

LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE LICENSING COMMITTEE

HELD AT 6.30 P.M. ON TUESDAY, 26 SEPTEMBER 2017

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

Members Present:

Councillor Rajib Ahmed (Chair)
Councillor Peter Golds (Vice-Chair)
Councillor Suluk Ahmed
Councillor Dave Chesterton
Councillor Joshua Peck

Apologies

Councillor Khaled Uddin Ahmed
Councillor Shah Alam
Councillor Andrew Cregan
Councillor Md. Maium Miah
Councillor Candida Ronald
Councillor Rachael Saunders
Councillor Shiria Khatun

Others Present:

David Dadds – (Legal Representative for Whites)
Paddy Whur – (Legal Representative for Flamingos)
Santosh Nair – (Applicant for Flamingos)
Martin McVitie – (Manager & DPS for Flamingos)

Officers Present:

Victoria Fowler – (Legal Services)
Corinne Holland – (Licensing Officer)
Tom Lewis – (Team Leader - Licensing Services)
Simon O'Toole – (Counsel)
Simmi Yesmin – (Democratic Services)

1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTEREST

There were no declarations were made.

2. RULES OF PROCEDURE - LICENCES FOR SEXUAL ENTERTAINMENT VENUES

The rules of procedure were noted.

3. ITEMS FOR CONSIDERATION

3.1 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, Ms Corinne Holland, Licensing Officer, introduced the report which detailed the application for a renewal of the premises licence for Sexual Entertainment Venues for Whites Gentleman's Club, 32-38 Leman Street, London E1 8EW. It was noted that the licence consists of the basic licence, plus additional conditions relevant to that premises only, and in addition the Tower Hamlets Standard SEV conditions also applied and form part of the licence. It was further noted that there was one local resident objector.

Mr David Dadds, Legal Representative on behalf of Whites questioned why the supporting information on the local demographics of the area had been submitted.

At the invitation of the Chair, Mr O'Toole advised the Committee in open session regarding the Council's Schedule 3 Policy dated June 1st 2014 (SEV Policy). Mr O'Toole said the SEV Policy states that there was 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. Mr O'Toole advised the Committee that it could refuse to renew a license because of a change in the character of the relevant locality. However the Ward Profile dated June 2014 at Appendix 11, and the information in the Supplemental Agenda 2 did not amount to evidence of such a change for the purposes of the Committee hearing. Therefore he advised the Committee it was best they did not consider this issue any further this evening.

Mr Dadds was satisfied with the response and accepted this.

In response to questions from Members, Ms Holland confirmed the following;

- That each room/booth had a CCTV camera.
- That the plan on the agenda was from 2014 and an updated plan had not been submitted.
- That after the unannounced visit detailed in p.22 of the agenda there had been no follow up visit, however a letter had been sent raising concerns.

At the request of the Chair Mr Dadds made his submission it was noted that the Applicants were not present at the meeting due to unforeseen

circumstances and Mr Dadds had been instructed to act on their behalf. He questioned the supporting evidence provided and did not feel the relevance of this, as there were no changes since last year when the application for renewal was last granted.

Mr Dadds explained that there was only objection from a local resident, who had also made a generic objection for the latter application listed on the agenda. He said that he had tried to engage with resident via Licensing Services but the objector did not attempt to make contact. It was noted that there had been no objections from Responsible Authorities or local businesses. .

Mr Dadds concluded that the application should be granted with little or no weight given to the objector as he/she was not present at the meeting and therefore he was unable to challenge the objection. Mr Dadds highlighted that there had been no complaints of ASB or noise nuisance and there were multiple CCTV cameras in each room. He said he would submit an updated plan of the premises and if Licensing Officers wanted to agree exact locations of the cameras this would be welcomed.

Members adjourned the meeting at 7.30pm for deliberations and reconvened at 7.50pm.

Accordingly, the Sub Committee unanimously

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** .

At a hearing of the London Borough of Tower Hamlets Licensing Committee on Tuesday September 26th September 2017 the Licensing Committee 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 upon the same terms as the existing SEV Licence.

The SEV Licence will expire on 31st May 2018.

