** 28 March 2023 13:45  
**To:** [REDACTED] >  
**Cc:** [REDACTED]  
[REDACTED] Ltd - The Nags Head, 17-19 Whitechapel Road, London E1 - Visits to Premises

Dear Mohshin,

I hope this finds you well.

Please would you supply us with a list of all visits to The Nags Head, 17-19 Whitechapel Road undertaken by officers of Tower Hamlets Council and/or any persons instructed by the Council from 1 June 2014 to date.

Please also supply details of the visits e.g. times/dates/other relevant information.

I would be grateful if this information could be collated and supplied by 5pm on 11 April 2023.

Many thanks.

**Kind Regards**

[Redacted]  
Partner

[Redacted]



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**Licensing/other Visits**

REF	DATE	NAME	TYPE	OFFICER	TEXT
65862	20/03/2014	Nags Head	1L Licensing Act visit	KB	<p>KD visit L LA2003 visit: DPS not present  manager : ██████████ present  Licence on display  full licence on premises  no DPS no letter of authorisation</p> <p>Condition 18  1 SIA on premises up to 2 Thur-Fri  performances every 10-15 mins#  Record of Security  CCTV - covering all reas stage area obscured in smaller screen.  Authorisation not provided - will correct.  VIP areas covered by CCTV  No dancing taking place at time of inspection</p>
67514	02/03/2015	Nags Head	1V Licensing SEV visit	ANH	<p>2nd March 2015  17-19 Whitechapel Road, London, E1 1DU  Present: ██████████ (Licensing Officer), ██████████ (Applicant)  and ██████████ (legal representative – ██████████  Solicitors) AH: I am very concerned by the lack of CCTV coverage  in  the two private booth areas. I highlighted to the  Applicant that there are many blind spots. In the first  triple-boothed area, there are two cameras; the booths  have high walls that camera cannot see in to, only  across the top. The Applicant suggested dropping the  walls of the booths; I advised that I do not believe that  this will be enough to prevent blind spots. The</p>

					<p>Applicant's legal advisor tells me that "you are always going to have blind spots" – I am concerned that there is a lack of willingness to cooperate. If each booth requires a camera to be able to see into it, then that is what will satisfy the LBTH Council's conditions.</p> <p>There is a second private dance area with a large private room that has one camera filming one lower corner of the room, there are another 3 booths that have a camera not focused in on them, but to a door to a store room (sometimes used as a changing area, I am advised).</p> <p>I advised that this is not satisfactory and will need addressing before coming to the Hearing, they may wish to supply a plan to Members so they can consider if the premises will have sufficient coverage by the time the licence is granted.</p>
67656	31/03/2015	Nags Head	1V Licensing SEV visit	ANH	<p>██████████ On 31st March 2015, I revisited the Nags Head. I was met by ██████████, the Applicant.</p> <p>This visit was to look at the additional CCTV cameras that had been installed following the first visit, where it was highlighted that all of the private dance areas had no CCTV contrary to the LBTH SEV Policy.</p> <p>I was given a tour of the premises looking at the positioning of all the new cameras in each room. I was shown the cameras positioned in the two private booth areas. They had good coverage from above and there were no blind spots. I was satisfied that the coverage was adequate.</p> <p>We went to the upstairs office and overviewed the system so that I could see the view that cameras have when operational.</p>

					<p>██████████ advised that they were not at present recording as he had received advice from his legal representative that they should not be turned on. I advised that I not only need to see it being operational, but also the functionality of it, which would include him showing me historical recordings, even if they were from the previous 24hour period. I advised that I would need to return again, likely unannounced, to make sure that the system is on and recording. ██████████ further advised that the images will be available to download onto USB sticks and made available to the Responsible Authorities upon request.</p> <p>We also discussed the Code of Conduct ██████████ advised that each dancer signs the Code of Conduct on their first night performing, and that is kept for around a year after they depart, though he'll occasionally get request from past dancers asking for that to be destroyed before that time. He advised that the copy in the dressing room would be permanently framed.</p>
67747	24/04/2015	Nags Head	1R Licensing revisit	JMC	Visit with ██████████ LBTH Licensing Committee - saw ██████████ brother of Licensee.
68933	06/11/2015	Nags Head	T3 TS Primary	IDM	Joint licensing visit to SEV with Police and Licensing - specific conditions with regard to pricing appear to be complied with
69429	06/11/2015	Nags Head	1V Licensing SEV visit	JSM	SEV visit with Police licensing, all SEV licence conditions checked,
69169	16/02/2016	Nags Head	TB TS virtual/desktop visit	KVM	Trading Standard virtual/desktop visit

69317	04/03/2016	Nags Head	T3 TS Primary	KVM	Visit to T to UBS stick containing CCTV images re: complaint of overcharging on 9/2/16.  Placed into evidence bag no: [REDACTED].
71186	31/05/2016	Nags Head	1N Licensing Notice check visit	DAD	Notice ok
69854	22/06/2016	Nags Head	1V Licensing SEV visit	MAL	Premises visited for SEV renewal compliance check. All ok
	30/09/2016		Police visits		Breach (touching) 2 Police Officers. Licensing Committee heard evidence (we did not have delegated authority at this stage) – Dates 05/09/2016 and 15/11/2016 – licence granted
70570	17/10/2016	Nags Head	1L Licensing Act visit	ANH	17/10/2016 15:54 ANH Visit at 15:30 to hand deliver letter requesting retention of CCTV. Met with licence holder, he was aware of the letter, as advised by solicitor [REDACTED] earlier that day. He said that it was taking a long time to download, only one hour took an hour to record. I advised that all SEVs have received the same request and that the decision to ask for this has come from management.
70600	20/10/2016	Nags Head	1L Licensing Act visit	ANH	21/10/2016 9:32 ANH Hand-delivered third SEV CCTV retention letter - Gave to PLH [REDACTED] [REDACTED]
	11/05/2017		Police visits		Breach (touching) 2 Police Officers. Objection by Police and Licensing Authority to renewal – Committee on 17/10/2017 – licence granted with conditions. <a href="http://democracy.towerhamlets.gov.uk/mgAi.aspx?ID=82394">http://democracy.towerhamlets.gov.uk/mgAi.aspx?ID=82394</a>

72353	12/06/2017	Nags Head	1V Licensing SEV visit	MAL	<p>Premises visited for SEV renewal compliance check. On Monday 12th June 2017, I was working with my colleague Corinne HOLLAND (Licensing Officer). We were met by [REDACTED] (licence holder and manager) and [REDACTED] (legal representative). I had printed out my notes from the compliance visit of 2016 which I used this to make my notes for this visit.</p> <p>Once the compliance visit was done, Officer [REDACTED] ND asked Mr [REDACTED] if we could see the incident book but [REDACTED] looked towards [REDACTED] for an answer. [REDACTED] said that they couldn't show us the incident book as it would be in breach of data protection as it contained personal information. He said they would show it to the Police if there was an incident. I advised that we were aware of an incident that took place on the 4th May 2017 and asked if we could see this. [REDACTED] went to get the incident book and he then showed us one of the pages whilst holding the book in his hands. I could see some entries had been made but as he did not hand it over to us for full inspection I was not clear as to what information the incident book had contained. We were told that the incident of 4th May 2017 was not in the incident book and this was kept separately in a full log which had been made available to the Police. They said that they were unaware that an incident had occurred at the time. We then left the premises</p>
73561	13/04/2018	Nags Head	1L Licensing Act visit	DAD	SEV compliance visit done- All ok
73718	20/06/2018	Nags Head	1L Licensing Act visit	DAD	<p>20/ 6/2018 16:24 DAD</p> <p>Visited Nags Head circa 14:00- An IC3 doorman was on duty (although</p>

					he doesn't stand directly outside premises, he was sitting on a stool in the alcove by the entrance)
09/05/2019		██████████	09/05/2019		██████████ – no issues noted.
79901	11/05/2022	Nags Head	1N Licensing Notice check visit	MAL	Renewal public notice checked
80618	18/08/2022	Nags Head	1T Licensing - Test purchase	MAL	Covert visit found breaches of conditions which lead to revocation application

### Food Safety Visits

ref	pname	off	vtype	vtypeA	lastdate	ptype	hougeno	street	Text
80344	Nags Head	MD	AS	Food - Surveillance	17/07/2014	F20 Public House/Wine Bar-catering	17-19	Whitechapel Road	Rating 4
90558	Nags Head	FE	AS	Food - Surveillance	19/07/2016	F20 Public House/Wine Bar-catering	17-19	Whitechapel Road	Rating 5
100140	Nags Head	KDI	AS	Food - Surveillance	12/06/2018	F20 Public House/Wine Bar-catering	17-19	Whitechapel Road	Rating

# Appendix 3



Lic No:  
148900

## LICENCE FOR A SEXUAL ENTERTAINMENT VENUE

**Licence Number: 148900**

The **LONDON BOROUGH OF TOWER HAMLETS** under provisions of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982, in relation to the licensing of sex establishments, as amended by section 27 of the Policing and Crime Act 2009, grants, in accordance to its Licensing Policy:

**Name of holder (s) of SEV licence:**

NH License Ltd (No 12523134)

to use premises:

**Postal address of premises, or if none, ordnance survey map reference or description**

**The Nags Head**  
17-19 Whitechapel Road

**Post town**

London

**Post Code**

E1 1DU

**Tele hone number**

as a Sexual Entertainment Venue.

This licence is in force up to: **31<sup>st</sup> May 2023** or during the time that the licensee(s) is/are the occupier of the premises, whichever is the shorter period, or unless sooner surrendered or revoked.

The hours permitted are:

- **Monday to Saturday from 11:00hrs to 03:00hrs (the following day)**
- **Sunday from 12:00hrs (midday) to 22:30hrs**

The Premises are as per the plans submitted to the Licensing Authority on:

- **28<sup>th</sup> April 2022 - Ground Floor only with changing facilities on first floor**

**The named management responsible for this premises are**

[REDACTED]

This licence is granted subject to conditions as follows:

the Standard Conditions of the London Borough of Tower Hamlets made under paragraph 13 of Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 as revised on 23<sup>rd</sup> June 2015 are attached as **Appendix 1** (Conditions 1-41) It is the duty of the licence holder to be aware of and abide by those conditions.

the following additional conditions specific to this Premises:  
(Conditions added by the Licensing Committee on the 17<sup>th</sup> October 2017):

42. Documents to prove compliance with the Licence pursuant to Standard Condition 3.

An incident log shall be kept at the premises, and made available on request to authorised officers immediately. It must be completed within 3 hours of the incident and shall record the following:

- a. all crimes reported to the venue by a member of the public, a performer or member of staff;
- b. any breach or alleged breach of either the House Rules made by a member of the public or the Code of Conduct made by a performer, and the action taken by the management;
- c. when a person is removed from the premises;
- d. any faults in the CCTV system;
- e. any visit by a relevant authority or emergency service.

43. In the event that a performer alleges that they have been sexually assaulted the management will immediately ensure that

- a. the police (and, where appropriate, the London Ambulance Service) are called without delay;
- b. all measures that are reasonably practicable are taken to apprehend a suspect pending the arrival of the police;
- c. the crime scene is preserved so as to enable a full forensic investigation to be carried out by the police; and
- d. such other measures are taken (as appropriate) to fully protect the safety of all persons present on the premises.

44. In the event that during a performance the management or security either witness a member of the public making intentional physical contact with a performer (save as permitted by Standard Conditions 35 or 36) or a performer makes a similar allegation to management or security, that member of the public shall be removed from the premises without delay. The management or security may use their discretion to allow that member of the public a supervised 10 minute drink up time prior to being removed from the premises.
45. Without prejudice to Standard Conditions 12 and 13, at all times the private performance areas and booths are occupied by performers and members of the public trained staff shall regularly monitor the CCTVs which cover that area.
46. Independent Compliance Audit
  - a. An independent compliance auditor, to be instructed and paid for by the Licensees, must carry out a minimum of four (4) compliance audits per year of the private performance areas and booths when sexual entertainment is offered at the premises. The compliance audits must not be pre-arranged with the Licensees or any employee or agent of the Licensees.
  - b. A copy of the compliance audit, signed and dated by the Compliance Auditor, must be kept at the premises (The Nags Head Public House, 17-19 Whitechapel Road E1 1DU) and made available to authorised officers without delay.
47. The number of persons to be accommodated in the Premises at any one time shall not exceed 100 persons.

Other requirements or restrictions:

48. This licence must be prominently and visibly displayed inside the entrance to the Premises.
49. This licence together with the standard conditions must be available at the Premises at all times.

**Signed by:**

  
**Head of Environmental Health & Trading Standards**

**Dated: 27<sup>th</sup> June 2022**

# Appendix 4

**STANDARD CONDITIONS FOR SEXUAL ENTERTAINMENT VENUES**  
**(REVISED 23<sup>RD</sup> JUNE, 2015)**

**Definitions**

In this Licence,

‘approved layout’ means the layout of the Premises shown on the attached plan.

‘authorised officers’ means officers of the Borough Council or of the Police

‘drinks tariff’ means a tariff showing the price of all drinks

‘entertainment tariff’ means a tariff showing the price of all sexual entertainment performances, displays of nudity and services related to the sexual entertainment performance (including charges for admission to any part of the Premises; for hire of rooms, booths or reserved areas; or for the company of performers)

‘nudity’ , ‘display of nudity’ and ‘sexual entertainment’ are references to those terms as defined by section 27 of the Policing and Crime Act 2009.

‘performers’ means persons engaged by or through the Licensee who provide or participate in sexual entertainment

‘premises’ includes land, buildings, stalls, structures or erections, and all forms of vessels or vehicles (including for the avoidance of doubt bicycles, motor vehicles, boats and aircraft). It does not include any private dwelling to which the public is not admitted.

‘the Premises’ means the premises authorised in this Licence as a sexual entertainment venue and shown on the attached plan.

‘public area(s)’ means the area(s) outlined in blue on the attached plan, being the area within the Premises that the public are permitted to enter.

‘the public’ includes customers, guests and visitors to the premises, but excludes performers and those employees or agents of the Licensee lawfully engaged in managing or operating the Premises.

‘sexual entertainment area(s)’ means the area(s) outlined in red on the attached plan, being locations where sexual entertainment is permitted to take place.

‘suggestive advertising content’ means photographs, sculptures, images, tableaux, displays, sounds, spoken words or writing - including graphics, logos or trademarks- that depict, indicate or suggest that sexual entertainment takes place on the Premises

### **General**

1. The Licensee must remain in personal control of the premises at all times that it is trading or nominate in writing an individual over the age of 18 with the authority to direct activities within the Premises.
2. The Licensee shall notify the Council, in writing, of any change in directors, trustees, partners or other persons concerned in the management of the licensed activities within 14 days of such change.
3. The Licensee shall admit authorised officers to the Premises at all reasonable times and at any time when the Premises are providing sexual entertainment. The Licensee shall provide in a timely fashion copies of any documents reasonably required by an authorised officer to prove compliance with this Licence.
4. The Licensee must give written notice to the Council if s/he wishes to surrender the licence.
5. A suitable and sufficient number of door supervisors and trained staff will be employed (based on a risk assessment) when sexual entertainment is offered. Their duties will include monitoring customers to ensure that the Code of Conduct for Performers and the House Rules are being obeyed.
6. The Licensee is to implement a suitable policy for the safety of the performers when they leave the Premises.
7. The Council reserves the right to amend or alter these conditions (provided that such change will not prevent the operators from viably carrying on the business of the Premises) following consultation with the licensees.

## Premises

8. The approved layout of the Premises shall not be altered without prior consent of the Council.
9. The Licensee shall ensure that the interior of the Premises where sexual entertainment is offered shall not be capable of being seen from the outside of the Premises, and that the exterior is maintained with a suitable level of decorum (i.e. that it does not have anything that depicts, indicates or suggests that sexual entertainment takes place on the Premises).
10. Sexual entertainment shall take place only in the designated sexual entertainment areas.
11. No member of the public shall be permitted to go anywhere outside the public areas. The public shall not be permitted access to the performers' changing rooms.
12. Without prejudice to condition 13 below CCTV shall be installed to cover the inside and the outside of the Premises, covering all public areas, including private performance areas and booths, entrances and exits, but excluding the interior of toilets. All cameras must be maintained in working order. All cameras shall continually record whilst the Premises are open to the public and the recorded images shall be kept available for a minimum of 31 days. Recorded images shall be made available to an authorised officer together with facilities for viewing. The recordings for the preceding 2 days shall be made available immediately upon request. Recordings outside this period shall be made available on 24 hours' notice.
13. CCTV cameras shall be installed and maintained at the locations shown on the attached plan, to the reasonable satisfaction of the licensing authority.
14. Members of the public may not enter or remain in the toilet cubicles in the company of any performer. Only one person at a time to enter a toilet cubicle.

## **Advertising**

15. The Licensee shall neither cause nor permit the display of suggestive advertising content which is directed at or may be seen or heard by any person from within the London Borough of Tower Hamlets:

on any public highway, street, waterway or railway;  
in any place of general public use or access; or  
in publicly accessible areas of premises open to the public.

This condition shall apply to prevent suggestive advertising content being displayed on the exterior of the Premises or handed out as flyers on the street. It shall also apply to prevent suggestive advertising content being displayed on or in street furniture; telephone booths; hoardings, billboards, screens or projections; as well as advertising displayed on or within any vehicles located on or near the highway. The Licensee shall not permit any person to tout for business or encourage other persons to visit the Premises whilst on a public highway.

For the avoidance of doubt, this condition shall not be taken to prevent the Licensee from advertising the Premises using suggestive advertising content in media that restrict access to persons over the age of 18 years and would not reasonably be expected to be directed at persons in a public place (for instance, in adult magazines, websites or television channels).

16. All persons engaged or employed to attend to the entrance area or exterior of the Premises must be suitably dressed and conduct themselves so as not to indicate or suggest the availability of sexual entertainment at the Premises.
17. Where the Council has given notice in writing to the Licensee objecting to an advertisement on grounds that it would offend public decency or be likely to encourage or incite crime or disorder, that advertisement shall be removed or not be displayed.

## **Admission to the Premises**

18. No person under the age of 18 years shall be admitted to nor permitted to remain on the Premises when sexual entertainment is being offered, and a clear notice to this effect will be displayed at each entrance to the Premises.

19. Customers who appear to be under the age of 21 must be asked to provide a Pass-scheme approved photographic card, their passport or photographic driving licence to prove their age. Prominent notices must be clearly displayed to this effect at each entrance to the Premises.

#### **House Rules**

20. The Licensee shall prepare House Rules governing the conduct of customers.
21. The House Rules shall be prominently and legibly displayed close to each entrance of the Premises.
22. The House Rules must be made known to customers prior to their admission to the Premises when sexual entertainment is provided
23. Signs must be displayed at appropriate locations advising that any customer attempting to make physical contact with a performer will be asked to leave.
24. No member of the public shall be admitted or allowed to remain at the Premises if they appear to be intoxicated or under the influence of illegal substances.
25. Customers may not be permitted to photograph, film or electronically record any performance.
26. The House Rules must be implemented and effectively enforced at all times when the premises are operating with sexual entertainment.

#### **Performers**

27. Sexual entertainment will be given only by the performers engaged by or through the Licensee and there will be no audience participation in any performances.
28. The Licensee shall keep a record of each performer, including their proper name and any aliases, and their residential address. With each record the Licensee shall keep a copy of a photographic form of identity and proof of address of the performer. With each record the Licensee shall keep a clear copy of an authorised document demonstrating that each Performer and each member of the staff is

entitled to work within the UK. A clear copy of this record shall be kept on the Premises at all times and be made immediately available for inspection by authorised officers.

29. On days when sexual entertainment is provided, the Licensee or their representative shall keep a record of those performers working at the Premises on that day in a daily record. The daily record shall be retained securely for at least 31 days and shall be made immediately available for inspection by authorised officers.

### **Tariffs**

30. The Licensee shall prominently and legibly display the drinks tariff at or by the bar and at the entrance. No charge shall be made nor payment accepted for any drink other than in accordance with the tariff, save for clearly advertised discounts to the tariff.
31. The Licensee shall prominently and legibly display the entertainment tariff in the entrance area and at key locations within the Premises including entrances to any private performance areas and so far as possible at the place(s) at which payment for any performance or service is transacted as marked on the attached plan. No charge shall be made nor payment accepted by the Licensee for any services other than in accordance with the tariff or clearly advertised discounts to the tariff.
32. The Licensee shall so far as reasonably practicable keep such records as are necessary to prove that the sums charged and payments taken are for products or services advertised on the relevant tariff at the amount shown on that tariff. These records must be made available within a reasonable time if requested by an authorised officer.

### **Code of Conduct**

33. The Licensee shall prepare and implement a suitable Code of Conduct for performers.
34. The Licensee shall ensure that each performer signs the Code of Conduct in their proper name, acknowledging that they have read and understood and are prepared to abide by the Code of Conduct, and signed copies be kept on the premises for inspection by authorised officers.

35. During a performance there shall be no intentional physical contact between a performer and the customer other than the transfer of money or token at the beginning, during and at the conclusion of a dance into the hand or a garter worn by the performer. For the avoidance of doubt nothing in this condition shall prevent Performers from acting to prevent, deter or counter any attempts of physical contact by a customer.
36. Without prejudice to standard condition 35 above, at the conclusion of a performance there shall be no intentional physical contact between a performer and the customer, save for a handshake. For the avoidance of doubt kissing is not permitted.
37. The Licensee must not permit gratuities or any other items to be thrown at performers.
38. During a performance there shall be no full body physical contact between performers and they are not to touch each other's breasts or genitalia either with their bodies or with objects. Any performance shall be restricted to dancing and the removal of clothes. There must not be any other form of sexual activity, including but not limited to acts or the simulation of acts of personal stimulation.
39. Performers shall be provided with a changing room to which the public have no access.
40. Performers must remain fully dressed while on the Premises, except while performing in the sexual entertainment areas and in the changing rooms shown on the approved plan. [Without prejudice to this requirement, there is to be no display of nudity in the public areas of the Premises, other than during the course of a performance].
41. Performers must re-dress at the conclusion of a performance.

