

WHITES VENUES LIMITED

(t/a Whites Gentlemen's Club, 32-38 Leaman Street, Aldgate, E1 8EW)

Applicant

Licensing Committee

Thursday 9th September 2021

7.00pm

**SUMMARY OF SUBMISSIONS
ON BEHALF OF THE APPELLANT**

1. The licensing authority acting as a responsible authority objected to the granting of renewal of the Sexual Entertainment Venue Licence for the above premises.
2. The objection was specifically in relation to an allegation that the premises had been in breach of its licence during a covert surveillance operation at the premises on the 23rd May 2019, by two undercover operatives – [REDACTED] and [REDACTED], from The Surveillance Group Limited, a private contractor to the local authority. The London Borough of Tower Hamlets ("LBTH") produced a copy of their statements and notes of the operation to the Appellant on the 6th June 2019.
3. The Appellant upon reading the witness statements and operational notes drew to the attention of LBTH serious concerns about the accuracy of the two witness statements.

4. The Appellant gave to the licensing authority CCTV and other further documentary evidence to put beyond doubt the witness statements were mendacious.
5. On the 22nd August 2019 the LBTH then proceeded to publish the Agenda for the licensing sub-committee to be held on the 3rd September 2019. Within this Agenda was the council's objection letter of the 6th June 2019 including the statements of the undercover officers Mr. [REDACTED] and Mr. [REDACTED], even though serious doubts had been cast on the veracity of the statements.
6. In essence, the council's basis of objection raised on the 6th June 2019 remained unchanged and published in the Agenda on the 22nd August 2019 despite the evidence provided to the LBTH.
7. A Supplementary Agenda was published on the 2nd September 2019 for the hearing to be heard on 3rd September 2019.
8. The Supplementary Agenda set out a number of correspondences between the LBTH and the premises, particularly a letter dated the 29th August 2019 seeking a request for additional documents and comments regarding concerns raised of the CCTV that had been provided to the LBTH following a meeting with Whites (the Appellant) on the 18th July 2019.
9. An adjournment was sought so to allow the Appellant time to prepare and respond to the new matters raised. However, the licensing committee refused the adjournment request.

10. On the 3rd September 2019 the licensing committee proceeded to hear the application for renewal.

11. The salient points of the decision are:

- a) The licensing committee (“LC”) heard evidence from the manager of Surveillance Group Limited and from the test purchasers Mr [REDACTED] and Mr [REDACTED].
- b) The LC was satisfied that the company that had carried out the surveillance was a reputable organisation and experienced in the operation of test purchases on behalf of licensing authorities.
- c) The written statements from Mr [REDACTED] and Mr [REDACTED] were taken as read.
- d) Both Mr [REDACTED] and Mr [REDACTED] were challenged through cross-examination and it was put to them that their statements were not true and that they were lying and they had not paid cash sums for hiring VIP rooms and that they had failed to account to the council for the money they had alleged to have spent during the surveillance operation.
- e) **It was agreed by the Appellant and the LBTH that the test purchasers were not seen on the CCTV in the VIP rooms as set out in their witness statements.**
- f) **The licensing committee found that the test purchasers, Mr. [REDACTED] and Mr. [REDACTED] gave honest and reliable evidence. They also accepted what the test purchasers had said in their written evidence and in their oral evidence given to the licensing committee.**

- g) The committee said that they had not received a satisfactory explanation as to why the Appellant had failed to provide CCTV for the private cubicles.
- h) The licensing committee took into account the fact that no-one on behalf of the Appellant was prepared to appear on behalf of the Applicant and explain the Applicant's management of the premises.
- i) The committee adjourned to deliberate and returned with the committee's unanimous decision to refuse the renewal of the SEV Licence.
- j) **The licensing committee was focused around the centrality of the surveillance operation and particularly the written and oral evidence of operatives Mr. [REDACTED] and Mr. [REDACTED]. This was at the forefront and focus of the committee hearing.**

12. The Appellant appealed the decision and notified the LBTH.

13. In a letter to the LBTH on the 17th October 2019 it was set out clearly and succinctly that the Appellant had proved beyond any reasonable doubt that Mr [REDACTED] and Mr [REDACTED]'s evidence was demonstrably mendacious. A letter setting out the falsities within the two undercover officer witness statements and furthermore, the statement of independent licensing consultant and former Metropolitan Police Officer, Mr [REDACTED], was provided. This communication was also shared with the Magistrates' Court and District Judge Rose.

14. The undercover surveillance operation and evidence has been the essential basis of the council's decision and case. The Appellant has

stated from the outset the evidence of Mr. [REDACTED] and Mr. [REDACTED] is mendacious.

15. The Appellant said at the Licensing Committee that the undercover operatives were not, amongst other things, in the VIP rooms and had provided CCTV to show this fact; the CCTV was unredacted.
16. The LBTH accepted on the 17th July 2019 and at the Licensing Committee at the CCTV evidence disclosed does not show the undercover operatives in the VIP rooms. However, the LBTH chose to prefer the statements of the undercover officers and stand by them, and reject the CCTV evidence.
17. The Appellant had provided previously undisputed CCTV evidence that the two undercover officers were not in the VIP rooms as stated and, has disclosed further evidence of where the two undercover officers were in the premises during their surveillance.
18. The LBTH were written to about the serious concerns of the two undercover officers' statements and were asked at the CMH on the 17th October 2020 if the LBTH would be relying on the two undercover officers' evidence and would they be called as witnesses.
19. **The Judge advised and/or warned the Council about the consequences for Mr [REDACTED] and Mr [REDACTED] should they knowingly give false evidence.**
20. **On Monday 24th February 2020 the LBTH advised the Appellant of the following: "Within weeks of the licensing committee hearing the two test**

purchasers unexpectedly resigned from the independent contractor and Mr [REDACTED] is refusing to cooperate with the Respondent, and Mr [REDACTED] is yet to confirm whether or not he will cooperate with the Respondent”.

21. Given the aforementioned information, the LBTH were written to immediately asking them when they were made aware the two undercover operatives had resigned their employment, despite one being in their role for 8 years and the other 2 years.
22. **It speaks for itself that the reason why they have resigned and no longer wish to appear, is the Appellant has proved beyond any reasonable doubt that the operatives were lying.** The Respondent must apply the Nolan Principles including acting in an open and transparent manner.
23. In March 2020 it was disclosed by the Council officers that because the CCTV recordings did not show the operatives within the rooms as stated in their statements, the Council decided to have the CCTV forensically analysed. The experts Verden Forensics analysed the CCTV and reported to the council on the **22nd August 2019**. The report did not find any evidence to suggest the CCTV had been tampered. The officers of the Council failed to disclose this crucial information to the members of the committee at the renewal hearing in September 2019, given the licensing committee was focused around the centrality of the surveillance operation and particularly the written and oral evidence of operatives Mr. [REDACTED] and Mr. [REDACTED].
24. Members of the committee are asked to read the statements of Yassin Baboo and Adrian Studd.

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