

Appendix 1

The London Borough of Tower Hamlets
Acting as an Appropriate Authority
Tower Hamlets Town Hall
160 Whitechapel Road
London
E1 1BJ

licensing@towerhamlets.gov.uk

3rd March 2023

Your ref:
Our ref: PSU:010281

**Place Directorate
Public Realm**

**Head of Environmental Health and
Trading Standards: David Tolley**

Environmental Health & Trading
Standards
Licensing & Safety Team
4th Floor, Tower Hamlets Town Hall
160 Whitechapel Road
London E1 1BJ

Tel: [REDACTED]
Enquiries to: **Mohshin Ali**
Email: Mohshin.Ali [REDACTED]

www.towerhamlets.gov.uk

Dear Appropriate Authority,

**Schedule 3 of the Local Governmental (Miscellaneous Provisions) Act 1982 as
amended by the Policing and Crime Act 2009**
RE: The Nags Head, 17-19 Whitechapel Road, London E1 1DU

I write in the capacity of the Licensing Authority, acting as a Responsible Authority to request the Appropriate Authority consider revoking the Sexual Entertainment Venue Licence for the above premises.

The reasons for this request is that test purchases carried out on the 18th August 2022 led to physical contact initiated by performers in relation to the individuals making the test purchases". This included pushing of the breast in face of the test purchasers, kissing of their neck and grinding into the groin areas. Please see attached witness statements from the Surveillance Operatives. Note, we have redacted the Officer's names and will be referring to them as Officer A and Officer B.

CCTV footage was requested on the 9th September 2022, which the Licensing Authority noted confirmed breaches of the below standard licence conditions, and supported the witness evidence mentioned. A chronology of breaches seen in the CCTV footage will be provided shortly.

The evidence shows of breaches of the following Standard Conditions attached to these premises' current Sexual Entertainment Venue Licence.

- 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.***

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.***

As the copy of the CCTV footage was requested from the licence holder, we understand that they have retained the original copy. We reserve the right to play the same footage at the hearing in a closed session.

The applicant's solicitor has responded to the Licensing Authority and stated the following:

"concerns about the way in which performances were being delivered by those performers were flagged by staff to management and dip sampling of CCTV footage of performances was undertaken. The dip sampling revealed, inter alia, breaches of my client's Performer and Customer Codes of Conduct. This triggered my client's internal disciplinary procedures and the Performers involved were suspended".

Given the above, the Licensing Authority acting as a Responsible Authority is requesting the revocation of this licence because the licence holder is unsuitable to hold the licence by reason of the breaches witnessed, with regard to paragraphs 17(1) and 12(3)(a) in Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982.

It is also worth noting that a similar breaches of the SEV licence were found at the premises in 2017, which resulted to objection to the renewal of the licence. Details of the hearing for this renewal can be found in the link below. On this occasion the Licensing Committee granted the renewal with additional conditions.

<http://democracy.towerhamlets.gov.uk/ie/ListDocuments.aspx?CId=324&MId=8231&Ver=4>


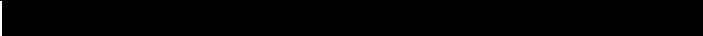

This letter is being copied to the company as the licence holder and also to the director of the company (also copied to their solicitor).

Yours sincerely,



Mohshin Ali
Senior Licensing Officer

Cc:

- NH License Ltd, 
- Manpal Singh Clair, 
- Manpal Singh Clair, the Nags Head, 17-19 Whitechapel Road, London E1 1DU
- Luke Elford, John Gaunt & Partners Kin s Cross Business Centre, 180 - 186 King Cross Road, London WC1X 9DE 

Appendix 2

CJ Act 1967, s.9; MC Act 1980, ss.5A(3) (a) and 5B; Criminal Procedure Rules 2005 , Rule 27.1

URN:

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Statement of: [REDACTED]

Age if under 18 (if over insert "over 18"): over 18

Occupation: Surveillance Operative

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

Name / Signature:

[REDACTED]

Date: 18/08/2022

Tick if witness evidence is visually recorded:

(Supply witness details on last page)

Statement

1. I am [REDACTED] and I am employed by The Surveillance Group Ltd, of [REDACTED]
2. I was instructed by The Surveillance Group Ltd to attend The Nags Head Gentlemens Club, 17-19 Whitechape Road, London, E1 1DU, in order to conduct a test purchase task on behalf of the London Borough of Tower Hamlets.
3. At approximately 22:45 hrs on the 18/08/2022 I arrived at The Nags Head Gentlemens Club, 17-19 Whitechape Road, London, E1 1DU, in order to conduct a test purchase task.
4. Upon arrival at the premises the front entrance was covered by a single male sat at a table by the door. The entrance fee was £3.00. I was verbally told the rules and nothing was visible of the rules on show. The individual had some form of identification around his neck.
5. Inside the premises there were two further security staff members with ID cards around their necks. I walked up to the bar and ordered a drink then sat down at the seats directly by the stage where pole dancers performed. The venue had CCTV visible in multiple areas including the private and VIP areas. There were two members of staff working the bar area and an individual who appeared to be a manager at the end of the bar taking payments for dances. All staff were appropriately dressed in smart casual wear.
6. Inside the venue the sage was to the back with seating directly in front of the stage. The bar ran along the right-hand side where four private booths were also located. At the other end of the bar there were toilets in the far-right hand corner and three VIP booths on the left-hand side.

Name / Signature:

[REDACTED]

[REDACTED]

Witness Statement

CJ Act 1967, s.9; MC Act 1980, ss.5A(3) (a) and 5B; Criminal Procedure Rules 2005 , Rule 27.1

7. *There were more than ten dancers who walked around the establishment, asking for money before they went on stage. I was asked if I could buy a dancer a drink, which I obliged.*
8. *I conversed with an English girl named Mia and I bought her a drink and then we went for a private dance which cost £20 for five minutes. Myself and my colleague were in the same booth during this dance. The dancer rubbed herself against me but no touching was allowed. The security guard did come in from time to time to check but spent most of the time at the entrance, CCTV was visible in the booth areas.*
9. *After the dance had finished, I paid £240 for a 30-minute VIP dance and a drink. This dance was in a separate booth where CCTV was visible directly to the front. The dancer made quite a bit of contact with me whilst naked, thrusting herself against my groin whilst rubbing her breasts against my face and also kissing my neck. She told me that I was allowed to touch her but not the vagina area, I politely declined the offer.*
10. *During the dance we talked about her having a daughter and the other job she did in the day working in a shop. She said she enjoyed the dance work though because it pays really good money.*
11. *At no time during the visit was there any mention of any drug use.*
12. *There were no performer inside the gentleman's toilets and there was no physical contact between performers.*
13. *Following my visit, I immediately returned to my vehicle and wrote notes on the details of the event within a document on my work-issued smart-phone on 18/08/2022. I exhibit these as [REDACTED].001.*
14. *I believe the facts stated in this witness statement are true.*

Name / Signature: [REDACTED]

The Nags Head – E1 1DU

18/8/2022 – 19/8/2022



Entered the premises @ 22.45

When we arrived at the establishment we were not touted into the premises. The front entrance was covered by a single male sat at a table by the door. The entrance fee was £3. He verbally told us the rules but there was nothing visible of the rules on show. He did have some form of identification around his neck but unsure as to whether it was an SIA licence or not.

Once inside the venue it was noted that there were 2 further security staff again with id cards around their necks but unsure if they were SIA. We walked upto the bar and ordered ourselves some drinks before going to sit down at the seats directly by the stage where the pole dancers performed. CCTV was visible in multiple areas around the venue including the Private and VIP areas. There were 2 members of staff working the bar area with what looked like the manager at the end of the bar taking payments for the dances. All staff were appropriately dressed in smart casual wear and also fully covered.

As you walked into the venue, the stage was to the back of the venue, where there was seating directly in front. The bar ran along the right hand side where there also was the private dance booths, 4 in total. At the other end of the bar there was the toilets in the far right hand corner and on the left hand side of the venue was where the VIP dance booths were, 3 in total.

Inside, there were 10+ dancers that we could see who all walked around with either a jar or their purses open asking us for money before they went on stage. We were also asked if we could buy them a drink which we obliged. I got talking to an English girl called Mia where I bought her a drink and then we went for a private dance which cost £20 for 5 minutes. Myself and my colleague were both in the same booth whilst this was happening. The dancer did rub herself against me but no touching was allowed. The security guard did come in from time to time to check but spent most of the time at the entrance, CCTV was visible in the booth areas. After that had finished we paid £240 for a ½ an hour VIP dance and also a drink. It was separate booths this time where CCTV was visible directly to the front. The dancer made quite a bit of contact with me whilst naked, thrusting herself against my groin whilst rubbing her breasts against my face and also kissing my neck. She told me that I was allowed to touch her but not the virgina area, I politely declined the offer. During the dance we talked about her having a daughter and the other job she did in the day working in a shop. She said she enjoyed the dance work though because it pays really good money.

At no time whilst in there did we see or hear any mention of any drug use.

There were no performers inside the gents toilets and there was no sexual physical contact between the performers.

Appendix 3

CJ Act 1967, s.9; MC Act 1980, ss.5A(3) (a) and 5B; Criminal Procedure Rules 2005, Rule 27.1

URN:

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Statement of: [REDACTED]

Age if under 18 (if over insert "over 18"): over 18

Occupation: Surveillance Operative

This statement (consisting of

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 Pages(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it, anything which I know to be false, or do not believe to be true.

Name / Signature: [REDACTED]

Date: 18/08/2022

Tick if witness evidence is visually recorded: (Supply witness details on last page)

Statement

1. I am [REDACTED] and I am employed by The Surveillance Group Ltd, of [REDACTED]
2. I was instructed by The Surveillance Group Ltd to attend The Nags Head Gentlemens Club, 17-19 Whitechapple Road, London, E1 1DU, in order to conduct a test purchase task on behalf of the London Borough of Tower Hamlets.
3. At approximately 22:45 hrs on the 18/08/2022 I arrived at The Nags Head Gentlemens Club, 17-19 Whitechapple Road, London, E1 1DU, in order to conduct a test purchase task.
4. Upon arrival at the premises the front entrance had a male at the door. The entrance fee was £3 and the male verbally communicated the rules upon entering the venue. The male had an identification badge around his neck.
5. Upon entering Inside the premises there were two further security staff members with ID cards around their necks. I ordered a drink at the bar and then sat down directly in front of the stage where pole dancers performed. TV's were situated above the bar and also in the private and VIP areas. There appeared to be 2 people working at the bar, with a possible manager that was taking card payments for the dances. The staff were all appropriately dressed, smart casual and fully covered.
6. The layout as you walk into the venue, the stage is located at the very back, where one female would dance on the pole. To the middle, in front was the seating area. The bar ran along the right-hand side, before the bar to the right-hand side was the private booths dance area, that contained at least four private booths. To the far end of the bar was the toilets in the right-hand corner. And the left-hand side went into the VIP dance area, which had at least three open booths.

Name / Signature: [REDACTED]

Witness Statement

CJ Act 1967, s.9; MC Act 1980, ss.5A(3) (a) and 5B; Criminal Procedure Rules 2005 , Rule 27.1

7. *There were approximately ten or more dancers and they walked around collecting money from individuals before they got up on to the stage, taking it in turns, on the occasion buying one a drink. I conversed with a Romanian dancer "Patricia" and I decided to go for a private dance, which I paid £20.*
8. *I had a double performance with my colleague in the same room with his dancer. The dancer made contact with me on my lap. The security did check on us through the beaded curtains but was outside of it most of the time.*
9. *I then had a VIP dance which was £240 and included a drink for us both. In the VIP booth no security was seen until the very end of the dance. There was CCTV directly in front of us and it was an open booth area. The dancers looked out for each other's bag and the dancer explained to me that someone had once ran off with one of their bags.*
10. *The dancer made a fair amount of contact with me, she pressed her breasts into my face, brushing against my neck and ear. She spent a lot of time on my lap with her underwear to the side and touching her vagina, she would also grind against my groin area. She did explain to me that I was allowed to touch her a little bit if I wanted, I declined politely. We spoke a bit about my tattoos and she told me how she wanted to get bum implants.*
11. *There was no mention at all about drug use within the premises, and no offers of further sexual service.*
12. *On visiting the gentleman's toilets there were no performers inside. There was no sexual physical contact between the dancers.*
13. *Following my visit, I immediately returned to my vehicle and wrote notes on the details of the event within a document on my work-issued smart-phone on 18/08/2022. I exhibit these as ■■■.001.*
14. *I believe the facts stated in this witness statement are true.*

Name / Signature: _____

Operative Notes

The Nags Head E1 1DU

18/8/22



Entry approximately: 22:45.

Arriving at the Nags head venue we were not tought into the premises, the front entrance had a male sat by the door, entrance was £3, he verbally communicated the rules to us for when entering the venue. He had a badge attached around his neck, unable to see if it was SIA licence.

On entering inside the venue there was a further 2 security staff. Both of which also had the badges around their neck. We ordered our drinks at the bar and went and sat down directly infront of the stage where the pole was for the dancers. Cctv could be seen in multiple places over the stage, above the TV's, above the bar, also in the private and VIP dance areas. There appeared to be 2 people working at the bar, with a possible manager that was taking card payments for the dances. The staff were all appropriately dressed, smart casual and fully covered.

The layout as you walk into the venue, you have the stage at the very back, where one female would dance on the pole. To the middle infront was all the seating area. The bar ran along the right hand side, before the bar to the right hand side was the private booths dance area that contained atleast 4 private boothes. The far end of the bar was the toilets in the right hand corner. And the left hand side went into the VIP dance area, which again had atleast 3 open boothes. .

There was approximately 10+ dancers, they would walk around collecting money from individuals before they got up on to the stage, taking it in turns, on the occasion buying one a drink. I got talking to a Romanian dancer "Patricia", we decided to go for a private dance, which we paid £20, we ended up having a double performance with my collegue in the same room with his dancer. The dancer did make contact with me on my lap. The security did check on us through the beaded curtains but was outside of it most of the time. We then went for a VIP dance which was £240 and included a drink for us both. In the VIP no security was seen until the very end of the dance, but there was cctv directly infront of us, as it was quite an open booth area. The dancers would look out for each other's bag, as the dancer explained to me that someone had once ran off with one of their bags. The dancer made a fair amount of contact with me, she pressed her breasts into my face, brushing against my neck and ear. She spent a lot of time on my lap with her underwear to the side and touching her vagina, she would also grind against my groin area. She did explain to me that I was aloud to touch her a little bit if I wanted, I declined politely. We spoke a bit about my tattoos and she told me how she wanted to get bum implants.

There was no mention at all about drug use within the premises, and no offers of further sexual service. On visiting the gents toilets there were no performers inside. There was no sexual physical contact between the dancers.

Appendix 4

Witness Statement

Criminal Justice Act 1967, s.9; Magistrates Court Act 1980, ss.5A and 5B; Criminal Procedure Rules 2015, r 16.2

URN:

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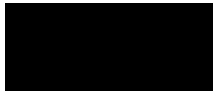
Statement of: Mohshin ALI

Age if under 18 (if over insert "over 18"): Over 18

Occupation: Senior Licensing Officer

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

Name / Signature:



Date: 15th May 2023

Statement

1. I am Mohshin ALI and I am employed by the London Borough of Tower Hamlets as a Senior Licensing Officer in the Licensing Section of Environmental Health & Trading Standards. I have been a Licensing Officer since July 2004 and I am duly authorised under the Licensing Act 2003. I am also aware of the systems used for issuing and storing records in relation to the above Act and I am authorised to access records in order to look at the history of premises.
2. I make this statement as an addition to previous evidence for the Licensing Authority, because of further evidence which came to my attention on Friday 12th May 2023.
3. On Friday 12th May 2023, the Licensing Authority received an email from Police Officer Steve Muldoon about other premises, 'Vanity' in Soho operated by Mr. Manpal Singh Clair, being subject to summary review. In particular, as part of those proceedings, it came to the police's attention that there had been multiple breaches of the condition on that SEV licence prohibiting contact between dancer and customer.
4. The police later emailed to the Licensing Authority copies of the evidence in that matter, which I now exhibit as **Exhibit MA/01**.
5. I note that in paragraph 10 of his statement, Mr. Clair mentions other premises in relation to

Name / Signature:



Date:

15th May 2023

Witness Statement

Criminal Justice Act 1967, s.9; Magistrates Court Act 1980, ss.5A and 5B; Criminal Procedure Rules 2015, r 16.2

which he has been involved in their running. I am surprised that he omits mention of 'Vanity'.

6. I produce **Exhibit MA/02** which are print offs from the Companies House website confirming the same Mr. Manpal Clair to be an officer (and sole Director) of both the corporate licence holder in the present case, and in the company who operated 'Vanity'."

Name / Signature: _____

Date: _____

15th May 2023

Appendix 5

I identify this exhibit as that referred
to in the statement signed by me

Exhibit number: EXHIBIT MA/01

Date: 15 May 2023

Name: Mohshin Ali

Signed:



WITNESS STATEMENT

(CJ Act 1967, s.9; MC Act 1980, ss.5A(3)(a) and 5B; MC Rules 1981, r.70)

Statement of David Morgan PC4242AW URN:

Signed:		
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Age if under 18 **Over 18** (if over 18 insert 'over 18') Occupation: Police Officer

This statement (consisting of:**3**..... pages each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything in it which I know to be false, or do not believe to be true.


Signature:  Date: 03/01/2023.....

I am the above named person and this statement is a continuation of the statement that I provided on Tuesday 3rd January 2023 with regards to viewing the CCTV for the Vanity bar, 4 Carlisle Street, W1D 3BJ.

Whilst viewing the CCTV for the initial drink spike crime report allegation, I noticed various unconnected incidents that took place within the venue that are contrary to the premises licence and Sexual Entertainment Venue (SEV) licence conditions.

PC Guerra has made reference to many of these conditions in his statement that he wrote on the 2nd January 2023 and my statement includes further incidents of breaches that I witnessed whilst watching the CCTV. Most of the breaches are connected with conditions 17 and 22 of the SEV licence (i.e. no physical contact between the performers and customers whilst relevant entertainment is being provided).

Whilst watching the CCTV, it has become clear that many of the female performers are allowing physical contact between themselves and the customers and there seems to be frequent contact of a sexual nature between both the customers and the performers. These range from kissing, to the touching of the performer's breasts, buttocks and vaginas. Some of the incidents that I have witnessed have already been documented in PC Guerra's statement, so I won't duplicate those. However, the additional incidents that I have noticed in addition to those PC Guerra has supplied for

Signature:  Signature witnessed by:

Continuation of Statement of David Morgan PC 4242AW.....

the 24th November 2023 are as follows:

At **01:29:55 on Camera 3**, an IC1 male in a dark coloured jacket is seen talking to an IC1 female with shoulder length blonde hair. The female is talking to the male and is seen hugging him and talking in his ear. The male can be seen to take out some notes from his trouser pocket and starts to hand over some money to the female. She is seen to grab some money from his hand and starts to count it. The male seems to ask for some of the money back and she hands one of the notes back. The female then walks away followed by the male and they proceed to go upstairs where she provides him with a private dance. This incident is of note as during the interim committee hearing, it was stated that no money is taken from customers by the performers and that all transactions go through the DPS or other members of the management staff. This does not seem to be the case on this occasion. I have taken a screen shot of this incident and I exhibit it as DJM/1.

At **01:10:04 on Camera 14**, a female performer is giving a male customer a private dance in one of the booths. During the dance, the female is facing away from the male and the male can clearly be seen to be touching the performer’s buttocks afterwhich the female does not to stop him. I have taken a screen shot of this and exhibit it as DJM/2. A few seconds later, the female is facing straddling the male and the he is seen to touch her genitals. Again, the female make no attempts to stop him or does she call for a member of staff or security. This screen shot is exhibited as DJM/3. The dance continues and the male continues to touch the female’s breasts and buttocks numerous times.

At **02:13:52 on camera14**, a different female is performing a dance for a male customer and the male can be seen touching the females buttocks. I exhibit this screenshot as DJM/4. During this dance, the female removes her underwear and the male continues to touch her thighs and slaps her buttocks. This can be seen at 02:16:43 and 02:18:03, screenshots of which I exhibit as DJM/5 and DJM/6. Throughout, the dance, members of staff can be seen walking up and down the corridor, but

Signature: 

Signature witnessed by:

Continuation of Statement of David Morgan PC 4242AW.....

at no time does anyone intervene nor does the female performer ask the male to stop.

At **02:39:21 on camera 14**, again, another female performer is dancing for another male customer.

