

NH LICENSE LTD

THE NAGS HEAD

**EXPERT REPORT OF
ANDREW BAMBER**

DATED: 8 MAY 2023

EXECUTIVE SUMMARY

1. I attach **Appendix 1** a timeline of the work that I have undertaken for the ownership of The Nags Head from 2017 to date.

2. I am a Crime & Disorder Consultant working with the night-time economy. I provide advice and guidance for licensing applications, I assist with licensing reviews, and risk assess licensed premises. I devise compliance structures and processes to minimise risk of breach of licence conditions.

3. As a summary of my background I have been:
 - A Licensing Observation Officer.
 - A Divisional Licensing Inspector on a busy and challenging London Borough.
 - The Operations Manager for the Central London Clubs and Vice Unit.
 - A Detective Chief Inspector managing divisional crime investigations.
 - A senior Investigating Officer.
 - A Borough Commander responsible for developing and delivering local policing plans that include the night-time economy challenges.
 - An Assistant Director, for 10 years, of an inner London Borough. I was responsible for the Safer Communities portfolio that included the development and delivery of the Partnership Community Safety Strategy. I was responsible for the Licensing function and the night-time economy, problem solving local crime and ASB hotspots, and the development and management of Licensing policies.

4. When I was first asked to review the management of The Nags Head and the policies that supported the Sexual Entertainment Venue Licence, I conducted a risk assessment of the operation that consisted of:

- Interviewing Manpal Clair (owner)
- Interviewing Bahadur Singh Binning (DPS)
- Conducting interviews with door supervisors and the SIA provider
- A desktop review of policies, procedures, performer documentation, and CCTV systems.
- Overt visits to the premises where the SEV conditions were assessed against a checklist.
- Covert visits to the premises where individuals visited the premises as 'customers' and tested the house rules, performer conduct, door supervisor conduct, and the outside and inside of the venue in accordance with the SEV conditions.
- The Sexual Entertainment Venue licence was also benchmarked against the Council's SEV guidance and Standard Conditions as found on the Council website.

5. The completed Risk Assessment contained a series of recommendations. I recommended an independent compliance regime that ensured that a risk assessment was completed each year with both covert and overt inspections of the venue to test compliance with the licence conditions.

6. The owner agreed to commission a number of visits each year. He would not know the date, time, or type of visit that would be undertaken. A report of the visit would be provided at the conclusion of each visit.

7. In addition to the agreed visit format the owner was able to (and did) request additional visits if he had specific concerns. For example, if a number of new performers commenced work at the venue and after their induction, he wanted to monitor their compliance with the licence conditions, or simply to gain third-party insight into how the venue was running. (AB1)
8. The last occasion additional visits were requested was in August 2022. The DPS, Bahadur Binning, had discovered breaches of conditions when dip sampling (which is also a risk assessment recommendation) CCTV footage.
9. When it comes to managing human behaviour, it is almost impossible to completely de-risk an operation when factoring in:
 - Peoples lapses of concentration.
 - Unintentional acts.
 - Reckless, or irresponsible acts.
 - Or indeed wilful and deliberate acts despite rules and regulations.
10. It is most unusual for a observation officer to seek to initiate or engage in any act that would effectively ensure that there was a breach of a licence condition, or the continuation of a breach. Such acts guarantee a breach of the licence condition or the continuation of such a breach.
11. **In my view, the Premises employs a robust and rigorous risk-based approach to achieve compliance with the Sexual Entertainment Venue Licence conditions.**
12. **I have no doubt at all that the current owner and management are fit and proper persons the hold a Sexual Entertainment Venue Licence and that the compliance structure that is in place is fit for purpose.**

13. This case clearly highlights the conscientious nature of the owner, and that the compliance process is effective. The breaches of the licence conditions were highlighted as part of the compliance process and immediate action taken to rectify the problem.

Introduction

14. I have been asked by Luke Elford of John Gaunt & Partners to set out my involvement with The Nags Head 17-19 Whitechapel Road, London E1 1DU.
15. I am a Crime & Disorder Consultant working with the night-time economy. I provide advice and guidance for licensing applications, I assist with licensing reviews, and risk assess licensed venues. I devise compliance structures and processes to minimise the risk of breaching licence conditions and to uphold the Licensing Objectives.
16. Whilst I have a business involvement with the venue known as the Nags Head by providing independent oversight and compliance support, I acknowledge that my primary duty is to the Court and the Licensing Committee. All facts identified in this document are true to the best of my knowledge and experience. They were either witnessed or experienced by me personally or relayed to me in good faith and appear to be credible and reliable.
17. I can evaluate the operational environment based upon my considerable experience and qualifications. I can view the environment through several perspectives and make objective and proportionate interpretations of any data and evidence.
18. The opinions I have expressed within in this report are honestly held and correct to the best of my judgement and belief.

19. The work that I have undertaken includes a risk assessment process and compliance regime. I have attached a brief resume of my personal profile.
20. In 2017, I was approached by the owner of the venue to undertake some work on his behalf. He explained that he owned the Sexual Entertainment Venue in Whitechapel Road E1. Known as 'The Nags Head'.
21. He set out his concerns about managing such a venue and highlighted that he was acutely aware of his responsibilities in relation to the management of the Sexual Entertainment Venue Licence along with the Licensing Objectives under the Licensing Act 2003. He explained that whilst he understood the requirements and responsibilities he wanted to make sure that his venue was compliant.
22. He highlighted that no matter how rigorous he was in the management of the venue he could not be there 100% of the time that it was open. He was concerned about the potential of a possible failure by the management to carry through his policies of strict compliance with the licence conditions. He also recognised the difficulty of managing the potential for customers or performers to breach a condition through a deliberate, unintentional, reckless, or irresponsible act.
23. In general, he asked for my advice on how to either eliminate the risk of a breach of the licence going forward or significantly reduce the potential for a breach of the conditions as much as possible.
24. I have produced a timeline of my involvement that briefly details the work that I have undertaken for the owner.

Risk Assessment

25. The purpose of the risk assessment is confined to compliance with the Sexual Entertainment Venue Licence conditions as placed on the licence by Tower Hamlets, the Licensing Authority. It does not cover or include the fire risk assessment, health and safety risk assessments, or the SIA risk assessment, which are separate documents.
26. In 2017 I developed the first risk assessment for the venue. Apart from the Covid-19 lockdown years (2020/2021) the risk assessment has been updated each year.
27. To determine the type of risk associated with each condition the following methodology was adopted:
 - The owner Manpal Singh was interviewed.
 - The DPS Bahadur Singh was interviewed.
 - Door supervisors and the owner of the door supervisor company were interviewed.
 - There was a desktop review of policies, procedures, dancer documentation, and CCTV systems.
 - Overt visits were conducted at the premises and the SEV conditions were assessed against a checklist.
 - Covert visits were made to the premises where individuals visited the premises as 'customers' and tested the house rules, dancer conduct, door supervisor conduct, and assessed the outside and inside of the venue in accordance with the SEV conditions.
 - The Sexual Entertainment Venue licence was benchmarked against the Tower Hamlets SEV guidance and standard conditions as found on the Tower Hamlets website.

28. Human behaviour is a key area for any business it is almost impossible to completely de-risk operations when factoring in:

- Peoples lapses of concentration.
- Unintentional acts.
- Reckless, or irresponsible acts.
- Or indeed wilful and deliberate acts despite rules and regulations.

29. A risk assessment in any business is about mitigation. It is about ensuring that the business has due diligence in place to prevent incidents and to highlight failures in behaviour and processes if they occur (which they inevitably do) and to take the most appropriate and effective action. Risk cannot be completely eradicated.

30. At the end of the assessment process, I produced a series of recommendations that are contained on page 20 of the 2017 Risk Assessment.

31. The recommendation to implement and manage an independent compliance regime was introduced by the management and continues to run.

32. From 2018, apart from the Covid lockdown period (2020/21), the risk assessment has been reviewed and updated as necessary, annually.

Visits

33. The visits to the venue are divided into covert and overt visits. The visits dictated by the Sexual Entertainment Venue licence are decided upon by me. If they are to be covert visits, I task my associates or if it is to be an overt visit then I conduct it on a date and time selected by me. The owner and management have no prior knowledge of when the visits will take place, or who will be visiting.

34. Occasionally the owner will contact me about concerns that he has when new performers are starting work at the venue. He will ask for a set of covert visits (see email dated 09/09/2019 – AB1) to test their behaviour and their compliance to the house rules.

Covert visits

35. Unlike the Police or Local Authority there is no requirement for me to obtain an authority under the Regulation of Investigatory Powers Act 2000 even though the visits are covert in nature, that they are for a specific investigation, and that it is inevitable that personal information will be obtained during the visits.

36. Neither is there any restriction on my associates trying to initiate touching by encouraging the entertainers. Unlike Police Officers, Council Officers, or individuals employed by Local Authorities who should not act as 'Agent Provocateurs' while working covertly. In other words, those employed by appropriate authorities should not act, *'as a person who commits, or who acts to entice another person to commit an illegal or rash act or falsely implicates them in partaking in an illegal act, so as to ruin the reputation of, or entice legal action against, the target, or a group they belong to or are perceived to belong to'*.

37. However, associates acting on my behalf are specifically told not to touch the entertainers as to do so would be an assault.

38. The covert visits are designed to be a compliance test and they are similar in nature to 'test purchases' or 'mystery shopping exercises' that are conducted by many organizations and businesses to test their employee's compliance with their company rules and policies.

39. In these cases, the visits are carried out without the knowledge of staff working in the Nags Head. A 'covert customer' is placed into the club to assess compliance with

a number of Sexual Entertainment Venue licence conditions. Some conditions e.g. whether or not the CCTV is working, cannot be assessed during a covert visit and are covered during overt visits instead.

40. The owner, whilst aware of this type of visit, is not told when the visits will actually take place or who by. The visits have been undertaken by a range of people who have held senior positions in the Metropolitan Police and Local Government.
41. As I am known to the owner and management, I do not carry out the covert visits. The visits are carried out by a number of associates who are conversant with licensing legislation and in particular the conditions contained on the licences of The Nags Head. The associates are not known to the management or the entertainers.
42. As an additional firewall I do not know the actual date or time of the visit. I provide a timeframe for the visit and then leave it to the associate as to when to conduct the actual visit.
43. At a date and time selected by the covert customer the visit to the venue will start with the covert customer checking the outside of the venue to ensure that there is no advertising on the venue or in the immediate area. They will ensure that the inside of the venue cannot be seen from the street or that no noise emanates from the building. They will watch the door security staff from a distance to ensure that there is no touting of customers as people walk past the venue.
44. As the covert customer enters the venue, they will check that the signage is properly placed and that it is clearly displayed and evident so that any customer is clearly aware of the house conditions etc. The covert customer will expect the door staff comply with the policies and procedures of the venue. For example, the door staff

are clearly identifiable as door security staff. That they explain what the venue is and that the house rules are pointed out to them.

45. Inside the venue they will check that the licence conditions and house rules are being adhered to. Specifically, no touching, that there is no nudity in the public area, no people under the age of 18, that the tariffs are displayed and that the correct amounts are being charged in line with the tariffs.
46. They monitor the customers and entertainers to ensure compliance of the house rules. As part of that process, they engage with the entertainers in the bar area and pay for private dances.
47. The associates are specifically instructed not to initiate touching between themselves and the entertainer as to do so could constitute an assault. They can verbally encourage the entertainer to try and entice them to touch to see if the individual transgresses. They also encourage the entertainer to part with their telephone number.
48. At the conclusion of each visit the associate provides a synopsis of the visit that is provided to the owner.

Overt visits

49. I conduct the overt visits on a day and time of my choosing. Similar to the covert visits I check the outside of the venue, the surrounding area, and check to see if the door security is adhering to the licence conditions.
50. After acknowledging the Designated Premises Supervisor, I inspect the venue to ensure that all notices are clearly displayed in the public and private parts of the ground floor, and that the logs books are being used and kept up to date. I check the

location and number of door supervisors working in the venue. Check that the entertainment is being accurately recorded and that the entertainers are appropriately attired and that there is no nudity in the public area.

51. Having inspected the ground floor and the entertainment areas I move with the Designated Premises Supervisor to the office on the first floor. There I undertake a check of the entertainers' records and dip sample the CCTV footage. The dip sampling involves viewing of CCTV footage from randomly selected dates and times from the retained footage over the previous month. I view the bar area to ensure that there are no underage customers, that there is no nudity or poor customer behaviour. I then view the entertainment area to see if I can detect any breaches of the 'House Rules'.
52. At the conclusion of my visit, I check and sign the incident log and provide a report of my visit to the owner.

DIP sampling CCTV footage

53. In addition to the main CCTV system the owner has remote access to live footage and the Designated Premises Supervisor has a handheld device that enables him to view the CCTV footage from the bar area rather than sit on the first floor watching the main system screen. This adds to the effective supervision of the entire venue.
54. In addition to the main CCTV system and the remote access the owner introduced a dip sampling process as part of the CCTV policy. During my overt visits (as previously described) I dip sample footage from the previous month to assess the activities of the entertainers, the management, and customers.
55. In addition to my dip sampling the owner and the DPS also dip sample footage at regular intervals. A record of the dip sampling is retained in a register that is

available on request by authorised officer. Authorised officers attending the venue and requesting to view footage should also make a relevant entry.

56. The dip sampling process led to an intervention by the management. I was emailed on the 20th of August 2022 by the owner who informed me that the dip sampling process conducted by management had revealed breaches of the licence conditions.
57. In the email the owner highlights that there have been breaches, that the entertainers have been removed and he requested some covert visits.
58. I respond with some advice and sought clarification on the number of additional visits that would be required.

Council visit

59. I have been made aware that the council conducted a covert visit to the Nags Head and that the incident that the owner referred to in his email of the 20th of August included a breach of the licence conditions by the observation officers while conducting a covert visit.
60. I have not been provided with a copy of the RIPA authorization for the visit. Nor have I seen the guidance and engagement rules that should be given to the observation personnel to ensure that the conduct of the observation officers is beyond reproach and that they are not party to any offences. That the observation officers know how to conduct themselves during such a visit and that they should not assault performers, act as agent provocateurs, or seek to entrap individuals. This guidance document should form part of any covert visit authorization to ensure that officers do not instigate a breach of licence conditions or try to make the incident more elaborate than it actually is.

61. It is most unusual for observation officers to initiate or engage in any act that would effectively ensure that there was a breach of a licence condition, or the continuation of a breach.
62. If officers act in this way, it is impossible for licence holders to prevent a breach of their licence conditions.

Opinion

63. In my opinion the venue known as The Nags Head is owned and managed by conscientious individuals who seek to manage a safe environment for people that work there.
64. The owner has worked hard to ensure that there is compliance regime that is effective. This is highlighted by the actions of the DPS who discovered breaches of the licence conditions while dip sampling CCTV footage as part of the compliance process.
65. I have no doubt at all that the current owner and management are fit and proper persons the hold a Sexual Entertainment Venue Licence and that the compliance structure that is in place is fit for purpose.
66. This case clearly highlights the conscientious nature of the owner, and that the compliance process is effective. The breaches to the licence conditions were highlighted as part of the compliance process and immediate action taken to rectify the problem.
67. The dip sampling process and the covert visits are designed to reduce the risk associated with human failure by the performers or customers so that immediate corrective action can be taken.

68. Compliance audits are essential to ensure that a company adheres to all applicable rules and laws. However, no matter how robust a compliance audit is there will always be audit failures no matter what the business environment is.
69. When it comes to managing human behaviour, it is almost impossible to completely de-risk operations when factoring in:
- Peoples lapses of concentration.
 - Unintentional acts.
 - Reckless, or irresponsible acts.
 - Or indeed wilful and deliberate acts despite rules and regulations.
70. Observation officers should not intentionally breach the house rules by touching the performer. It is a willful and deliberate act despite the house rules and licence conditions and cannot be mitigated against.

I confirm that I have made clear which facts and matters referred to in this report are within my own knowledge and which are not. Those that are within my own knowledge I confirm to be true. The opinions I have expressed represent my true and complete professional opinions on the matters to which they refer. I understand that proceedings for contempt of court may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth.

Signed:



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Andrew Bamber

Dated: 8 May 2023

Appendix 1

Timeline of the work undertaken at The Nags Head, Whitechapel

2017

In May 2017 there was an allegation of an assault on a performer. I undertook a review of the incident on behalf of the Owner.

In the same month (May) I introduced the owner to the development of a Risk Assessment and a Risk Register based upon the licence conditions that had been set for the Sexual Entertainment Venue Licence.

As part of the risk assessment process all the venue's policies were reviewed, amended, and new policies developed.

Along with the risk assessment a Licensing Manual was produced for the Owner and management team.

From May through December ten (10) covert visits were made to the venue to assess the management and the entertainers.

