

Licensing Committee

Agenda

Tuesday, 16 May 2023 at 6.30 p.m.
Council Chamber - Town Hall, Whitechapel

Members:

Chair: Councillor Kamrul Hussain

Councillor Faroque Ahmed, Councillor Leelu Ahmed, Councillor Saied Ahmed, Councillor Suluk Ahmed, Councillor Sabina Akhtar, Councillor Asma Begum, Councillor Gulam Kibria Choudhury, Councillor Peter Golds, Councillor Kabir Hussain, Councillor Shahaveer Shubo Hussain, Councillor Ahmodul Kabir, Councillor Amin Rahman, Councillor Rebaka Sultana and Councillor Abdul Wahid

[The quorum for this body is 3 voting Members]

Contact for further enquiries:

Farzana Chowdhury, Democratic Services Officer,
farzana.chowdhury@towerhamlets.gov.uk
020 7364 3037

Town Hall, 160 Whitechapel Road, London, E1 1BJ
<http://www.towerhamlets.gov.uk/committee>



Public Information

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Please note: Whilst the meeting is open to the public, the public seating in the meeting room for observers may be limited due to health and safety measures. You are advised to contact the Democratic Services Officer to reserve a place.

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A Guide to Licensing Committee

The Licensing Committee will determine Licensing policy/procedure (excluding the Council's Statement of Policy) as well as Licensing fees and charges.

The Committee will also establish a Licensing Sub-Committee to consider Licensing matters under the Licensing 2003 Act where representations have been made.

Public Engagement

Meetings of the committee are open to the public to attend, and a timetable for meeting dates and deadlines can be found on the council's website.

London Borough of Tower Hamlets

Licensing Committee

Tuesday, 16 May 2023

6.30 p.m.

APOLOGIES FOR ABSENCE

1. DECLARATIONS OF INTEREST (PAGES 5 - 6)

Members are reminded to consider the categories of interest in the Code of Conduct for Members to determine whether they have an interest in any agenda item and any action they should take. For further details, please see the attached note from the Monitoring Officer.

Members are reminded to declare the nature of the interest and the agenda item it relates to. Please note that ultimately it's the Members' responsibility to declare any interests form and to update their register of interest form as required by the Code.

If in doubt as to the nature of your interest, you are advised to seek advice prior to the meeting by contacting the Monitoring Officer or Democratic Services

2. RULES OF PROCEDURE - LICENCES FOR SEXUAL ENTERTAINMENT VENUES (PAGES 7 - 12)

To note the rules of procedure relating to determinations of licenses for sexual entertainment venues.

3. ITEMS FOR CONSIDERATION

3.1 Revocation of a Sexual Entertainment Venue Licence for the Nags Head, 17-19 Whitechapel Road, London, E1 1DU (Pages 13 - 106)

Next Meeting of the Licensing Committee

Thursday, 1 June 2023 at 6.30 p.m. to be held in Council Chamber - Town Hall, Whitechapel



Agenda Item 1

DECLARATIONS OF INTERESTS AT MEETINGS– NOTE FROM THE MONITORING OFFICER

This note is for guidance only. For further details please consult the Code of Conduct for Members at Part C, Section 31 of the Council's Constitution

(i) Disclosable Pecuniary Interests (DPI)

You have a DPI in any item of business on the agenda where it relates to the categories listed in **Appendix A** to this guidance. Please note that a DPI includes: (i) Your own relevant interests; (ii) Those of your spouse or civil partner; (iii) A person with whom the Member is living as husband/wife/civil partners. Other individuals, e.g. Children, siblings and flatmates do not need to be considered. Failure to disclose or register a DPI (within 28 days) is a criminal offence.

Members with a DPI, (unless granted a dispensation) must not seek to improperly influence the decision, must declare the nature of the interest and leave the meeting room (including the public gallery) during the consideration and decision on the item – unless exercising their right to address the Committee.

DPI Dispensations and Sensitive Interests. In certain circumstances, Members may make a request to the Monitoring Officer for a dispensation or for an interest to be treated as sensitive.

(ii) Non - DPI Interests that the Council has decided should be registered – (Non - DPIs)

You will have 'Non DPI Interest' in any item on the agenda, where it relates to (i) the offer of gifts or hospitality, (with an estimated value of at least £25) (ii) Council Appointments or nominations to bodies (iii) Membership of any body exercising a function of a public nature, a charitable purpose or aimed at influencing public opinion.

Members must declare the nature of the interest, but may stay in the meeting room and participate in the consideration of the matter and vote on it **unless:**

- A reasonable person would think that your interest is so significant that it would be likely to impair your judgement of the public interest. **If so, you must withdraw and take no part in the consideration or discussion of the matter.**

(iii) Declarations of Interests not included in the Register of Members' Interest.

Occasions may arise where a matter under consideration would, or would be likely to, **affect the wellbeing of you, your family, or close associate(s) more than it would anyone else living in the local area** but which is not required to be included in the Register of Members' Interests. In such matters, Members must consider the information set out in paragraph (ii) above regarding Non DPI - interests and apply the test, set out in this paragraph.

Guidance on Predetermination and Bias

Member's attention is drawn to the guidance on predetermination and bias, particularly the need to consider the merits of the case with an open mind, as set out in the Planning and Licensing Codes of Conduct, (Part C, Section 34 and 35 of the Constitution). For further advice on the possibility of bias or predetermination, you are advised to seek advice prior to the meeting.

Section 106 of the Local Government Finance Act, 1992 - Declarations which restrict Members in Council Tax arrears, for at least a two months from voting

In such circumstances the member may not vote on any reports and motions with respect to the matter.

Further Advice contact: Janet Fasan, Monitoring Officer, Tel: 0207 364 4800.

APPENDIX A: Definition of a Disclosable Pecuniary Interest

(Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012, Reg 2 and Schedule)

Subject	Prescribed description
Employment, office, trade, profession or vacation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by the Member in carrying out duties as a member, or towards the election expenses of the Member. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
Contracts	Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority— (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.
Land	Any beneficial interest in land which is within the area of the relevant authority.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.
Corporate tenancies	Any tenancy where (to the Member's knowledge)— (a) the landlord is the relevant authority; and (b) the tenant is a body in which the relevant person has a beneficial interest.
Securities	Any beneficial interest in securities of a body where— (a) that body (to the Member's knowledge) has a place of business or land in the area of the relevant authority; and (b) either— (i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

TOWER HAMLETS



LICENSING COMMITTEE

RULES OF PROCEDURE

GOVERNING APPLICATIONS FOR

SEX ESTABLISHMENT LICENCES

UNDER SECTION 2 OF AND SCHEDULE 3 TO THE LOCAL GOVERNMENT

(MISCELLANEOUS PROVISIONS) ACT 1982

Date Last Reviewed:	22nd September 2016
Reviewed By:	Senior Corporate and Governance Legal Officer
Approved By:	Licensing Committee
Date Approved:	14th June 2016
Version No.	1
Document Owner:	Paul Greeno
Post Holder:	Senior Corporate and Governance Legal Officer
Date of Next Scheduled Review:	31st March 2018

1. Interpretation

- 1.1 These Procedures describe the way in which hearings will be conducted under section 2 of and schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 as amended.

2. Composition of the Licensing Committee

- 2.1 The Licensing Committee will consist of fifteen (15) members and no business shall be transacted unless at least three (3) members of the Licensing Committee are present and able to form a properly constituted Licensing Committee. The Chair shall have a second or casting vote.

3. Procedure

- 3.1 The hearing shall take place in public save that the Licensing Committee may exclude the public from all or part of a hearing where it considers that, on balance, it is in the public interest to do so. The parties and any person representing them may be excluded in the same way as another member of the public. Any person so excluded may, before the end of the hearing, submit to the Licensing Committee in writing, any information which, they would have been entitled to give orally had they not been required to leave. Where there are a number of items on the agenda, the adjournment of that item for a short period, whilst another item is heard, may allow this process to be carried out effectively.
- 3.2 The Chair will begin by asking the parties to identify themselves and confirm whether or not they are represented.
- 3.3 The Licensing Committee should always satisfy itself that sufficient notice of the hearing has been given to all parties and if not satisfied, then the Licensing Committee should take such steps as it thinks fit to deal with that issue before reaching its determination and this could include adjourning that application to a later date.
- 3.4 The Chair will explain how the proceedings will be conducted, and indicate any time limits that will be imposed on the parties. In setting time limits, the Licensing Committee will take into account the importance of ensuring that all parties receive a fair hearing, and the importance of ensuring that all applications are determined expeditiously and without undue delay. Further the Licensing Committee should allow each party an equal amount of time.
- 3.5 If a party considers that any time limit is not sufficient then they should address the Licensing Committee and which will determine accordingly.