As the female is sat on the male facing away from him, he can be seen touching her buttocks and slapping them. I exhibit this screenshot as DJM/7. Again, at no point does the female resist, nor do any members of the management intervene. A minute or so later, the female turns to face the male and his right hand can be seen moving towards her genitals and it appears that his hand makes contact with her vagina as she sits on his lap. This screen shot is exhibited as DJM/8. The female continues to dance and the male continues to touch her and at one point kisses one of her buttocks.

At **02:43:46**, the female can be seen facing away from the male, and he is seen to place his finger directly between her legs touching her vagina. At this point, the female does turn around and moves his hand away, but the dance continues without the female calling for assistance from staff or security.

Throughout my viewing of the CCTV footage, it was clear that the DPS and members of management staff were constantly walking past the booths and were within sight of the performers and customers. However, at no point have I seen them intervene or ask the performers or customers not to make contact with each other. As such, I believe that the SEV conditions have been breached on numerous occasions and it is from this, that I believe that the venue is being managed in an irresponsible manner.

[Redacted]

Signature: [Redacted]

Signature witnessed by:

RESTRICTED CONTENT

DJM/1-DJM/9

Appendix 6

WITNESS STATEMENT

CJ Act 1967, s.9; MC Act 1980, ss.5A(3)(a) and 5B; Criminal Procedure Rules 2005, Rule 27.1

Statement of **PC Reaz Guerra 1614CW**..... URN:

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Age if under 18 **Over 18** (if over 18 insert 'over 18') Occupation: **Police Officer**

This statement (consisting of: ... 14.... pages each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything in it which I know to be false, or do not believe to be true.

Signature:  Date: 2ND January 2023

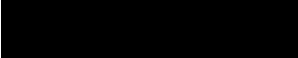
Tick if witness evidence is visually recorded (*supply witness details on rear*)

I am the above-named person, currently employed in the Westminster Police Licensing Unit.

This is a further statement in addition to my previously statement dated 14th December 2022.

I submit the below information in relation to an application by the Westminster Police Licensing Unit, on behalf of the Commissioner of the Metropolitan Police, to review the premises licence for Vanity Bar And Nightclub Basement To First Floor 4 Carlisle Street London W1D 3BJ, 20/03227/LIPT. The premises is also licensed as a Sexual Entertainment Venue (SEV) ref 21/13871/LISEVR.

As previously detailed, PC Muldoon and myself attended the premises on the 9th December 2022 to make enquiries regarding crime reference 6573153/22, PC Muldoon requested CCTV to be downloaded at the time of the visit and was told by Lorraine Forman that it would be ready for Monday. There was a series of email exchanges between the premises and PC Muldoon in relation to the CCTV. The premises stated that the request CCTV was disproportionate and unnecessary. The interim step hearing was held on 15th December 2022, during which the Police highlighted the obstruction and delay by the premises in providing the CCTV.

Signature:  Signature witnessed by:

Continuation of Statement of **PC Reaz Guerra 1614CW**

Following the interim steps hearing there were further emails exchanged with the premises, which in my view were an intentional to further delay providing the Police with CCTV.

It also became apparent that the date of the offence for Crime Reference 6573153/22 had been misread, initially thought that it had taken place on 24/25th Nov 2022, the offence actually took place on 23/24th November. when this was noticed PC Muldoon informed the premises, such that the CCTV for the correct time period could be provided, which was followed by a further exchange of obstructive emails from the premises.

At 10:50hrs on 21/12/22 I emailed the Solicitor acting for the premises (Luke Elford) with a letter detailing the necessity and requirement of the premises to provide the CCTV. (Exhibit RGG/003).

The premises solicitor the confirmed that the CCTV was now ready and could be collected. Given the delays already experience in obtaining the CCTV I arranged to collect the CCTV from their solicitor that afternoon, despite being on annual leave I attended an address in [REDACTED] to collect the CCTV from the solicitor. I was on annual leave and had no option but to travel into London with my 5 year old daughter to collect the CCTV, as it would have been difficult, for both myself and other members of our team to make arrangements to collect it in the forthcoming days on the approach to Christmas.

I attended the address/location provided at approximately 1520 hours calling Luke Elford to inform him that I was outside, a few moments later he came outside and he handed my two white envelopes, with handwriting on the outside. I said "HELLO, SO WHAT IS IN THE ENVELOPES?"

Mr Elford replied "IT SAYS WHATS THERE ON THE ENVELOPES" his tone was somewhat dismissive, I read out the handwriting on the envelopes to confirm. I did not open the envelopes as I did not want to risk losing the contents. Mr Elford then said "REAZ I NEED YOU GIVE ME THE DETAILS OF THE SUPERINTENDENT AND THE OFFENCE DETAILS BY THE END OF THE DAY OTHERWISE I WILL MAKE A FORMAL COMPLAINT." his tone was aggressive and confrontational.

Signature:

[REDACTED]

Signature witnessed by:

Continuation of Statement of **PC Reaz Guerra 1614CW**

Conscious of the fact that I had my daughter with me I said “LUKE, I CANT REMEMBER THE SUPERINTENDENTS NAME, BUT CAN EMAIL IT TO YOU LATER, THE OTHER DETAILS WE ARE STILL WATING FOR BUT AS SOON AS WE GET THEM WE WILL PASS THEM ON.”

I then said “LUKE, I GOT MY DAUGHTRER WITH ME, AS ITS MY DAY OFF, PLEASE I WOULD RATHER NOT DISCUSS THIS RIGHT NOW AND I DON’T FEEL ITS APPROPRIATE FOR ME TO DISCUSS THIS NOW, BUT I’M HAPPY TO SPEAK TO YOU LATER ON THE PHONE OR BY EMAIL”

He replied “THAT’S NOT MY PROBLEM, I DIDN’T ASK YOU TO BRING HER.”

I said “NO YOUR ABSOLUTELY RIGHT YOU DIDN’T BUT I HAD NO CHOICE, I WILL EMAIL YOU THE SUPERINTENDENT’S NAME LATER.”

I thanked him for the CCTV and said goodbye, he returned inside the building a I left. I would describe the encounter as unnecessarily uncomfortable and unpleasant. Luke Elford then emailed me later that afternoon stating that I had refused to discuss the matter with him, this was not the case, I simply stated that it was inappropriate to discuss it in front of my daughter.

The CCTV provided contained footage from 21st-22nd November 2022 and 23rd-24th November, with footage from 19 different cameras. At the interim steps hearing the premise stated that there were 22 cameras. The following is a summary of the location/field of view of the cameras provided, this is from my knowledge of the areas I have seen within the venue and using the premises plans.

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Continuation of Statement of **PC Reaz Guerra 1614CW**

Camera No	Approximate location/coverage
3	Ground floor by edge of bar pointing towards front of premises
4	Ground floor located by staircase, looking towards bar
5	Ground floor located behind bar, looking over bar and towards staircase
6	Ground floor located by staircase, looking towards bar.
7	1 st Floor, above/by entrance looking into room
9	1 st Floor, located on far wall looking back across room towards room.
10	Basement, lobby/landing area at bottom of stair, entrance to the booth is on the left, female toilet on the right.
11	Basement, Landing area between stairs/ female toilets and changing rooms.
12	Basement Changing Rooms
13	Basement, camera located in centre of walkway between booths looking at double entrance door from lobby into booths.
14	Basement booths, located above 1 st right hand booth as you enter room.
15	Basement booths, located in last booth on the right, entrance to booth area is top right of screen
16	Basement booths, located in last booth on the left, entrance to booth area is top left of screen, door on right leads to staff office and back of house area

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17	Basement booths, located above 1 st left hand booth as you enter room.
18	Believed fire escape – exact location unknown
19	Storeroom – exact location unknown
20	Basement - office
21	Believed fire escape – exact location unknown
22	Ground floor – outside main entrance looking west along Carlisle street.

Notably cameras 1,2 and 8 were not included in the footage provided. I recalled from my visit on the 9th Dec 22 that Lorraine Forman insisted on showing us footage from the basement of her having to open the basement fire escape door which leads to a fire escape staircase to ground/street level, Lorraine Forman stated that she had to open the fire escape door and stand outside in order to use the PDQ card machine process payments. None of the cameras provided covered this area. It is unknown what cameras 1 and 2 would show. PC Muldoon contacted the venue to clarify this but to date no response was received. The CCTV Time stamp on the recorded footage is three (3) Minutes fast.

From the CCTV that I have viewed from 21st/22nd and 23rd/24th November 2022 I have produced a transcript, exhibits RGG/001 and RGG/002 refer.

Both the Premises licence and SEV Licence have conditions relating to CCTV :-

Premises licence – Conditions 29 & 30

29. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times

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when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.

30. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested

Sev Licence conditions 10 & 11

The premises will install and maintain a comprehensive CCTV system as per the minimum requirements of a Metropolitan Police Crime Prevention Officer that ensures all areas of the licensed premises are monitored including all entry and exit points will be covered enabling frontal identification of every person entering any light condition. All cameras shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period together with facilities for viewing.

A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open to the public and this staff member should be able to show Police recent data and footage with the absolute minimum of delay of the request.

On the ground floor, the camera outside the main entrance (Camera 22) does not adequately capture a facial image of all persons entering or exiting. an example of this is evidenced in the

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CCTV on Camera 22, on 24/11/22 at 03:07:41, two people leave the premises and the footage is of insufficient quality to identify them. (screenshot produced as exhibit **RGG/004**)

The only other camera that covers the internal entrance in the main area of the ground floor is Camera 3 and again this does not provide sufficient quality footage, particularly of people leaving in all light conditions. There are no cameras in the lobby area between the main street entrance and the entrance to the ground floor.

SEV - Condition 21

21. Where relevant entertainment is provided in booths, or other areas of the premises where private performances are provided, the booth or area shall not have a door or other similar closure, the area shall be constantly monitored by CCTV, and access to the booth or other area shall be adequately supervised.

On the 1st floor, the relevant entertainment takes place in a large room, there are approximately eight (8) armchairs located around the periphery of the room, where customers sit, there are three (3) movable concertina screens (approximately 1.8m high) which are positioned ad hoc to provide privacy.

The two cameras located on the ceiling at either end of this large room do not provide sufficient coverage, particularly as the seats located on the periphery of the room are often obscured by screens, also the seats at the far end of the room are out of view of the camera position at the far end of the room and in low light condition are not adequately covered by the only other camera.

In the Basement booth area, there are 6 booths three on each side with a walkway down the middle. As you enter this room, there is a seat/area just to the immediate left as you enter, where the PDQ machine is situated and staff often stand/sit. Within the booth area there are only four cameras to cover all six booths (cameras 14, 15, 16, 17). The booths have bead screens in-between them and this obscure the CCTV coverage, particularly of the middle booths. The

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positioning of the seating within the booth allows customers to be seated out of view of the CCTV cameras, the dancers are also aware that the seats are out of camera view, this is evident on Camera 15 (21/11/22 23:06:15), when a male enters the booth and sits in the chair that is within the view of the camera, the dancer speaks to him, turns and points at the camera and the male gets up and sits in the seat out of the view of the camera – Screenshot Nov21 Cam15 230645 - Exhibit RGG/005).

I also produce screen shots of Camera 14, 16 and 17, showing the inadequate coverage of all the booths, in each of the screen shots all the booths are occupied by at least one customer and one dancer.

Exhibit RGG/006 – Nov 21 Cam 14 225919 – male out of view at bottom of screen, dancer/male in middle booth obscured by beaded screen

Exhibit RGG/005 - Nov 21 Cam 15 230645 - dancer/male in middle booth obscured by beaded screen

Exhibit RGG/007 - Nov 21 Cam 16 232708 - dancer/male in middle booth obscured by beaded screen

Exhibit RGG/008 - Nov 21 Cam 17 234542 - dancer/male in middle booth obscured by beaded screen.

The inadequate coverage breaches both the conditions on the SEV and premises licence, as the minimum expectation would be that all areas where relevant entertainment takes place should be adequately covered by CCTV as per the conditions on both licences.

Premises licence condition 24

24. The sale of alcohol shall be ancillary to the use of the premises for either i) music and dancing and substantial refreshment or ii) Relevant Entertainment and substantial refreshment.

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The CCTV does not show and evidence of any substantial refreshment being provided, the only form of food being consumed are the lemon/limes being provided with what is assumed to be shots of tequila., whilst it is evident that regulated entertainment is being provided (recorded music), the premises was essentially operating as a Sexual Entertainment Venue on both 21/22nd and 23/24th November 2022, and therefore should be fully compliant their SEV Licence.

Numerous conditions have been breached on both dates and is evident on the CCTV.

SEV Conditions breached:-

16. Relevant entertainment shall be given only by Performers and the audience shall not be permitted to participate in the relevant entertainment.

17. There shall be no physical contact between Performers whilst performing.


20. Customers must remain fully clothed at all times. The Performer must not remove any of the customer's clothing at any time.

21. Where relevant entertainment is provided in booths, or other areas of the premises where private performances are provided, the booth or area shall not have a door or other similar closure, the area shall be constantly monitored by CCTV, and access to the booth or other area shall be adequately supervised.

22. Whenever Relevant Entertainment is being provided there shall be no physical contact between Performers and customers or between customers and Performers except for the exchanging of money or tokens at the beginning or conclusion of the performance and only for the purpose of that performance. Clearly legible notices to this effect shall clearly be displayed in each private booth and in any performance area.

23. Performers must redress fully immediately after each performance.

It is clearly evident from CCTV that there are many instances where customers and performers are permitted to touch each other, with physical contact frequently being made often of a sexual nature, whereby customers are permitted to touch the breasts, bottom and vaginas of the dancers; and dancers touch and rub the customers crotches. These incidents are not limited to a

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single performer or customer but occur between numerous dancers and different customers. It appears to be commonplace and regular behaviour, the SIA security or management when positioned on each floor ignore and are not seen to actively challenge or prevent the touching/between performers and customers. Breaching conditions 16, 17, 21, 22 and 23.

These many incidents of touching have been detailed with the CCTV transcripts, Exhibits RGG/01 & RGG/02.

To highlight but just a few incidents on the 24th November: -

Male seated in chair, top left of screen. Dancer is lying on male facing him, her breasts in his face, male has his hands on her bottom. **Screenshot - Camera 7 02:59:21 – Exhibit RGG/009**

Male seated in chair, Dancer is stood in front of male, bent over with left knee on his thigh, male has right hand on her left breast **Screenshot -24Nov Cam7– 03:00:56 - Exhibit RGG/010.**

Male seated in chair, top left of screen. Dancer is kneeling down on floor in front of male and has her hand in male’s crotch **Screenshot -24Nov Cam7– 02:59:34 - Exhibit RGG/011**

Male seated in chair middle left of screen, dancer seated sideways on left leg of male, male has his right hand in dancers crotch. **Screenshot 24Nov – Cam 9 03:53: 29 - Exhibit RGG/012**

Male seated in chair middle left of screen, dancer is stood in front of male, bent over, male has right hand on her bottom. believed his left hand is also on dancers bottom but view is obscured by screen. - **Screenshot 24Nov – Cam 9 03:54: 52 - Exhibit RGG/013**

Male is seated out of camera view, dancer is stood up in front of male facing away, male places hands on her hips and the grabs/rubs her bottom. **Screenshot 24Nov – Cam 14 01:18: 48 - Exhibit RGG/014**

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Male is seated out of camera view, Dancer is stood up facing away from Male, he places his right hand into dancers bottom onto her vagina. **Screenshot 24Nov – Cam 14 03:10:59 - Exhibit RGG/015**

Male is seated out of camera view; Dancer is stood up facing Male. Male has his hand in between dancer’s legs on her vagina, then hand moves in and out between dancers’ legs - **Screenshot 24Nov – Cam 14 03:11:38 - Exhibit RGG/016**

Male and dancer stood up facing each other, male then runs his right index finger up the front of the dancer knickers. - **Screenshot 24Nov – Cam 14 03:24:06 - Exhibit RGG/017**

Dancer is facing seated male, male touches dancers’ breasts with both his hands **Screenshot 24Nov – Cam 16 02:41:42 - Exhibit RGG/018**

Male and dancer stood up embracing each other and kissing on lips - **Screenshot 24Nov – Cam 16 03:35:15 - Exhibit RGG/019**

Male and dancer stood up embracing each other and kissing on lips - **Screenshot 24Nov – Cam 16 03:41:22 - Exhibit RGG/020**

It is also evident that, many of the male customers are intoxicated and in their intoxicated state are being encouraged to purchase more dances/performances. two such examples being

22nd November 22 – 02:27 t0 03:00 – Intoxicated male attempts various different payments, by phone and bank cards, has 4 dancers with him in the booth, when the performance ends the male stands up and clearly unsteady on his feet.

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24th November 22, 03:30 – Camera 16 - Male stands up, clearly unsteady on his feet, stumble as he gets up and has to use his right hand to hold on to wall to support himself, swaying from side to side and has to lean against wall. Dancer returns and male has his hand on her bottom, then grabs her bottom with both hands.

35. There shall be at least one SIA registered door supervisor on duty on every floor where Relevant Entertainment is provided for the entire time the Relevant Entertainment is provided.

On 24th November 2022, cameras 13 and 17 between 0300hours to 0440 hours the basement booths are supervised solely by a male member of staff, he is not wearing or displaying an SIA badge, it is believed that he is not an accredited SIA security person.

Another noteworthy incident is captured on camera 6 (ground floor bar) and camera 15 (basement booths) a male customer having entered the booth with a dancer at approximately 23:06 hours. Then at approximately 23:30 hours on camera 15, male is seated out of view a member of staff attempting to make a payment using his phone, Male makes payment on card machine, then staff screws up both copies of the printed receipt, staff the takes the customers mobile phone which is unlocked (bank card image visible on phone screen) up to the bar on the ground floor to complete the transaction (See Camera 6 - 23:31:55) Staff returns to booth, transaction appears declined, staff leave momentarily and returns with another PDQ machine, unclear if transaction made as out of camera view. It is questionable as to why the customer allowed the member of staff to use his phone for a payment with the customer not being present.

The premises is failing to uphold and fully promote the licensing objectives, their obstructive approach in providing CCTV, which clearly evidences many breaches of both their Premises Licence and SEV Licence and shows the premises is being managed and operated in an irresponsible manner.

