

**LONDON BOROUGH OF TOWER HAMLETS**

**MINUTES OF THE LICENSING COMMITTEE**

**HELD AT 6.30 P.M. ON TUESDAY, 12 MAY 2015**

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

**Members Present:**

Councillor Peter Golds (Chair)

Councillor Rajib Ahmed  
Councillor Andrew Cregan  
Councillor Mohammed Mufti Miah  
Councillor Candida Ronald

**Other Councillors Present:**

**Apologies**

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

**Others Present:**

Guy Ladenburg	– (Item 2.1)
Maria Guida	– (Item 2.1)
Abdul Malik	– (Item 2.1)
Abdul Ali	– (Item 2.1)
Bronagh Nugent	– (Item 2.1)

**Officers Present:**

Leo Charalambides	– (Legal Advisor to the Committee)
Kathy Driver	– (Principal Licensing Officer)
Andrew Heron	– (Licensing Officer)
John McCrohan	– (Trading Standards & Licensing Manager)
Gurwinder Olive	– (Senior Lawyer, Legal Services)
Simmi Yesmin	– (Senior Committee Officer)

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 Ladenburg required to present his case and stated that he would allow the objector the same amount of time. Mr Ladenburg and the objector 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 Charlie's Angels, 30 Alie Street, London, E1 8DA**

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 Charlie's Angel, 30 Alie Street, London E1 8DA.

Ms Driver explained that this application was a new application trading as London City Traders Ltd. The existing operator was Mr Abdul Malik who was also the sole director of London City Traders Ltd. Ms Driver referred to page 60 of the agenda, a letter to Ms Maria Guida, Solicitor acting on behalf of the Applicant, from Mr Andrew Heron dated 16<sup>th</sup> February 2015 clarifying the transitional provisions in the Local Government (Miscellaneous Provisions Act) 1982.

It was noted that the premises currently had a licence under the Licensing Act 2003 that permits sexual entertainment. The licence was originally granted on 10<sup>th</sup> March 2006 and amended by a variation application on 8<sup>th</sup> September 2009 and a further minor variation on 8<sup>th</sup> January 2014 in relation to the layout. Mr Abdul Malik had been the licence holder since June 2011 and the Designated Premises Supervisor (DPS) since May 2013. It was noted that the history and the running of the business was a relevant consideration.

Ms Driver continued to highlight and refer to the hours applied for, the maps and layout of the premises, the complaints and enforcement history, and the site visit made at the premises by Officers. Ms Driver confirmed 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.

Ms Driver continued to refer 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 Guy Ladenburg, Legal Representative for the Applicant, explained that this was a straight forward application with a twist which required clarification. It was noted that the application was set out as a new application; however, he explained that there had been a clerical error when completing the application form. He urged Members to treat this application as an existing operator as there was clear links that the premises already existed and was operated by the same management. He explained that law treats new applicants and existing operators very differently and that it would not be fair to penalise the Applicant due to a clerical error made by their solicitor.

He explained that it was evident from the papers, objections and history of the premises that this premises was an existing operator and for it to be noted that the premises had been providing sexual entertainment since 2008. Mr Ladenburg explained that there were 30-40 performers working at the premises together with 8-10 members of staff.

It was also noted that no responsible authorities had objected to the application which clearly illustrated the good management of the premises. Mr Ladenburg referred to the Tower Hamlets Sex Establishment Policy on page 142 of the agenda which detailed Club Oops (now known as Charlie's Angels) as part of the existing businesses that held premises licences under the Licensing Act 2003 with permissions that would be affected by the adoption of the sexual entertainment venue licensing regime. This demonstrated that the law protects existing premises as the Tower Hamlets SEV Policy has a nil policy on new applications.

Mr Ladenburg concluded that London City Traders Ltd Director and Mr Abdul Malik was the same person and can demonstrate clear historic management of the premises. Mr Ladenburg said that he recognised that they were legally separate entities but it was obvious and clear that it was the same person, this is also evident from the objections received which refer to the existing premises and therefore believed it to be unfair to penalise an existing operator due to human error/clerical error. He stated that it was a unique set of circumstances and if a licence was not granted the business would have to stop trading on 1<sup>st</sup> June 2015.