- 3.6 If any party has informed the Authority that they will not be attending or be represented at the hearing or any party does not give notice that they will not be attending but fails to attend and is not represented, the Licensing Committee may proceed in their absence or adjourn the hearing.
- 3.7 If the Licensing Committee adjourns the hearing it should specify the date, time and place to which the hearing has been adjourned.
- 3.8 If the Licensing Committee holds the hearing in the absence of a party, it will consider at the hearing the application or objection given by that party.
- 3.9 The Chair will invite an Officer of the Licensing Section to present the report by briefly summarising the application and the number and type of the representations as set out in the papers circulated. The Officer will also advise of any discussions held with the parties; any amendments made to the application; any objections withdrawn; and any agreed conditions that the Licensing Committee is being asked to consider. The Officer shall not give any opinion on the application or ask the Committee to make an inference based on such an opinion.
- 3.10 Members of the Licensing Committee can then ask questions of clarification of the Licensing Officer or seek legal advice from the Legal Adviser to the Licensing Committee if they require in respect of matters raised during the presentation by the Licensing Officer.
- 3.11 The Legal Adviser to the Licensing Committee will then give any relevant legal advice that the Licensing Committee need to take into consideration.
- 3.12 The Chair will then ask the applicant or their representative, if present, to state their case. This should avoid repetition of material already available to the Licensing Committee in the Officer's report or otherwise, and include any reasons why an exception should be made to the Sex Establishment Licensing Policy, where appropriate; address, where appropriate, the matters stated in the Sex Establishment Licensing Policy that the Licensing Committee will take into account when considering applications; and respond to the written objections received. The submission may be followed by the evidence of any person who is giving supporting evidence on behalf of the applicant or who has made a representation in favour of the application.
- 3.13 The application is to be presented within any time limit that has been set.
- 3.14 Where an applicant is unrepresented and having difficulty in presenting their application then the Legal Adviser to the Licensing Committee may ask questions of the applicant so that the relevant points are addressed and clarified for the Licensing Committee.

- 3.15 The objectors (or their representative) will be invited to question the applicant.
- 3.16 Members of the Licensing Committee may ask questions of the applicant and/or their representative as well as any other person who has spoken in support of the application. Members can also ask questions of any other person present for the applicant who they consider can assist.
- 3.17 The Legal Adviser to the Licensing Committee may ask questions for the purpose of clarifying points for the Licensing Committee.
- 3.18 The Chair will then ask objectors against the application to state their case within any time limit that has been set. The objectors should not repeat what is already set out in their objections. In stating their case, the objectors should provide clarification on any points previously requested by the Council. The submission may be followed by the evidence of any person who is giving supporting evidence.
- 3.19 The applicant (or their representative) will be invited to question the objectors.
- 3.20 Members of the Licensing Committee may then ask questions of the objectors and any other person who has spoken given evidence in support. Members can also ask questions of any other person present who they consider can assist.
- 3.21 The Legal Adviser to the Licensing Committee may ask questions for the purpose of clarifying points for the Licensing Committee.
- 3.22 Petitions will be considered but Members should proceed with caution when relying upon petitions used as evidence due to the structure and wording used.
- 3.23 The Chair will intervene at any stage of the hearing to prevent repetitious or irrelevant points being raised.
- 3.24 The objectors (or their representative) will then be permitted to “Sum Up”.
- 3.25 The applicant (or their representative) will then be permitted to “Sum Up”.
- 3.26 The Licensing Committee will consider its decision in private save that the Legal Adviser and Democratic Services Officer will remain with them.
- 3.27 The Licensing Committee will normally return to open session to announce its decision but where they consider it appropriate for the determination to be given at a later time then the Chair will advise the parties present that the decision will not be announced then but that the determination will take place later and that written notification will be dispatched to all parties advising them of the determination.

4. Exclusions

- 4.1 In addition to any exclusion under paragraph 3.1 above, The Licensing Committee may require any person attending the hearing who in their opinion is behaving in a disruptive manner to leave the hearing and may refuse to permit the person to return; or allow them to return only on such conditions as Licensing Committee may specify.
- 4.2 Any person so excluded may, before the end of the hearing, submit to the Authority in writing, any information which, they would have been entitled to give orally had they not been required to leave.

DO'S AND DO NOT'S

1. Councillors must:
 - (a) Attend compulsory training sessions;
 - (b) Be open minded and impartial;
 - (c) Declare any actual interest;
 - (d) Listen to the arguments for and against;
 - (e) Carefully weigh up all relevant issues;
 - (f) Ask questions that relate only to licensing considerations relevant to the particular application;
 - (g) Make decisions on merit and on licensing considerations only;
 - (h) Respect the impartiality and integrity of the Council's officers;
 - (i) Report any lobbying from applicants, agents, objectors or any other Councillor;
 - (j) Promote and support the highest standards of conduct; and
 - (k) Promote equality and not discriminate unlawfully against any person, and treat all people with respect.

2. Councillors must not:
 - (a) Be biased or give the impression of being biased;
 - (b) Improperly confer an advantage or disadvantage on any person nor seek to do so;
 - (c) Act to gain a financial or other benefit for themselves, their family, friends or close associates;
 - (d) Place themselves under a financial or other obligation to any individual or organisation that might seek to influence the performance of their duties as a member (e.g. by accepting gifts or hospitality from any person involved in or affected by a licensing application);
 - (e) Place themselves in a position where their integrity might reasonably be questioned;
 - (f) Participate in a meeting where they have a DPI;
 - (g) Participate in a meeting where they have an interest which does or could be reasonably considered as giving rise to bias; and
 - (h) Express opinions during any site visit to any person present, including other Members.

Agenda Item 3.1

Committee :	Date	Classification	Report No.	Agenda Item No.
Licensing Committee		Unclassified		

Report of : David Tolley Head of Environmental Health & Trading Standards Originating Officer: Corinne Holland Licensing Officer	Title: Local Government (Miscellaneous Provisions) Act 1982 Revocation of a Sexual Entertainment Venue Licence for the Nags Head, 17-19 Whitechapel Road, London, E1 1DU Ward affected: Spitalfields and Banglatown
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1.0

Summary

Name and Address of Premises: **Nags Head Public House
17-19 Whitechapel Road
London
E1 1DU**

Application to revoke : **Local Government (Miscellaneous Provisions) Act 1982 (as amended)
Sexual Entertainment Venue Licence**

Application triggered by: **Licensing Authority**

2.0 Recommendations

2.1 That the Licensing Committee considers the application and then adjudicate accordingly.

LOCAL GOVERNMENT 2000 (Section 97) LIST OF "BACKGROUND PAPERS" USED IN THE DRAFTING OF THIS REPORT

Brief description of "background paper"

Tick if copy supplied for register

If not supplied, name and telephone number of holder

Tower Hamlets SEV Policy File

Corinne Holland
020 7364 3986

3.0 Application details

- 3.1 This is an application to revoke the Sexual Entertainment Venue (SEV) licence for the Nags Head Public House, 17-19 Whitechapel Road, London, E1 1DU. The revocation was applied for by the Licensing Authority.
- 3.2 A copy of the revocation application letter is attached in **Appendix 1**.
- 3.3 The solicitor acting for the premises made a request to the Licensing Authority to provide a list of visits made to the premises by officers from the Council from 1st June 2014 to present day. This list was provided and is attached in **Appendix 2**.

4.0 The Premises

- 4.1 The premise has held an SEV licence since Tower Hamlets Council adopted Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 as amended by Section 27 of the Policing and Crime Act 2009 in June 2014.
- 4.2 The SEV licence is held by NH License Ltd (No 12523134) and has done so since it was transferred to this company in April 2020. Mr Manpal Singh Clair is the sole director.
- 4.3 An SEV licence is valid for one year (or for such shorter period as the authority may determine) and therefore needs to be renewed each year. The current licence expires on 31st May 2023. A copy of the licence is attached in **Appendix 3**.
- 4.4 The Council has adopted Standard Conditions. These apply as default conditions that are attached to all SEV licences. These are attached in **Appendix 4**.
- 4.5 The plan of the premises submitted with the SEV renewal application in 2022 is attached in **Appendix 5**.
- 4.6 Maps of the premises' location are available in **Appendix 6**.
- 4.7 The premises are also licensed under the Licensing Act 2003. A copy of the existing Premises Licence is enclosed for information as **Appendix 7**. The licence was granted under "grandfather rights" in 2005 when the Licensing Act 2003 came into force. The licence is also held by NH License Ltd.

The licence permits the following licensable activities:

- The sale by retail of alcohol (on & off sales)
- 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.

- 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:

- Monday to Saturday 11:00 hrs to 03:30 hrs the following day
- Sunday 12:00 hrs to 23:00 hrs

4.8 Members should note that the two regimes run concurrently. Therefore, the premises licence granted under the Licensing Act 2003 could effectively run without the SEV in operation, if alcohol and regulated entertainment was solely taking place.

5.0 Policy - Appropriate Number of Sexual Entertainment Venues

5.1 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.

5.2 The Council has adopted 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.

5.3 Members should consider the relevant legislation, the Council's SEV Policy and Standard Conditions (See **Appendix 8 and 4** respectively.)

6.0 Home Office Guidance

6.1 The Home Office issued guidance to local authorities in March 2010 to assist local authorities in carrying out their functions under the Act.