In reaching its decision the Licensing Committee had regard to Tower Hamlets' Sex Establishment Licensing Policy made pursuant to Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982, the information contained in the Supplemental Agenda 2, and the single objection.

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

The single objector had provided potentially relevant information about locality, noise, and anti-social behaviour yet had chosen not to allow the licensing officer to disclose their identity to the applicant. The objector did not attend the hearing. The Licensing Committee had regard to the objector's

concerns but decided that in the circumstances they could not put any reliance on them in view of the manner in which they had been made.

The Licensing Committee had regard to the management of the premises, the outside appearance of the premises, and the times when SEV licensed activities took place, and were satisfied that it would not be appropriate to refuse the application on the basis of the proximity of the English Martyrs Primary School to the premises.

On behalf of the Applicant, Mr Dadds promised to provide Licensing Services by 4.00 pm on October 17th 2017 a current premises plan of the premises which included all the information set out at Section K paragraph 10 of the Application.

3.2 Application for a Renewal of a Sexual Entertainment Venue Licence for Flamingos, 30 Alie Street, London, E1 8DA

At this juncture, Mr O'Toole asked the Applicant's representative if they had any submissions to make in respect of the composition of the Licencing Committee, as some of the Members had been the same Members who had previously made a decision to refuse their licence. Mr Paddy Whur, Legal Representative for the Applicant confirmed this was not a concern and that he had no objection to the composition of the Committee .

At the request of the Chair, Mr Tom Lewis, Licensing Team Leader, introduced the report which detailed the application for a renewal of the premises licence for Sexual Entertainment Venues for Flamingos, 30 Alie Street, London E1 8DA. It was noted that the licence consists of the basic licence, plus additional conditions relevant to that premises only, and in addition, the Tower Hamlets standard SEV conditions also applied and form part of the licence. It was further noted that there had been objections from local residents.

At the invitation of the Chair, Mr O'Toole advised the Committee in open session regarding the Council's Schedule 3 Policy dated June 1st 2014 (SEV Policy). Mr O'Toole said the SEV Policy states that there was 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. Mr O'Toole advised the Committee that it could refuse to renew a license because of a change in the character of the relevant locality. However the Ward Profile dated June 2014 at Appendix 11, and the information in the Supplemental Agenda 2 did not amount to evidence of such a change for the purposes of the Committee hearing. Therefore he advised the Committee it was best they did not consider this issue any further this evening.

Mr Whur was satisfied with the response and accepted this.

It was noted that up to date CV's had not been included for the DPS and the owner/manager. Mr Whur confirmed that these had been submitted during the Judicial Review Process and had not been resubmitted. Ms Victoria Fowler, Legal Officer, confirmed that these documents had been sent previously and asked for these to be resent to officers.

Mr Whur briefly introduced Mr Martin McVitae, the DPS and Manager of the premises he detailed his experiences to date and said that Mr Santosh Nair, Applicant, had been working very closely with Mr McVitae to gain hands on experience.

It was noted that previous operators were not connected to the business and that the applicant had worked hard to get the previous decision overturned. It was noted that 4 new conditions were added to the SEV licence as a result. It was also noted that 28 cameras were in operation and that the level of scrutiny was the best it could be.

Mr Whur then went through and addressed each of the objections received, it was noted that covert visits had been undertaken which showed that there were no concerns and therefore there were no objections from any responsible authorities or local Councillors. It was also noted that there had been no direct complaints made to management.

Mr Whur was confident that there would be no noise nuisance as the air duct had recently been sealed and the background music was set at a low level in order to hear each people speak, therefore there was no opportunity for noise breakout. He then referred to the objection letter on page 235 and stated that it referred to the Licensing Act 2003 and that the venue was not open during school hours.

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

- That the back door was only used to empty rubbish in the commercial waste bin and to receive deliveries once a week and was not used by staff for entry or exit purposes.
- That the applicant would be happy to accept a condition to not use the back door.
- That CCTV cameras were in operation 24 hours 7days a week and stored for 31 days in accordance with the conditions set on the current licence.
- That on occasion if Mr McVitae is not present at the premises, Mr Nair is always present, both have personal licences and had been CRB checked.
- That an up to date CV for Mr Nair would be produced.
- That Mr Nair has had hands on experience from Mr McVitae someone who had significant experience and has been working at the premises since it reopened.
- The Applicants were encouraged to engage with local residents in the area either face to face, arrange a meeting or write to them in order to address any concerns that they may have. Members suggested that contact details i.e. telephone number and email address of the

manager is displayed on the front and back door or the premises and a mailshot with these details should be sent to properties within a 100 metres radius of the venue.

