

LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE LICENSING COMMITTEE

HELD AT 5.10 P.M. ON TUESDAY, 23 JUNE 2015

**COMMITTEE ROOM C1, 1ST FLOOR, TOWN HALL, MULBERRY PLACE, 5
CLOVE CRESCENT, LONDON, E14 2BG**

Members Present:

Councillor Peter Golds (Vice-Chair)
Councillor Rajib Ahmed
Councillor Candida Ronald

Apologies

Councillor Khaled Uddin Ahmed
Councillor Suluk Ahmed
Councillor Mahbub Alam
Councillor Shah Alam
Councillor Amina Ali
Councillor Rachel Blake
Councillor Gulam Kibria Choudhury
Councillor Andrew Cregan
Councillor Md. Maium Miah
Councillor Mohammed Mufti Miah
Councillor Muhammad Ansar Mustaqim

Others Present:

David Dadds	– (Whites Gentleman's Club & White Swan)
Gareth Hughes	– (Metropolis)
Julian Skeens	– (Nags Head)
Luke Elford	– (Nags Head)
Matthew Butt	– (Charlie's Angels)
Maria Guida	– (Charlie's Angels)

Officers Present:

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

At the commencement of the hearing a speaking order for parties was agreed and that the Committee would go through the conditions line by line and the parties would be asked to comment on each section in the speaking order. Parties would then have the opportunity to state whether they requested on behalf of their clients any exemptions or exclusions from that standard condition. This process was agreed by all parties.

1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTEREST

There were no declarations of interest made.

2. ITEMS FOR CONSIDERATION

2.1 Determination of Applications for Sexual Entertainment Venues

At the request of the Chair, Mrs Gurwinder Olive, Senior Lawyer introduced the report which set out the terms of reference of the Licensing Committee and the process for the determination of Sexual Entertainment Venues (SEVs) transitional applications by existing operators under the statutory scheme.

It was noted that the function for determining SEV applications was reserved to the Licensing Committee by the Council when the legislation for licensing of SEVs was adopted on 26 March 2014.

Mrs Olive explained the process and procedures in place for considering applications for Sexual Entertainment Venues. It was noted that five applications in total had been received for the grant of a SEV licence between the first appointed day and the second appointed day in respect of the following venues;

- Charlie's Angels, 30 Alie Street, E1
- Metropolis, 234 Cambridge Heath Road, E2
- Nag's Head, 17-19 Whitechapel Road, E1
- White Swan. 556 Commercial Road, E14
- White's Gentleman's Club, 32-38 Leman Street, E1

It was further noted that Charlie's Angel's was accepted as an application by a new operator and the remaining four as applications from existing operators. In order to allow sufficient time to determine the applications a waiver for a SEV License had been granted to Charlie's Angels until 1 July 2015, which allows it to continue to operate for the short-term.

A Licensing Committee Hearing took place on 17 March 2015 in respect of Nag's Head and a further Licensing Committee Hearing took place on 14 April 2015 in respect of White's Gentleman's Club. It was noted that the applications for White Swan and Metropolis were considered on 28 April 2015, these applications were considered on paper in the first instance, as there were no objections or history of complaints.

Mrs Olive advised that the Licensing Committee did not make a decision on any of the above dates. The meeting on each occasion was concluded with applicants being advised that matters would be determined after consideration of all applications.

Mrs Olive concluded by explaining that the consideration of all of the applications and varied proposals for conditions had led to a revision of the previously drafted Standard Conditions. Standard Conditions were revised to take on board all of the applications and submissions and Councillors comments and concerns and were provided to all applicants for comment. Mrs Olive explained that the Extraordinary meeting today is to deal with representations and comments in respect of those revised standard conditions.

At the request of the Chair Mr Gareth Hughes, Legal Representative for Metropolis, explained that he had not had an opportunity to address the Committee as the application for Metropolis had not received any objections and therefore Members considered the written application on the agenda for 28 April 2015.

Mr Hughes referred to page 47 of the agenda, the Council's SEV Policy where it states that during the determination of an application, "applications with no representations will be approved under the delegated authority to officers". Mr Hughes stated that the policy sets out 3 categories and that Metropolis falls under the first category where there is no objection the application should be granted. He also asked Members to note and consider page 227 of the agenda as it was not included in the agenda for the 28 April 2015 when the paper application for Metropolis was considered by Members. This referred to special conditions on the licence which was previously agreed between the Applicant and Council Officers by way of a letter of understanding. He suggested that the application be accepted with those proposed conditions.

Mr David Dadds, Legal Representative for White Swan, asked that if Members were minded to delegate authority to Officers then this should also be adopted for the application for White Swan.

Leo Charalambides advised that the policy should be read as a whole document and that undue focus should not be placed on a single sentence and the document itself should serve as guidance not a straight-jacket. He advised that read together with the 2010 Commencement Order it was clear that the Local Authority could attach standard conditions and that decision making powers included the amendment of standard conditions. He advised that until the standard conditions are settled the Committee or the Officers cannot make a determination.

