

Re Club Temptation

I believe the law encourages a relatively brief objection which can be expanded at a licensing hearing.

I am also waiting to hear back from an authority regarding something I would like to be able to include in an objection but can't at present.

Could you please accept this as my objection on the basis that I may come back to expand it within the time window allowed for objections?

I object on the following grounds-

That the applicant is not the operator as the website for the club shows a different company as operating it which has a different person, all be it with the same surname, as the main shareholder and only director.

That the applicant is unsuitable having previously placed large print pornographic website adverts in the window.

That the premises are unsuitable as they have no smoking area which, being a late night venue is likely to lead to disturbance for nearby residents and mixing of the performers and customers in a way which the license attempts to discourage.

That the neighbourhood is unsuitable as frequented by children and young people passing through and living in the area. Also by vulnerable people experiencing poverty and poor mental health as can be assumed from their begging and rough sleeping and the need for rehab facilities to be provided further up Old Christchurch Road.

That the website for the business shows reviews which are dated before Club Temptation was opened. Also that they advertise many dancers which include some behaving in a way which is a breach of the license.

That the use of premises nearby means a strip club shouldn't be operating namely numerous language schools including one next door, a mosque, a synagogue, a church in the parallel road and another at the end of the road parallel, residential premises in the road and Verulam Place, the old Dingle Building being marketed to students, a school at Stafford Road nearby, Horseshoe Common and the Gardens being open places.

This is the end of the objection filed today.

I have also attached an example of an objection filed by Westminster Council's licensing authority to licensing of a strip club heard in August 2022. I have not included the appendices and the full information pack for the hearing including legal representation for some of the objectors, including by the solicitors retained by Club Temptation Keystone Law, (who you will no doubt remember from Bournemouth hearings) can be found from Westminster Council's calendar of meetings. I have not attached the entire pack as not all of it is relevant and it is very long, so that expecting it to be read as part of an objection might well render it vexatious. However, I would encourage your department to lodge an objection yourself given the previous policies for Bournemouth and BCP and any other policies or statutory duties, including the Equality Act which you consider appropriate.

CITY OF WESTMINSTER OBJECTION REFERRED TO

Jessica Donovan – Senior Licensing Officer

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1. Introduction

- 1.1 I am authorised on behalf of the Licensing Service of Westminster City Council to carry out its functions in considering Sex Establishment applications made under the provisions of Part II, Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982.
- 1.2 I have considered the new Sexual Entertainment Venue – Sex Establishment Licence application submitted on behalf of Ground Floor And Basement, 3 - 4 Vere Street, London, W1G 0DH.
- 1.3 Paragraph 10 subsection (15) of the Local Government (Miscellaneous Provisions) Act 1982 Part II states;

'Any person objecting to an application for the grant, renewal or transfer of a licence under this schedule shall give notice in writing of his objection to the appropriate authority, stating in general terms the grounds of the objection, not later than 28days after the date of the application'
- 1.4 The Licensing Service has considered it appropriate to make an objection in relation to this application. Due to the nature of the premises applied for and taking into consideration the councils Statement of Licensing Policy for Sexual Entertainment Venues 2012 specifically the character of the relevant locality and the use of premises in the vicinity, the Licensing Service makes an objection to this application.
- 1.5 I have considered the application in detail, the history of the premises, the location of the premises and transport links and whether the application meets the council's Licensing Policy. My findings in relation to this application are set out in this document.

2. The Application

- 2.1 The applicant has applied for Relevant Entertainment to be provided from 10:00 to 05:00 Monday to Saturday and from 10:00 to 00:00 on Sunday. The Relevant Entertainment is described as "Full nudity striptease".
- 2.2 At the time of making my objection there has been no request to disapply any of the Standard Conditions for SEV premises.

Proposed layout of the premises:

- 2.3 The premises has two entrances on Vere Street, one at ground level and with the other at Basement level. After a discussion with the applicant the main entrance on the ground will be used only for performers. The entrance at Basement level will be used for all patrons. This is accessed by a set of stairs from street level. A photograph of the entrances has been attached at Appendix 1 of my objection.

