

LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE LICENSING COMMITTEE

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

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

Members Present:

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

Other Councillors Present:

None

Apologies

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

Others Present:

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

Officers Present:

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

Gurwinder Olive
Simmi Yesmin

- (Senior Lawyer, Legal Services)
- (Senior Committee Officer, Democratic Services)
- (Counsel – Advisor to the Committee)
- (Legal Observer)

David Graham
Mark Greaves

The Chair welcomed everyone to the meeting and announced the procedure of the meeting, which was noted by the Committee. The Chair enquired how long Mr Kolvin required to present his case and stated that he would allow the residents the same amount of time. Mr Kolvin and the residents indicated that they were content with the procedure.

1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTEREST

There were no declarations of interest made.

2. ITEMS FOR CONSIDERATION

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

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

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

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

Ms Driver referred to the appendices in the report and stated where the relevant documents were contained in the agenda. It was also noted that the

report author and officer who undertook the inspection of the premises was present at the meeting and was available to answer any questions.

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

Mr Kolvin stated that the Applicant was happy to accept the standard conditions set by the Council which were set out on page 72 of the agenda. Mr Kolvin explained that the two matters which arose from the inspection meeting by the Licensing Officer were in relation to providing further CCTV cameras or complete coverage, which had now been completed. He stated that there was complete coverage of the area where regulated entertainment is provided and that all performers would now know that their actions were being recorded. He stated that this was a guarantee that the premises will be run in a suitable manner. Officers from Responsible Authorities can also access this footage at any time. The map of the premises, including the location of CCTV Cameras was noted.

Mr Kolvin explained that high sums were expended at the premises, 90% of the customers were city workers and they had 27,000 VISA transactions last year. He accepted that some transactions were queried but said that when customers were shown CCTV footage of the incidents they withdrew allegations.

It was noted that concerns were raised in terms of transparency, and Mr Kolvin explained that the Applicant having consulted with Trading Standards had made an agreement that all prices for dances would be fixed and the price list would be displayed in prominent places within the premises. His client would end the system of dancers negotiating charges orally which he said was a recipe for misunderstandings. All tariffs would be posted. It was also agreed that all VIP rooms will be hired out by a written agreement form which would make it clear what the charges were, requiring signature by the customer and countersignature by a Manager. Mr Kolvin further stated that the transactions would be made in an area roped off at the end of the bar, which would be well lit and have CCTV cameras. He hoped that this would leave no room for any misunderstandings, and stated that the applicants were grateful to Trading Standards for bringing it to their attention.

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

the vicinity. He stated that any sensibly run premises would take account of sensitivities in the vicinity.

It was said that the Applicants were volunteering further controls to diminish the impact. Mr Kolvin then said that he would describe venues in other places and what they were able to do away with doing. He then gave a list of practices that other SEV venues did but they would not be doing, namely:

- There would be no leafleting in the vicinity for business
- No branded transportation e.g. limousines
- Not advertising on billboards around the locality
- No visibility into the premises
- No visible red, neon, pink or flashing lighting
- No explicit imagery or wording of sexual connotation such as 'strip' or 'nude'
- Door staff outside the premises, so that nobody wanders in without knowing what they were going into, but who look like those that can be seen outside clubs or bars
- Dancers do not gather outside the front of the premises to drum up custom (the smoking area is at the back)
- Minicabs would be ordered, so customers discreetly leave the premises rather than misbehaving in the locality.
- There is no noise breakout.

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

He explained that the ward population was 14,940 and that objections were from one resident from the immediate area, and a proforma letter from 13 pupils' parents (seven sets) out of 222 pupils at the nearby English Martyrs School – one of whom described themselves as living in Wapping and not in close proximity to the premises. The premises had been trading in the area for around 10 years. He mentioned that some objections made reference to prostitution and drugs in the area and said that this had not been mentioned by the Police or evidenced in any way.

He then referred to the objection from the Ward Councillors whose concerns were that the venue may impact on the area but it was to be noted that the premises already exists and they had not mentioned that it was having any impacts at the moment. Mr Kolvin said that the premises were not holding up any development. There was also reference to Harry Goslin Primary School but it was to be noted that this was some way off, and there had been no complaints from the school or parents of the school children.

Mr Kolvin stated that Council Officers themselves say that the area is a mix of commercial and residential accommodation, with the area within 100 metres being assessed to be of commercial character. There was a busy A-road with 'red routes'. It was not a quiet residential side street. He emphasised that no public or private sector organisations have made objections but merely a small minority of residents.

In conclusion Mr Kolvin referred to concerns raised in relation to operating during school time or when children were walking home from school. He stated that the school closes at 3.15pm. The club current opens at 4pm. As a gesture the Applicant would delay opening time to 5pm to separate customers from school children and allow for after-school clubs. Mr Kolvin explained that there were no complaints about the exterior of the premises but stated that the Applicant would voluntarily remove imagery of the female silhouette and the word 'Gentlemen's' from the signage outside the premises. He stated that the licensed activities were not going to be seen and there would be no impact. He hoped that this would be workable for at least one year. Mr Kolvin concluded at just after 7.15pm.

