

STATEMENT OF WITNESS

(Criminal Procedure Rules, r. 27.2;
Criminal Justice Act 1967, s. 9, Magistrates' Courts Act 1980, s.5B)

STATEMENT OF [REDACTED]

Age of witness (if over 18, enter "over 18"): Over 18

This statement (consisting of 5 pages) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false, or do not believe to be true.

1. I am [REDACTED] an independent Licensing Consultant and I have been instructed by David Dadds of Dadds Solicitors to review the CCTV evidence provided at the hearing where Tower Hamlets council refused to renew the Sexual Entertainment Venue Licence (SEV) at Whites Gentlemens Club 32-38 Leman Street, London, E1 8EW. I attach a statement of my expertise at the end of this statement.
2. I have been provided with a copy of an email from Tom Lewis, Team Leader, Tower Hamlets Licensing and Safety Team dated 30th August 2019. In this statement he refers to SEVEN (7) CCTV excerpts recorded at Whites Gentlemens Club on 23rd and 24th May 2019. These excerpts are numbered 1 to 7 and refer to timed CCTV footage taken from cameras in the 'Office VIP room', 'Moulin Rouge VIP room' and 'Royal Suite VIP room'
3. I have viewed the CCTV with reference to the following excerpts:
 - Number 1, Office VIP room,
 - Number 2 Moulin Rouge VIP room,
 - Number 3 Office VIP room, and
 - Number 4 Moulin Rouge VIP room.
4. The excerpts numbered 5, 6 and 7 appear, from Tom Lewis' email, to refer to deficiencies in CCTV coverage (that are a potential breach of the licence) rather than *conduct* that may amount to a breach of the licence conditions. These three excerpts were not provided to me.
5. I viewed excerpt Number 1 dated 23rd May 2019, 23.00 to 23.29 hours. This file shows touching occurring between the customer and performer including the customer rubbing the performers back and embracing the performer and the performer straddling the customer and leaning over him.
6. I Viewed excerpt Number 2 dated 23rd May 2019 23.00 to 23.15 hours in the Moulin

Rouge VIP room. This shows touching between the dancer and customer including the customer putting his hands on the performers bottom and thighs and the performer straddling the customer and wrapping her legs around the customer.

7. I viewed excerpt Number 3 dated 23rd May 2019 in the Office VIP Room (as excerpt 1) with times 23:01 to 23:03, 23:05:50 to 23:06, 23:07:38 to 23:07:50, 23:12 to 23:13, 23:22 to 23:25 and 23:28 to 23:29. These excerpts do not refer to additional breaches of the performer code of conduct but appear to show another performer with a customer in an area that is out of the view of the CCTV.
8. I viewed excerpt Number 4 dated 23rd May 2019 in the Moulin Rouge VIP room (as excerpt 2) with times 23:01:16 to 23:02, 23:03:49 to 23:04, 23:05 to 23:06, and 23:14 to 23:15. These excerpts do not show additional breaches of the performer code of conduct but appear to show another performer with a customer in an area that is out of the view of the CCTV.
9. I understand that in total there was CCTV footage of 2.5 hours per camera from seven cameras provided to Tower Hamlets, a total of 17.5 hours of CCTV footage. The excerpts referred to above summarise the total of the incidents that appear to breach the licence. With regard to the 'touching' the excerpt at number 1 lasts 29 minutes and the excerpt at 2 for 15 minutes, a total of 44 minutes.
10. The CCTV excerpts provided highlight three (3) areas of concern: inappropriate touching of the performer by a customer and inappropriate touching of a customer by the performer which are in contravention of the performer code of conduct and house rules for the customers and also failure to ensure all public areas are covered by CCTV (Condition 12).
11. It is my view that the touching that can be seen between the performer and the customer in both excerpts is a breach of the code of conduct. The aim of the 'no touching' rule includes ensuring that sex acts do not take place on the premises, that there is no sexual touching or masturbation of either party and to ensure that performers are protected from unwanted touching by a customer.
12. When considering a proportionate response to breaches such as those shown here it is necessary to take a broad view and look at the full circumstances of the conduct; whether it amounts to sexual touching or a sex act, if it was initiated by just one party and appears unwanted by the other or if both parties take part and/or initiate the conduct and the response of the premises management when they are made aware of the conduct.
13. In this case it appears that the touching is instigated, at different times, by both the performer and the customer. For example in excerpt 1 the customer can be seen rubbing the performers back and arms and embracing her around the waist and the performer can be seen straddling the customer. In excerpt 2 the customer has his hands on the performer's bottom and thighs and the performer straddles the customer and wraps her legs around the customer. In both excerpts the performer appears comfortable with what is taking place initiating some of the touching.
14. In both instances the performers and customers appear to be willing parties to the conduct. There does not appear to be any touching that would amount to a sex act


or masturbation or any touching of intimate areas such as genitals. It is also important to note that the CCTV showing this conduct amounts to 44 minutes of the total of 17.5 hours of CCTV that was supplied to the council in connection with the hearing.