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Continuation of Statement of **PC Reaz Guerra 1614CW**

Summary of Exhibits

Exhibit Number	Description of Exhibit
RGG/001	CCTV Transcript 21/22 Dec 2022
RGG/002	CCTV Transcript 23/24 Dec 2022
RGG/003	Email chain between Solicitor (Luke Elford) and PC Guerra
RGG/004	Screenshot showing male leaving premises, poor camera quality/position does not allow person to be identified. - CCTV on Camera 22, on 24/11/22 at 03:07:41
RGG/005	Screenshot Nov21 Cam15 230645 - Exhibit RGG/005) – dancer points at the camera and the male gets up and sits in the seat out of the view of the camera
RGG/006	Screenshot – Nov 21 Cam 14 225919 – male out of view at bottom of screen, dancer/male in middle booth obscured by beaded screen
RGG/007	Screenshot - Nov 21 Cam 16 232708 - dancer/male in middle booth obscured by beaded screen
RGG/008	Screenshot - Nov 21 Cam 17 234542 - dancer/male in middle booth obscured by beaded screen.
RGG/009	Screenshot - Camera 7 02:59:21 – Male seated in chair, top left of screen. Dancer is lying on male facing him, breasts in his face, male has his hands on her bottom.
RGG/010	Screenshot -24Nov Cam7– 03:00:56 - Dancer is stood in front of male, bent over with left knee on his thigh, male has right hand on her left breast
RGG/011	Male seated in chair, top left of screen. Dancer is kneeling down on floor in front of male has hand in male’s crotch Screenshot -24Nov Cam7– 02:59:34

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<p>RGG/012</p>	<p>Male seated in chair middle left of screen, dancer seated sideways on left leg of male, male has his right hand in dancers crotch. Screenshot 24Nov – Cam 9 03:53: 29</p>
<p>RGG/013</p>	<p>Male seated in chair middle left of screen, dancer is stood in front of male, bent over, male has right hand on her bottom. believed his left hand is also on dancers bottom but view is obscured by screen. - Screenshot 24Nov – Cam 9 03:54: 52 -</p>
<p>RGG/014</p>	<p>Male is seated out of camera view, dancer is stood up in front of male facing away, male places hands on her hips and the grabs/rubs her bottom. Screenshot 24Nov – Cam 14 01:18: 48</p>
<p>RGG/015</p>	<p>Male is seated out of camera view, Dancer is stood up facing away from Male, he places his right hand into dancers bottom onto her vagina. Screenshot 24Nov – Cam 14 03:10:59</p>
<p>RGG/016</p>	<p>Male is seated out of camera view, Dancer is stood up facing Male. Male has his hand in between dancer’s legs on her vagina, then hand moves in and out between dancers legs - Screenshot 24Nov – Cam 14 03:11:38</p>
<p>RGG/017</p>	<p>Male and dancer stood up facing each other, male then runs his right index finger up the front of the dancer knickers. - Screenshot 24Nov – Cam 14 03:24:06</p>
<p>RGG/018</p>	<p>Dancer is facing seated male, male touches dancers’ breasts with both his hands Screenshot 24Nov – Cam 16 02:41:42</p>
<p>RGG/019</p>	<p>Male and dancer stood up embracing each other and kissing on lips - Screenshot 24Nov – Cam 16 03:35:15</p>
<p>RGG/020</p>	<p>Male and dancer stood up embracing each other and kissing on lips - Screenshot 24Nov – Cam 16 03:41:22</p>

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Appendix 7

Exhibit RGG/01 – CCTV Transcript 21/22 Dec 2022

Camera	Date	Time	Description of Footage
03	21/22/22	23:56:27	Drunk male (A) with shirt on backwards open/untied
03	22/11/22	00:15:23	Male (B) enters with friend, greeted by female and taken to bar.
03	22/11/22	00:12:22	Male (C) enters and greeted by 2 females.
03	21/11/22	23:56:27	Drunk male (A) with shirt on backwards open/untied - unsteady on feet
03	21/11/22	22:34:22	Male (A) swings around pole, take off t-shirt. Shane walks past him and looks at him. Barman approaches and talks to him; male doesn't put his shirt back on but swings it around over his head.
03	21/11/22	23:21:09	Male (A) dances on pole again, the rips his t-shirt, the spoken to by Lorraine.
04	22/11/22	00:15:26	Male (B) taken to bar by dancer, she rubs finger down his face, rubs his chest with her left hand, then unzips his coat, puts hands on his head, then runs hand down his stomach, she takes his coat to the cloak room. Dancer returns a few seconds later, male has right hand around her waist at the top of her bottom. Male then buys more drinks and pays to go upstairs.
04	22/11/22	01:34:30	Male (E) at bar with two dancers. one dancer is stroking his face, Male appears to say the word ' "Coke" male places his right hand by his nose, intimating that he is sniffing something. Both dancers then nod their heads and point downstairs. (Screenshot 22Nov Cam 04 – 013456 – Exhibit RGG03) Male makes payment to bar staff, then makes another payment. Remains at bar with two dancers, hugs one of them. then goes to go upstairs, called back by bar staff, further conversation with dancer who points to her nose with her right index finger. Male then leaves premises believed to smoke then re-enters.
05	22/11/22	01:37:20	Male (D) taken upstairs.
05	22/11/22	00:16:30	Male (D) orders two more beers and pays by phone
05	22/11/22	00:28:31	Male (D) orders 4 more shots and, struggles to find his phone, pays by phone.
05	22/11/22	00:30:05	Dancer places arm around his neck and speaks into his ear, continues to talk to him, strokes his head, then shakes him. Male (D) makes further payment
05	22/11/22	00:30:50	Male (E) makes a payment by phone, barman gives thumbs up, then Males (D) & (E) are taken upstairs.
05	22/11/22	01:35:45	Male (E) has faced makes another payment

05	22/11/22	01:56:04	Male (F) at bar, pays by contactless
05	22/11/22	01:59:30	Male (F) has his nipple pinched through his shirt.
05	22/11/22	02:00:10	Male (F) pays by pin, the gets his phone out and has to check his phone.
05	22/11/22	02:02:41	Male (F) buys another beer.
06	21/11/22	23:31:55	Staff comes upstairs from basement to bar, with customers phone which is unlocked, speaks with bar staff and uses phone to complete transaction using PDQ machine at bar, customer not present. Staff then goes back down to basement (See camera 15)
06	22/11/22	00:31:00	Male (E) Makes payment for something then goes upstairs with Male (D) and two dancers.
06	22/11/22	00:40:50	Male (D) is back at bar, orders another beer and two more shots. then joined by male (E) and dancer.
06	22/11/22	00:44:25	Male (E) make further payment by phone and then goes downstairs with dancer.
06	21/11/22	23:29:50	Staff making written record of transactions
06	21/11/22	23:31:58	Staff comes up from downstairs with customers phone to use phone on PDQ machine (customer remains downstairs) bar staff shakes his head and staff member goes back downstairs.
07	22/11/22	00:30:00	Male (D) & (E) upstairs seated separately.
07	22/11/22	00:33:04	Male (e) rubs right hand on dancers left leg.
07	22/11/22	00:35:42	Male (E) places right hand on dancers bottom and strokes it.
07	22/11/22	00:36:10	Male (E) continues to rub dancers' legs with both hands
07	22/11/22	00:37:21	Dancer places her left high heel onto right thigh of Male (E)
07	22/11/22	00:37:34	Dancers has her back to Male (E) her bottom at his head height, her left hand reaches behind her and rubs his crotch. Male then pulls her toward him, and her knees are in his crotch.
07	22/11/22	00:38:32	Male (E) runs his hand along dancer's body touching her breasts. she the runs her hand down his chest
07	22/11/22	00:39:25	Dancer continues to rub her hands over Male (E) chest.
10	22/11/22	00:45:10	Male (E) comes downstairs into booths
10	22/11/22	01:18:20	Male (E) comes out of booths, hugs and kisses dancer.
10	22/11/22	01:19:00	Male (E) hugs and kisses dancer and stroking her bottom with his right hand.
10	22/11/22	02:04:01	Male (F) enters booths followed by black male.
13	21/11/22	23:42:50	Lorraine brings in champagne
14	22/11/22	02:27:46	Male (D) enters booth with one dancer,

14	22/11/22		Shane comes in with PDQ machine to take payment, dancer stroking his hair., male (E) makes payment by phone.
14	22/11/22	02:34:35	Dancer seated male (D) lap, grinding her bottom against him.
14	22/11/22	02:34:50	Second dancer joins them
14	22/11/22	02:34:59	Third dancer joins them
14	22/11/22	02:35:08	Fourth dancer joins them
14	22/11/22	02:35:24	One dancer leaves the booth.
14	22/11/22	02:35:30	Dancers take in in turn to sit on his lap and grind against him.
14	22/11/22	02:37:30	Dancer rubs this inside of his right leg/ Crotch with her right hand
14	22/11/22	02:39:45	Male (D) holding breasts of dancer.
14	22/11/22	02:40:00	Dancer rubbing inside of his thigh.
14	22/11/22	02:42:29	Lorraine come in to take further payment, Male (D) stands up, unsteady whilst he is searching through his pockets to find his bank card, dancer hugs him from behind whilst payment is being taken.
14	22/11/22	02:43:27	Lorraine gestures to dancers to dance and move about. unclear if payment is authorised, dancers continue to talk to him and he then takes out his mobile phone, dancers then flick through his phone whilst he is holding it.
14	22/11/22	02:46:00	Lorraine returns to take a payment, which is authorised, and dancers continue to dance.
14	22/11/22	02:47:00	Dancer continues to sit on his lap, grinding against him.
14	22/11/22	02:49:47	Dancer is standing between male's legs facing him, he puts his hand between dancers legs and touches her vagina.
14	22/11/22	02:50:37	Dance is stood between male's legs facing away from him, he slaps her bottom twice with his right hand.
14	22/11/22	02:54:30	Lorraine enters booth and has discussion with dancers.
14	22/11/22	03:01:50	Dance ends, dancers put their underwear back on. Male (D) stands up, unsteady on his feet.
15	21/11/22	23:06:02	Dancer and male enter booth, male sits down in armchair that is within the view of the CCTV camera, dancer then points at and looks at CCTV camera and male the moves to a seat outside of the camera view. (Screen shot Nov21 Cam15 – 230645 - Exhibit RGG/000)
15	21/11/22	23:30:00	Male makes payment on card machine, then staff screw up both copies of the printed receipt, staff the takes the customers mobile phone which is unlocked up to the bar on

			the ground floor to complete the transaction (See Camera 6 - 23:31:55)
	21/11/22	23:32:42	Staff returns to booth, transaction appears declined, staff leave momentarily and returns with another PDQ machine, unclear if transaction made at out of camera view.
15	22/11/22	02:04:37	Male (F) enters booth with dancer, get seated in chair out of camera view.
15	22/11/22	02:04:49	Dancer takes males bottle of beer, drinks from it then pouts some down her breasts.
15	22/11/22	02:07:28	Dancer has male (F) credit card and is rubbing over her body.
15	22/11/22	02:08:48	Dancer rubs credit card against her vagina the drops it onto the other armchair within camera view.
15	22/11/22	02:14:11	Lorraine brings in tray of drinks and credit card machine, dancer picks up bank card from chair and hands it to Lorraine who takes a payment,
15	22/11/22	02:15:42	Male in middle booth with dance who is rubbing her breasts in his face, he is rubbing her lower back and bottom with his right hand.
15	22/11/22	02:21:20	Male (F) stands up, belt and zip on trousers undone
15	22/11/22	02:21:32	Dancers stroke male (F) on his chest while he does his belt up.
15	22/11/22	02:22:09	Dancer kisses Male (F)
15	22/11/22	02:25:30	Male (F) stands up and kisses dancer, Lorraine come in to take payment
15	22/11/22	02:26:53	Lorraine gestures to her waistband.
15	22/11/22	02:27:01	Lorraine appears to say "Pull Your Trousers Up"
15	22/11/22	02:27:16	Lorraine gestures and appears to say "Keep your trousers up."
15	22/11/22	02:29:43	Dancer pours beer on herself.
15	22/11/22	02:30:40	SIA security enters booth, points to the floor where the beer has spilled and asks Male to get up.
15	22/11/22	02:31:50	Shane comes into booth, Male drinks approx. 1/3 remaining bottle of beer.
15	22/11/22	02:33:20	Male (F) leave the booth, dancer remain and is seen drying her body with paper towel before getting dressed.
16	22/11/22	00:45:21	Male (E) and dancer enter booth, male takes of coat and unbuttons outer shirt, hugs dancer, Lorraine come in and takes payment, male stands up and get phone out of his coat to make payment, long discussion with Lorraine and male.

16	22/11/22	00:49:15	Dancer wraps male's arms around her and starts dancing with him, dancer bends over in front of male and he starts to thrust his groin into her bottom.
16	22/11/22	00:49:54	Male sit down and dancer is facing him, e rubs his hand up her legs to her bottom.
16	22/11/22	00:51:10	Males stroke dancers bottom
16	22/11/22	00:51:55	Dancer removes her knickers and male continues to stroke and rub her bottom with both his hands.
16	22/11/22	00:52:30	Dancer is in front of seated male, she bends over and her continues to rub her bottom.
16	22/11/22	01:10:50	Dance ends and dancers starts to get dressed.
16	22/11/22	01:14:34	Male and dancer stood up in booth engaged in conversation, dancer places her left hand on male's bottom, and he continues to rub his hands up and down her body.
16	22/11/22	01:18:05	Dancer and male leave the booth.
17	22/11/22	00:10:10	Dancer removes her knickers and grinds her bottom against the male crotch.
17	22/11/22	00:10:57	Male places hand between the dancer legs and rubs the inside of her bottom
17	22/11/22	00:11:30	Dancer the straddles male and sits on his legs, rubbing his chest with er left hand. Male has his hands on the dancer's bottom
17	22/11/22	00:11:50	Dancer is position in front of male facing him straddled over his left leg, with her breast level with his face, male can be seen rubbing dancers bottom with his right hand.
17	22/11/22	00:12:00	Male has is holding dancers' breasts with his hand
17	22/11/22	00:12:18	Dancer positions herself sideways across male who is seated, male has his hand on dancer's bottom.
17	22/11/22	00:12:24	Dancer is position with her back to the male, rubbing her bottom against his crotch, male has right hand on her abdomen and move it down to her vagina.
17	22/11/22	00:12:33	Dancer continues to grind her bottom in male's crotch, whilst he rubs her breasts, dancer has her hands on his whilst he rubs her breast.
17	22/11/22	00:15:18	Dance is lying on her back on male, left hand reaches over and touches her vagina, the move up and touches her left breast.
17	22/11/22	00:15:48	Dancer stands up and put her knickers back on.
17	22/11/22	00:16:05	Dancer is standing up facing away from male who is still seated, male prods her bottom with his right index finger and then pats her bottom with his right palm

17	22/11/22	00:17:00	Dancer puts on her coat and they both leave the booth.
17	22/11/22	02:33:55	Male is seated, dancer is positioned in front of him with left leg raised and resting on back of the seat to the left of the male's head, other foot on the floor, male is stroking left with his left hand.
17	22/11/22	02:34:06	Dancer bends over further and rubs her vagina with her right hand
17	22/11/22	02:34:22	Male touches her vagina with his right hand.
17	22/11/22	02:24:34	Male leans forward and runs his right hand up dancer's left leg up to her bottom.
17	22/11/22	02:38:00	Dancer is positioned standing in front of seated male, facing away from him, male places both his hands on her bottom
17	22/11/22	02:38:30	Male continues to rub dancer's bottom with his right hand.
17	22/11/22	02:39:34	Dancer is facing male, he runs his hands up from her bottom up her back.
17	22/11/22	02:39:58	Dancer standing in front of seated male, he then slaps her bottom with his right hand, dancer bends over and he continues to rub her bottom with both hands. SIA is standing next to the booth.
17	22/11/22	02:52:49	Dancer is seated on male's lap, grinding her bottom against his crotch, whilst he has his hands on her hips.
17	22/11/22	02:53:31	Dancer is stood in front of male, right leg raised, male runs his right hand up and down her left leg.

Exhibit RGG/02 – CCTV Transcript 23/24 Dec 2022

File Name	Camera	Date	Time	Description of Footage
	03	24/12/22	03:26:10	Male (G) victims friend looks outside main door then returns inside the premises
	07	24/11/22	02:24:05	White male is brought upstairs with black female dancer, seated in chair.
	07	24/11/22	02:25:27	Dancer is seated in his lap grinding against his crotch.
	07	24/11/22	02:26:05	Dancer the straddles male and the slides down onto floor.
	07	24/11/22	02:27:26	Dancer rubs her left knee into his crotch, she sits on his lap with her back to him, grinding against his crotch.
	07	24/11/22	02:28:34	Dancer turns around, facing male, lying against him and slides her body down the front of his.
	07	24/11/22	02:50:53	Two males brought upstairs with two dancers, one male seated corner and other male seated right corner, dancer pushes male on left into his seated., rubbing his face and chest with her left hand.
	07	24/11/22	02:51:49	Male on left, dancer is sitting in his lap grinding her bottom in his crotch.
	07	24/11/22	02:51:55	Dancer lies back on top of male; his hands briefly touch her breasts.
	07	24/11/22	02:52:08	Dancer turns around and her breasts are at his head height, and she is rubbing her knees up and down his crotch, she runs her hands down his stomach to his crotch
	07	24/11/22	02:52:24	Other male is stood up pouring champagne into glass for the dancers, and dancer in the right hands the male on the left a glass of champagne, other dancer takes the glass from the male and drinks from it, goes to place back on the table but then offers the male the glass he take a sip and she places back on the table.
	07	24/11/22	02:53:45	Dancer is lying on her back on top of seated male, his right hand holding her right breast.
	07	24/11/22	02:54:00	Dancer stands up and turns to face male, left knee resting on his right thigh, the males hands are resting on either side of the chair, the dancers right hand reaches down between her legs and touches his crotch. Dancer then slides her body down his and then rubs both her hands down his chest, to the inside of his thighs, left hand then runs from the inside of his right thigh into his crotch and up to his chest resting on his face
	07	24/11/22	02:54:28	Male is seen rubbing his crotch with his right hand.

	07	24/11/22	02:54:49	Dancer is seated on male facing away from him grinding her bottom into his crotch.
	07	24/11/22	02:55:10	Dancer places her left foot (high heel shoes) on the chair between his crotch, dancer then turn around and seated on male facing away from him grinding her bottom into his crotch.
	07	24/11/22	02:56:05	Dancer strokes males face with her hands, whilst rubbing her knees into his crotch, males' legs can be seen moving from contact with the dancer.
	07	24/11/22	02:56:21	Dancer runs both her hands down the male's chest into his crotch.
	07	24/11/22	02:56:51	Dancer is seated on male facing away from him grinding her bottom into his crotch.
	07	24/11/22	02:57:01	Dancer is lying on her back on top of male, his right hand is holding her right breast.
	07	24/11/22	02:57:16	Male hand right hand resting on her right hip and moves it towards her stomach.
	07	24/11/22	02:57:32	Dancer is stood in front of male, bends over toward him, and reaches down and place her left hand in his crotch.
	07	24/11/22	02:57:44	Dancer is stood in front of male, bends over toward him and rubs her right knee into his crotch.
	07	24/11/22	02:57:58	Dancer straddles male placing her knees on his thighs, his right hand is moving up and down the back of her left thigh
	07	24/11/22	02:58:15	Dancer still straddling male, he places both his hand on her bottom.
	07	24/11/22	02:58:26	Dancer runs her hands down his chest to his crotch, and the places her head into his crotch.
	07	24/11/22	02:58:54	Dancer is stood in front of male, bent over ,male has hand on her bottom.
	07	24/11/22	02:59:11	Dancer is stood in front of male, bends over toward him, he is rubbing his left hand along her right leg.
	07	24/11/22	02:59:21	Dancer is lying on male facing him, breasts in his face, male has his hands on her bottom. Screenshot -24Nov Cam7 – 02:59:21 - Exhibit RGG/000)
	07	24/11/22	02:59:34	Dancer is kneeling down on floor in front of male has hand in male's crotch Screenshot -24Nov Cam7– 02:59:34 - Exhibit RGG/000)
	07	24/11/22	03:00:56	Dancer is stood in front of male, bent over with left knee on his thigh, ,male has right hand on her left breast Screenshot -24Nov Cam7– 03:00:56 - Exhibit RGG/000
	07	24/11/22	03:04:22	Dancer is lying on her back on top of male, his right hand is holding her right breast.

	09	24/11/22	03:46:00	Male seated on chair, middle right of screen. Dancer stood in front of him, male has hands on her bottom, and move hands up her back., dancer rubbing her left knee into his crotch.
	09	24/11/22	03:46:59	Dancer lying on her back on top of male, male has his left hand on her left breast.
	09	24/11/22	03:47:45	Dancer is seated on male facing away from him grinding her bottom into his crotch.
	09	24/11/22	03:50:13	Dancer continues grinding her bottom into his crotch.
	09	24/11/22	03:50:18	Dancer lies back on top of males, he rubs her right breast through her top with his right hand.
	09	24/11/22	03:53:29	Dancer seated sideways on left leg of male, male has his right hand in dancers crotch. Screenshot 24Nov – Cam 9 03:53: 29 - Exhibit RGG/000
	09	24/11/22	03:54:42	Lorraine comes into room and speaks with SIA
	09	24/11/22	03:54:54	Dancer is stood in front of male, bent over, male has right hand on her bottom. Screenshot 24Nov – Cam 9 03:54: 52 - Exhibit RGG/000
	09	24/11/22	03:56:11	Male moves his hands from dancers bottom up to her breasts and the back down to her bottom
	09	24/11/22	03:59:49	Dancer has her breasts in his face, male holding her left breast with his right hand.
	09	24/11/22	04:00:37	Dancer lying on her back on top of male, male has his left hand on her exposed left breast.
	09	24/11/22	04:02:05	Lorraine leaves the room
	09	24/11/22	04:02:51	Dancer is stood in front of male, bent over, male has right hand on her bottom.
	14	24/11/22	00:59:22	Dancer and male enter booth, male removes two outer coats and sits down on chair out of camera view, dancer straddles male
	14	24/11/22	01:03:00	Dancer removes her bra
	14	24/11/22	01:04:30	Dancer is seated on male facing away from him grinding her bottom into his crotch.
	14	24/11/22	01:04:50	Dancer lies back on male and his right hand can be seen on the inside of her right thigh. dancer then throws her spectacles onto the table and stands up. leans through into the next booth and reaches over to male in other booth, then turns around and puts her spectacles back on
	14	24/11/22	01:05:13	Dancer is stood in front of male he places both his hand on the front of her waist and starts to undo the zip/fastening on her knickers. Dancers partially undoes the zip she rubs her vagina.