In response to questions from Members it was noted;

- That the premises had been trading as Charlie's Angels since January 8.
- That Mr Abdul Ali was the previous manager from May 2008 to June 2011 when the licence was transferred to Mr Abdul Malik.
- That both Mr Abdul Malik and Abdul Ali continue to manage the premises and have both been in control since 2007.

Mr Leo Charalambides, Legal Advisor to the Committee questioned on behalf of Members why Mr Abdul Ali was absent and not mentioned in the application, however present during the site visit conducted by Licensing Officers on 8<sup>th</sup> April 2015. Mr Ladenburg stated that that there was no obligation to detail every manager in the application, as Mr Abdul Ali, worked part time as a manager and consultant and therefore not included in the application as there was no formal obligation to outline the hierarchy of the management structure.

Further questions were raised in relation to the sub lease contracts, share of profits, operation structure etc.

The Chair adjourned the meeting at 7.15pm for Mr Ladenburg to seek instructions from his clients. The meeting was reconvened at 7.30pm.

Mr Ladenburg explained that Mr Abdul Malik was in charge of the premises, the Premise Licence Holder and the Designated Premises Supervisor, Mr Antonio Pomerico (detailed in the application) was the floor manager and Mr Abdul Ali was a part time manager with a consultancy role. He then explained the relationship between the freeholders, management company and leaseholders this was also detailed on page 52 of the agenda. It was noted that the initial management agreement was between JK Holdings and Club Oops however Club Oops went into voluntary liquidation and JK Holdings have now given the management control to Mr Abdul Malik. It was noted that Mr Malik was responsible for the management of the premises and sole director of the company and that profits were not shared.

The Chair varied the procedure of the meeting at the request of the Objector who made their submission before the Applicant.

Ms Bronagh Nugent, Head Teacher of English Martyrs School, 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. There had already been a shift towards residential character and this would continue as new buildings were being completed. It was noted that the School was in very close proximity to the premises which caused concerns to parents and children from the school.

She raised concerns as to the fact that there were two SEV premises in such close proximity, that parents of children who lived in a 50 meter radius had not been consulted and therefore asked Officers to look at better ways of consultation as not all people read the East End Life newspaper or walk past premises to see adverts displayed.

Ms Nugent continued to explain that 157 families had signed a petition opposing the licence for the premises and those parents and children are often faced with sexual activity and drug abuse around the area.

It was also noted that the bright façade, signage of the premises and performers visible and audible in the streets and outside the premises makes

the premises more apparent. She highlighted the public safety of children who were maturing in age and walking past the premises as the school was open till 6pm for after school clubs etc.

Ms Nugent also highlighted the fact that there had been an increase of drug dealing in the area. That performers were hanging around outside the premises and walking to local shops wearing inappropriate clothing or wearing dressing gowns.

Ms Nugent concluded that the performers were not following the company's code of conduct and management were not managing the premises. Lastly Ms Nugent requested that the Applicant should consider reducing their hours of operation and starting at a later time of 6.30pm in order to have a clear separation between the premises and the school.

In response to questions the following was noted;

- Ms Nugent confirmed that the drug dealing and sexual activity seen on the streets were not directly linked to the premises.
- That the consultation process was adhered to and residents in a 50 meter radius were written to.
- That complaints relating to noise nuisance from taxis outside the premises could not be linked to the premises.
- That the changing nature of the area was due to big developments, regeneration of the area, development of student accommodation, more residential apartments, family homes, 4 local supermarkets, coffee shops and other local amenity in the area.
- Ms Nugent confirmed that that the vicinity was a mix of commercial and residential accommodation as stated in the report.
- That the School car park overlooked the premises and can be on the journey route to and from the school.
- That the comments in relation to sexual activity and an increase in drug dealing were anecdotal from parents and members of staff, they included one parent and mostly staff.
- That any offending signage or advertisement would be removed as suggested in the conditions put forward by the Applicant.
- That the applicant was happy to add a condition that performers would not go out of the premises unless they are appropriately dressed.
- That the Applicant would be happy to start SEV activity from 6.30pm and start licensable activity (bar) from 4pm.

