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## **APPENDICES**

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## **THE APPLICATION:**

On 14 March 2025, Secrets Hammersmith Ltd (“the current Licence Holder and Applicant”) submitted an Application under the Local Government (Miscellaneous Provisions) Act 1982 for the renewal of the Sexual Entertainment Venue (SEV) Licence in respect of the premises known as Secrets, 62 Glenthorne Road, London, W6 0LR (“the Premises”).

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

The premises currently benefits from a SEV Licence, which permits the following activity:

#### Sexual Entertainment:

|                   |               |
|-------------------|---------------|
| Monday to Friday: | 21:00 – 04:00 |
| Saturday:         | 18:00 – 04:00 |
| Sunday:           | 18:00 – 00:00 |

A copy of the current Premises Licence and Plan can be seen on pages 8-14 of this report.

### **1.2 Application Requested:**

The applicant originally applied for the renewal of the SEV Licence from 1 April 2025 to 31 March 2026. However, the Authority’s need to postpone the Sub-Committee Hearing for this item has meant the Premises has been operating beyond its current licence term of 31 March 2025 to the present date. Should the Sub-Committee decide to grant a renewal of the Premises Licence, they would need to state, in their verbal and written Notice of Decision, what date period this would be for.

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 15-47 of this report.

## **2. BACKGROUND:**

The premises currently operate as an SEV and, as mentioned, a copy of their Current Premises Licence and Plan can be seen on pages 8-14 of this report.

The main access to the Premises’ unit is located on Glenthorne Road. It is within 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 can be seen on page 45 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 Underground and Station is a 6-minute walk away and Ravenscourt Park Underground 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. Relevant Representations:**

The Licensing Section originally received 33 Representations in respect of the Application (4 Representations were received, but deemed invalid), as follows:

- 32 residential objections.
- 1 Responsible Authority objection (from Adrian Overton – Licensing).

The Authority was asked by the Applicant to cascade a further message to the Representors in this case, which can be found at page 49 of this report. We have subsequently received confirmation from 2 of the original objectors that they wished to withdraw their representation. Therefore, the 31 outstanding representations are shown on pages 50-98.

Members will note that four of the Representors have referred to a video of a recent incident outside the premises. One of them, shown on page 97, has been able to confirm that this incident, or at least one of the incidents, occurred at around 1.22am on 6 November 2024. This video will be sent to both the Applicant and the Sub-Committee for consideration in advance of the Sub-Committee Hearing.

In addition, Adrian Overton has advised that he will, in his capacity as the Licensing Responsibility, send further information in connection with his Representation, in advance of the Sub-Committee Hearing.

### **4. OTHER INFORMATION:**

#### **4.1 Enforcement History:**

There has been no enforcement history registered against this premises in the last three years, however, there has been several complaints noted. None have been followed up with any formal enforcement action.

### **5. POLICY CONSIDERATIONS:**

- a. Section 6 of the Council's Sex Establishment Policy, which can be found at pages Pages 4-5, gives particular guidance in relation to the relevant locality and number of sex establishments in a particular area.
- b. Section 6.3, page 4, of the Policy 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 page 21 of the Policy, shows that 1 SEV is permitted in the area which this premises currently occupies.
- c. Section 6.5, page 4, of the 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 an SEV licence within the — relevant locality of the following:
  - i. Purely or primarily residential accommodation;
  - ii. Schools, play areas, nurseries, youth clubs, children's centres or similar places;

- iii. Access routes to and from schools, play areas, nurseries, children's centres or similar premises;
  - iv. Places of worship;
  - v. Community facilities or public buildings including, but not limited to, swimming pools, leisure centres, public parks, youth centres/clubs and sheltered housing;
  - vi. Historic buildings or tourist attractions.
- d. Section 6.6 page 5 of the Policy states that the following factors should be considered when deciding if an application is appropriate:
- i. Cumulative adverse impact of existing sex related licensed activities in the vicinity of the proposed premises;
  - ii. Proximity to areas with the highest levels of recorded crime;
  - iii. Whether the premises has met the relevant planning requirements;
  - iv. 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.
- e. Section 7.1, page 5, of the 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:
- i. Levels of recorded crime and disorder in the area;
  - ii. Evidence of past demonstrable impacts from the operation of the premises on the safety and amenity of local residents;
  - iii. Whether appropriate measures have been agreed and put into effect by the applicant to mitigate any adverse impacts;
  - iv. The number of complaints received by the Council and previous compliance with the terms and conditions of their licence during licensing inspections;
  - v. 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:**

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

above.

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:**

- a) Section 23.2, page 19, of the 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.
- b) 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**

- a) Section 24.1, page 20, of the Policy states that all Licensing Sub-Committee Decisions will be communicated in writing to the parties as soon as possible after the hearing.
- b) Section 24.2 page 20, of the 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.