	14	24/11/22	01:08:25	Dancers removes her knickers., stands up and faces male, then rubs her vagina with her right hand
	14	24/11/22	01:10:05	Dancer is stood in front of male facing away, male rubs bot hands on her bottom
	14	24/11/22	01:10:22	Dancer turns and faces male, dancer then rubs and taps her vagina with her right hand
	14	24/11/22	01:10:27	Male touches her vagina with his right thumb, and dancer gyrates in front of him and leans into him
	14	24/11/22	01:11:11	Dance is facing male sat on his left leg, males' right hand can been seen groping and squeezing dancers left breast.
	14	24/11/22	01:14:17	Dancer is stood up leaning against wall, rubbing her vagina with her right hand, the move towards male and leans over , males hands the move onto her hips/waist
	14	24/11/22	01:18:00	Dancers is straddled across male, facing him, he is rubbing both her breasts with his hands.
	14	24/11/22	01:18:45	Dancer is stood up in front of male facing away, male places hands on he hips and the grabs/rubs her bottom. Screenshot 24Nov – Cam 14 01:18: 48 - Exhibit RGG/000
	14	24/11/22	01:18:50	Males slaps dancers bottom with both his hands several times, the pulls her down onto his lap.
	14	24/11/22	01:19:36	Dancer is seated on male's lap, facing away from him, male runs his hand up her back.
	14	24/11/22	01:19:42	Male rubs his finger nails up and down dancers back.
	14	24/11/22	01:25:52	Male and dancer leave the booth
	14	24/11/22	01:39:33	Different male along with two dancers in booth, male is seated
	14	24/11/22	01:43:45	Lorraine brings in tray with three shots and male pays using hi phone. – time on phone is shown as 0140hrs, (CCTV Timed at 01:43:59)
	14	24/11/22	01:44:13	Dancer seated to right of male, picks up saltshaker and sprinkles salt on her left breast/nipple, male then appears to lick it off.
	14	24/11/22	01:44:51	Male appears to stop sucking on dancers breast when she hands him the shot glass, they all down a shot.
	14	24/11/22	01:46:48	Dancer is seated on male facing away from him grinding her bottom into his crotch.
	14	24/11/22	01:51;37	Shane comes into take a payment, first transaction attempt out of camera view, but believed payment being made using phone, Shane shakes his head, believed transaction is declined, male takes out his wallet and takes

				out a bank card, card doesn't appear to work, male hands another card to Shane, unclear if transaction is processed, Shane leaves the booth. Dancer holds male by his hair with two hands and pulls him close to her she wraps arms around his neck.
	14	24/11/22	01:56:34	Shane returns with PDQ machine, male attempts to pay by using phone, payment appears to be decline, Shane tears of receipt and throws it on the table, male shakes his head. then takes a bank card out of his wallet, places in PDQ machine then removes card, Shane stands up and walk out of booth with
	14	24/11/22	01:58:39	Shane returns, male puts card back in PDQ machine, male places another card in PDQ machine, transaction appears to be decline. Shane uses his phone to on PDQ machine, then male uses phone to make payment twice, both appear declined. all leave booth and move toward the fire escape and the end of the booths.
	14	24/11/22	02:08:04	Male and same two dancers return to the booth, dancers collect their bags and leave the booth
	14	24/11/22	03:05:01	Male and dancer enter booth, male sit down out of camera view
	14	24/11/22	03:06:07	Dancer sits on male's lap.
	14	24/11/22	03:08:30	Dancer is seated on male facing away from him grinding her bottom into his crotch
	14	24/11/22	03:08:51	Male runs his right-hand fingernails down the dancers naked back.
	14	24/11/22	03:10:40	Male has right hand on dancers left breast.
	14	24/11/22	03:10:58	Dancer is stood up facing away from Male, he places his right hand into dancers bottom onto her vagina. Screenshot 24Nov – Cam 14 03:10:59 - Exhibit RGG/000
	14	24/11/22	03:11:26	Male has his hand in between dancer's legs on her vagina, then hand moves in and out between dancers legs
	14	24/11/22	03:11:37	Dancer turns and faces male, she has her right hand on her vagina, male has his right hand below hers rubbing in between her legs , male then moves his hands onto her hips. - Screenshot 24Nov – Cam 14 03:11:38 - Exhibit RGG/000
	14	24/11/22	03:11:51	Male has right hand on dancers left breast
	14	24/11/22	03:21:10	Male is stroking dancer's bottom.
	14	24/11/22	30:22:36	Male kisses dancers bottom, and dancer turns and looks at male

	14	24/11/22	03:23:30	Dancer gets dressed
	14	24/11/22	03:24:06	Male and dancer stood up facing each other, male then runs his right index finger up the front of the dancer knickers. - Screenshot 24Nov – Cam 14 03:24:06 - Exhibit RGG/000
	14	24/11/22	03:24:56	Male leaves the booth.
	16	24/11/22	02:21:45	Male and Dancer stood up in booth, awaiting to make payment, Dancer and male kiss on the lips., dancer hugging male and rubbing her right hand over his chest, the strokes his face, male appears unsteady on his feet swaying from side to side.
	16	24/11/22	02:22:45	Dancer and male kiss again, male is rubbing her bottom with his left hand.
	16	24/11/22	02:24:46	Male and dancer stood up facing each other, male is flicking dancer right nipple with his left have
	16	24/11/22	02:27:46	Dancer cuddles/hugs mage
	16	24/11/22	02:41:40	Dancer is facing seated male, male touches dancers' breasts with both his hands Screenshot 24Nov – Cam 16 02:41:042 - Exhibit RGG/000
	16	24/11/22	02:43:30	Shane brings in more drinks and takes payment.
	16	24/11/22	02:48:08	In Middle booth dancer takes males hands and places them on her hips, male then touches her breasts.
	16	24/11/22	03:28:47	Middle booth dancer and male hugging each other.
	16	24/11/22	03:29:47	Dancer leave booth without getting dressed
	16	24/11/22	03:30:00	Male stands up, clearly unsteady on his feet, stumble as het get up and has to use his right hand to hold on to wall to support himself, swaying from side to side and has to lean against wall. Dancer returns and male has his hand on her bottom, then grabs her bottom with both hand
	16	24/11/22	03:35:15	Male and dancer kiss on lips again Screenshot 24Nov – Cam 16 03:35:15 - Exhibit RGG/000
	16	24/11/22	03:40:45	Male and dancer kiss on lips again
	16	24/11/22	03:41:22	Male and dancer kiss on lips again Screenshot 24Nov – Cam 16 03:41:22 - Exhibit RGG/000
	16	24/11/22	03:50:53	Male puts on coat and leave the booth
	16	24/11/22	04:09:10	Middle Booth – Male grinding against dancers bottom whilst stood up
	17	24/11/22	02:26:25	Male enters booth with two dancers., dancer sits on him and grinds her bottom in his crotch., then straddles him

				and he touches her bottom., the other dancer faces away from him and puts her bottom on his right hand.
	17	24/11/22	02:25:57	Lorraine walks past the booth
	17	24/11/22	02:28:41	Dancer rubs males crotch with her right foot, the rubs crotch with both feet, other dancer rubs his crotch with her right hand.
	17	24/11/22	02:28:57	Dancer places her head in his crotch, the rubs his crotch with her right hand and then remove her top.
	17	24/11/22	02:29:57	Dancer is kneeling on floor leaning in toward male, her touches her left breast with his right hand.
	17	24/11/22	02:37:33	Male is lying back in chair dancer approaches and put her right hand into the top of his trousers
	17	24/11/22	02:40:15	Male has his right hand in dancer's crotch
	17	24/11/22	02:43:35	Dancer rubs her breasts into his crotch, whilst rubbing his chest with her right hand, then rubs her feet in his crotch
	17	24/11/22	02:45:15	Shane come in to check on the booth
	17	24/11/22	02:45:40	Shane is stood outside the booth; dancer is touching the males leg.
	17	24/11/22	02:45:51	Male touches dancer breasts with two hands
	17	24/11/22	02:52:30	Lorraine comes into booth to take payment.
	17	24/11/22	03:06:00	Lorraine brings in champagne, whilst male struggles to open the bottle the dancer lies on her back between his legs and continues to rub his crotch
	17	24/11/22	03:17:55	Dancer is lying on her back on top of male, his left hand can be seen rubbing dancer's vagina, dancer sits up and continues to grind against his crotch.
	17	24/11/22	03:18:57	Lorraine takes further payment
	17	24/11/22	03:21:10	Dancer rubs his chest continuously and kisses his chest, rubs breasts into his groin
	17	24/11/22	03:23:29	Male is seen using his mobile phone
	17	24/11/22	03:32:15	Lorraine takes another payment
	17	24/11/22	03:36:39	Male is hugging dancer his hands on her bottom

Appendix 8

RESTRICTED CONTENT

RGG/004 – RGG/020

Appendix 9

Exhibit RGG/003 - Email chain between Solicitor (Luke Elford) and PC Guerra

Reaz,

To confirm:

I have just handed to you two envelopes containing 4 x USB sticks containing the CCTV requested for 21/22 November and 23/24 November.

You could not remember the name of the acting superintendent who signed the certificate authorising the summary review, but you are going to send this to me by the end of the day.

You have stated that you do not have the any of the details I have requested for the 21/22 November allegation but that as soon as these are obtained they will be provided. It is my suggestion that they **must be obtained as a matter of urgency** and provided to us immediately. If the details are either not provided to us or provided at a late stage (when the police, as a whole, have been aware of the allegation since the date the CRIS was created – 10:46am on 24/11/22) then we reserve the right to raise that matter subsequently. As I have said, those are enquiries that could and should have been made before the triggering of the review with the police placing great reliance on these allegations. It is reasonable to expect the police to have conducted basic evidence gathering.

You refused to discuss the case any further as you had your daughter with you. You explained that you were on your day off. I said that neither of those matters was my or my client's fault.

By the end of today please confirm:

- **Name of acting superintendent who signed summary review certificate and contact details**
- **When we can expect a description of the complainant and supporting details for 21/22 November**
- **When we can expect the totality of the police evidence**

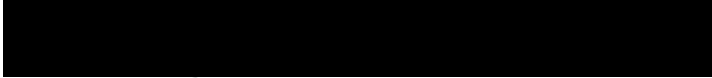
I would remind you that this review was triggered on 13 December 2022 with the trigger incident being cited as taking place on 25/26 November 2022 (as referenced in **both** the application for summary review and the certificate). It was only after the interim steps hearing on 15 December, and indeed, not until nearly 8pm that day, that the police disclosed that they had in fact got the date completely wrong inadvertently misleading and misdirecting the applicant and the licensing sub-committee and wasting a great deal of everyone's time and effort. I further remind you that at the time the review was triggered the police (you) were in already possession of the CRIS report (6573153/22) which **clearly** explains that the date of the allegation was 24 November. Did neither you, PC Muldoon, or Acting Superintendent (name tbc) read that CRIS report prior to submitting the review/signing the certificate?

Thanks.

Kind Regards

Luke Elford

Partner



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Partners: Tim Shield (569713) | Michelle Hazlewood (569714)
Christopher Grunert | Jon Wallsgrave | Patrick Robson | Luke Elford
Practice Manager: Jonathan Pupius

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From: Reaz.Guerra@ <Reaz.Guerra@>
Sent: Wednesday, December 21, 2022 1:24:13 PM
To: Luke Elford <LElford@>
Cc: Steve.Muldoon@ <Steve.Muldoon@>
gerald.gouriet@ <gerald.gouriet@>
Subject: RE: Vanity License Ltd - Vanity Bar, 4 Carlisle Street - Police CCTV Request

Dear Luke

I will aim to be there at 3pm.

Kind Regards
Reaz

From: Luke Elford <LElford@>
Sent: 21 December 2022 12:55
To: Guerra Reaz - AW-CU <Reaz.Guerra@>; Muldoon Steve - AW-CU <Steve.Muldoon@>
Cc: Gary.Grant@ <Gary.Grant@> gerald.gouriet@ <gerald.gouriet@>
Subject: RE: Vanity License Ltd - Vanity Bar, 4 Carlisle Street - Police CCTV Request

Reaz,

Is there a particular reason why you are not answering the questions I have asked or providing the information I have asked for?

My address is [REDACTED]. If you call me on arrival, I will come down.

I have a telephone appointment between 2 and 3 so please avoid arriving during that period.

Kind Regards
Luke Elford

Partner

LElford [REDACTED]
[REDACTED]



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From: [Reaz.Guerra](#) [REDACTED]

Sent: 21 December 2022 12:50

To: Luke Elford <[LElford](#) [REDACTED]>; [Steve.Muldoon](#) [REDACTED]

Cc: [Gary.Grant@](#) [REDACTED]

Subject: RE: Vanity License Ltd - Vanity Bar, 4 Carlisle Street - Police CCTV Request

Luke,

Thanks, could you confirm the address/location in [REDACTED]

Kind Regards

Reaz

From: Luke Elford <[REDACTED]>

Sent: 21 December 2022 11:52

To: Guerra Reaz - AW-CU [REDACTED]; Muldoon Steve - AW-CU [REDACTED]

Cc: [Gary.Grant@](#) [REDACTED]; [gerald.gour](#) [REDACTED]

Subject: RE: Vanity License Ltd - Vanity Bar, 4 Carlisle Street - Police CCTV Request

See below.

Please respond to the questions I have asked.

Kind Regards
Luke Elford

Partner



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From: [Reaz.Guerra](#) [REDACTED]

Sent: 21 December 2022 11:41

To: Luke Elford <[LElford](#) [REDACTED]>; [Steve.Muldoon](#) [REDACTED]

Cc: [Gary.Grant@](#) [REDACTED]; [gerald.gouriet](#) [REDACTED]

[Ben.J.J.Chadwick](#) [REDACTED]

Subject: RE: Vanity License Ltd - Vanity Bar, 4 Carlisle Street - Police CCTV Request

Luke,

Please find attached forms. – Still inadequate, but they will have to do. If the ICO come knocking we will refer them on to the you/the Met.

In terms of collecting the CCTV today, where would it need to be collected from? – Whitechapel

Could you also confirm what format the footage is in (e.g. .avi, .mp4) and/or if it requires specific app/software to be viewed? - .mp4 – the player software has been uploaded onto the USBs for you.

Kind Regards

Reaz

From: Luke Elford <[REDACTED]>

Sent: 21 December 2022 11:25

To: Muldoon Steve - AW-CU <[REDACTED]>; Guerra Reaz - AW-CU
[REDACTED]

Cc: Gary Grant <[REDACTED]>

Subject: Vanity License Ltd - Vanity Bar, 4 Carlisle Street - Police CCTV Request

Dear PCs Muldoon and Guerra,

I write further to previous correspondence regarding the above.

You have requested CCTV footage from all cameras at Vanity Bar, 4 Carlisle Street, London W1D 4BJ for the following dates:

1. 21/22 November 2022; and
2. 23/24 November 2022 (incorrectly requested and particularised in review documents and certificate as 25/26 November 2022) – Please may I have the name and contact details for the acting superintendent who signed the review certificate. We may need to contact them in due course.

We remain of the view that your request is neither necessary nor proportionate for the prevention or investigation of the allegations as set out in CRIS references 6573153/22 (23/24 November) and 6572076/22 (21/22 November) and that the request, if complied with, places our client in breach of its obligations as a data controller.

We note that you are yet to provide us with any sort of description of the complainant **in relation to 21/22 November including transaction amounts, card details, and transaction times** despite our requesting these from you several times. All of these details could and should have been secured prior to the submission of the review and it is noted that all of the CRIS reports were in your possession prior to the interim steps hearing on 15 December 2022. **Please provide these today.**

It is further noted that the CRIS report for the trigger incident which you particularised as taking place on 25/26 November 2022 was printed and accessible to you prior to the review application being served and **clearly contains** the correct offence dates.

In spite of this, and in order to comply with condition 30 of the venue's premises licence, the footage has now been downloaded and will be made available for collection.

Before we arrange exchange of the footage, **please may I request, again, that you properly complete the venue's CCTV request form.** So far you have been unable or unwilling to complete it to a satisfactory standard.

I have taken the step of converting the document into Word format for you so that you can type directly into the document. It is reasonable to ask you to complete the form properly.

In terms of collection of the footage, I am working from home today. I will at my offices in Kings Cross both tomorrow and Friday, but I have meetings during the following periods:

- Thursday 22/12 – 9am to 11am and 3pm to 4pm
- Friday 23/12 – 9am to 10:30am and 3:30pm – 5pm

You are welcome to come and collect the footage today, or we can fix a time tomorrow or Friday.

Turning now to the unsigned, undated, letter that you sent to me by email (timed 10:50) the content of which is noted/refuted. I wish to highlight the following paragraph for you:

The police require footage from all cameras at all times on the days in question in order to undertake a comprehensive and effective in enquiry into the allegations made. It is not possible for the police to limit its enquiries to specific cameras and/or specific times within those days. The police's investigations will concern what may *and may not* have taken place on those days. What is precisely relevant will only crystallise as investigations are undertaken (both of the footage and of other evidential sources) and the results of those investigation are analysed.

It is **absolutely possible** and in fact, very simple, for the Police to limit their enquiries to specific cameras and/or specific times.

For example, in relation to the 24 November allegation (CRIS 6573153/22) the male enters the venue at 01:34 rendering any footage from any camera prior to 01:34 irrelevant to that investigation. It might be reasonable, for example, to request

footage from 01:20 to show a short passage of time leading up to the male's entry to the premises, but instead you have asked for footage from 21:00 hours on 23 November onwards.

In a similar vein, you have requested footage from all cameras at the venue. This would include cameras in back of house areas such as the office and female changing rooms. Being that we can show the complainant's entire evening in the venue from entry to exit, save perhaps any trips to the bathroom, how can it be necessary and proportionate for you to have access to hours and hours of footage, including sensitive personal data, for areas that have no relevance whatsoever to your investigation.

In summary:

- **Please properly complete the venue cctv release form and return to me (email is fine)**
- **Please let me know how/when you would like to collect the CCTV footage**

I would remind you that the CCTV footage is being provided to you for the express purpose of investigating the allegations within CRIS numbers 65731153/22 and 6572076/22 and for no other purpose. The footage is to be kept securely by the Metropolitan Police and is not to be further shared with any person without the express consent of the data controller.

Best wishes.

Kind Regards
Luke Elford

Partner



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Appendix 10

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[Advanced company search \(/advanced-search\)](/advanced-search)

I identify this exhibit as that referred to in the statement signed by me


NH LICENSE LTD

Exhibit number: EXHIBIT MA/02

Company number **12523134**

Date: 15 May 2023

Name: Mohshin Ali

Signed: 

Follow this company

File for this company

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Filter officers

Current officers

Apply filter

1 officer / 0 resignations

CLAIR, Manpal Singh

Correspondence address **128 City Road, London, United Kingdom, EC1V 2NX**

Role Active **Director**

Date of birth **February 1983**

Appointed on **18 March 2020**

Nationality **British**

Country of residence **England**

Occupation **Businessman**

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VANITY LICENSE LTD

Company number **12523049**

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Filter officers

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1 officer / 0 resignations

CLAIR, Manpal Singh

Correspondence address **128 City Road, London, United Kingdom, EC1V 2NX**

Role Active **Director**

Date of birth **February 1983**

Appointed on **18 March 2020**

Nationality **British**

Country of residence **England**

Occupation **Businessman**

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Appendix 11

Nags Head, "Nags Head Public House", 17-19 Whitechapel Road, London E1 1DU

Table of Breaches from CCTV for 18th August 2022

Standard Conditions attached to these premises' current Sexual Entertainment Venue Licence:

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.***
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.***

Officer A - Surveillance Operative (MN)

Performer A - "Maya" (referred to Mia in statement)

Officer B - Surveillance Operative (RS)

Performer B: "Patricia"

Customer C - unidentified customer at the end of video

Performer C - "Elena"

Breaches can be observed throughout the CCTV footage as described in the table.