Members then heard from Mr Ladenburg, in making his submission he made reference to the Tower Hamlets Sexual Entertainment Venue Policy and explained that the premises already existed and was trading with express permission under the Licensing Act 2003. He referred to the complaints/enforcement history on pages 18-19 of the agenda and stated that the issues relating to taxis outside the premise was hard to manage as it was outside their control, however they would consider a condition to help address such concerns.

Mr Ladenburg stated that the personal statements in the supplemental agenda addressed the concerns raised by the objectors and as for the use of

the rubbish bin outside the premises, the Applicant should not be criticised for others using the bin and causing an overflow. It also noted that there had not been a police objection in terms of an increase in drug dealing in the area.

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. He also claimed that the allegations from Ms Nugent were anecdotal and not substantiated by any evidence. Mr Ladenburg stated that the Applicant was happy to start SEV activity from 6.30pm onwards in order to clearly separate any SEV activity from the School and would also remove any imagery of sexual nature or suggestive signage from outside the premises.

Mr Ladenburg concluded that the premise was an existing premise, recognised and known as 'Charlie's Angles'. He said that if the premise is not dealt with by way of an existing premises then with its previous track record and strong management operation there was sound reason for the policy to dis-apply. He stressed that there would be no chance of a repeat clerical error and for Members to note that out of the previous 11 existing premises only 5 applications had been submitted.

In response to questions from Members the following was noted;

- That the Applicants did not think it was reasonable to reduce the hours to 6.30pm, however, would accept the reduced hours if Members felt it necessary and proportionate and would help fall in line with other SEV venues in the borough.
- Concerns were raised in relation to the terrace area outside the premises which was visible to walkers that goes by.
- That the Applicant was happy to raise the barrier/screen outside the premises so that people using the terrace would not be visible.
- That the terrace/smoking area was used by both performers and customers.
- That there was no separate smoking area for performers.
- The Applicant proposed that they could raise the canopy and screen and separate the area into two, with a small area for performers and the other area for customers.
- That there would be a sign inside the premise which would indicate clearly who the duty manager was on that day and time to ensure there is management on the premises at all times.
- That security staff take more of an active role in advising patrons leaving the premises to leave quietly and respect the needs of local residents.
- That four of the performers lived above the premises.
- That management and performers did not accept that there was anti-social behaviour or crime and disorder at the premises.
- That management and staff ask customers to leave quietly and use a registered taxi firm.

- That the performers leave after the customers have left, if performers are intoxicated, management do not let them drive home and always arrange for a taxi to take them home.
- That waiters/waitresses and security staff often go to the shops on behalf of the performers.
- That the closest shops were approximately 200 yards away from the premises.
- That the entrance to the flat above the premises was approximately 1-2 minutes, walk away.

In response to questions from Mr Charalambides, Mr Ladenburg explained that there had been a change in the area but did not accept the changes to be of such extreme to change the character of the area. Mr Ladenburg accepted that there were further residential properties but the nature of this premises was not inappropriate as the premise was well run and if it doesn't offend anyone then it shouldn't affect the fact that there would be two SEV venues in close vicinity.

Mr Charalambides summarised a few amendments that required noting;

That the code of conduct on page 98 should make reference to coats rather than jackets, to include plans and layout of the premises, including designated smoking areas for customers and for performers, that advertising would not be permitted, to display tariffs and price lists and to keep records of performers etc.

Mr Ladenburg accepted these amendments and confirmed that they would remove the advert outside the premises and change the signage to remove the silhouette of a naked woman. Mr Ladenburg stated that the Applicant was happy to accept the varied conditions set by the Council which were circulated at the meeting.

There were no closing remarks from either parties.

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.

The meeting ended at 9.10 p.m.

Chair, Councillor Peter Golds  
Licensing Committee