



**CITY OF WESTMINSTER**

# MINUTES

## **Licensing Sub-Committee (5)**

### **MINUTES OF PROCEEDINGS**

Minutes of a meeting of the **Licensing Sub-Committee (5)** held on **Thursday 26th July, 2018**, Room 3.1, 3rd Floor, 5 Strand, London, WC2 5HR.

**Members Present:** Councillors Murad Gassanly, Shamim Talukder and Louise Hyams

**Also Present:** Councillors

**Apologies for Absence:**

**1 MEMBERSHIP**

**2 DECLARATIONS OF INTEREST**

**1 7 DURWESTON STREET, LONDON, W1H 1EP**

### **LICENSING SUB-COMMITTEE No. 5**

*Thursday 26<sup>th</sup> July 2018*

**Membership:** Councillor Murad Gassanly (Chairman), Councillor Shamim Talukder and Councillor Louise Hyams

**Legal Adviser:** Horatio Chance

**Committee Officer:** Kisi Smith-Charlemagne

**Presenting Officer:** Shannon Pring

**Relevant Representations:** Environmental Health and 1 Local resident.

**Present:** Ms Lana Tricker Solicitors (representing the Applicant, Katlist Limited), Mr Heoman Janshidi (Applicant), Fredrick Holt (DPS Applicant) Mr Ian Watson (Environmental Health), Richard Brown (CAB Project Officer, representing Local residents) Juliet Mackay, Patrick O'Sullivan (Local residents)

**Katlist, 7 Durweston Street, London, W1H 1EP (Bryanston & Dorset Ward)  
("The Premises") 18/05602/LIPN**

**1. Sale by retail of Alcohol (On sales, Off sales or both): Off Sales**

Monday to Friday: 08:00 to 19:00  
Saturday to Sunday: 10:00 to 18:00

**Seasonal variations/Non-Standard Timings:**

None

Amendments to application advised at hearing:

None

Decision (including reasons if different from those set out in report):

The Sub-Committee considered an application by Katlist Limited, for a new premises licence in respect of Katlist, 7 Durweston Street, London, W1H 1EP ("The Premises"). The Presiding Officer provided an outline of the application to the Sub-Committee and confirmed that the Police had withdrawn its objections after agreeing conditions with the Applicant.

Ms Lana Tricker advised the Sub-Committee that it had before them an application for a new premises licence, the Premises currently operates as a marketing company and had done so for four years. Ms Tricker advised that her client sought to operate an online business personalising bottles of alcohol. It was stated that no alcohol would be sold or consumed on the Premises, all alcohol would be collected and distributed elsewhere. Ms Tricker explained that the Applicant sought sale by retail of alcohol Monday-Friday from 08:00 to 19:00 and Saturday to Sunday 10:00 to 18:00. Requested hours open to the public were Monday-Friday from 08:00 to 19:00 and Saturday to Sunday 10:00 to 18:00.

Ms Tricker advised the Sub-Committee that the Premises was located in a residential area and that the Applicant operates an office, and invited the Sub-Committee to view the office plans provided with the application. Ms Tricker confirmed that the Applicant owned another two of the three garages on the mews, which is currently used for storage and the location of the label printing machine. Ms Tricker advised that the landlord for the properties, lived directly opposite the Applicant and had not indicated any problems. Ms Tricker then went on to explain that the Applicant's office had just been licenced for its internet business and where the sale of the alcohol will take place online. Ms Tricker also advised that this was where most of the residents' complaints originated from.

Ms Tricker advised the Sub-Committee that a City Council Planning Inspector had visited the Premises recently relating to an alleged breach of planning control. The City inspector confirmed that there was no such breach in a letter dated 11 July, copies of which had already been circulated to the Sub-

Committee. Ms Tricker informed the Sub-Committee that the Applicant had the exclusive UK agency rights for Cirock French Vodka and all the marketing for Cirock need to go directly through the Applicant.

Ms Tricker advised that this was a small part of the Applicant's overall business, there would be no on-sales, no members of the public coming to the Premises, no increase to parking, no advertising outside, no additional staff and no consumption of alcohol on the Premises; the operation to all intent and purposes will not be changing. Ms Tricker informed the Sub-Committee that residents had complained about anti-social behaviour and confirmed that the Premises has onsite toilets, so no urinating in the streets had been caused by the Applicant as may have been suggested. It was stated that Environmental Health had visited the Premises and could inform the Sub-Committee of its findings.