During the same period eight (8) overt visits were made to the venue to check the interior of the venue. I also completed the revised policies and introduce dip sampling of the CCTV system.

A total of eighteen (18) visits were conducted during 2017.

2018

The risk assessment was reviewed along with the venue's policies to ensure that it was still fit for purpose.

Nine (9) covert visits were undertaken to test the management and entertainers. CCTV privacy impact assessment.

Ten (10) overt visits were undertaken to inspect the venue, check the venue policies and logbooks, and to dip sample CCTV footage.

A total of nineteen (19) visits were conducted during 2018.

2019

The risk assessment was reviewed along with the venue's policies to ensure that it was still fit for purpose.

Four (4) covert visits undertaken.

Two (2) overt visits undertaken.

A total of six (6) visits were conducted during 2019. The reduction in visits was proportionate to the lack of issues exposed during 2017 and 2018.

2020

No visits undertaken at the Nags Head. I was out of the country January through February. During March I was preparing to undertake a review of the risk assessment when the first Covid lockdown was implemented.

At the end of the first lockdown period, I was asked to undertake a Covid Risk Assessment for the venue pending a potential opening. The venue never opened.

2021

Two (2) covert visits to test management and entertainers on return to the venue post Covid.

2022

I reviewed the venue's risk assessment post Covid.

Five (5) covert visits to the venue to test management and entertainers.

One (1) overt visit.

A total of six (6) visits were conducted during 2022 returning to the level set pre-pandemic.

2023

An overt visit took place on 3 May 2023.

A covert visit is scheduled for 9 May 2023.

Further visits will be undertaken during 2023. It may be prudent to increase the number of visits undertaken in 2023 in view of the allegations made and the breaches observed so that they are more reflective of the levels of visits in 2017 and 2018.

Explanatory Note:

On the 17th October 2017 the Licensing Sub-Committee added additional conditions to the Sexual Entertainment Venue Licence. One condition was the requirement to undertake 4 compliance visit per year and to produce a signed and dated report that should be retained at the venue and produced upon request of an authorised officer.

To date I have not had any contact with the any officer responsible for the supervision of licensed premises in Tower Hamlets.

From: manpal singh <[REDACTED]>
Subject: Nags head - covert visits
Date: 9 September 2019 at 17:09:05 BST
To: "andrewbamber" [REDACTED]

Hi Andy

Hope your well.

I've had a number of new performers start at Nags Head and I have concerns around compliance of house rule breaches.

Could you arrange for a number of covert visits to check compliance on any dates and time of your choosing without mine or any staff knowledge.

I look forward to hearing from you.

Manu
Manpal Singh Clair

From: andrew bamber <[REDACTED]>
Subject: Re: Nags Head - Urgent
Date: 20 August 2022 at 14:22:45 BST
To: manpal singh <[REDACTED]>

Dear Manu

As we've discussed in the past, it will always difficult to mitigate unacceptable behaviour by customers and staff when they transgress deliberately or through thoughtless behaviour. The important thing is that your internal due process has picked this up quickly, you are right saying that it needs to be dealt with quickly and effectively.

Adhere to your protocols by ensuring that the dip sampling log identifies the the fact that your manager has uncovered the breach. Make sure that you cross reference in the incident log. It doesn't need to be lengthy in the incident log as long as the details are in the dip sampling log.

I agree with your action to meet with staff and reiterate the house rules. Get them to resign the house rules after the meeting.

You haven't explained the breach but I assume that it's touching? If so consider the following.

Did the dancer initiate the breach?
Did the customer touch the dancer, if so that may well be an assault by the customer. I assume that the dancer didn't report the breach so you need to reiterate the need to report such incidents at your meeting with staff.

I'll undertake a number of covert visits (I need to know how many you would like?). Obviously you won't know when and I'll come back to you at the end of the visits. Obviously if anything happens then it will be reported to you immediately.

Andy B
Sent from my iPhone

On 20 Aug 2022, at 11:28, manpal singh <[REDACTED]> wrote:

Andy

As you know I have recruited many new staff post covid and as you are aware I've been conscious that new performorrs need to learn the rules. Since all the annual checks have been taken, we have undertaken dip sampling and have come across a incident that I'm most unhappy with. As a result I have suspended the individuals.

I am going to reiterate all the house rules and standards in the next couple of days with all my staff and I would like a number of visits undertake to check on the staff, would

that be acceptable.

You know I don't allow this sort of stuff and it's unacceptable and it's got to be dealt with quickly and effectively

Thanks

Manu
Manpal Singh Clair

AB Conformitas Ltd

**The Nags Head Gentleman's Venue
17-19 Whitechapel Road
London E1**

**Assessment of the risks associated with the conditions on the sexual entertainment venue
licence**

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1. Introduction

Nags Head Ltd operates a lap dancing club in Whitechapel which has the benefit of a premises licence and SEV. On the 4th May 2017 there was an incident at the Nags Head Gentleman's Venue where a customer deliberately touched a dancer during a private dance. The dancer and the management dealt with the incident appropriately and effectively in accordance with the SEV licence conditions set out in the licence by the Licensing Authority, Tower Hamlets Council. The customer was immediately asked to leave. Subsequently the assault was reported to the police and it is still being investigated.

The Company operates a 'No Touch' rule and customers and entertainers are given (multiple) instructions to this effect and the reality of the incident on the 4th of May has been a concern for the management of Nags Head Ltd for a while. As a consequence they had already entered into discussions, before the incident occurred, to enhance their compliance regime at the Nags Head. Discussions were held in February and early May to explore how to undertake a review of the 'Nags Head' venue for the Nags Head business development plan, and when it should commence. On the 15th May final agreement was reached on the process to review, and risk assess the companies policies, procedures and compliance management. Work started immediately at the venue known as the Nags Head Gentleman's Club.

The risk assessment recognises that the deliberate touching of a performer on the 4th May, in contravention of the 'House Rules' was dealt with in accordance with the SEV licence conditions placed on the licence by Tower Hamlets Council, the licensing authority. The entertainer known as Summer complained to the duty manager that a customer had touched her and that she had terminated the performance in accordance with the House Rules. The customer readily admitted to the manager that he had touched the dancer and agreed to leave the premises immediately on finishing his drink.

The dancer returned to the bar whilst the customer was leaving and she continued to work until the end of her shift without any further complaint about the way that the customer behaved.

Subsequently the dancer complained to the police that the customer had not merely touched her but had sexually assaulted her. Prior to the allegation of sexual assault the dancer and the manager had acted precisely in accordance with the House Rules. However, if the dancer had made an allegation of sexual assault at the time of the incident then the manager would have dealt with the matter in a completely different way. The manager would have called the police immediately, involved the SIA door staff and sought to detain the customer until the arrival of the police.

This particular incident occurred despite adherence to the licence conditions;

- The verbal warnings given by the SIA licences door supervisor at the entrance to the venue,
- The notices of the customer code of conduct displayed at the entrance to the venue
- The notices of the customer code of conduct displayed at the entrance to the private dance areas.

It is not known if the entertainer also highlighted the 'no touch' House Rule before the performance started.

The owners of Nags Head Ltd had already recognised that despite having all the conditions in place, and monitoring them as a management team, it is exceptionally difficult to manage and deal with the impulsive and spontaneous acts by reckless customers or entertainers. It is for this reason the management of Nags Head Ltd wanted to introduce an enhanced level of compliance at their venues.

2. Method

The overall risk assessment for the company and its operation covers a multitude of potential risks. The purpose of this risk assessment is confined to the compliance with SEV licence conditions" (Appendix 2 and 3) as placed on the licence by Tower Hamlets, the licensing authority. It does not cover or include the fire risk assessment, health and safety risk assessments, or the SIA risk assessment.

It is important to understand that this is a risk assessment and it does not represent or identify problems in the business. This piece of work is solely about identifying risks to the business environment that may exist given the current compliance procedures and processes. By identifying potential risks associated with the management of a business environment new, enhanced, and/or additional measures can be put into place to develop the business and the safety and welfare of staff and customers alike.

The owners of Nags Head Ltd have already identified that there are risks associated with the management of such a business and this was reinforced when a customer spontaneously and impulsively touched a dancer during a performance, despite all current controls that comply with the SEV conditions. They also recognise that this act, or any future impulsive act, by a customer represents a risk to the licence. As a consequence the owners wish to develop a business model that provides additional and greater compliance control measures than those demanded by the licensing authority and the police.

The risk assessment recognises that the licensing authority and the police have regularly visited and inspected the premise. That they have agreed and signed off the SEV conditions and how the management of the Nags Head have interpreted and implemented them. They have completed annual inspection visits and made no recommendations to improve any aspect. Therefore it is reasonable to assume that the current control measure are satisfactory as far as the police and the Local Authority are concerned.

To assess the risks associated with the conditions on the SEV licence each of the specific conditions were assessed against a 5*5 matrix (Appendix 1). Each condition was considered against the likelihood of such an occurrence happening and the possible consequences (actions of the police and licensing authority) if such a breach came to the attention of the licensing authority.

There are existing control measures in place to manage each condition. The current control measures for each condition would identify if a breach of the condition was rare, unlikely, possible, likely, or almost certain. Then, if a potential breach of a condition is identified as possible in one of the 5 likelihood categories then the likelihood of the breach is assessed against the possible 5 consequence or potential actions of the licensing authority. In other words the consequence or risk would be negligible, marginal, moderate, major, or catastrophic to NH Ltd. By assessing each licence condition vertically and horizontally on the matrix a risk score of 1-25 is assigned to the condition. The lower the score the lower the risk of something going wrong. The higher the score the greater the risk of something going wrong.

- Green (a score of 1-3) represents a very low risk of something going wrong given the existing controls in place. Intervention by the licensing authority would be confined to advice and guidance by authorised officers and the possibility of increased licensing visits to ensure management controls.
- Yellow (a score of 4,5,6,8 or 9) represents a moderate risk of something going wrong with the existing control measures. Intervention by the licensing authority may include formal warnings by the licensing authority about current and future conduct.
- Orange (a score of 10,12, 15) represents a high risk of something going wrong with the existing control measures. Intervention may include formal warnings and or a revocation hearing at a licensing committee.
- Red (a score of 16, 20, 25) represents a catastrophic risk if something were to go wrong with the existing control measures. Intervention could result in the closure of the premises/revocation of the SEV licence.

To determine the type of risk associated with each condition the following methodology was adopted.

- The owner Manpal Singh was interviewed.
- The personal licence holder Bahadur Singh was interviewed.
- Door supervisors and the owner of the door supervisor company were interviewed.
- There was a desktop review of policies, procedures, dancer documentation, and CCTV systems.
- Overt visits were conducted at the premises and the SEV conditions were assessed against a checklist.
- Covert visits were made to the premises where individuals visited the premises as 'customers' and tested the house rules, dancer conduct, door supervisor conduct, and assessed the outside and inside of the venue in accordance with the SEV conditions.
- Reviewed the SEV licence against the Tower Hamlets website and the SEV guidance and standard conditions

At the conclusion of the review recommendations, if necessary, are made to enhance the control measure with additional controls and thus reduce the risk of any infringement of the specific condition. As a result the risk rating (score) may be lowered.

3. Findings

3.1 Licensing Authority

As part of the risk assessment I looked at the councils website and the published SEV standard conditions. The website and the Nags Head SEV licence has the potential to create an environment of confusion. The licence issued to Nags Head Ltd, signed by the LA on the 20th December 2016, clearly states that there are 41 'standard conditions' that must be complied with, and they are attached at appendix 2. The licence itself, issued by the Licensing Authority, places a further 3 specific conditions that relate to capacity in the venue and the display and availability of the licence. However, the standard conditions as posted on the TH website only contain 33 conditions and appears to be incomplete. One can only assume that the Licensing Authority have not kept their website up to date given the discrepancy in the number of standard conditions.

Having studied the 44 standard conditions issued to the Nags Head by the Licensing Authority the following observations are made. It is clear that there is no customer SEV condition that stipulates 'no touching'. Condition 23 states, 'Signs must be displayed at appropriate locations advising that any customer **attempting** to make physical contact with a performer **will** be asked to leave. Condition 20 states 'The Licensee shall prepare House Rules governing the conduct of customers'. The House Rule states 'You must **not touch** the performer during her performance. Failure to comply with this code **may** result in you being asked to leave the premises without refund of any monies paid.

Condition 26 states, 'The House Rules must be implemented and effectively enforced at all times when the premises are operating with sexual entertainment' it is a subjective test and open to interpretation, and there is nothing in the SEV conditions that state that a failure to adhere to the House Rules is a breach of the SEV conditions.

Condition 35 states that. "During a performance there shall be no intentional physical contact between a performer and the customer other than the transfer of money or token at the beginning, during and at the conclusion of a dance into the hand or a garter worn by the performer. For the avoidance of doubt nothing in this condition shall prevent Performers from acting to prevent, deter or counter any attempts of physical contact by a customer". As this condition is within the Performer section of the SEV conditions the inference is that the contact should not come from the performer and does not mention touching by the customer.

Since the granting of the SEV licence the owners say that there has been 4 visits by authorised officers from the police and the licensing authority. There were 3 announced visits by authorised officers from Tower Hamlets, the licensing authority, and 1 unannounced visit by a joint team of police and council officers. During these visits both staff and management refer to the police and the Licensing Authority implying a criticism that they have not kept or supplied copies of entries in a premises log book. There is no SEV condition on the licence or a House Rule that stipulates that the owners, management, or staff must keep such a document. However, it is recognised that it is good practice to keep such a document and record relevant matters as they arise. Other than the incident book comments the police and the licensing authority have not given any advice or guidance on the running/management of the premises, nor have they sought to apply for additional SEV conditions under condition 7 in the licence.

It is therefore reasonable to assume that the Police and the Licensing Authority are satisfied with the current arrangements at the venue because there has been no suggestions by either licensing team to improve, change or add additional conditions.

In addition the Police and the Licensing Authority have not made known to the owners any risk assessment they have compiled to agree the granting of the licence and the management of the conditions.

3.2 SEV Licence and conditions

The full assessment of all of the conditions is attached in a spread sheet that follows this commentary.

Each licence condition is assessed along with the current control measure for that specific condition and it is given a risk score that will identify if the current position represents a low, medium, high, or dangerous risk. When given a score (of 1-25) each management control measures is then reviewed to see if the owners can enhance the management control measure and as a consequence reduce the risk of something going wrong. Therefore achieving a lower score.

The current controls in place to manage the venue and the SEV licensing conditions are effective and have been subject to annual inspection by the licensing authority. As a consequence the vast majority of the conditions carry the lowest risk factor (green) on the matrix. There are a small number of medium (yellow), and high (orange) risk factors, and there are 2 red risks that could be catastrophic for the business if the control measures failed. The licensing authority and the police have agreed and accepted the current risks by acknowledging them in their inspections because they have not made any additional recommendations, as they could under condition 7 in the SEV licence.

The additional control measures being considered by the owners (independent of the licensing authority and the police) will reduce most of the risks to low and medium. There are 2 that will remain high despite all of the proposed enhancements because it is incredibly difficult to completely mitigate for impromptu, impulsive, spontaneous, and/or reckless acts by entertainers and/or customers.

3.3 Low Risk



Of the 44 SEV conditions 32 of the conditions were assessed as green with the low risk score of 1 and they represent a very negligible risk to the business. This primarily because the particular licence condition has been fully met and controls that are in place for that condition are more than adequate. Also the business is supported by a dedicated firm of licensing solicitors who provide advice and guidance in relation to all 44 conditions. Even so, the owners wished to fully review and audit their business model and implement a new compliance regime across their business portfolio that will reinforce and maintain the already high standards assessed in this review.