# Appendix 5



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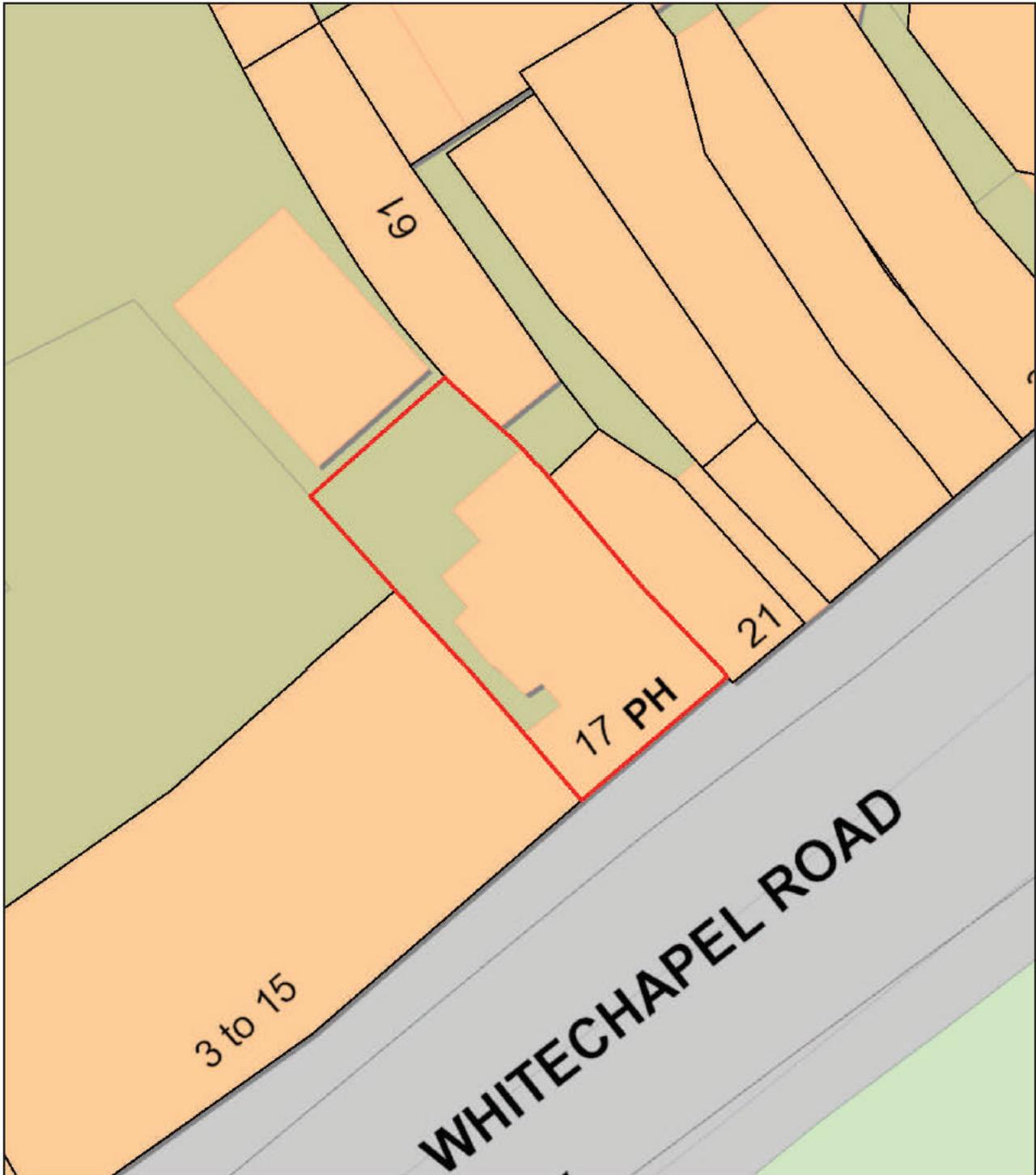


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# Appendix 6



# 17-19 Whitechapel Road

Map 1



Scale 1:334



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# 17-19 Whitechapel Road

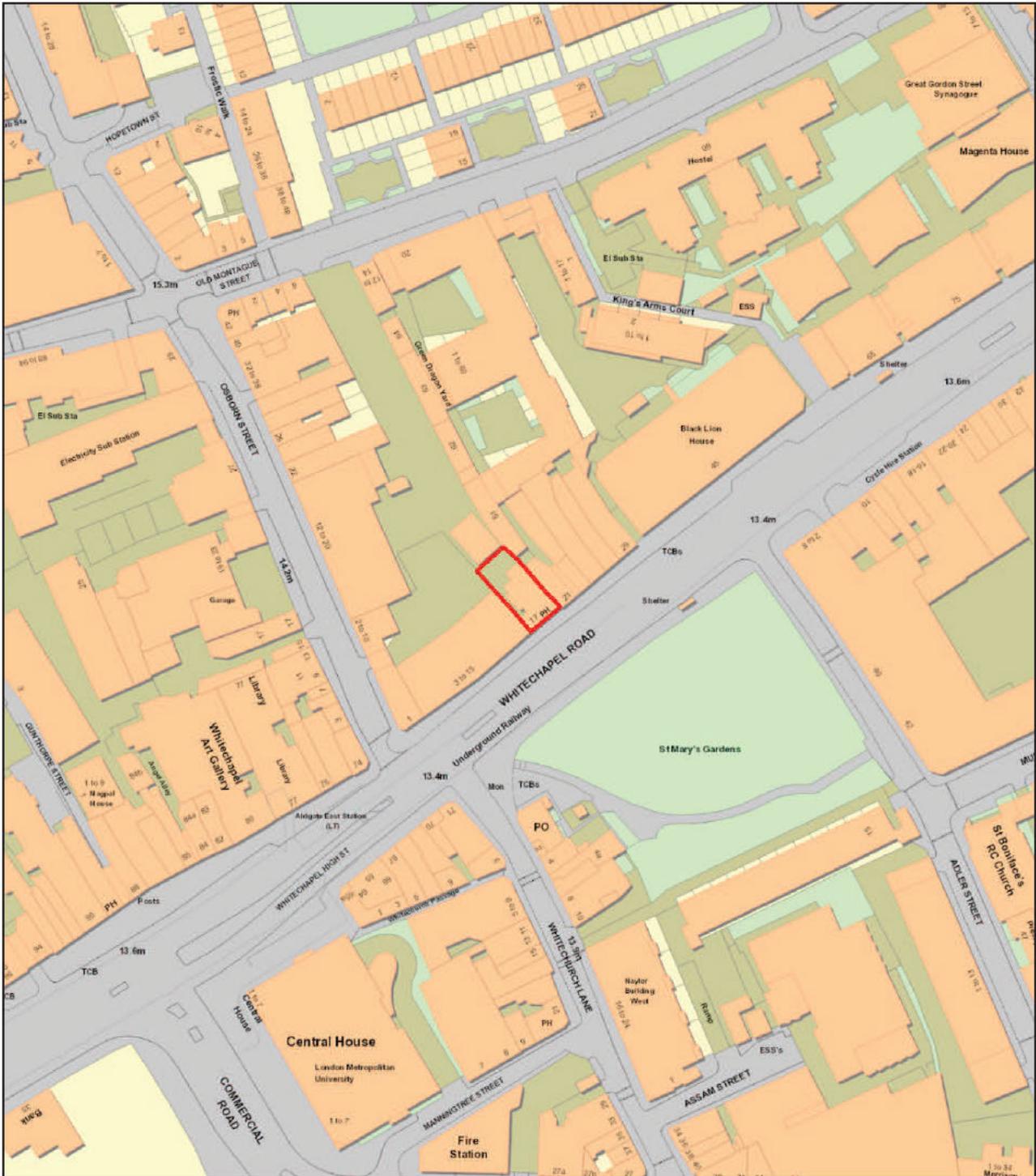
Map 2



Scale 1:668



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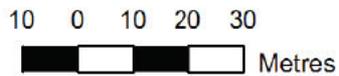


# 17-19 Whitechapel Road

## Map 3



Scale 1:1669



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# Appendix 7

**(The Nags Head Public House)  
17-19 Whitechapel Road  
London  
E1 1DU**

**Licensable Activities authorised by the licence**

Retail sale of alcohol  
Provision of Regulated Entertainment

**See the attached licence for the licence conditions**

**Signed by**

  
  
**Head of Environmental Health & Trading Standards**

**Date: 7<sup>th</sup> October 2005**

**Amended Minor variation 11<sup>th</sup> November 2010**



**Part A - Format of premises licence**

Premises licence number

29631

**Part 1 - Premises details**

**Postal address of premises, or if none, ordnance survey map reference or description**

(The Nags Head Public House)  
17-19 Whitechapel Road  
E1 1DU

**Post town**

London

**Post code**

E1 1DU

**Telephone number**

[REDACTED]

**Where the licence is time limited the dates**

Not applicable

**Licensable activities authorised by the licence**

The sale by retail of alcohol

The provision of regulated entertainment consisting of recorded music, performance of dance, anything of similar nature.

Facilities for making music and dancing and similar nature.

**The times the licence authorises the carrying out of licensable activities**

Monday to Saturday 11 00 hrs to 03 00 hrs the following day  
Sunday 12 00 hrs to 22 30 hrs

**The opening hours of the premises**

From Monday to Saturday from 11 00 hrs until 03 30 hrs the following day  
Sunday 12 00 hrs to 23 00 hrs

**Where the licence authorises supplies of alcohol whether these are on and/ or off supplies**

On and off sales

**Part 2**

**Name, (registered) address, telephone number and email (where relevant) of holder of premises licence**

NH License Ltd  
[REDACTED]

**Registered number of holder, for example company number, charity number (where applicable)**

12523134

**Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol**

[REDACTED]

**Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol**

Personal License No: [REDACTED]

Issuing Authority: [REDACTED]

## Annex 1 - Mandatory conditions

No supply of alcohol may be made under the premises licence-

- a) at a time where there is no designated premises supervisor in respect of the premises licence, or
- b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended

Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence

1.

- (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises
  - (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises;
    - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to—
      - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
      - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
    - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective
    - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
    - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
    - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability)
2. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

3.
  - (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
  - (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy
  - (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
    - (a) a holographic mark, or
    - (b) an ultraviolet feature.
  
4. The responsible person must ensure that—
  - (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
    - (i) beer or cider: ½ pint
    - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
    - (iii) still wine in a glass: 125 ml;
  - (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
  - (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.
  
5.
  1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
  2. For the purposes of the condition set out in paragraph 1—
    - (a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
    - (b) “permitted price” is the price found by applying the formula —
 
$$P = D + (D \times V)$$
 where —
      - (i) **P** is the permitted price
      - (ii) **D** is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and

- (iii) **V** is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
  - (c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence
    - (i) the holder of the premises licence
    - (ii) the designated premises supervisor (if any) in respect of such a licence, or
    - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence
  - (d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
  - (e) “value added tax” means value added tax charged in accordance with the Value Added Tax Act 1994
3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
4. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day (“the first day”) would be different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day

### **Private Entertainment**

The premises may be used for the following purpose, that is to say, dancing, music, or other entertainment of the like kind which-

- a) is not a public entertainment but is promoted for private gain

### **Annex 2 - Conditions consistent with the operating Schedule**

#### **Regulated Entertainment**

Only recorded music, dance (performed by striptease artists), anything of a similar description

provision of facilities for making music, provision of facilities for dancing (performed by striptease artists), provision of facilities for entertainment of a similar description.

Provide a local taxi firm contact to drive customers home

#### **In relation to Striptease**

1. The total number of persons to be accommodated at the premises at any one time shall not exceed 100 persons.
2. The inward opening doors to Whitechapel Road, which provides emergency exit, shall be locked back in the open position when the premises are in use under this licence.
3. One leaf of the inward opening double doors which provide entry from Whitechapel Road shall be secured open at all times that the premises are occupied by the public.
4. All doors (apart from those specified in items 2 and 3) are to be kept closed during entertainment and satisfactory acoustic sealing should be applied to them.
5. There shall be no door provided to separate the "personal dance" area from the general bar area.
6. A registered door supervisor shall be positioned at the entry to the room providing the "personal dances" at all times that it is in use.
7. The number of performers that are performing within the "personal dance" area (excluding VIP area) at any one time shall not exceed three.
8. To the extent that striptease is permitted by law it shall be deemed in these conditions to apply to all forms of striptease or nudity by male or female performers.
9. Striptease shall only be permitted at premises which have a liquor licence.
10. The striptease entertainment shall be given only by paid performers/entertainers who are engaged exclusively for that purpose.

11. There shall be no physical participation by the audience.
12. Any performance will be restricted to dancing and the removal of clothes, here must not be any other form of sexual activity.
13. All striptease shall take place in an area which is not visible from the street or overlooking buildings.
14. The performance area shall be separated from the audience and consist of a stage, platform or similar construction or an area clearly identified as a performing area that meets with the approval of the Council.
15. The performer shall have direct access to a changing room without passing through the audience, or when direct access is not practical the performer shall be escorted from the stage by a steward or other employee of the licence holder.
16. The performer shall be provided with a changing room which must be separate and apart from public facilities.
17. There shall be no sexually explicit external advertising likely to cause offence as to the nature of the activity being held at the premises.
18. A notice shall be prominently displayed in a conspicuous position on the premises at least one hour before the start, advising customers when the performance is to commence.
19. Whilst striptease is taking place no person under the age of 18 shall be allowed on any part of the premises licensed for the sales of alcohol and a notice shall be displayed in clear terms at each entrance that :- NO PERSON UNDER 18 TO BE ADMITTED
20. The licensee shall ensure that gratuities are not thrown at the performer.
21. Where premises are within a radius of 100 metres of places of worship the entertainment shall not be held at such times as would cause offence to religious observers.
22. Where premises are within a radius of 100 metres of any school or educational establishment, striptease performances will not take place until after 8.30p.m. except on Saturday and Sunday.
23. There shall be no contact between the performer and any of the audience during performances
24. There shall be only one performer on the stage at any one time.

25. The layout of the premises must remain unaltered to that inspected and approved by the Council at the time of renewal or application; any alterations to the premises during the currency of the licence must be approved by the Council prior to the works commencing.
26. The number of performers that are performing within the VIP areas at any one time shall not exceed six.

**Annex 3 - Conditions attached after a hearing by the licensing authority**

Not Applicable

**Annex 4 - Plans**

The plans are those submitted to the licensing authority on the following date:

19 October 2010 - Ground Floor only.



**Part B - Premises licence summary**

**Premises licence number**

29631

**Premises details**

**Postal address of premises, or if none, ordnance survey map reference or description**

(The Nags Head Public House)  
17-19 Whitechapel Road  
E1 1DU

**Post town**  
London

**Post code**  
E1 1DU

**Telephone number**

[REDACTED]

Where the licence is time limited  
the dates

N/a

Licensable activities authorised  
by the licence

The sale by retail of alcohol  
The provision of regulated entertainment  
consisting of recorded music, performance of  
dance, anything of similar nature.  
Facilities for making music and dancing and  
similar nature.

The times the licence authorises the carrying out of licensable activities	Monday to Saturday 11 00 hrs to 03 00 hrs the following day Sunday 12 00 hrs to 22 30 hrs
The opening hours of the premises	From Monday to Saturday from 11 00 hrs until 03 30 hrs the following day Sunday 12 00 hrs to 23 00 hrs
Name, (registered) address of holder of premises licence	NH License Ltd [Redacted]
Where the licence authorises supplies of alcohol whether these are on and / or off supplies	On and off sales
Registered number of holder, for example company number, charity number (where applicable)	12523134
Name of designated premises supervisor where the premises licence authorises for the supply of alcohol	[Redacted]
State whether access to the premises by children is restricted or prohibited	Yes

# Appendix 8

## Appendix One

### **Tower Hamlets Council**

#### **Sex Establishment Licensing Policy**

##### **Introduction**

This policy sets out Tower Hamlets Council's proposed approach to regulating sex establishments and the procedure that it will adopt in relation to applications for sex establishment licences.

The policy of the Council is to refuse applications for sexual entertainment venues. This policy is intended to be strictly applied and will only be overridden in genuinely exceptional circumstances. Such circumstances will not be taken to include the quality of the management, its compliance with licence conditions, the size of the premises or its operating hours.

The policy is intended as a guide to applicants, licence holders, people who want to object to applications and members of the Licensing Committee who are responsible for determining contested applications. It also aims to guide and reassure the public and other public authorities, ensuring transparency and consistency in decision making.

When the decision making powers of the Council are engaged each application will be dealt with on its own merits but this policy gives prospective applicants an early indication of whether their application is likely to be granted or not. It also provides prospective applicants details of what is expected of them should an application be made.

The legal controls for sex establishment premises are contained in the Local Governmental (Miscellaneous Provisions) Act 1982 as amended by the Policing and Crime Act 2009.

There are 3 types of sex establishments which fall into the licensing regime:-

Sex shops

Sex cinemas

Sexual entertainment venues

The role of the Council in its position as Licensing Authority is to administer the licensing regime in accordance with the law and not in accordance with moral standing. The Council recognises that Parliament has made it lawful to operate a sex establishment and such businesses are a legitimate part of the retail and leisure industries.

### **Policy Rationale**

The policy has been developed that sets out how the legislation will be administered and applied. The policy identifies how the Council would exercise the licensing regime in relation to sexual entertainment venues.

The policy has been developed to reflect and complement existing Council plans and strategic approach, namely:-

- Tower Hamlets Community Plan.
- Tower Hamlets Crime & Drug Reduction Partnership Plan.
- Tower Hamlets Enforcement Policy.
- Tower Hamlets Core Strategy.
- Tower Hamlets Town Centre Spatial Strategy.
- Tower Hamlets Statement of Licensing Policy (Licensing Act 2003).
- Tower Hamlets Statement of Licensing Policy (Gambling Act 2005).

The policy has also been prepared with regard to:

- Consultation responses
- Human Rights Act 1998
- Equalities Act 2010

The policy seeks to contribute to the “One Tower Hamlets” principle by fostering community cohesion, reducing inequalities and empowering communities. The public consultation that was undertaken concerning the adoption of a nil policy did not have overwhelming support. Therefore careful consideration has been given to the policy response, given the balance that the consultation returns did not give overwhelming support.

## Policy Considerations

### Existing Licensed Premises

The Council has had the ability to licence sex shops and sex cinemas under the Local Government (Miscellaneous Provisions) Act 1982 for many years.

There are no licensed sex shops in Tower Hamlets.

The businesses that hold premises licences under the Licensing Act 2003 with permissions that will be affected by the adoption of the sexual entertainment venue licensing regime are as follows:-

<b>NAME</b>	<b>ADDRESS</b>
THE BEEHIVE	104-106 Empson Street, London, E3 3LT
EONE CLUB	168 Mile End Road, London, E1 4LJ
NAGS HEAD PUBLIC HOUSE	17-19 Whitechapel Road, London, E1 1DU
THE PLEASURE LOUNGE	234 Cambridge Heath Road, London, E2 9NN
WHITE SWAN	556 Commercial Road, London, E14 7JD
ASTON'S CHAMPAGNE AND WINE BAR BASEMENT & 1ST FLOOR	187 Marsh Wall, London, E14 9SH
CLUB PAISA	28 Hancock Road, London, E3 3DA
OOPS	30 Alie Street, London, E1 8DA
WHITE'S GENTLEMANS CLUB	32-38 Leman Street, London, E1 8EW
SECRETS	43-45 East Smithfield, London, E1W 1AP
IMAGES	483 Hackney Road, London, E2 9ED

Tower Hamlets Council has adopted schedule 3 Local Government (Miscellaneous Provisions) Act 1982 with effect from 1<sup>st</sup> June 2014 so that it can:

- set a limit on the number of sexual entertainment venues
- determine premises that are appropriate for the borough and
- licence sexual entertainment venues

Sexual entertainment venues are those that regularly provide lap dancing and other forms of live performance or live display of nudity.

Establishments that hold events involving full or partial nudity less than once a month may be exempt from the requirements to obtain a sex establishment licence and applicants are advised to contact the Licensing Team for advice.

### **Limits on the number of licensed premises**

The Council has determined that there are a sufficient number of sex shops, sex cinemas and sexual entertainment venues currently operating in the borough and it does not want to see an increase in the numbers of premises that are currently providing these activities.

The Council intends to adopt a policy to limit the number of sexual entertainment venues in the borough to nil however it recognises that there are a number of businesses that have been providing sexual entertainment in Tower Hamlets for several years. The Council will not apply this limitation when considering applications for premises that were already trading with express permission for the type of entertainment which is now defined as sexual entertainment on the date that the licensing provisions were adopted by the authority if they can demonstrate in their application:

- High standards of management
- A management structure and capacity to operate the venue
- The ability to adhere to the standard conditions for sex establishments

The Council will consider each application on its merit although new applicants will have to demonstrate why the Council should depart from its policy. Furthermore if any of the existing premises cease trading there is no presumption that the Council will consider any new applications more favourably.

