

LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE LICENSING COMMITTEE

HELD AT 6.30 P.M. ON TUESDAY, 14 APRIL 2015

**THE COUNCIL CHAMBER, 1ST FLOOR, TOWN HALL, MULBERRY PLACE, 5
CLOVE CRESCENT, LONDON, E14 2BG**

Members Present:

Councillor Peter Golds (Vice-Chair in Chair)
Councillor Rajib Ahmed
Councillor Suluk Ahmed
Councillor Gulam Kibria Choudhury
Councillor Mohammed Mufti Miah
Councillor Candida Ronald

Other Councillors Present:

None

Apologies

Councillor Khaled Uddin Ahmed
Councillor Mahbub Alam
Councillor Amina Ali
Councillor Rachel Blake
Councillor Andrew Cregan
Councillor Muhammad Ansar Mustaqim
Councillor Amy Whitelock-Gibbs

Others Present:

Philip Kolvin	– (Item 2.1)
David Dadds	– (Item 2.1)
David Stewart	– (Item 2.1)
Mary Denglar	– (Local Resident)
Martin Denglar	– (Local Resident)
Triona O’Keeffe	– (Local Resident)

Officers Present:

Kathy Driver	– (Principal Licensing Officer)
Andrew Heron	– (Licensing Officer, Licensing Department)
John McCrohan	– (Trading Standards & Licensing Manager)

Gurwinder Olive	– (Senior Lawyer, Legal Services)
Simmi Yesmin	– (Senior Committee Officer, Democratic Services)
David Graham	– (Counsel – Advisor to the Committee)
Mark Greaves	– (Legal Observer)

The Chair welcomed everyone to the meeting and announced the procedure of the meeting, which was noted by the Committee.

1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTEREST

There were no declarations of interest made.

2. ITEMS FOR CONSIDERATION

2.1 Application for a Sexual Entertainment Venue Licence for Whites Gentleman's Club, 32-38 Leman Street, London, E1 8EW

At the request of the Chair, Ms Kathy Driver, Licensing Officer introduced the report which detailed the application for a Sexual Entertainment Venue Licence under Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 (as amended by reg 47 (4), Provisions of Services Regulations 2009 'the service regulations') and the Policing and Crime Act 2009 for Whites Gentleman's Club, 32-38 Leman Street, London E1 8EW.

Ms Driver explained that the premises currently held a licence under the Licensing Act 2003 that permits sexual entertainment. It was noted that the hours applied for were the same hours as the current premises licence however it was noted that the premises opened at 5pm despite having a licence to trade from 12noon. Ms Driver explained that the Applicant had met the advertising/notice requirements, and all objections were contained in the agenda and additional documents were contained in the supplemental agenda.

It was noted that the Licensing Officer who undertook the inspection of the Premises sought clarification on pricing and CCTV cameras and its coverage of the premises. Mr Driver explained that the details on complaints and enforcement history were jointly received by the Licensing Services and Trading Standards.

Ms Driver referred to the appendices in the report and stated where the relevant documents were contained in the agenda. It was also noted that the report author and officer who undertook the inspection of the premises was present at the meeting and was available to answer any questions.

At the request of the Chair, Mr Philip Kolvin, Applicant's Legal Representative explained that he acknowledged the range of views from interested parties and as a result has offered extended conditions to help alleviate concerns. He explained that it was a small venue with a maximum of 80 persons at the premises at any one time. It was noted that there were always 8 SIA staff on the premises and increasing to 10 during peak times, together with bar staff there were approximately 16 members of staff on the premises at each time, with a ratio of 1 staff per 5 customers which demonstrated good supervision.

It was noted that the Applicant was happy to accept the standard conditions set by the Council which were set out on page 72 of the agenda. Mr Kolvin explained that the two matters which arose from the inspection meeting by the Licencing Officer were in relation to further CCTV cameras which was now been adhered to with complete coverage of the area where regulated entertainment is provided and that all performers would now know that their actions were being recorded. Officers from Responsible Authorities can also access this footage at any time. The map of the premise including the location of CCTV Cameras was noted.

Mr Kolvin explained that 90% of the customers were city workers and they had 27,000 visa transactions last year, he accepted that some transactions were queried but when customers were shown CCTV footage of the incidents they had accepted it.