3.4 Medium Risk



Five (5) conditions were assessed as yellow and represent a medium risk to the venue. the 5 conditions are;

<p>Condition 3 The Licensee shall admit authorised officers to the Premises at all reasonable times and at any time when the Premises are providing sexual entertainment. The Licensee shall provide in a timely fashion copies of any documents reasonably required by an authorised officer to prove compliance with this Licence.</p>	<p>An adhoc approach to document storage could cause delays in the provision of documentation, in the second part of this condition. The owners are introducing a licensing manual to ensure that all relevant documentations are immediately available upon request. Also the introduction of a more comprehensive incident log will improve the information provision and staff are able to provide a meaningful document. The introduction of these additional measures reduces the risk factor and a new 'low' risk factor is then realised</p>
<p>Condition 5 A suitable and sufficient number of door supervisors and trained staff will be employed (based on a risk assessment) when sexual entertainment is offered. Their duties will include monitoring customers to ensure that the Code of Conduct for Performers and the House Rules are being obeyed.</p>	<p>The owners rely on the SIA company to provide licensed staff. The reliance on the company represents an unmanaged risk NH Ltd and it is possible for unlicensed door staff to operate if their licence expires and the firm do not deal with the matter. The door staff tend to remain the same. The recommendation is that the SIA company provide NH Ltd the renewal dates for individual licences so that the risk of employing unlicensed door staff is removed. The risk assessment for the door supervisor staff will be reviewed and refreshed. If implemented the risk reduces to 'low'</p>
<p>Condition 13 CCTV cameras shall be installed and maintained at the locations shown on the attached plan, to the reasonable satisfaction of the licensing authority.</p>	<p>A recent incident highlighted that the summer time change had not been applied to the system. Management should enhance the supervision of the system with a new compliance process and should include dip sampling of footage that will ensure the system is regularly reviewed and time change checks ensuring UK time changes are made.</p>
<p>Condition 15 The number of persons to be accommodated in the premises at any one time shall not exceed a 100 persons</p>	<p>Counters are not used by door staff. It appears unlikely that the premises will cater for 100 customers. However, should the event ever occur door staff and management would not be able to provide accurate numbers if challenged by an authorised officer. Implementation of counters will reduce the risk to 'low'</p>

<p>Condition 20 The Licensee shall prepare House Rules governing the conduct of customers.</p>	<p>The house rules have been compiled by the management and are prominently displayed at the entrance to the premises. They are also located in site specific locations within the premises. These rules have been agreed and signed off by the licensing authority. The way they are displayed in the premises has also been accepted.</p> <p>There is however a discrepancy between the SEV conditions and the house rules that have not been picked up by the licensing authority and may cause confusion.</p> <p>As well as being displayed in the premises they are now incorporated in a new licensing manual for the premises. The compliance of this condition will be monitored and reviewed through a proposed new compliance regime. Any changes asked for by the licensing authority will be dealt with promptly. However NH Ltd should clarify with the licensing authority the discrepancy over the house rules and the sev condition as it could cause confusion</p>
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3.5 High Risk



Five (5) conditions were assessed with a high (orange) risk factor with the current controls in place

<p>Condition 7 The Council reserves the right to amend or alter these conditions (provided that such change will not prevent the operators from viably carrying on the business of the Premises) following consultation with the licensees.</p>	<p>The licensee manages the premises in line with the SEV conditions and has the advice and guidance of a specialised firm of licensing solicitors.</p> <p>The management of NH Ltd manage the conditions as agreed by the licensing authority and the police. Both agencies visit the premises and have agreed how the management of the NH have interpreted the conditions and implemented them. That is despite discrepancies (condition 20 and 23) Condition 23 states that customers attempting to touch will be asked to leave. It is a moot point but there is nothing in the condition that specifically states that having touched a performer the customer will be asked to leave. In addition the house rules (20), agreed by the council, state that a customer may be asked to leave if touching takes place.</p> <p>Given the differing elements in the conditions and house rules there is a higher rating given because the council and or the police may interpret the conditions differently to the management of the NH and thereby create unnecessary conflict.</p>
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<p>Condition 24 No member of the public shall be admitted or allowed to remain at the Premises if they appear to be intoxicated or under the influence of illegal substances.</p>	<p>The customer and drug policy does not specifically cover the <u>admittance</u> of those suspected of being intoxicated or under the influence of drugs and should probably be included given that the SEV condition cover the 'admittance to' and 'allowed to remain' criteria</p> <p>If introduced the risk factor reduces to the acceptable level of 6 rather than the higher factor of 12</p> <p>This will also be enhanced with a new compliance regime that provides independent overt and covert visits to the premises to test compliance.</p> <p>There will always be a risk with this condition as individuals react differently to alcohol and may not exhibit obvious signs. However, the additional control measure will reduce the risk sufficiently to medium.</p>
<p>Condition 26 The House Rules must be implemented and effectively enforced at all times when the premises are operating with sexual entertainment.</p>	<p>Rule 24. The admittance of those under the influence of alcohol or drugs is not specifically mentioned in the customer house rules therefore the risk is higher. To reduce the risk factor it should be added.</p> <p>You can be intoxicated and not cause a public disturbance or nuisance to the neighbours. But the quietly intoxicated can pose a risk to the no touch house rule and the safety of the dancers.</p> <p>By introducing additional control measures at 24 this risk will also reduce to medium, marginally above a green rating.</p> <p>Implemented and effectively enforced is in the main a subjective test. Whilst the Licensing Authority and the police have not invoked any changes under condition 7 there is therefore an implied acceptance that every thing is being effectively managed. However, the owners wish to enhance their current arrangements with an independent compliance structure.</p>

Condition 36

Without prejudice to standard condition 35 above, at the conclusion of a performance there shall be no intentional physical contact between a performer and the customer, save for a handshake. For the avoidance of doubt kissing is not permitted.

It is exceptionally difficult to manage impulsive, spontaneous and or reckless acts by customers either before or after a performance when the customer quickly kisses the performer on the cheek as a 'hello' or 'thank you' as is a custom. The entertainer may not transgress but the customer may.

During unannounced overt and covert visits to the premises on behalf of the owner no physical contact was observed or experienced.

This condition should be reinforced in the entertainers briefing at the commencement of each shift.

Consideration should be given to placing a supervisor in the private dance area.

Condition 38

During a performance there shall be no full body physical contact between performers and they are not to touch each other's breasts or genitalia either with their bodies or with objects. Any performance shall be restricted to dancing and the removal of clothes. There must not be any other form of sexual activity, including but not limited to acts or the simulation of acts of personal stimulation.

During unannounced covert and overt visits to the premises on behalf of the owner no such activity was observed. The PLH was questioned about such behaviour during the overt visits and found to be fully conversant with the condition. He places himself at the end of the bar area at the entrance to the private dance area and has a clear and unobstructed view of the entertainment as it happens. He also has a clear and unobstructed view of the stage. The condition is contained within the performers code of conduct and signed by performers.

The higher risk factor was given because whilst it was not observed during any test visits management know that despite licence conditions, house/performer rules, warnings and briefings. It is incredibly difficult to stop spontaneous, reckless, and or deliberate acts by individuals that consequently place the licence at risk

The condition should be reinforced in the daily management briefings to the entertainers.

Monitored through dip sampling of CCTV footage

The introduction of unannounced overt and covert compliance visits to the premises.

Whilst the stage performances can be proactively managed by the PLH working in the main bar area it is more difficult to constantly monitor the private dance area therefore consideration should be given to placing a supervisor in the entertainment area.

3.6 Dangerous/Catastrophic Risk



Condition 23

Signs must be displayed at appropriate locations advising that any customer attempting to make physical contact with a performer will be asked to leave.

This condition received a high rating because of the touching incident that occurred on the 4th May.

On visits to the premises the authorised officers from the council and the police have been satisfied with the way that the 'no touching' house rule is brought to the attention of the customer.

This SEV condition only refers to customers attempting to make physical contact and makes no comment about actual contact by the customer to the performer. Condition 35 says that there should be no physical contact between the performer and the customer but as it is contained in the performers section of the SEV conditions and it really refers to the performer touching the customer and not the customer touching the performer. It is a moot point but in essence there is no actual condition on the licence relating to touching a performer. This condition about signage states that you **will** be asked to leave if you **attempt** to touch. The actual house rule says you **may** be asked to leave if you **actually touch**.

The discrepancy may cause difficulties with authorised officers visiting the premises

The House Rules notice is displayed at the entrance to the premises and on the wall at the entrance to the private dance area. The no touch condition is the 10th bullet point on a A4 sheet of the house rules in bold font 12. Consideration should be given to reviewing the size, quality, wording, and the display positioning of documents within the premises.

Whilst the specific condition is complied with and there is negligible risk to compliance around the provision and placing of the notice, and the licensing authority and the police have agreed and accepted the current signage the management should consider

- Clarifying with the licensing authority the discrepancy so that the SEV conditions and the House Rules are exactly the same.
- At the point of entry to the private dance area where the performance is to be performed the house rules are pinned on the wall consideration should be given to actually pointing them out to the customer before the performance starts.
- Consider making the signs larger so that they are easily read.
- Consider placing notice in each booth
- Any incident will be fully recorded in the premises Incident log. Even though the existence of a log is not an SEV condition
- Revisit the presentation of the House Rules. The no touch condition is the 10th bullet point on the house rules in bold font 12. It could be made more prominent
- Consider the placement of a supervisor in the private dance areas.

Condition 35

During a performance there shall be no intentional physical contact between a performer and the customer other than the transfer of money or token at the beginning, during and at the conclusion of a dance into the hand or a garter worn by the performer. For the avoidance of doubt nothing in this condition shall prevent Performers from acting to prevent, deter or counter any attempts of physical contact by a customer.

This condition is linked to condition 23

This condition has been tested during unannounced overt and covert visits to the premises on behalf of the owner. During the visits the PLH was seen to proactively monitor the private dance area. CCTV is in existence monitoring the dance areas and continuously records events as they happen. Any footage within the recording time limits was readily available.

Each performer is aware of and signs a performer code of conduct so that they understand all house rules and that they should not engage in any contact during their performance. The person responsible for the daily management is aware of the condition and states that he regularly briefs the entertainers on their conduct.

Sitting alongside this is a customer code of conduct and this is pointed out to customers at the entrance to the club by the SIA door staff. At the point of entry to the dance area the code of conduct is also displayed.

Despite the notices and briefings it is difficult to manage a spontaneous, reckless, and or deliberate acts by entertainers (and customers) when they are dancing For this reason a risk factor of 16 has been assigned to this condition.

This is lower than the customer condition at 23 because of the performers code of conduct and the management briefings that are in place.

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Given a recent incident on the 4th May the owner is keen to eliminate any event where performers or customers touch during a performance. To ensure strict compliance with the specific condition, even with the impossibility of managing and stopping impulse acts by entertainers or customers the recommendations are to

1. Revisit the size and type of signs displayed throughout the premises
2. Review and improve the location of the signs.
3. Reinforce the no touching policy in daily briefings with the performers at the commencement of each shift.
4. Dip sample cctv to ensure nothing is missed by management supervision.
5. Introduce an independent compliance regime to test compliance through unannounced overt and covert visits to the premises.

Covert visits will include the payment for private dances to assess the compliance of no touch by performers.

In this case covert customers will not attempt to touch the performer but assess contact from the performer.

4. Conclusions.

The reason for this review arises out of the owners of Nags Head Ltd being aware of the risks associated with the management of sexual entertainment venues. The Nags Head venue has the benefit of a specialist legal team for advice, and the licensing authority and the police appear to have accepted the current management arrangements as they have conducted annual compliance visits and they have not made any recommendations for improvements. Despite this the owners wanted to map their risks, assess their current conditions and their position, and look to see if they could introduce additional measures to develop their compliance mechanism. The aim being to improve the safety and welfare of their entertainers and at the same time provide the Licensing Authority with a reassurance that their business model was compliant and well managed to the highest standards because of their proactive approach to their responsibilities.

The assessment found that the business was run in line with the 44 conditions set out in the SEV licence. The covert visits to the premises, at times of the day that were unknown to the owner and staff, did not reveal any breaches of the conditions. Accepting that the premises complies with the conditions set out in the licence by the licensing authority there are a number of areas where the current controls could be enhanced to reduce the risk of a breach of the conditions happening in the future.

The main areas of risk for the venue centre around the behaviour of the customers and the entertainers. The customers 'attempt to touch' SEV condition, the 'touch' condition in the House Rules, and the entertainers 'no physical contact' condition are areas where the owners should concentrate their efforts. Whilst customers are notified of the House Rules, and the entertainers are aware of, and sign a performers policy the owners should ensure that they have developed an environment that does all it can to prevent spontaneous, reckless, impulsive, and deliberate acts by either customers or entertainers that are in contravention of the licence. Such acts place the business in jeopardy.

In addition to the 2 main risk areas there are a number of lesser risks that could benefit from additional control measures. In the main these potential developments inevitably all link to the 2 main risk areas involving the 'no touch and attempted touch risks. By implementing the range of recommendations all of the risk areas will be reduced. However, whilst the owners are able to implement hard structure management controls to develop the business, the management of human behaviour (the customer and or the entertainer) is much more difficult and complex. It is the creation of an environment where information, notification and early intervention is the key to reducing the risk associated with reckless, deliberate, and impulsive acts by others.

5. Recommendations

- Review the signage at the entrance to the venue and inside the premises. Consider additional signs , larger signs and repositioning of current signs that relate to physical contact and tariffs.
- Ensure that the house rules are pointed out to the customer at the point of dance purchases.
- Consider placing a supervisor in the private dance area to reinforce conditions and house rules.
- Reinforce the daily briefings to the entertainers and make a record that the managers briefing took place.
- Introduce an independent compliance structure that conducts covert and overt visits to the premises to assess compliance of conditions.
- Introduce 'dip sampling' of CCTV footage by an independent compliance regime to ensure customers and entertainers are conducting themselves in accordance with the conditions and house rules. Also to ensure that the system is being maintained in accordance with the SEV conditions.
- Clarify the discrepancy of the customer 'no touch' condition with solicitors.
- Amend the house rules to include the non admittance of individuals suspected to be under the influence of drink or drugs so that it is in line with the SEV conditions.
- Ensure that the new licensing manual contains all of the relevant information, that it is kept up to date and is readily available for any authorised officer.
- Introduce counters to be used by the door staff to ensure that the number of people inside the premises are readily available for visits by authorised officers.
- Licence renewal dates of the regular door supervisors to be supplied to the Nags Head management.

● Review the incident log and ensure the following issues are recorded

● All crimes reported to the venue
● All ejections of patrons
● Any complaints received
● Any incidents of disorder
● Seizures of drugs or offensive weapons
● Any faults in the cctv system, searching equipment, or scanning equipment.
● Any refusal of the sale of alcohol
● Any visit by a relevant authority or emergency service
● Any breach of a licence condition reported by a performer.

Note: The SEV licence conditions and how they are currently managed by Nags Head Ltd in the venue have been agreed by the licensing authority and the police and inspected during their visits.

Risk Matrix Template: The Naas Head-1

Consequences						
Likelihood		Negligible (1) Increased Licensing authority attention	Marginal (2) Licensing authority intervention with advice/medium financial loss	Moderate (3) Prosecution/High financial loss	Major (4) Temporary closure/Large financial loss	Catastrophic (5) Permanent closure/massive financial loss
	Almost certain (5) Has happened and could occur again	Moderate (5)	High (10)	High (15)	Catastrophic (20)	Catastrophic (25)
	Likely (4) It could easily happen	Moderate (4)	Moderate (8)	High (12)	Catastrophic (16)	Catastrophic (20)
	Possible (3) It could happen and has happened in the past	Low (3)	Moderate (6)	Moderate (9)	High (12)	High (15)
	Unlikely (2) No occurrence to date but could occur	Low (2)	Moderate (4)	Moderate (6)	Moderate (8)	High (10)
	Rare (1) Possible but only in extreme circumstances	Low (1)	Low (2)	Low (3)	Moderate (4)	Moderate (5)

	What is the risk: <u>A failure to comply with the conditions listed below.</u>	Current licence position and the existing control measures already in place	Rate the risk	List additional control measure if appropriate	New risk rating
	General				
1	The Licensee must remain in personal control of the premises at all times that it is trading or nominate in writing an individual over the age of 18 with the authority to direct activities within the Premises.	There exists a very clear understanding of the licensing requirements and SEV conditions along with the existence of a specialised legal team. Licence holders are named and working in the venue.	1	No additional control measures required	1
2	The Licensee shall notify the Council, in writing, of any change in directors, trustees, partners or other persons concerned in the management of the licensed activities within 14 days of such change.	As above	1	As above	1

3	<p>The Licensee shall admit authorised officers to the Premises at all reasonable times and at any time when the Premises are providing sexual entertainment. The Licensee shall provide in a timely fashion copies of any documents reasonably required by an authorised officer to prove compliance with this Licence.</p>	<p>SIA staff and management are fully conversant with the requirement to admit authorised officers and to provide documentation. This is augmented by legal advice from a specific firm of licensing solicitors.</p>	4	<p>To reduce the risk the owner is developing a comprehensive licensing manual for the premises, where all relevant documentation that may be asked for will be kept. It will be readily available in the premises. Although it is not an SEV condition the owner will be introducing a revamped incident log that will record all necessary details of incidents that occur. In addition to the incident log a briefing log will be maintained that will expressly show that management have briefed all entertainers on the codes of conduct at the beginning of their shift. The business improvement plan also includes the introduction of a compliance and risk management process. Copies of the covert and overt visits by independent compliance officers will be available.</p>	2
4	<p>The Licensee must give written notice to the Council if s/he wishes to surrender the licence.</p>	<p>Licensee is fully conversant with requirement and has engaged specific licensing solicitors.</p>	1	<p>No additional controls required</p>	1