### **Location of premises**

The Council's policy is that there is no locality within Tower Hamlets in which it would be appropriate to license a sex establishment. Accordingly, the appropriate number of sex establishments for each and every locality within Tower Hamlets is zero.

As previously stated in the policy the Council will treat each application on its own merits however applicants should be aware that the Council will take into consideration the location of the proposed premises and its proximity to:

- residential accommodation,
- schools,
- premises used by children and vulnerable persons
- youth, community & leisure centres,
- religious centres and public places of worship
- access routes to and from premises listed above
- existing licensed premises in the vicinity

### **Impact**

In considering applications for the grant of new or variation applications the Council will assess the likelihood of a grant causing impacts, particularly on the local community.

The Council will take the following matters into account:

- the type of activity
- the duration of the proposed licence
- the proposed hours of operation
- the layout and condition of the premises
- the use of other premises in the vicinity
- the character and locality of the area
- the applicant's previous knowledge and experience
- the applicant's ability to minimise the impact of their business on local residents and businesses
- any evidence of the operation of existing /previous licences held by the applicant

- any reports about the applicant and management of the premises received from residents, Council officers or the police
- the ability of the proposed management structure to deliver compliance with licensing requirements, policies on staff training and the welfare of performers
- crime and disorder issues
- cumulative impact of licensed premises, including hours of operation
- the nature and concerns of local residents
- any evidence of complaints about noise or disturbance caused by premises
- planning permission and planning policy considerations

In considering applications for renewal the Council will take into account

- the applicant's ability to minimise the impact of their business on local residents and businesses
- any reports about the licensee and management of the premises received from residents, Council officers or the police
- whether appropriate measures have been agreed and put into place to mitigate any adverse impacts
- any evidence of complaints about noise or disturbance caused by premises

In considering applications for transfer the Council will take into account:

- the applicants previous knowledge and experience
- the applicants ability to minimise the impact of their business on local residents and businesses
- any evidence of the operation of existing /previous licences held by the applicant
- any reports about the applicant and management of the premises received from residents, Council officers or the police

- the ability of the proposed management structure to deliver compliance with licensing requirements, policies on staff training and the welfare of performers

## **Applicants**

Where appropriate the Council expects applicants to:

- demonstrate that they are qualified by experience
- have an understanding of general conditions
- propose a management structure which will deliver compliance with operating conditions for example through
- Management competence
- Presence
- Credible management structure
- enforcement of rules internally – training & monitoring
- a viable business plan covering door staff, CCTV
- policies for welfare of performers
- demonstrate that they can be relied upon to act in best interests of performers through remuneration, facilities, protection, physical and psychological welfare
- have a transparent charging scheme with freedom from solicitation
- a track record of management compliant premises or employ individuals with such a track record

New applicants may be invited for interview by the Licensing Officer and /or Police Officer prior to the application being referred to the Licensing Committee for determination.

Applications from anyone who intends to manage the premises on behalf of third party will be refused.

## **Premises appearance and layout**

The Council expects premises to:-

- have an external appearance which is in keeping with the locality
- prevent the display outside the premises of photographs or other images which may be construed as offensive to public decency

- adequate lighting to allow monitoring of all public areas
- surveillance by CCTV
- surveillance by CCTV of all private booths

### **Conditions**

The council will prescribe, and from time to time revise, standard conditions which will apply generally to licences that the council will grant or renew.

Through standard conditions the council seeks to ensure that sexual entertainment venues are well managed and supervised, restrict the sexual entertainment activities and the manner in which they are permitted to be provided, protect performers, and control the impact of the venue and its customers in relation to its locality.

Specifically, standard conditions could include measures which are found in the appendix of this policy.

### **The Application Process**

#### **Making a new, renewal, transfer or variation application**

The Act requires the Council to refuse all application if the applicant:

- Is under the age of 18 or
- Has had their licence revoked in the last 12 months or
- Is not resident in the UK, or has not been a UK resident for the last 6months or
- Has been refused an application in the last 12 months or
- Is a corporate body which in not incorporated in the UK

Applications forms and details of current fee levels are available:

- on the Council's website ([www.towerhamlets .gov.uk](http://www.towerhamlets.gov.uk))
- from the Licensing Team on 020 7364 5008
- by email to [licensing@towerhamlets .gov.uk](mailto:licensing@towerhamlets.gov.uk)

The Council prefers to receive electronic applications and *offers a choice off payment options the details of which are contained in the application pack.*

The Council expects the premises to have planning consent for the intended use and hours of operation, or otherwise have lawful planning status before making an application for a new licence.

In order for the application to be valid the applicant must:

- Submit the completed application form
- Pay the application fee
- Submit a floor plan, drawn to scale showing the layout of the premises( new applications only)
- Submit a location plan (1:1250) showing the location of the premises(NB. plans will not be required for transfers nor renewal applications)
- 2 passport size photos of the applicant where the applicant is an individual rather than a limited company
- 2 passport size photos of the manager if applicant is a limited company(NB: photos will only be required if there has been a change of applicant or manager since the last application)
- Display an A4 notice at the proposed premises for 21 days following the date that the completed application is submitted setting out the application details. The notice must be in a prominent position so that it can be easily read by passers-by. A notice template will be provided with the application form.
- publish a notice on at least one occasion in a local newspaper, during the period of ten working days starting on the day the application was given Council. The advert can be any size or colour but must be readable.

Applicants who wish to advertise the application in another local newspaper are advised to contact the Licensing Team beforehand, to confirm that it is acceptable.

On receipt of a valid application the Council will consult:

- The Police
- The Fire Brigade
- Building Control
- Health and Safety
- Ward Councillors

For new and variation applications the Council will also consult:

- Development Control Team
- Local residents living within 50m of the premises

Authorised Officers from the Council, Fire Brigade and Police may choose to inspect the premises and require works to be carried out to bring the premises up to the required standard before the premises can be used for licensable activities.

The Council will not determine an application for a licence unless the applicant allows an authorised officer reasonable opportunity to enter the premises to make such examination and enquiries as may be necessary to determine the suitability of the applicant and the sex establishment.

### **Representations**

Anyone wishing to object to the application must submit a representation, in writing, within 28 days of the date that the valid application was received by the Council.

Representations can either be submitted via

- Our website: [www.towerhamlets.gov.uk](http://www.towerhamlets.gov.uk)
- Email to: [licensing@towerhamlets.gov.uk](mailto:licensing@towerhamlets.gov.uk)
- Post to: Consumer and Business Regulations, Licensing Team, 6<sup>th</sup> Floor, Mulberry Place, 5 Clove Crescent, E14 2BG.

A person making a representation must clearly state their name, address, and the grounds for objecting to the application and indicate whether they consent to have their name and address revealed to the applicant. Copies of representations will be made available to the applicant 14 days before the committee hearing.

The Council will not consider objections that are frivolous or vexatious or which relate to moral grounds (as these are outside the scope of the Act).

The Council prefers to receive electronic representations.

Late representations may be admissible at the discretion of the Council if there's sufficient reason to indicate that applicants will not be significantly prejudiced by the

decision to allow a late objection to be considered. In making such a decision the Council will take into account:

- The length of the delay
- The amount of time that the applicant has to consider the representation before the hearing date
- If other representations have been received before the deadline

### **Determining an application**

Applications with no representations will be approved under delegated authority to officers.

Applications with representations recommending that conditions be attached to the licence and which are acceptable to both the applicant and person making the representation can be approved under delegated authority to officers.

All other contested applications will be referred to the Licensing Committee for determination. The applicant, anyone making a representation and the ward Councillors will be notified the date, time and venue of the hearing and invited to attend to address the committee in person.

Applications can take up to 14 weeks to be determined. If an application is likely to take longer than 14 weeks to determine the Council will notify the applicant in writing before this deadline. Applications for sex establishment licenses are exempt from the tacit consent provisions of the EU Services Directive on the grounds of public interest and the legitimate interests of third parties.

The applicant will be notified in writing about the outcome of their application within 5 working days of the decision being made.

Sex Establishment licences are usually issued for 12 months, but can be issued for a shorter period if deemed appropriate.

In order to continue operating as a sex establishment the licence holder must make a renewal application prior to the expiry of the existing licence.

### **Appeals**

Any applicant who is aggrieved by a decision to refuse an application or by the imposition of any conditions can appeal to the Magistrates Court within 21 days of receiving the decision in writing.

### **Grounds for refusing an application**

1. The applicant is unsuitable to hold a licence by reason of having been convicted of any offence or for any other reason
2. That if the license 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 license if he made the application himself
3. That the number of sex establishments in the relevant locality at the time the application is made is equal to or exceeds the number which the authority consider is appropriate for that locality
4. That the grant or renewal of the license would be inappropriate, having regard:-
  - a. to the character of the relevant locality
  - b. to the use to which any premises in the vicinity are put; or
  - c. to the layout, character or condition of the premises, vehicle, vessel or stall in respect of which the application is made.

## **Transitional Arrangements**

Broadly speaking, those existing sexual entertainment venues (lap dancing clubs etc) with a premises licence under the Licensing Act 2003, under which it is lawful to provide such entertainment, will continue to be able to operate for one year after the Council adopts the 2009 Act provisions or, if later, the determination of any application submitted during that year.

The 'transitional period' will last for 12-months beginning with the date that the Council resolves that Schedule 3 as amended by the 2009 Act will come into force in their area ('the 1st appointed day'). Six months following the 1st appointed day will be known as the '2nd appointed day' and the day on which the transitional period ends will be known as the '3rd appointed day'

### **Existing Operators**

To allow time to comply with the new regime, existing operators, who, immediately before the 1st appointed day, have a 2003 Act licence and lawfully use premises as a sexual entertainment venue under that licence or are undertaking preparatory work to use the venue in that way will be allowed to continue to provide relevant entertainment until the 3rd appointed day or the determination of any application they have submitted before that time (including any appeal against the refusal to grant a licence), whichever is later

For the purposes of the Transition a "2003 Act Licence" means a premises licence or club premises certificate under the Licensing Act 2003 under which it is lawful to provide relevant entertainment.

"Preparatory work" refers to work carried out by an operator, such as a refurbishment or refit, in order that they can use the premises as a sexual entertainment venue in the future. The operator will have been granted a 2003 Act licence before the 1<sup>st</sup> appointed day but will not have used the premises as a sexual entertainment venue by that date. It is likely that such operators will be known to the Council. However, where a dispute arises between the Council and

a licence-holder over whether the licence-holder qualifies as an existing operator by virtue of this provision the Council will need to seek evidence from the licence-holder to demonstrate that they clearly intended to operate a sexual entertainment venue in the future and work had been done to achieve this end.

For the purposes of the Transition a “2003 Act Licence” means a premises licence or club premises certificate under the Licensing Act 2003 under which it is lawful to provide relevant entertainment.

### **Appointed Days**

#### **1st Appointed Day**

The day on which the Sexual Entertainment Venue regime comes into force in the Borough and the beginning of the transitional period (1<sup>st</sup> June 2014)

#### **2nd Appointed Day**

The day 6 months after the 1st appointed day (1st December 2014)

#### **3rd Appointed Day**

The day 6 months after the 2nd appointed day and the end of the transitional period (1<sup>st</sup> June 2015)

### **New Applications**

New applicants are people who wish to use premises as a sexual entertainment venue after the 1st appointed day but do not already have a premises licence or club premises certificate to operate as such under the 2003 Act or do have such a licence but have not taken any steps towards operating as such. After the 1st appointed day new applicants will not be able to operate as a sexual entertainment venue until they have been granted a sexual entertainment venue licence

### **Determining Applications Received On or Before the 2nd Appointed Day**

Applicants will be able to submit their application for a sexual entertainment venue from the 1st appointed day onwards.

As the Council is able to refuse applications having regard to the number of sex establishments they consider appropriate for a particular locality, all applications made on or after the 1<sup>st</sup> appointed day but on or before the 2nd appointed day shall be considered together. This will ensure that applicants are given sufficient time to submit their application and all applications received on or before the 2nd appointed day are considered on their individual merit and not on a first come first serve basis.

No applications shall be determined before the 2nd appointed day. After the 2nd appointed day the appropriate authority shall decide what if any licences should be granted. If a new applicant is granted a licence it will take effect immediately. If an existing operator is granted a licence, it will not take effect until the 3rd appointed day, up to which point they will be allowed to continue to operate under their existing premises licence or club premises certificate.

### **Determining Applications Received After the 2nd Appointed Day**

Applications made after the 2nd appointed day shall be considered when they are made but only once all applications made on or before that date have been determined. However, reference to determination here does not include references to the determination of any appeal against the refusal of a licence.

As with applications received on or before the 2nd appointed day, licences granted to new applicants shall take effect immediately and licences granted to existing operators shall take effect from the 3rd appointed day or, if later, the date the application is determined.

### **Outstanding Applications**

The Council will attempt where possible to determine outstanding applications made under the 2003 Act, which include an application for the provision of

relevant entertainment, before the date that Schedule 3 as amended by the 2009 Act comes into force in their area.

Where it has not been possible to determine application before the 1st appointed day, applicants will need to submit an application for a sex establishment licence as set out in Schedule 3 if they wish to provide relevant entertainment. From the 1st appointed day onwards outstanding applicants shall be dealt with as though they are new applicants

### **Additional information and advice**

Please contact:

Consumer and Business Regulations  
Licensing Team  
6<sup>th</sup> Floor,  
Mulberry Place,  
5 Clove Crescent,  
E14 2BG.  
[licensing@towerhamlets.gov.uk](mailto:licensing@towerhamlets.gov.uk)  
020 7364 5008

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## Agenda item

### Application for a Renewal of a Sexual Entertainment Venue Licence for the Nags Head, 17-19 Whitechapel Road, London E1 1DU

- [Meeting of EXtraordinary - SEV Renewals, Licensing Committee, Tuesday, 17th October, 2017 10.00 a.m. \(Item 3.1\)](#)

#### Minutes:

The Chair exercised his power to exclude the press and public from the meeting.

It was agreed that;

"Pursuant to Public Bodies (Admission to Meetings) Act 1960, and the Local Government Act 1972 the members decided that exceptionally a Licensing Committee hearing on Tuesday October 17th at 10 o'clock should be closed to the public because it was likely that exempt information would be disclosed in the course of a full hearing to determine the application for a renewal of a sexual entertainment venue licence. The exempt information related to action taken or to be taken in connection with the investigation or prosecution of a serious sexual assault at the licensed premises on May 4th 2017, and that there was also a risk that information would have been disclosed which identified the victim or witnesses which may have prejudiced the investigation or prosecution of the offence.

At the request of the Chair, ██████████ Licensing Officer, introduced the report which detailed the application for a renewal of the Sexual Entertainment Venue licence for The Nags Head, 17- 19 Whitechapel Road, London E1 1DU. It was noted that the licence consists of the basic licence, plus additional conditions relevant to the premises only. In addition, the Tower Hamlets standard SEV conditions also apply and form part of the licence. It was noted that the Licensing Authority had objected to the application and this had been supported by the Police.

At the request of the Chair ██████████ acting on behalf of the Applicants, gave apologies on behalf of M ██████████ Licensing Consultant, and ██████████ manager, and asked that there evidence is accepted as hearsay.

██████████ explained that the premises had been run by the ██████████ family for the past 30 years, and that it was their third year for applying for a SEV licence, it was noted that there had been no objections from local residents, local businesses or objections based on the environment or character of the area. ██████████ explained that he would address the two issues that had been referred to in the objection, the first one was of the reported assault on 4<sup>th</sup> May 2017 and the second one was the conduct of dancers on 11<sup>th</sup> May 2017.

██████████ explained that there had been a rigorous process and effort to ensure compliance measures were in place to improve procedures. It was noted that as a result of these incidents a number of compliance visits had been conducted and all had shown that the venue was fully compliant.

██████████ stated that since the adjournment at the previous meeting on 2<sup>nd</sup> October 2017, ██████████ now accepted that touching had occurred on 11<sup>th</sup> May 2017 this was detailed on page 6 of the Supplemental Agenda 2 ██████████ unreservedly expressed his apologies for this incident and wanted to highlight that this was not an example of how the venue was run. It was noted that measures were now in place to prevent this from ever happening again.

He then went on to explain that the ██████████ family had no history of bankruptcy, had no convictions and had other venues in London that were compliant and licensed venues. He refereed Members to page 232 of the Supplemental Agenda 1, the Entertainer's Daily Briefing which was explained to the performers on a daily basis. Customer house rules were on page 230 and it was confirmed this was displayed all around the venue.

It was noted that Mr [REDACTED] Compliance Consultant had been appointed by the [REDACTED] Family to help with compliance, measures and controls. [REDACTED] gave a brief introduction and a summary of his experience to date. He confirmed that his appointment was independent and had started work with the venue from Feb/Mar 2017. It was noted that [REDACTED] had arranged a number of covert/compliance visits and reported his findings to management after each visit.

It was further noted that [REDACTED] had arranged nine compliance visits and all nine visits found the venue to be compliant. A dip sampling process had also been introduced, where random samplings of CCTV footage would be checked, so a three layer check was now in place, overt, covert and dip sampling. [REDACTED] confirmed that he visited the venue on a regular basis and confirmed to his best knowledge that there wasn't another venue as compliant as the Nags Head in London.

[REDACTED] then highlighted the sequence of events leading up to alleged assault on 4<sup>th</sup> May 2017.  
**(Restricted)**

Members then heard about the incidents on 11<sup>th</sup> May 2017, where covert officers undertook test purchases and found significant breaches of the conditions on the licence. When a further visit was made on 15 June 2017 the premises was found to be fully compliant. It was noted that [REDACTED] was not informed of these allegations on 11<sup>th</sup> May until 50 days after the incident, if this had been within 31 days (according to the conditions) then this could have been verified by the CCTV footage that is kept for 31 days. Management and performers had initially denied that this took place, however it was clear from Members that they wanted to hear from the Covert Police Officers who carried out the test purchases, and with no CCTV footage as evidence, [REDACTED] accepted what the Police had said in terms of the number of breaches that were made on 11<sup>th</sup> May and would give the dancers involved final written warnings as there was clear misconduct and instructions were not adhered to.

Members were referred to pages 49 & 62 where further compliance visits were made and the venue was found to be compliant. [REDACTED] then went on to detail the conditions that had been drafted between Licensing Services, Police and the Applicants. He believed that these conditions were sufficient to prevent these incidents from happening again and was satisfied that these conditions would be adhered to.

[REDACTED] concluded by referring to the discretionary grounds for refusal and highlighted that the standard of fitness was obviously met, with high standard of management, there had been no objections on vicinity, no changes to demographics and the layout of the venue was small, neat and tidy.

[REDACTED] through the Chair asked questions on the layout of the premises, the availability of incident log and questioned whether the Licensing Officers would be able to access CCTV footage. It was confirmed that Licensing Officers and Police Officers would be able to view CCTV footage, even on a random check, but not be able to download and take it away unless there was a criminal investigation or breach of conditions as the Applicant said this would infringe guidance from the Information Commission Office and the Data Protection Act.

The Chair adjourned the meeting at 11.55am for a short comfort break and reconvened at 12.10pm.

At the request of the Chair [REDACTED] Licensing Team Leader briefly explained the two main issues which were of concern i.e. the assault on 4<sup>th</sup> May 2017 and the conduct of the dancers and the breach of conditions on 11<sup>th</sup> May 2017. [REDACTED] then detailed the incidents in full. [REDACTED] informed Members that one of the officers who conducted the covert visit was present at the meeting and available to answer any questions and asked that his identity remain anonymous and be referred to as Officer P.

It was noted that a meeting (without prejudice) was arranged and all interested parties met and agreed on a draft set of proposed conditions, which were robust and better enforceable. [REDACTED] confirmed that his objection was supported by the Police.

Members then heard from [REDACTED] Metropolitan Police who explained that SEV licences required a greater amount of monitoring and he was concerned about the inappropriate behaviour of dancers at the venue. [REDACTED] then referred Members to page 28 of the supplemental agenda 1 and explained the series of events which took place in relation to the assault on 4<sup>th</sup> May 2017.

[REDACTED] **(Restricted)** the incidents on 11 May did support the culture of inappropriate touching at the venue. He also believed that the additional conditions proposed would help alleviate concerns.

[REDACTED] welcomed the efforts made on behalf of the Applicant and was pleased and reassured that information would be available on request. He explained that the Police had the power to seize evidence if required. [REDACTED] concluded that he welcomed the fact that the applicants had accepted that the incidents on 11<sup>th</sup> May had occurred and had offered conditions and were working with officers.

Following a detailed discussion, Members asked a number of questions to which the following was noted;

- That the incident on 4<sup>th</sup> May (**Restricted**)
- That there was a financial contract between the performers and the owners of the venue as they had to pay to work at the venue.
- It was the applicant's view that management acted accordingly and in line with procedures and did what was right based on the information given.
- Concerns were raised as to blame culture on women (dancers)
- That the Entertainer's Daily Briefing was read out and explained to all performers before the venue opened each day.
- The customer conduct was displayed all around the venue.
- That there had been eleven compliance visits in total over the last six months, and all were found the venue to be compliant.
- It was noted that the victim on the 4<sup>th</sup> May (**Restricted**).
- Witness statements from other performers state that if sexually assaulted then the dance is immediately stopped and the customer is asked to leave the venue.
- (**Restricted**)
- That the CCTV footage taken on 4<sup>th</sup> May also showed that there was a breach of condition where a performer was seen to be hugging a customer.

At 1pm the Chair closed the meeting.

The second meeting started at 2pm.

The Chair welcomed everyone.