Ms Tricker explained that the application is to allow customers to purchase alcohol online which are then personalised onsite by the Applicant using a special machine and sold at premium prices. The Bottles are then collected and taken to a distribution centre where they are packaged for delivery to the customers who have purchased the items. Ms Tricker provided the Sub-Committee with more details regarding the nature of the Applicants operation, advising that the bottles ranged in size, with 70cl being the most popular, the labels were printed using a laser machine located in the garage opposite. The laser machine was quiet and had been upgraded recently and produces 3 labels per hour. An Environmental Health Officer had inspected the machine during its last visit. The machine is in operation and had printed non-alcoholic bottles for events such as the tennis at Wimbledon.

Ms Tricker explained that once the bottles are produced, they are wrapped in a soft bag and a packaging company collect the bottles once on a daily basis Collection hours had been agreed with Environmental Health (08:00 -19:00 Monday to Friday and 10:00-16:00 Saturday and Sunday). Ms Tricker advised the Sub-Committee that after reviewing the resident's representations and discussing an amicable way forward with the Applicant, they were happy to remove the weekend collections and reduce the hours (09:00-17:00 Monday to Friday); collections were currently taking place, therefore there would be no additional noise generated that would potentially give rise to nuisance. Ms Tricker summarised by explaining that the Premises was not located in the Cumulative Impact Area ("CIA"), that proposed hours were well within core hours and the Sub-Committee should consider what the likely impact would be, if it were minded to grant the application.

The Sub-Committee sought further clarification regarding the hours of operation, laser machine operation and bottle collection times. Ms Tricker confirmed that the proposed reduced hours only applied to bottle collection, the office operations will continue operating to the hours proposed in the application. The Applicant Mr Heoman Janshidi, confirmed that the laser would still operate at the weekends and that they would be maintaining the proposed operating hours.

The Sub-Committee heard from the Environmental Health Officer Ian Watson, who maintained its objections raising concerns regarding hours for the collection and deliveries of bottles and impact on residents as this was a residential area.

Mr Watson confirmed that he visited the premises on the 20 June last and discussed the application and how the business intended to operate. Mr Watson explained that the printer was in the garage showing the Sub-Committee on the street map, Mr Watson confirmed that inside the garage there were three printers and at the time of his visit, printing was in progress. Mr Watson confirmed that the printer was quiet but it was not silent and for any residents who experience noise either from the printer or radio; and if there is nuisance, residents can take the appropriate action. Mr Watson stated to the Sub-Committee that he was happy with the reduced hours for bottle collection, as the road leading into the Premises was small and would therefore suggest a small van is used on the grounds of public safety. The Sub-Committee sought clarification on complaints prior to the application being submitted, Mr Watson confirmed that there were noise complaints regarding the garage, but not directly relating to the printing.

The Sub-Committee then heard from Mr Richard Brown CAB project officer, who advised the Sub-Committee that he was representing a number of residents. Mr Brown explained that there had been some confusion relating to the location and nature of the operation, due to the printer being located in a different building from the main office. Mr Brown explained that the concerns emanated from the fact that this was a quiet area, with small streets and tight corners. Local residents had also submitted representations and concerns were raised in regards to the noise generated by equipment and music that is sometimes played loudly.

Mr Brown advised the Sub-Committee that it was the logistics that were the main concern and did not feel this was an appropriate location to operate a business, as deliveries would cause noise, pollution and endanger safety. Ideally the resident's did not want the licence granted, but had considered areas that may help reduce the impact if the Sub-Committee were minded to grant the application. Mr Brown advised that the reduced bottle collection times were welcomed; however requested fewer collections and that collection were done in an efficient and responsible way that would give confidence to local residents.

