

LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE LICENSING COMMITTEE

HELD AT 6.30 P.M. ON TUESDAY, 4 SEPTEMBER 2018

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

Members Present:

Councillor Zenith Rahman (Chair)
Councillor Shad Chowdhury (Vice-Chair)
Councillor Faroque Ahmed
Councillor Sabina Akhtar
Councillor Shah Ameen
Councillor Peter Golds
Councillor Ehtasham Haque
Councillor Mohammed Ahbab Hossain
Councillor Victoria Obaze
Councillor Leema Qureshi

Apologies

Councillor Tarik Khan
Councillor Eve McQuillan
Councillor Ayas Miah
Councillor Dan Tomlinson
Councillor Puru Miah

Others Present:

John Fitzsimons – (Counsel- Item 3.1)
Jean Adams – (Representing Dadds Solicitors –Item 3.1)

Officers Present:

Tom Lewis – (Team Leader - Licensing Services)
David Wong – (Legal Services)
Simmi Yesmin – (Senior Committee Officer,
Democratic Services)
Farhana Zia – Senior Committee Services Officer

1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTEREST

Councillors Victoria Obaze, Faroque Ahmed and Shah Ameen declared a personal interest on 3.1, Application for a renewal of a Sexual Entertainment Venue Licence for Whites Gentleman's Club, 32-38 Leman Street, London E1

8EW on the basis they were ward councillors for Whitechapel in which this premises was situated in. They confirmed that they had not discussed this application prior to the meeting.

2. RULES OF PROCEDURE - LICENCES FOR SEXUAL ENTERTAINMENT VENUES

The rules of procedure were noted.

3. ITEMS FOR CONSIDERATION

3.1 Local Government (Miscellaneous Provisions) Act 1982 (as amended) Application for a renewal of a Sexual Entertainment Venue Licence for Whites Gentleman's Club, 32 - 38 Leman Street, London E1 8EW

At the request of the Chair, Mr Tom Lewis introduced the report for the renewal application for Whites Gentleman's Club, 32-38 Leman Street, London E1 8EW. He referred Members to the report contained in the agenda and explained that the current renewal application is to permit the premises to operate as a sexual entertainment venue. It was noted that the premises was visited on the 1st February 2018 and a checklist of questions was completed with the Applicant which covered a range of points from the code of conduct of performers to CCTV coverage etc. it was noted that the Licensing Officers were satisfied that all conditions of the licence had been met and management at the premise were cooperative and records had been kept in working order.

Mr Lewis went on to explain the assessment and information for the locality, he explained that Appendix 11, page 98 -110 contained the Ward Profile for Whitechapel produced by the corporate research unit in May 2014 to provide Members with details in relation to the locality of the premises. It was noted that though this was produced in 2014 it was the most up-to-date information available. He also referred Members to Appendix 12 page 111 which provided details of the character and location of venues in 2017 and Appendix 13 page 113 provided the changes to the character of the area from 2015-2017. The relevant locality was assessed as being within a 100 metre radius centred on the premise. It was noted that the vicinity was a mix of commercial and residential accommodation and had around 5.8% of Borough's resident population.

The consultation process was explained and it was noted that no Responsible Authority had objected to the application. However, there was one objection from a local resident, the objection was on the basis that the premise location was in close proximity to a local school and this premise would have no contribution to the area or local community.

Mr Lewis concluded by informing Members that they should consider the relevant legislation, the Council's SEV Policy and standard conditions when making their decision.

Members then heard from Mr John Fitzsimons, Counsel for the Applicant, he explained that Mr Lewis had summarised the report in full and was content with the details provided. He stated that there has been a licence at the premises since 2006 and at the last renewal licence in 2017 further conditions were added to the licence which were specific to the premises. It was noted that the visit in February 2018 by Licensing Officers found the premises to be compliant with all conditions. It was noted that over the last year there has been no enforcement actions, no issues, no complaints and no objections from Responsible Authorities or Ward Councillors.

He explained that there was only one single objection from a local resident, who was not present at the meeting and it was noted that attempts had been made to mediate with the objector. Mr Fitzsimons stated that this was a business creating employment, and a functioning business paying tax and attracting customers. He highlighted Appendix 13 on page 113 and detailed the fact that there had been very little change in the character of the location over the past years.

The objector was not present at the meeting, therefore Members noted and considered the written objection contained in Appendix 16 on pages 119-120.