At the request of the Chair, Dr Mary Dengler, local resident explained that she has been a local resident for a considerable amount of time even before the opening of White's. She explained that she had knowledge of the area, and knowledge of planning and geography. She explained that the local school didn't receive notification about the application and that due to holidays and timings other parents had not been notified and were unable to attend. She explained that she has noticed prostitution on the streets which was not there before the premises opened. She explained that she uses a different route home to avoid confronting prostitutes and drug takers on the streets that she would otherwise encounter if she walked from Aldgate East. Dr Dengler explained that when the premises first got their licence there were not many residents however the demography had now changed and it was now a more residential area. The borough had in her view been improving with an increase in residents, services and amenities. The development plan for Tower Hamlets was seeking to improve the character, residential quality and environment. There had already been a shift towards residential character and this would continue as new buildings were completed.

Dr Dengler raised concerns that were more low budget hotels opening nearby which could attract large gatherings etc. It was noted that Dr Dengler had two school aged children and avoided walking past the premises. It was further noted that school clubs finished at 6pm and therefore school children were still in the area after 5pm. In her opinion, the concession to open at 5pm was insufficient. Children often walked home on their own.

Members then heard from Ms Triona O'Keeffe who again was a parent of child who attended the English Martyrs School and lived in Wapping. She explained that her objection was based on location as the premises was adjacent to a school, so children would be going past the premises to and from school, during school trips, and after school clubs. She explained that she is questioned by her son about the premises and feels it inappropriate to explain when walking past what type of establishment the premises is. In her view, the immediate area was and should be focused on education. She added that it had become more of a residential area than a commercial area which it first was. There were more students in the area. Clubs like White's could operate more effectively in other areas, in her view. Ms O'Keeffe stated that the delay in opening hours and changes to the facade were positive, however the location was not appropriate for this type of venue.

Lastly Members heard from Mr Martin Dengler, a long-time resident and parent of school children who attended the English Martyrs School. He stated that the licence would impact on the local character of the area, and stated that the character of the local area had undeniably changed since the Whites first opened and the area was more of a residential area. He stated that in his experience one of the first things that people he met tell him is that a strip club is located in the area, rather than for instance mentioning the Tube improvements. He stated that applying to open from midday would double the current opening hours. He explained that the premises were immediately identifiable and were inconsistent with the council's nil policy on SEV licences. He then said that lack of objection from the local School was due to the fact that they had not been made aware of the application. Mr Dengler also stated that the signage had actually increased in prominence since the premises had opened.

Mr Graham and Ms Driver pointed out that local residents living within 50m of the premises were consulted, as stated at paragraph 13.1 of the committee report, and Ms Driver said that the school was not in a 50m radius.

In response to questions from Members the following was noted;

- That the application plan showed only the area within the red line as being licensed but that it was intended for the whole premises to be licensed with the licensable entertainment activities taking place only within the red line.
- That all regulated entertainment would have CCTV coverage
- That the applicant was happy to add CCTV cameras in the lobby areas.
- That the condition which makes reference to dancers being fully clothed should include covering of breasts and genitalia.
- That the word Gentleman's and the silhouette of a woman would be removed from the front signage.
- That the boards detailing the reviews of the premises would also be taken off the windows and therefore there would only be a blank façade external to the premises with just the words 'White's Club' and nothing else showing.
- That the premises did not advertise in Tower Hamlets and nor would it advertise in the City of London. It would advertise only on the website.
- That the Applicant has been managing the premises since 2009
- That there were CCTV cameras in all VIP rooms
- There were no doors preventing access to the VIP rooms except for 'studio 54' room, which had a one-way glass mirror which can be seen through by security staff.
- That there were 6 SIA Security Staff who monitor the VIP rooms and cubicles etc.
- That the school was within 100 metres of the premises but under the Policy consultation only needed to be undertaken 50 metres of the premises. There was also a notice outside the premises, there were public notices and newspaper adverts giving notification of the application.

- That Dr Dengler had asserted that with the new hotels being opened, customers could arrange to meet with dancers afterwards in hotels.
- Dr Dengler felt threatened by street prostitutes. The area was trying to attract property investment and the club would inhibit the transformation of the area. In her view, the premises were no longer aligned with the character of the neighbourhood anymore and were a blight.
- That residents, had not complained before but are doing so now as circumstances have now changed and they were now parents.
- That according to Mr Kolvin, there was no set capacity at the premises but the premises were usually very sparsely occupied. There were always required to be at least 8 security staff on duty under the 2003 Act licence but during peak times extra SIA staff were on duty.
- That the voucher system was in place for customers paying in cash, whereby vouchers were issued that customers could use as if they were cash to call of individual dancers to cubicles; however this would now change to written agreement forms for the VIP suites.
- That there had been no complaints received since the application has been made.
- All CRB checks and relevant forms had been submitted to the Licensing Officer by 5th March 2015.
- That regular staff training was conducted every 3 months
- That the premises got their business through their website, word of mouth and repeat business.
- That, according to Mr Kolvin, the drinks price list was displayed in booklets on tables however the Applicant was happy to make this more robust. The premises did not make their money from drinks and according to Mr Kolvin, it was up t officers to come in to say that the display of pricing was insufficient.
- That there was always a Manager at the premises and during busy periods there were two. If there were 'pinch points' where many VIP rooms were required, Mr Kolvin stated that his client would have to make provision, or customers would have to wait for a few minutes.
- That there was no other venues owned by this company
- That, according to Mr Heron, the number of complaints from the premises was disproportionately large compared to other similar venues.
- That not all complaints had been brought to the Applicants' attention as some were only intelligence reports, and the 2 complaints brought to their attention were withdrawn once CCTV footage was shown. No complaints had actually materialised into prosecutions or civil claims.
- That there would be no direct negotiations with dancers as there was now a tariff/price list in place.
- That the crystal decanter in the Studio 54 VIP room had been removed.
- That a 'Challenge 25' policy is operated at the premises and the Applicants were happy to add this as a condition in relation to sexual entertainment.
- Councillor Ronald asked about how the Applicant ensured that they were not hirin vulnerable individuals as dancers. Mr Stewart answered that there was no advertising. He said that they only take experienced dancers, Dancers are hired through an application process. They