15. Under these circumstances it appears to me that an appropriate response would be to discipline the performers for breach of the performer code of conduct and to ensure that all the performers at the premises are retrained on the code of conduct and required to sign that they have read and understood the instructions.
16. The customer 'house rules' should be reviewed to ensure that they are adequate and that measures are in place to make all customers aware of the conduct expected of them. Any customer found in breach of the rules should be removed from the premises and banned from admission in the future. If possible the customers involved on this occasion should be banned from attending the premises again.
17. It is also clear that there needs to be improved supervision of the premises by door supervisors and management and additional training is required to ensure that they fully understand their roles and the need to challenge inappropriate conduct.
18. A full review of the CCTV should be conducted in consultation with the licensing authority to ensure that all required areas are covered in compliance with condition 12 on the licence. I understand that this has already been agreed with the premises management.
19. It is my view that it is not a necessary or proportionate measure to refuse to renew the SEV licence on the basis of the CCTV provided. The above measures are sufficient ensure that the premises comply with the SEV conditions in the future.

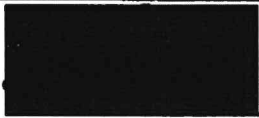
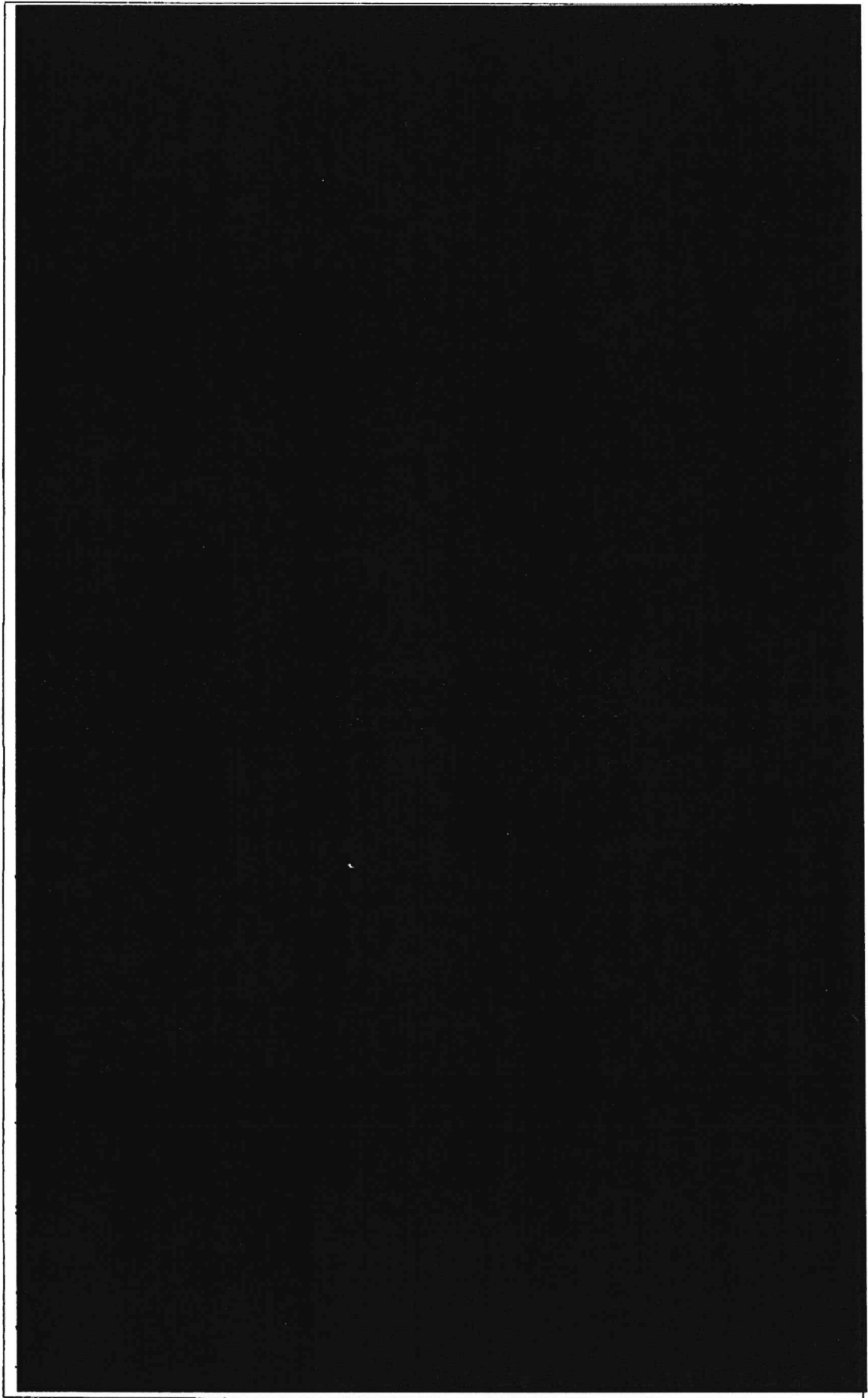
Signed:  ... (witness)