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- 2.4 The premises is about to go under construction so the Licensing Authority has been unable to visit the premises to do a site inspection but a virtual meeting was held to discuss the application. The Licensing Authority is hopeful to be able to visit the premises ahead of a licensing sub-committee hearing.

Proposed style of operation:

- 2.5 The premises propose to operate as a strip club with a bar from 10:00 to 05:00 Monday to Saturday and from 10:00 to 00:00 on Sunday.
- 2.6 Relevant Entertainment is only proposed to take place Monday to Sunday and all performers are required to sign a declaration as part of their code of conduct that fully understand the premises rules and regulations around performances.
- 2.7 The applicants Clarmans Clubs Ltd are experienced operators in the industry. The managers of the proposed Licence Holder are the directors of John Mckeown Clubs Ltd that have run the Sophisticats Clubs who have held a Sexual Entertainment Venue Licences since 2001.

Standard Conditions:

- 2.8 The applicant won't be disapplying any of the standard conditions.
- 2.9 The applicant has applied for premises licence (21/14651/LIPN) under Section 17 of the Licensing Act 2003 which is currently within the consultation period. This licence will be determined in conjunction with this application.
- 2.10 The premises has the benefit of another licence (09/01218/LIPV) under Section 17 of the Licensing Act 2003. However, this licence is conditioned to not allow any nudity or strip tease.
- 2.11 A new premises licence was granted in November 2021 (21/07616/LIPN) to trade as a restaurant. This licence has a condition to allow striptease or nudity when the premises are operating under the authority of a Sexual Entertainment Venue licence. The applicant has mentioned that these two licences will be surrendered subject to the grant this application and the LA03 application.

3. Summary of Licensing Service's Objection

- 3.1 The Licensing Service is making an objection to this application on the grounds that if granted it will not promote the licensing objectives of the prevention of crime and disorder, public safety, the prevention of public nuisance and the improvement in the character and function of the city, or areas of it.

4. Premises History

- 4.1 The premises are licensed under the Licensing Act 2003 and trade as Maroush Restaurant (09/01218/LIPV). The premises licence was applied for as part of a conversion in August 2005 and was granted by delegated authority in October 2005. The licence has always been held by Lucky Duggy Ltd.

- 4.2 As mentioned in 2.11 the premises has the benefit of a second licence (21/07616/LIPN) under the Licensing Act 2003. This premises licence was applied for in July 2021 and was granted by delegated authority in November 2021. This licence is held by 4VS Limited.

5. The Premises, its location and transport links

- 5.1 3 - 4 Vere Street is situated between Henrietta Place and Oxford Street.
- 5.2 The premises is situated between Bond Street and Oxford Circus Underground Stations. The closest station is Bond Street which is situated 230 feet away. Oxford Circus is situated 0.2 miles away. Bond Street operate services for the Central Line which operates Monday to Thursday from 05:46 to 00:28, Friday from 05:52 to 03:18, Saturday from 03:38 to 03:18 and Sunday from 03:38 to 23:40 and the Jubilee Line which operates Monday to Saturday from 05:25 to 00:43 and Sunday from 05:25 to 23:58.
- 5.3 The nearest bus stop to 3 - 4 Vere Street is on Oxford Street. This is serviced by bus 390, 113, 139, N113, 7, 98, N137, N207, N7, N98, 94, 159, one of which a few of them are night buses.
- 5.4 There are no other SEV licenced premises within a 250 metre radius of the premises.

6. Licensing Objectives and Relevant Licensing Policies

- 6.1 The Sexual Entertainment Venues Statement of Licensing Policy 2012 was approved by the council on the 2nd February 2012 and operative from the 10th February 2012. The policy sets out the council's approach to the regulation of sexual entertainment premises under the Local Government (Miscellaneous Provisions) Act 1982 as amended, (the 1982 Act). This policy should be read with reference to the statutory Statement of Licensing Policy published under the Licensing Act 2003 (the 2003 Act), and the relevant related strategies and initiatives referred to in it, particularly where premises are regulated under both the 1982 Act and the 2003 Act.
- 6.2 The aim of this policy is to promote the 4 licensing objectives identified in the 2003 Act, and also to promote the improvement in the character and function of the city, or areas of it.