It was noted that concerns were raised in terms of transparency, it was explained that the Applicant having consulted with Trading Standards had made an agreement that all prices for dances would be fixed and the price list would be displayed in prominent places within the premises. It was also agreed that all VIP rooms will be hired out by a written signed contract form which would require an agreement and signature by the customer and by a Manager. Mr Kolvin further explained that the transactions would be made in an area separated and roped off, would be well lit and have CCTV cameras. It was noted that this policy was formulated together with Trading Standards.

Mr Kolvin moved on the external impact on the locality, he explained that it was not a moral debate and moral issues/concerns were not relevant under the legislation. He referred Members to page 121 of the report which detailed the Council's Policy on SEVs and highlighted the reference on the impact of the premises on the locality.

It was noted that the Applicants were volunteering further controls that other SEV venues did but they would not be doing;

- Do not leaflet for business
- Do not have branded transportation
- Do not advertise on billboards
- No visibility into the premises
- No visible lighting
- No imagery or wording of sexual connotation
- Door staff outside the premises are like those that can be seen outside clubs or bars.

- Dancers do not gather outside or front of the premises to drum up business
- Run a minicab firm, so customers discreetly leave the premises.
- There is no noise breakout.

He explained that the level of objection overall was low. There were no objections from Responsible Authorities with no adverse comments from local business, Offices, Landlords, Religious or Educational Institutes.

He explained that the ward population was 14,940 and objections were from 6% of the population of whom were parents of children attending the English Marytre School and one person who lives in Wapping and not in close proximity to the premises. He mentioned that some objections made reference to prostitution and drugs in the area and explained that this had not been mentioned by the Police.

He then referred to the objection from the Ward Councillors whose concerns were that the venue may impact on the area but it was to be noted that the premises already exists therefore not likely to add impact on the area. There was also reference to Harry Goslin Primary School but it was to be noted that there had been no complaints from the school or parents of the school children.

Mr Kolvin stated that Council Officer themselves say that the area is a mix of commercial and residential accommodation. He emphasised that no public or private organisation have made objections but merely a handful of residents who were a minority.

In conclusion Mr Kolvin stated that due to the concerns raised in relation to operating during school time, as a gesture the Applicant would delay opening time to 5pm to separate customers from school children. Mr Kolvin explained that there were no complaints about the exterior of the premises but would voluntarily remove imagery of the female silhouette and the word Gentleman's from the signage outside the premises.

At the request of the Chair, Dr Mary Dengler, local resident explained that she has been a local resident for a considerable amount of time even before the opening of Whites, she explained that she had knowledge of the area, knowledge of planning and geography. She explained that the local school didn't receive information of the application and due to holidays and timings other parents were unable to attend. She explained that she has noticed prostitution on the streets which was not there before the premises opened. She explained that she uses a different route home to avoid confronting prostitutes and drug takers on the streets. Dr Dengler explained that when the premises first got their licence there were not many residents however the demography had now changed and it was now a more residential area.

Dr Dengler raised concerns that were more low budget hotels opening nearby which could attract large gatherings etc. It was noted that Dr Dengler had two school aged children and avoided walking past the premises. It was further

noted that school clubs finished at 6pm and therefore school children were still in the area after 5pm.

Members then heard from Ms Triona O’Keeffe who again was a parent of child who attended the English Martres School and lived in Wapping. She explained that her objection was based on location as the premises was adjacent to school, children would be going past the premises to and from school during school trips and after school clubs. She explained that she is questioned by her son about the premises and feels it inappropriate to explain when walking past what type of establishment the premises is. She added that it was more residential area than a commercial area which it first was. Ms O’Keeffe stated that the delay in opening hours and changes to the signage was positive, however the location was not appropriate for this type of venue.

Lastly Members heard from Mr Martin Dengler, again a resident and parent of school children who attended the English Martyrs School, he stated that the licence would impact on the local character of the area, and explained that the local area had changed since the Whites first opened and the area was more of a residential area. He explained that the premise was immediately identifiable and was inconsistent with the council’s nil policy on SEV licences. He then said that lack of objection from the local School was due to the fact that they had not been made aware of the application.

Mr Driver pointed out that local residents living within 50m of the premises were consulted and the school was not in a 50m radius.