5	<p>A suitable and sufficient number of door supervisors and trained staff will be employed (based on a risk assessment) when sexual entertainment is offered. Their duties will include monitoring customers to ensure that the Code of Conduct for Performers and the House Rules are being obeyed.</p>	<p>One company supplies SIA trained staff. In the main the personnel are regular staff and have a good working knowledge of their roles and the SEV licence conditions, inc customer code of conduct, drugs policy etc. The NH management are totally reliant on licence management by the SIA company and the NH have no knowledge of licence renewal dates which would pose a risk if a licence expires and the NH management have no information to rely on.</p>	6	<p>The management of the door supervisor company to supply NH Ltd with the details of licence renewal dates for individual SIA staff so that NH Ltd are fully conversant of all licence information they are responsible for.</p> <p>The door supervisor risk assessment requires a review.</p>	1
6	<p>The Licensee is to implement a suitable policy for the safety of the performers when they leave the Premises.</p>	<p>The owners have developed a performer welfare policy which is more comprehensive than the safety policy specified in this condition. The policy provides for the departure requirements of this condition.</p>	1	<p>The extended welfare policy, which is part of the performers induction to the premises, requires no further work and is fit for purpose.</p>	1

7	<p>The Council reserves the right to amend or alter these conditions (provided that such change will not prevent the operators from viably carrying on the business of the Premises) following consultation with the licensees.</p>	<p>The licensee manages the premises in line with the SEV conditions and has the advice and guidance of a specialised firm of licensing solicitors.</p> <p>The management of NH Ltd manage the conditions as agreed by the licensing authority and the police. Both agencies visit the premises and have agreed how the management of the NH have interpreted the conditions and implemented them. That is despite discrepancies (condition 20 and 23) Condition 23 states that customers attempting to touch will be asked to leave. It is a moot point but there is nothing in the condition that specifically states that having touched a performer the customer will be asked to leave. In addition the house rules (20), agreed by the council, state that a customer may be asked to leave if touching takes place.</p> <p>Given the differing elements in the conditions and house rules there is a higher rating given because the council and or the police may interpret the conditions differently to the management of the NH and thereby create unnecessary conflict.</p>	12	<p>The management are conscious of the condition and consequently ensure they have quality legal advice from specific licensing solicitors.</p> <p>The owner is enhancing the legal advice with a compliance regime to ensure that the licensing authorities have no cause to change or alter the conditions other than new legislative conditions that become statute.</p> <p>Nags Head Ltd should bring the discrepancies to the attention of the licensing authority and clear up the ambiguity.</p>	1
	Premises				
8	<p>The approved layout of the Premises shall not be altered without prior consent of the Council.</p>	<p>Licensee fully compliant and operates under the guidance of a specialised firm of licensing solicitors.</p>	1	<p>No additional controls required</p>	1

9	<p>The Licensee shall ensure that the interior of the Premises where sexual entertainment is offered shall not be capable of being seen from the outside of the Premises, and that the exterior is maintained with a suitable level of decorum (i.e. that it does not have anything that depicts, indicates or suggests that sexual entertainment takes place on the Premises).</p>	<p>Fully compliant. The building is fully compliant with the premises plan and there is no external advertisement. The double door entry and the siting of the stage and the private dance areas ensures that no element of the entertainment can be seen from outside the premises. All elements were examined during unannounced overt and covert visits conducted on behalf of the owner.</p>	1	<p>Continual oversight will enhance the supervision of the condition through the introduction of a new compliance process to include overt and covert visits to the premises on behalf of the owner.</p>	1
10	<p>Sexual entertainment shall take place only in the designated sexual entertainment areas.</p>	<p>During unannounced overt and covert visits conducted on behalf of the owner this condition is being fully complied with. There are dedicated and defined areas for sexual entertainment.</p>	1	<p>While there is full compliance in this area the owner wishes to add additional controls to ensure continued compliance. The owner will introduce a new and independent compliance process that will include overt and covert visits to the premises to ensure that all activity complies with the licence conditions.</p>	1
11	<p>No member of the public shall be permitted to go anywhere outside the public areas. The public shall not be permitted access to the performers' changing rooms.</p>	<p>The public area is well defined. PLH and SIA staff have assigned positions to ensure compliance. The changing area is away from the public area and is covered by an SIA individual.</p>	1	<p>The management will be enhancing supervision with a new and independent compliance process that will include overt and covert visits to the premises on behalf of the owner to test compliance.</p>	1

12	<p>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</p>	<p>All licence conditions are in place and the licence holders are fully conversant with their responsibilities. Each element of this condition was inspected during overt visits conducted on behalf of the owner. The system was fully operational, although the change to summer time was delayed. Recordings are kept for 31 days.</p> <p>The owner and staff were fully conversant with the requirement to provide recordings to the relevant authorised officers. The preceding 2 days to be supplied immediately on request and other recordings within 24hrs of a request.</p> <p>In addition to this condition the owner is able to remotely monitor the cameras via an app on his mobile phone so that he is able supervise the premises from were ever he is.</p>	1	<p>Whilst the system complies with the SEV licence condition it is recommended that NH Ltd introduce a new compliance policy and process.</p> <p>An independent a dip sampling process of CCTV footage will ensure that management become more proactive over the management of the premises and the management of the cctv system. The introduction of regular compliance checks ensure the 31 day rule is complied with and that the system remains fully compliant with this condition.</p> <p>Although an incident log is not a current SEV condition a log should be formalised by NH Ltd and it should include all requests from the relevant authorised officers and all requests for material should be entered into the new log with the detail of the exact request for footage and the reasons for it. It should then be signed by the authorised officer making the request.</p>	1
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13	CCTV cameras shall be installed and maintained at the locations shown on the attached plan, to the reasonable satisfaction of the licensing authority.	<p>Fully compliant. The camera system was inspected as part of the overt inspection process on behalf of the owner and found to be installed as specified and in full working order. However the system had not been reconfigured to British summer time and wrongly recorded incident times.</p> <p>In addition the owner monitors the cctv system remotely throughout opening hours through an app on his mobile phone.</p>	8	Management could enhance the supervision of the system with a new compliance process and it should include independent dip sampling of footage that will ensure the system is regularly reviewed and time change checks ensuring UK time changes are made.	1
14	Members of the public may not enter or remain in the toilet cubicles in the company of any performer. Only one person at a time to enter a toilet cubicle.	All staff are aware of this condition and nothing was observed during both unannounced overt and covert visits to the premises on behalf of the owner. CCTV covers the public area which includes the entrance to the toilets.	1	Whilst there is full compliance with this condition the proposed dip sampling of the CCTV system will include monitoring who enters the toilets. In addition the new compliance process with overt and covert visits will improve supervision.	1
15	The number of persons to be accommodated in the premises at any one time shall not exceed a 100 persons	There is a full understanding of the condition. SIA staff and the PLH visually monitor entry, departure, and capacity from within the club.	6	There is no current SEV condition that specifies the use of counters by door staff. Whilst staff are in a position to visually assess the capacity they are not in a position to give a specific capacity number if challenged by an authorised officer. SIA staff should to introduce counters to provide accurate numbers. Their use would be monitored through overt and covert visits on behalf of the owner.	1

16	The licence must be prominently and visibly displayed inside the entrance to the premises	<p>On every unannounced overt and covert visit carried out on behalf of the owner the licence was prominently displayed to the right of the entrance door to the premises and easily seen and able to be read by the customer.</p> <p>It is also prominently displayed inside the main bar area.</p> <p>Fully compliant</p>	1	The supervision will be enhanced with a proposed new compliance process and monitored through overt and covert visits.	1
17	The licence together with the standard conditions must be available at the premises at all times	<p>Both are in the new licensing manual that is maintained on the premises and is readily available upon request of any authorised officer</p> <p>Fully compliant</p>	1	The supervision will be enhanced with a new compliance process. Monitored through overt and covert visits under new compliance programme. The new licensing manual will be reviewed every 6 months and updated as appropriate. Any legislative changes or licence conditions imposed by the licensing authority will be updated immediately.	1
Admission to the Premises					

18	No person under the age of 18 years shall be admitted to nor permitted to remain on the Premises when sexual entertainment is being offered, and a clear notice to this effect will be displayed at each entrance to the Premises.	The notice is prominently displayed at the entrance to the premises. It is on the wall to the right of the inner entrance door and is easily read by any customer. The SIA, PLH, and bar staff are all fully aware of the condition and the Challenge 21 scheme is in operation.	1	Supervision of the condition will be enhanced with a new compliance process. and monitored through overt and covert visits under new compliance programme. Th proposed dip sampling of the cctv system will also provide an additional layer of management supervision.	1
19	Customers who appear to be under the age of 21 must be asked to provide a Pass-scheme approved photographic card, their passport or photographic driving licence to prove their age. Prominent notices must be clearly displayed to this effect at each entrance to the Premises.	The customer rules are fully displayed at the entrance to the premises. They are on the wall to the right of the inner entrance door and accessible to each customer. It also explains the challenge 21 scheme. The customer rules are also displayed in the premises. SIA staff are fully aware of the scheme as are the bar staff.	1	Supervision of the condition will be enhanced with a new compliance process and monitored through overt and covert visits under new compliance programme.	1
House Rules					

20	<p>The Licensee shall prepare House Rules governing the conduct of customers.</p>	<p>The house rules have been compiled by the management and are prominently displayed at the entrance to the premises. They are also located in site specific locations within the premises. These rules have been agreed and signed off by the licensing authority</p> <p>There is however a discrepancy between the SEV conditions and the house rules that have not been picked up by the licensing authority and may cause confusion.</p>	8	<p>As well as being displayed in the premises they are now incorporated in a new licensing manual for the premises. The compliance of this condition will be monitored and reviewed a through new compliance regime. Any changes asked for by the licensing authority will be dealt with promptly.</p> <p>Clarify with the licensing authority the discrepancy over the house rules and the sev condition as it could cause confusion</p>	1
21	<p>The House Rules shall be prominently and legibly displayed close to each entrance of the Premises.</p>	<p>House rules are prominently displayed within the entrance of the club and at locations within the premises. They are specifically placed at the entrance to the private dance area.</p>	1	<p>Supervision of the condition will be enhanced with a new compliance process. Monitored through overt and covert visits under new compliance programme.</p> <p>Management should consider improving the visibility of the House Rules even though the LA have agreed the current position.</p>	1

22	The House Rules must be made known to customers prior to their admission to the Premises when sexual entertainment is provided	<p>Each customer is informed at the point of entry to the club by the SIA staff and the code is pointed out on the wall. This was explained by SIA staff on the overt visits to the premises and then fully confirmed by covert visits to the premises</p> <p>Fully compliant.</p>	1	<p>Supervision of the condition will be enhanced with a new compliance process. Monitored through overt and covert visits under new compliance programme.</p> <p>It is suggested that the managers briefing log include a briefing to the SIA staff about their roles and responsibilities at the door and other locations.</p>	1
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23	<p>Signs must be displayed at appropriate locations advising that any customer attempting to make physical contact with a performer will be asked to leave.</p>	<p>This condition received a high rating because of the touching incident that occurred on the 4th May. On visits to the premises the authorised officers from the council and the police have been satisfied with the way that the 'no touching' house rule is brought to the attention of the customer.</p> <p>This SEV condition only refers to customers attempting to make physical contact and makes no comment about actual contact by the customer to the performer. Condition 35 says that there should be no physical contact between the performer and the customer but as it is contained in the performers section of the SEV conditions it really refers to the performer touching the customer and not the customer touching the performer. It is a moot point but in essence there is no actual condition on the licence relating to touching a performer. This condition about signage states that you will be asked to leave if you attempt to touch. The actual house rule says you may be asked to leave if you actually touch.</p> <p>The descrcpency may cause difficulties with authorised officers visiting the premises</p> <p>The notice is displayed at the entrance to the premises and on the wall at the entrance to the private dance area. The no touch condition is the 10th bullet point on a A4 sheet of the house rules in bold font 12.</p>	20	<p>Whilst the condition is complied with and there is negligible risk to compliance around the provision and placing of the notice, and the licensing authority and the police have agreed and accepted the current signage the management should consider</p> <ol style="list-style-type: none"> 1. Clarifying with the licensing authority the discrepancy so that the SEV conditions and the House Rules are exactly the same. 2. At the point of entry to the private dance area where the performance is to be performed the house rules are pinned on the wall consideration should be given to actually pointing them out to the customer before the performance starts. 3. Consider making the signs larger so that they are easily read. 4. Consider placing notice in each booth 5. Any incident will be fully recorded in the premises 6. Incident log. Even though the existence of a log is not an SEV condition 7. Revisit the presentation of the House Rules. The no touch condition is the 10th bullet point on the house rules in bold font 12. It could be made more prominent 	3
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35 intentional pc

24	No member of the public shall be admitted or allowed to remain at the Premises if they appear to be intoxicated or under the influence of illegal substances.	There is a customer code of conduct and a drug policy for the premises. During unannounced overt and covert visits to the premises on behalf of the owner there were no incidences where customers were suspected of being intoxicated or under the influence of drugs.	12	<p>Enhanced with a new compliance process. Monitored through overt and covert visits under new compliance programme.</p> <p>The Drug policy while stating that if somebody is suspected of being under the influence of illegal substances they will be asked to leave it doesn't cover the admittance part of this condition. The customer House Rules do not specifically cover the elements of this condition. Consideration should be given to changing both the drug policy and the House Rules.</p> <p>Staff training to improve awareness of alcohol/drug abuse behaviour.</p>	6
25	Customers may not be permitted to photograph, film or electronically record any performance.	<p>This rule is covered in the customer code of conduct and pointed out to each customer by the SIA staff as they enter the premises.</p> <p>Tested and compliant during unannounced overt and covert visits conducted on behalf of the owners.</p>	1	Enhanced with a new compliance process. Monitored through overt and covert visits under new compliance programme.	1

26	The House Rules must be implemented and effectively enforced at all times when the premises are operating with sexual entertainment.	<p>Rules 20-25 and the elements therein were tested during covert and overt visits and every issue found to be fully compliant.</p> <p>However, rule 24 The admittance of those under the influence of alcohol or drugs is not specifically mentioned in the customer house rules therefor the risk is higher.</p> <p>To reduce the risk factor it should be added.</p> <p>You can be intoxicated and not cause a public disturbance or nuisance to the neighbours. But the quietly intoxicated can commit spontaneous and reckless acts that pose a risk to the safety of the dancers.</p>	12	Consideration should be given to amending the House Rules.	4
Performers					
27	Sexual entertainment will be given only by the performers engaged by or through the Licensee and there will be no audience participation in any performances.	All documentation in respect of the dancers was in place during the overt inspection visits and no audience participation was observed during any of the unannounced overt and covert visits conducted on behalf of the owners.	1	Supervision of the condition will be enhanced with a new compliance process. Monitored through overt and covert visits under a new compliance programme.	1

28	<p>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 Standard Conditions for Sexual Entertainment Venues as revised 23 June 2015 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.</p>	<p>The records were checked during 3 visits to the premises and all documentation was kept in an orderly file and readily available when requested.</p> <p>Fully compliant</p>	1	No further controls necessary	1
29	<p>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.</p>	<p>Records were checked on 3 different visits to the premises and found to be fully compliant with this condition.</p> <p>Authorised officers have asked for documentation in the past and have always been immediately available.</p>	1	No further controls necessary	1

Tariffs					
30	The Licensee shall prominently and legibly display the drinks tariff at or by the bar and at the entrance. No charge shall be made nor payment accepted for any drink other than in accordance with the tariff, save for clearly advertised discounts to the tariff.	<p>The condition is fully complied with and has been tested during unannounced overt and covert visits to the premises. The licensing authority and the police have also inspected and made no recommendations during their visits. The tariff is displayed at the entrance to the venue and beside the bar.</p> <p>There have been no customer complaints.</p>	1	no other controls necessary other than general supervision.	1
31	The Licensee shall prominently and legibly display the entertainment tariff in the entrance area and at key locations within the Premises including entrances to any private performance areas and so far as possible at the place(s) at which payment for any performance or service is transacted as marked on the attached plan. No charge shall be made nor payment accepted by the Licensee for any services other than in accordance with the tariff or clearly advertised discounts to the tariff	The tariff is clearly displayed at the entrance to the premises and at locations within the premises. Including the entrance to the private dance area and where payment is made for the entertainment. This condition has been confirmed as fully compliant through overt and covert test visits to the premises. The licensing authority and the police have also inspected and made no recommendations during their visits.	1	no other controls necessary other than general supervision.	1