Policy LO1 – Character of the relevant locality

- 6.3 Paragraph 2.4.2 of the Council's Statement of Licensing Policy 2012 relating to Policy LOC1 – Character of the Relevant Locality states;

'Under the 1982 Act the council has the discretion to refuse applications relating to sexual entertainment venues on the grounds that the grant or renewal of the licence would be inappropriate, having regard to the character of the relevant locality'.

- 6.4 The policy then specifies reasoning behind this policy.

'Sexual entertainment venues cater for a particular adult audience and by attracting those customers can affect the character of the locality in which they are situated'

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- 6.5 Further;

'areas predominately characterised by general or family retail use may be inappropriate localities for sexual entertainment because of their use by children, either unsupervised or in a family context, and by adults wishing to avoid the characteristics of, or associated with, sexual entertainment venues'.

- 6.6 Vere Street is made up mainly of retail shops and restaurants.

- 6.7 Another reason to be considered is;

'the nature of the clientele that sexual entertainment venues may attract, and their behaviour outside the premises, may also be inappropriate in the context of the character of the locality in which the premises are situated'

- 6.8 The premises closes at 05:00 Monday to Saturday and 00:00 on Sunday, customers will have access to Bond Street Underground Station which has the Central and Jubilee Line plus there is an all-night bus service in close proximity.

- 6.9 Consideration should also be given to;

'localities characterised as areas of historic importance, or iconic in nature, will be particularly attractive to, and used by, visitors, both adults and children'.

- 6.10 Vere Street dates from the early 1800's and 3-4 Vere Street is currently a restaurant on the ground and lower ground floor with an office building on the first to fifth floors. The main entrance to the premises is on the ground floor and another entrance to the premises is at street level which has stairs that lead down to the basement.
- 6.11 Vere Street is through road from Oxford Street to Henrietta Place and is lined with retail shops and cafes. There is also next door the Brazilian Consulate General and further up Vere Street is the London Institute for Contemporary Christianity at St Peter's Church.

Policy LO2 – Use of premises in the vicinity

- 6.12 Paragraph 2.4.16 of the Council's Statement of Licensing Policy 2012 relating to Policy LOC2 – Use of premises in the vicinity states that

'under the 1982 Act the council has the discretion to refuse applications relating to sexual entertainment venues on the grounds that the grant or renewal of the licence would be inappropriate, having regard to the use to which any premises in the vicinity are put'

- 6.13 The first reason which should be considered under this is part of the policy is that;

'the council considers that sexual entertainment venues, providing a particular type of entertainment for a particular adult clientele, may be inappropriate in the vicinity of other premises depending on their use. This may include premises in the vicinity used for religious worship, by children and families, or vulnerable adults'.

- 6.14 There is one faith group within 250 metre of the premises, the London Institute for Contemporary Christianity at St Peter's Church, Vere Street. The London Institute for Contemporary Christianity offers training days, learning hubs, courses for people at different stages of their working lives and resources for personal and small group use. The premises is open Mondays to Friday 09:00 to 17:00.
- 6.15 The Brazilian Consulate General is situated next door to the premises. The premises is open from Monday to Friday 09:00 to 15:00.
- 6.16 Consideration should also be given with regard to;
'premises where children under the age of 18 in particular may reasonably be expected to attend will include schools and youth clubs and family community facilities including swimming pools, libraries, and open spaces'
- 6.17 There are no schools within a 250-metre radius of the premises.

Policy HR1 – Hours

- 6.18 The hours applied for Relevant Entertainment reflect the terminal hours being applied for under 21/14651/LIPN. The premises has no characteristics on the exterior of, or associated with, sexual entertainment venues.
- 6.19 The premises has operated as a restaurant under two licence numbers 09/01218/LIPV and 21/07616/LIPN which both operated shorter hours than the proposed application. This application requests hours beyond core hours in Policy HR1. Paragraph 2.5.1 states 'Where a premises is licensed under the 2003 Act for hours beyond the 'core hours' the council will have regard to those hours and generally grant a SEV licence to the hours authorised for other licensable activities.

7. Licensing Authority Position

- 7.1 Taking into account the points raised in paragraphs above the Licensing Authority maintain their objection to this application.

Appendices

Appendix 1 – Photograph of the front of 3-4 Vere Street, London