

# Appendix 2

**Communities, Localities & Culture**  
Safer Communities

Whites Venues Limited  
Whites Gentleman's Club  
32-38 Leman Street  
London  
W1 8EW

Environmental Health and Trading Standards  
**David Tolley**

Licensing Section  
Admin Support Services  
John Onslow House  
1 Ewart Place  
London E3 5EQ

Tel

F

17<sup>th</sup> October 2016

My reference: TSS/LIC/SEV  
Your reference:

[www.towerhamlets.gov.uk](http://www.towerhamlets.gov.uk)

Dear Sirs,

**Local Governmental (Miscellaneous Provisions) Act 1982 as amended  
by the Policing and Crime Act 2009**

As you are aware, Condition 12 of the Tower Hamlets Standards Conditions on your licence state:

*Without prejudice to condition 13 below CCTV shall be installed to cover the inside and the outside of the Premises, covering all public areas, including private performance areas and booths, entrances and exits, but excluding the interior of toilets. All cameras must be maintained in working order. All cameras shall continually record whilst the Premises are open to the public and the recorded images shall be kept available for a minimum of 31 days. Recorded images shall be made available to an authorised officer together with facilities for viewing. The recordings for the preceding 2 days shall be made available immediately upon request. Recordings outside this period shall be made available on 24 hours' notice;*

Please retain and provide us with copies of all CCTV recordings from **Wednesday 28<sup>th</sup> September to Monday 10<sup>th</sup> October 2016**. Please make sure that recordings are viewable by date and time.

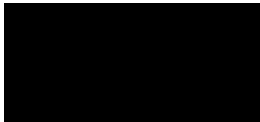
Please also provide copies of staff logs for these dates, including security, management and dancers in line with conditions 28 and 29:

*The Licensee shall keep a record of each performer, including their proper name and any aliases, and their residential address. With each record the Licensee shall keep a copy of a photographic form of identity and proof of address of the performer. With each record the Licensee shall keep a clear copy of an authorised document demonstrating that each Performer and each member of the staff is entitled to work within the UK. A clear copy of this record shall be kept on the Premises at all times and be made immediately available for inspection by authorised officers;*

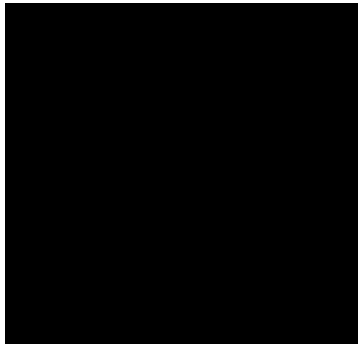
*On days when sexual entertainment is provided, the Licensee or their representative shall keep a record of those performers working at the Premises on that day in a daily record. The daily record shall be retained securely for at least 31 days and shall be made immediately available for inspection by authorised officers;*

We will be coming to collect these recordings on **Wednesday 19<sup>th</sup> October 2016.**

Yours sincerely,



**Andrew Heron  
Licensing Officer**



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1 Ewart Place  
London E3 5EQ

18<sup>th</sup> October 2016



My reference: TSS/LIC/SEV  
Your reference:

[www.towerhamlets.gov.uk](http://www.towerhamlets.gov.uk)

Dear Sirs,

**Local Governmental (Miscellaneous Provisions) Act 1982 as amended  
by the Policing and Crime Act 2009**

I write further to this Licensing Authority's letter to you dated 17<sup>th</sup> October 2016, requesting the provision of certain records and CCTV recordings pursuant to conditions 12, 28 and 29 of your Sexual Entertainment Venue Licence under the above legislation.

This Licensing Authority requires you to provide these records/recordings in connection with an investigation relating to breaches of conditions related to your above mentioned Licence.

In respect of our request to retain and provide us with copies of all CCTV recordings from Wednesday 28<sup>th</sup> September to Monday 10<sup>th</sup> October 2016 I understand that this maybe be time consuming to produce in by Wednesday 19<sup>th</sup> October 2016.

Taking this in to consideration we are willing to accept recordings for your busy times (i.e. Thursday and Friday). Therefore please provide recordings for 29<sup>th</sup> and 30<sup>th</sup> September, and 6<sup>th</sup> and 7<sup>th</sup> October 2016 for us to collect on **Wednesday 19<sup>th</sup> October 2016**. The remaining recordings for 28<sup>th</sup> September 2016, 1-5<sup>th</sup> and 9<sup>th</sup>/10<sup>th</sup> October 2016 can be sent to us within **7 days of this letter**.