7.0 Licence Conditions

- 7.1 Once the Council has decided to grant a licence they are able to impose terms, conditions and restrictions on that licence, either in the form of conditions specific to the individual licence under paragraph 8 of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982, or standard conditions applicable to all SEVs or particular types of SEV.
- 7.2 Where the Council decides to produce standard conditions under paragraph 13, they will apply to every licence granted, renewed or transferred by the authority unless they have been expressly excluded or varied.
- 7.3 Most SEVs will require a premises licence as well as an SEV licence. Where this is the case, local authorities should avoid duplicating licence conditions and should ensure that conditions imposed on each licence are relevant to the activities authorised by that licence. For example, conditions relating to the sale of alcohol should only appear on a premises licence or clubs premises certificate and should not be imposed on an SEV licence. Likewise, conditions relating to the provisions of relevant entertainment should appear on the SEV licence and not a premises licence or club premises certificate. Local authorities should also avoid imposing conditions on either licence that are contradictory.
- 7.4 In many cases licences granted under the 2003 Act to existing operators will contain conditions that relate expressly and exclusively to the provision of relevant entertainment. Such a condition might prohibit contact between a performer and customer during a lap dance. In these cases, in order to avoid duplication, where conditions on premises licences or club premises certificates relate only to the provision of relevant entertainment, they shall be read as if they were deleted from the 3rd appointed day onwards.
- 7.5 In cases where conditions on a premises licence or clubs premises certificate are inconsistent with, and less onerous than, the conditions in the licence granted under the 1982 Act they shall likewise be read as though they have been deleted.

8.0 Determination of applications

- 8.1 A licence from the Council is required for the use of a premise as a sex establishment. An SEV is any premises at which relevant entertainment is provided before a live audience for the financial gain of the organiser or the entertainer.

Relevant entertainment means:

- any live performance; or
- any live display of nudity;

which is of such a nature that, ignoring financial gain, it must reasonably be assumed to be provided solely or principally for the purpose of sexually stimulating any member of the audience (whether by verbal or other means).

9.0 Legal Comments

9.1 The Council has power to revoke a sex establishment licence under Paragraph 17(1) of Schedule 3 to the 1982 Act. This is on the basis of either the mandatory grounds on which a licence should be refused or on the first two of the discretionary grounds.

9.2 The mandatory grounds for refusal are:

- (a) the applicant is under the age of 18;
- (b) that the applicant is for the time being disqualified from holding a licence;
- (c) that the person is a person other than a body corporate, who is not resident in the U.K. or an EEA state or was not so resident throughout the six months preceding the date of the application;
- (d) that the applicant is a body corporate which is not incorporated in the U.K or an EEA state; or
that the applicant has been refused the grant or renewal of a sex establishment licence for the premises within the twelve months preceding the date of the application and the refusal has not been reversed on appeal.

9.3 The discretionary grounds for refusal (so far as relevant to this application) are:

- a) the applicant is unsuitable to hold a licence by reason of having been convicted of an offence or for any other reason;
- b) that if the licence were to be granted, renewed or transferred, the business to which it relates would be managed by or carried on for the benefit of a person other than the applicant who would have been refused a licence if they had applied themselves;

9.4 The Licensing Committee may, after giving the holder of an SEV licence under this Schedule an opportunity of appearing before and being heard by them, revoke the licence at any time on the basis of any of the grounds referred to in paragraphs 9.2 or 9.3.

9.5 If the licence is revoked, the authority must, if required to do so by the person who held the SEV licence, give a statement of reasons for their decision within seven days of being so required.

- 9.6 Where an SEV licence is revoked, the holder is disqualified from holding or obtaining a licence in the area of the authority for a period of twelve months beginning with the date of revocation.
- 9.7 The Council's SEV Licensing Policy made specific provision for those SEVs trading in the borough when the 1982 Act was adopted and confirms it will not apply the nil SEV policy to existing businesses that were already trading as SEVs with authorisation, subject to certain requirements being satisfied. However, the policy similarly makes clear that if any of those venues cease to trade, there is no presumption that any new application will be treated more favourably.
- 9.8 Paragraph 27 of Schedule 3 to the 1982 Act provides the licence holder with a right to appeal to the magistrates' court. The decision of the magistrates' court may be further appealed to the Crown Court.
- 9.9 The Committee should only consider those comments within the written objection or made orally at the hearing which are relevant to the mandatory or discretionary grounds for revocation. Comments within the written application or orally at the hearing which relate to moral grounds, for example, must not be considered by the Committee.
- 9.10 The Council's legal advisor will give further advice as required at the hearing.

10.0 Finance Comments

- 10.1 There are no material financial implications arising from the request to revoke the Sexual Entertainment Venue (SEV) licence. If the decision is to revoke the licence the Council will forego the licence income, and there are possible cost implications if the decision is appealed, however this will be managed within existing budget provision.

11.0 Appendices

Appendix 1	Application & supporting documents - LA
Appendix 2	Visits to the premises
Appendix 3	A copy of the existing SEV licence
Appendix 4	A copy of the Councils adopted standard conditions
Appendix 5	Layout Plan
Appendix 6	Maps of the premises showing the site location
Appendix 7	A copy of the existing Premises Licence
Appendix 8	Copy of LBTH SEV Policy

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Appendix 1

The London Borough of Tower Hamlets
Acting as an Appropriate Authority
Tower Hamlets Town Hall
160 Whitechapel Road
London
E1 1BJ

licensing@towerhamlets.gov.uk

3rd March 2023

Your ref:
Our ref: PSU:010281

**Place Directorate
Public Realm**

**Head of Environmental Health and
Trading Standards: David Tolley**

Environmental Health & Trading
Standards
Licensing & Safety Team
4th Floor, Tower Hamlets Town Hall
160 Whitechapel Road
London E1 1BJ

Tel: [REDACTED]
Enquiries to: **Mohshin Ali**
Email: [REDACTED]

www.towerhamlets.gov.uk

Dear Appropriate Authority,

**Schedule 3 of the Local Governmental (Miscellaneous Provisions) Act 1982 as
amended by the Policing and Crime Act 2009**
RE: The Nags Head, 17-19 Whitechapel Road, London E1 1DU

I write in the capacity of the Licensing Authority, acting as a Responsible Authority to request the Appropriate Authority consider revoking the Sexual Entertainment Venue Licence for the above premises.

The reasons for this request is that test purchases carried out on the 18th August 2022 led to physical contact initiated by performers in relation to the individuals making the test purchases". This included pushing of the breast in face of the test purchasers, kissing of their neck and grinding into the groin areas. Please see attached witness statements from the Surveillance Operatives. Note, we have redacted the Officer's names and will be referring to them as Officer A and Officer B.

CCTV footage was requested on the 9th September 2022, which the Licensing Authority noted confirmed breaches of the below standard licence conditions, and supported the witness evidence mentioned. A chronology of breaches seen in the CCTV footage will be provided shortly.

The evidence shows of breaches of the following Standard Conditions attached to these premises' current Sexual Entertainment Venue Licence.

- 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.***

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.***

As the copy of the CCTV footage was requested from the licence holder, we understand that they have retained the original copy. We reserve the right to play the same footage at the hearing in a closed session.

The applicant's solicitor has responded to the Licensing Authority and stated the following:

"concerns about the way in which performances were being delivered by those performers were flagged by staff to management and dip sampling of CCTV footage of performances was undertaken. The dip sampling revealed, inter alia, breaches of my client's Performer and Customer Codes of Conduct. This triggered my client's internal disciplinary procedures and the Performers involved were suspended".

Given the above, the Licensing Authority acting as a Responsible Authority is requesting the revocation of this licence because the licence holder is unsuitable to hold the licence by reason of the breaches witnessed, with regard to paragraphs 17(1) and 12(3)(a) in Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982.

It is also worth noting that a similar breaches of the SEV licence were found at the premises in 2017, which resulted to objection to the renewal of the licence. Details of the hearing for this renewal can be found in the link below. On this occasion the Licensing Committee granted the renewal with additional conditions.

<http://democracy.towerhamlets.gov.uk/ieListDocuments.aspx?CId=324&MId=8231&Ver=4>


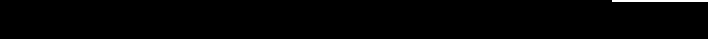
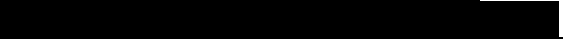
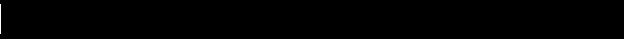
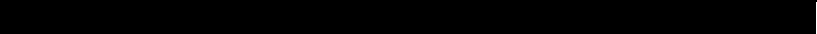
This letter is being copied to the company as the licence holder and also to the director of the company (also copied to their solicitor).

Yours sincerely,



Mohshin Ali
Senior Licensing Officer

Cc:

- NH License Ltd, 
 - Manpal Singh Clair, 
 - Manpal Singh Clair, the Nags Head, 
 - Luke Elford John Gaunt & Partners 
- 

CJ Act 1967, s.9; MC Act 1980, ss.5A(3) (a) and 5B; Criminal Procedure Rules 2005, Rule 27.1

URN:

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Statement of: 

Age if under 18 (if over insert "over 18"): over 18

Occupation: Surveillance Operative

This statement (consisting of

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 Pages(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it, anything which I know to be false, or do not believe to be true.