Room Name/ Camera number	Date/ Time as shown on screen	Subjects seen: Officer (A, B)*	Description of Activity	Breach of condition (Condition(s) listed)
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Nags Head, "Nags Head Public House", 17-19 Whitechapel Road, London E1 1DU

		Performers (A, B)*		
Camera 01 (VIP Room)	18/08/20 22 23:10:38	Performer A Officer A	Performer A straddled onto Officer A's lap and touched Officer A's body, including his groin intermittently. Officer A is touched by Performer A.	Cond 35 & 38
Camera 01 (VIP Room)	18/08/20 22 23:10:39	Performer A Officer A	Performer A straddled onto Officer A's lap, taking Office A's left hand and put it on her leg. Officer A invited to touch Performer A's leg.	Cond 35
Camera 01 (VIP Room)	18/08/20 22 23:11:21	Performer A Officer A	Performer A invited Officer A to touch Performers A's waist. Officer A invited to touch performer A's waist.	Cond 35
Camera 01 (VIP Room)	18/08/20 22 23:11:28	Performer A Officer A	Performer A sat of Officers A's lap taking Officer A's hands and put it on her breasts. Officer A invited to touch Performer A's breasts.	Cond 35 & 38
Camera 01 (VIP Room)	18/08/20 22 23:11:45	Performer A Officer A	Performer A accepted uninvited touch of Officers A's hands. Officer A touched Performers A's legs.	Cond 35

Nags Head, "Nags Head Public House", 17-19 Whitechapel Road, London E1 1DU

Camera 01 (VIP Room)	18/08/20 22 23:12:11	Performer A Officer A	Performer A accepted uninvited touch of Officers A's hands. Officer A touched Performers A's legs.	Cond 35
Camera 01 (VIP Room)	18/08/20 22 23:12:27	Performer A Officer A	Performer A sat on Officer A's lap and touched Officers A's face. Officer A is touched by Performer A.	Cond 35
Camera 01 (VIP Room)	18/08/20 22 23:12:30	Performer A Officer A	Performer A sat on Officer A's lap and covered her genitals to deter Officer A's advances of hands.	Cond 35
Camera 01 (VIP Room)	18/08/20 22 23:12:51	Performer A Officer A	Performer A touched Officer A's body and head intermittently. Officer A is touched by Performer A.	Cond 35
Camera 01 (VIP Room)	18/08/20 22 23:14:08	Performer B Officer B	Performer B touched Officers B's face and possibly kissed Officers B's neck. Officer B is touched and possibly kissed by Performer B.	Cond 35
Camera 01 (VIP Room)	18/08/20 22 23:14:30	Performer A Officer A	Performer A sat on Officers A's lap and stroked Officers A's body. Officer A is touched by Performer A.	Cond 35

Nags Head, "Nags Head Public House", 17-19 Whitechapel Road, London E1 1DU

Camera 01 (VIP Room)	18/08/20 22 23:15:11	Performer A Officer A	Performer A high fived Officer A. Officer A is touched by Performer A.	Cond 35
Camera 01 (VIP Room)	18/08/20 22 23:15:30	Performer A Officer A	Performer A touched Officers A's body and groin. Officer A is touched by Performer A.	Cond 35
Camera 01 (VIP Room)	18/08/20 22 23:15:44	Performer A Officer A	Performer A invited Officer A to touch Performers A's bottom and body. Officer A invited to touch performer A's bottom and body.	Cond 35
Camera 01 (VIP Room)	18/08/20 22 23:16:37	Performer A Officer A	Performer A invited Officer A to touch Performers A's legs. Officer A invited to touch performer A's legs.	Cond 35
Camera 01 (VIP Room)	18/08/20 22 23:17:15	Performer A Officer A	Performer A accepted uninvited touch of Officers A's hands. Officer A touched Performers A's body.	Cond 35
Camera 01 (VIP Room)	18/08/20 22 23:17:26	Performer A Officer A	Performer A touched Officers A's body. Officer A is touched by Performer A.	Cond 35
Camera 01 (VIP Room)	18/08/20 22	Performer A	Performer A accepted uninvited touch of Officers A's hands intermittently.	Cond 35

Nags Head, "Nags Head Public House", 17-19 Whitechapel Road, London E1 1DU

	23:17:27	Officer A	Officer A touched Performers A's body.	
Camera 01 (VIP Room)	18/08/20 22 23:17:54	Performer A Officer A	Performer A accepted uninvited touch of Officers A's hands intermittently. Officer A touched Performers A's body.	Cond 35
Camera 01 (VIP Room)	18/08/20 22 23:18:06	Performer B Officer B	Performer B touched Officer B's left arm. Officer B is touched by Performer B.	Cond 35
Camera 01 (VIP Room)	18/08/20 22 23:18:26	Performer B Officer B	Performer B touched Officer B's body. Officer B is touched by Performer B.	Cond 35
Camera 01 (VIP Room)	18/08/20 22 23:18:33	Performer A Officer A	Performer A strokes Officers A's groin and body intermittently. Officer A is touched by Performer A.	Cond 35 & 38
Camera 01 (VIP Room)	18/08/20 22 23:20:59	Performer A Officer A	Performer A straddled Officer A and invited Officer A to touch Performers A's body. Performer A touched Officer A's body. Officer A invited to touch performer A's body and is touched by Performer A.	Cond 35

Nags Head, "Nags Head Public House", 17-19 Whitechapel Road, London E1 1DU

Camera 01 (VIP Room)	18/08/20 22 23:22:33	Performer A Officer A	Performer A accepted uninvited touch of Officers A's hands intermittently. Officer A touched Performers A's body.	Cond 35
Camera 01 (VIP Room)	18/08/20 22 23:22:42	Performer A Officer A	Performer A invited Officer A to touch Performers A's breasts. Officer A invited to touch performer A's breasts.	Cond 35 & 38
Camera 01 (VIP Room)	18/08/20 22 23:23:23	Performer A Officer A	Performer A sat on Officer A's lap and accepted uninvited touch of Officers A's hands. Officer A touched Performers A's body.	Cond 35
Camera 01 (VIP Room)	18/08/20 22 23:23:43	Performer A Officer A	Performer A touched Officers A's groin and body intermittently. Performer A possibly kissed Officer A's neck. Officer A is touched by Performer A.	Cond 35 & 38
Camera 01 (VIP Room)	18/08/20 22 23:24:38	Performer A Officer A	Performer A accepted uninvited touch of Officers A's hands intermittently. Officer A touched Performers A's body.	Cond 35
Camera 01 (VIP Room)	18/08/20 22 23:26:13	Performer A Officer A	Performer A accepted uninvited touch of Officers A's hands intermittently.	Cond 35

Nags Head, "Nags Head Public House", 17-19 Whitechapel Road, London E1 1DU

			Officer A touched Performers A's body.	
Camera 01 (VIP Room)	18/08/20 22 23:26:53	Performer B Officer B	Performer B touched Officer B's face. Officer B is touched by Performer B.	Cond 35
Camera 01 (VIP Room)	18/08/20 22 23:27:21	Performer A Officer A	Performer A accepted uninvited touch of Officers A's hands intermittently. Officer A touched Performers A's body including breasts.	Cond 35 & 38
Camera 01 (VIP Room)	18/08/20 22 23:28:28	Performer A Officer A	Performer A invited Officer A to hug and touched Officer A's body intermittently. Officer A invited to touch performer A.	Cond 35
Camera 01 (VIP Room)	18/08/20 22 23:28:55	Performer B Officer B	Performer B touched Officer B's face intermittently. Officer B is touched by Performer B. Missing footage from 23:29:14 – 23:29:23*	Cond 35
Camera 01 (VIP Room)	18/08/20 22 23:30:18	Performer A Officer A	Performer A touched Officers A's body intermittently. Officer A is touched by Performer A.	Cond 35
Camera 01 (VIP Room)	18/08/20 22	Performer A	Performer A invited Officers A's to touch Performer A's body.	Cond 35 & 38

Nags Head, "Nags Head Public House", 17-19 Whitechapel Road, London E1 1DU

	23:30:33	Officer A	Officer A touched Performers A's body, including breast.	
Camera 01 (VIP Room)	18/08/20 22 23:31:11	Performer A Officer A	Performer A touched Officers A's face and body. Officer A is touched by Performer A. Missing footage from 23:31:24 – 23:31:32*	Cond 35
Camera 01 (VIP Room)	18/08/20 22 23:31:41	Performer B Officer B	Performer B touched Officer B's chest. Officer B is touched by Performer B.	Cond 35
Camera 01 (VIP Room)	18/08/20 22 23:32:32	Performer A Officer A	Performer A touched Officers A's face and body. Officer A is touched by Performer A.	Cond 35
Camera 01 (VIP Room)	18/08/20 22 23:32:48	Performer A Officer A	Performer A touched Officers A's hand. Officer A is touched by Performer A.	Cond 35
Camera 01 (VIP Room)	18/08/20 22 23:33:19	Performer A Officer A	Performer A accepted uninvited touch of Officers A's hands. Officer A touched Performers A's body.	Cond 35

Nags Head, "Nags Head Public House", 17-19 Whitechapel Road, London E1 1DU

Camera 01 (VIP Room)	18/08/20 22 23:33:35	Performer A Officer A	Performer A touched Officers A's shoulder. Officer A is touched by Performer A.	Cond 35
Camera 01 (VIP Room)	18/08/20 22 23:33:41	Performer A Officer A	Performer A accepted uninvited touch of Officers A's hands. Officer A touched Performers A's body.	Cond 35
Camera 01 (VIP Room)	18/08/20 22 23:34:30	Performer A Officer A	Performer A invited Officer A to a kiss on the cheek and a hug. Officer A invited to touch performer A's waist.	Cond 35
Camera 01 (VIP Room)	18/08/20 22 23:34:30	Performer A Officer A	Performer A touched Officer A's shoulder.	Cond 35
Camera 01 (VIP Room)	18/08/20 22 23:34:34	Performer B Officer B	Performer B kisses Officer B's cheeks. Officer B is touched by Performer B.	Cond 35
Camera 01 (VIP Room)	18/08/20 22 23:46:48	Performer C Customer C	Performer C accepted uninvited touch of Customer C's hands. Customer C touched Performer C's body, including breasts.	Cond 35 & 38

Nags Head, "Nags Head Public House", 17-19 Whitechapel Road, London E1 1DU

Camera 01 (VIP Room)	18/08/20 22 23:47:10	Performer C Customer C	Performer C accepted uninvited touch of Customer C's hands. Customer C touched Performer C's body and breasts. Customer C removes part of Performer C's clothing.	Cond 35 & 38
Camera 01 (VIP Room)	18/08/20 22 23:47:56	Performer C Customer C	Performer C straddled Customer C's lap and accepted uninvited touch of Customer C's hands. Customer C touched Performer C's body and breasts. Customer C removes part of Performer C's clothing.	Cond 35 & 38
Camera 01 (VIP Room)	18/08/20 22 23:47:58	Performer C Customer C	Performer C touched Customer C's body. Customer C is touched by Performer C.	Cond 35
Camera 01 (VIP Room)	18/08/20 22 23:49:18	Performer C Customer C	Performer C accepted uninvited touch of Customer C's hands intermittently. Customer C touched Performer C's body including her genitals and breasts.	Cond 35 & 38
Camera 01 (VIP Room)	18/08/20 22 23:50:54	Performer C Customer C	Performer C touched Customer C's groin. Customer C is touched by Performer C.	Cond 35
Camera 01 (VIP Room)	18/08/20 22 23:51:05	Performer C Customer C	Performer C stands on sofa and puts genitals in Customer C's face.	Cond 35

Nags Head, "Nags Head Public House", 17-19 Whitechapel Road, London E1 1DU

			Missing footage from 23:51:14 – 23:51:21*	
Camera 01 (VIP Room)	18/08/20 22 23:51:32	Performer C Customer C	Performer C accepted uninvited touch of Customer C's hands intermittently. Customer C touched Performer C's body and breasts.	Cond 35 & 38
Camera 01 (VIP Room)	18/08/20 22 23:51:34	Performer C Customer C	Performer C straddled Customer C and touched Customer C's chest. Customer C is touched by Performer C.	Cond 35
Camera 01 (VIP Room)	18/08/20 22 23:53:12	Performer C Customer C	Performer C accepted uninvited touch of Customer C's hands intermittently. Customer C then licked/kissed Performer C's back. Performer C stops dancing and talks to Customer C once licked/kissed. Performer C departs room. Customer C touched Performer C's body and breasts.	Cond 35 & 38
Camera 01 (VIP Room)	18/08/20 22 23:54:24	Performer C Customer C	Performer C accepted uninvited touch of Customer C's hands and face intermittently. Customer C touched Performer C's body and genitals.	Cond 35 & 38
Camera 01 (VIP Room)	18/08/20 22	Performer C	Performer C touched Customer C's groin.	Cond 35

Nags Head, "Nags Head Public House", 17-19 Whitechapel Road, London E1 1DU

	23:54:25	Customer C	Customer C is touched by Performer C.	
Camera 01 (VIP Room)	18/08/20 22 23:54:54	Performer C Customer C	Performer C deters Customer C from touching her genitals.	Cond 35
Camera 01 (VIP Room)	18/08/20 22 23:55:41	Performer C Customer C	Performer C accepted uninvited touch of Customer C's hands. Customer C touched Performer C's body and breasts. Missing footage from 23:56:14 – 23:56:26*	Cond 35 & 38
Camera 01 (VIP Room)	18/08/20 22 23:56:12	Performer C Customer C	Customer C kissed/licked Performer C's breast. Performer C deters Customer C kissing her breasts. Customer C touched Performers C's breasts.	Cond 35 & 38
Camera 01 (VIP Room)	18/08/20 22 23:56:41	Performer C Customer C	Performer C accepted uninvited touch of Customer C's hands intermittently. Customer C touched Performer C's body including breasts, and her genitals.	Cond 35 & 38
Camera 01 (VIP Room)	18/08/20 22 23:58:13	Performer C Customer C	Performer C accepted uninvited touch of Customer C's hands intermittently.	Cond 35 & 38

Nags Head, "Nags Head Public House", 17-19 Whitechapel Road, London E1 1DU

			Customer C touched Performer C's body including breasts, licked her breast, and kissed Performer C on face.	
Camera 01 (VIP Room)	18/08/2022 23:58:20	Performer C Customer C	Performer C touched Customer C's chest, stands on sofa and puts genitals in Customer C's face.	Cond 35 & 38
Camera 01 (VIP Room)	18/08/2022 23:59:27	Performer C Customer C	Performer C accepted uninvited touch of Customer C's hands intermittently. Customer C touched Performer C's body including breasts.	Cond 35 & 38

Appendix 12

Witness Statement

Criminal Justice Act 1967, s.9; Magistrates Court Act 1980, ss.5A and 5B; Criminal Procedure Rules 2015, r 16.2

URN:

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Statement of: Mohshin ALI

Age if under 18 (if over insert "over 18"): Over 18

Occupation: Senior Licensing Officer

This statement (consisting of

2

 Pages(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it, anything which I know to be false, or do not believe to be true.

Name / Signature:



Date: 24th August 2023

Statement

1. I am Mohshin ALI and I am employed by the London Borough of Tower Hamlets as a Senior Licensing Officer in the Licensing Section of Environmental Health & Trading Standards. I have been a Licensing Officer since July 2004 and I am duly authorised under the Licensing Act 2003. I am also aware of the systems used for issuing and storing records in relation to the above Act and I am authorised to access records in order to look at the history of premises.
2. I make this statement as an addition to my previous statement of 15th May 2023.
3. Vanity Bar and Nightclub, 4 Carlisle Street, London W1D 4BJ had its SEV renewal application refused by Westminster City Council on Thursday 25 May 2023. The evidence supporting the revocation highlights similar breaches namely touching between performer and customer during a performance which took place at Nags Head with the link being Mr Clair. I produce **Exhibit MA/03** which is the formal decision of Westminster City Council's Licensing Sub-Committee.
4. Mr. Manpal Singh Clair as per his statement submitted in response to the revocation request mentions other premises in relation to which he has been involved in their running. However, the existence of that club (Vanity Bar and Nightclub), and the pending proceedings, were omitted from Mr Clare's statement.

Name / Signature:



Date:

24th August 2023

Witness Statement

Criminal Justice Act 1967, s.9; Magistrates Court Act 1980, ss.5A and 5B; Criminal Procedure Rules 2015, r 16.2

5. The Licensing Committee for the revocation request was originally due to be heard on 16th May 2023. The Licensing Authority received evidence late in the day and we did our best to disclose it as soon as we were able to. Although we did not resist the request for an adjournment, we remain of the view that it is highly relevant that Mr Clair has very recently lost a SEV licence elsewhere in London on the basis of his fitness to hold a licence; and in particular, the case there disclosed breaches of the licence conditions very similar to those admitted in this case.

6. I produce **Exhibit MA/04** which is the formal decision of Tower Hamlets' Licensing Committee hearing of 17th October 2017 where additional conditions were imposed.

Name / Signature: _____

Date: _____

24th August 2023

Appendix 13

I identify this exhibit as that referred
to in the statement signed by me

Exhibit number: EXHIBIT MA/03

Date: 24 August 2023

Name: Mohshin Ali

Signed:



WESTMINSTER CITY COUNCIL LICENSING SUB-COMMITTEE NO. 6
("The Committee")

Thursday 25 May 2023 – Item 3

Membership: Councillor Robert Eagleton (Chair),
Councillor Concia Albert and Councillor Jim Glen

Officer Support:	Legal Adviser:	Vivienne Walker
	Policy Officer:	Daisy Gadd
	Committee Officer:	Sarah Craddock
	Presenting Officer:	Emanuela Meloyan

Other Parties: Mr Gary Grant (Counsel for the Applicant), Mr Luke Elford and Heidi Lawrence (John Gaunt and Partners), Mr Manpal Clair (Director of the Applicant Company), Mr Andrew Bamber (Compliance Consultant to the Applicant Company), Dr Philip Hadfield (Consultant), Stephen Pantling (Proposed General Manager), Mr James Rankin (Counsel for the Metropolitan Police Force), PC Steve Muldoon and PC Reaz Guerra, Mr Richard Brown (Solicitor, Westminster's Citizens Advice representing the 4 objectors), Objector 1, 2 witnesses on behalf of objector 1 and Objector 3 and Objector 4.

Application for a Renewal of a Sex Establishment Licence in respect of Vanity Bar and Nightclub 4 Carlisle Street London W1D 3BJ 22/11772/LISEVR

FULL DECISION

Premises:

Vanity Bar and Nightclub
4 Carlisle Street
London W1D 3BJ

Applicant

Vanity License Limited

Ward

West End

Summary of Application

This is an application for the renewal of a Sex Establishment Licence (Sexual Entertainment Venue) under Schedule 3 of the Local Government Miscellaneous Provisions Act 1982 as amended (LG(MP)A1982) for the Premises known as Vanity Bar and Nightclub, 4 Carlisle Street, London W1D 3BJ. The Basement to First Floor of the Premises has operated as a sex establishment

(Sexual Entertainment Venue) since 2012. The Premises are located in Westminster core CAZ North.

There is a resident count of 135.

There was a transfer of the Licence in 2020 which was renewed on 30 November 2021 and was granted under delegated authority. This Licence reference 21/13871/LISEVR expired on 15 December 2022. The Premises also have the benefit of a Premises Licence. Reference 20/03227/LIPT.

On 8 December 2022, Vanity License Limited submitted an application to renew the Sex Establishment Licence to continue to operate the Premises as a Sexual Entertainment Venue. The Licence permits relevant entertainment Monday to Saturday from 09:00 to 03:00 hours and Sunday from 09:00 to 23:00 hours.

Representations Received

- Metropolitan Police Service (PC Reaz Guerra)
- Five Interested Parties.

Issues raised by Objectors

- It is believed that there have been numerous breaches of the conditions on both SEV Licence and Premises Licence.
- The nature and severity of the alleged breaches raises serious concerns with the Police regarding the licence holder's ability to operate the premises in line with the conditions attached to the SEV Licence.
- The conduct of staff and customers, the disruption and noise plus the safety concerns have steadily got worse over the years and is now intolerable.
- The noise continues every night until 4 a.m. as pedicabs and the last customers who hang around and staff leave.
- The amount of violent or abusive incidents that occur on a regular basis is worrying.
- I am aware of a steady deterioration of the quality of life in Carlisle Street.
- The noise generated immediately in front of the building which the residents have itemised and reported in Licensing hearings since 1989 has never abated.

Policy Position

Suitability of Applicant – SU1

The Applicant has stated that no relevant offences have been committed.

SEV carried on for the benefit of another person – SU2

The Applicant has confirmed that they will not be carrying out the functions of regulated entertainment at this premises for the benefit of another person.

Appropriate number of SEV in a locality – NO1

The appropriate number of sexual entertainment venues in the relevant localities is 25 in the Westminster core CAZ north. As the premises are currently licensed this application, if granted, will not exceed 25.

Character of the relevant locality – LO1

Carlisle Street is a small cul-de-sac with not through traffic.

Use of premises in the vicinity – LO2

The main use of the premises in the immediate vicinity is residential with a few licensed premises (under the Licensing Act 2003). Within a 100-metre radius of the premises, there is a resident count of 135. There are no other SEV premises or schools within 100 metres of the premises. There is one place of worship within 100 metres of the premises.

Layout, character or condition of the venue – LO3

The premises have its main entrance on Carlisle Street. The basement, ground and first floors are included within the licensable areas for Relevant Entertainment purposes.

SUBMISSIONS AND REASONS

Ms Emanuela Meloyan, Senior Licensing Officer, outlined the application to the Committee. She advised that representations had been received from the Metropolitan Police Service and five Interested Parties. She advised that the Premises are located within the West End Ward and the Westminster core CAZ North. She confirmed that the additional submissions from the Applicant, the Metropolitan Police Service and the Interested Parties had been circulated to the Committee.