have to sign an agreement. They are given the option of a working audition where they are monitored. Most work 2 or 3 nights a week and are not solely the applicant's employees. Cllr Ronald asked how long they stay with the applicant. Mr Stewart said that this was 'not long- about 2 to 3 months. A lot are students doing degrees, Mr Kolvin thanked Cllr Ronald for raising it and said that more could be done.

- That the outside of the premises down Alie St and Lehman St is covered by a CCTV that moves back and forth.
- That intoxicated customers are challenged by greeters at the door and details of refused customers are recorded in a refusal book.
- That the premises do not advertise externally and the Applicant was happy to accept this being a condition.
- Member then questioned whether the Applicant would be happy to limit the hours to open the premises at 6.30pm each day, to have a clear separation between the premises and the School.

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

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

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

In summing up on behalf of the objectors, Ms O'Keeffe stated that their objection was based on locality and the effect on the community as the neighbourhood had changed and continues to change so that it was not aligned with a venue like White's, that there was a primary school within 100 metres of the premises with 222 pupils regularly in the vicinity exposed to the advertising which had been increasing. She stated they were concerned before the hearing and were now even more concerned due to issues raised during questioning. They were concerned about the staff attrition, the vulnerability of the women and what was being done to address that. They were concerned about management of the activities. The red-lining on the plan accompanying the application was misleading. The agreement regarding client rooms was not robust and the services were undefined. Comments had been made about City workers 'charitably redistributing' their wealth, and she was concerned about a lack of respect towards the clientele. This was not a new owner; they had been in place for a number of years. It was only now, subsequent to the application, that concessions had been made such as timing and advertising, which had not been in place before. They had had opportunities to be respectful of the local community but this had not happened before.

In summation on behalf of the Applicant, Mr Philip Kolvin stated that the Applicant was content to open at 6.30pm under this licence, to ensure proper a separation between the activity of the school and the premises, and would undertake to immediately apply to vary the 2003 Act licence to bring it into line. All that anyone would see if they walked past was 'White's Club'. He also said that they would look into devising a dancers' welfare policy that would be extended to vulnerable women, if the Committee thinks they should test applicants to see if women are vulnerable, and would be happy to add

this as part of the conditions too. Mr Kolvin suggested that this would be blazing a trail but that he applauded it,

Mr Kolvin addressed some of the concerns raised such as allegations of prostitutes hanging around the club, he said that this had not been mentioned before by anybody and there was no evidence of this being connected with his client. That dancers will have no solicitation with customers and if there is ever evidence of that then it can be brought to the Committee on review of the licence. In terms of low cost hotels he said that this was a speculative matter and there was no large gathering outside the premises as this was not that type of venue. In terms of blight, it was noted that the Licensing Officer's report had said that the area was a commercial area. All the development which had already occurred with his clients being there. There was no evidence that the Applicant had been a brake on development.

Mr Kolvin stated that with the reduction in hours – 6 hours 30 minutes having been given away since the application was lodged- and the effect from the removal of sexual connotations from the frontage should help address the concerns raised by objectors. The allegation of blight could no longer stick. He stated that on the vulnerability of performers, while he did accept that it was a perfectly proper point, it was not an issue raised before.. It was a new standard that was wanted. It would be pursued vigorously by his client in the weeks to come.

Mr Kolvin concluded by explaining that the Applicant have made legitimate investment into the premises, including its lease, had goodwill and employed a number of people. It had been there a long time. There would need to be strong grounds to refuse the application. He said that the fears of parents could now be alleviated as opening hours had been reduced. He stated that further conditions had been proposed and if Members grant the application they will at least know that they had 'raised the bar' with real wins for regulatory services. If there are any problems then this can be reviewed each year.

The Chair thanked everyone for attending and for all their contributions to the meeting. He informed everyone that the decision will be notified to the Applicant once all the applications in this first round have all been considered. Mr Kolvin thanked the Chair for what he said had been a conspicuously fair and thorough hearing.

The meeting ended at 9.00 p.m.

Chair, Councillor Peter Golds
Licensing Committee