In response to further questions from Members the following was noted;

- Authorised Officers referred to in the proposed draft conditions included Police Officers and Licensing Officers.
- The Applicant maintained that officers would be able to view CCTV footage but would not be allowed to download footage or be handed over footage unless it was associated to criminal proceedings or to investigate a breach of conditions.
- That the Entertainers Daily Briefing and Customer Rules had been rewritten in order to make the rules more robust and enforceable and clear that you must not touch the dancer.
- SIA door staff also explained the rules to customers when they come into the venue.
- That there were 12 dancers performing on 11<sup>th</sup> May
- That during the 30 years of trading, there had only been one complaint of sexual assault.
- That there was a further need to educate customers and dancers.
- That dip sampling meant that 4-5 CCTV footage slots would be randomly picked and checked to see that everything was compliant.
- That there was no sign outside the venue, no advertising, and there were no staff outside touting, that SIA door staff stand inside the entrance.

At this stage the Chair formally asked that Police Officer P who was present at the meeting could be released as there were no questions to ask of him.

██████████ asked if questions could be asked of one of the performers who was in attendance at the meeting but was not a witness.

The Chair adjourned the meeting at 3.20pm to seek legal advice and reconvened at 3.27pm.

The Chair announced that they would not ask ██████████ to call the performer.

██████████ then asked the Chair if he could voluntarily call the performer as his witness and asked her questions despite the fact she had not made a witness statement. The Chair sought legal advice and consulted the Committee (without adjourning) and then said that exceptionally the Committee would agree to the performer being called to give evidence at this stage. The performer confirmed the following;

- That her name was (**Restricted**) (Ms A) and that she had worked at the Nags Head for 12 years.
- That she was part of the East London Strippers Union Collective
- That Nags Head was the safest place to work in where dancers felt protected.
- That she had a good relationship with managers and staff
- That she had never been sexually assaulted at the premises.
- That dancers do not permit any sexual contact and can easily protect themselves if they were being assaulted

- That she had been working on the night of 4<sup>th</sup> May, (**Restricted**).
- That she was also working on 11<sup>th</sup> May and she did not engage or see anything that was described by Police Officers
- That dancers were given a daily briefing.
- That she did not see everything that goes on in the venue.

The Chair invited all parties to make final submissions.

██████████ concluded by saying that no touching is allowed, dancers are protected. That policy and procedures had been scrutinised and revised with great care. He highlighted that the venue was a good family run business, with a dedicated Compliance Manager. The applicants expressed their apologies for the breaches in May. ██████████ said that they accept the conditions and felt that the imposing of the conditions would be a proportionate response as the venue was a compliant business. He highlighted that there was a total of 80 staff working at the venue, the venue had been trading for decades, there was a commitment to work with the responsible authorities and that there had been 11 compliance visits within the last 6 months and all had been found to be fully compliant.

Members then heard from ██████████ who stated that they were happy with the conditions and if agreed by Members then this would help alleviate the concerns they had. They were also pleased that the police evidence on 11<sup>th</sup> May had been accepted by the applicants.

██████████ for clarity confirmed that the Applicant expressly agreed that authorised officers could review CCTV footage although not ask for a copy unless investigating a breach of conditions or criminal offence.

Members adjourned the meeting at 3.40pm for deliberations and reconvened at 4.50pm.

Accordingly, the Sub Committee unanimously

#### **RESOLVED**

That the application for a renewal of a Sexual Entertainment Venue Licence for The Nags Head, 17-19 Whitechapel Road, London E1 1DU be **GRANTED an identical licence with additional conditions.**

At a hearing of the London Borough of Tower Hamlets Licensing Committee on Tuesday October 17th 2017 the Committee unanimously resolved to grant the renewal of a Sexual Entertainment Venue Licence to the Nags Head at 17-19 Whitechapel Road, London E1 1DU subject to the Standard Conditions, and additional conditions set out below.

The Committee imposed additional conditions after determining that the Licensees had committed serious breaches of the Standard Conditions, and that in May and June 2017 the management did not have the ability to adhere to the Standard Conditions for sex establishments.

The SEV Licence will expire on 31<sup>st</sup> May 2018.

In reaching its decision the Licensing Committee had regard to the Act, Tower Hamlets' Sex Establishment Licensing Policy made pursuant to Schedule 3 of the Act (the Policy), the information contained in the Agenda (white papers), Supplemental Agenda 1 and Supplemental Agenda 2 (pink restricted papers). Over the course of two meetings the Committee heard submissions on behalf of the Applicant and the Licensing Authority as Objector, and evidence from ██████████ and Ms A (a performer at the premises) on behalf of the Objector. The Applicant and Objector agreed that all the other witness statements on behalf of both parties could be admitted as hearsay statements.

The Committee decided to conduct a full hearing review into the application for renewal of the SEV Licence because the Licensing Authority had objected on the basis that the Licensees were unsuitable to hold a licence pursuant to paragraph 12(3) of Schedule 3 of the Act, ie that they were unsuitable "for any other reason".

The events which gave rise to the full hearing review occurred on May 4th and May 11th 2017.

The Committee accepted ██████████ unchallenged evidence that by May 2017 there had, in all probability, developed among some of the performers at the premises a culture of consensual inappropriate touching which was in breach of the Standard Conditions. One such incident ("the hug") was recorded on CCTV on May 4th between a performer and member of the public. ██████████ went on to say that this culture was not safe and it was "a slippery slope because if you say it is ok to hug they [the members of the public] may then take it further especially if they had had something to

drink." [REDACTED] on behalf of the Applicant conceded that the May incidents were not acceptable and that they "exposed a fault line" about how the premises were managed

#### Alleged sexual assault

On May 4th 2017 a performer at the premises, referred to as Ms Y, was allegedly assaulted by a member of the public (referred to as Mr X) during a private dance. **(Restricted)**

The Committee accepted all the hearsay evidence regarding how performers responded if touched during a private dance and carefully analysed the agreed CCTV recording timeline of the incident on May 4th. **(Restricted)**

**(Restricted)**

**(Restricted)**, the Committee found that the management failed to take the matter sufficiently seriously, or properly investigate it. The management also failed to protect Ms Y on May 4th, and had failed to provide appropriate support to Ms Y at the time of the alleged sexual assault or afterwards.

The position was aggravated by what the Committee considered was the Licensees' generally dismissive approach to the matter, especially when it knew beyond doubt that the allegation was that of a serious sexual assault. It was compounded by the Licensees' subsequent obstruction of, and failure to cooperate with the licensing officers in the investigation of the incident. The Committee did not accept the Licensees' reasons for refusing to provide a copy of the CCTV of the incident to the licensing officer (redacted as necessary) and this was a serious breach of Standard Condition 12. The Committee found that the Licensees' failure to cooperate promptly with the licensing officers request for a copy of the incident book was inconsistent with the high standard of management stipulated by the Policy.

#### Intentional sexual contact between performers and covert police officers

On May 11th 2017 two police officers, acting on behalf of the Licensing Authority, carried out covert test purchases. These purchases confirmed that performers were making repeated intentional sexual contact with customers. The nature of the sexual contact is summarised below.

- Grinding of buttocks onto officers groin, this occurred on several occasions with all performers, and on one occasion one performer was grinding their vagina on officer's groin.
- Placing of the breast into the officers faces. This was mostly only light contact (slight brushing across the face). However on one occasion one of the performers in putting their breast in the officer's face made contact with the officer's closed mouth with their nipple.
- Squeezing of officer's penis, this occurred on two occasions by one performer who reached behind her with one hand and squeezed the officer's penis through their clothing.
- Rubbing of forehead on penis, this occurred with one performer where they knelt between the legs of the officer and rubbed their forehead back and forth on the officer's penis through their clothing.
- Breast being in open hands of the officers whilst seated, which occurred once with one performer.
- One performer asked one of the Officers to put their hand on the performer's buttocks, which they did.
- One performer placed one of the Officer's hand on her exposed pubic area.
- During one of the private dances one of the performers kissed one of the Officers with a closed mouth.

Officers describe in their statements that there were a number of occasions performers touched their vagina's and parting the lips of their vagina's. Furthermore on one occasion a performer simulated acts of personal stimulation by parting their vagina with her fingers exposing their labia and with their other hand rubbed their inner vagina from the base up to the clitoris.

The Licensees admitted that two of its performers had committed the above intentional sexual behaviour.

The Committee found that the above intentional sexual behaviour of two performers was a serious and persistent breach of Standard Condition 26 (implementation and enforcement of House Rules), Conditions 35 and 36 (no intentional physical contact - save for specified exceptions) and Condition 38 (no other form of sexual activity, including but not limited to acts or the simulation of acts of personal stimulation).

The Committee found that the lack of effective enforcement of the Standard Conditions and compliance with the House Rules was likely to be directly affecting the safety of performers as evidenced by the alleged sexual assault on May 4th.

The Committee decided that in May and June 2017 the Licensees' clearly did not have a high standard of management. The management structure was such that it lacked the capacity to operate the venue, or the ability to ensure adherence to the Standard Conditions for sex establishments. As such, it was arguable that, at that time, the Licenses were unsuitable "for any other reason" to hold a SEV Licence.

After careful consideration the Committee decided to grant the renewal of the SEV Licence after taking full account of the following matters.

- 1 The admissions by the Licensee, their apology for the breaches, their positive track record, and their full commitment in the future to enforce the Standard Conditions, and strict adherence to, and compliance with the House Rules and Code of Conduct, and any other conditions the Committee might impose.
- 2 The Committee accepted the Licensees' promise to fully cooperate with licensing officers in the future and in particular not to obstruct the viewing of CCTV footage (including the viewing of CCTV in the course of random checks by the licensing officers).
- 3 That [REDACTED] Team Leader, Licensing and Safety Team Environmental Health and Trading Standards) considered that the imposition of additional stringent conditions would mitigate the risks of similar problems occurring at the premises in the future.
- 4 The significant efforts already made by the Licensees to ensure that the premises operated in a way which was fully compliant with the Standard Conditions, and the additional conditions that the Committee were going to impose.

The Committee imposed the following additional conditions.

- 42 Documents to prove compliance with the Licence pursuant to Standard Condition 3.  
An incident log shall be kept at the premises, and made available on request to authorised officers immediately. It must be completed within 3 hours of the incident and shall record the following
  - (a) all crimes reported to the venue by a member of the public, a performer or member of staff;
  - (b) any breach or alleged breach of either the House Rules made by a member of the public or the Code of Conduct made by a performer, and the action taken by the management;
  - (c) when a person is removed from the premises;
  - (d) any faults in the CCTV system;
  - (e) any visit by a relevant authority or emergency service.
- 43 In the event that a performer alleges that they have been sexually assaulted the management will immediately ensure that
  - (a) the police (and, where appropriate, the London Ambulance Service) are called without delay;
  - (b) all measures that are reasonably practicable are taken to apprehend a suspect pending the arrival of the police;
  - (c) the crime scene is preserved so as to enable a full forensic investigation to be carried out by the police; and
  - (d) such other measures are taken (as appropriate) to fully protect the safety of all persons present on the premises.

- 44 In the event that during a performance the management or security either witness a member of the public making intentional physical contact with a performer (save as permitted by Standard Conditions 35 or 36) or a performer makes a similar allegation to management or security, that member of the public shall be removed from the premises without delay. The management or security may use their discretion to allow that member of the public a supervised 10 minute drink up time prior to being removed from the premises.
- 45 Without prejudice to Standard Conditions 12 and 13, at all times the private performance areas and booths are occupied by performers and members of the public trained staff shall regularly monitor the CCTVs which cover that area.
- 46 Independent Compliance Audit
- (a) An independent compliance auditor, to be instructed and paid for by the Licensees, must carry out a minimum of four (4) compliance audits per year of the private performance areas and booths when sexual entertainment is offered at the premises. The compliance audits must not be pre-arranged with the Licensees or any employee or agent of the Licensees.
- (b) A copy of the compliance audit, signed and dated by the Compliance Auditor, must be kept at the premises (The Nags Head Public House, 17-19 Whitechapel Road E1 1DU) and made available to authorised officers without delay.

**Supporting documents:**

- [Nags Head cover report, item 3.1](#)  PDF 134 KB
- [Nags Head Appendices Only, item 3.1](#)  PDF 7 MB
- Restricted enclosure [View the reasons why document 3.1/3 is restricted](#)
- Restricted enclosure [View the reasons why document 3.1/4 is restricted](#)
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**[REDACTED]**

Correspondence address **[REDACTED]**

Role Active **Director**

Date of birth **[REDACTED]**

Appointed on **18 March 2020**

Nationality **British**

Country of residence **England**

Occupation **Businessman**

---

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Correspondence address

Role Active **Secretary**

Appointed on **19 June 2007**

[REDACTED]

Correspondence address [REDACTED]

Role Active **Director**

Date of birth [REDACTED]

Appointed on **19 June 2007**

Nationality **British**

Country of residence **United Kingdom**

Occupation **Co Director**

[REDACTED]

Correspondence address [REDACTED]

Role Resigned **Secretary**

Appointed on **18 May 2007**

Resigned on **18 May 2007**

[REDACTED]

Correspondence address [REDACTED]

Role Resigned **Director**

Appointed on **18 May 2007**

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- **Received: 3 January 2023**  
**OBJECTION**

To whom it may concern,

I am writing to object to the renewal of the Sexual Entertainment Venues licence on the following grounds:

- That the aims and objectives of the City Council's SEV Statement of Licensing Policy 2012 will be harmed, particularly 'prevention of public nuisance' and 'promoting improvement in the character and function of the city, or areas of it'.
- That accordingly, the grant would be inappropriate, having regard to the character of the relevant locality;
- That accordingly, the grant would be inappropriate, having regard to the use of premises in the area;
- That accordingly, the grant would be inappropriate, having regard to the layout, character or condition of the premises.

The club is located in the basement, ground and first floor mezzanine of 4 Carlisle Street, beneath three occupied flats, with residential at no 5 next door and the landlord and [REDACTED]. The situation of the club seems inappropriate in that this part of Carlisle Street ends in a cul-de-sac and is a relatively quiet area of Soho. The upper part of Dean Street has been closed to traffic since 2010 (due to Cross Rail) and therefore acts as another cul-de-sac. Once the pubs (Nellie Dean and Toucan), Pizza Express and the Piano Bar close after midnight there is very little noise apart from that generated by Vanity. The other premises in this part of Carlisle Street are residential or office with a hotel at the end, which does not have bars or restaurants open to the public. Apart from Vanity there is no attraction for passing trade on the street after midnight. Venues of this type are more suited to the buzzy atmosphere of the southern parts of Dean St (Sunset strip), Old Compton St and Brewer Street area.

My principal objection to the renewal of the club's licence is the noise in the street. I am also aware of an 'expedited' review in respect of the premises licence, and await further details of the allegations raised by the police.

Although some of the issues are historic, I believe that others have arisen specifically due to the operation as an SEV. The club attracts pedicabs which hang around outside the club particularly near closing time – the club closes at 3am but the pedicab noise invariably starts earlier as they start to congregate either dropping people but more likely just hanging around waiting to pounce on a customer. It is usually open until 5am in December during the run up to Christmas. The SEV licence has a terminal hour of 3am Mon-Sat, 11pm Sunday for 'relevant entertainment'. The only reason the pedicabs are in Carlisle Street is the presence of the club. No Club, no noise. There was a blissful time during Covid when if you woke in the night there was silence in the street. Apart from Vanity there are no very late venues nearby so after everywhere else closes the possibility of picking up a fare anywhere else is limited, hence the attraction of Vanity.

The pedicab drivers congregate in Carlisle Street, [REDACTED], 4-5 (sometimes more) lined up across the road and on corner of Carlisle & Dean Street. They either sit in their pedicabs or stand around underneath the awning of the Nellie Dean pub next door to number 4. They laugh, chat, argue etc with no care for the residents who are trying to sleep. The fact that both Carlisle Street and Dean Street are dead ends so there is no passing traffic which lends to its appeal as a pedicab park, where they can leave their vehicles and lurk undisturbed. On occasions you see a customer leaving Vanity only to be harassed by a number of drivers, each trying to entice them into their vehicle which adds to the noise. All this is clearly audible despite my bedroom having double glazing, which was fitted to my flat at the behest of a WCC licensing committee in the late 1980's.

In February 2018 during a previous SEV renewal process there was a mediation meeting with the club management under the auspices of WCC and for a while the problem with noise and the pedicabs improved but the problem returned. Another [REDACTED] and I objected to the next renewal of the SEV licence and it went to the Licensing Sub-Committee on 28<sup>th</sup> March 2019. Three additional conditions were added to the Vanity Club licence relating to controlling the noise from pedicabs in the street. Since then, there has been no real change to the street noise though the problem with the music within the building has improved. It can still be heard in the common parts but hardly at all in the flats.

The management and the doormen seem to tolerate the pedicabs rather than doing anything to discourage them. You see members of staff chatting amicably to the drivers, maybe they are asking them to politely move but it does not have any effect. You see and hear the same pedicab drivers so they are obviously undeterred by the 'designated member of staff encouraging them to look for fares in Dean Street and to respect the needs of local residents and also to ask them to move away/not congregate in Carlisle Street or near the venue' (Condition 2 added to licence 2019). I have seen pedicab drivers delivering food & packages to the staff. We are lucky in that the Club Staff do seem to stop the pedicabs playing music in Carlisle Street which is a definite plus.

Much of the outside noise comes from members of staff. The 2-3 security men, who talk loudly to each other until closing time, the female staff, who hang around outside the club to smoke and chat to each other and their customers. This is despite the assertion on behalf of the premises at a previous Licensing Hearing 'that members of staff do not congregate outside the premises'. There is even a stool on the doorstep for the dancers to sit on and an outside heater. Whilst this does not appear to be directly in breach of any conditions on the SEV licence, it could jeopardise compliance with condition 7, 18, and 22. It is also contrary to previous assertions that there is a designated smoking area for performers on the first floor.

The Club management are cognisant of the residents' problems with the noise. [REDACTED], owner of the club, attended a meeting at 4 Carlisle Street in 2019 with the building management agent. After the meeting, I mentioned to him that the residents were still having a problem with the noise from pedicabs. He replied that he was sorry about that but he had no control over noise happening in the street outside the club and could do nothing to help. If I didn't like that he could always open a disco like the Candy Bar with more people in the street. I replied that we had survived outside noise from previous clubs but the noise associated with the pedicabs was more persistent and

disturbing. The DPS is also well aware of the problem as we have discussed it in the past but as the situation never changes, I have given up trying to raise the issue.

I am continuing to object to the renewal of the SEV licence of Vanity as the premises are an inappropriate location for a club of this type both as to the location in a quiet area away from the main areas of nightlife of Soho and to the nature of the building [REDACTED].

- [REDACTED]

**Received: 3 January 2023**

## **OBJECTION**

I write to oppose the renewal of the SEV in respect of the above premises.

Please see my email below re the Licence Review by the Police in respect of these premises, and in particular the incident of contact between a customer and a dancer.

I would like this also to stand as my objection in the application for the SEV renewal, as I understand they should be objected to separately

I write to support the application by the Met Police in this matter. I am a long time resident of Soho and [REDACTED] and it is in this capacity that I support the application to revoke this licence.

I listened in to the interim application when the licence was suspended, and I found this to a very concerning set of circumstances, and very unlikely to be a one off event, as there was a schedule of similar complaints against these premises, which seemed to have slipped through the net, possibly going to be dealt with by Action Fraud team. I didn't see this in its entirety and couldn't comment on individual items but it seemed to have a theme (separating friends from each other) charging them exorbitant amounts with a suggestion of at least one drink being spiked, and then seemingly not allowing them to communicate, unless the other party pays for the dance. The victims were then taken off in vehicles seemingly ordered by Vanity.

Pedicabs seem to feature in this rather sorry story, and there have been suggestions of payments to pedicabs in the past, though I have to say this is entirely anecdotal. Soho has long suffered from ASB on the part of pedicab operators.

This seems like extraordinarily corrupt behaviour. The victim in this case seems to have lost a large sum of money, and the suggestion by the management of Vanity that complaints of this nature are often made to cover overspending and to get reimbursed by a bank is, frankly, ludicrous.

The DPS's justification for allowing transactions to go through frankly beggars belief.

These incidents (including the incident mentioned of contact between a dancer and a customer in a booth) clearly do not support any of the licensing objectives, and are on the face of it clear examples of criminality.

I would therefore support the police application to have the licence revoked permanently, the DPS removed forthwith and the application by the club for the renewal of the SEV to be rejected by the Committee.

Received: 28 December 2022

**OBJECTION**

To whom it may concern.

Vanity, 4 Carlisle Street and I wish to object to the continuation of the licence being granted to them.

It has become a magnet for pedicabs which regularly drop clients off there and often park outside my house to collect clients. They have music playing loudly from the pedicabs as well as eating takeaway food and they leave the litter and bottles outside my house which has to be cleared up in the morning. The noise is horrendous.

Being open until 3.00am there is very loud talk from people smoking and gathering outside.

All this precludes sleep without ear plugs which I am forced to use.

I have objected many times but all to no avail.

Received: 3 January 2023

**OBJECTION**

We write to make a relevant representation to the above application on behalf of

**About**

is a charitable company limited by guarantee established in 1972. is a recognised amenity group and was formed to make Soho a better place to live, work or visit by preserving and enhancing the area's existing diversity of character and uses, and by improving its facilities, amenities and environment.