Yours sincerely,



**Andrew Heron**  
**Licensing Officer**

**Communities, Localities & Culture**  
Safer Communities

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32-38 Leman Street  
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Licensing Section  
Admin Support Services  
John Onslow House  
1 Ewart Place  
London E3 5EQ

20<sup>th</sup> October 2016



My reference: TSS/LIC/SEV  
Your reference:

[www.towerhamlets.gov.uk](http://www.towerhamlets.gov.uk)

Dear Sirs,

**Local Governmental (Miscellaneous Provisions) Act 1982 as amended  
by the Policing and Crime Act 2009**

I write further to this Licensing Authority's letters to you dated 17<sup>th</sup> and 18<sup>th</sup> October 2016, requesting the provision of certain records and CCTV recordings pursuant to conditions 12, 28 and 29 of your Sexual Entertainment Venue Licence under the above legislation.

Your legal representative has intimated via email correspondence that you require the Authority to be more specific on dates and times required for the CCTV, due to "Data Protection requirements". We have already been more specific on which dates we require in the letter dated 18<sup>th</sup> October and have provided you with additional time to provide the remaining recordings.

A refusal to comply with the conditions of a SEV licence means that you would be committing a criminal offence. It is clear that in these circumstances the Data Protection Act 1998 does not operate to prevent you discharging your obligation to comply with your Licence.

As you should be aware, you are authorised by this Authority to operate as a sexual entertainment venue by a Licence issued pursuant to the Local Government (Miscellaneous Provisions) Act 1982, Schedule 3, paragraph 8, which states:

'the appropriate authority may grant to any applicant, and from time to time renew, a licence under this Schedule for the use of any premises,

vehicle, vessel or stall specified in it for a sex establishment on such terms and conditions and subject to such restrictions as may be so specified’.

Condition 12 of the Licence stipulates as follows:

‘All cameras shall continually record whilst the Premises are open to the public and the recorded images shall be kept available for a minimum of 31 days. Recorded images shall be made available to an authorised officer together with facilities for viewing. The recordings for the preceding 2 days shall be made available immediately upon request. Recordings outside this period shall be made available on 24 hours’ notice.’

The term ‘authorised officer’ is defined to include ‘officers of the Borough Council’.

Paragraph 6(1) of Schedule 3 provides: ‘no person shall in any area in which this Schedule is in force use any premises... as a sex establishment except under and in accordance with the terms of a licence granted under this Schedule by the appropriate authority.’

Paragraph 20 of the same schedule further provides:

**‘20.—**

(1) A person who—

(a) knowingly uses, or knowingly causes or permits the use of, any premises, vehicle, vessel or stall contrary to paragraph 6 above; or [...]

(c) being the holder of a licence under this Schedule, without reasonable excuse knowingly contravenes, or without reasonable excuse knowingly permits the contravention of, a term, condition or restriction specified in the licence; or

(d) being the servant or agent of the holder of a licence under this Schedule, without reasonable excuse knowingly contravenes, or without reasonable excuse knowingly permits the contravention of, a term, condition or restriction specified in the licence, shall be guilty of an offence.’

Paragraph 26(1) provides:

‘Where an offence under this Schedule committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate, or any person who was purporting to act in any such capacity, he, as well as the body corporate, shall be guilty of the offence.’

It follows from the above that you are required to comply with Condition 12 and to provide the requested recordings upon 24 hours’ notice.

You were expressly reminded of the contents of Condition 12 in the first letter dated 17<sup>th</sup> October, requesting the CCTV footage. You are not permitted

knowingly to continue to use the premises as a sex establishment unless you comply with the condition, and furthermore are committing an offence by knowingly contravening the requirements of that condition.