In response to questions from the Committee the following was noted;

- That the SEV entertainment would start from 7.30pm till 04:00am the following day.
- That the Applicant limited flyers to private hirer vehicles and hackney carriage licence holders.
- That the Applicant would be happy not to distribute door to door flyers.
- That there was a demand/clientele for this type of establishment.
- That the Whitechapel ward profile was last updated in 2014 and this was the most up to date information available.
- That the premises licence is renewed annually.
- The Legal Representative was unsure of the make-up of employees at the premises, ie. whether they were local residents etc.
- That there had been no changes in housing units since 2016.
- The consultation process was further explained
- That Ward Councillors were emailed as part of the consultation process.
- All Responsible Authorities were also informed as part of the consultation process.
- That the visit made at the premise on 1st February 2018 by Licencing Officers was an unannounced visit/inspection.
- The legal officer stated that previous allegations could not form a part of the hearing as there have been licences granted since then.

Members retired to consider their decision at 7.40pm and reconvened at 8.35pm.

Decision

Accordingly, the Licensing Committee made a majority decision –

RESOLVED

That the application for a renewal of a Sexual Entertainment Venue Licence for Whites Gentleman's Club, 32-38 Leman Street, London E1 8EW be **GRANTED an identical licence with conditions** .

At a hearing of the London Borough of Tower Hamlets Licensing Committee on Tuesday September 4th September 2018 the Licensing Committee, by a majority vote, resolved to grant the renewal of a Sexual Entertainment Venue Licence to Whites Venues Ltd for the Premises at 32-38 Leman Street, London E1 8EW subject to 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, and the following additional conditions specific to the Premises made in accordance with Tower Hamlets Sex Establishment Licensing Policy.

- 42 "Relevant entertainment" as defined in paragraph 2A(2) of Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 is permitted only during the hours set out in the table below

Monday	19.30hrs-24.00hrs
Tuesday	00hrs-04.00hrs 19.30hrs-24.00hrs
Wednesday	00hrs-04.00hrs 19.30hrs-24.00hrs
Thursday	00hrs-04.00hrs 19.30hrs-24.00hrs
Friday	00hrs-04.00hrs 19.30hrs-24.00hrs
Saturday	00hrs-04.00hrs 19.30hrs-24.00hrs
Sunday	00hrs-04.00hrs

43. Without prejudice to Standard Condition 5, at least six SIA registered door supervisors shall constantly monitor the striptease entertainment in the Premises and ensure that all relevant conditions of this Licence are being complied with.
44. The relevant tariff must be drawn to the attention of each customer before they pay any fee or charge.

45. No charge may be made to any customer for any drink provided to a performer, hostess or companion unless a customer has expressly ordered it having been informed of the cost.
46. No charge shall be made to any customer for hire or use of any room, or reserved area within the Premises, unless the customer has first been made aware of the cost and signed an order from consenting for the charge to be made. The order form shall be counter-signed by the manager of the Premises. The order form shall state in a legible form:
- (a) the date and time of signature;
 - (b) the room, or area to be used or hired by the customer;
 - (c) the date, time and duration of the agreed hire or use of the room, or area;
 - (d) the details as to what, if any, sexual or other entertainment will be provided and by how many performers;
 - (e) the names of any agreed performers;
 - (f) the total agreed price and manner of payment;
 - (g) the full name of the manager; and
 - (h) the full name of the customer.
- The order form must be filled in and signed, and payment for the room or area taken, in the designated area shown on the attached plan. The designated area must be well-lit and covered by a CCTV camera which accurately records the transaction and the time and date of the footage. After payment is taken, the customer shall be provided with a receipt and the Licensee shall retain a copy.

The SEV Licence will expire on 31st May 2019.

In reaching its decision the Licensing Committee had regard to Tower Hamlets' Sex Establishment Licensing Policy (Policy) made pursuant to Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982, and the single objection.

None of the relevant authorities objected to the renewal of the SEV Licence.

The objection was based on Grounds 4(a) and (b) of the Policy. However, there was no evidence to support the objection, and the objector did not attend the hearing. Therefore the Committee did not take account of the objection.

Six of the additional conditions specific to the Premises were carried over from the previous Licence. The Committee resolved to add a new Condition 42 to promote the objectives of the Policy, and in particular to control the impact of the venue in relation to its locality, namely the English Martyrs Primary School, and residential accommodation, and to distinguish between when the Premises operated as a Sexual Entertainment Venue as opposed to when the Premises operated as a Licensed Premises pursuant to the Licensing Act 2003.

Counsel for the Applicant agreed to the Committee adding new condition 42 as it reflected the hours set out in “Section H Operation of the Premises” in the Application for the Renewal of the SEV Licence dated 24th May 2018.

The meeting ended at 8.45 p.m.

Chair, Councillor Zenith Rahman
Licensing Committee