Mr Gary Grant, Counsel on behalf of the Applicant outlined the application for the annual renewal of the Sex Establishment Licence for Vanity before the Committee. He stated that Vanity was now compliant with all 14 reopening conditions imposed on its Premises Licence at the Summary Review and that the Responsibility Authorities had met with the new Designated Premises Supervisor (DPS) who would also be the General Manager of Vanity. Mr Grant confirmed that the Applicant had decided not to reopen Vanity until all the new processes, policies and management team were in place with a verifiable compliance regime overseeing the operation.

Mr Grant outlined that sexual entertainment was not to everyone's liking however in a liberal democracy this was not enough to refuse the renewal of this SEV licence. He advised the Committee of the history of the Premises and stated that the Applicant had taken over the Premises in 2014, reopened it after refurbishment in 2015 and that the SEV licence had been successfully renewed without objection in 2016, 2017 2018 and most recently in 2021 and 2022. He emphasised that this was an established business and that although the type of business was not too everyone's taste that in itself was not enough to prohibit it. He added that over

20,000 people visited Vanity annually and it offered a legitimate and lawful source of entertainment for many people (male and female) of all ages and sexual orientation. He advised that although breaches of the SEV licence had taken place there had been no outright prostitution or sexual intercourse or forced labour occurring within the Premises and therefore the breaches were not at the top end of seriousness of breaches. He emphasised that the Applicant had been horrified to learn of the breaches at Vanity and had worked with purpose to resolve matters.

Mr Grant referred to the suitability of the locality for the Premises and stated that Soho had been (and still is to some extent) famously known for its adult entertainment since the 1930s and that this Premises had been operating as a sexual entertainment venue for the past 40 years. He explained that the renewal of the SEV licence had been mainly unopposed however on the occasions the annual renewal of the SEV licence had been opposed there had been residential objections made regarding Public Nuisance. He advised that all the locality submissions made by residents that this was not an appropriate place for this venue had been previously raised on each and every contested renewal application since 2014, and each time the Committee had considered these representations in detail and had decided that the locality point was not a good reason to refuse the renewal of this SEV licence. He added that nothing had now changed to rule that a lap dancing venue was inappropriate in Soho. He outlined that there were two other SEV licences operating within a three minute walk from Vanity and that Vanity was located right in the middle of the West End CAZ North area deemed a suitable location for such venues as stated in the Council's Sexual Entertainment Venues Statement of Licensing Policy.

Mr Grant advised that the Council had already determined through its own SEV Policy that the West End CAZ North was the appropriate place for up to 25 SEV licences. He added that there was nowhere near that number of SEV licences currently operating in this locality. He stated that the Environmental Health Service and the Licensing Authority had not objected to the renewal of the SEV licence as one would expect if it was an inappropriate location, so on policy grounds the Council's own experts in particular the Licensing Authority did not object to the locality of Vanity. He advised that the Public Nuisance issues raised by the objectors were similar to the ones raised during the Summary Review in January 2023 and that the 14 additional conditions attached to the Premises Licence at that hearing had dealt with the Public Nuisance issues. He referred the Committee to page 143 of the Agenda Pack where Mr Watson, Environmental Health Service (EHS) advised that the noise limiter had been signed off by the EHS and he confirmed that they had not objected to the renewal of the SEV licence as there had not been any substantial complaints against the Premises since 11 November 2021, when there had been fighting on the street which did not involve customers from Vanity. He stated that Public Nuisance was not an objective in the renewal of a sex establishment licence.

Mr Grant explained that the Premises use to operate as a full on nightclub and that the Premises Licence permitted the venue to open until 03:30 hours Monday to Saturday and its conditions specifically envisages the venue operating as a 'discotheque'. He advised that the Applicant wished to continue operating this venue as a sex establishment venue, however if he was not permitted to do so he would be forced to revert to operating it as a nightclub. He added that the Applicant had already had several inquiries from nightclub operators offering to purchase the venue and that evidence from both the Council's Responsible Authorities and Mr

Andrew Bamber (Compliance Consultant to the Applicant Company) and Dr Philip Hadfield (Consultant) indicated that the impact on residents from SEV establishments were much less than on vertical drinking nightclubs or late night bars. He further added that the SEV licence restricted the capacity of the Premises to 89 patrons whereas the Premises licence alone would allow for a capacity of 175 patrons.

Mr Grant advised that the Applicant had accepted that the pedicabs were a real concern for residents and had demonstrated this by agreeing to the 14 additional conditions being added to the Premises Licence after the Summary Review hearing. He explained that the Applicant was very much in favour that these 14 additional conditions on the Premises Licence be added to the SEV licence to alleviate resident's concerns. Mr Grant highlighted that pedicabs were a problem for the whole of the West End and that although the Council had lobbied central Government on this issue there was still no legislative powers to deal with them. He stated that removing the SEV licence would not resolve the issue of pedicabs and that pedicabs would still operate in the immediate vicinity.

Mr Grant referred to Dr Philip Hadfield's (Consultant) findings contained in the Agenda Pack. He advised that Dr Hadfield had visited the area on a Friday and Saturday night in late January 2023 and the photograph contained at page 329 of the pack clearly indicated pedicabs going into Carlisle Street even when Vanity was closed. Mr Grant also referred the Committee to a photograph that showed a sign located outside of Vanity clearly informing patrons not to engage with pedicabs and warning them that they were a source of crime and disorder. He advised that there was now a SIA door supervisor employed solely to deter pedicabs from the area because it was not something that the Applicant wanted associated with the Premises.

Mr Grant referred to pages 212 to 227 of the Agenda Pack which contained the following updated policies and procedures: Codes of conduct for dancers and performers, Drug Policy, Noise Management, Welfare and Safeguarding and Pedicabs. He advised that there would also be a dispersal policy, SIA monitoring of the outside area in the future and vehicles would be encouraged to move away from the Premises. He advised that the suggestion of noise outbreak from the Premises was somewhat historical because the Applicant had undertaken a full refurbishment which included extensive noise dampening and the fitting of a noise limiter which has now been recalibrated and checked by EHS on 22 May 2023. He strongly emphasised that the Applicant would arrange regular engagement with residents and that a condition had been imposed on the Premises Licence to have quarterly residential meetings. He added that an invitation had been sent out a week ago for the first meeting and all those who had sent in representations for the Summary Review had been invited via emails/letter.

Mr Grant referred to Dr Hadfield report contained at pages 279 to 338 of the Agenda Pack. Mr Grant requested that the Committee pay particular attention to paragraph 40 of the report (the executive summary). He advised that Dr Hadfield was a leading reliable expert in gaining evidence regarding cumulative impact in licensing policy matters and he had been instructed to consider all the locality points raised by the residents. Dr Hadfield advised the Committee that he had found that although Carlisle Street was a cu de sac many people mitigated that way out of Soho to Oxford Street because of the one way traffic system and that it had been bustling with noisy activity in the early hours of the morning even whilst Vanity

was not operating. He advised that it was his belief that Soho was the correct location for SEV licences, and that the Council's Policy had worked in that it had prevented a proliferation of SEV licences throughout Westminster. Dr Hadfield advised that there were certain public safety advantages for Vanity to operate as this part of the street was particularly dark so having an open venue would ensure there were 'eyes on the street'. He added that at the moment there was no natural surveillance and people were walking through dark streets. Mr Grant then emphasised that the Premises were right in the heart of precisely the area where the Council's Policy sets out was appropriate for SEVs.

Mr Grant referred to the CCTV installed in Vanity in 2015. He advised that all the cameras were in the exact positions as they were at the time Westminster Licensing Police Officers had approved them. He outlined that the Applicant and the management of Vanity had assisted the Police with their CCTV request and in no way had obstructed the handover of the CCTV footage. He advised that for seven years the Premises had operated without incident or complaint and that footage was only requested because of the allegations made at the Summary Review. He confirmed that two of the CCTV cameras had not been working due to a water leakage in the first floor flat. He explained that it was absolutely right that there had been correspondence between Mr Elford, the instructing solicitor, requesting a more targeted and proportionate request for CCTV by the Police and that the Applicant had been unfairly treated because asking for 500+ hours of footage downloaded onto memory sticks was not an easy or quick job. He confirmed that all the CCTV footage was handed over voluntarily once the Applicant had received the proper paperwork and clearly demonstrated breaches to the conditions on the SEV licence. Mr Grant emphasised that the Applicant was not trying to hide the breaches he simply did not know the breaches were occurring in Vanity. Mr Grant advised that PC Muldoon had met with the new DPS and had confirmed that the CCTV was now fully compliant, and the training records were completed and are up to date.

Mr Grant set out the suitability of the Applicant to hold a SEV licence. He referred to the Decision Notice of the Summary Review which stated that Mr Clair was suitable to hold an alcohol and regulated entertainment Premises Licence and promote the licensing objectives including the Prevention of Crime and Disorder because if they had concluded otherwise the Premises Licence would have been revoked which was the Police's request. Mr Grant advised instead the Committee accepted the suggestion of the suspension for three months and imposed a number of conditions on the Premises Licence as well as the removal of the management of Vanity. Mr Grant emphasised that the Licensing Committee on the 9 January 2023 had deemed Mr Clair a perfectly fit and proper person to hold an alcohol and entertainment Premises Licence.

Mr Grant explained that Mr Clair was a 40 year old man who had not been convicted of an offence except for one driving incident. He was a man of good character with no convictions and no cautions against him. He was a reputable businessman, and his family has been involved in this industry since he was a boy. He strongly advised that merely because there have been breaches in Vanity did not mean he was an unsuitable person to manage the Premises. He advised that it was the conclusion at the Summary Review that the spiking of drinks was not occurring at Vanity but at a secondary place after the customers had left the Premises and that it was independent players acting alone. He advised that the Premises would now employ a Welfare Officer to be on duty at all times and that drunkenness was an issue for every licenced Premises within Soho.

Mr Grant advised that the Applicant had been outraged to see the breaches of the conditions of the SEV licence on the CCTV footage and had dismissed the Vanity management team immediately. He outlined that the Applicant manages several venues and due to personal reasons he took his 'eye off the ball' when his baby was born and had left the day to day management to his managers who were experienced and trusted, however, this trust had been misplaced. Mr Grant explained that the Applicant had previously employed a professional compliance team to monitor the activities in the venue but had stopped using the company due to the high cost of it and because the business was in debt because of being closed over covid. Mr Grant highlighted to the Committee that Mr Bamber's report stated that there was not one SEV licence where a dancer had not stepped over the line in order to make more money and these breaches were not unique to Vanity. He outlined that when a dancer did breach the house rules they were immediately dismissed. He emphasised that when there was a compliance regime in place there was no repeated breaches of conditions and that the Applicant had suggested that going forward Mr Bamber's team would make 15 covert visits in the first year to ensure compliance with the conditions of the SEV licence.

Mr Grant called Mr Andrew Bamber (Compliance Consultant to the Applicant Company) to address the Committee. Mr Bamber advised that he met the Applicant in 2017, when he had approached him to develop a compliance system for the Premises. He advised that he had carried out a standard risk assessment which had identified gaps and stress areas in the business and had then supported the Applicant in covert and overt visits. He stated that checks included inspecting signage, checking employment records and for breaches of the house rules.

Mr Grant set out the breaches that had occurred in the Applicant's Premises called the Nags Head located in Tower Hamlets. He advised that the Applicant had authorised an investigation as soon as he had been informed of the breaches that had been spotted on the CCTV and the dancers in question had been immediately dismissed. Mr Grant advised that the Applicant had then asked for dip sampling of CCTV footage of dancers over a month period from 20 August to 24 September 2022, which had shown no further breaches of the conditions of the SEV licence. He emphasised that this indicated that the Applicant proactively dealt with the breaches before the Authorities even notified him of any problems and this incident gave the Licensing Committee at Tower Hamlets the confidence that the Applicant could deal with incidences swiftly.

Mr Grant advised of the new DPS that the Applicant had employed and who had provided a witness statement at page 268 of the Agenda Pack. He outlined that the new DPS had previously operated an SEV licence for 14 years and was enormously experienced in operating a Premises Licence. Mr Grant confirmed that the Applicant is now aware of the problems of the past, and so there was every reason to believe that he would run a tight ship from now on. He confirmed that the Applicant had undertaken all the necessary training. He further advised that the Applicant had employed a new dance manager (house mother) who was previously a former performer at the venue. He outlined how she was married and relied on the income from the Premises. He strongly emphasised that the dancers did not feel that they were exploited and that they resented the patronising attitude that sometimes comes to bear on what they had chosen to do as adults for a living.

Mr Grant emphasised that systems, policies and procedures had now been put in place to ensure there would be no further breaches to the house rules. He outlined there would also be compliance visits to ensure standards were maintained. He emphasised again that the Applicant wished to duplicate the 14 new conditions proposed on the Premises Licence to the SEV licence and there would be quarterly meetings with the residents. He then outlined the additional conditions that the Applicant had agreed to be attached to the current SEV licence upon its renewal which were contained at pages 44 and 45 of the Additional Pack.

The Committee commented that it appeared there had been a widespread culture of disregard for the conditions on the SEV licence because the photographs of the CCTV footage indicated brazen breaches from multiple dancers not individuals in full view of security and management staff with no action being taken. The Committee also considered that the Applicant should have engaged with the residents during the five months that Vanity had been closed to work, in order to alleviate their concerns before the Premises are open to the public.

In response to questions from the Committee, Mr Grant advised that going forward the Applicant would definitely be more involved in all his businesses. He highlighted how CCTV could now be monitored from the Applicant's mobile phone and how the covert visits would ensure standards would be maintained. He advised of the challenges regarding the pedicabs but emphasised that the Applicant should not be punished for something that was out of his control. He emphasised that the breaches were not as serious as say as the venue operating as a brothel. He advised of the experience of the new DPS and General Manager and that the Premises had operated without complaint for seven years. He advised that the Applicant accepted responsibility for everything that has happened under his SEV licence, and he was now putting things right. He advised that the Applicant had made the mistake of trusting others when he had personal issues to deal with and he would not make the same mistake twice. Mr Elford outlined what qualities the Applicant had looked for in the new house mother and that a customer would be immediately asked to leave the Premises if he started touching a dancer. He outlined that there would be a new security team, policies and procedures so the venue would have a completely new culture.

Mr James Rankin, Counsel for the Metropolitan Police Service confirmed that the Police were against the renewal of the SEV licence even though they have had sighting of the CCTV. He outlined that the Police had taken on board that the Applicant had a whole new raft of policies, however, there had been numerous and continuous failings of the conditions of the SEV licence and this behaviour could not be allowed to continue with the Applicant simply coming back to the Licensing Committee with new policies/management and security. He stated that the Police accepted that in some respects their evidence on the 9 January 2023, at the Summary Review had been lacking however what was determined then did not predetermine the decision today.

Mr Rankin referred the Licensing Committee to the Decision Notice of the 9 January 2023, and advised that Mr Grant had cherry picked a line from the decision. He requested that the Committee refer to paragraph 29 of the Decision Notice where it was noted by the Committee that there had been breaches of the condition of the Premises Licence and SEV Licence and although this hearing was conducted under the Licensing Act 2003, the breaches of the SEV licence conditions was good evidence of poor management of the Premises. He advised that Mr Grant had not

gone on to paragraph 30 where it had been noted that the breaches of the SEV licence would be dealt with under different legislation and that the findings of this Sub Committee in relation to the Review of the Premises Licence was not to be binding on any other Licensing Sub Committee. It stated instead that this decision should not be used to sway the decision of any other Licensing Sub Committee dealing with the renewal of the SEV licence. He advised that the Committee deliberately avoided making any findings in relation to the breaches of the conditions on the SEV licence save to use them as evidence of poor management. He then referred to the third paragraph under paragraph 21 which stated that this decision was in no way intended to sway or influence any future decision. Mr Rankin advised the Committee that this was entirely the correct approach as the two licences needed to be dealt with under different legislation.

Mr Rankin advised why he had introduced the evidence in relation to the London Borough of Tower Hamlets and the Nags Head and that it had not been to booster the Police's case but because Mr Grant had advised that the Committee had been given the 'full picture' of Mr Clair at the Licensing Committee on the 9 January 2023, and this was not the case. Mr Rankin referred the Committee to page 274, paragraph 54 of the Agenda Pack and read it out to members. He stated that what the paragraph did not mention was that the Applicant had faced an awkward renewal of his SEV licence for the Nags Head in 2017 and that he just narrowly squeaked by and got his SEV licence. He added that the Police considered that the Committee should be aware of this and the incident(s) on the 18 August 2022.

Mr Rankin then referred the Committee to page 232 of the Agenda Pack and reminded Members that Mr Grant had stated that it had just been one dancer that had been touched however this was not what the Licensing Sub Committee at Tower Hamlets had concluded. He advised that they had found a serious breach of standard condition 12 and that there had been intentional sexual contact between the performances and covert Police Officers. He then outlined that the two Police Officers acting on behalf of the Licencing Authority carried out covert test purchases which confirmed that dancers were making repeated intentional sexual contact with customers. He advised that the Committee did however grant the renewal of the SEV licence as Mr Clair had committed to enforce the standard conditions and cooperate with licencing officers in the future and in particular not to obstruct the viewing of CCTV footage, including the viewing of CCTV in the course of random checks by the Licensing Officers. He emphasised that Mr Grant omitted to inform the Committee sitting on the 9 January 2023, of this and how Mr Clair now faces an application to revoke this SEV licence for precisely what happened on the 18 August 2022.

Mr Rankin set out that the Applicant had decided to do CCTV dip sampling to determine whether the performers had been breaching the no touching conditions in a fairly substantial way. He advised that this could just be good management or concern for the dancers, or it could be that the Police Officers that did the regulatory check on the 18 August 2022, had been clocked by the management of the Nags Heads. The Applicant then as a result of this contacted Mr Bamber so they were able to come before the Committee and say that they had discovered the breaches themselves before the regulatory or enforcement proceedings by the London Borough of Tower Hamlets. Mr Rankin emphasised that the Police believe the opposite and referred the Committee to the Police's statements contained at pages 158,159 and 161 of the Agenda Pack. He advised that he did not know how Mr Bamber could say these two Police Officers were drunk because the hearing to

consider the renewal application had been adjourned so this was untested evidence.

Mr Rankin advised that if the Applicant had discovered the breaches himself and it is to be believed that he was concerned about them (maybe he had already dismissed Mr Bamber by then) why had he not carried out dip sampling at Vanity because if he had, he would have discovered that in embedded in Vanity was a culture of breaches of touching that went way beyond just casual contact which the CCTV footage would clearly demonstrate to the Committee. Mr Rankin advised that after Mr Bamber was dismissed, within that six month period, standards slipped and when they viewed the evidence it would indicate that it was not just on one occasion it was actually embedded in every single one of the girls because every single girl that appeared on the CCTV was indulging in behaviour that went way beyond casual touching.

Mr Rankin emphasised that there was seven minutes of CCTV footage to show the Committee which needed to be played in closed session. The TEAMS Live EVENT was switched off and the Press and Public were asked to leave the gallery.

The seven minutes of CCTV footage was then played to the Licensing Committee and all parties present at the hearing. Mr Rankin highlighted to the Committee the breaches of the conditions that had taken place in Vanity whilst the CCTV footage was being played to all parties.

Mr Rankin advised that at some stage the cameras had been moved or their angles tilted so that all areas of the club were not covered by CCTV. Mr Rankin then outlined the conditions of the SEV licence that he believed had been breached:

- Condition 10 (CCTV had been removed or titled and did not cover the whole of the Premises)
- Condition 16 (relevant entertainment should be given only by performers and the audience should not be permitted to participate in the relevant entertainment)
- Condition 17 (there shall be no physical contact between performers performing)
- Condition 20 (customers must remain fully clothed)
- Condition 21 (booths shall be constantly monitored by CCTV)
- Condition 22 (there shall be no physical contact between the performer and customers except for the exchange of money or tokens)
- Condition 35 (there shall be at least one SIA on duty on every floor where relevant entertainment is provided for the entire time the relevant entertainment is provided)

Mr Rankin referred the Committee to PC Muldoon's statement on page 6, Mr Guerra's statement on page 63 and David Morgan's statement on page 170 of the Agenda Pack. He advised that the CCTV footage was obtained but not without difficulty and he added that he did not want Mr Grant to champion this as something that the Applicant should be rewarded for doing. He emphasised that it had been a struggle to get hold of the CCTV footage and that eventually the Applicant had no option but to give the Police the footage. He added that this was not the behaviour expected of a SEV Licence Holder.