**Representation**

This is an application for the renewal of the sexual entertainment venue licence for Vanity, a lap dancing / strip club which operates seven days a week, Monday to Saturday 9am - 3am and Sunday 9am to 11pm with a capacity of 89. objects to this renewal under the following policies of the Sexual Entertainment Venues Statement of Licensing Policy 2012, namely, SU1: suitability of an applicant to hold an sexual entertainment licence, LO1: character of the relevant locality, LO2: use of premises in the vicinity, LO3: layout, character or condition of the venue, plus the licensing objectives under the 2003 Act, CD1: prevention of crime and disorder, PN1: prevention of public nuisance and PS1: failing to protect the public / public safety.

The Licensing Sub-Committee will be aware of a recent allegation on 26th November of a serious incident at this lap dancing / strip club, which involved a male victim of drink spiking and theft of large sums of money, £3,000 payment taken by Vanity over four transactions, plus numerous other transactions to different people/companies to the approximate value of £16,000, a total loss of £19,000. A subsequent review by the

police also identified a further 10 allegations of a similar nature this year, with the loss of nearly £250,000, some victims say they have reported this to the venue with no action taken. At the 'interim steps' hearing on 15th December 2022 the police presented its case to the Committee and sought the immediate suspension of the licence pending the full review hearing. The police indicated that they would seek revocation of the licence at the hearing, in order to protect the licensing objectives. The Committee agreed with police that immediate suspension was the appropriate action. [REDACTED] supported the review of the licence on the basis of the prevention of crime and disorder, the prevention of public nuisance and failing to protect the public / public safety, the full hearing is due to take place on 9th January.

These are extremely serious allegations and in the opinion of the police these premises are associated with crime and disorder. It is the responsibility of the licence holder to ensure the safety of those using the premises, which also includes the prevention of crime and disorder. We have not yet seen the full details of the police's case in respect of the expedited review, but they clearly feel that there has been a gross failure in this case which has resulted in the failure to prevent crime and disorder and failure to protect the public. If the police case leads to revocation of the premises licence, it follows that the applicant is unsuitable to hold a sexual entertainment venue licence.

Issues relating to noise nuisance resulting from the operation of the premises have been ongoing for many years and precedes the current occupant, this highlights the unsuitability of the location and character of this late night club in this street. The proximity of noise sensitive premises, residents living above the club and others residing in the street fails to promote the prevention of public nuisance as the nuisance of late night noise continues resulting in sleep disturbance to residents.

The Committee will be aware of the background and history of complaints and objections by residents to the renewal of this licence (19/16592/LISEVR, 18/15940/LISEVR) all relating to noise nuisance from inside and outside the premises. The club is situated in a small and narrow cul-de-sac, generally this is a quiet street compared to others in Soho, however, this changes late at night where noise is amplified and reverberates around the street. Residents continue to be disturbed by the noise from pedicab riders in the street talking to each other or to the security guards, by customers talking outside and when they are being pestered by pedicab riders. The ongoing noise problems provides the evidence, alongside the applicant's inability to resolve these issues that this club is in an unsuitable location.

The problems of sleep disturbance experienced by residents in Soho has been highlighted by a recent sleep survey conducted by [REDACTED], it confirms that residents are disturbed by noise at night and this is having a negative impact on their lives. The full survey results can be found in Appendix 1.

In the Sexual Entertainment Statement of Licensing Policy 2012 the council rightly raises concerns regarding the location of sexual entertainment venues and the crime and anti social behaviour associated with them, citing touting, prostitution and clipping. Men leaving the premises late at night intoxicated and vulnerable are easy prey to such criminal activity. This is even more of a concern when considering the high crime rates in Soho, which are on the increase as evidenced by recent crime reports provided to the Licensing Sub-Committee from the Westminster Police Licensing Team, they highlight

the increase in crime which is now back to pre-COVID levels and in some cases, for example, assaults, sexual assaults and robbery are even higher than pre-COVID levels.

In summary, a SEV licence for this venue is contrary to the character of the relevant locality, use of premises in the vicinity, and the layout, character or condition of the venue, for the reasons set out above. The licence holder has failed to promote the licensing objectives of the prevention of crime and disorder, the prevention of public nuisance, public safety and failing to protect the public. In addition, due to the police's allegations in respect of the premises licence, our view is that the applicant is unsuitable to hold an sexual entertainment venue licence.

We respectfully ask the Committee to refuse the renewal of this licence.

Yours faithfully,

Licensing Committee

██████████

### **Appendix 1 : ██████████ Sleep Survey Results**

#### **██████████ Sleep Survey Results - 31 October 2022**

87 people have responded of which 78 are Soho residents with ages spread fairly evenly from 22 to 80.

59% have lived in Soho more than 10 years

26% between 3 and 10 years

6% between 1 and 3 years and

9% have lived here less than a year

42% own their homes

20% are Soho Housing Association and the rest tenants with other landlords

10 respondents have children living at home with them

58% have double glazing

37% single glazing

5% have triple glazing

24% of respondents have their sleep disturbed 7 nights a week

16% of respondents have their sleep disturbed 5 or 6 nights a week

19% of respondents have their sleep disturbed 3 or 4 nights a week

19% of respondents have their sleep disturbed once or twice a week

20% do not have a problem with environmental noise pollution

Topping the list in September was people drinking in the street with 54 mentions, then pedicabs with 51, waste collections at 48, construction noise 36 and car horns 33 and deliveries at 25. Other noise sources identified were air conditioning, motorbikes revving, building alarms and music from licensed venues. The most common identified problem at 42% of respondents was people drinking and shouting in the street.

64% of respondents agreed that noise nuisance from increased commercial activity at night is the most serious problem impacting Soho residents quality of life

46% of respondents agreed that noise nuisance is so bad that they have considered moving away from Soho

60% of respondents agreed that noise nuisance and sleep deprivation is adversely impacting my health and the health of the people they live with.

67% of respondents agreed that the council should base its noise policy on the World Health Organisation guidelines

64% of respondents agreed that our ward councillors should make this their priority during the next four years

69% of respondents agreed that during the time I have lived in Soho noise pollution has got significantly worse

73% of respondents agreed that if noise limits are being exceeded the council should consider reviewing existing alcohol licences

72% of respondents agreed that the council should install electronic noise monitoring in Soho

56% of respondents agreed that the council should not grant additional premises licence for the sale of alcohol in Soho.

62% of respondents agreed that the council should not grant any extensions of hours for premises in Soho

68% of respondents agreed that the council should renew its noise strategy as a matter of urgency

Many respondents made additional comments:-

I left Soho 4 years ago. After 20 years, the noise & air pollution finally broke me. Like the frog in the pan of water with the heat gradually turned up, it took me a while to realise that it wasn't me going soft, it was the significant degradation of the environment around me. Since I moved out of my flat, several other tenants have moved in & swiftly out again citing sleep disruption & excessive night noise as their reason for leaving. The flat is now used as an office rather than as residential.

I am disappointed that another restaurant unit is going to be let on Hopkins Street by Shaftesbury when the residents already have an enormous amount of noise from the existing restaurants. No doubt they will also want an alcohol license, which will increase the noise and disturb residents even more.

As a disabled person working from home, I find it extremely exhausting not able to have rest at night, Screams and noise of drunk people every night, The Landlord WCC does not want to change the windows to a double glazing nor allow tenants to pay privately for windows to be upgraded. Noise at home, lack of sleep, and concentration in the day time. I have a hand held noise monitor, I recorded noise levels of 97db outside the pub at the corner of Broadwick and Berwick Streets.

More consideration needs to be given to residents from councillors, people visiting the area and local businesses in particular those who serve alcohol and have late night licences. Decisions such as granting planning and licence applications should not be made by people who do not live in the area and are therefore not impacted by the decision making.

Very difficult to get the local authority to understand and take complaints seriously. Officers often helpful but then the case goes to committee and they always seem to rule in favour of the commercial premises rather than residents. There is supposed to be a presumption to refuse new licences but in practice the council still lets new things through until after Midnight, which is far too late and has made a nonsense of the policy. There should be a quiet window of 11pm to 8am every day. 7am deliveries are far too early for a lot of people if they are noisy or use cages or refrigeration.

[REDACTED]. Regularly now (most nights) there are traffic jams in the street at 3am in the morning with cars picking up people leaving clubs. The cars frequently are using their horns. Last night they had their door open with music blaring. we have 2 motorbike stands close together. 1 in Broadwick St and 1 in Marshall St. There is always at least one bike revving up at either 3am or really early like 530am This noise has changed and increased over the past 3-4 years. I am woken up most nights at about 3am. And i have double glazing and am on [a high] floor.

Businesses take no responsibility for their customers drinking/eating and mainly shouting outside, including when they are queuing, and particularly when they are leaving. Post al fresco, there is a new attitude that anything goes on the streets and that includes contempt for the community who live here. The Council need to rethink this and put some major resource into enforcement.

[REDACTED] ... Born and bred.. It's never been this noisy!

Early hours waste collections (including bottle smashing) also includes the food & beverage businesses putting their waste in the street and bottle bins at anti-social hours ahead of collection times. Our local restaurants are not supposed to put bottles out between the hours of 23:00 and 07:00 but they frequently do. Frequently delivery trucks, some with noisy refrigeration units are also delivering early hours.

Also deliveries & pedicabs. Unfortunately my lack of sleep due to noise has caused serious health issues and I now cannot work and suffer anxiety and depression. I'm woken up on average 5 times per night and have considered suicide. Why I'm being denied sleep between the hours of 11pm and 7am astonishes me. The freeholders Shaftesbury Carnaby show a total disrespect to the effects that noise has on the residents of Soho.

• [REDACTED]  
**Received: 28 December 2022**  
**OBJECTION**

I would also like to flag that it appears that the premises' SEV licence is also due for renewal. Although this is a separate matter for the purpose of the review of the alcohol

licence I would like to flag that I have real concerns about the renewal of this licence in all of the circumstances.

Under the relevant legislation, there are mandatory grounds of refusal (e.g. if the applicant is under 18, disqualified etc) and discretionary grounds. Schedule 3 para 12(3) Local Government (Miscellaneous Provisions) Act 1982 sets out the discretionary grounds, the most pertinent of which are that: granting the licence would be inappropriate, having regard to: (i) the character of the relevant locality; (ii) the use to which any premises in the vicinity are put; (iii) the layout, character or condition of the premises...in respect of which the application is made.

Grounds (i), (ii) and (iii) align with policies in the City Council's 'Sexual Entertainment Venues Statement of Licensing Policy 2012' ("the SEV Policy") i.e. LO1 (character of relevant locality'; LO2 (use of premises in the vicinity); L03 (layout, character or condition of the venue).

The evidence is that this venue and this locality is being used for criminal activities. Not – I stress – by the owners of the premises, but by some of those who frequent it. The venue is becoming a real threat to public safety. It is in any event out of keeping with the residential area in which it sits. It is quite detached from other SEV-licensed venues in an area of Soho (Dean Street/Carlisle Street) not known for this kind of activity.

I would urge the officers and the committee to reject the renewal of the SEV licence.



Schedule 12  
Part A

WARD: West End  
UPRN: 010033531502

**City of Westminster**  
64 Victoria Street, London, SW1E 6QP

**Premises licence**

Regulation 33, 34

**Premises licence number:**

20/03227/LIPT

**Original Reference:**

05/03985/LIPCV

**Part 1 – Premises details**

**Postal address of premises:**

Vanity Bar And Nightclub  
Basement To First Floor  
4 Carlisle Street  
London  
W1D 3BJ

**Where the licence is time limited, the dates:**

Not applicable

**Licensable activities authorised by the licence:**

Performance of Dance  
Performance of Live Music  
Playing of Recorded Music  
Anything of a similar description to Live Music, Recorded Music or Performance of Dance  
Late Night Refreshment  
Private Entertainment consisting of dancing, music or other entertainment of a like kind for consideration and with a view to profit  
Sale by Retail of Alcohol

**The times the licence authorises the carrying out of licensable activities:**

**Performance of Dance**

Monday to Thursday:	09:00 to 23:30
Friday to Saturday:	09:00 to 02:00
Sunday:	09:00 to 23:00

**Performance of Live Music**

Monday to Thursday:	09:00 to 23:30
Friday to Saturday:	09:00 to 02:00
Sunday:	09:00 to 23:00

**Playing of Recorded Music**

Unrestricted

**Anything of a similar description to Live Music, Recorded Music or Performance of Dance**

Monday to Thursday:	09:00 to 23:30
Friday to Saturday:	09:00 to 02:00
Sunday:	09:00 to 23:00

**Late Night Refreshment**

Monday to Saturday:	23:00 to 03:30
Sunday:	23:00 to 01:00

**Private Entertainment consisting of dancing, music or other entertainment of a like kind for consideration and with a view to profit** Unrestricted

**Sale by Retail of Alcohol**

Monday to Saturday:	10:00 to 03:00
Sunday:	12:00 to 00:30

*For times authorised for Christmas, New Year and Good Friday see conditions at Annex 1*

**The opening hours of the premises:**

Monday to Saturday:	09:00 to 03:30
Sunday:	09:00 to 01:00

**Where the licence authorises supplies of alcohol, whether these are on and/or off supplies:**

Alcohol is supplied for consumption both on and off the Premises.

**Part 2****Name, (registered) address, telephone number and email (where relevant) of holder of premises licence:**

Vanity License Ltd  
Kemp House  
160 City Road  
London  
EC1V 2NX

**Registered number of holder, for example company number, charity number (where applicable)**

12523049

**Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol:**

**Name:** DPS has been removed

***Please note: It is the policy of the Licensing Authority not to display the address details of a designated premises supervisor.***

**Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol:**

**Licence Number:** N/A

**Licensing Authority:** N/A

**Date:** 16 May 2023

**This licence has been authorised by Jessica Donovan on behalf of the Director - Public Protection and Licensing.**

## Annex 1 – Mandatory conditions

1. No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.
2. No supply of alcohol may be made at a time when the designated premises supervisor does not hold a personal licence or the personal licence is suspended.
3. Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.
4.
  - (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
  - (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—
    - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to;
      - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
      - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
    - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
    - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
    - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
    - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
5. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
6.
  - (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
  - (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

- (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
  - (a) a holographic mark, or
  - (b) an ultraviolet feature.

7. The responsible person must ensure that—

- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
  - (i) beer or cider: ½ pint;
  - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
  - (iii) still wine in a glass: 125 ml;
- (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
- (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

A responsible person in relation to a licensed premises means the holder of the premise licence in respect of the premises, the designated premises supervisor (if any) or any individual aged 18 or over who is authorised by either the licence holder or designated premises supervisor. For premises with a club premises certificate, any member or officer of the club present on the premises in a capacity that which enables him to prevent the supply of alcohol.

8(i) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

8(ii) For the purposes of the condition set out in paragraph 8(i) above -

- (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
- (b) "permitted price" is the price found by applying the formula -

$$P = D + (D \times V)$$

Where -

- (i) P is the permitted price,
  - (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
  - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -

- (i) the holder of the premises licence,
  - (ii) the designated premises supervisor (if any) in respect of such a licence, or
  - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
- (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
- (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.
- 8(iii). Where the permitted price given by Paragraph 8(ii)(b) above would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
- 8(iv). (1) Sub-paragraph 8(iv)(2) below applies where the permitted price given by Paragraph 8(ii)(b) above on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.
9. All persons guarding premises against unauthorised access or occupation or against outbreaks of disorder or against damage (door supervisors) must be licensed by the Security Industry Authority.

**Conditions reproducing the effect of conditions subject to which the relevant existing licenses have effect.**

**Conditions relating to regulated entertainment:**

- 10. On New Year's Eve the premises can remain open for the purpose of providing regulated entertainment from the time when the provision of regulated entertainment must otherwise cease on New Year's Eve to the time when regulated entertainment can commence on New Year's Day (or until midnight on New Year's Eve where no regulated entertainment takes place on New Year's Day).
- 11. The entertainment provided at the premises shall be of the type commonly known as discotheque, karaoke and striptease.
- 12. Only activities which have previously been agreed by the council shall take place.
- 13. The basement door going onto the street shall be kept closed at all times, except for emergency use.
- 14. All doors giving access/egress to the premises shall not be fixed open after 23:00.

**Conditions for Sale of Alcohol**

- 15. Substantial food and suitable beverages other than intoxicating liquor (including drinking water) shall be available during the whole of the permitted hours in all parts of the premises where intoxicating liquor is sold or supplied.
- 16. There shall be no payment made by or on behalf of the licensees to any person for bringing customers to the premises.

**Conditions which reproduce the effect of any restriction imposed on the use of the premises by specified enactments.**

17. Alcohol shall not be sold, supplied or consumed in or taken from the premises except during permitted hours.
- (a) Subject to the following paragraphs, the permitted hours on weekdays shall commence at 10.00 (12.00 on Christmas Day and Good Friday) and extend until 03.00 on the morning following, except that -
    - (i) the permitted hours shall end at 00.00 midnight on any day on which music and dancing is not provided after midnight; and
    - (ii) on any day that music and dancing end between 00.00 midnight and 03.00, the permitted hours shall end when the music and dancing end;
  - (b) In relation to the morning on which summer time begins, paragraph (a) of this condition shall have effect-
    - (i) with the substitution of references to 04.00 for references to 03.00.
  - (c) Except on Sundays immediately before bank holidays (apart from Easter Sunday), the permitted hours on Sundays shall commence at 12.00 and extend until 00.30 on the morning following, except that-
    - (i) the permitted hours shall end at 00.00 midnight on any Sunday on which music and dancing is not provided after midnight;
    - (ii) where music and dancing end between 00.00 midnight on any Sunday and 00.30, the permitted hours on that Sunday shall end when the music and dancing end.
  - (d) On Sundays immediately before bank holidays (other than Easter Sunday), the permitted hours shall commence at 12.00 and extend until 03.00 on the morning following, except that-
    - (i) the permitted hours shall end at 00.00 midnight on any Sunday on which music and dancing is not provided after 00.00 midnight;
    - (ii) where music and dancing end between 00.00 midnight on any Sunday and 03.00, the permitted hours on that Sunday shall end when the music and dancing end.
    - (iii) The terminal hour for late night refreshment shall extend to 30 minutes after the end of permitted hours for the sale of alcohol set out in d(i) and (ii) above.
  - (e) The permitted hours on New Year's Eve will extend to the start of permitted hours on the following day, or if there are no permitted hours on 1 January, to 00.00 on New Year's Eve.

NOTE - The above restrictions do not prohibit:

- (a) during the first thirty minutes after the above hours the consumption of the alcohol on the premises;
- (b) during the first twenty minutes after the above hours, the taking of the alcohol from the premises unless the alcohol is supplied or taken in an open vessel;

- (c) the sale or supply of alcohol to or the consumption of alcohol by any person residing in the licensed premises;
- (d) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
- (e) the sale of alcohol to a trader or registered club for the purposes of the trade or club;
- (f) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of her Majesty's naval, military or air forces;
- (g) the taking of alcohol from the premises by a person residing there;
- (h) the supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of alcohol by persons so supplied;
- (i) the supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence, or the consumption of liquor so supplied, if the liquor is supplied at the expense of their employer or of the person carrying on or in charge of the business on the premises.

In this condition, any reference to a person residing in the premises shall be construed as including a person not residing there but carrying on or in charge of the business on the premises.

18. No person under fourteen shall be in the bar of the licensed premises during the permitted hours unless one of the following applies:
- (a) He is the child of the holder of the premises licence.
  - (b) He resides in the premises, but is not employed there.
  - (c) He is in the bar solely for the purpose of passing to or from some part of the premises which is not a bar and to or from which there is no other convenient means of access or egress.
  - (d) The bar is in railway refreshment rooms or other premises constructed, fitted and intended to be used bona fide for any purpose to which the holding of the licence is ancillary.

In this condition "bar" includes any place exclusively or mainly used for the consumption of intoxicating liquor. But an area is not a bar when it is usual for it to be, and it is, set apart for the service of table meals and alcohol is only sold or supplied to persons as an ancillary to their table meals.

19. If any entertainment is provided for children or if an entertainment is provided at which the majority of persons attending are children, then, if the number of children attending the entertainment exceeds 100, it shall be the duty of the holder of the premises licence (or the holder of the club premises certificate):
- (a) to station and keep stationed wherever necessary a sufficient number of adult attendants, properly instructed as to their duties, to prevent more children or other persons being admitted to the building, or to any part thereof, than the building or part can properly accommodate,
  - (b) to control the movement of the children and other persons admitted while entering and leaving the building or any part thereof, and
  - (c) to take all other reasonable precautions for the safety of the children.

20. The terminal hour for late night refreshment on New Year's Eve is extended to 05:00 on New Year's Day.

## **Annex 2 – Conditions consistent with the operating Schedule**

21. No Noise or vibration shall emanate from the premises in to adjacent residential premises.

### Annex 3 – Conditions attached after a hearing by the licensing authority

22. The licensee will adopt a street management plan to be agreed with the Environmental Health Officer. Such plan to include the following:
- Ordering taxis from inside the premises
  - Encouraging patrons waiting for taxis to remain inside the premises
  - Asking taxi drivers to turn off their engines whilst waiting
  - Control of smokers
  - Control of patrons leaving the premises.
23. At least one Personal Licence Holder shall be present during the whole time alcohol is sold, supplied or consumed.
24. The sale of alcohol shall be ancillary to the use of the premises for either i) music and dancing and substantial refreshment or ii) Relevant Entertainment and substantial refreshment.
25. A noise limiter must be fitted to the musical amplification system set at a level determined by and to the satisfaction of an authorised officer of the Environmental Health Service, Premises Management so as to ensure that no noise nuisance is caused to local residents or businesses. The operational panel of the noise limiter shall then be secured by key or password to the satisfaction of officers from the Environmental Health Service and access shall only be by persons authorised by the Premises Licence holder. The limiter shall not be altered without prior agreement with the Environmental Health Service. No alteration or modification to any existing sound system(s) should be effected without prior knowledge of an authorised Officer of the Environmental Health Service. No additional sound generating equipment shall be used on the premises without being routed through the sound limiter device.
26. Where the premises is used for Licensable Activities other than Relevant Entertainment, SIA registered security staff are to be employed on a 1:50 ratio (staff/customers).
27. A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number is to be made available to residents and businesses in the vicinity.
28. Except where Relevant Entertainment is provided The number of persons accommodated (excluding staff) shall not exceed:
- Basement - 70,  
Ground Floor - 80,  
First Floor - 25.
29. (a) The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team.  
(b) All entry and exit points shall be covered enabling frontal identification of every person entering in any light condition.  
(c) The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises and shall include the external pavement area outside the premises entrance.  
(d) All recordings shall be stored for a minimum period of 31 days with date and time stamping.  
(e) Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31-day period.

30. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
31. All windows and external doors shall be kept closed at any time when regulated entertainment takes place, except for the immediate access and egress of persons.
32. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall be limited to 7 persons at any one time.
33. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall not be permitted to take drinks or glass containers with them.
34. There shall be no striptease or nudity, and all persons shall be decently attired at all times, except when the premises are operating under the authority of a Sexual Entertainment Venue licence.
35. All emergency doors shall be maintained effectively self closing and not held open other than by an approved device.
36. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.
37. Curtains and hangings shall be arranged so as not to obstruct emergency signs.
38. The approved arrangements at the premises, including means of escape provisions, emergency warning equipment, the electrical installation and mechanical equipment, shall at all material times be maintained in good condition and full working order.
39. The means of escape provided for the premises shall be maintained unobstructed, free of trip hazards, be immediately available and clearly identified in accordance with the plans provided.
40. All exit doors shall be available at all material times without the use of a key, code, card or similar means.
41. Any special effects or mechanical installations shall be arranged and stored so as to minimise any risk to the safety of those using the premises. The following special effects will only be used on 10 days prior notice being given to the Licensing Authority where consent has not previously been given.
  - i. pyrotechnics including fire works
  - ii. firearms
  - iii. lasers
  - iv. explosives and highly flammable substances.
  - v. real flame.
  - vi. strobe lighting.
42. Neither Lorraine Forman or Shaine Mountier shall have any involvement in:
  1. the day to day running of the premises,
  2. management of the premises or
  3. management of the operation at the premises

43. No Licensable Activities shall take place at the Premises until such time as a site visit has been arranged with the Licensing Authority, The Police Licensing Team, and the Environmental Health Consultation Team. The purpose of the visit shall be for the above-named Responsible Authorities to:
- a. Confirm that they agree that the layout and appearance of the Premises is such that views in areas where Relevant Entertainment takes place are unobstructed.
  - b. Confirm that they agree that the CCTV system at the Premises complies with the CCTV conditions and the locations and angles of CCTV cameras are appropriate to the provision of relevant entertainment.
  - c. Confirm that the noise limiter is set at a level determined by and to the satisfaction of an authorised Environmental Health Officer and secured by key or password with access only to persons authorised by the Premises Licence Holder.
  - d. Confirm that they have viewed training records for all relevant staff members in accordance with the Premises' training conditions.
  - e. Confirm that they have met with the Designated Premises Supervisor (or Designated Premises Supervisor Elect), and if in place, the manager and assistant manager of the Premises.
- Following confirmation of items (a) to (e) being satisfactorily completed this condition shall be removed from the Premises Licence by the Licensing Authority.
44. From the date on which licensable activities under the Licensing Act 2003 first commence in 2023, a site visit shall thereafter be arranged annually with the Licensing Authority and the Metropolitan Police Licensing Team. The purpose of the visit shall be for the above-named Responsible Authorities to:
- a. Confirm that they agree that the layout and appearance of the Premises is such that views in areas where Relevant Entertainment takes place are unobstructed.
  - b. Confirm that they agree that the CCTV system at the Premises complies with model condition MC01 and the locations and angles of CCTV cameras are appropriate to the provision of relevant entertainment.
  - c. Confirm that the noise limiter is set at a level determined by and to the satisfaction of an authorised Environmental Health Officer and secured by key or password with access only to persons authorised by the Premises Licence Holder.
  - d. Confirm that they have viewed training records for all relevant staff members in accordance with the Premises' training conditions.
  - e. Confirm that they have met with the Designated Premises Supervisor (or Designated Premises Supervisor Elect) and if in place, the manager and assistant manager of the Premises.
45. The Premises Licence Holder shall devise, implement, and maintain a Training regime for:
- a. All staff (including self-employed performers) working in customer facing roles at the Premises; and
  - b. All SIA licensed door supervisors engaged by the Premises.

46. The Training Regime shall, as a minimum, cover the following:
  - a. The hours and conditions of this Premises Licence
  - b. The Licensing Objectives and The Licensing Act 2003
  - c. The Premises' Welfare and Safeguarding Policy
  - d. Identifying intoxicated individuals (alcohol and prohibited substances)
47. Staff (including self-employed performers) and SIA licensed door supervisors shall not be permitted to commence work at the Premises until such time as they have undergone induction training on (a) to (d) above {Namely: a. The hours and conditions of this Premises Licence, b. The Licensing Objectives and The Licensing Act 2003, c. The Premises' Welfare and Safeguarding Policy, d. Identifying intoxicated individuals (alcohol and prohibited substances)}.
48. All training at the premises shall be dated and signed off in writing by the Premises Licence Holder.
49. Staff (including self-employed performers) and SIA licensed door supervisors shall be re-trained at least twice annually (January to December).
50. Training Records shall be kept for all members of staff (including self-employed performers) and SIA licensed door supervisors. The Records shall be kept at the Premises and made available for inspection by Responsible Authority Officers. Training records shall be kept for a period of 18 months from the date on which the training was delivered.
51. Prior to licensable activities under the Licensing Act 2003 taking place at the premises, all members of customer facing staff (including self-employed performers) and SIA licensed door supervisors shall be provided with the Metropolitan Police's Welfare and Vulnerability Engagement (WAVE) training (or equivalent training) at least once annually (January to December). Training Records for WAVE training shall be kept for all members of staff (including self-employed performers) and SIA licensed door supervisors. The Records shall be kept at the Premises and made available for inspection by Responsible Authority Officers. Training records shall be kept for a period of 18 months from the date on which the training was delivered.
52. The Premises Licence holder shall devise, implement, and maintain the following policies in relation to Licensable Activities at the Premises:
  - a. Customer Complaints Policy
  - b. Welfare and Safeguarding Policy
  - c. Noise Management Policy
  - d. Pedicab Policy
  - e. Drugs Policy

Copies of these policies shall be kept at the Premises and made available for inspection by Responsible Authority Officers. The Customer Complaints Policy shall also be made available to members of the public on request.
53. The Premises Licence Holder shall appoint an Independent Compliance Auditor, to be instructed and paid for by the Premises Licence Holder, and who must carry out a minimum of (4) Compliance Audits per year (January to December) to assess the promotion of the Licensing Objectives and compliance with the conditions of this Premises Licence.
54. The Compliance Audits must not be pre-arranged/booked with the Premises Licence Holder, or any employee of the Premises Licence Holder (including self-employed Performers or SIA Licensed Door Supervisors).

55. A copy of the Compliance Audit, signed and dated by the Compliance Auditor, must be kept at the Premises for a period of 18 months from the date of completion of the Compliance Audit and be made available to Responsible Authority Officers on request.
56. The Premises Licence Holder shall designate a member of staff responsible for customer welfare at all times that the Premises are open for Licensable Activities and for a period of 30 minutes after the Premises closes to customers. The designated staff member shall be identifiable at all times when on duty and shall wear a high-visibility tabard or a t-shirt (or similar) saying "Customer Welfare Officer."
57. The premises licence holder shall organise quarterly residents' meetings and shall provide 28 days' notice in writing by:
1. Displaying an A4 notice at the premises; and
  2. Email to any address given to the premises licence holder requesting notice

The premises licence holder shall take a minute of the meeting and circulate attendees.

The premises licence holder shall keep records of meetings for 18 months from the date of last meeting and those records shall be made available to responsible authority officers on request.

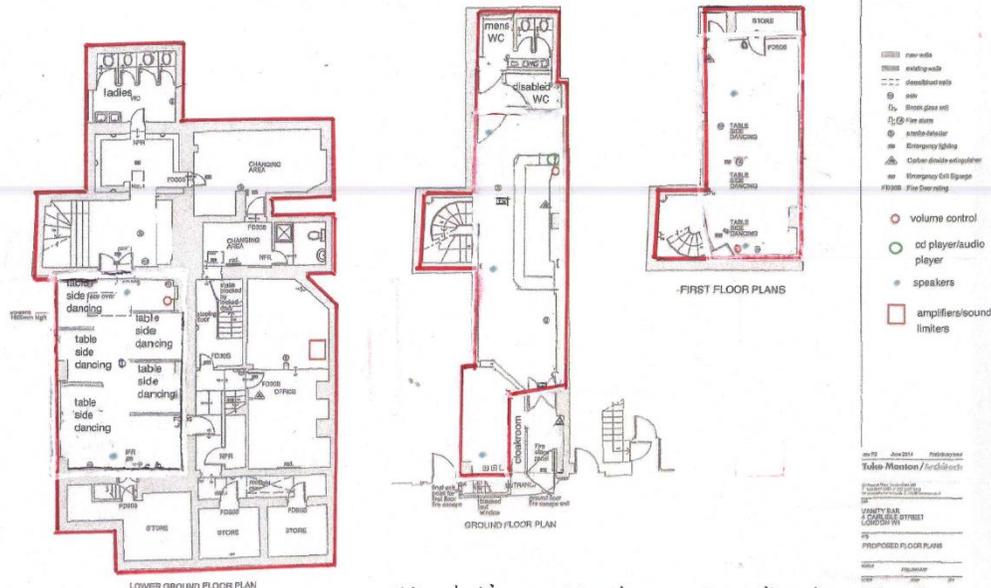
58. The Premises Licence Holder shall provide a Customer Pay Point (or Pay Points) at locations agreed with the Metropolitan Police Service within the Premises and shown marked XXXXXXXX on the approved Premises Licence Plan. The Pay Point(s) shall be covered by a specific camera or cameras capturing payments taking place. All payments shall only be taken at those Pay Point(s).
59. An incident log shall be kept at the premises and made available on request to an authorised officer of the City Council or the Police. It must be completed within 24 hours of the incident and shall record the following:
- (a) all crimes reported to the venue
  - (b) all ejections of patrons
  - (c) any complaints received concerning crime and disorder
  - (d) any incidents of disorder
  - (e) all seizures of drugs or offensive weapons
  - (f) any faults in the CCTV system, searching equipment or scanning equipment
  - (g) any refusal of the sale of alcohol
  - (h) any visit by a relevant authority or emergency service
  - (i) any reports of lost property (including money)

The incident logs shall be reviewed and assessed, then signed off by Premises Licence Holder if he is satisfied with the entries, management of the incident and conclusion.

60. All door supervisors shall wear reflective armbands which shall be clearly visible when on duty at the premises.

Annex 4 – Plans

PREMISES LICENCE PLAN



licensable activities may take place anywhere within the red line

Loose furniture is show for indicative diagrammatic purposes only.  
Locations of any fire safety and other equipment are subject to change in accordance with the requirements of the responsible authorities or a fire risk assessment

Any detail shown on the plan that is not required by the Regulations is indicative only and subject to change at any time.  
TLT LLP 13/01/17



**City of Westminster**  
64 Victoria Street, London, SW1E 6QP

Schedule 12  
Part B

**WARD: West End**  
**UPRN: 010033531502**

**Premises licence  
summary**

Regulation 33, 34

**Premises licence number:**

20/03227/LIPT

**Part 1 – Premises details**

**Postal address of premises:**

Vanity Bar and Nightclub  
Basement To First Floor  
4 Carlisle Street  
London  
W1D 3BJ

**Where the licence is time limited, the dates:**

Not applicable

**Licensable activities authorised by the licence:**

Performance of Dance  
Performance of Live Music  
Playing of Recorded Music  
Anything of a similar description to Live Music, Recorded Music or Performance of Dance  
Late Night Refreshment  
Private Entertainment consisting of dancing, music or other entertainment of a like kind for consideration and with a view to profit  
Sale by Retail of Alcohol

**The times the licence authorises the carrying out of licensable activities:**

**Performance of Dance**

Monday to Thursday:	09:00 to 23:30
Friday to Saturday:	09:00 to 02:00
Sunday:	09:00 to 23:00

**Performance of Live Music**

Monday to Thursday:	09:00 to 23:30
Friday to Saturday:	09:00 to 02:00
Sunday:	09:00 to 23:00

**Playing of Recorded Music**

Unrestricted

**Anything of a similar description to Live Music, Recorded Music or Performance of Dance**

Monday to Thursday:	09:00 to 23:30
Friday to Saturday:	09:00 to 02:00
Sunday:	09:00 to 23:00

**Late Night Refreshment**

Monday to Saturday:	23:00 to 03:30
Sunday:	23:00 to 01:00

**Private Entertainment consisting of dancing, music or other entertainment of a like kind for consideration and with a view to profit** Unrestricted

**Sale by Retail of Alcohol**

Monday to Saturday:	10:00 to 03:00
Sunday:	12:00 to 00:30

*For times authorised for Christmas, New Year and Good Friday see conditions at Annex 1*

**The opening hours of the premises:**

Monday to Saturday:	09:00 to 03:30
Sunday:	09:00 to 01:00

**Where the licence authorises supplies of alcohol, whether these are on and/or off supplies:**

Alcohol is supplied for consumption both on and off the Premises.

**Name and (registered) address of holder of premises licence:**

Vanity License Ltd  
Kemp House  
160 City Road  
London  
EC1V 2NX

**Registered number of holder, for example company number, charity number (where applicable)**

12523049

**Name of designated premises supervisor where the premises licence authorises for the supply of alcohol:**

**Name:** DPS has been removed

**State whether access to the premises by children is restricted or prohibited:**

Restricted

**Date:** 16 May 2023

**This licence has been authorised by Jessica Donovan on behalf of the Director - Public Protection and Licensing.**

**WESTMINSTER CITY COUNCIL LICENSING SUB-COMMITTEE NO.4 (“the Committee”)**

**Licensing Review Decision**

**Monday 9<sup>th</sup> January 2023**

Membership: Councillor Angela Piddock (Chair), Councillor Concia Albert and Councillor Caroline Sargent

**Vanity Bar and Nightclub, Basement to 1st Floor, 4, Carlisle Street W1D 3BJ (the Premises) - 22/11860/LIREVX**

The Metropolitan Police Service submitted an application for a Summary Review of the above Premises pursuant to Section 53A of the Licensing Act 2003 (the “Act”) on 13 December 2022 as the Police considered the Premises is associated with serious crime and serious disorder. The Premises Licence Holder (PLH) of the Premises is Vanity License Limited, whose sole director is Manpal Clair

The Interim Steps Hearing took place on 15 December 2022, when the Committee imposed the Interim Steps specified in Schedule 1 attached to this Decision. The purpose of today’s hearing is to determine the full Review by deciding whether it is appropriate and proportionate to take any steps to promote the licensing objectives and to review the Interim Steps taken.

**Persons attending the hearing:**

**For the Police (MPS):** Mr Gerald Gouriet KC (Counsel)  
PC Steve Muldoon  
PC Reaz Guerra  
PC Dave Morgan

**For the Premises Licence Holder (PLH):**

Mr Gary Grant (Counsel)  
[REDACTED], Director Vanity License Ltd the PLH  
Luke Elford (John Gaunt and Partners)  
Andrew Bamber (Licensing Consultant)

**Interested Parties:**

Cllr Paul Fisher - Local Ward Councillor and Deputy Cabinet Member (Licensing and Public Protection)

[REDACTED]  
[REDACTED]  
[REDACTED]

**Other Officers present:**

The Presenting Officer – Kevin Jackaman;  
The Legal Adviser – Steve Burnett;

### **Activities and Hours**

The Premises is a venue which provides lap dancing and other regulated entertainment, including music, dancing and the sale of alcohol.

The permitted hours for licensable activities are as stated in the committee report.

The opening hours are      Sunday 09:00 to 01:00  
   Monday to Saturday 09:00 to 03:30

### **Preliminary Matters**

1. At the start of the hearing the Chair introduced the Members of the Committee, identified the parties attending the hearing who wished to speak and outlined the procedure for the hearing. No declarations of interest were made and all parties in attendance were given ample time to present their submissions.
2. The Chair noted that the committee report and additional information pack consisted of the application for Review together with a large bundle of crime data in support of the MPS's case and which totalled over 650 pages; a further bundle of evidence of over 360 pages was submitted by the PLH. There was also video footage in support of both parties' case.
3. The Chair confirmed that the Committee had considered all the written and video evidence.
4. The Committee recognised that the Interim Steps Hearing took place on 15 December 2022. The full decision of that hearing appears at pages 520 - 524 of the committee papers.
5. The Committee was mindful that this hearing was a two stage process, namely:-
  - (1) To take such steps as the Committee considers appropriate and proportionate to promote the licensing objectives.

The steps the licensing authority can take are:

- a. the modification of the conditions of the premises licence;
- b. the exclusion of a licensable activity from the scope of the licence;
- c. the removal of the designated premises supervisor from the licence;
- d. the suspension of the licence for a period not exceeding 3 months; and
- e. the revocation of the licence.

(2) To review the Interim steps and to decide whether it considers any of the steps should be modified or remain and whether those steps should have immediate effect.

6. Mr Jackaman, Licensing Officer, introduced the parties in attendance and outlined the Summary Review application which has been brought by the Metropolitan Police Service (MPS) on the grounds that the Premises are associated with serious crime or serious disorder or both. This attracted 11 representations in support and against the application
7. Mr Grant on behalf of the PLH confirmed the Committee's receipt of document Annex A, a document location list compiled by his instructing solicitor and a list of essential reading.

### **Submissions on behalf of the MPS**

8. Mr Gouriet advised the Committee that this full Review was not confined to the incidents detailed at the Interim Steps hearing.
9. He informed the Committee that the MPS enquiries had been hampered by a delay in obtaining the CCTV footage from the PLH and public holidays but what had been viewed on CCTV was serious mismanagement of the Premises.
10. The Committee were referred to PC Guerra's statement at page 103 of the Additional Bundle 1 (AB1), pages 66 – 95, 107 – 111, 103, 96 – 102 of the committee papers which Mr Gouriet states, show customers being encouraged by dancers, management, and promotional material to touch dancers and drink excessively. This leads to customers leaving the Premises in a vulnerable state and being taken advantage of usually by criminal pedicab drivers. The MPS have concerns about the quantity of drinks given to customers.
11. The Committee was informed that the victim, in what is referred to as the trigger incident on the 24 November 2022, had drinks given to him when he was drunk and unsteady on his feet. (committee papers pages 98). Mr Gouriet submitted that no customer should be taken to that point of intoxication and then left to fend for himself.
12. Mr Gouriet highlighted certain oddities. Namely that there was a rope barrier across the stairs leading to the basement and that the DPS, [REDACTED], enters the victims' booth on 3 occasions. However, there are only 2 payment transactions shown. There is also a transaction of £1232.00 paid by the victim as a gratuity to the dancer, [REDACTED], which seems unusually substantial.
13. Mr Gouriet highlighted a number of breaches of conditions on the Premises Licence and the Sexual Entertainment Venue Licence (SEV). He advised that the breaches are criminal offences and the MPS does not accept they are marginal. (committee papers pages 44 – 51).
14. The Committee were informed that the statement of Tony Miah identifies that he took a pedicab and was informed by the owner that no payment was

required. Leading Counsel asserts that this is odd, as payment would have to come from somewhere and he advanced that payment was made by the premises. This is supported by evidence from representations at page 515 of the Committee papers where a resident saw money being handed to a pedicab driver by a member of the Premises door team.

15. The MPS submitted that this alone, as a package, justifies revocation of the Premises Licence.
16. Leading Counsel then highlighted to the Committee the incidents of spiking. It was submitted that there were too many incidents for them to be dismissed. As the Premises had not been compliant with the conditions on their licenses, the incidents must be seen as credible.
17. Mr Gouriet stated that the victims who have stated that they have been spiked, confirmed that they have never been affected in this way previously. Customers who were seen to have money were targeted, and one victim had two needle pricks on his person.
18. The Committee was requested by the applicant to re-read the following documents.
  - i. PC Guerra statement at page 40 of the committee papers
  - ii. PC Muldoon Statement at page 47 AB1
  - iii. PC Morgan's log of the victims' movements at page 96 of the committee papers.
  - iv. All the statement from the victims
19. In response to questions from the Committee, Mr Gouriet confirmed that the MPS has seen the statement of ██████████ starting at page 45 of the additional bundle 2 (AB2) but the MPS case is not impacted by the contents of ██████████ ██████████ report. The MPS would not be swayed by promises that the PLH will do things differently when the PLH has blatantly breached conditions as shown on video footage.
20. Mr Gouriet confirmed that the name of the Superintendent who had signed the Expedited Review Certificate had been supplied to the PLH.
21. The Committee was told that the MPS could not get the times of the fraudulent transactions as they could not make contact the victim. However, the MPS reminded the Committee that there is CCTV and photographic evidence.
22. Mr Gouriet was asked about the missing footage from the 3 CCTV cameras. PC Guerra had seen footage previously at the premises which he has not seen on any of the footage supplied by the PLH. Mr Gouriet submitted that it can only be assumed that the footage is on one of the missing cameras.
23. The MPS were asked by the Committee about the inaccurate date provided for the trigger incident at the Interim Steps hearing and which had hindered the

PLH from making enquiries. PC Muldoon explained that they had missed the correct date which was in the body of the CRIS report but the main date at the head of the report was used incorrectly.