Name / Signature: 

Date: 18/08/2022

Tick if witness evidence is visually recorded: (Supply witness details on last page)

Statement

1. I am  and I am employed by The Surveillance Group Ltd, of Unit 6, Teme House, Whittington Hall, Whittington Road, WR5 2RY.
2. I was instructed by The Surveillance Group Ltd to attend The Nags Head Gentlemens Club, 17-19 Whitechapel Road, London, E1 1DU, in order to conduct a test purchase task on behalf of the London Borough of Tower Hamlets.
3. At approximately 22:45 hrs on the 18/08/2022 I arrived at The Nags Head Gentlemens Club, 17-19 Whitechapel Road, London, E1 1DU, in order to conduct a test purchase task.
4. Upon arrival at the premises the front entrance was covered by a single male sat at a table by the door. The entrance fee was £3.00. I was verbally told the rules and nothing was visible of the rules on show. The individual had some form of identification around his neck.
5. Inside the premises there were two further security staff members with ID cards around their necks. I walked up to the bar and ordered a drink then sat down at the seats directly by the stage where pole dancers performed. The venue had CCTV visible in multiple areas including the private and VIP areas. There were two members of staff working the bar area and an individual who appeared to be a manager at the end of the bar taking payments for dances. All staff were appropriately dressed in smart casual wear.
6. Inside the venue the stage was to the back with seating directly in front of the stage. The bar ran along the right-hand side where four private booths were also located. At the other end of the bar there were toilets in the far-right hand corner and three VIP booths on the left-hand side.

Name / Signature:  

Witness Statement

CJ Act 1967, s.9; MC Act 1980, ss.5A(3) (a) and 5B; Criminal Procedure Rules 2005 , Rule 27.1

7. *There were more than ten dancers who walked around the establishment, asking for money before they went on stage. I was asked if I could buy a dancer a drink, which I obliged.*
8. *I conversed with an English girl named Mia and I bought her a drink and then we went for a private dance which cost £20 for five minutes. Myself and my colleague were in the same booth during this dance. The dancer rubbed herself against me but no touching was allowed. The security guard did come in from time to time to check but spent most of the time at the entrance, CCTV was visible in the booth areas.*
9. *After the dance had finished, I paid £240 for a 30-minute VIP dance and a drink. This dance was in a separate booth where CCTV was visible directly to the front. The dancer made quite a bit of contact with me whilst naked, thrusting herself against my groin whilst rubbing her breasts against my face and also kissing my neck. She told me that I was allowed to touch her but not the vagina area, I politely declined the offer.*
10. *During the dance we talked about her having a daughter and the other job she did in the day working in a shop. She said she enjoyed the dance work though because it pays really good money.*
11. *At no time during the visit was there any mention of any drug use.*
12. *There were no performer inside the gentleman's toilets and there was no physical contact between performers.*
13. *Following my visit, I immediately returned to my vehicle and wrote notes on the details of the event within a document on my work-issued smart-phone on 18/08/2022. I exhibit these as [REDACTED].001.*
14. *I believe the facts stated in this witness statement are true.*

Name / Signature: [REDACTED]

The Nags Head – E1 1DU

18/8/2022 – 19/8/2022



Entered the premises @ 22.45

When we arrived at the establishment we were not touted into the premises. The front entrance was covered by a single male sat at a table by the door. The entrance fee was £3. He verbally told us the rules but there was nothing visible of the rules on show. He did have some form of identification around his neck but unsure as to whether it was an SIA licence or not.

Once inside the venue it was noted that there were 2 further security staff again with id cards around their necks but unsure if they were SIA. We walked upto the bar and ordered ourselves some drinks before going to sit down at the seats directly by the stage where the pole dancers performed. CCTV was visible in multiple areas around the venue including the Private and VIP areas. There were 2 members of staff working the bar area with what looked like the manager at the end of the bar taking payments for the dances. All staff were appropriately dressed in smart casual wear and also fully covered.

As you walked into the venue, the stage was to the back of the venue, where there was seating directly in front. The bar ran along the right hand side where there also was the private dance booths, 4 in total. At the other end of the bar there was the toilets in the far right hand corner and on the left hand side of the venue was where the VIP dance booths were, 3 in total.

Inside, there were 10+ dancers that we could see who all walked around with either a jar or their purses open asking us for money before they went on stage. We were also asked if we could buy them a drink which we obliged. I got talking to an English girl called Mia where I bought her a drink and then we went for a private dance which cost £20 for 5 minutes. Myself and my colleague were both in the same booth whilst this was happening. The dancer did rub herself against me but no touching was allowed. The security guard did come in from time to time to check but spent most of the time at the entrance, CCTV was visible in the booth areas. After that had finished we paid £240 for a ½ an hour VIP dance and also a drink. It was separate booths this time where CCTV was visible directly to the front. The dancer made quite a bit of contact with me whilst naked, thrusting herself against my groin whilst rubbing her breasts against my face and also kissing my neck. She told me that I was allowed to touch her but not the virgina area, I politely declined the offer. During the dance we talked about her having a daughter and the other job she did in the day working in a shop. She said she enjoyed the dance work though because it pays really good money.

At no time whilst in there did we see or hear any mention of any drug use.

There were no performers inside the gents toilets and there was no sexual physical contact between the performers.

CJ Act 1967, s.9; MC Act 1980, ss.5A(3) (a) and 5B; Criminal Procedure Rules 2005, Rule 27.1

URN:

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Statement of: [REDACTED]

Age if under 18 (if over insert "over 18"): over 18

Occupation: Surveillance Operative

This statement (consisting of

--

 Pages(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it, anything which I know to be false, or do not believe to be true.

Name / Signature: [REDACTED]

Date: 18/08/2022

Tick if witness evidence is visually recorded: (Supply witness details on last page)

Statement

1. I am [REDACTED] and I am employed by The Surveillance Group Ltd, of Unit 6, Teme House, Whittington Hall, Whittington Road, WR5 2RY.
2. I was instructed by The Surveillance Group Ltd to attend The Nags Head Gentlemens Club, 17-19 Whitechapple Road, London, E1 1DU, in order to conduct a test purchase task on behalf of the London Borough of Tower Hamlets.
3. At approximately 22:45 hrs on the 18/08/2022 I arrived at The Nags Head Gentlemens Club, 17-19 Whitechapple Road, London, E1 1DU, in order to conduct a test purchase task.
4. Upon arrival at the premises the front entrance had a male at the door. The entrance fee was £3 and the male verbally communicated the rules upon entering the venue. The male had an identification badge around his neck.
5. Upon entering Inside the premises there were two further security staff members with ID cards around their necks. I ordered a drink at the bar and then sat down directly in front of the stage where pole dancers performed. TV's were situated above the bar and also in the private and VIP areas. There appeared to be 2 people working at the bar, with a possible manager that was taking card payments for the dances. The staff were all appropriately dressed, smart casual and fully covered.
6. The layout as you walk into the venue, the stage is located at the very back, where one female would dance on the pole. To the middle, in front was the seating area. The bar ran along the right-hand side, before the bar to the right-hand side was the private booths dance area, that contained at least four private booths. To the far end of the bar was the toilets in the right-hand corner. And the left-hand side went into the VIP dance area, which had at least three open booths.

Name / Signature: [REDACTED]

Witness Statement

CJ Act 1967, s.9; MC Act 1980, ss.5A(3) (a) and 5B; Criminal Procedure Rules 2005 , Rule 27.1

7. *There were approximately ten or more dancers and they walked around collecting money from individuals before they got up on to the stage, taking it in turns, on the occasion buying one a drink. I conversed with a Romanian dancer "Patricia" and I decided to go for a private dance, which I paid £20.*
8. *I had a double performance with my colleague in the same room with his dancer. The dancer made contact with me on my lap. The security did check on us through the beaded curtains but was outside of it most of the time.*
9. *I then had a VIP dance which was £240 and included a drink for us both. In the VIP booth no security was seen until the very end of the dance. There was CCTV directly in front of us and it was an open booth area. The dancers looked out for each other's bag and the dancer explained to me that someone had once ran off with one of their bags.*
10. *The dancer made a fair amount of contact with me, she pressed her breasts into my face, brushing against my neck and ear. She spent a lot of time on my lap with her underwear to the side and touching her vagina, she would also grind against my groin area. She did explain to me that I was allowed to touch her a little bit if I wanted, I declined politely. We spoke a bit about my tattoos and she told me how she wanted to get bum implants.*
11. *There was no mention at all about drug use within the premises, and no offers of further sexual service.*
12. *On visiting the gentleman's toilets there were no performers inside. There was no sexual physical contact between the dancers.*
13. *Following my visit, I immediately returned to my vehicle and wrote notes on the details of the event within a document on my work-issued smart-phone on 18/08/2022. I exhibit these as ■■■.001.*
14. *I believe the facts stated in this witness statement are true.*

Name / Signature: _____

Operative Notes

The Nags Head E1 1DU

18/8/22



Entry approximately: 22:45.