Mr Rankin referred to the newly appointed DPS and General Manager of Vanity Mr Pantling. He advised that Mr Pantling had been graded for the Committee's consideration as a man with considerable experience, however, he had last operated a SEV licence 10 years ago in Hillingdon where he had a pub called the Old Norwood that did strip tease. Mr Rankin advised that Mr Pantling was 68 years old and that operating Vanity was a young man's game because the General Manager needed up to date experience of administering all the policies and procedures. Mr Rankin then referred to the possibility of the Premises turning into a night club if the renewal of the SEV was not made, however, the view of the Commissioner was 'do it and let us see what happens' and if the Applicant manages the Premises badly it would be subject to another Review Hearing.

Mr Rankin concluded by confirming that the Police had no faith in the Applicant even with the introduction of the new policies, procedures, management team and the offering of additional conditions on the SEV licence.

In response to questions from the Committee, Mr Rankin outlined why the Police had decided not to prosecute the Applicant but had instead made representations to revoke his SEV licence. He advised that the Police would have viewed the circumstances differently if the breaches had occurred by one rogue performer and not multiply performances. He emphasised that the Applicant had already been given the space to improve the operation of his Premises, however, it appeared that he was not genuinely committed to doing this and complying with the conditions of his licences. He confirmed that the Police were requesting the refusal of the renewal of the licence based on the breaches that had occurred within the Premises and not regarding it being an unsuitable locality for a sexual entertainment venue. PC Muldoon confirmed that there were residents living across and down the street from the Premises however the Council's Policy did deem it as a suitable place for such a venue.

Mr Rankin continued and advised that it was perfectly possible to operate a nightclub without complaint and that the Police would wait to see what the Applicant did with the Premises if his SEV licence was not renewed today. He outlined the difficulty the Police had in obtaining the CCTV footage and advised that the Police eventually collected it on the 21 December 2022, by hand which left them very little time to view and gather further evidence for the Summary Review hearing held early in January 2023. He further outlined that the Police had difficulty pinpointing exactly what they needed which was why they had requested over 500+ hours of CCTV footage from the venue. He commented that the new DPS needed to be strong and up to date with all the new policies and procedures as operating a SEV licence in Soho was particularly tricky. He referred to the Premises Plans on page 49 of the Agenda Pack and indicated the areas where the CCTV cameras were either not working/or had been tilted the other way or where screens had obstructed the view of the cameras.

Ms Daisy Gadd, Policy Officer, advised that she believed that she had seen a further breach during the showing of the CCTV footage in that sexual entertainment had been taken place after 03:00 hours. The parties then discussed this further breach and the legal advisor advised she would seek clarification.

Mr Richard Brown, Solicitor from Westminster's Citizens Advice representing the 4 objectors advised that it was arguable that if a Premises were granted a TENS that it would be entitled to the 11 exceptions if it already had a SEV licence. Mr Grant

advised that there had been no objections from the Police or the Environmental Health Service regarding the use of the TENS for Regulated Entertainment.

Mr Brown advised that Carlisle Street was a cul de sac which had very little traffic late at night and that since the closure of Vanity on the 22 December 2022, the street had been increasingly quieter. He advised that there were other Licensed Premises operating in the street, however it had become clear to residents the negative impact that Vanity had on the area during its closure over the last five months. He advised that the locality for the purpose of the SEV policy was Westminster CAZ north. He added that circumstances could change and even if they had not changed the Act gives the Committee the discretion on this application to make a different decision to the one set in the Council's policy as long as the decision could be justified. Mr Brown emphasised that the residents believed that the circumstances had changed for one important reason which was the source of nuisance that was specifically linked to these Premises. He advised that the findings from the Summary Review highlighted the nuisance caused by the pedicabs waiting outside the Premises for customers who had consumed too much alcohol and were unable to make informed decision which was the direct reason pedicabs were in Carlisle Street. Mr Brown referred to the photograph provided by Dr Hatfield on page 329 of the Agenda Pack and advised that the residents were aware that pedicabs would always pass through Carlisle Street, however, since Vanity had closed, they had stopped congregating in Carlisle Street. This had made a huge difference to the noise levels and Public Nuisance in the street, and this was the crucial point to residents.

Mr Brown advised that Dr Hatfield evidence was based on visiting the area twice compared to residents who have lived in the vicinity for over 30 years. He advised that the residents accepted that pedicabs would come into the street as they were part of the West End however it was not until Vanity closed could the residents prove that the pedicabs specifically congregated in Carlisle Street because of Vanity. He advised that the street had improved immensely since the closure of Vanity and until now residents were unable to demonstrate the pedicabs were attracted specifically to the street because of the SEV licence.

Mr Brown advised that in terms of the breaches to the SEV licence it was clear from the CCTV footage that repeated and frequent breaches had occurred by multiple performances and customers. He echoed what the Committee had implied that the behaviour was more of a cultural thing which was more difficult to change. He added that on the 24 November 2022, when Temporary Events Notices (TENS) were granted. There was an extension of alcohol until 05:00 hours however there was no mechanism under the Licensing Act 2003 to extend relevant entertainment so therefore every instance after 03:00 hours was a breach of the conditions of the TENS.

Mr Brown advised that the Licensing Committee on the 9 January 2023, found significant comfort in the fact that the Applicant had committed to employ an experienced DPS and it was for this Committee to decide whether the person that had been chosen was experienced enough to operate this sort of Premises. He advised that operating in Westminster was a particular challenge especially within the West End Cumulative Impact Area. He added that there would soon be a 24-hour hostel operating near the site of Vanity and therefore the surveillance of the street that Dr Hatfield had mentioned in his report would be achieved then.

Mr Brown explained that the absence of complaints regarding a Premises did not mean there were no operating problems. He advised that the residents had informed him that making complaints was futile and time consuming which was why they had decided to concentrate their efforts on making representation on the renewal applications. He advised that the threat to operate a late-night bar was something that the residents had discussed at length and considered that they would prefer to a SEV licence because they could always apply to Review the Premises Licence.

Objector 1 stated that she could not always face complaining and objecting to applications as it took a lot of time and energy. She outlined how literally life changing the closing of Vanity had been on the resident's lives and how she could now have an uninterrupted night's sleep for the first time in years. She explained that there was no longer pedicabs congregating in the street or SIAs or customers or dancers talking and laughing into the early hours of the morning. She advised of the negative impact of pedicabs and how the drivers hung around the streets shouting, arguing and chatting to the SIAs who did nothing to control their noise. She outlined how the noise from the street reverberated into her flat. She advised that she did not dispute that Soho was a busy place however she would still like to emphasise the locality point because she considered that the building was not fit to operate an SEV licence as the noise within the building travels in odd ways.

Objector 1 advised that the Applicant had had eight years to sort out the issues and alleviate the concerns of residents. She set out how the previous manager had discussed concerns with her however the relationship had eventually deteriorated. She explained how she had undertaken mediation in 2017 through the Council but it had not improved the situation. She advised that the Applicant had written lots of policies and procedures that sounded impressive however they did not mean anything as they do not respect the residents because dancers and customers were allowed out on the street causing Public Nuisance.

Witness 1 gave a background to the use of the Premises over the years and advised that Paul Raymond had sold him the building as he had decided that Carlisle Street was no longer an appropriate place to operate a sexual entertainment venue. He advised that when the Premises were operated as a striptease and nude Premises without alcohol (which was the crucial different to Vanity) there had been no issues. He advised that he had been accosted on several occasions by working girls seeking to bring his custom into the Premises which he had refused. He considered that the Applicant's case was weak because he had not been able to operate a tight ship. He strongly considered that the SEV licence should be revoked. The Committee noted that the previous DPS had seemed quite diligent from the resident's perspective and had tried to deter the pedicabs from the venue, however her strategy had only worked for a couple of weeks.

Witness 2 advised that he had been on friendly terms with the previous manager who had been dismissed. He stated that she had been open to discuss issues with him and on one occasion she had helped him when his bike was stolen. He advised that vibrations transmitted through the structure of building so the Premises were not suitable to be a nightclub. He set out how he had seen one of the dancers canoodling with a customer at the bottom of the stairs of the front door where there was obviously no CCTV. He advised that it was impossible for one person to view 20 CCTV cameras and that the CCTV footage indicated that there was not much dancing going on at the Premises. He emphasised that he considered that it was a

completely inappropriate place for a sexual entertainment Premises and/or a nightclub and such venues had moved out to industrial spaces where they did not bother anyone. He wondered if these breaches occurred before midnight or afterwards because it seemed the more intoxicated the customers got the more the house rules were broken. He requested that if the Committee were not minded to revoke the SEV licence that they consider reducing the opening hours to midnight to alleviate the resident's concerns.

Objector 2 advised that the Soho Society and people living in Soho recognise that the place was originally the heart of the sex industry and therefore did not often make representations against such application/Premises. She advised of the mixture of sexual entertainment venues such as cabaret, striptease and gentlemen's clubs and stated that she could not remember the last time the Soho Society had called for a Review of such an establishment. She advised that it was crucial for the Soho Society that all Premises maintain and do not breach the conditions on their licences, especially SEVs and that the Applicant had demonstrated that he was unable to comply with the conditions on his SEV licence. She set out that the Soho Society believed that Vanity had a culture of acceptance for this type of behaviour which seemed to have occurred on a regular basis late into the night. She advised that the other Premises in Carlisle Street either closed around 11pm or midnight and after that the street was fairly quiet. She advised that it was obvious from the Decision Notice from the Summary Review that pedicabs were picking up intoxicated people from the club and taking them off somewhere and robbing them and therefore the opening of Vanity would increase the crime and disorder in the area.

Objector 3 echoed everything that the other objectors and witnesses had shared with the Committee. She advised that the pedicabs pick up people and take them to places as well as pick them up and bring them to Vanity for a tip from the Premises. She considered that the Police would never get to the bottom of the spiking allegations however what could be determined was that they all occurred after customers had attended Vanity.

During his summing up, Mr Rankin advised that having a SEV licence brings with it great responsibility and therefore how many times could the Applicant be allowed to get away with breaching the conditions on his licences by simply turning up and imposing further conditions on his licences and employing a different management team. He stated that the Applicant took 'his eye of the ball' for more than several months and that if one delegates to someone that operates their business badly it was ultimately still their responsibility. He concluded by advising the Committee that the Police, on the balance of probabilities, considered that Mr Clair was not a fit and proper person to hold a SEV licence.

During his summing up, Mr Grant referred to the suitability of the locality and the Applicant. He requested that the Committee turn to page 46 of the Agenda Pack where he referred to paragraph 8.4 of the Officers' report which sets out the statutory test for the suitability of the locality. He advised that the Council's SEV Policy clearly stated that Westminster CAZ North was an appropriate location for such Premises and indeed 25 of such Premises. He advised that Public Nuisance was a specific licensing objective under the Licensing Act when dealing with Premises Licence and this was raised in the Summary Review and 14 additional conditions had been attached to the Premises Licence to alleviate residential concerns. He emphasised that this had been the appropriate forum to deal with

such matters and not under the SEV legislation. He confirmed that the layout of the Premises did not make it unsuitable to be either a SEV establishment or a nightclub and that a place for smokers had not been realised on the 1st floor because of residential complaints. Mr Grant emphasised that it was not fair to blame the Premises for a much wider problem of pedicabs and that by revoking the SEV licence did not simply cure the pedicab problem in the West End.

Mr Grant concluded by reminding the Committee of the suitability of the Applicant. He advised that the Premises had operated for seven years without complaint and reminded Members of all the new policies and procedures that had been put in place to ensure the conditions on the SEV licence were not breached again. He emphasised the compliance regime that would be operating throughout the Premises by Mr Bamber, a highly respected businessman and that the new DPS and General Manager was more than qualified to operate the Premises. He advised that the Applicant had been punished enough by having to close for five months and this would be enough of a deterrent to ensure that no breaches ever occurred again. He concluded by advising that the Committee ultimately look at this renewal proportionality and ask themselves whether the only sanction was to refuse the renewal application or consider that the culture could change at this venue with all the new policies and procedure and new management in place.

Conclusion

1. The Committee noted that it has a duty to consider each application on its individual merits and did so when determining the application.
2. The Committee has determined an application for a renewal of a Sexual Entertainment Venue Premises Licence made by Vanity License Limited to operate the Premises as a Sexual Entertainment Venue between the of Monday to Saturday 09:00 to 03:00 hours Sunday 09:00 to 23:00 hours.
3. The Committee noted that the Applicant had made a very detailed application which included experts' reports but was not convinced, having heard all the evidence from the Metropolitan Police Service and local residents, that the Applicant was a fit and proper person to hold a SEV Licence.
4. The Committee noted that the Applicant had put in place new policies and procedures but despite that, there have been numerous and continued breaches of the conditions of the SEV Licence.
5. The Committee considered that they did not have confidence that the Applicant would operate the Premises responsibly because of his failures to comply with all relevant conditions of the SEV Licence.
6. Serious breaches at Vanity came to light from the Police examining the CCTV footage submitted by the Premises after the allegations of serious criminal behaviour in the Premises including fraud and drink spiking. No charges were brought in relation to those allegations, however serious breaches of Condition 17 were observed being committed by most of the dancers employed at the premises, not just one or two rogue performers.

6. The Committee felt that a pattern of behaviour and breaches of the SEV Licence conditions over several years and across the Applicant's venues had been demonstrated by the Metropolitan Police Service and local residents.
7. The Committee noted that the Applicant had previously offered extra conditions which were added to the Licence at the previous Committee hearing. These have not been found to be effective in solving the issues. The Applicant failed to comply with those conditions.

Having carefully considered the committee papers, the additional material and the submissions made by all parties, both orally and in writing, the Committee has decided to Refuse the application for the above reasons and in particular, pursuant to Paragraph 12(3)(a) of Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 as amended.

In all the individual circumstances of the case the application is **Refused**.

This is the Full Decision of the Committee which takes effect forthwith.

The Licensing Sub-Committee

25 May 2023

Appendix 14

I identify this exhibit as that referred
to in the statement signed by me

Exhibit number: EXHIBIT MA/04

Date: 24 August 2023

Name: Mohshin Ali

Signed:



LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE LICENSING COMMITTEE

HELD AT 10.00 A.M. ON TUESDAY, 17 OCTOBER 2017

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

Members Present:

Councillor Rajib Ahmed (Chair)
Councillor Khaled Uddin Ahmed
Councillor Shah Alam
Councillor Dave Chesterton
Councillor Candida Ronald
Councillor Shiria Khatun

Other Councillors Present:

Apologies

Councillor Peter Golds
Councillor Suluk Ahmed
Councillor Andrew Cregan
Councillor Md. Maium Miah
Councillor Joshua Peck
Councillor Rachael Saunders

Others Present:

Philip Kolvin QC	– (Counsel for Nags Head)
Juilan Skeens	– (Legal Representative for The Nags Head)
Luke Elford	– (Legal Representative for The Nags Head)
Andy Bamber	– (Compliance Consultant)
Manpal Singh	– (Applicant)
Ms A	– (Performer (and potential witness to the assault on 4 th May 2017))
PC Mark Perry	– (Metropolitan Police)
Officer P	– (Covert Police Officer)

Officers Present:

Mohshin Ali	– (Senior Licensing Officer)
Victoria Fowler	– (Legal Services)
Tom Lewis	– (Team Leader - Licensing Services)

Simon O'Toole
Simmi Yesmin

– (Counsel)
– (Senior Committee Officer,
Democratic Services)

1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTEREST

Councillor Shiria Khatun and Councillor Rajib Ahmed declared a person interest on item 3.1, Application for a renewal of a Sexual Entertainment Venue for the Nags Head, 17-19 Whitechapel Road, London E1 1DU on the basis that they had worked with Mr Andy Bamber, Compliance Consultant, in his previous capacity as an ex-employee of the Council.

2. RULES OF PROCEDURE - LICENCES FOR SEXUAL ENTERTAINMENT VENUES

The rules of procedure were noted.

3. ITEMS FOR CONSIDERATION

3.1 Application for a Renewal of a Sexual Entertainment Venue Licence for the Nags Head, 17-19 Whitechapel Road, London E1 1DU

The Chair exercised his power to exclude the press and public from the meeting.

It was agreed that;

“Pursuant to Public Bodies (Admission to Meetings) Act 1960, and the Local Government Act 1972 the members decided that exceptionally a Licensing Committee hearing on Tuesday October 17th at 10 o'clock should be closed to the public because it was likely that exempt information would be disclosed in the course of a full hearing to determine the application for a renewal of a sexual entertainment venue licence. The exempt information related to action taken or to be taken in connection with the investigation or prosecution of a serious sexual assault at the licensed premises on May 4th 2017, and that there was also a risk that information would have been disclosed which identified the victim or witnesses which may have prejudiced the investigation or prosecution of the offence.

At the request of the Chair, Mr Mohshin Ali, Licensing Officer, introduced the report which detailed the application for a renewal of the Sexual Entertainment Venue licence for The Nags Head, 17- 19 Whitechapel Road, London E1 1DU. It was noted that the licence consists of the basic licence, plus additional conditions relevant to the premises only. In addition, the Tower Hamlets standard SEV conditions also apply and form part of the licence. It was noted that the Licensing Authority had objected to the application and this had been supported by the Police.

At the request of the Chair, Mr Philip Kolvin QC, acting on behalf of the Applicants, gave apologies on behalf of Mr Adrian Studd, Licensing Consultant, and Mr Saab Binning, Manager, and asked that there evidence is accepted as hearsay.

Mr Kolvin explained that the premises had been run by the Singh family for the past 30 years, and that it was their third year for applying for a SEV licence, it was noted that there had been no objections from local residents, local businesses or objections based on the environment or character of the area. Mr Kolvin explained that he would address the two issues that had been referred to in the objection, the first one was of the reported assault on 4th May 2017 and the second one was the conduct of dancers on 11th May 2017.

Mr Kolvin explained that there had been a rigorous process and effort to ensure compliance measures were in place to improve procedures. It was noted that as a result of these incidents a number of compliance visits had been conducted and all had shown that the venue was fully compliant.

Mr Kolvin stated that since the adjournment at the previous meeting on 2nd October 2017, Mr Singh now accepted that touching had occurred on 11th May 2017 this was detailed on page 6 of the Supplemental Agenda 2. Mr Singh unreservedly expressed his apologies for this incident and wanted to highlight that this was not an example of how the venue was run. It was noted that measures were now in place to prevent this from ever happening again.

He then went on to explain that the Singh family had no history of bankruptcy, had no convictions and had other venues in London that were compliant and licensed venues. He referred Members to page 232 of the Supplemental Agenda 1, the Entertainer's Daily Briefing which was explained to the performers on a daily basis. Customer house rules were on page 230 and it was confirmed this was displayed all around the venue.

It was noted that Mr Andy Bamber, Compliance Consultant had been appointed by the Singh Family to help with compliance, measures and controls. Mr Andy Bamber, gave a brief introduction and a summary of his experience to date. He confirmed that his appointment was independent and had started work with the venue from Feb/Mar 2017. It was noted that Mr Bamber had arranged a number of covert/compliance visits and reported his findings to management after each visit.

It was further noted that Mr Bamber had arranged nine compliance visits and all nine visits found the venue to be compliant. A dip sampling process had also been introduced, where random samplings of CCTV footage would be checked, so a three layer check was now in place, overt, covert and dip sampling. Mr Bamber confirmed that he visited the venue on a regular basis and confirmed to his best knowledge that there wasn't another venue as compliant as the Nags Head in London.

Mr Kolvin then highlighted the sequence of events leading up to alleged assault on 4th May 2017. **(Restricted)**

Members then heard about the incidents on 11th May 2017, where covert officers undertook test purchases and found significant breaches of the conditions on the licence. When a further visit was made on 15 June 2017 the premises was found to be fully compliant. It was noted that Mr Singh was not informed of these allegations on 11th May until 50 days after the incident, if this had been within 31 days (according to the conditions) then this could have been verified by the CCTV footage that is kept for 31 days. Management and performers had initially denied that this took place, however it was clear from Members that they wanted to hear from the Covert Police Officers who carried out the test purchases, and with no CCTV footage as evidence, Mr Singh accepted what the Police had said in terms of the number of breaches that were made on 11th May and would give the dancers involved final written warnings as there was clear misconduct and instructions were not adhered to.

Members were referred to pages 49 & 62 where further compliance visits were made and the venue was found to be compliant. Mr Kolvin then went on to detail the conditions that had been drafted between Licensing Services, Police and the Applicants. He believed that these conditions were sufficient to prevent these incidents from happening again and was satisfied that these conditions would be adhered to.

Mr Kolvin concluded by referring to the discretionary grounds for refusal and highlighted that the standard of fitness was obviously met, with high standard of management, there had been no objections on vicinity, no changes to demographics and the layout of the venue was small, neat and tidy.