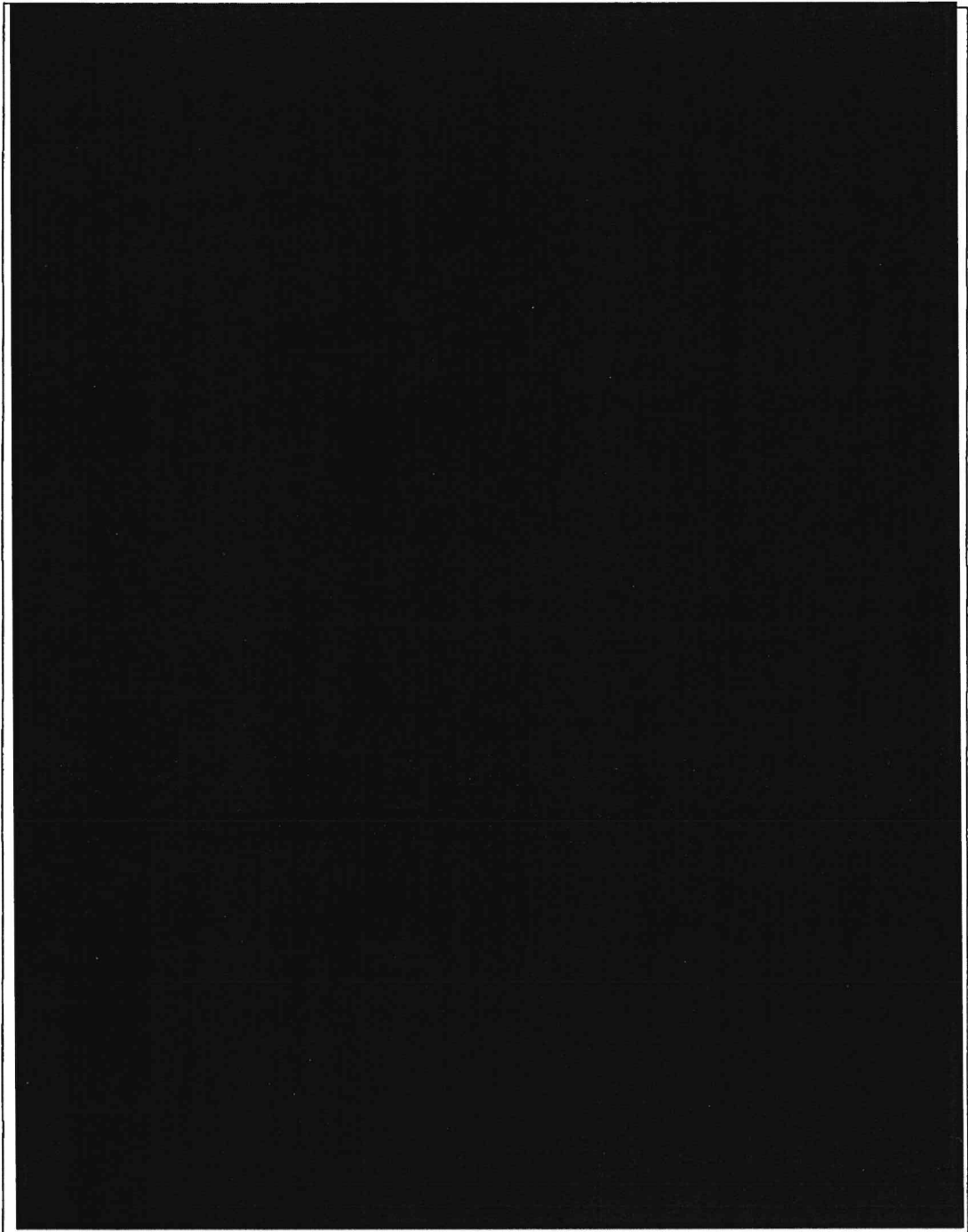
Date: 13/01/2020.....

Summary of expertise 

I retired from the police service on 2nd November 2012 having completed 31 years exemplary service with the Metropolitan Police in London. 







[Redacted]

13/01/2020.

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