Arriving at the Nags head venue we were not tought into the premises, the front entrance had a male sat by the door, entrance was £3, he verbally communicated the rules to us for when entering the venue. He had a badge attached around his neck, unable to see if it was SIA licence.

On entering inside the venue there was a further 2 security staff. Both of which also had the badges around their neck. We ordered our drinks at the bar and went and sat down directly infront of the stage where the pole was for the dancers. Cctv could be seen in multiple places over the stage, above the TV's, above the bar, also in the private and VIP dance areas. There appeared to be 2 people working at the bar, with a possible manager that was taking card payments for the dances. The staff were all appropriately dressed, smart casual and fully covered.

The layout as you walk into the venue, you have the stage at the very back, where one female would dance on the pole. To the middle infront was all the seating area. The bar ran along the right hand side, before the bar to the right hand side was the private booths dance area that contained atleast 4 private boothes. The far end of the bar was the toilets in the right hand corner. And the left hand side went into the VIP dance area, which again had atleast 3 open boothes. .

There was approximately 10+ dancers, they would walk around collecting money from individuals before they got up on to the stage, taking it in turns, on the occasion buying one a drink. I got talking to a Romanian dancer "Patricia", we decided to go for a private dance, which we paid £20, we ended up having a double performance with my collegue in the same room with his dancer. The dancer did make contact with me on my lap. The security did check on us through the beaded curtains but was outside of it most of the time. We then went for a VIP dance which was £240 and included a drink for us both. In the VIP no security was seen until the very end of the dance, but there was cctv directly infront of us, as it was quite an open booth area. The dancers would look out for each other's bag, as the dancer explained to me that someone had once ran off with one of their bags. The dancer made a fair amount of contact with me, she pressed her breasts into my face, brushing against my neck and ear. She spent a lot of time on my lap with her underwear to the side and touching her vagina, she would also grind against my groin area. She did explain to me that I was aloud to touch her a little bit if I wanted, I declined politely. We spoke a bit about my tattoos and she told me how she wanted to get bum implants.

There was no mention at all about drug use within the premises, and no offers of further sexual service. On visiting the gents toilets there were no performers inside. There was no sexual physical contact between the dancers.

Corinne Holland

From: Mohshin Ali
Sent: 20 April 2023 16:19
To: Luke Elford; Corinne Holland
Cc: Heidi Lawrance
Subject: Nags License Ltd - The Nags Head, 17-19 Whitechapel Road, London E1
Attachments: WhitechapelRd.17-19.CCTVChronology.Red.pdf

Dear Appropriate Authority/Luke,

Please see attached the additional evidence (chronology of breaches) as referred to in the revocation request. Please note that we are meeting with our legal team in the middle of next week, and may serve any additional evidence (if there is any).

Kind regards,

Mohshin Ali

Senior Licensing Officer
Licensing and Safety Team
Environmental Health & Trading Standards
Tower Hamlets Town Hall
160 Whitechapel Road
London E1 1BJ


www.towerhamlets.gov.uk

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Tower Hamlets is reviewing its Licensing Policy to take part in the consultation visit the link below:
<https://talk.towerhamlets.gov.uk/statement-of-licensing-policy-review-consultation-2023>

Nags Head, "Nags Head Public House", 17-19 Whitechapel Road, London E1 1DU

Table of Breaches from CCTV for 18th August 2022

Standard Conditions attached to these premises' current Sexual Entertainment Venue Licence:

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.***
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.***

Officer A - Surveillance Operative [REDACTED]

Performer A - "Maya" (referred to Mia in statement)

Officer B - Surveillance Operative [REDACTED]

Performer B: "Patricia"

Customer C - unidentified customer at the end of video

Performer C - unnamed performer at the end of video

Room Name/ Camera number	Date/ Time as shown on screen	Subjects seen: Officer (A, B)* Performers (A, B)*	Description of Activity	Duration	Breach of condition (Condition(s) listed)
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Nags Head, "Nags Head Public House", 17-19 Whitechapel Road, London E1 1DU

Camera 01 (VIP Room)	18/08/20 22 23:10:38	Performer A Officer A	Performer A straddled onto Officer A's lap and touched Officer A's body, including his groin intermittently. Officer A is touched by Performer A.	1 minute 26 Seconds	Cond 35 & 38
Camera 01 (VIP Room)	18/08/20 22 23:10:39	Performer A Officer A	Performer A straddled onto Officer A's lap, taking Office A's left hand and put it on her leg. Officer A invited to touch Performer A's leg.	32 Seconds	Cond 35
Camera 01 (VIP Room)	18/08/20 22 23:11:21	Performer A Officer A	Performer A invited Officer A to touch Performers A's waist. Officer A invited to touch performer A's waist.	2 Seconds	Cond 35
Camera 01 (VIP Room)	18/08/20 22 23:11:28	Performer A Officer A	Performer A sat of Officers A's lap taking Officer A's hands and put it on her breasts. Officer A invited to touch Performer A's breasts.	10 Seconds	Cond 35 & 38
Camera 01 (VIP Room)	18/08/20 22 23:11:45	Performer A Officer A	Performer A accepted uninvited touch of Officers A's hands. Officer A touched Performers A's legs.	18 Seconds	Cond 35
Camera 01 (VIP Room)	18/08/20 22	Performer A	Performer A accepted uninvited touch of Officers A's hands.	37 Seconds	Cond 35

Nags Head, "Nags Head Public House", 17-19 Whitechapel Road, London E1 1DU

	23:12:11	Officer A	Officer A touched Performers A's legs.		
Camera 01 (VIP Room)	18/08/2022 23:12:27	Performer A Officer A	Performer A sat on Officer A's lap and touched Officers A's face. Officer A is touched by Performer A.	3 Seconds	Cond 35
Camera 01 (VIP Room)	18/08/2022 23:12:30	Performer A Officer A	Performer A sat on Officer A's lap and covered her genitals to deter Officer A's advances of hands.	7 Seconds	Cond 35
Camera 01 (VIP Room)	18/08/2022 23:13:06	Performer A Officer A	Performer A touched Officer A's body and head intermittently. Officer A is touched by Performer A.	59 Seconds	Cond 35
Camera 01 (VIP Room)	18/08/2022 23:14:08	Performer B Officer B	Performer B touched Officers B's face and possibly kissed Officers B's neck. Officer B is touched and possibly kissed by Performer B.	16 Seconds	Cond 35
Camera 01 (VIP Room)	18/08/2022 23:14:30	Performer A Officer A	Performer A sat on Officers A's lap and stroked Officers A's body. Officer A is touched by Performer A.	40 Seconds	Cond 35
Camera 01 (VIP Room)	18/08/2022 23:15:11	Performer A Officer A	Performer A high fived Officer A. Officer A is touched by Performer A.	1 Second	Cond 35

Nags Head, "Nags Head Public House", 17-19 Whitechapel Road, London E1 1DU

Camera 01 (VIP Room)	18/08/2022 23:15:30	Performer A Officer A	Performer A touched Officers A's body and groin. Officer A is touched by Performer A.	1 minute 11 Seconds	Cond 35
Camera 01 (VIP Room)	18/08/2022 23:15:44	Performer A Officer A	Performer A invited Officer A to touch Performers A's bottom and body. Officer A invited to touch performer A's bottom and body.	38 Seconds	Cond 35
Camera 01 (VIP Room)	18/08/2022 23:16:37	Performer A Officer A	Performer A invited Officer A to touch Performers A's legs. Officer A invited to touch performer A's legs.	30 Seconds	Cond 35
Camera 01 (VIP Room)	18/08/2022 23:17:15	Performer A Officer A	Performer A accepted uninvited touch of Officers A's hands. Officer A touched Performers A's body.	9 Seconds	Cond 35
Camera 01 (VIP Room)	18/08/2022 23:17:26	Performer A Officer A	Performer A touched Officers A's body. Officer A is touched by Performer A.	21 Seconds	Cond 35
Camera 01 (VIP Room)	18/08/2022 23:17:27	Performer A Officer A	Performer A accepted uninvited touch of Officers A's hands intermittently. Officer A touched Performers A's body.	20 Seconds	Cond 35