24. In response to a query from the Committee, the MPS stated that they had searched all CRIS reports pertinent to Vanity or the address. It is the MPS case that customers are getting drunk, some victims say the pedicabs are supplied by the Premises but a connection between the Premises and actual spiking could not be made.
25. PC Muldoon confirmed that on the 24 November 2022, the premises was trading under a TEN.
26. Mr Gouriet finalised the MPS submissions by stating that it was not good enough for the PLH to blame it on management and say he is getting rid of management.

### **Submissions from Mr Brown**

27. [REDACTED] and a local resident, [REDACTED].
28. Mr Brown stated that his clients are all very concerned about the allegations and the totality of the MPS case is alarming. They are concerned about the impact of pedicabs although they have no insight about what happens inside the premises.
29. Mr Brown informed the Committee that [REDACTED] were concerned that customers will be the victim of crime and that they have submitted a representation in support of the Review because they have concerns about how the Premises is managed and whether the PLH was able to promote the licensing objectives.
30. The Committee was referred to [REDACTED] report at page 282-286 of AB2, which identifies the sheer volume of alcohol consumed by the victim of the incident which took place on the 24 November 2022.
31. Mr Brown submitted that customers leaving the premises in a state of intoxication were vulnerable to crime being committed against them. There is also evidence that customers are being encouraged to drink excessively.
32. The Committee was informed that there are regular complaints about pedicab and that pedicabs attend Vanity as it is the only late night licensed premises open until 03.00 in the area.
33. Mr Brown stated that customers are so intoxicated that the Premises cannot promote the Licensing Objectives and that the timeline for transactions for the victim on the 24 November is confusing and requires clarity.

34. Mr Brown also raised the point that on the 24 Nov, the Premises traded under a TEN until 05.00 but the SEV only permitted adult entertainment until 03.00.

**Submissions by [REDACTED]**

35. [REDACTED] informed the Committee that [REDACTED] the Premises in 1989, thinking the basement would remain a restaurant. Since the premises became a club, there have been problems with noise in the street and from the Premise. It's located in a quiet area without not much open after midnight.
36. The Committee was informed that staff and customers are very noisy outside, but this has been made worse with pedicabs. A customer leaves the premises and pedicabs swarm to try and get their custom. There is often shouting, laughing, talking and fighting.
37. [REDACTED] stated that there is some kind of relationship between the club and pedicabs as she has seen money exchanging hands. She is of the opinion that the Premises cannot control the pedicabs as nothing the Premises has done so far has alleviated the matter.

**Submissions from [REDACTED]**

38. [REDACTED] highlighted the following points to the Committee.
- a. Soho is not only a place for entertainment and drinking but it is also a residential area.
  - b. Over 30% of people living in Soho are in social housing
  - c. There was good CCTV coverage in Soho in 2016 but the MPS were unable to agree on CCTV funding therefore, a number of cameras were removed. Since this event, crime and anti-social behaviour has increased significantly.
  - d. It is sad and now common that people now feel unsafe to visit Soho.
  - e. The Society note the increased noise nuisance in the nights which is making it hard for residents.
  - f. The Society feel police resources in the area are over stretched.
39. [REDACTED] concluded and stated to the Committee that as a result of the breaches of conditions the Premises Licence should be revoked.

**Submissions from [REDACTED]**

40. [REDACTED] informed the Committee that it is deeply concerning that there is evidence of criminal activity and obvious evidence of excessive alcohol being sold to customers, which is inconsistent with the Licensing Objectives.
41. The Committee was informed that [REDACTED] statements show a general indifference to the allegations of spiking. (Paragraph 272-273 at page 86 and Page 321 paragraph 160 of AB2)

42. ██████ submitted to the Committee that ██████ evidence not entirely an independent expert as he has previously provided consultancy services to the venue. Therefore, limited weight should be given to his comments. In addition, ██████ approach is that of criminal proceedings, but this is a licensing hearing. ██████ also speculates how money is taken from victims. (Pages 56-57, 64-66 AB2)
43. ██████ also submitted that ██████ general attitude to spiking is lacking as he suggests motivations for customer making these claims and ██████ claims widespread dirty tricks. (eg writing negative Google Review). Complaints are managed by the Premises inadequately and complaints about criminal activity are treated with indifference by the Premises.
44. The Committee was advised that the proposed solution from ██████ on page 298 of AB2 is that he clears out management, close for a short period of time, recruit a new experienced DPS. ██████ actions are a sign that there was a big issue.
45. ██████ stated that he supports the Council's initial decision to suspend the Premises Licence and that it is very difficult for him to envisage a case that is more right to revoke an alcohol licence than this one.
46. In response to questions from the Committee, the Committee was informed that ██████ used to have a noise issue. However, this is a lot better although noise still emanate from the common parts before midnight. ██████ also stated that the most pedicabs she had seen around the premises is about 11 but is usually around 7. She also believes that the pedicabs have changed since pre COVID. ██████ confirmed there were 2 occasions where pedicabs went up to doormen at the Premises and cash was handed over to them by door supervisors.
47. Mr Brown informed the Committee that there was mediation which started after a SEV licence renewal, he believes in 2019. The Council offered to host the meeting and it resulted in 3 conditions being added to the SEV licence. Mr Elford verified to the Committee that the mediation group were trying to come up with solutions to minimise the disruption of the pedicabs.
48. The Committee asked MPS whether they asked to check the incident log when they visited the Premises. PC Muldoon confirmed they had but there was very little in the incident log. Recorded were Police and Council visits as an opposed to customer incidents. The PLH confirmed they had the incident logs at the hearing.

#### **Submissions on behalf of the Premises Licence Holder (PLH)**

49. Mr Grant on behalf of the Applicant told the Committee that there is a big shift in the MPS's submission today from their arguments at the Interim Steps hearing on the 15 December 2022. The MPS had presented a bold and scary submission that Vanity is being used as some sort of criminal hub organised for customers to have their drinks spiked which would then enable Vanity to defraud customers of money from their credit cards. This is why the Premises Licence was suspended. (See Schedule 1).
50. The Committee was told that today there is very significant shift which has not been done voluntarily by the MPS but as a result of the evidence served by the PLH.
51. Mr Grant accepted things have gone wrong, such as a clear issue of some of customers getting too drunk and clear issues with breaching the conditions on the SEV licence. However, the focus on serious crime and serious disorder has resulted in the MPS withdrawing from their bold position.
52. The Committee were reminded of the Revised Guidance issue under section 182 of the Act (the Guidance) at para 9.12. Namely that it remains incumbent on the police to ensure their representations can stand the scrutiny at the hearing. There should have been a proper scrutiny by the MPS, not the PLH of their own evidence.
53. Mr Grant suggested that if there were revocation of premises licence of late-night venues in Soho due to some people getting too drunk and spending too much, then there are very few late-night venues that would pass the scrutiny of this Committee. Mr Grant felt that the issues can be dealt with in a different way opposed to revocation.
54. The Committee were reminded that a man's livelihood, jobs of those he employs, the self-employed 18 dancers were at stake and that [REDACTED] (director and PLH) [REDACTED], has not a single criminal conviction (bar one driving offence). He has operated 5 licensed premises over 20 years in London. 3 of these are still operating. He has not faced a single Review of any of his licenses.
55. The Committee were informed that the PLH proposes to employ an experienced DPS, and that [REDACTED] is sorry and is trying to turn this around by suspending the Manager and Deputy Manager of the premises. He will need to close the premises in order to bring in new management and the Committee have the power to suspend the licence for up to 3 months in order to do this. Mr Grant stated that this means the premises can reopen in a safer and well managed way.
56. The Committee was informed that MPS were looking at the wrong date which is why they could not identify the victim of the trigger incident and the

Summary Review was launched. The PLH have since traced the individual complainant and have documented his journey and his expenditure. CCTV shows details of the 2 allegations within 31-day period where CCTV footage was retained.

57. The Committee were advised that limited Google reviews were 'cherry picked' by the MPS. They failed to fairly share the larger number of positive reviews available. Mr Grant also stated that buyers' remorse is a real proposition and not one made up by the PLH. It is common for customers who have attended lap dancing venues to wake up with buyers' remorse. When girlfriends/partners find out their partners attendance or spend at a lap dancing venue, customers will try to give explanations and have blamed their behaviour on being spiked.
58. In some of the allegations, the investigating Police Officer investigated the reports and decided that complaints are not fit for further investigation, other cases where money is taken after victims have left the venue. There are also allegations where the customer has left the premises, they go, with assistance with pedicabs, to unlawful brothels where they are then "ripped off". Mr Grant informed the Committee that it is wrong for the MPS not to scrutinise their evidence and deliberately blamed the Premises.
59. Mr Grant informed the Committee that pedicabs are a problem at the venue along with many other venues in Soho.
60. Mr Grant confirmed that the PLH have no financial dealings with pedicabs and have a Marshall outside to deal with them. There is a big sign in the venue saying 'please do not use the pedicabs'. A few years ago, some doormen did ask the pedicabs to go and collect them food and paid them cash. Once Mr Clair found out about this, he placed an end to it.
61. Mr Grant informed the Committee that the MPS cannot point to a single incident with actual evidence of someone being spiked. There is evidence, summarised by ██████████, which is leading Police research, to try find out what is happening nationally with spiking. On the rare occasion it does happen, and it is extremely serious. ██████████ has said if there is any evidence of his staff or performers spiking customers then he will cooperate with the police to have this person arrested.
62. Mr Grant then stated that there is no direct or reliable evidence that Vanity have taken any unauthorised sums of money. There is strong evidence that customers have had money stolen after they have left the venue. This could be where pedicabs may be associated with organised crime in the area. The large sums of money taken did not go anywhere near Vanity. It went to companies, some of which the PLH know, have been named on the victim's account. Mr Grant questions why haven't the MPS told the Committee about their

investigation into the company that took the money? He submits that the MPS finds it is easier to say the customer went to Vanity and blame it on the venue to strengthen this Review and this should not be enough to close down a business.

63. Mr Grant then highlighted inadequacies in the MPS investigation of the incidents and in his submissions, he referred to specific pages in the AB2.
64. In Mr Bamber's report at pages 52 – 84, he highlighted that the large sums of cash went to [REDACTED] and not Vanity. The details have been checked on Companies House register at page 144 -146 by the PLH. Mr Grant questions why the MPS, knowing where the transactions had been sent, did not conduct any proper investigations into them.
65. The Committee was told by Mr Grant that what the victims are stating to the MPS are not reflected in the facts.
66. The Committee was shown that in the first incident 22<sup>nd</sup> November 2022 at page 163 the PLH proves how each transaction, referred to in the complainant's statement as stolen, is made to Vanity. Receipts for the transactions have been located and exhibited. The dancer, [REDACTED] on page 349 confirms she danced on her own for this man most of the night and this is reflected in the money he spent. At page 183, CCTV stills also shows him leaving Vanity standing up right.
67. In the Second incident on 24 November 2022 at page 129 -142 the PLH was able to trace the victim and provide details and receipts of his transactions. CCTV shows the same individual authorising payments himself and walking out and leaving the Premises. A dancer known as [REDACTED] at page 353 states she performed for the male on the 24 November and that this man paid for every dance and performance
68. The trigger incident (24 November) story boards pages 142 - 183 that demonstrates that every payment is legitimate authorised by this individual. This is further supported by the dancers.
69. The Committee was shown that the MPS placed evidential weight on cash being handed to a performer shown in the CCTV. The Applicant said this must have been something dubious. However, PC Morgan at page 104 of AB1, failed to fairly go on to say that in the CCTV he watched, the cash was immediately handed to the bar staff. According to the Applicant, this is another example where the MPS have unfairly cherrypicked evidence against the Premises.
70. Mr Grant stated that the two recent allegations through CCTV can show what the victims state are not supported by facts. The CCTV footage can only be

retained for 31 days. The Committee was advised to consider the other incidents with caution.

71. Mr Grant then briefly summarised some of the other complaints by stating at page 175 of the main committee report, the incident on the 3-4 February 2022 is positive evidence of the customer leaving Vanity but who afterwards, ends up having their money taken. At page 231 of the committee report, the initial report from the complainant states the victim left the club and was approached by a guy who invited him back to an after party, where he lost money. Page 233 of the committee report shows a pedicab driver took the customer to an unknown address for a drink and once there he was “fleeced of money”.
72. The Committee noted from Mr Grant that the PLH was not complacent about spiking, and he takes this very seriously. The comments about spiking are actually from research conducted by Devon and Cornwall Constabulary who ran local trials. (Page 6 and 7).
73. Mr Grant explained that buyer remorse is supported by evidence from [REDACTED] at page 191 onwards. The complainant has phoned up his credit card company, the credit card company in turn, phoned Vanity for evidence. The PLH supplied both the receipts and CCTV footage showing the transaction took place, and [REDACTED] emails and accepts it's a false claim. In June 2021 the same situation occurs.
74. Counsel for the PLH also highlighted to the Committee that there is an allegation of spiking at page 59 of the main committee report, then at page 60 the same complainant's wife is alerted of the monetary spend.
75. At page 329 to 330 the CRIS report states that this victim complains of vomiting and confusion having attended Vanity. He had a urine test, no drugs were found and the investigating officer reports the victim ‘was either misinformed or being untruthful.’
76. The Committee then heard from [REDACTED] who detailed the wealth of his experience. He confirmed to the Committee that there is no direct or reliable evidence of someone being spiked at the Premises nor is there direct or reliable evidence of someone being fraudulently “fleeced” of their money at the Premises.
77. [REDACTED] confirmed he was previously involved with the compliance of Vanity, but his independence is unquestionable and not compromised. He referred to his CV and the jobs he has undertaken and reiterated that he has not been corrupted.
78. [REDACTED] has worked with a number of establishments in Soho. He is familiar with what is going on in the sex trade which operates around London.

He operated the Vice unit. The last occasion he visited Soho was on 20<sup>th</sup> December, when he was touted in the street and was told by a pedicab he could get 'drinks, parties and sexy ladies'.

79. The Committee was advised that customers take alcohol and sometimes elicit substances and end up spending more money than they originally intend to. They wake up in the morning and realise they have spent an awful lot of money. They then may be challenged by partners and have to explain the spend. This is then usually blamed on spiking and then a subsequent claim against credit card companies.
80. ██████████ advised that the removal of the DPS and manager will ensure the premises will be run effectively, but not in the same way as when he was associated with it.
81. The Committee heard from ██████████ that the research into the spiking statistics show that out of those who have made allegations of spiking, 1.6-5% had been spiked.
82. Mr Grant explained that out of 22 cameras, 3 didn't work. 1 shows a storeroom and one is covered by other cameras. They are now all fixed.
83. The Website and social media are controlled by a company in India which means they effectively have stock photos that are not related to the venue and which they use on the website. The PLH should have monitored this but has decided to take control of social media and his website inhouse.
84. The PLH will continue to work with ██████████ in relation to the nuisance caused by his Premises and he is working to try and solve the pedicabs issue.
85. The Committee considered the incident log dated July 2017 to November 2022 and permitted the Applicant to consider and comment on the same. In response to the Committee's questions, PC Muldoon stated that there were several sheets that referred to visits made by officers and licensing and that there were no records of any incidents relating to customers. Additional notes had now been included. The officer only looked at the incident logs over the last year. The addition of notes since the MPS viewing was denied by Mr Elford.
86. ██████████ (PLH) confirmed he only checked the incident log 4 times per year, but he would expect details of drunken customers to be recorded as an incident.
87. Mr Grant finalised his submissions to the Committee by stating there are some issues with some out of 20,000 customers per annum, being drunk, being given more alcohol at the Premises and SEV condition breaches. He advised

that the SEV is not before the Committee today, but it will be considered by a separate Committee shortly.

88. The PLH cannot promise that as a late-night venue, customers will not get drunk but there are already steps in place such as WAVE training of all new employees and Annex A is the formal proposal, and this is what is felt to be the proportionate steps to take:
- a. Suspend the licence to employ new management and to deal with some of the issues
  - b. Formally remove Ms Forman as a DPS.
  - c. To replace CCTV conditions
  - d. To add the new proposed conditions to the licence
89. In response to questions from the Committee, the representatives for the PLH stated that customers paying for an hour may have slightly less than that. If the hour expires, then the performer goes upstairs or downstairs to see another client. The dancer will see if their existing client wants another hour to continue the night. Customers are always charged before the dance takes place.
90. ██████ stated that sometimes it is hard to see if clients are intoxicated as they are sitting down. Staff will see if they can walk somewhere, eg to a pay point, to see if they are drunk.
91. The Committee was advised that the way the incident was described by the MPS, about 2 males being separated is incorrect. CCTV shows, one of the males purchases a VIP dance which is downstairs. The other friend purchases a dance upstairs. They both proceed to have further dances and the friend leaves before his friend does. Customers will try and get into the dance area with their friend. Where there is a genuine emergency then the DPS will allow someone into the area. On other occasions a message will be passed on.
92. Cocaine seems to be the drug of choice. Part of the process would be taking it in the toilets. If the PLH suspect someone taking drugs, then they will be asked to leave.
93. There are random searches conducted on customers coming into the venue. They are aware that they are on CCTV and there are notices to say CCTV is in operation.

### **Conditions discussion**

94. Mr Burnett, Legal Adviser to the Committee, sought clarification and agreement from the PLH in relation to the proposed conditions contained in document Annex A served by the PLH.
95. If the Premises Licence is retained, Mr Grant on behalf of the PLH and with reference to the conditions detailed in the Decision below, agreed to:

- a. Condition 3, 5, 9,18, 20 and 21 being added,
- b. Condition 4(e), 8, 12 and 19 being amended to read as detailed below
- c. The addition of (e) Drugs Policy to Condition13
- d. All other conditions on Annex A being added to the Premises Licence
- e. All conditions on the existing Premises Licence being retained save for replacing the CCTV conditions 29 and 30 on the Premises Licence with Westminster's Model Conditions MC01 and MC02.

## **SUMMING UP**

1. In summary, Mr Grant stated, that the SEV breaches are a problem and better conditions for the Premises Licence have been proposed which are appropriate and proportionate.
2. Mr Grant advised that out of 20,000 customers who attend the Premises per annum, some get drunk. It is not the first venue to be accused of this and it will not be the last.
3. Compliance is key. It is the first time [REDACTED] has been Reviewed in 20 years in the licensing trade.
4. Mr Brown summarised and stated it is not fair to blame the pedicabs. Pedicabs see evidence from social media and the website and see customers leaving the premises drunk, so are attracted there.
5. The statements from the dancers in relation to customers being drunk are inconsistent with [REDACTED] account. The Dancers say the customers are not drunk whereas the timeline in [REDACTED] report shows excessive drinking by those same customers.
6. The sum of £1232.00 is a curious amount to be a tip to a dancer who had danced with a customer for a matter of minutes.
7. The Committee have evidence that on the 21 and 22<sup>nd</sup> November there was excessive drunkenness. The Premises has had an impact on [REDACTED] from 1987.
8. [REDACTED] was unavailable to add to the summaries.
9. Mr Gouriet KC summarised for the Applicant and informed the Committee that this is not a trial. The case of *Sharanjeet Lalli v The Commissioner of Police For The Metropolis (1) The Council of the London Borough of Newham (2) [2015] EWHC 14 (Admin)*, the only issue is what are the appropriate steps to take to promote the licensing objectives.

10. The MPS case is victims are incapacitated either by drugs or excessive amounts of alcohol, cash rich customers are targeted and then taken where they suffer loss. There is no proof of spiking at the premises but customers leaving the premises have money taken from their accounts.
11. There is also unlawful dancing and breaches of the SEV conditions. The approach is if the Premises did not have an alcohol licence and they applied for a new premises licence with CCTV footage showing illegal dancing, would the Committee grant the Premises Licence?
12. Mr Gouriet advised the Committee that removing the management at a licensed premises is not enough. The public may expect something more to be done as confirmed in the case of Regina v. Knightsbridge Crown Court, Ex Parte International Sporting Club (London) Ltd. and Another [1982] QB 304
13. The Committee adjourned the hearing to make its determination and resumed the hearing to announce its Decision and to summarise its reasons which are more fully set out below.

