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## **1. THE APPLICATION**

On the 19 March 2021, Secrets Hammersmith Ltd (“the applicant”) submitted an application under the Local Government (Miscellaneous Provisions) Act 1982 for the renewal of the sexual entertainment venue licence in respect of the premises known as Secrets, 62 Glenthorne Road, London, W6 0LR.

### **1.1 Current Hours of Operation**

The premises currently benefit from a sexual entertainment venue licence. The current licence permits the following:

#### **Sexual Entertainment**

Monday to Saturday	18:00 - 04:00
Sunday	18:00 - 00:00

A copy of the current sexual entertainment venue licence and plan can be seen on pages 40-45 of this report.

### **1.2 Application Requested**

The applicant has applied for the renewal of the sexual entertainment venue licence from 1st April 2021 to 1st April 2022. The applicant has not proposed any changes to their operational schedule or their current hours.

A copy of the application can be seen on pages 8-39 of this report.

## **2. BACKGROUND**

The premises currently operate as a sexual entertainment venue. A copy of the current licence and plan can be seen on pages 40-45.

The main access to the premise’s unit is located on Glenthorne Road. The premises are located in close proximity to two local schools – The Godolphin and Latymer School and West London Free School. The area surrounding the premises is largely residential. A map showing the location of the premises and neighbouring licensed premises can be seen on pages 46-47 of this report.

There are several options for transport away from the area including buses and taxis which run from in and around the Glenthorne Road area. Hammersmith tube station is a 6-minute walk away and Ravenscourt Park tube station is a 5-minute walk away.

## **3. CONSULTATION**

A public notice was displayed at the premises for 21 days. The application was advertised in a local circular and all statutory consultees were notified as required by

the Regulations. The Council has served written notice of hearing upon the applicant and all those parties that have made representations in respect of the application.

### **3.1. Relevant Representations**

The licensing section received one representation from Cllr Murphy objecting to the renewal application. A copy of this representation can be seen on page 48 of this report.

The licensing section received one representation from Cllr Quigley objecting to the renewal application. A copy of this representation can be seen on page 49 of this report.

The licensing section received one representation from Public Health objecting to the renewal application. A copy of this representation can be seen on page 50 of this report.

The licensing section received one representation from Safeguarding, Review and Quality Assurance objecting to the renewal application. A copy of this representation can be seen on page 51 of this report.

The licensing section received one representation from a local resident objecting to the renewal application. A copy of this representation can be seen on page 52 of this report.

The licensing section received one representation from Godolphin and Latymer School objecting to the renewal application. However, the objection was withdrawn on 06 May 2021 following confirmation received by the applicant to amend the sexual entertainment venue licence application. A copy of this amendment and relevant correspondence can be seen on pages 55-59 of this report.

## **4. OTHER INFORMATION**

### **4.1 Enforcement History**

There is no enforcement history for this premises in the last three years, however, the licensing service were made aware of a sexual assault allegation (made by a dancer) alleged to have occurred at the venue in October 2019.

This incident was investigated by the Council's licensing service and the Police licensing team - no further action was taken. As a result of this investigation the management at the premises did agree to implement a number of conditions suggested by the licensing service to assist with the retrieval of CCTV in future. These conditions have been accepted by the licence holder and are included on their current licence.

## **5. POLICY CONSIDERATIONS**

**5.1** Section 6 of the Council's Sex Establishment Policy gives particular guidance in relation to the relevant locality and number of sex establishments in a particular area.

**5.2** Section 6.3 advises that the Council has determined that it is appropriate to consider each area type as a relevant locality and has considered, in respect of each area, the number of sex establishments that it believes to be an appropriate number for that area. Annex 1 of the Policy, which is included in this report at page 82, shows that 1 SEV is permitted in the area which this premises currently occupies.

**5.3** Section 6.5 page 4 of the Sex Establishment Policy states that in addition to the number of sex establishments within the borough the Council has decided that it would be inappropriate to issue a sex establishment licence within the —relevant locality of the following:

- Purely or primarily residential accommodation;
- Schools, play areas, nurseries, youth clubs, children's centres or similar places;
- Access routes to and from schools, play areas, nurseries, children's centres or similar premises;
- Places of worship;
- Community facilities or public buildings including, but not limited to, swimming pools, leisure centres, public parks, youth centres/clubs and sheltered housing;
- Historic buildings or tourist attractions.

**5.4** Section 6.6 page 5 of the Sex Establishment Policy states that the following factors should be considered when deciding if an application is appropriate:

- Cumulative adverse impact of existing sex related licensed activities in the vicinity of the proposed premises;
- Proximity to areas with the highest levels of recorded crime;
- Whether the premises has met the relevant planning requirements;
- Whether the applicant is fit and proper to hold the licence. This may include considering the operation of existing or previous licences held by the applicant and/or any reports received about the applicant from the police or other sources.

**5.5** Section 7.1 page 5 of the Sex Establishment Policy states that where an application is made to renew a licence for the same activity, hours of operation and conditions as previously licensed, there will be a presumption to grant the renewal application. However, the Council will take into account:

- Levels of recorded crime and disorder in the area;
- Evidence of past demonstrable impacts from the operation of the premises on the safety and amenity of local residents;
- Whether appropriate measures have been agreed and put into effect by the applicant to mitigate any adverse impacts;
- The number of complaints received by the Council and previous compliance with the terms and conditions of their licence during licensing inspections;
- Checks with other responsible authorities such as the Police and Environmental Protection to try and understand how effectively the premises had been managed in the past.

## **6. STATUTORY REASONS FOR REFUSAL**

**6.1** The Council may refuse an application for renewal on one or more of the following grounds:

(a) that the applicant is unsuitable to hold the licence by reason of having been convicted of an offence or for any other reason;

(b) that if the licence were to be granted, renewed or transferred the business to which it relates would be managed by or carried on for the benefit of a person, other than the applicant, who would be refused the grant, renewal or transfer of such a licence if he made the application himself;

(c) that the number of sex establishments in the relevant locality at the time the application is made is equal to or exceeds the number which the authority consider is appropriate for that locality;

(d) that the grant or renewal of the licence would be inappropriate, having regard—

(i) to the character of the relevant locality; or

(ii) to the use to which any premises in the vicinity are put; or

(iii) to the layout, character or condition of the premises, vehicle, vessel or stall in respect of which the application is made.

(4) Nil may be an appropriate number for the purposes of sub-paragraph (3)(c) above.

(5) In this paragraph —the relevant locality means—

(a) in relation to premises, the locality where they are situated; and

(b) in relation to a vehicle, vessel or stall, any locality where it is desired to use it as a sex establishment.

## **7. OPTIONS**

**7.1** Section 23.2 page 19 of the Sex Establishment Policy states that the Sub-Committee may decide to grant the application, in whole or in part, to refuse the application, or to revoke the Licence and if granting a licence, may attach any conditions they consider appropriate.

**7.2** If the Committee is minded to grant the licence it can be granted for any period up to 12 months from the expiry of the existing licence.

## **8. NOTIFICATION OF DECISION**

**8.1** Section 24.1 page 20 of the Sex Establishment Policy states that all Licensing Sub-Committee decisions will be communicated in writing to the parties as soon as possible after the hearing.

**8.2** Section 24.2 page 20 of the Sex Establishment Policy states that if the licence is granted, the applicant will also receive a copy of the standard conditions relating to sex establishments (Annex 2) with their licence. These conditions apply to all issued licences.