Nags Head, "Nags Head Public House", 17-19 Whitechapel Road, London E1 1DU

Camera 01 (VIP Room)	18/08/20 22 23:17:54	Performer A Officer A	Performer A accepted uninvited touch of Officers A's hands intermittently. Officer A touched Performers A's body.	2 minutes 46 Seconds	Cond 35
Camera 01 (VIP Room)	18/08/20 22 23:18:06	Performer B Officer B	Performer B touched Officer B's left arm. Officer B is touched by Performer B.	2 Seconds	Cond 35
Camera 01 (VIP Room)	18/08/20 22 23:18:26	Performer B Officer B	Performer B touched Officer B's body. Officer B is touched by Performer B.	2 Seconds	Cond 35
Camera 01 (VIP Room)	18/08/20 22 23:18:33	Performer A Officer A	Performer A strokes Officers A's groin and body intermittently. Officer A is touched by Performer A.	1 minute 40 Seconds	Cond 35 & 38
Camera 01 (VIP Room)	18/08/20 22 23:21:06	Performer A Officer A	Performer A straddled Officer A and invited Officer A to touch Performers A's body. Performer A touched Officer A's body. Officer A invited to touch performer A's body and is touched by Performer A.	1 minute 17 Seconds	Cond 35
Camera 01 (VIP Room)	18/08/20 22 23:22:33	Performer A Officer A	Performer A accepted uninvited touch of Officers A's hands intermittently. Officer A touched Performers A's body.	27 Seconds	Cond 35

Nags Head, "Nags Head Public House", 17-19 Whitechapel Road, London E1 1DU

Camera 01 (VIP Room)	18/08/20 22 23:22:42	Performer A Officer A	Performer A invited Officer A to touch Performers A's breasts. Officer A invited to touch performer A's breasts.	7 Seconds	Cond 35 & 38
Camera 01 (VIP Room)	18/08/20 22 23:23:23	Performer A Officer A	Performer A sat on Officer A's lap and accepted uninvited touch of Officers A's hands. Officer A touched Performers A's body.	21 Seconds	Cond 35
Camera 01 (VIP Room)	18/08/20 22 23:23:43	Performer A Officer A	Performer A touched Officers A's groin and body intermittently. Performer A possibly kissed Officer A's neck. Officer A is touched by Performer A.	1 minute 32 Seconds	Cond 35 & 38
Camera 01 (VIP Room)	18/08/20 22 23:24:38	Performer A Officer A	Performer A accepted uninvited touch of Officers A's hands intermittently. Officer A touched Performers A's body.	1 minute 30 Seconds	Cond 35
Camera 01 (VIP Room)	18/08/20 22 23:26:13	Performer A Officer A	Performer A accepted uninvited touch of Officers A's hands intermittently. Officer A touched Performers A's body.	47 Seconds	Cond 35
Camera 01 (VIP Room)	18/08/20 22	Performer B	Performer B touched Officer B's face.	2 Seconds	Cond 35

Nags Head, "Nags Head Public House", 17-19 Whitechapel Road, London E1 1DU

	23:26:53	Officer B	Officer B is touched by Performer B.		
Camera 01 (VIP Room)	18/08/20 22 23:27:21	Performer A Officer A	Performer A accepted uninvited touch of Officers A's hands intermittently. Officer A touched Performers A's body including breasts.	36 Seconds	Cond 35 & 38
Camera 01 (VIP Room)	18/08/20 22 23:28:28	Performer A Officer A	Performer A invited Officer A to hug and touched Office A's body intermittently. Officer A invited to touch performer A.	1 minutes 8 Seconds	Cond 35
Camera 01 (VIP Room)	18/08/20 22 23:28:55	Performer B Officer B	Performer B touched Officer B's face intermittently. Officer B is touched by Performer B. Missing footage from 23:29:14 – 23:09:23*	17 Seconds	Cond 35
Camera 01 (VIP Room)	18/08/20 22 23:30:18	Performer A Officer A	Performer A touched Officers A's body intermittently. Officer A is touched by Performer A.	15 Seconds	Cond 35
Camera 01 (VIP Room)	18/08/20 22 23:30:33	Performer A Officer A	Performer A invited Officers A's to touch Performer A's body. Officer A touched Performers A's body, including breast.	28 Seconds	Cond 35 & 38

Nags Head, "Nags Head Public House", 17-19 Whitechapel Road, London E1 1DU

Camera 01 (VIP Room)	18/08/20 22 23:31:37	Performer A Officer A	Performer A touched Officers A's face and body. Officer A is touched by Performer A.	18 Seconds	Cond 35
Camera 01 (VIP Room)	18/08/20 22 23:31:41	Performer B Officer B	Performer B touched Officer B's chest. Officer B is touched by Performer B.	1 Second	Cond 35
Camera 01 (VIP Room)	18/08/20 22 23:32:32	Performer A Officer A	Performer A touched Officers A's face and body. Officer A is touched by Performer A.	6 Seconds	Cond 35
Camera 01 (VIP Room)	18/08/20 22 23:32:48	Performer A Officer A	Performer A touched Officers A's hand. Officer A is touched by Performer A.	4 Seconds	Cond 35
Camera 01 (VIP Room)	18/08/20 22 23:33:19	Performer A Officer A	Performer A accepted uninvited touch of Officers A's hands. Officer A touched Performers A's body.	7 Seconds	Cond 35
Camera 01 (VIP Room)	18/08/20 22 23:33:35	Performer A Officer A	Performer A touched Officers A's shoulder. Officer A is touched by Performer A.	1 Second	Cond 35

Nags Head, "Nags Head Public House", 17-19 Whitechapel Road, London E1 1DU

Camera 01 (VIP Room)	18/08/2022 23:33:41	Performer A Officer A	Performer A accepted uninvited touch of Officers A's hands. Officer A touched Performers A's body.	5 Seconds	Cond 35
Camera 01 (VIP Room)	18/08/2022 23:34:30	Performer A Officer A	Performer A invited Officer A to a kiss on the cheek and a hug. Officer A invited to touch performer A's waist.	5 Seconds	Cond 35
Camera 01 (VIP Room)	18/08/2022 23:34:34	Performer B Officer B	Performer B kisses Officer B's cheeks. Officer B is touched by Performer B.	2 Seconds	Cond 35
Camera 01 (VIP Room)	18/08/2022 23:46:48	Performer C Customer C	Performer C accepted uninvited touch of Customer C's hands. Customer C touched Performer C's body, including breasts.	6 Seconds	Cond 35 & 38
Camera 01 (VIP Room)	18/08/2022 23:47:10	Performer C Customer C	Performer C accepted uninvited touch of Customer C's hands. Customer C touched Performer C's body and breasts. Customer C removes part of Performer C's clothing.	32 Seconds	Cond 35 & 38
Camera 01 (VIP Room)	18/08/2022 23:47:58	Performer C Customer C	Performer C straddled Customer C's lap and accepted uninvited touch of Customer C's hands.	55 Seconds	Cond 35 & 38

Nags Head, "Nags Head Public House", 17-19 Whitechapel Road, London E1 1DU

			Customer C touched Performer C's body and breasts. Customer C removes part of Performer C's clothing.		
Camera 01 (VIP Room)	18/08/20 22 23:47:58	Performer C Customer C	Performer C touched Customer C's body. Customer C is touched by Performer C.	29 Seconds	Cond 35
Camera 01 (VIP Room)	18/08/20 22 23:49:23	Performer C Customer C	Performer C accepted uninvited touch of Customer C's hands intermittently. Customer C touched Performer C's body including her genitals and breasts.	2 minutes 41 Seconds	Cond 35 & 38
Camera 01 (VIP Room)	18/08/20 22 23:50:54	Performer C Customer C	Performer C touched Customer C's groin. Customer C is touched by Performer C.	4 Seconds	Cond 35
Camera 01 (VIP Room)	18/08/20 22 23:51:05	Performer C Customer C	Performer C stands on sofa and puts genitals in Customer C's face. Missing footage from 23:51:14 – 23:51:21*	8 Seconds	Cond 35
Camera 01 (VIP Room)	18/08/20 22 23:51:32	Performer C Customer C	Performer C accepted uninvited touch of Customer C's hands intermittently. Customer C touched Performer C's body and breasts.	1 minute 45 Seconds	Cond 35 & 38
Camera 01 (VIP Room)	18/08/20 22	Performer C	Performer C straddled Customer C and touched Customer C's chest.	5 Seconds	Cond 35

Nags Head, "Nags Head Public House", 17-19 Whitechapel Road, London E1 1DU

	23:51:34	Customer C	Customer C is touched by Performer C.		
Camera 01 (VIP Room)	18/08/2022 23:53:12	Performer C Customer C	Performer C accepted uninvited touch of Customer C's hands intermittently. Customer C then licked/kissed Performer C's back. Performer C stops dancing and talks to Customer C once licked/kissed. Performer C departs room. Customer C touched Performer C's body and breasts.	1 minute 45 Seconds	Cond 35 & 38
Camera 01 (VIP Room)	18/08/2022 23:54:24	Performer C Customer C	Performer C accepted uninvited touch of Customer C's hands and face intermittently. Customer C touched Performer C's body and genitals.	30 Seconds	Cond 35 & 38
Camera 01 (VIP Room)	18/08/2022 23:54:25	Performer C Customer C	Performer C touched Customer C's groin. Customer C is touched by Performer C.	4 Seconds	Cond 35
Camera 01 (VIP Room)	18/08/2022 23:54:54	Performer C Customer C	Performer C deters Customer C from touching her genitals.	2 Seconds	Cond 35
Camera 01 (VIP Room)	18/08/2022 23:55:41	Performer C Customer C	Performer C accepted uninvited touch of Customer C's hands.	33 Seconds	Cond 35 & 38