32	The Licensee shall so far as reasonably practicable keep such records as are necessary to prove that the sums charged and payments taken are for products or services advertised on the relevant tariff at the amount shown on that tariff. These records must be made available within a reasonable time if requested by an authorised officer.	Condition fully compliant and tested through overt visits to the premises.	1	no other controls necessary other than general supervision.	1
Code of Conduct					
33	The Licensee shall prepare and implement a suitable Code of Conduct for performers.	<p>The code of conduct is in the premises licensing manual and is signed by the performers. It is contained within the paper work retained for each performer and has been examined as part of the overt visit structure.</p> <p>The code has also been agreed and accepted by the council. It forms part of the licensing authority inspection.</p>	1	No other controls necessary other than general supervision.	1
34	The Licensee shall ensure that each performer signs the Code of Conduct in their proper name, acknowledging that they have read and understood and are prepared to abide by the Code of Conduct, and signed copies be kept on the premises for inspection by authorised officers.	<p>As above. This condition is fully complied with and all documentation supplied promptly during overt visit inspection on behalf of the owner.</p> <p>The code has also been agreed and accepted by the council. It forms part of the licensing authority inspection.</p>	1	no other controls necessary other than general supervision.	1

35	<p>During a performance there shall be no intentional physical contact between a performer and the customer other than the transfer of money or token at the beginning, during and at the conclusion of a dance into the hand or a garter worn by the performer. For the avoidance of doubt nothing in this condition shall prevent Performers from acting to prevent, deter or counter any attempts of physical contact by a customer.</p>	<p>This condition is linked to condition 23</p> <p>This condition has been tested during unannounced overt and covert visits to the premises on behalf of the owner. During the visits the PLH was seen to proactively monitor the private dance area. CCTV is in existence monitoring the dance areas and continuously records events as they happen. Any footage within the recording time limits was readily available.</p> <p>Each performer is aware of and signs a performer code of conduct so that they understand all house rules and that they should not engage in any contact during their performance. The person responsible for the daily management is aware of the condition and states that he regularly briefs the entertainers on their conduct.</p> <p>Sitting alongside this is a customer code of conduct and this is pointed out to customers at the entrance to the club by the SIA door staff. At the point of entry to the dance area the code of conduct is also displayed.</p> <p>Despite the notices and briefings it is difficult to manage a spontaneous,</p>	<p>16 (20)</p>	<p>Given a recent incident on the 4th May the owner is keen to eliminate any event where performers or customers touch during a performance. To ensure strict compliance with the specific condition, even with the impossibility of managing and stopping impulse acts by entertainers or customers the recommendations are to</p> <ol style="list-style-type: none"> 1. Revisit the size and type of signs displayed throughout the premises 2. Review and improve the location of the signs. 3. Reinforce the no touch policy in daily briefings with the performers at the commencement of each shift. 4. Dip sample cctv to ensure nothing is missed by management supervision. 5. Introduce an independent compliance regime to test compliance through unannounced overt and covert visits to the premises. <p>Covert visits will include the payment for private dances to assess the compliance of no touch by performers.</p> <p>In this case covert customers will not attempt to touch the performer but assess contact from the performer.</p>	<p>12 (15)</p>
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reckless, and or deliberate acts by entertainers (and customers) when they are dancing For this reason a risk factor of 16 has been assigned to this condition.

This is lower than the customer condition at 23 because of the performers code of conduct and the management briefings.

It has been suggested by the police in the past that management consider constant CCTV monitoring during the hours that the venue is open. A better option would be to place a supervisor in the dance area because they will be in a position to intervene immediately if anything untoward were to happen or more importantly if they felt was about to happen. A CCTV operative would be too far removed from the incident and there would be a delayed intervention because the operator would have to contact management to intervene. The delay could amount to minutes while a supervisor in the dance area would act immediately. It is the difference between being proactive rather than reactive with a CCTV supervisor trying to watch a number of screens at once.

36	Without prejudice to standard condition 35 above, at the conclusion of a performance there shall be no intentional physical contact between a performer and the customer, save for a handshake. For the avoidance of doubt kissing is not permitted.	<p>As above.</p> <p>It is exceptionally difficult to manage impulsive, spontaneous and or reckless acts by customers either before or after a performance when the customer quickly kisses the performer on the cheek as a 'hello' or 'thank you' as is <u>a</u> custom. The entertainer may not transgress but the customer may.</p> <p>During unannounced overt and covert visits to the premises on behalf of the owner no physical contact was observed or experienced.</p>	12	<p>See above</p> <p>Should be reinforced in the entertainers briefing at the commencement of each shift.</p> <p>Place a supervisor in the private dance area.</p>	6
37	The Licensee must not permit gratuities or any other items to be thrown at performers.	During unannounced overt and covert visits to the premises on behalf of the owner no such activity was observed. The PLH and an SIA member of staff are in attendance at all times during the performance and are fully conversant with this condition.	1	Continue to be monitored through the introduction of unannounced overt and covert visits to the premises	1

38	<p>During a performance there shall be no full body physical contact between performers and they are not to touch each other's breasts or genitalia either with their bodies or with objects. Any performance shall be restricted to dancing and the removal of clothes. There must not be any other form of sexual activity, including but not limited to acts or the simulation of acts of personal stimulation.</p>	<p>During unannounced covert and overt visits to the premises on behalf of the owner no such activity was observed. The PLH was questioned about such behaviour during the overt visits and found to be fully conversant with the condition. He places himself at the end of the bar area at the entrance to the private dance area and has a clear and unobstructed view of the entertainment as it happens. He also has a clear and unobstructed view of the stage. The condition is contained within the performers code of conduct and signed by performers.</p> <p>The higher risk factor was given because whilst it was not observed during any test visits management know that despite licence conditions, house/performer rules, warnings and briefings. It is incredibly difficult to stop spontaneous, reckless, and or deliberate acts by individuals that consequently place the licence at risk.</p>	12 (15)	<p>This should be reinforced in the daily management briefings to the entertainers.</p> <p>Monitored through dip sampling of CCTV footage</p> <p>The introduction of unannounced overt and covert visits to the premises.</p> <p>Whilst the stage performances can be proactively managed by the PLH working in the main bar area it is more difficult to constantly monitor the private dance area. Consider placing a supervisor in the entertainment area.</p>	12
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39	Performers shall be provided with a changing room to which the public have no access.	There are 2 changing areas provided for the entertainers. They were seen to be for the exclusive use of the performers. The main changing area is off the main bar area and is secure. There is a second small changing facility to the side of the stage area that is for the exclusive use of performers. The unannounced covert and overt visits conducted on behalf of the owner confirmed that the public have no access to either.	1	Other than continual management supervision no other control is necessary	1
40	Performers must remain fully dressed while on the Premises, except while performing in the sexual entertainment areas and in the changing rooms shown on the approved plan. [Without prejudice to this requirement, there is to be no display of nudity in the public areas of the Premises, other than during the course of a performance].	During the unannounced overt and covert visits to the premises on behalf of the owner confirmed that all performers were fully dressed in the public areas. The only nudity seen was during the course of individual entertainment and the dances that were performed on the stage. The condition is contained within the performers code of conduct and signed by performers.	1	Continue to be monitored through the introduction of unannounced overt and covert visits to the premises	1

41	Performers must re-dress at the conclusion of a performance.	Seen to be fully compliant during unannounced covert and overt visits conducted on behalf of the owner. Condition contained within the performers code of conduct and signed by performers.	1	Continue to be monitored through the introduction of unannounced overt and covert visits to the premises	1
	Advertising				

42	<p>The Licensee shall neither cause nor permit the display of suggestive advertising content which is directed at or may be seen or heard by any person from within the London Borough of Tower Hamlets: on any public highway, street, waterway or railway; in any place of general public use or access; or in publicly accessible areas of premises open to the public. This condition shall apply to prevent suggestive advertising content being displayed on the exterior of the Premises or handed out as flyers on the street. It shall also apply to prevent suggestive advertising content being displayed on or in street furniture; telephone booths; hoardings, billboards, screens or projections; as well as advertising displayed on or within any vehicles located on or near the highway. The Licensee shall not permit any person to tout for business or encourage other persons to visit the Premises whilst on a public highway. For the avoidance of doubt, this condition shall not be taken to prevent the Licensee from advertising the Premises using suggestive advertising content in media that restrict access to persons over the age of 18 years and would not reasonably be expected to be directed at persons in a public place (for instance, in adult magazines, websites or television channels).</p>	<p>Unannounced covert and overt visits were conducted on behalf of the owner. The immediate vicinity and premises were inspected to assess any advertising by the company. There were no adverts in public places around the club; this included the adjacent TFL station, street furniture or any other place that the public appear to have access. The covert visitors were not touted or solicited in and around the local area and walked up to the establishment without interference.</p> <p>There was no indecent or suggestive advertisement attached to the building or entrance area.</p>	1	Continue to be monitored through the introduction of unannounced overt and covert visits to the premises	1
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43	All persons engaged or employed to attend to the entrance area or exterior of the Premises must be suitably dressed and conduct themselves so as not to indicate or suggest the availability of sexual entertainment at the Premises.	During the unannounced overt and covert visits conducted in the premises on behalf of the owner it was confirmed that this condition is complied with in full. The Sia staff are situated within a foyer and not on the pavement. They are dressed suitably all dressed in black and wear their SIA badges. They are fully aware of their roles and responsibilities.	1	Continue to be monitored through the introduction of unannounced overt and covert visits to the premises	1
44	Where the Council has given notice in writing to the Licensee objecting to an advertisement on grounds that it would offend public decency or be likely to encourage or incite crime or disorder, that advertisement shall be removed or not be displayed.	This condition is fully understood by the owner and management of the premises and adhered to. The owners also have the guidance of a specific firm of licensing solicitors.	1	No additional risk management action required	1

Appendix 1



TOWER HAMLETS

Licence / Registration

Certificate Number

21552

LICENCE FOR A SEXUAL ENTERTAINMENT VENUE

Licence Number: 21552

The **LONDON BOROUGH OF TOWER HAMLETS** under provisions of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982, in relation to the licensing of sex establishments, as amended by section 27 of the Policing and Crime Act 2009, grants, in accordance to its Licensing Policy:

Name of holder (s) of SEV licence:

(1) Karpal Singh (2) Shamsher Singh and (3) Manpal Singh

to use premises:

Postal address of premises, or if none, Ordnance Survey map reference or description	
The Nags Head Public House 17-19 Whitechapel Road	
Post town	Post Code
London	E1 1DU
Telephone number	
020 742 0830	

as a Sexual Entertainment Venue.

This licence is in force up to: **31st May 2017** or during the time that the licensee(s) is/are the occupier of the premises, whichever is the shorter period, or unless sooner surrendered or revoked.

The hours permitted are:

Monday to Saturday from 11:00hrs to 03:00hrs (the following day)
Sunday from 12:00hrs (midday) to 22:30hrs

The Premises are as per the plans submitted by the Licensing Authority on: **23rd May 2016** Ground Floor only.

FOR OFFICE USE

Receipt Number

Fee Paid

Fee Req.

Date

Initial

Page 1 of 2

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The named management responsible for this premises are

Manpal Singh and Shamsher Singh - Managers
Bahadur Singh – Relief Manager
Alcitr Orlandi – Relief Manager

This licence is granted subject to conditions as follows:

the Standard Conditions of the London Borough of Tower Hamlets made under paragraph 13 of Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 as revised on 23rd June 2015 are attached as **Appendix 1** (Conditions 1-41) It is the duty of the licence holder to be aware of and abide by those conditions.

the following additional conditions specific to this Premises:

42. The number of persons to be accommodated in the Premises at any one time shall not exceed 100 persons.

Other requirements or restrictions:

43. This licence must be prominently and visibly displayed inside the entrance to the Premises.

44. This licence together with the standard conditions must be available at the Premises at all times.



Signed by
Tom Lewis
Licensing & Safety Team Leader
Environmental Health & Trading Standards

Dated 20th December 2016

Appendix 3

Standard Conditions for Sexual Entertainment Venues as revised 23 June 2015

STANDARD CONDITIONS FOR SEXUAL ENTERTAINMENT VENUES (REVISED 23RD JUNE, 2015)

Definitions

In this Licence, 'approved layout' means the layout of the Premises shown on the attached plan. 'authorised officers' means officers of the Borough Council or of the Police 'drinks tariff' means a tariff showing the price of all drinks 'entertainment tariff' means a tariff showing the price of all sexual entertainment performances, displays of nudity and services related to the sexual entertainment performance (including charges for admission to any part of the Premises; for hire of rooms, booths or reserved areas; or for the company of performers) 'nudity', 'display of nudity' and 'sexual entertainment' are references to those terms as defined by section 27 of the Policing and Crime Act 2009. 'performers' means persons engaged by or through the Licensee who provide or participate in sexual entertainment 'premises' includes land, buildings, stalls, structures or erections, and all forms of vessels or vehicles (including for the avoidance of doubt bicycles, motor vehicles, boats and aircraft). It does not include any private dwelling to which the public is not admitted. the Premises' means the premises authorised in this Licence as a sexual entertainment venue and shown on the attached plan. 'public area(s)' means the area(s) outlined in blue on the attached plan, being the area within the Premises that the public are permitted to enter. 'the public' includes customers, guests and visitors to the premises, but excludes performers and those employees or agents of the Licensee lawfully engaged in managing or operating the Premises.

APPENDIX 1

Standard Conditions for Sexual Entertainment Venues as revised 23 June 2015 'sexual entertainment area(s)' means the area(s) outlined in red on the attached plan, being locations where sexual entertainment is permitted to take place. 'suggestive advertising content' means photographs, sculptures, images, tableaux, displays, sounds, spoken words or writing – including graphics, logos or trademarks- that depict, indicate or suggest that sexual entertainment takes place on the Premises

General

1. The Licensee must remain in personal control of the premises at all times that it is trading or nominate in writing an individual over the age of 18 with the authority to direct activities within the Premises.

2. The Licensee shall notify the Council, in writing, of any change in directors, trustees, partners or other persons concerned in the management of the licensed activities within 14 days of such change.
3. The Licensee shall admit authorised officers to the Premises at all reasonable times and at any time when the Premises are providing sexual entertainment. The Licensee shall provide in a timely fashion copies of any documents reasonably required by an authorised officer to prove compliance with this Licence.
4. The Licensee must give written notice to the Council if s/he wishes to surrender the licence.
5. A suitable and sufficient number of door supervisors and trained staff will be employed (based on a risk assessment) when sexual entertainment is offered. Their duties will include monitoring customers to ensure that the Code of Conduct for Performers and the House Rules are being obeyed.
6. The Licensee is to implement a suitable policy for the safety of the performers when they leave the Premises.
7. The Council reserves the right to amend or alter these conditions provided that such change will not prevent the operators from viably carrying on the business of the Premises) following consultation with the licensees. Standard Conditions for Sexual Entertainment Venues as revised 23 June 2015

Premises

8. The approved layout of the Premises shall not be altered without prior consent of the Council.
9. The Licensee shall ensure that the interior of the Premises where sexual entertainment is offered shall not be capable of being seen from the outside of the Premises, and that the exterior is maintained with a suitable level of decorum (i.e. that it does not have anything that depicts, indicates or suggests that sexual entertainment takes place on the Premises).
10. Sexual entertainment shall take place only in the designated sexual entertainment areas.
11. No member of the public shall be permitted to go anywhere outside the public areas. The public shall not be permitted access to the performers' changing rooms.

12. 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.

13. CCTV cameras shall be installed and maintained at the locations shown on the attached plan, to the reasonable satisfaction of the licensing authority.

14. Members of the public may not enter or remain in the toilet cubicles in the company of any performer. Only one person at a time to enter a toilet cubicle. Standard Conditions for Sexual Entertainment Venues as revised 23 June 2015

Advertising

15. The Licensee shall neither cause nor permit the display of suggestive advertising content which is directed at or may be seen or heard by any person from within the London Borough of Tower Hamlets: on any public highway, street, waterway or railway; in any place of general public use or access; or in publicly accessible areas of premises open to the public. This condition shall apply to prevent suggestive advertising content being displayed on the exterior of the Premises or handed out as flyers on the street. It shall also apply to prevent suggestive advertising content being displayed on or in street furniture; telephone booths; hoardings, billboards, screens or projections; as well as advertising displayed on or within any vehicles located on or near the highway. The Licensee shall not permit any person to tout for business or encourage other persons to visit the Premises whilst on a public highway. For the avoidance of doubt, this condition shall not be taken to prevent the Licensee from advertising the Premises using suggestive advertising content in media that restrict access to persons over the age of 18 years and would not reasonably be expected to be directed at persons in a public place (for instance, in adult magazines, websites or television channels).

16. All persons engaged or employed to attend to the entrance area or exterior of the Premises must be suitably dressed and conduct themselves so as not to indicate or suggest the availability of sexual entertainment at the Premises.

17. Where the Council has given notice in writing to the Licensee objecting to an advertisement on grounds that it would offend public decency or be likely to encourage or incite crime or disorder, that advertisement shall be removed or not be displayed.