### **FULL DECISION OF THE REVIEW OF THE PREMISES LICENCE**

1. In reaching its decision the Committee has had regard to the relevant legislation, the Secretary of State's Guidance ("Guidance") particularly in relation to reviews and the Council's Statement of Licensing Policy ("SLP").
2. The Committee considered the Review application, the representations and submissions made by all the parties involved, verbally, in CCTV footage and in writing.
3. The Committee recognised that the proceedings set out in the Act for Reviewing premises licences represent a key protection for the community when problems associated with crime and disorder, public safety, public nuisance or the protection of children from harm are occurring. Paragraph 11.1 of the Guidance.
4. The Act provides the Licensing Authority with a range of powers on determining a Review that it may exercise where it considers them appropriate and proportionate for the promotion of the licensing objectives. (Paragraph 11.16 of the Guidance).
5. "In deciding which of these powers to invoke, the Licensing Authority should so far as possible, seek to establish the cause or causes of the concerns which the representations identify. The remedial action taken should generally be directed at these causes and should always be no more than an appropriate and proportionate response. Each case has to be determined on its own merits, on the balance of probabilities." (Paragraph 11.20 of the Guidance)

6. The Committee also recognised that paragraph 11.24 of the Guidance advises that:-

When dealing with reviews in connection with crime, “ *Licensing authorities do not have the power to judge the criminality or otherwise of any issue. This is a matter for the courts. The licensing authority’s role when determining such a review is not therefore to establish the guilt or innocence of any individual but to ensure the promotion of the crime prevention objective.*”

7. Pertinent to this case, the Committee also notes that para 9.12 of the Guidance states “*it remains incumbent on all responsible authorities to ensure that their representations can withstand the scrutiny to which they would be subject at a hearing*”
8. There are in summary, four aspects of this matter which causes the Committee concerns. The allegations of spiking and fraudulent acquisition of money from vulnerable customers, drunkenness of some customers on the premises, several breaches of conditions and nuisance caused to neighbours.
9. The Committee notes 9.43 of the Guidance which states “*The authority’s determination should be evidence-based, justified as being appropriate for the promotion of the licensing objectives and proportionate to what it is intended to achieve.*”
10. The MPS relies on evidence detailed at pages 25 to 27 of the committee report to support their allegations of spiking and fraudulent acquisition of customers money. In some transactions this involve funds of £20K, £98K, £37.5K and £30K. This evidence was also used to support the MPS request to suspend the Premises Licence at the Interim Steps hearing on the 15 December 2022.
11. The PLH has produced documentary evidence that these substantial amounts have not been transferred to any account belonging or linked to Vanity.
12. However, it was the credible evidence of Mr Bamber at pages 45 – 106 in AB2, who forensically investigated each offence which provided the Committee with key information, and it is right that this evidence is cited in summary at this stage:

### **13. Incident of 8/9/21**

The premises was closed when the theft took place and the police CRIS Report confirms that the money was in fact taken from a cash point. The investigating office states no suspect is identified.

### **14. Incident of 7/11/21**

The premises was closed. No mention of the incident taking place in the Premises or the Premises having anything to do with the pedicab in the CRIS Report. The theft of money took place at a flat in Marylebone.

**15. Incident of 3/2/22**

The victim has a drink at Vanity then leaves at 21.00. The police CRIS Report states that at a [REDACTED], he has a drink, takes cocaine and his bank cards are taken and photographed by a woman.

**16. Incident of 10/2/22**

No allegations on the CRIS report of spiking and that the victim went downstairs in the club which suggests he purchased some form of entertainment. The PLH has supplied authorised receipts which matches the amounts of allegedly stolen money which the victim complains of.

**17. Incident of 20-22/4/22**

Incident reported on the 28/4/22 by the victim's girlfriend after she finds out that money was taken from their account.

**18. Incident of 29-30/4 /22**

Victim goes to Vanity until early hours of the 30/4 and then meets his wife. He states he was spiked and suffers monetary loss. He is sick and goes to the hospital where he has a urine test. He states that there is cannabis found but the medical report confirms no drugs was found. The money alleged as stolen, correlates to the pricing of dances at the premises.

**19. Incident of 14/6/22**

The victim states he was at Vanity but leaves and goes voluntarily to a brothel where he suffers loss of money from his account. The financial transactions were made when Vanity was closed. He recalls a woman at the flat slapping him and demanding his bank details which he supplies.

**20. Incident of 13/8/22**

The CRIS Report states the victim reports loss of his wallet and phone outside a restaurant on Rupert Street. Police are considering an arrest and no mention in the CRIS Report of Vanity.

**21. Incident of 21/10/22**

The individual was with a friend on the night in question. At the club for around 3 hours with a friend. No action taken by his friend had he been spiked. Money taken covers a period of nearly 2 hours after his initial dance and the consumption of one drink. No evidence of wrongdoing at the venue on the CRIS Report.

22. Incidents of the 22 and 26 November 2022 are covered earlier in this Decision.

23. The Committee has approached the allegation of spiking and fraudulent taking of customers money with caution in the surprising absence of detailed investigations by the MPS, the inaccurate reporting and evidence from the MPS.
24. The Committee has considered the MPS summary of the incidents of spiking detailed on their reports at pages 25 – 27 of the committee papers. The first allegation dates back to September 2021. No action was taken against the Premises until the trigger incident on the 24 November 2022, over a year later.
25. The Committee also notes that the Premises has had the benefit of 10 Temporary Event Notices (TENs) from 21 December **2021** to 18 December **2022**. (Page 527 of the committee papers). The MPS and Environmental Health Service (EHS) have the opportunity to object to each of these, but the notices were granted including a TEN on the 24 November 2022 when the 'trigger event' took place.
26. This Review application has not attracted representations from any of the other Relevant Authorities, including the EHS in relation to nuisance.
27. It is clear from the evidence provided at the hearing that alcohol is being sold to drunk customers at the Premises. Responsibility is often delegated by PLH companies to managers and DPS to control the day to day running of licensed premises. The DPS and her son have not managed the premises to the standards expected by Westminster City Council and the Committee notes that conditions proposed removes the DPS and manager and places more responsibility on the PLH, who is a man of previously good licensing experience and of good character (save for a driving offence).
28. The Committee also notes Mr Grant's assertion that there is drunkenness of some customers and that the Premises has in the region of 20,000 customers attending the Premises annually.
29. It is noted by the Committee that there are breaches of conditions on the Premises Licence and SEV licence. Although this hearing is conducted under the Act, the breaches of the SEV Licence conditions is good evidence of poor management of the Premises and the operation, so it has not been ignored.
30. It is noted that the breaches of the SEV licence will be dealt with under different legislation. The findings of this Committee in relation to the Review of the Premises Licence is not to be binding on any other Committee. Indeed, this Decision should not be used to sway the Decision of any other Committee dealing with the SEV. This Committee has deliberately avoided making any findings in relation to the breach of conditions on the SEV Licence, save to use them as evidence of poor management.

31. The Committee welcomes and appreciates the crucial evidence provided by the interested parties and in particular [REDACTED]. The Committee expects that all licensed premises in Westminster have a duty to ensure that nuisance is not caused to residents as a result of their operation whether this be music noise, patrons and staff noise, taxis, or pedicabs. PLHs must and are expected to manage their premises with robust policies to promote the Licensing Objectives.
32. In all the circumstances, in making this Decision, the Committee, so far as possible, sought to identify the issues at the Premises and what remedial action should be taken to ensure these are directed at those issues.
33. The Committee has not sought to establish the guilt or innocence of any party but to ensure the promotion of the crime prevention objective. The MPS evidence was subject to scrutiny at this hearing and the Committee realises its Decision is to be evidence-based and justified as being appropriate for the promotion of the licensing objectives and proportionate to what it is intended to achieve.
34. This case has been determined on its own merits and facts, on the balance of probabilities.
35. Having carefully considered the committee papers, the additional evidence the CCTV footage and the oral submissions made by the Metropolitan Police, Interested Parties and the Premises Licence Holder, **the Committee has decided**, after taking into account all of the individual circumstances of this case and the promotion of the four licensing objectives, that it is appropriate and proportionate for **the following steps to be taken in relation to the full Review of the Premises Licence for Vanity Bar and Nightclub, Basement to 1st Floor, 4, Carlisle Street W1D 3BJ, namely:**
- a. To suspend the premises licence for a period of up to 3 months.**
  - b. To remove the DPS, Lorraine Forman, with immediate effect.**
  - c To modify the conditions on the premises licence:**

**To replace current Premises Licence conditions 29 and 30 with:**

1. (a) The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team.
- (b) All entry and exit points shall be covered enabling frontal identification of every person entering in any light condition.

(c) The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises and shall include the external pavement area outside the premises entrance.

(d) All recordings shall be stored for a minimum period of 31 days with date and time stamping.

(e) Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31-day period.

2. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.

**To add the following conditions to the existing conditions on the Premises Licence:**

3. Neither Lorraine Forman or Shaine Mountier shall have any involvement in:

1. the day to day running of the premises,
2. management of the premises or
3. management of the operation at the premises

4. No Licensable Activities shall take place at the Premises until such time as a site visit has been arranged with the Licensing Authority, The Police Licensing Team, and the Environmental Health Consultation Team. The purpose of the visit shall be for the above-named Responsible Authorities to:

a. Confirm that they agree that the layout and appearance of the Premises is such that views in areas where Relevant Entertainment takes place are unobstructed.

b. Confirm that they agree that the CCTV system at the Premises complies with the CCTV conditions and the locations and angles of CCTV cameras are appropriate to the provision of relevant entertainment.

c. Confirm that the noise limiter is set at a level determined by and to the satisfaction of an authorised Environmental Health Officer and secured by key or password with access only to persons authorised by the Premises Licence Holder.

d. Confirm that they have viewed training records for all relevant staff members in accordance with the Premises' training conditions.

e. Confirm that they have met with the Designated Premises Supervisor (or Designated Premises Supervisor Elect), and if in place, the manager and assistant manager of the Premises.

Following confirmation of items (a) to (e) being satisfactorily completed this condition shall be removed from the Premises Licence by the Licensing Authority.

**5.** From the date on which licensable activities under the Licensing Act 2003 first commence in 2023, a site visit shall thereafter be arranged annually with the Licensing Authority and the Metropolitan Police Licensing Team. The purpose of the visit shall be for the above-named Responsible Authorities to:

- a. Confirm that they agree that the layout and appearance of the Premises is such that views in areas where Relevant Entertainment takes place are unobstructed.
- b. Confirm that they agree that the CCTV system at the Premises complies with model condition MC01 and the locations and angles of CCTV cameras are appropriate to the provision of relevant entertainment.
- c. Confirm that the noise limiter is set at a level determined by and to the satisfaction of an authorised Environmental Health Officer and secured by key or password with access only to persons authorised by the Premises Licence Holder.
- d. Confirm that they have viewed training records for all relevant staff members in accordance with the Premises' training conditions.
- e. Confirm that they have met with the Designated Premises Supervisor (or Designated Premises Supervisor Elect) and if in place, the manager and assistant manager of the Premises.

**6.** The Premises Licence Holder shall devise, implement, and maintain a Training regime for:

- a. All staff (including self-employed performers) working in customer facing roles at the Premises; and
- b. All SIA licensed door supervisors engaged by the Premises.

**7.** The Training Regime shall, as a minimum, cover the following:

- a. The hours and conditions of this Premises Licence
- b. The Licensing Objectives and The Licensing Act 2003
- c. The Premises' Welfare and Safeguarding Policy
- d. Identifying intoxicated individuals (alcohol and prohibited substances)

**8.** Staff (including self-employed performers) and SIA licensed door supervisors shall not be permitted to commence work at the Premises until such time as they have undergone induction training on (a) to (d) above {Namely: a. The hours and conditions of this Premises Licence, b. The Licensing Objectives and The Licensing Act 2003, c. The Premises' Welfare and Safeguarding Policy, d. Identifying intoxicated individuals (alcohol and prohibited substances)}

**9.** All training at the premises shall be dated and signed off in writing by the Premises Licence Holder.

**10.** Staff (including self-employed performers) and SIA licensed door supervisors shall be re-trained at least twice annually (January to December).

**11.** Training Records shall be kept for all members of staff (including self-employed performers) and SIA licensed door supervisors. The Records shall be kept at the Premises and made available for inspection by Responsible Authority Officers. Training records shall be kept for a period of 18 months from the date on which the training was delivered.

**12.** Prior to licensable activities under the Licensing Act 2003 taking place at the premises, all members of customer facing staff (including self-employed performers) and SIA licensed door supervisors shall be provided with the Metropolitan Police's Welfare and Vulnerability Engagement (WAVE) training (or equivalent training) at least once annually (January to December). Training Records for WAVE training shall be kept for all members of staff (including self-employed performers) and SIA licensed door supervisors. The Records shall be kept at the Premises and made available for inspection by Responsible Authority Officers. Training records shall be kept for a period of 18 months from the date on which the training was delivered.

**13.** The Premises Licence holder shall devise, implement, and maintain the following policies in relation to Licensable Activities at the Premises:

- a. Customer Complaints Policy
- b. Welfare and Safeguarding Policy
- c. Noise Management Policy
- d. Pedicab Policy
- e. Drugs Policy

Copies of these policies shall be kept at the Premises and made available for inspection by Responsible Authority Officers. The Customer Complaints Policy shall also be made available to members of the public on request.

**14.** The Premises Licence Holder shall appoint an Independent Compliance Auditor, to be instructed and paid for by the Premises Licence Holder, and who must carry out a minimum of (4) Compliance Audits per year (January to December) to assess the promotion of the Licensing Objectives and compliance with the conditions of this Premises Licence.

**15.** The Compliance Audits must not be pre-arranged/booked with the Premises Licence Holder, or any employee of the Premises Licence Holder (including self-employed Performers or SIA Licensed Door Supervisors).

**16.** A copy of the Compliance Audit, signed and dated by the Compliance Auditor, must be kept at the Premises for a period of 18 months from the date of completion

of the Compliance Audit and be made available to Responsible Authority Officers on request.

**17.** The Premises Licence Holder shall designate a member of staff a responsible for customer welfare at all times that the Premises are open for Licensable Activities and for a period of 30 minutes after the Premises closes to customers. The designated staff member shall be identifiable at all times when on duty and shall wear a high-visibility tabard or a t-shirt (or similar) saying "Customer Welfare Officer."

**18.** The premises licence holder shall organise quarterly residents' meetings and shall provide 28 days' notice in writing by:

1. Displaying an A4 notice at the premises; and
2. Email to any address given to the premises licence holder requesting notice

The premises licence holder shall take a minute of the meeting and circulate attendees.

The premises licence holder shall keep records of meetings for 18 months from the date of last meeting and those records shall be made available to responsible authority officers on request.

**19.** The Premises Licence Holder shall provide a Customer Pay Point (or Pay Points) at locations agreed with the Metropolitan Police Service within the Premises and shown marked XXXXXXXX on the approved Premises Licence Plan. The Pay Point(s) shall be covered by a specific camera or cameras capturing payments taking place. All payments shall only be taken at those Pay Point(s).

**20.** An incident log shall be kept at the premises and made available on request to an authorised officer of the City Council or the Police. It must be completed within 24 hours of the incident and shall record the following:

- (a) all crimes reported to the venue
- (b) all ejections of patrons
- (c) any complaints received concerning crime and disorder
- (d) any incidents of disorder
- (e) all seizures of drugs or offensive weapons
- (f) any faults in the CCTV system, searching equipment or scanning equipment
- (g) any refusal of the sale of alcohol
- (h) any visit by a relevant authority or emergency service
- (i) any reports of lost property (including money)

The incident logs shall be reviewed and assessed, then signed off by Premises Licence Holder if he is satisfied with the entries, management of the incident and conclusion.

21. All door supervisors shall wear reflective armbands which shall be clearly visible when on duty at the premises.

**The Committee's determination** in relation to the full Review does not have effect until the end of the period given for appealing against **the reasoned decision**, or if the decision is appealed against, until the appeal is disposed of.

This Decision is in no way intended to sway or influence any future Decision in relation to the renewal of the premises SEV Licence. The Committee recognises that on determining the SEV Licence renewal the Authority would assess the merits of the SEV application and any breaches which were relevant to that application.

### **SUBMISSIONS IN RELATION TO THE REVIEW OF THE INTERIM STEPS**

Mr Gouriet on behalf of the MPS submitted to the Committee that the interim step to suspend the Premises Licence should continue until end of the period given for appealing against the reasoned decision, or if the decision is appealed against, until the appeal is disposed of.

Mr Brown had no observations

██████████ was unavailable.

Mr Grant confirmed to the Committee that the PLH does not resist the Applicant's request.

The Committee adjourned the hearing to make its determination and resumed the hearing to announce its Decision and to summarise its reasons which are more fully as set out below.

#### **Interim Step Review Decision**

The Committee recognised that the purpose of today's hearing is twofold: -

- (1) Firstly, to consider what appropriate and proportionate steps should be taken for the promotion of the licensing objectives in respect of the review and
- (2) Secondly, to review the interim steps taken on 15 December 2022 at the Interim Steps hearing and decide whether it is appropriate for any of the steps to remain in place or to be modified and if so, whether such steps should continue to have immediate effect.

The Committee has reviewed the Interim Steps and heard the submissions by the parties and has determined that **the suspension of the Premises Licence imposed at the Interim Steps hearing on the 15 December 2022 shall continue.**

**The Committee further decided** that the reviewed Interim Step shall take **immediate effect** and the suspension of the Premises Licence shall continue until end of the period given for appealing against the reasoned decision, or if the decision is appealed against, until the appeal is disposed of.

**Informative:**

- i. It is expected that the approved Premises Licence plans compliant with the condition 19 shall be appropriately supplied to the Licensing Authority before the Premises trades under the Premises Licence.
- ii. This Decision is in no way intended to sway or influence any future Decision in relation to the renewal of the Premises SEV Licence. The Committee recognised that on determining the SEV Licence renewal the Authority would assess the merits of the SEV application and any breaches which were relevant to that application.

**Licensing Sub-Committee**

**9 January 2023**

## Schedule 1 – details of the Interim Steps taken on 15<sup>th</sup> December 2022

### INTERIM STEPS DECISION

The Committee concluded that the incident on the 26<sup>th</sup> November 2022, which has been reported to the MPS, has raised concerns about the Licensing Objectives, in particular protection of the public and the prevention of crime.

The Committee noted that there are a number of similar incidents linked to the Premises to be investigated, which causes extreme concern.

It is the PLH's duty to promote the licensing objectives and to be aware of what is taking place at his/her Premises. The DPS authorises the sale of alcohol and has day to day control of the Premises. The Committee is satisfied that customers' safety is at risk and that serious criminal activities have taken place against customers who have attended the Premises.

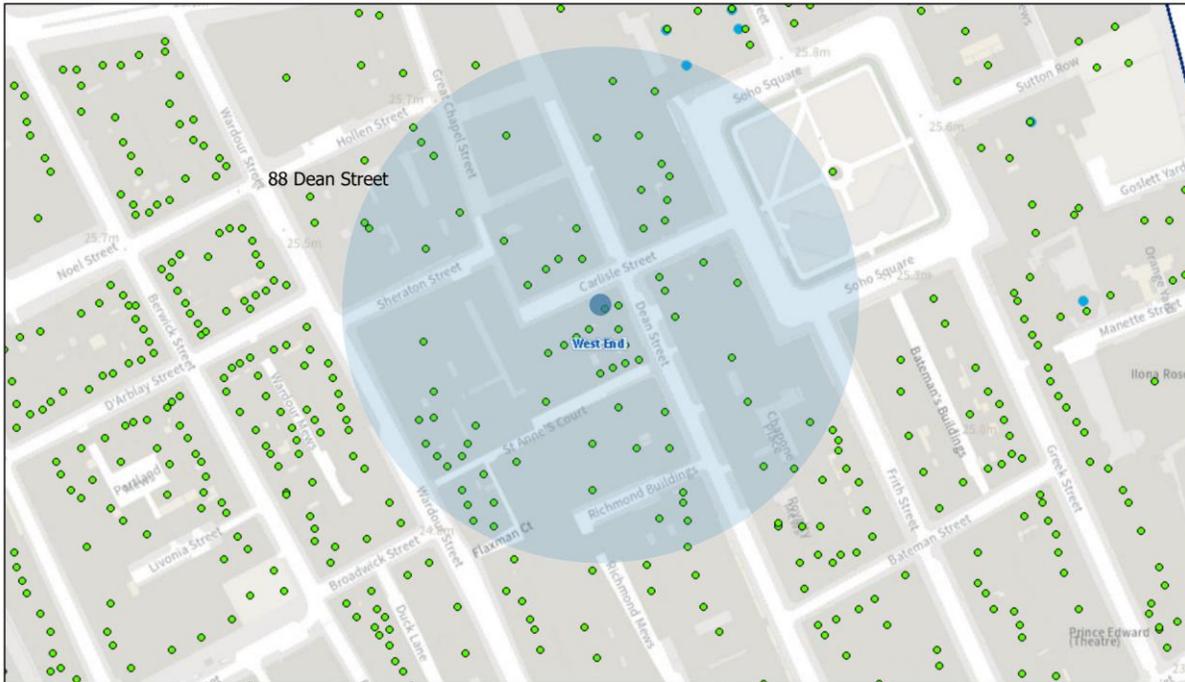
The Committee considered that the condition proposed by Mr Grant would not be sufficient to protect customers. Namely that *"All credit card transactions shall take place in full view of CCTV cameras."*

The Licensing Objectives of public safety and the prevention of crime and disorder are not being promoted and the Committee has not been convinced that the Premises is taking sufficient measures to promote the Licensing Objectives.

Having carefully considered the application for an expedited review and the evidence presented by the MPS and the Premises Licence Holder, both verbally and in writing, the Committee has concluded that the Premises is associated with serious crime and serious disorder and it is necessary and proportionate to take the following step, namely to suspend the premises licence.

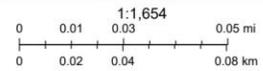
In view of the seriousness of this case, it is necessary and proportionate for the Interim Step and for this Interim Decision to take **immediate effect**.

Vanity Bar And Nightclub, 4 Carlisle Street, London, W1D 3BJ



09/05/2023, 10:19:04

- Property Mailing List
- Borough Boundary - Mask
- Ward Boundaries
- Ward Labels
- Borough Boundary - Detailed
- Faith Groups
- Schools
- Others
- ★ Academy
- ★ Primary
- ★ Free School
- ★ Special
- ★ Independent
- ★ Nursery
- ★ Secondary



**Resident Count: 135**

**Faith Groups: 1**

**Schools: 0**

**Sexual Entertainment Venues: 0**

**Sex Establishment: 0**