As you should already be well aware, the Data Protection Act 1998 ('DPA') does not prevent you from complying with this Authority's request. There are multiple provisions which make this abundantly clear. In particular:

- (i) You are authorised by paragraph 1(a) of Schedule 1 and paragraphs 1(2)(b) and 3 of Schedule 2 to obtain and to process data [which by section 1(1) includes disclosure, dissemination, transmission or making it available] where they are 'required to supply it...under any enactment', and/or 'The processing is necessary for compliance with any legal obligation to which the data controller is subject, other than an obligation imposed by contract' (schedule 2, para 3). Condition 12 requires the CCTV data to be obtained under the 1982 Act, and imposes such a legal obligation. Furthermore, by paragraph 3 of Schedule 2, the data subject is not required to be informed of the information prescribed in paragraph 2 where (a) 'the provision of that information would involve a disproportionate effort' (as you claim applies here) or (b) 'the recording of the information to be contained in the data by, or the disclosure of the data by, the data controller is necessary for compliance with any legal obligation which the data controller is subject, other than an obligation imposed by contract'.
- (ii) By paragraph 10 of Schedule 3 to the Act and articles 1 and 2 of the Data Protection (Processing of Sensitive Personal Data) Order 2000/417, the processing of sensitive data is authorised without the explicit consent of the data subject *inter alia* where necessary 'in the substantial public interest' for (1) the prevention or detection of any unlawful act or failure to act; or (2) the protection of the public from dishonesty, malpractice, improper conduct, unfitness or incompetence, or mismanagement in the provision of services; and must necessarily be carried out without the explicit consent of the data subject so as not to prejudice those purposes or the discharge of the public functions concerned. Those conditions apply here, since there is a substantial public interest in ensuring that the premises are lawfully and properly run; the footage is required in order to check whether management of the premises was lawful and proper; and obtaining the explicit consent of all the individuals concerned would as you acknowledge be so difficult as to frustrate the discharge of the authority's functions and the detection or investigation of such unlawful conduct as may have occurred. Further and in any event, the condition in paragraph 6 of Schedule 3 is met to authorise processing of any sensitive data without explicit consent of the data subjects, insofar as the footage is required in connection with prospective legal proceedings concerning alleged unlawful or improper conduct that is subject to investigation. You will appreciate that it would be improper for this authority to provide details about ongoing inquiries.
- (iii) By section 10(2)(a) of the DPA, the data subject has no right to prevent processing where required under an enactment.



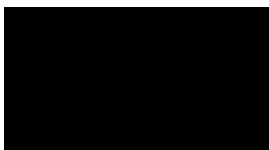
- (iv) The DPA expressly allows data such as CCTV to be collected and processed for the prevention and detection of crime, disclosed for that purpose, and in such circumstances the data subject has no right to be informed about or to consent to the processing of the data where, as here, that would frustrate the investigation (by section 27 and s.29, subsections (1), (2) and (3) of the 1998 Act).
- (v) Furthermore, by section 27 and s.31(1) and (2)(a)(iii) where, as here, the data is processed for the purpose of discharging statutory regulatory functions to protect the public against 'dishonesty, malpractice or other seriously improper conduct by, or the unfitness or incompetence of, persons authorised to carry on any profession or other activity' (including in this case your clients and their employees and performers), the subject information provisions (i.e. including the section 7 right of the data subject to be informed) are disapplied where this would, as here, prejudice the statutory functions.

If you do not comply with this Authority's requests forthwith, it will be considered a contumacious refusal to comply with the licensing condition and this Authority reserves the right to take enforcement action including seeking revocation of the Licence and prosecution for non-compliance.

We will come to the venue around **16:00hrs on Friday 21<sup>st</sup> October** to collect the recordings for 29<sup>th</sup> and 30<sup>th</sup> September, and 6<sup>th</sup> and 7<sup>th</sup> October, please make sure that someone is present. You then have until 25<sup>th</sup> October to provide the remaining recordings requested. If the recordings are not forthcoming, this will be considered as noncompliance by the Authority. Refusal to comply with the conditions of your SEV licence means that you are committing a criminal offence.

I look forward to prompt confirmation that the requested footage has been securely retained and will be made available in accordance with the timescale requested.

Yours sincerely,



**Andrew Heron**  
**Licensing Officer**

# Appendix 3

## Andrew Heron

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**From:** Andrew Heron  
**Sent:** 17 October 2016 11:43  
**To:** [REDACTED]  
**Subject:** White's Gentleman's Club, 32-38 Leman Street, E1  
**Attachments:** CCTV Retention Letter Whites.pdf

Dear Mr Dadds,

Please find attached copy correspondence to your client in relation to their CCTV. The letter will be shortly hand delivered to the premises.