- That the commercial waste bin had been replaced with a pin lock as members of public were leaving their rubbish in the bin.
- That the taxi firm that is used had been advised to respect the needs of local residents.
- That management have voluntarily introduced a process where staff regularly have a sweep around the area time every 45 mins (approx) for rubbish, ASB etc.

Members adjourned the meeting at 8.55pm for deliberations and reconvened at 9.25pm.

Accordingly, the Sub Committee unanimously

RESOLVED

That the application for a renewal of a Sexual Entertainment Venue Licence for Flamingos, 30 Alie Street, London E1 8DA be **GRANTED an identical licence with additional conditions.**

The hearing of the London Borough of Tower Hamlets Licensing Committee to determine the application took place on Tuesday September 26th September 2017.

The Licensing Committee resolved to grant the renewal of a Sexual Entertainment Venue Licence to City Traders London Ltd for the premises at 30 Alie Street, London E1 8DA upon the same terms as the existing SEV Licence with the addition of the undernoted conditions. This was conditional upon receipt by Ms Simmi Yesmin of current CRBs and relevant CVs for Santosh Nair and Martin Mcvite by 4.00 pm 27th Sep 2017.

The SEV Licence will expire on 31st May 2018.

In reaching its decision the Licensing Committee had regard to Tower Hamlets' Sex Establishment Licensing Policy made pursuant to Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982, the information contained in the Supplemental Agenda 2, and the objections.

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

There were a number of objectors who had provided potentially relevant information about locality, noise, rubbish, poor behaviour on behalf of waiting taxi drivers, and anti-social behaviour yet each had chosen not to allow the licensing officer to disclose their identity to the Applicant. An objector also said they had been unable to contact the management to complain because the telephone number was discontinued. None of the objectors attended the hearing.

All the objectors' statements were challenged by the management representatives present at the hearing.

The Licensing Committee had regard to the objector's concerns but decided that in the circumstances they could not put any reliance on them in view of the manner in which they had been made.

The Licensing Committee had regard to the management of the premises, the outside appearance of the premises, and the times when SEV licensed activities took place, and were satisfied that it would not be appropriate to refuse the application on the basis of the proximity of the English Martyrs Primary School to the premises, or a change in the character of the relevant locality. In respect of the latter, the evidence of a change in the character was out of date and not exhibited to a report.

The Licensee was keen to demonstrate a reasonable approach to the SEV licensed activities at the premises and offered the following additional conditions.

- 1 On Monday to Sunday the door at the rear of the premises will not be used for any purposes save emergency use between 9pm and 9am the following day.
- 2 A CCTV camera will be installed to cover the rear door of the premises and operated in accordance with the regime set out in Standard Conditions 12 and 13.
- 3 When sexual entertainment is offered at the premises a suitable door supervisor shall patrol the perimeter of the premises every 30 minutes between 10pm and when the premises is closed to the public to prevent customers, guests and visitors to the premises making a public nuisance.
- 4 The Licensee shall ensure that at the front and rear of the premises there is displayed in a prominent position in legible type a telephone number and an email address which a member of the public can use to contact the Licensee of the premises.
- 5 When sexual entertainment is offered at the premises a member of staff shall be responsible for answering the telephone number displayed pursuant to condition [number].
- 6 By 4.00pm on Tuesday October 27th the Licensee shall deliver to each residential address on north and east Tenter Street a notice providing the information and contact details displayed pursuant to condition [number].

The Licensing Committee urged the Licensee pursuant to condition [number 3 in this draft] to instruct the patrol door supervisor to request taxi drivers of waiting taxis in the immediate vicinity of the premises to switch off the engine

of the taxi, and generally not to create a public nuisance or behaviour in an anti-social manner while waiting for a passenger.

The meeting ended at 9.25 p.m.

Chair, Councillor Rajib Ahmed
Licensing Committee