Mr O'Toole, through the Chair asked questions on the layout of the premises, the availability of incident log and questioned whether the Licensing Officers would be able to access CCTV footage. It was confirmed that Licensing Officers and Police Officers would be able to view CCTV footage, even on a random check, but not be able to download and take it away unless there was a criminal investigation or breach of conditions as the Applicant said this would infringe guidance from the Information Commission Office and the Data Protection Act.

The Chair adjourned the meeting at 11.55am for a short comfort break and reconvened at 12.10pm.

At the request of the Chair Mr Tom Lewis, Licensing Team Leader briefly explained the two main issues which were of concern i.e. the assault on 4th May 2017 and the conduct of the dancers and the breach of conditions on 11th May 2017. Mr Lewis then detailed the incidents in full. Mr Lewis informed Members that one of the officers who conducted the covert visit was present at the meeting and available to answer any questions and asked that his identity remain anonymous and be referred to as Officer P.

It was noted that a meeting (without prejudice) was arranged and all interested parties met and agreed on a draft set of proposed conditions, which were robust and better enforceable. Mr Lewis confirmed that his objection was supported by the Police.

Members then heard from PC Mark Perry, Metropolitan Police who explained that SEV licences required a greater amount of monitoring and he was concerned about the inappropriate behaviour of dancers at the venue. PC Perry then referred Members to page 28 of the supplemental agenda 1 and explained the series of events which took place in relation to the assault on 4th May 2017.

PC Perry (**Restricted**) the incidents on 11 May did support the culture of inappropriate touching at the venue. He also believed that the additional conditions proposed would help alleviate concerns.

PC Perry welcomed the efforts made on behalf of the Applicant and was pleased and reassured that information would be available on request. He explained that the Police had the power to seize evidence if required. PC Perry concluded that he welcomed the fact that the applicants had accepted that the incidents on 11th May had occurred and had offered conditions and were working with officers.

Following a detailed discussion, Members asked a number of questions to which the following was noted;

- That the incident on 4th May (**Restricted**)
- That there was a financial contract between the performers and the owners of the venue as they had to pay to work at the venue.
- It was the applicant's view that management acted accordingly and in line with procedures and did what was right based on the information given.
- Concerns were raised as to blame culture on women (dancers)
- That the Entertainer's Daily Briefing was read out and explained to all performers before the venue opened each day.
- The customer conduct was displayed all around the venue.
- That there had been eleven compliance visits in total over the last six months, and all were found the venue to be compliant.
- It was noted that the victim on the 4th May (**Restricted**).
- Witness statements from other performers state that if sexually assaulted then the dance is immediately stopped and the customer is asked to leave the venue.
- (**Restricted**)
- That the CCTV footage taken on 4th May also showed that there was a breach of condition where a performer was seen to be hugging a customer.

At 1pm the Chair closed the meeting.

The second meeting started at 2pm.

The Chair welcomed everyone.

In response to further questions from Members the following was noted;

- Authorised Officers referred to in the proposed draft conditions included Police Officers and Licensing Officers.
- The Applicant maintained that officers would be able to view CCTV footage but would not be allowed to download footage or be handed over footage unless it was associated to criminal proceedings or to investigate a breach of conditions.
- That the Entertainers Daily Briefing and Customer Rules had been rewritten in order to make the rules more robust and enforceable and clear that you must not touch the dancer.
- SIA door staff also explained the rules to customers when they come into the venue.
- That there were 12 dancers performing on 11th May
- That during the 30 years of trading, there had only been one complaint of sexual assault.
- That there was a further need to educate customers and dancers.
- That dip sampling meant that 4-5 CCTV footage slots would be randomly picked and checked to see that everything was compliant.
- That there was no sign outside the venue, no advertising, and there were no staff outside touting, that SIA door staff stand inside the entrance.

At this stage the Chair formally asked that Police Officer P who was present at the meeting could be released as there were no questions to ask of him.

Cllr Shiria Khatun asked if questions could be asked of one of the performers who was in attendance at the meeting but was not a witness.

The Chair adjourned the meeting at 3.20pm to seek legal advice and reconvened at 3.27pm.

The Chair announced that they would not ask Mr Kolvin to call the performer.

Mr Kolvin then asked the Chair if he could voluntarily call the performer as his witness and asked her questions despite the fact she had not made a witness statement. The Chair sought legal advice and consulted the Committee (without adjourning) and then said that exceptionally the Committee would agree to the performer being called to give evidence at this stage. The performer confirmed the following;

- That her name was **(Restricted)** (Ms A) and that she had worked at the Nags Head for 12 years.
- That she was part of the East London Strippers Union Collective
- That Nags Head was the safest place to work in where dancers felt protected.
- That she had a good relationship with managers and staff
- That she had never been sexually assaulted at the premises.
- That dancers do not permit any sexual contact and can easily protect themselves if they were being assaulted
- That she had been working on the night of 4th May, **(Restricted)**.

- That she was also working on 11th May and she did not engage or see anything that was described by Police Officers
- That dancers were given a daily briefing.
- That she did not see everything that goes on in the venue.

The Chair invited all parties to make final submissions.

Mr Kolvin concluded by saying that no touching is allowed, dancers are protected. That policy and procedures had been scrutinised and revised with great care. He highlighted that the venue was a good family run business, with a dedicated Compliance Manager. The applicants expressed their apologies for the breaches in May. Mr Kolvin said that they accept the conditions and felt that the imposing of the conditions would be a proportionate response as the venue was a compliant business. He highlighted that there was a total of 80 staff working at the venue, the venue had been trading for decades, there was a commitment to work with the responsible authorities and that there had been 11 compliance visits within the last 6 months and all had been found to be fully compliant.

Members then heard from Mr Lewis and PC Perry who stated that they were happy with the conditions and if agreed by Members then this would help alleviate the concerns they had. They were also pleased that the police evidence on 11th May had been accepted by the applicants.

Mr O'Toole for clarity confirmed that the Applicant expressly agreed that authorised officers could review CCTV footage although not ask for a copy unless investigating a breach of conditions or criminal offence.

Members adjourned the meeting at 3.40pm for deliberations and reconvened at 4.50pm.

Accordingly, the Sub Committee unanimously

RESOLVED

That the application for a renewal of a Sexual Entertainment Venue Licence for The Nags Head, 17-19 Whitechapel Road, London E1 1DU be **GRANTED an identical licence with additional conditions.**

At a hearing of the London Borough of Tower Hamlets Licensing Committee on Tuesday October 17th 2017 the Committee unanimously resolved to grant the renewal of a Sexual Entertainment Venue Licence to the Nags Head at 17-19 Whitechapel Road, London E1 1DU subject to the Standard Conditions, and additional conditions set out below.

The Committee imposed additional conditions after determining that the Licensees had committed serious breaches of the Standard Conditions, and that in May and June 2017 the management did not have the ability to adhere to the Standard Conditions for sex establishments.

The SEV Licence will expire on 31st May 2018.

In reaching its decision the Licensing Committee had regard to the Act, Tower Hamlets' Sex Establishment Licensing Policy made pursuant to Schedule 3 of the Act (the Policy), the information contained in the Agenda (white papers), Supplemental Agenda 1 and Supplemental Agenda 2 (pink restricted papers). Over the course of two meetings the Committee heard submissions on behalf of the Applicant and the Licensing Authority as Objector, and evidence from Mr Bamber and Ms A (a performer at the premises) on behalf of the Objector. The Applicant and Objector agreed that all the other witness statements on behalf of both parties could be admitted as hearsay statements.

The Committee decided to conduct a full hearing review into the application for renewal of the SEV Licence because the Licensing Authority had objected on the basis that the Licensees were unsuitable to hold a licence pursuant to paragraph 12(3) of Schedule 3 of the Act, ie that they were unsuitable "for any other reason".

The events which gave rise to the full hearing review occurred on May 4th and May 11th 2017.

The Committee accepted PC Mark Perry's unchallenged evidence that by May 2017 there had, in all probability, developed among some of the performers at the premises a culture of consensual inappropriate touching which was in breach of the Standard Conditions. One such incident ("the hug") was recorded on CCTV on May 4th between a performer and member of the public. PC Perry went on to say that this culture was not safe and it was "a slippery slope because if you say it is ok to hug they [the members of the public] may then take it further especially if they had had something to drink." Mr Colvin QC on behalf of the Applicant conceded that the May incidents were not acceptable and that they "exposed a fault line" about how the premises were managed

Alleged sexual assault

On May 4th 2017 a performer at the premises, referred to as Ms Y, was allegedly assaulted by a member of the public (referred to as Mr X) during a private dance. **(Restricted)**

The Committee accepted all the hearsay evidence regarding how performers responded if touched during a private dance and carefully analysed the agreed CCTV recording timeline of the incident on May 4th. **(Restricted)**

(Restricted)

(Restricted), the Committee found that the management failed to take the matter sufficiently seriously, or properly investigate it. The management also failed to protect Ms Y on May 4th, and had failed to provide appropriate support to Ms Y at the time of the alleged sexual assault or afterwards.

The position was aggravated by what the Committee considered was the Licensees' generally dismissive approach to the matter, especially when it knew beyond doubt that the allegation was that of a serious sexual assault. It was compounded by the Licensees' subsequent obstruction of, and failure to cooperate with the licensing officers in the investigation of the incident. The Committee did not accept the Licensees' reasons for refusing to provide a copy of the CCTV of the incident to the licensing officer (redacted as necessary) and this was a serious breach of Standard Condition 12. The Committee found that the Licensees' failure to cooperate promptly with the licensing officers request for a copy of the incident book was inconsistent with the high standard of management stipulated by the Policy.

Intentional sexual contact between performers and covert police officers

On May 11th 2017 two police officers, acting on behalf of the Licensing Authority, carried out covert test purchases. These purchases confirmed that performers were making repeated intentional sexual contact with customers. The nature of the sexual contact is summarised below.

- Grinding of buttocks onto officers groin, this occurred on several occasions with all performers, and on one occasion one performer was grinding their vagina on officer's groin.
- Placing of the breast into the officers faces. This was mostly only light contact (slight brushing across the face). However on one occasion one of the performers in putting their breast in the officer's face made contact with the officer's closed mouth with their nipple.
- Squeezing of officer's penis, this occurred on two occasions by one performer who reached behind her with one hand and squeezed the officer's penis through their clothing.
- Rubbing of forehead on penis, this occurred with one performer where they knelt between the legs of the officer and rubbed their forehead back and forth on the officer's penis through their clothing.
- Breast being in open hands of the officers whilst seated, which occurred once with one performer.
- One performer asked one of the Officers to put their hand on the performer's buttocks, which they did.
- One performer placed one of the Officer's hand on her exposed pubic area.
- During one of the private dances one of the performers kissed one of the Officers with a closed mouth.

Officers describe in their statements that there were a number of occasions performers touched their vagina's and parting the lips of their vagina's. Furthermore on one occasion a performer simulated acts of personal stimulation by parting their vagina with her fingers exposing their labia and with their other hand rubbed their inner vagina from the base up to the clitoris.

The Licensees admitted that two of its performers had committed the above intentional sexual behaviour.

The Committee found that the above intentional sexual behaviour of two performers was a serious and persistent breach of Standard Condition 26 (implementation and enforcement of House Rules), Conditions 35 and 36 (no intentional physical contact - save for specified exceptions) and Condition 38 (no other form of sexual activity, including but not limited to acts or the simulation of acts of personal stimulation).

The Committee found that the lack of effective enforcement of the Standard Conditions and compliance with the House Rules was likely to be directly affecting the safety of performers as evidenced by the alleged sexual assault on May 4th.

The Committee decided that in May and June 2017 the Licensees' clearly did not have a high standard of management. The management structure was such that it lacked the capacity to operate the venue, or the ability to ensure adherence to the Standard Conditions for sex establishments. As such, it was arguable that, at that time, the Licenses were unsuitable "for any other reason" to hold a SEV Licence.

After careful consideration the Committee decided to grant the renewal of the SEV Licence after taking full account of the following matters.

- 1 The admissions by the Licensee, their apology for the breaches, their positive track record, and their full commitment in the future to enforce the Standard Conditions, and strict adherence to, and compliance with the House Rules and Code of Conduct, and any other conditions the Committee might impose.
- 2 The Committee accepted the Licensees' promise to fully cooperate with licensing officers in the future and in particular not to obstruct the viewing of CCTV footage (including the viewing of CCTV in the course of random checks by the licensing officers).
- 3 That PC Mark Perry, and Mr Tom Lewis (Team Leader, Licensing and Safety Team Environmental Health and Trading Standards) considered that the imposition of additional stringent conditions would mitigate the risks of similar problems occurring at the premises in the future.
- 4 The significant efforts already made by the Licensees to ensure that the premises operated in a way which was fully compliant with the Standard Conditions, and the additional conditions that the Committee were going to impose.

The Committee imposed the following additional conditions.

- 42 Documents to prove compliance with the Licence pursuant to Standard Condition 3.

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 to the venue by a member of the public, a performer or member of staff;
- (b) any breach or alleged breach of either the House Rules made by a member of the public or the Code of Conduct made by a performer, and the action taken by the management;
- (c) when a person is removed from the premises;
- (d) any faults in the CCTV system;
- (e) any visit by a relevant authority or emergency service.

- 43 In the event that a performer alleges that they have been sexually assaulted the management will immediately ensure that

- (a) the police (and, where appropriate, the London Ambulance Service) are called without delay;
- (b) all measures that are reasonably practicable are taken to apprehend a suspect pending the arrival of the police;
- (c) the crime scene is preserved so as to enable a full forensic investigation to be carried out by the police; and
- (d) such other measures are taken (as appropriate) to fully protect the safety of all persons present on the premises.

- 44 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.

- 45 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.

46 Independent Compliance Audit

- (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.
- (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 officers without delay.

The meeting ended at 4.50 p.m.

Chair, Councillor Rajib Ahmed
Licensing Committee

Appendix 15

ref	date	name	type	off
65862	20/03/2014	Nags Head	1L Licensing Act visit	KB
67514	02/03/2015	Nags Head	1V Licensing SEV visit	ANH

67656	31/03/2015	Nags Head	1V Licensing SEV visit	ANH
67747	24/04/2015	Nags Head	1R Licensing revisit	JMC
68933	06/11/2015	Nags Head	T3 TS Primary	IDM
69429	06/11/2015	Nags Head	1V Licensing SEV visit	JSM
69169	16/02/2016	Nags Head	TB TS virtual/desktop visit	KVM
69317	04/03/2016	Nags Head	T3 TS Primary	KVM
71186	31/05/2016	Nags Head	1N Licensing Notice check visit	DAD
69854	22/06/2016	Nags Head	1V Licensing SEV visit	MAL
	30/09/2016		Police vists	

70570	17/10/2016	Nags Head	1L Licensing Act visit	ANH
70600	20/10/2016	Nags Head	1L Licensing Act visit	ANH
	11/05/2017		Police vists	
72353	12/06/2017	Nags Head	1V Licensing SEV visit	MAL
73561	13/04/2018	Nags Head	1L Licensing Act visit	DAD
73718	20/06/2018	Nags Head	1L Licensing Act visit	DAD
	09/05/2019		Surveillance Group	
79901	11/05/2022	Nags Head	1N Licensing Notice check visit	MAL

80618	18/08/2022	Nags Head	1T Licensing - Test purchase	MAL
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text

KD visit L LA2003 visit: DPS not present
manager : Shamsheer Singh present
Licence on display
full licence on premises
no DPS no letter of authorisation

Condition 18

1 SIA on premises up to 2 Thur-Fri
performances every 10-15 mins#

Record of Security

CCTV - covering all rear stage area obscured in smaller screen.

Authorisation not provided - will correct.

VIP areas covered by CCTV

No dancing taking place at time of inspection

17-19 Whitechapel Road, London, E1 1DU

Present: Andrew Heron (Licensing Officer), Mr Singh (Applicant) and Luke Elford
(legal representative – Jeffrey Green Russell Solicitors) AH: I am very concerned
by the lack of CCTV coverage in

the two private booth areas. I highlighted to the Applicant that there are many blind spots. In the first triple-boothed area, there are two cameras; the booths have high walls that camera cannot see into, only across the top. The Applicant suggested dropping the walls of the booths; I advised that I do not believe that this will be enough to prevent blind spots. The Applicant's legal advisor tells me that "you are always going to have blind spots" – I am concerned that there is a lack of willingness to cooperate. If each booth requires a camera to be able to see into it, then that is what will satisfy the LBTH Council's conditions.

There is a second private dance area with a large private room that has one camera filming one lower corner of the room, there are another 3 booths that have a camera not focused in on them, but to a door to a store room (sometimes used as a changing area, I am advised).

I advised that this is not satisfactory and will need addressing before coming to the Hearing, they may wish to supply a plan to Members so they can consider if the premises will have sufficient coverage by the time the licence is granted.

Singh, the Applicant.

This visit was to look at the additional CCTV cameras that had been installed following the first visit, where it was highlighted that all of the private dance areas had no CCTV contrary to the LBTH SEV Policy.

I was given a tour of the premises looking at the positioning of all the new cameras in each room. I was shown the cameras positioned in the two private booth areas. They had good coverage from above and there were no blind spots. I was satisfied that the coverage was adequate.

We went to the upstairs office and overviewed the system so that I could see the view that cameras have when operational. Mr Singh advised that they were not at present recording as he had received advice from his legal representative that they should not be turned on. I advised that I not only need to see it being operational, but also the functionality of it, which would include him showing me historical recordings, even if they were from the previous 24hour period. I advised that I would need to return again, likely unannounced, to make sure that the system is on and recording. Me Singh further advised that the images will be available to download onto USB sticks and made available to the Responsible Authorities upon request.

We also discussed the Code of Conduct. Mr Singh advised that each dancer signs the Code of Conduct on their first night performing, and that is kept for around a year after they depart, though he'll occasionally get request from past dancers asking for that to be destroyed before that time. He advised that the copy in the dressing room would be permanently framed.

Visit with Cllr Gold LBTH Licensing Committee - saw Mr Singh, brother of Licensee.

Joint licensing visit to SEV with Police and Licensing - specific conditions with regard to pricing appear to be complied with

SEV visit with Police licensing, all SEV licence condtions checked,

Trading Standard virtual/desktop visit

Visit to T to UBS stick containing CCTV images re: complaint of overcharging on 9/2/16.

Placed into evidence bag no: M00092504.

Notice ok

Premises visited for SEV renewal compliance check. All ok

Breach (touching) 2 Police Officers. Licensing Committee heard evidence (we did not have delegated authority at this stage) – Dates 05/09/2016 and 15/11/2016 – licence granted

17/10/2016 15:54 ANH

Visit at 15:30 to hand deliver letter requesteign retention of CCTV.
Met with licence holder, he was aware of the letter, as advised by solicitor Luke Elford earlier that day. He said that it was taking a long time to download, only one hour took an hour to record.
I advised that all SEVs have received the same request and that the decision to ask for this has come from management.

21/10/2016 9:32 ANH

Hand-delivered third SEV CCTV retention letter - Gave to PLH Mr Singh

Breach (touching) 2 Police Officers. Objection by Police and Licensing Authority to renewal – Committee on 17/10/2017 – licence granted with conditions.
<http://democracy.towerhamlets.gov.uk/mgAi.aspx?ID=82394>

Premises visited for SEV renewal compliance check. On Monday 12th June 2017, I was working with my colleague Corinne HOLLAND (Licensing Officer). We were met by Manpal SINGH (licence holder and manager) and Julian SKEENS (legal representative). I had printed out my notes from the compliance visit of 2016 which I used this to make my notes for this visit.

Once the compliance visit was done, Officer HOLLAND asked Mr SINGH if we could see the incident book but Mr SINGH looked towards Mr SKEENS for an answer. Mr SKEENS said that they couldn't show us the incident book as it would be in breach of data protection as it contained personal information. He said they would show it to the Police if there was an incident. I advised that we were aware of an incident that took place on the 4th May 2017 and asked if we could see this. Mr SINGH went to get the incident book and he then showed us one of the pages whilst holding the book in his hands. I could see some entries had been made but as he did not hand it over to us for full inspection I was not clear as to what information the incident book had contained. We were told that the incident of 4th May 2017 was not in the incident book and this was kept separately in a full log which had been made available to the Police. They said that they were unaware that an incident had occurred at the time. We then left the premises

SEV compliance visit done- All ok

20/ 6/2018 16:24 DAD

Visited Nags Head circa 14:00- An IC3 doorman was on duty (although he doesnt stand directly outside premises, he was sitting on a stool in the alcove by the entrance)

Surveillance Group – no issues noted.

Renewal public notice checked

Covert visit found breaches of conditions which lead to revocation application