Admission to the Premises

18. No person under the age of 18 years shall be admitted to nor permitted to remain on the Premises when sexual entertainment is being offered, and a clear notice to this effect will be displayed at each entrance to the Premises. Standard Conditions for Sexual Entertainment Venues as revised 23 June 2015

19. Customers who appear to be under the age of 21 must be asked to provide a Pass-scheme approved photographic card, their passport or photographic driving licence to prove their age. Prominent notices must be clearly displayed to this effect at each entrance to the Premises.

House Rules

20. The Licensee shall prepare House Rules governing the conduct of customers.

21. The House Rules shall be prominently and legibly displayed close to each entrance of the Premises.

22. The House Rules must be made known to customers prior to their admission to the Premises when sexual entertainment is provided

23. Signs must be displayed at appropriate locations advising that any customer attempting to make physical contact with a performer will be asked to leave.

24. No member of the public shall be admitted or allowed to remain at the Premises if they appear to be intoxicated or under the influence of illegal substances.

25. Customers may not be permitted to photograph, film or electronically record any performance.

26. The House Rules must be implemented and effectively enforced at all times when the premises are operating with sexual entertainment.

Performers

27. Sexual entertainment will be given only by the performers engaged by or through the Licensee and there will be no audience participation in any performances.

28. 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

Standard Conditions for Sexual Entertainment Venues as revised 23 June 2015 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.

29. 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.

Tariffs

30. The Licensee shall prominently and legibly display the drinks tariff at or by the bar and at the entrance. No charge shall be made nor payment accepted for any drink other than in accordance with the tariff, save for clearly advertised discounts to the tariff.

31. The Licensee shall prominently and legibly display the entertainment tariff in the entrance area and at key locations within the Premises including entrances to any private performance areas and so far as possible at the place(s) at which payment for any performance or service is transacted as marked on the attached plan. No charge shall be made nor payment accepted by the Licensee for any services other than in accordance with the tariff or clearly advertised discounts to the tariff.

32. The Licensee shall so far as reasonably practicable keep such records as are necessary to prove that the sums charged and payments taken are for products or services advertised on the relevant tariff at the amount shown on that tariff. These records must be made available within a reasonable time if requested by an authorised officer.

Code of Conduct

33. The Licensee shall prepare and implement a suitable Code of Conduct for performers.

34. The Licensee shall ensure that each performer signs the Code of Conduct in their proper name, acknowledging that they have read and understood and are prepared to abide by the Code of Conduct, and signed copies be kept on the premises for inspection by authorised officers. Standard Conditions for Sexual Entertainment Venues as revised 23 June 2015

35. During a performance there shall be no intentional physical contact between a performer and the customer other than the transfer of money or token at the beginning, during and at the conclusion of a dance into the hand or a garter worn by the performer. For the avoidance of doubt nothing in this condition shall prevent Performers from acting to prevent, deter or counter any attempts of physical contact by a customer.

- 36.** Without prejudice to standard condition 35 above, at the conclusion of a performance there shall be no intentional physical contact between a performer and the customer, save for a handshake. For the avoidance of doubt kissing is not permitted.
- 37.** The Licensee must not permit gratuities or any other items to be thrown at performers.
- 38.** During a performance there shall be no full body physical contact between performers and they are not to touch each other's breasts or genitalia either with their bodies or with objects. Any performance shall be restricted to dancing and the removal of clothes. There must not be any other form of sexual activity, including but not limited to acts or the simulation of acts of personal stimulation.
- 39.** Performers shall be provided with a changing room to which the public have no access.
- 40.** Performers must remain fully dressed while on the Premises, except while performing in the sexual entertainment areas and in the changing rooms shown on the approved plan. [Without prejudice to this requirement, there is to be no display of nudity in the public areas of the Premises, other than during the course of a performance].
- 41.** Performers must re-dress at the conclusion of a performance.

Appendix 4

The Nags Head Customer House Rules

- The venue operates a smart casual dress code to which you must conform (clearly stated in reception). You must be decently attired on arrival and departure from the premises.
- No person under the age of 18 will be admitted.
- We operate a challenge 21 policy. If you are lucky enough to look under 21 you will be required to produce a valid I.D (either a passport or driving licence).
- You are required to contribute a minimum of £1 for each and every stage dance
- You must remain fully clothed coming in and leaving the club premises.
- Photographs or video footage are not permitted to be taken with any equipment including mobile phones whilst on the premises. (Please keep your camera phone in your pocket).
- You should behave in an appropriate manner outside the premises so as not to cause disturbance to any local residents in the neighbourhood.
- Management reserves the right to refuse admission and to remove customers who fail to comply with the stated rules of the club including causing disturbance to any local residents in the neighbourhood.

The following rules must be followed whilst any performer is dancing for you:

- Before a dancer may perform, you must be seated with your back against the back of the seat and your hands by your side. You must remain seated for the duration of the dance.
- **You must not touch the performer during her performance.**

- You must not attempt to arrange to meet any performer privately or to give your telephone number or business card for that purpose.
- You should not ask the performer to perform any sexual favour or use any profane language.
- You must not perform any act of masturbation or indulge in other sexual behaviour.

Failure to comply with this code may result in you being asked to leave the premises without refund of any monies paid.

Appendix 5

The Nags Head Performer Code of Conduct

- During a performance there shall be no full bodied physical contact between the Performer and the Customer other than the transfer of money or token at the beginning, during or conclusion of the dance.
- During the performance of a private dance Customers must remain seated and are not permitted to dance or otherwise participate in the performance other than as a spectator.
- Customers must remain appropriately clothed at all times. Neither Customer nor Performer may remove any of the Customer's clothing during a performance.
- If a Customer attempts to touch, or speak to a Performer inappropriately, the Performer must immediately stop the performance and explain the House Rules. If the Customer persists in the inappropriate behaviour, the Performer shall stop the performance and ask for assistance from the Management, who will take appropriate action, which may include escorting the Customer from the Premises.
- During a performance there shall be no full bodied physical contact between Performers and they are not to touch each other's genitalia and/or breasts.
- Performers shall not engage in an act of prostitution (the receiving of gratuities or payments for any form of sexual favour).
- Performers shall not solicit for gratuities or payment in return for sexual favours.
- Performers must redress at the conclusion of the performance.
- Performers must remain fully dressed while on the premises, except while performing in areas approved by the Council for sexual

entertainment and in the approved changing rooms.

- Performers may only perform in the areas of the club designated by management.
- Performers must not give out any personal information, including telephone numbers, or contact details away from the premises.
- Performers must never be in the company of a customer except in an area open to the public within the premises.

Appendix 6

The Nags Head Performer Guidelines

- Performers may not commence performing at the premises until the induction process is complete and proof of identity and entitlement to work has been provided.
- Performers must always sign in with Management before starting each shift.
- Performers are to arrive within adequate time to ensure that they are ready to perform on the main floor or to carry out other duties as requested by the duty manager.
- Performers shall use the dressing room facilities provided to change into appropriate attire as required by the Premises.
- Performers appropriate attire shall include:
 - Floor length elegant gowns and high heel shoes as approved by the management. The Nags Head reserves the right to specify what is and is not appropriate on a continual basis.
 - Performer's hair and make-up must be presented professionally.
- Performers are never to intentionally meet any Customer outside of the Premises.
- Performers are never to agree to meet a Customer outside of the Premises.
- Performers must never engage in any unlawful activity within the Premises.
- Performers may only consume alcohol in moderation. Performers shall not perform if intoxicated.
- Performers must never consume, possess or be under the influence of any unlawful drug or substance, unless it is prescribed medication by a registered doctor.

- Performers are never to invite or knowingly permit Performer's spouse, boyfriend nor anyone else with whom Performers are romantically involved to enter the venue
- Performers are required from time to time to participate in promotional activities and offers as designated by Management
- Performers are required from time to time to participate in stage performances as designated by Management.
- Performers shall only use the smoking area in the rear court yard provided for their use.
- For the purposes of safety and compliance, The Nags Head employs the use of closed circuit cameras and radio communications throughout the Premises.
- Any dancer found to be in breach of any of these rules, without reasonable excuse, will be subject to the disciplinary procedure which may result in being excluded from the Nag's Head.
- The Nags Head has zero tolerance for prostitution, solicitation, drug misuse, and illegal conduct.

By signing this document you signify that you, the Performer, have read and understood The Nags Head Performer Code of Conduct, The Nags Head Performer Welfare Policy, The Nags Head Performer Guidelines and that you agree to comply with the obligations therein.

Signed:

Performer Stage Name:

Performer Full Name:

Date:

Appendix 7

The Nags Head Performer Welfare Policy

- Each Performer will undergo a preliminary interview with Management and will provide two forms of identification, including a utility bill and photographic identification and, if appropriate, any proof of entitlement to work in the UK.
- During induction, the House Rules, Performer Welfare Policy and Performer Code of Conduct, together with a copy of any conditions on the Premises Licence and Sexual Entertainment Venue (SEV) Licence will be explained. The Performer will be required to sign and confirm their understanding of the above.
- Appropriate Health and Safety training will be provided in relation to the layout of the Premises and the procedures in case of emergency.
- Training will be provided in relation to working schedules, changing room etiquette, payments and charging, disciplinary procedures, customer relations and conflict management, incident reporting and arrival and exit procedures.
- Any Performer concerned about the behaviour of a Customer shall report the incident to Management or a Door Supervisor who will take immediate action to investigate and take appropriate action.
- Staff members must constantly supervise the behaviour of Customers at the Premises and shall intervene where any customer is breaching the "House Rules" or otherwise causing alarm or distress to a Performer.
- Performers shall be provided with free tap drinking water on request; there is no requirement for Performers to drink alcohol.
- Secure dressing room facilities are provided. Performers will use the dressing room facilities for changing before and after the performance period and for rest breaks as agreed with Management.
- There is a designated smoking area for Performers in the rear courtyard and whilst at the Premises, Performers may only smoke in this area.
- All areas of the premises to which the public have access will have adequate supervision via CCTV and/or a SIA registered door supervisor.

- For their safety, Performers will be required to stay until the end of the performance period and if required will be escorted by a Door Supervisor to their vehicle on departure from the Premises.
- Taxis can be provided for Performers on request in order to leave the Premises. There is no requirement for the Nags Head to pay the fare of such taxi.

Performer Declaration

I confirm that:

- The Nags Head is not under any liability to make PAYE deductions on my behalf as I am not employed by the Nags Head.
- The onus is on me to make a return to HMRC and it is my obligation to pay any taxes due, including VAT and Income Tax. It is also my responsibility to ensure that I am not claiming any inappropriate benefits or allowances whilst performing on a self-employed basis at The Nags Head.
- I will not hold The Nags Head or any of their employees or other persons working at the premises on a self-employed basis responsible for acts or omissions arising out of my negligence, and I will be responsible for taking out any insurance to cover sickness, damage and loss.
- I confirm that I have declared any convictions for drugs or prostitution or other convictions below, and if required I will obtain a disclosure of my criminal record and show it to the manager.
- I have read, understood and agree to abide by the conditions of the Sexual Entertainment Venue Licence and Premises Licence.

Disclosure of criminal convictions or if NONE please state "NONE"

Nature of Offence

Performer "Stage" Name:

Performer Full Name:

Home address:

Postcode:

Telephone number:

Date of birth:

Signature:

AB Conformitas Ltd

ANNUAL RISK ASSESSMENT 2022



**17-19 Whitechapel Road
London E1**

AB Conformitas Ltd
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Introduction

This risk assessment is the annual review of the Nags Head 17-19 Whitechapel Road, London, E1. The assessment is confined to the sexual entertainment venue licence and how the conditions that are attached to the licence are managed.

The original risk assessment was completed in June 2017. Other than the Covid closure period the risk assessments have been carried out yearly.

Personal summary: Andrew Bamber

I retired from the Metropolitan Police in January 2007 having served 34 years of exemplary service. Throughout my service I have been regularly involved in the enforcement, management, and development of licensing initiatives and policies. I retired as a Borough Commander.

As a constable I worked as an undercover officer detecting offences in late night licensed premises in central and west London. As an Inspector I was the licensing Inspector for a very busy inner London policing division.

Whilst working as a Chief Inspector I was the operations manager in the central London Clubs and Vice unit from 1990-1996. As a part of this role I had responsibility for late night licensing in Westminster and I supported other London boroughs as appropriate. During this period, I managed both covert and overt police operations on behalf of the police and the local authority to ensure compliance with the legislation and to prosecute breaches where necessary. The overt licensing visits were structured in a way that

ensured that all premises operating with late night licences received at least 4 visits a year from a joint licensing team of police officers and local authority officers. It was during this period that I was involved in the development of the initial licensed door supervisors scheme, commissioned by Westminster City Council, which was implemented and managed by myself within the Clubs and Vice unit. During the same period I researched, with a local authority counterpart, the potential for the introduction of 'Lap Dancing' clubs in Westminster. The work resulted in the introduction of 'lap dancing' establishments in the borough. The initiative and the supervision of the licence was then monitored covertly and overtly by officers under my direction.

As a Borough Commander on 2 London boroughs, between 2001 and the beginning of 2007 (January), I worked with both local authorities to develop the respective licensing and enforcement policies. The work with the Local Authority formed a significant part of Community Safety and local policing plans. With the introduction of the new licensing legislation in 2003 I oversaw the transfer of responsibilities to the local authority and was instrumental in setting up a joint licensing team for a busy inner London borough.

In 2007 having retired from the police and was employed by an inner London local authority as an assistant director. I had responsibility for a wide ranging Safer Communities portfolio that included the licensing function and treatment regimes for drugs and alcohol. During the 10 years spent with the authority I worked closely with the local policing teams to ensure that licensed premises were effectively supervised and managed in line with local initiatives and the borough licensing and enforcement policies.

As the principal officer for licensing in the local authority I worked closely with local community groups, ward councillors, and members of the licensing committee to develop knowledge and understanding of local enforcement policies and crime and disorder initiatives linked to drugs and alcohol and the supervision of licensed premises and the licensing objectives. I was responsible for delivering a structured approach to licensing management and supervision, the councils community safety plan, the enforcement policy, and licensing policy. My role also included the consultation, development, and delivery of the boroughs controlled drinking

zone, cumulative impact zone, Sexual Entertainment Venues, late night levy, early morning restriction orders, Best Bar None, and alcohol treatment programmes.

On my retirement from Local Government I set up my own compliance consultancy and offer independent advice and compliance audits for licensed premises. I have given evidence at licensing hearings/reviews, and appeals on behalf of the Metropolitan Police, Local Authorities and individual premises in each of my respective roles.

I have a Masters Degree in Business Administration.

Method

This risk assessment is the annual review and it is confined to the SEV licence conditions as placed on the licence by Tower Hamlets, the licensing authority. It includes the additional conditions that were placed on the licence at the hearing held in October 2017.

This risk assessment does not cover or include the fire risk assessment, health and safety risk assessments, or the SIA risk assessment. They are all separate risk assessments.

It is important to understand that this is a **risk assessment** and that a risk does not represent or identify any problems in the business. It is a business improvement tool designed to manage out any issues before they impact on the business.

This piece of work is solely about reviewing the known risks associated with managing a venue that operates with a Sexual Entertainment Venue licence.

To assess the risks associated with the conditions on the SEV licence each of the specific conditions were assessed against a 5*5 matrix, as explained in the previous assessments. Each condition was considered against the potential for, or the likelihood of a breach of a condition happening and the possible consequences (actions of the police and licensing authority) if such a breach came to the attention of the licensing authority.

There are existing control measures in place to manage each condition on the licence.

The process assesses the current control measure for each of the conditions to identify whether a breach of the condition would fit into one of the 5 Likelihood (of happening) categories below;

- Rare,
- Unlikely,
- Possible,
- Likely, or
- Almost certain.

After each condition and the potential for a breach of the condition is aligned to one of the 5 likelihood categories it is then assessed against the possible 5 consequences or potential actions of the licensing authority. The consequence or risk for the Nags Head is identified as

- Negligible,

- Marginal,
- Moderate,
- Major, or
- Catastrophic

By assessing each licence condition vertically and horizontally on the matrix a risk score of 1-25 is assigned to the condition. The lower the score the lower the risk of something going wrong. The higher the score the greater the risk of something going wrong.

- Green (a score of 1-3) represents a very low risk of something going wrong given the existing controls in place. Intervention by the licensing authority would be confined to advice and guidance by authorised officers and the possibility of increased licensing visits to ensure management controls.
- Yellow (a score of 4,5,6,8 or 9) represents a moderate risk of something going wrong with the existing control measures. Intervention by the licensing authority may include formal warnings by the licensing authority about current and future conduct.
- Orange (a score of 10,12, 15) represents a high risk of something going wrong with the existing control measures. Intervention may include formal warnings and or a revocation hearing at a licensing committee.
- Red (a score of 16, 20, 25) represents a catastrophic risk if something were to go wrong with the existing control measures. Intervention could result in the closure of the premises/revocation of the SEV licence.