Regards,

Andrew Heron  
Licensing Officer

Licensing Section  
London Borough of Tower Hamlets  
John Onslow House  
1 Ewart Place  
London E3 5EQ

[REDACTED]  
[REDACTED]  
[REDACTED]

## Andrew Heron

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**From:** Andrew Heron  
**Sent:** 18 October 2016 15:48  
**To:** [REDACTED]  
**Subject:** RE: White's Gentleman's Club, 32-38 Leman Street, E1  
**Attachments:** CCTV Retention Letter Whites2.pdf  
**Importance:** High

Dear Mr Dadds,

Please see the attached follow up letter.

Please acknowledge receipt of this letter and confirm that recordings will be available for collection tomorrow.

Regards,

Andrew Heron  
Licensing Officer

Licensing Section  
London Borough of Tower Hamlets  
John Onslow House  
1 Ewart Place  
London E3 5EQ  
Te [REDACTED]  
[REDACTED]  
[REDACTED]

---

**From:** Andrew Heron  
**Sent:** 17 October 2016 11:43  
**To:** [REDACTED]  
**Subject:** White's Gentleman's Club, 32-38 Leman Street, E1

Dear Mr Dadds,

Please find attached copy correspondence to your client in relation to their CCTV. The letter will be shortly hand delivered to the premises.

Regards,

Andrew Heron  
Licensing Officer

Licensing Section  
London Borough of Tower Hamlets  
John Onslow House  
1 Ewart Place  
London E3 5EQ  
[REDACTED]  
[REDACTED]

## Andrew Heron

---

**From:** Louise Bailey [REDACTED]  
**Sent:** 18 October 2016 16:23  
**To:** Andrew Heron  
**Subject:** Whites Gentleman's Club, 32-38 Leman Street

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Dear Mr Heron,

We acknowledge receipt of your two letters.

We have not as yet been able to contact our client and will now try again later and tomorrow. Providing the CCTV to you tomorrow is not likely to be achieved due to us being unable to get in contact with our client.

Mr Dadds is currently out of office but will continue trying to contact our client.

We would be grateful if you could please be more specific on dates and times required for the CCTV, due to data protection requirements.

We hope to get back to you tomorrow.

Kind regards

**Louise Bailey**  
**Dadds LLP Licensing Solicitors**  
Crescent House, 51 High St, Billericay, Essex CM12 9AX

[REDACTED]  
[REDACTED]  
[REDACTED]  
*Authorised and regulated by the Solicitors Regulation Authority – Registration No 550469*



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This firm does not accept service by way of email of court proceedings, other proceedings or formal notices of any kind on behalf of clients without specific prior written agreement.

## Andrew Heron

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**From:** Andrew Heron  
**Sent:** 20 October 2016 14:13  
**To:** [REDACTED]  
**Subject:** RE: White's Gentleman's Club, 32-38 Leman Street, E1  
**Attachments:** CCTV Retention Letter Whites3.pdf

Dear Mr Dadds,

Further to previous correspondence, please find a third letter that was hand-delivered to the venue earlier today.

Regards,

Andrew Heron  
Licensing Officer

Licensing Section  
London Borough of Tower Hamlets  
John Onslow House  
1 Ewart Place  
London E3 5EQ  
Te [REDACTED]  
[REDACTED]  
[REDACTED]

---

**From:** Andrew Heron  
**Sent:** 18 October 2016 15:48  
**To:** [REDACTED]  
**Subject:** RE: White's Gentleman's Club, 32-38 Leman Street, E1  
**Importance:** High

Dear Mr Dadds,

Please see the attached follow up letter.

Please acknowledge receipt of this letter and confirm that recordings will be available for collection tomorrow.

Regards,

Andrew Heron  
Licensing Officer

Licensing Section  
London Borough of Tower Hamlets  
John Onslow House  
1 Ewart Place  
London E3 5EQ  
[REDACTED]  
[REDACTED]

[REDACTED]

---

**From:** Andrew Heron  
**Sent:** 17 October 2016 11:43  
**To:** [REDACTED]  
**Subject:** White's Gentleman's Club, 32-38 Leman Street, E1

Dear Mr Dadds,

Please find attached copy correspondence to your client in relation to their CCTV. The letter will be shortly hand delivered to the premises.

Regards,

Andrew Heron  
Licensing Officer

Licensing Section  
London Borough of Tower Hamlets  
John Onslow House  
1 Ewart Place  
London E3 5EQ

[REDACTED]  
[REDACTED]  
[REDACTED]