Members adjourned at 5.40pm to seek legal advice. Members reconvened at 5.45pm.

The Chair said that Members had listened carefully to the submissions made but have accepted the advice of Leo Charalambides and will be proceeding

today to deal with the representations and submissions in respect of the standard conditions. .

Mr Leo Charalambides, Legal Advisor to the Licensing Committee, referred Members and all parties to page 187 of the agenda which detailed the varied standard conditions for SEVs. He explained that he would go through each definition and condition listed and would ask for comments from each representative.

Following a detailed discussion, the following suggestions were made in respect of:

Definitions

- Entertainment tariff – it was alleged that this was not sufficiently clear and that either “related Services” be deleted or the word ‘including’ after the words related services be removed for more clarity.
- Suggestive advertising – to remove the words ‘indicate or suggest’ and replace with the word ‘depict’.

Conditions

- Condition 9 – concerns were raised by Julian Skeens as to what “suitable decorum” was, it was noted by Members that Nags Head currently met the criteria for suitable decorum, in that it was discrete and if you did not know what sort of venue it was you would not be aware from its appearance. Mr Skeens he suggested that the premises may be vulnerable if a different committee membership does not agree with this. David Dadds asked if premises could be written to confirm they meet the suitable decorum condition. Leo Charalambides for the Council suggested adding words in brackets for clarity.
- Condition 14 – to include the word cubical after the word toilets for more clarity.
- Condition 15 –after the words any person include ‘standing within the boundaries of the London Borough of Tower Hamlets’ to ensure that the condition is limited to the borough
- Condition 31 – concerns were raised as to where the entertainment tariff should be displayed as there was no control over where contracts are formed. Therefore it was suggested that that the entertainment tariff should be prominent throughout the venue and as shown on the plan.
- Condition 32 – The representative for the Nags Head had concerns that they could not keep records of dancers etc. Mr Charalambides pointed out that the Act states that the owner has responsibility for dancers, and that management should be able to keep a record of the number of dances had by referring to the tariff. Mr Hughes advised that his clients’ business was a cash business and that dancers are paid in cash following agreement with customers. It was not accepted that the Licensee should keep a record when the transaction was between the performer and the customer. Mr Matthew Butt, representative for Charles Angels said that information from the till & CCTV cameras could help to work out who has danced and for how long. He

suggested to add the wording "The Licensee shall keep such records so far as reasonably practicable". Representatives for the Nags Head, Metropolis and Charles Angels asked to for this condition to dis-apply to them.

- Condition 35 – Concerns were raised as there is often incidental contact/incidental touching and that this should be taken into account. It was further added that the Council had previously stated no full bodily contact and that this was acceptable and the preference was for the Council to revert to original wording. Mr Skeens for Nags Head also advised that it was customary for a peck on the cheek at the end of a performance.
- Condition 39 – to also include toilet cubicles. It was however pointed out that this was not necessary as there was no performance and no audience in the context.

The Chair asked all parties to make brief summations;

Mr David Dadds, representative on behalf of Whites Gentleman's Club and White Swan explained that his clients were taking a very pragmatic approach and that if other premises were getting dispensations then this should be applied to all applications as not to disadvantage anyone. It was confirmed however that there was no specific request from him for special dispensation from any conditions.

With respect to Whites and the premises specific conditions Mr Dadds added that there be deletion of the word 'booths' as per his letters at pages 201 and 202 of the agenda pack. This was agreed.

Mr Gareth Hughes, representative on behalf of Metropolis stated that his clients were happy with conditions 41 – 45 to be applied to the licence, but not condition 46 and were seeking for the continuation of existing conditions referenced on page 227 of the agenda. He said that the premise has been trading for the past 40 years without any problems. It was noted that the Roman Baths attraction no longer existed and the condition would only be for the shower dance which has been in place for the past 12 years and was not giving his clients any new advantage.

Mr Julian Skeens, representative on behalf of The Nags Head, stated that his client was happy to add/ adopt the revised standard conditions as noted during the meeting but that additional conditions 41, 42 and 43 are not needed if those matters are marked on plans

Mr Matthew Butt, representative on behalf of Charlie's Angels, stated that following the initial hearing on 12 May, voluntary conditions had been offered and his clients would also be offering a 6pm start time.

The Chair thanked everyone for attending and for all their contributions to the meeting. He informed everyone that the decision will be notified to them in writing at a later date.

With no further questions the Chair adjourned the meeting at 7.35pm to deliberate on each application.

The Chair announced that Members formally delegate Legal Officers to finalise the wording of conditions and the decisions to be in accordance with the minded to decisions made at previous meetings.

The meeting ended at 8.00 p.m.

Chair, Councillor Peter Golds
Licensing Committee