To determine the type of risk associated with each condition the following methodology was adopted.

- There was a desktop review of policies, procedures, dancer documentation, and CCTV systems.
- Control measures identified in the last assessment have been implemented and assessed.
- Overt visits were conducted at the premises and the SEV conditions were assessed against a checklist.
- Two covert visits were undertaken as part of this risk assessment.
- In addition to the 2 covert visits there have been numerous covert visits to the venue since 2017.

At the conclusion of the assessment each condition will have a score that determines the level of risk associated with it. The control measures are then reviewed to see if additional management action or a change of policy or procedures will affect the score by reducing it and consequently the level of risk.

Low Risk



There are 52 Sexual Entertainment Venue conditions. Of these 52 conditions conditions, 48 are rated as 'Low risk' of a breach occurring with the management controls that the owners have put in place. This equates to about 92% of the conditions on the Sexual Entertainment Venue Licence having a very negligible chance of being breached. This clearly reflects upon the amount of work that the owners have undertaken to design the operating systems in the Nags Head.

Medium Risk



Four (4) conditions were assessed as yellow and represent a medium risk to the venue.

Because these conditions are all linked to the management of human behaviour there will always be a greater risk of a breach no matter how good and stringent the control measures are. It is exceptionally difficult to mitigate against reckless, opportunistic, intentional, or thoughtless acts by either a customer or an entertainer. The management has implemented an array of control measures all directed at managing these 4 specific conditions.

One such measure is the covert customer visits to the venue. These visits are conducted on a date and time unknown to the owner and management, and specifically test these conditions. Since 2017 there have been a number of covert visits to the venue and on each visit there has not been a breach recorded.

The House Rules must be implemented and effectively enforced at all times when the premises are operating with sexual entertainment.

During a performance there shall be no intentional physical contact between a performer and the customer other than the transfer of money or token at the beginning, during and at the conclusion of a dance into the hand or a garter worn by the performer. For the avoidance of doubt nothing in this condition shall prevent Performers from acting to prevent, deter or counter any attempts of physical contact by a customer.

Without prejudice to standard condition 35 above, at the conclusion of a performance there shall be no intentional physical contact between a performer and the customer, save for a handshake. For the avoidance of doubt kissing is not permitted.

During a performance there shall be no full body physical contact between performers and they are not to touch each other's breasts or genitalia either with their bodies or with objects. Any performance shall be restricted to dancing and the removal of clothes. There must not be any other form of sexual activity, including but not limited to acts or the simulation of acts of personal stimulation.

High Risk



There are no high risks attached to any condition.

Dangerous/Catastrophic Risk



There are no dangerous risks.

Conclusions.

The owners of the Nags Head are aware of the sensitivities of running sexual entertainment venues and the associated risks with managing the compliance of the licence conditions. The work that they have undertaken since 2017 has been impressive and resulted in the reduction of risks over a wide range of conditions on the SEV licence.

	What is the risk: <i>A failure to comply with the conditions listed below.</i>	Current licence position and the existing control measures already in place	Rate the risk		New risk rating
	General				
1	The Licensee must remain in personal control of the premises at all times that it is trading or nominate in writing an individual over the age of 18 with the authority to direct activities within the Premises.	<p>There continues to be a very clear understanding of the licensing requirements and SEV conditions along with the existence of a specialised legal team. The owners have implemented an independent compliance regime that audits the operation Both overtly and covertly, on a monthly basis.</p> <p>The licence holders have their business office in the venue and the nominated individuals are named and work in the venue.</p>	1	No additional mitigation measures required at this stage.	1

2	The Licensee shall notify the Council, in writing, of any change in directors, trustees, partners or other persons concerned in the management of the licensed activities within 14 days of such change.	As above	1	No additional mitigation measures required at this stage.	1
3	The Licensee shall admit authorised officers to the Premises at all reasonable times and at any time when the Premises are providing sexual entertainment. The Licensee shall provide in a timely fashion copies of any documents reasonably required by an authorised officer to prove compliance with this Licence.	SIA staff and management are fully conversant with the requirement to admit authorised officers and to provide documentation. This is augmented by legal advice from a specific firm of licensing solicitors. There has also been staff training provided by the independent compliance officer. The last licensing inspection was managed smoothly and all of the documentation and policies were produced to the authorising officers. The incident log was endorsed by the officers and there was no feed back or recommendation for additional work.	1	No additional mitigation measures required at this stage.	1
4	The Licensee must give written notice to the Council if s/he wishes to surrender the licence.	Licensee is fully conversant with requirement and has engaged specific licensing solicitors.	1	No additional mitigation measures required at this stage.	1
5	A suitable and sufficient number of door supervisors and trained staff will be employed (based on a risk assessment) when sexual entertainment is offered. Their duties will include monitoring customers to ensure that the Code of Conduct for Performers and the House Rules are being obeyed.	<p>One company supplies SIA trained staff. In the main the personnel are regular staff and have a good working knowledge of their roles and the SEV licence conditions, inc customer code of conduct, drugs policy etc.</p> <p>A risk assessment has been completed and the number of security staff employed are more than enough to manage any issues. The number and positions of staff in the premises has been noted by the police and authorised officers from the council and they are happy with the current situation.</p> <p>All other staff in the venue have ben trained and understand their roles and responsibilities under the licensing act etc.</p>	1	No additional mitigation measures required at this stage.	1

6	The Licensee is to implement a suitable policy for the safety of the performers when they leave the Premises.	The owners have developed a licensing manual for the venue and conducted an annual review of their policies. All of the polices are readily available to staff and the licensing authorities. The venue has an arrangement with a cab company and any entertainer wishing to leave in a cab has one available for her.	1	No additional mitigation measures required at this stage.	1
7	The Council reserves the right to amend or alter these conditions (provided that such change will not prevent the operators from viably carrying on the business of the Premises) following consultation with the licensees.	<p>At the renewal hearing in October 2017 the licensing authority added a further 8 licence conditions that relate to independent compliance monitoring, incident log, crime reporting, crime scene management, and staff monitoring of the cctv.</p> <p>The management of NH Ltd immediately implemented all of the recommendations and the licensing authority and the police have recently visited the venue and inspected the premises. No issues were raised by either party.</p> <p>All of the conditions are now supervised by an independent compliance audit carried out overtly and covertly at regular intervals and a report supplied to the owners.</p>	1	No additional mitigation measures required at this stage.	1
Premises					
8	The approved layout of the Premises shall not be altered without prior consent of the Council.	Fully compliant. The layout is exactly as laid out in the approved plan. The licensee employs a specialised firm of licensing solicitors.	1	No additional mitigation measures required at this stage.	1

9	The Licensee shall ensure that the interior of the Premises where sexual entertainment is offered shall not be capable of being seen from the outside of the Premises, and that the exterior is maintained with a suitable level of decorum (i.e. that it does not have anything that depicts, indicates or suggests that sexual entertainment takes place on the Premises).	The building is fully compliant with the premises plan and there is no external advertisement. The double door entry and the siting of the stage and the private dance areas ensures that no element of the entertainment can be seen from outside the premises. All elements were examined during unannounced overt and covert visits conducted on behalf of the owner.	1	No additional mitigation measures required at this stage.	1
10	Sexual entertainment shall take place only in the designated sexual entertainment areas.	Unannounced overt and covert visits have been conducted on behalf of the owner since June 2017. This condition is being fully complied with. There are dedicated and defined areas for sexual entertainment. Post the Covid closure the owner engaged new entertainers and compliance visits were requested to ensure that the new entertainers fully complied with all licence conditions.	1	No additional mitigation measures required at this stage.	1
11	No member of the public shall be permitted to go anywhere outside the public areas. The public shall not be permitted access to the performers' changing rooms.	<p>The public area is well defined. The PLH and SIA staff have assigned positions to ensure compliance. The changing area is away from the public area and is covered by an SIA individual.</p> <p>Since June 2017 there have been regular overt and covert compliance visits to the venue.</p> <p>Post Covid the owner has built a new changing facility for the entertainers on the first floor of the venue that is well away from the public areas and the entrance to the first floor is monitored by the SIA team.</p>	1	No additional mitigation measures required at this stage.	1

<p>12</p>	<p>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</p>	<p>Since the initial risk assessment the licensing authority has added an additional cctv condition. (see condition 45)</p> <p>All licence conditions are in place and the licence holders are fully conversant with their responsibilities. The management have implemented a dip sampling process to supplement the ability to manage the system.</p> <p>The owner has a cctv maintenance contract that ensures that any defects with the system are rectified asap.</p> <p>During each of the overt compliance visits the cctv system was fully functional and there were staff available to provide anything that was requested by an authorised officer.</p> <p>All footage is retained for the 31 days.</p> <p>The owner and staff are fully conversant with the requirement to provide recordings to the relevant authorised officers. The preceding 2 days to be supplied immediately on request and other recordings within 24hrs of a request.</p> <p>The owner has always been able to remotely monitor the cameras via an app on his mobile phone so that he is able supervise the premises from were ever he is. Since the renewal hearing in October this facility has been extended to the venue managers (DPS)</p> <p>The premises impact assessment has been completed and updated, and the registration with the ICO is current.</p>	<p>1</p>	<p>No additional measures.</p>	<p>1</p>
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13	CCTV cameras shall be installed and maintained at the locations shown on the attached plan, to the reasonable satisfaction of the licensing authority.	<p>The cctv camera system is installed as shown on the venue plans. The owner has a maintenance contract that ensures that it operates effectively. In addition to the fixed system the owner and now the managers can supervise the venue remotely. In accordance with the new licence condition.</p> <p>The system is registered with the ICO and the Privacy Impact Assessment has been completed.</p>	1	No additional mitigation measures required at this stage.	1
14	Members of the public may not enter or remain in the toilet cubicles in the company of any performer. Only one person at a time to enter a toilet cubicle.	All staff are aware of this condition and nothing was observed during any of the unannounced monthly overt and 15 covert compliance visits. The CCTV system covers the public area which includes the entrance to the toilets.	1	No additional mitigation measures required at this stage.	1
15	The number of persons to be accommodated in the premises at any one time shall not exceed a 100 persons	<p>There is a full understanding of the condition. SIA staff and the PLH visually monitor entry, departure, and capacity from within the venue. The DPS is permanently at the end of the bar.</p> <p>One of the SIA members of staff responsible for the number of people in the premises actually sits in the public area of the venue and counts the number of people in the venue.</p>	1	No additional mitigation measures required at this stage.	1

16	The licence must be prominently and visibly displayed inside the entrance to the premises	<p>On every unannounced overt and covert visit carried out on behalf of the owner the licence was prominently displayed. The licence is on the wall the right of the entrance door to the premises and easily seen and able to be read by the customer.</p> <p>It is also prominently displayed inside the main bar area.</p>	1	No additional mitigation measures required at this stage.	1
17	The licence together with the standard conditions must be available at the premises at all times	<p>Both are in the new licensing manual that is maintained on the premises and is readily available upon request by any authorised officer</p> <p>All documents are prominently displayed at the entrance to the venue and in the public area of the venue.</p>	1	No additional mitigation measures required at this stage.	1
Admission to the Premises					
18	No person under the age of 18 years shall be admitted to nor permitted to remain on the Premises when sexual entertainment is being offered, and a clear notice to this effect will be displayed at each entrance to the Premises.	<p>The notice is prominently displayed at the entrance to the premises. It is on the wall to the right of the inner entrance door and is easily read by any customer. The SIA, PLH, and bar staff are all fully aware of the condition and the Challenge 21 scheme is in operation.</p> <p>During the overt and covert visits no person under the age of 18 was ever seen in the venue.</p>	1	No additional mitigation measures required at this stage.	1

19	Customers who appear to be under the age of 21 must be asked to provide a Pass-scheme approved photographic card, their passport or photographic driving licence to prove their age. Prominent notices must be clearly displayed to this effect at each entrance to the Premises.	The customer rules are fully displayed at the entrance to the premises. They are on the wall to the right of the inner entrance door and accessible to each customer. It also explains the challenge 21 scheme. SIA staff are fully aware of the scheme as are the bar staff.	1	No additional mitigation measures required at this stage.	1
House Rules					
20	The Licensee shall prepare House Rules governing the conduct of customers.	<p>The house rules have been compiled by the management and are prominently displayed at the entrance to the premises. The rules are also located in each of the entertainment booths and at other site specific locations within the premises.</p> <p>Since the last risk assessment the management have redesigned the public notices so that the no touching rule is much more prominent.</p> <p>The house rules have been agreed and signed off by the licensing authority.</p>	1	<p>No additional mitigation measures required at this stage.</p> <p>The owners continually review their policies to ensure the safety of their staff. Compliance visits are also conducted to ensure full compliance.</p>	1
21	The House Rules shall be prominently and legibly displayed close to each entrance of the Premises.	<p>House rules are prominently displayed within the entrance of the club and at locations within the premises. They are specifically placed at the entrance to the private dance area.</p> <p>The management have redesigned the public notices so that the no touching rule is much more prominent. Each private dance booth now has a sign highlighting the 'no touching' condition.</p>	1	No additional mitigation measures required at this stage.	1

22	The House Rules must be made known to customers prior to their admission to the Premises when sexual entertainment is provided	Each customer is informed at the point of entry to the club by the SIA staff and the code is pointed out on the wall. This was explained by SIA staff on the overt visits to the premises and then fully confirmed during each of the covert visits to the premises	1	No additional mitigation measures required at this stage.	1
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<p>23</p>	<p>Signs must be displayed at appropriate locations advising that any customer attempting to make physical contact with a performer will be asked to leave.</p>	<p>In the previous risk assessments this condition received a high rating because of the touching incident that occurred on the 4th May 2017 that was reported to the police.</p> <p>The management have reviewed the signs that are placed in the premises and they have redesigned the public sign to make this condition more prominent. They have also increased the number of signs and ensured that they are placed in a very prominent position in each booth and that they are very legible.</p> <p>The notice is also displayed at the entrance to the premises and on the wall at the entrance to the private dance area.</p> <p>There are now a significant number of signs around the venue</p> <p>In addition to the signage the owners have introduced an independent compliance regime that consists of unannounced overt and covert visits to the venue along with independent dip sampling of the cctv footage from the 31 day retention period.</p> <p>Entertainers and SIA staff are briefed each day on their responsibilities and the briefing is recorded in the briefing log.</p>	<p>2</p>	<p>No additional mitigation.</p>	<p>2</p>
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<p>24</p>	<p>No member of the public shall be admitted or allowed to remain at the Premises if they appear to be intoxicated or under the influence of illegal substances.</p>	<p>There is a customer code of conduct and a drug policy for the premises. During unannounced overt and covert visits to the premises on behalf of the owner there were no incidences where customers were suspected of being intoxicated or under the influence of drugs.</p> <p>The owners have reviewed their policies and have now amended the drugs policy to include the refusal to admit anybody suspected of being under the influence of drugs.</p>	<p>2</p>	<p>No additional mitigation..</p>	<p>2</p>
<p>25</p>	<p>Customers may not be permitted to photograph, film or electronically record any performance.</p>	<p>This rule is covered in the customer code of conduct and pointed out to each customer by the SIA staff as they enter the premises.</p> <p>Tested and found to be compliant during unannounced overt and covert visits conducted on behalf of the owners.</p>	<p>1</p>	<p>No additional mitigation measures required at this stage.</p>	<p>1</p>

<p>26</p>	<p>The House Rules must be implemented and effectively enforced at all times when the premises are operating with sexual entertainment.</p>	<p>The no touching rule was broken in 2017 and resulted in the objection by the police at last years renewal hearing.</p> <p>This condition will always carry a higher risk rating because of the the past incident and the difficulty managing human behaviour and reckless, impulsive, or deliberate acts by customers, despite all the warnings, notices, and management supervision.</p> <p>The owners have introduced an independent compliance regime to ensure that there is strict compliance with all of the licence conditions. This work more than covers the additional condition applied by the licensing committee in October 2017.</p> <p>All of the house rules have been thoroughly tested by the unannounced overt and covert compliance visits that have been conducted since June 2017.</p> <p>The owners have revisited all of their policies and also introduced new and additional ones.</p> <p>They now have a discipline policy in respect of their staff and have taken remedial action where necessary. There is a full audit trail of all management action.</p>	<p>9</p>	<p>No additional mitigation at this stage.</p>	<p>9</p>
<p>Performers</p>					