In response to questions from Members the following was noted;

- That all regulated entertainment would have CCTV coverage
- That the applicant was happy to add CCTV cameras in the lobby areas.
- That the condition which makes reference to dancers being fully clothed should include covering of breasts and genitalia.
- That the word Gentleman’s and the silhouette of a women would be removed from the front signage.
- That the boards detailing the reviews of the premises would also be taken off the windows and therefore there would only be a blank façade external to the premises.
- That the premises did not advertise in Tower Hamlets
- That the current management have been in place since 2009
- That there were CCTV cameras in all VIP rooms
- There were no doors in the VIP rooms except for studio 54 room which had a glass mirror which can be seen through.
- That there were 6 SIA Security Staff who monitor the VIP rooms and cubicles etc.
- That the school was within 100 meters of the premises but under the Policy consultation only needed to be undertaken 50 meters of the premises, there was also a notice outside the premise, there were public notices and newspaper adverts giving notification of the application.

- That there was an assertion that with the new hotels being opened, customers could arrange to meet with dancers afterwards in hotels.
- That residents, had not complained before but are doing so now as circumstances have now changed and they were now parents.
- There was no set capacity at the premises but the premises was never really full however during peak times extra SIA staff were on duty.
- That the voucher system was in place for customers paying in cash, however this has now changed to written agreement forms, one single contract and one single payment.
- That there had been no complaints received since the application has been made.
- All CRB checks and relevant forms had been submitted to the Licensing Officer by 5th March 2015.
- That regular staff training was conducted every 3 months
- That the premises got their business through their website, word of mouth and repeat business.
- That the drinks pricelist were displayed in booklets on tables however the Applicant was happy to make this more robust.
- That there was always a Manager at the premises and during busy periods there were two.
- That there was no other venues owned by this company
- That the complaints from the premises were disproportionality large compared to other similar venues.
- That not all complaints had been brought to the Applicants attention as some were only intelligence reports and those brought their attention were withdrawn once CCTV footage was shown and no complaints have actually materialised to prosecutions or claims.
- That there would be no direct negotiations with dancers as there was now a tariff/price list in place.
- That the crystal decanter in the Studio 54 VIP room had been removed.
- That a challenge 25 policy is operated at the premises and the Applicants were happy to add this as a condition.
- Dancers are hired through an application process, the premise only hired experienced dances, that dancers were not sole employee as they usually worked 2-3 nights a week.
- That an average time a dancer works at the premises is usually between 3-4 months.
- That intoxicated customers are challenged by greeters at the door and details of refused customers are recorded in a refusal book.
- That the premise does not advertise externally and the Applicant was happy to condition that.
- Member then questioned whether the Applicant would be happy to open the premises at 6.30pm each day to have a clear separation between the premises and the School.

Members adjourned the meeting at 8.25pm in order for Mr Kolvin to seek advice from the Applicant. Members reconvened the meeting at 8.40pm

The Chair asked for all interested parties to make their summations.

The Licensing Officer stated that he had nothing further to add to the report.

In summing up on behalf of the objectors, Ms O'Keeffe stated that their objection was based on locality and the effect on the community as the neighbourhood had changed and continues to change, that there was a school within a 100meters of the premises with 222 pupils regularly in the vicinity. She stated they were concerned before the hearing and were now even more concerned due to issues raised during questioning.

In summation Mr Philip Kolvin explained that the Applicant was happy to open at 6.30pm to ensure proper a separation between the activity of the school and the premise. He also said that they would look into devising a dancers welfare policy and would be happy to add this as part of the conditions too.

Mr Kolvin addressed some of the concerns raised such as allegations of prostitutes hanging around the club, he said that this had not been mentioned before and there was no evidence of this happening. That dancers will have no solicitation with customers and if there is ever evidence of that then it can be brought to the Committee. In terms of low cost hotels he said that this was a speculative matter and there was no large gathering outside the premises as this was not that type of venue. It was noted from the Licensing Officer's report that the area was a commercial area.

Mr Kolvin stated that with the reduction in hours and the effect from the removal of the external signage it should help address the concerns raised by objectors. It was also noted that the vulnerability of performers was not an issue raised before and therefore unfair on the Applicant to respond to.

Mr Kolvin concluded by explaining that the Applicant have made legitimate investment into the premises, had good will and employed a number of people. He said that the fears of parents could now be alleviated as opening hours had been reduced. He stated that further conditions had been proposed and if Members grant the application and there are any problems then this can be reviewed each year.

The Chair thanked everyone for attending and for all their contributions to the meeting. He informed everyone that the decision will be notified to the Applicant once all the applications in this first round have all been considered.

The meeting ended at 9.00 p.m.

Chair, Councillor Peter Golds
Licensing Committee