Nags Head, "Nags Head Public House", 17-19 Whitechapel Road, London E1 1DU

			Customer C touched Performer C's body and breasts. Missing footage from 23:56:15 – 23:56:26*		
Camera 01 (VIP Room)	18/08/20 22 23:56:12	Performer C Customer C	Customer C kissed/licked Performer C's breast. Performer C deters Customer C kissing her breasts. Customer C touched Performers C's breasts.	2 Seconds	Cond 35 & 38
Camera 01 (VIP Room)	18/08/20 22 23:56:41	Performer C Customer C	Performer C accepted uninvited touch of Customer C's hands intermittently. Customer C touched Performer C's body including breasts, and her genitals.	1 Minute 25 Seconds	Cond 35 & 38
Camera 01 (VIP Room)	18/08/20 22 23:58:13	Performer C Customer C	Performer C accepted uninvited touch of Customer C's hands intermittently. Customer C touched Performer C's body including breasts, licked her breast, and kissed Performer C on face.	38 Seconds	Cond 35 & 38
Camera 01 (VIP Room)	18/08/20 22 23:58:20	Performer C Customer C	Performer C touched Customer C's chest, stands on sofa and puts genitals in Customer C's face.	10 Seconds	Cond 35 & 38
Camera 01 (VIP Room)	18/08/20 22 23:59:27	Performer C Customer C	Performer C accepted uninvited touch of Customer C's hands intermittently.	32 Seconds	Cond 35 & 38

Nags Head, "Nags Head Public House", 17-19 Whitechapel Road, London E1 1DU

			Customer C touched Performer C's body including breasts.		
--	--	--	--	--	--

Appendix 2

Corinne Holland

From: Corinne Holland
Sent: 12 April 2023 11:22
To: Luke Elford
Cc: Heidi Lawrance; Mohshin Ali
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 Luke




Please see attached list of visits as requested.

Kind regards

Corinne Holland
Licensing Officer
Environmental Health and Trading Standards
Licensing & Safety Team
4th Floor Tower Hamlets Town Hall
160 Whitechapel Road
London
E1 1BJ


www.towerhamlets.gov.uk

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From: Luke Elford 
Sent: 28 March 2023 13:45
To: Mohshin Ali  >
Cc: Heidi Lawrance < >
Subject: Nags License 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

Luke Elford

Partner



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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 : Shamsher Singh 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: Andrew Heron (Licensing Officer), Mr Singh (Applicant) and Luke Elford (legal representative – Jeffrey Green Russell 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>Andrew Heron: On 31st March 2015, I revisited the Nags Head. I was met by Mr Singh, 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>Mr Singh 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. Me Singh 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. Mr Singh 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 Cllr Gold LBTH Licensing Committee - saw Mr Singh, 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 Luke Elford 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 Mr Singh
	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. http://democracy.towerhamlets.gov.uk/mgAi.aspx?ID=82394

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 Manpal SINGH (licence holder and manager) and Julian SKEENS (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 HOLLAND asked Mr SINGH if we could see the incident book but Mr SINGH looked towards Mr SKEENS for an answer. Mr SKEENS 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. Mr SINGH 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		Surveillance Group	09/05/2019		Surveillance Group – 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: **31st 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:

- **28th April 2022 - Ground Floor only with changing facilities on first floor**

The named management responsible for this premises are

Manpal Singh Clair and Shamsher Singh - Managers
Bahadur Singh Binning - Relief Manager
Alcir Orlandi - Relief Manager
Daniel Haile Habte - Relief Manager

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 23rd 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 17th 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:

David Tolley 
Head of Environmental Health & Trading Standards

Dated: 27th June 2022

Appendix 4

STANDARD CONDITIONS FOR SEXUAL ENTERTAINMENT VENUES
(REVISED 23RD 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

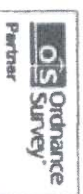
33. The Licensee shall prepare and implement a suitable Code of Conduct for performers.
34. The Licensee shall ensure that each performer signs the Code of Conduct in their proper name, acknowledging that they have read and understood and are prepared to abide by the Code of Conduct, and signed copies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



STANF RDS
FOR BUSINESS



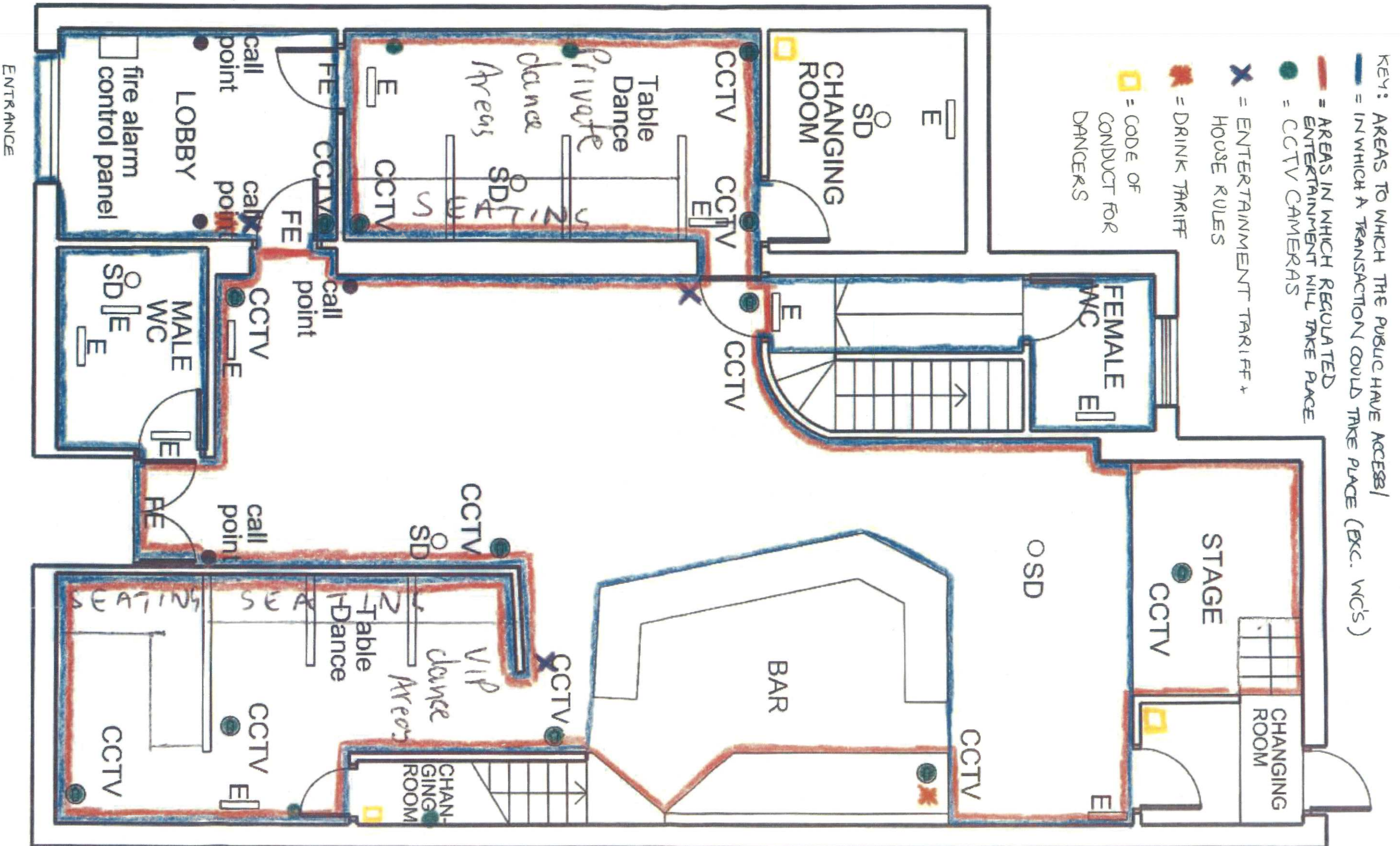
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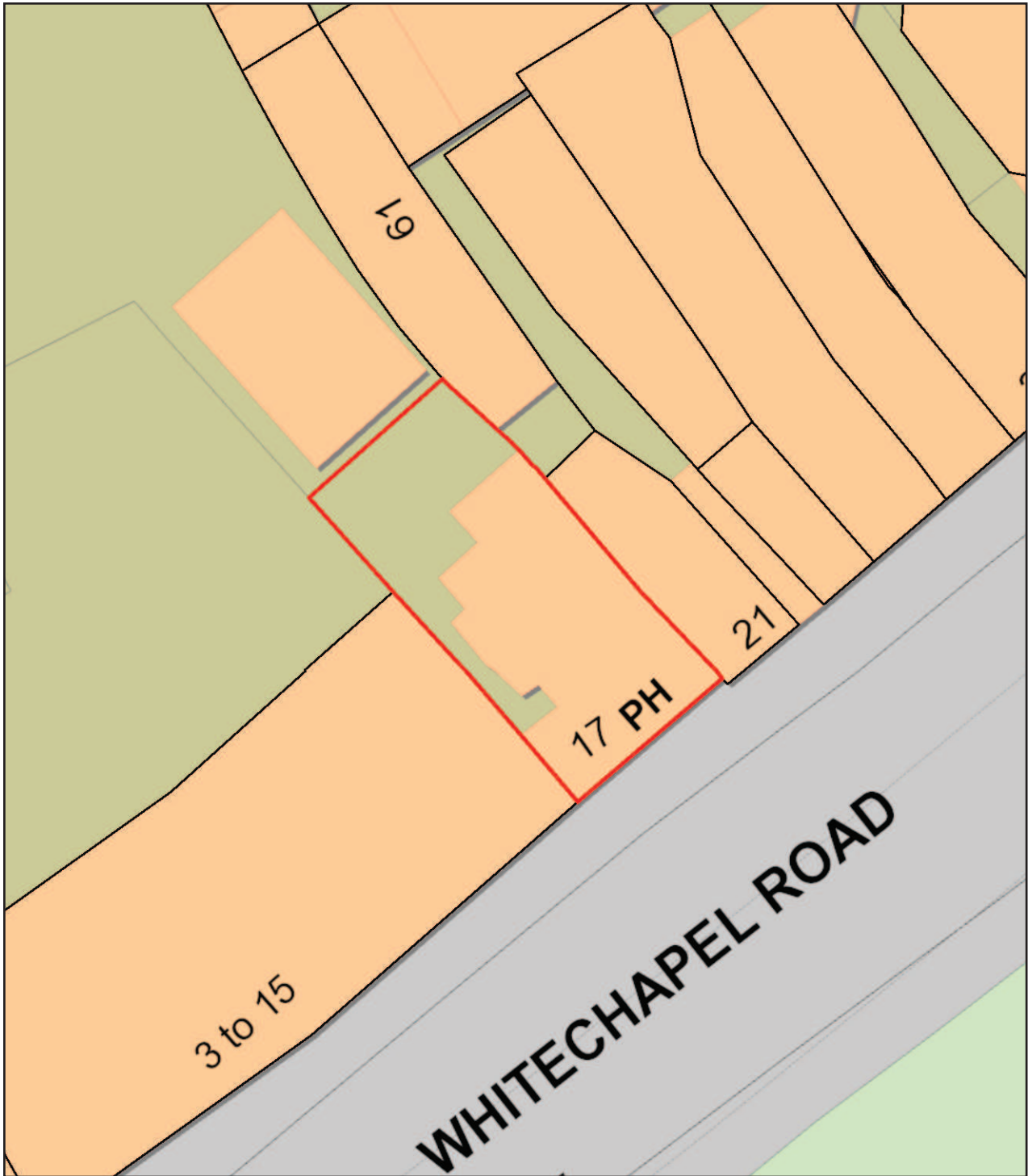
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THE NAGS HEAD GENTLEMAN'S VENUE