27	Sexual entertainment will be given only by the performers engaged by or through the Licensee and there will be no audience participation in any performances.	The monthly unannounced overt and covert compliance visits confirm that only performers engaged by the owners provide the entertainment at the venue and that there is no audience participation or other bad behaviour.	1	No additional mitigation measures required at this stage.	1
28	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.	<p>The records have been continually checked throughout the year during the overt compliance visits to the premises.</p> <p>The records hold all of the relevant information and they are securely held and are readily available upon request from any authorised officer.</p>	1	No additional mitigation measures required at this stage.	1
29	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.	On the days that entertainment is provided the owners keep a full record each day of the entertainers that are working at the venue. This record is readily available to any authorised officer upon request. It can be found at the end of the bar where the manager monitors the performers movements.	1	No additional mitigation measures required at this stage.	1
<div style="background-color: #4F81BD; color: white; padding: 5px; display: inline-block;">Tariffs</div>					

<p>30</p>	<p>The Licensee shall prominently and legibly display the drinks tariff at or by the bar and at the entrance. No charge shall be made nor payment accepted for any drink other than in accordance with the tariff, save for clearly advertised discounts to the tariff.</p>	<p>The condition is fully complied with and has been tested during unannounced overt and covert visits to the premises throughout the years. The licensing authority and the police have also inspected and made no recommendations during their visits.</p> <p>The tariff is displayed at the entrance to the venue and beside the bar.</p> <p>There have been no customer complaints. All of the drinks purchased by the covert customers has been exactly that as displayed in the drinks tariff.</p> <p>The latest set of covert visits confirmed that customers pay exactly the same when paying by cash or by card.</p>	<p>1</p>	<p>No additional mitigation measures required at this stage.</p>	<p>1</p>
<p>31</p>	<p>The Licensee shall prominently and legibly display the entertainment tariff in the entrance area and at key locations within the Premises including entrances to any private performance areas and so far as possible at the place(s) at which payment for any performance or service is transacted as marked on the attached plan. No charge shall be made nor payment accepted by the Licensee for any services other than in accordance with the tariff or clearly advertised discounts to the tariff</p>	<p>The tariff is clearly displayed at the entrance to the premises and at locations within the premises.</p> <p>There is a tariff on the wall at the entrance to the private dance area and where payment is made for the entertainment. Throughout the years the covert compliance visits have confirmed that the venue is fully compliant with this condition and that the prices paid by the covert customer for a private dance is that displayed in the tariff.</p> <p>The licensing authority and the police have also inspected and made no recommendations during their visits.</p>	<p>1</p>	<p>No additional mitigation measures required at this stage.</p>	<p>1</p>

32	<p>The Licensee shall so far as reasonably practicable keep such records as are necessary to prove that the sums charged and payments taken are for products or services advertised on the relevant tariff at the amount shown on that tariff. These records must be made available within a reasonable time if requested by an authorised officer.</p>	<p>Condition fully compliant. A full record of the entertainment provided is contemporaneously recorded by the managers at the point that customers pay for the entertainment.</p>	1	No additional mitigation measures required at this stage.	1
<p>Code of Conduct</p>					
33	<p>The Licensee shall prepare and implement a suitable Code of Conduct for performers.</p>	<p>The code of conduct is signed by each of the performers. It is contained within the paper work retained for each performer and has been examined as part of the overt visit structure. The new licensing manual for the venue contains all of the venues codes of conduct and policies.</p> <p>The code has also been agreed and accepted by the council. It forms part of the licensing authority inspection.</p>	1	No additional mitigation measures required at this stage.	1
34	<p>The Licensee shall ensure that each performer signs the Code of Conduct in their proper name, acknowledging that they have read and understood and are prepared to abide by the Code of Conduct, and signed copies be kept on the premises for inspection by authorised officers.</p>	<p>As above. This condition is fully complied with and all documentation supplied promptly during overt visit inspection on behalf of the owner.</p> <p>The code has also been agreed and accepted by the council. It forms part of the licensing authority inspection.</p>	1	No additional mitigation measures required at this stage.	1

<p>35</p>	<p>During a performance there shall be no intentional physical contact between a performer and the customer other than the transfer of money or token at the beginning, during and at the conclusion of a dance into the hand or a garter worn by the performer. For the avoidance of doubt nothing in this condition shall prevent Performers from acting to prevent, deter or counter any attempts of physical contact by a customer.</p> <p><i>There was a breach of this condition and there will always be a risk of a customer touching a performer despite all the controls in place. Individuals have the potential to act recklessly.</i></p> <p><i>The high rating of 25 at the commencement of the process was because there was a touching incident and there was a threat of revocation. The owner has implemented a range of measures to minimise the risk. Despite all the measures it is impossible to stop deliberate, reckless, and spontaneous acts by customers.</i></p> <p><i>Therefore the score represents a rare event in extreme circumstances that would bring a severe reaction from the licensing authority.</i></p>	<p>There has been a significant change in the management of this condition since the incident in May 2017. Management have completely reviewed their operating procedures and implemented a range of measures to ensure the safety of their entertainers.</p> <p>There is a independent compliance structure that tests the operation of the venue through unannounced overt and covert visits to the venue. Covert customers purchase private dances to see if there is any suggestion that contact is condoned or if any entertainer suggests such contact.</p> <p>Everyday the entertainers are briefed by the management about the SEV conditions and in particular the no touch rule. A discipline policy has be implemented.</p> <p>Management and independent dip sampling of the cctv system takes place to ensure strict compliance. Remote access to the cctv system has been extended to include the DPS.</p> <p>All of the signage has been revised, improved and added to so that there are more notices.</p> <p>Each performer is aware of and signs a performer code of conduct so that they understand all house rules and that they should not engage in any contact during their performance. The person responsible for the daily management is aware of the condition and states that he regularly briefs the entertainers on their conduct.</p> <p>Sitting alongside this is a customer code of conduct and this is pointed out to customers at the entrance to the club by the SIA door staff. At the point of entry to the dance area the code of conduct is also displayed.</p>	<p style="text-align: center;">25 (25)</p>	<p>The significant amount of work undertaken by the owners in the last 12 months means that this review finds that there are no additional mitigation measures at this stage.</p> <p>Cont: Despite the notices and briefings it is difficult to manage a spontaneous, reckless, and or deliberate acts by entertainers (and customers) when they are dancing</p>	<p style="text-align: center;">5</p>
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36	<p>Without prejudice to standard condition 35 above, at the conclusion of a performance there shall be no intentional physical contact between a performer and the customer, save for a handshake. For the avoidance of doubt kissing is not permitted.</p> <p>See condition 35 above</p>	<p>Whilst there will always be a risk that a touching incident may take place the remedial work undertaken by the owners has now significantly reduced that risk. The information given to customers verbally and through notices has been increased. There are daily briefings to the entertainers and there are overt and covert compliance visits.</p>	12	<p>The substantial amount of work undertaken by the management means that there are no new mitigation measures necessary at this stage.</p>	5
37	<p>The Licensee must not permit gratuities or any other items to be thrown at performers.</p>	<p>During unannounced overt and covert visits to the premises on behalf of the owner since June 2017 no such activity was observed. The PLH and an SIA member of staff are in attendance at all times during the performance and are fully conversant with this condition.</p>	1	<p>No additional mitigation measures required at this stage.</p>	1

<p>38</p>	<p>During a performance there shall be no full body physical contact between performers and they are not to touch each other's breasts or genitalia either with their bodies or with objects. Any performance shall be restricted to dancing and the removal of clothes. There must not be any other form of sexual activity, including but not limited to acts or the simulation of acts of personal stimulation.</p> <p><i>The entertainers do not dance together on the stage. The new supervision model eliminates most of the risk but the score represents a possible occurrence in extreme circumstances</i></p>	<p>Since the early part of last year and the incidents brought to the attention of the owner by the police and the licensing authority the management have reviewed their operating model and made some significant changes to the way that the venue is supervised. This is to ensure that people working in the venue are fully conversant with all of the conditions on the licence and that they fully comply with them.</p> <p>The incident in 2017 related to a customer/entertainer contact. There has never been an allegation of contact between performers.</p> <p>Whilst it is incredibly difficult to stop spontaneous, reckless, and or deliberate acts by individuals that consequently place the licence at risk the following additional procedure brought in by the management are designed to eliminate the possibility of infringements occurring.</p> <p>There is an independent compliance structure that tests the operation of the venue through unannounced overt and covert visits to the venue. Covert customers purchase private dances to see if there is any suggestion that contact is condoned or if any entertainer suggests such contact.</p> <p>Everyday the entertainers are briefed by the management about the SEV conditions and in particular the no touch rule. Management and independent dip sampling of the CCTV system takes place to ensure strict compliance. A discipline policy has been implemented. Remote access to the CCTV system has been extended to include the DPS. All of the signage has been revised, improved and added to so that there are more notices.</p>	<p>5</p>	<p>The supervision and management of the venue has been significantly redesigned and virtually eliminates the risk.</p> <p>Covert visits to the venue confirm that there are no breaches of this condition.</p> <p>No remedial action.</p> <p>Cont: Each performer is aware of and signs a performer code of conduct so that they understand all house rules and that they should not engage in any contact during their performance. The person responsible for the daily management is aware of the condition and states that he regularly briefs the entertainers on their conduct.</p>	<p>5</p>
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39	Performers shall be provided with a changing room to which the public have no access.	There are 2 changing areas provided for the entertainers. Since the Covid restrictions the owner has built a new changing room facility on the first floor of the venue well away from the entertainment area. It is a large well lit environment with ample facilities.	1	No additional mitigation measures required at this stage.	1
40	Performers must remain fully dressed while on the Premises, except while performing in the sexual entertainment areas and in the changing rooms shown on the approved plan. [Without prejudice to this requirement, there is to be no display of nudity in the public areas of the Premises, other than during the course of a performance].	During the unannounced overt and covert visits to the premises, on behalf of the owner, confirmed that all performers were fully dressed in the public areas. The only nudity seen was during the course of individual entertainment and the dances that were performed on the stage. The condition is contained within the performers code of conduct and signed by performers.	1	No additional mitigation measures required at this stage.	1
41	Performers must re-dress at the conclusion of a performance.	Seen to be fully compliant during unannounced covert and overt visits conducted on behalf of the owner. Condition contained within the performers code of conduct and signed by performers.	1	No additional mitigation measures required at this stage.	1

	Advertising				
42	<p>The Licensee shall neither cause nor permit the display of suggestive advertising content which is directed at or may be seen or heard by any person from within the London Borough of Tower Hamlets: on any public highway, street, waterway or railway; in any place of general public use or access; or in publicly accessible areas of premises open to the public. This condition shall apply to prevent suggestive advertising content being displayed on the exterior of the Premises or handed out as flyers on the street. It shall also apply to prevent suggestive advertising content being displayed on or in street furniture; telephone booths; hoardings, billboards, screens or projections; as well as advertising displayed on or within any vehicles located on or near the highway. The Licensee shall not permit any person to tout for business or encourage other persons to visit the Premises whilst on a public highway. For the avoidance of doubt, this condition shall not be taken to prevent the Licensee from advertising the Premises using suggestive advertising content in media that restrict access to persons over the age of 18 years and would not reasonably be expected to be directed at persons in a public place (for instance, in adult magazines, websites or television channels).</p>	<p>Unannounced covert and overt visits have been conducted on behalf of the owner and have now been ongoing since June 2017. The immediate vicinity and premises are continually inspected to assess any advertising by the company. There have been no adverts in public places around the club; this includes the adjacent TFL stations, street furniture or any other place that the public appear to have access. The covert visitors have never been touted or solicited in and around the local area and walked up to the establishment without interference.</p> <p>There have been no indecent or suggestive advertisement attached to the building or entrance area.</p>	1	No additional mitigation measures required at this stage.	1
43	<p>All persons engaged or employed to attend to the entrance area or exterior of the Premises must be suitably dressed and conduct themselves so as not to indicate or suggest the availability of sexual entertainment at the Premises.</p>	<p>During the unannounced overt and covert visits conducted in the premises on behalf of the owner this condition has been continually complied with in full. The SIA staff are situated within a foyer and not on the pavement. They are suitably all dressed in black and wear their SIA badges. They are fully aware of their roles and responsibilities. On every occasion that the covert visits have been conducted the door staff point out the house rules, explain how the venue is run and that there is a 'no touching' rule that is strictly enforced.</p>	1	No additional mitigation measures required at this stage.	1

44	Where the Council has given notice in writing to the Licensee objecting to an advertisement on grounds that it would offend public decency or be likely to encourage or incite crime or disorder, that advertisement shall be removed or not be displayed.	This condition is fully understood by the owner and management of the premises and adhered to. The owners also have the guidance of a specific firm of licensing solicitors.	1	No additional mitigation measures required at this stage.	1
Additional Conditions added on the 17th October 2017					
45	An incident log shall be kept at the premises, and made available on request to authorised officers immediately. It must be completed within 3 hours of the incident and shall record the following; (A) all crimes reported at the venue by a member of the public, a performer or a member of staff; (B) Any breach or alleged breach of either the house rules made by a member of the public of the code of conduct made by a performer, and the action taken by management; (C) Where a person is removed from the premises; (D) Any faults in the cctv system; (E) Any visit by the relevant authority of emergency service.	The incident log is in place and completed everyday. Any incident A-E are recorded in the log. It is inspected and signed by myself every time an overt compliance visit is conducted. The log is kept behind the bar and is available for inspection by any authorised officer upon request.	1	No additional mitigation measures required.	1

46	<p>In the event that a performer alleges that they have been sexually assaulted the management will immediately ensure that;</p> <p>(A) The police (and where appropriate, the London Ambulance Service) are to be called without delay;</p> <p>(B) All measures that are reasonably practicable are taken to apprehend a suspect pending the arrival of the police;</p> <p>(C) The crime scene is preserved so as to enable a full forensic investigation to be carried out by the police; and</p> <p>(D) Such other measures are taken (as appropriate) to fully protect the safety of all persons present in the premises.</p>	<p>The management have had training by myself to ensure that the measures stipulated in the condition are carried out without delay.</p> <p>The knowledge of the managers is tested every 3 months to ensure that they remain alert to the requirements.</p> <p>A risk assessment for the entertainers welfare has been completed and all measures identified to ensure their environment is safe and that they are fully supported by the venue.</p>	1	No other mitigation required at this time.	1
47	<p>In the event that during a performance the management or security either witness a member of the public making intentional physical contact with a performer (save as permitted by standard conditions 35 or 36) or a performer makes a similar allegation to management or security, that member of the public shall be removed from the premises without delay. The management or security may use their discretion to allow that member of the public a supervised 10 minute drink up time prior to being removed from the premises.</p>	<p>The management and SIA staff are fully conversant with the new condition and have been reminded of their obligations by me as soon as the new condition was inserted in the licence.</p>	1	No other mitigation measures required at this time.	1
48	<p>Without prejudice to standard conditions 12 and 13, at all times the private performance areas and booths are occupied by performers and members of the public, trained staff shall regularly monitor the CCTVs which cover that area.</p>	<p>The manager now has the IT facility to monitor the entertainment live as it is being provided in the entertainment areas.</p> <p>The use of the facility is continually being monitored during the covert and overt visits to the venue.</p>	1	No other mitigation measures required at this time.	1

49	<p>Independent Compliance Audit.</p> <p>(A) An independent compliance auditor, to be instructed and paid for by the licensees, must carry out a minimum of four (4) compliance audits per year of the private performance areas and booths when sexual entertainment is offered at the premises. The compliance audits must not be pre arranged with the licensees or any employee or agent of the licensees.</p> <p>(B) A copy of the compliance audit, signed and dated by the compliance auditor, must be kept at the premises (The Nags Head Public House, 17-19 Whitechapel Road, E1 1DU) and made available to authorised officer without delay.</p>	<p>The owners of the NH implemented independent compliance visits before the revision to the SEV licence conditions. Overt and covert compliance visits have been in place since June 2017. The covert and overt visits to the venue have continued.</p> <p>All visits have been unannounced and are part of the owners new independent compliance structure. Both the overt and covert visit reports are kept at the venue and are available for inspection by the police and the licensing authority at any time.</p>	1	No additional mitigation measures required at this stage.	1
50	The number of persons to be accommodated in the premises at any one time shall not exceed 100 persons.	Fully compliant as assessed. During the compliance visits to the venue the numbers in the venue have never come close to the maximum capacity set in the condition. There is a SIA member of staff situated within the public area who has the responsibility to monitor and count the number of clients. In addition the DPS is constantly in the public area monitoring the venue.	1	No additional mitigation measures required at this stage.	1
51	This licence must be visibly and prominently displayed inside the entrance to the premises.	The licence is displayed in the public. Areas and the new licence was immediately put into position upon receipt.	1	No additional mitigation measures required at this stage.	1
52	This licence together with the standard conditions must be available at the premises at all times.	The licence is prominently displayed at the entranced in the public area of the venue.	1	No additional mitigation measures required at this stage.	1