Appendix 6

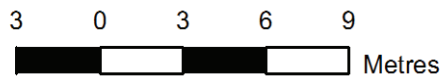


17-19 Whitechapel Road

Map 1



Scale 1:334



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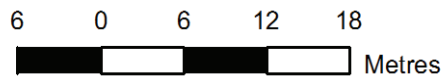


17-19 Whitechapel Road

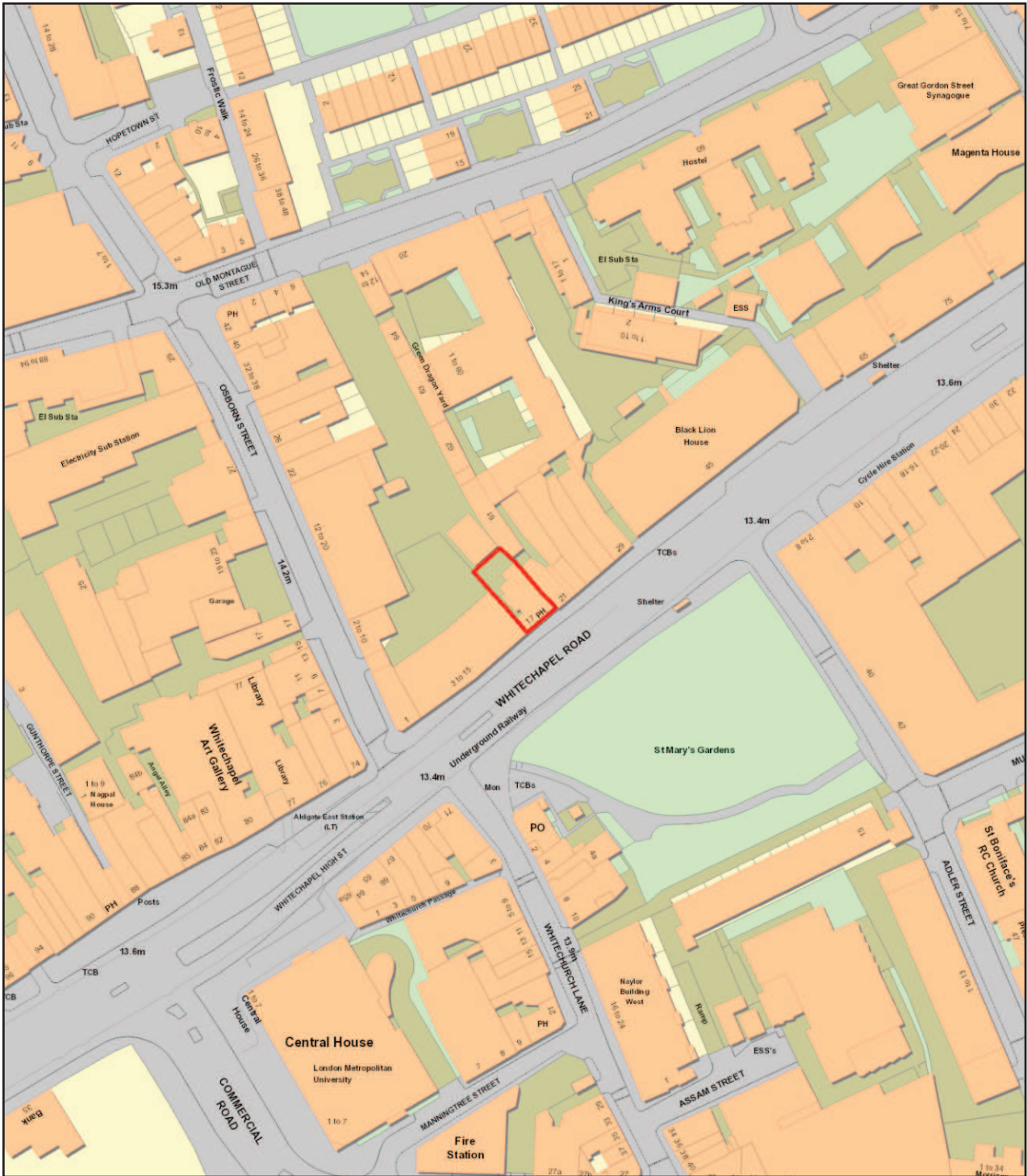
Map 2



Scale 1:668



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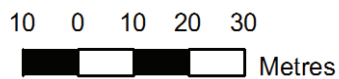


17-19 Whitechapel Road

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

David Tolley 
Head of Environmental Health & Trading Standards

Date: 7th October 2005

Amended Minor variation 11th 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

Bahadur Singh Binning

[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 Address]
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	Bahadur Singh Binning
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:-

NAME	ADDRESS
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 1st 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
- Email to: licensing@towerhamlets.gov.uk
- Post to: Consumer and Business Regulations, Licensing Team, 6th 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 1st 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 (1st 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 (1st 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 1st 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
6th Floor,
Mulberry Place,
5 Clove Crescent,
E14 2BG.
licensing@towerhamlets.gov.uk
020 7364 5008

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NH LICENSE LTD

SEV LICENCE HOLDER'S PAPERS

FOR

SEV REVOCATION HEARING

ON

16 MAY 2023

Before Tower Hamlets Council's Licensing Committee

Sch. 3 of the Local Government (Miscellaneous Provisions) Act 1982 (as amended)

**Tower Hamlets Council (as a Licensing
Authority)**

Applicant

and

NH License Ltd

SEV Licence Holder

**SEV LICENCE HOLDER'S PAPERWORK
CONTENTS**

- 1. Witness Statement of Manpal Clair**
- 2. Exhibit List to Witness Statement of Manpal Clair**
- 3. Manpal Clair Exhibits MC1 – MC31**
- 4. Witness Statement of Bahadur Singh Binning**
- 5. Exhibit List to Witness Statement of Bahadur Singh Binning**
- 6. Bahadur Singh Binning Exhibits SB1 – SB4**
- 7. Expert Report of Andrew Bamber**
- 8. Appendix 1 to Report of Andrew Bamber**
- 9. Exhibits AB1 and AB2**
- 10. 2017 SEV Risk Assessment**
- 11. 2022 SEV Risk Assessment Review**

The SEV Licence Holder has also submitted 4 x CCTV clips from 18-19 August 2022.