Mr Brown described the roads as being very narrow, cars mount the pavement to access the mews which is a safety concerns, additional deliveries would add to the current problem. Mr Brown raised concerns regarding the conditions, making reference to condition 6 and the work 'warehouse'. Mrs Tricker responded by and confirmed that the Applicant would be happy to delete the word warehouse. Mr Brown referred to condition 16 no advertising, however when residents walk past the Premises there was a bottle of Vodka in the office window. Mr Brown also referred to condition 12 regarding notices for delivery drivers, Mr Brown felt that more was required than just notices, he was unsure what but felt that the Applicant would need to do more to ensure the process runs smoothly. Ultimately these were matters for the Sub-Committee to consider when addressing the issue of conditions.

Mr Brown asked the Sub-Committee to consider the Applicants trading hours, advising that it is an office and should be confined to office trading hours. Mr Brown highlighted that the hours advertised on the Applicant's website state 10:00 hours to 17:30 hours. Mr Brown queried the operational processes

seeking clarity on how soon labels were produced once orders were received. Mr Brown felt that whilst the personalising of labels is not a licensable activity per se, but was closely linked, conditions could be imposed on that specific activity.

Ms Juliet Mackay local resident, addressed the Sub-Committee. Ms Mackay explained that she had concerns regarding noise, pollution and Veolia access from Crawford Street to collect bins from Marylebone apartments. Ms Mackay advised the Sub-Committee that this was a residential area and all feel strongly that this is not a place for alcohol sales. Ms Mackay felt that this may also be a security risk if people found out, as it is a very quiet and secluded part of the mews. Ms Mackay confirmed that the pavement measurements on East York street was 19 inches, West York Street was 33 inches, Crawford Street East was 34 inches and Crawford Street West was 38 inches; very narrow streets. Ms Mackay was also concerned with the upcoming two way road system causing more traffic in this area. The Sub-Committee noted these specific measurements when considering the issues raised in relation to public safety.

Ms Julia Alexander local resident, then addressed the Sub-Committee (28.32) using the online maps to demonstrate the narrow streets and access in the immediate vicinity of the Applicant's premises (Crawford Street and York Street). Ms Alexander highlighted the residential premises above the Applicant's garage, explaining that the elderly resident who lives there had made complaints about the garage doors being open at night with music playing loudly, giving rise to nuisance.

Mr Patrick O'Sullivan, representing local residents addressed the Sub-Committee highlighting many of the Mews' in central London, advising that they were tranquil places to live. Mr O'Sullivan advised that because of the lower structure of the Mews, noise tends to be distributed strangely and disturbances can be picked up in surprising places; noise and vibration is readily transferred. Mr O'Sullivan explained that they do have offices in the Mews who work to normal office hours and disturbance is minimal. However, Mr O'Sullivan advised that laser machines etching labels on to glass was different, Mr O'Sullivan was unsure of when the latest upgrades were carried out and maintained that the machines were not silent before upgrade and can now be felt in the properties above.

Mr O'Sullivan then address the late hours (23:00) that the machine had been operating. Mr O'Sullivan advised that if the machine produced 3 bottles an hour the machine would be in constant use, making reference to the amenities of the area, B1 and B8 planning usage. Mr O'Sullivan was unsure if the Applicant's business was suitable for the area or if the Applicant was responsible enough to deal with the issues that will occur running this type of business in the Mews. Mr O'Sullivan advised that if the Sub-Committee is minded to grant the licence that they consider conditions to reduce potential nuisances, such as; a reduction on office hours and use of the laser machine, no weekend activity, doors kept shut and no music.

The Sub-Committee sought further clarification on the number of collections per day, including all other collections from the business. Mr Janshidi advised the

	<p>Sub-Committee that there were pick up's and couriers all day, mainly during the day, but some happened late at night. Mr Janshidi explained that he had been running the businesses for four years and during this time had not experienced any problems. Mr Janshidi advised that he is trying to be a helpful neighbour, he had just taken more space in the Mews, however if that part of the businesses grew it would need to move to a new location. Mr Janshidi explained that these are marketing ideas that they are paid to test and are not the business main source of income. Mr Janshidi explained that it is more complicated as this particular product in online alcohol and needs a licence to hold the alcohol to produce label before it can be moved onward for distribution.</p> <p>Addressing some of the concerns raised by residents, Mr Janshidi confirmed that he tried to keep noise to a minimum and the area of the Mews where his Premises are located are cleaned regularly, by himself at times. Mr Janshidi advised that he has the bins cleaned and he does his bit, he speaks with his neighbours and everything seems to be fine, no one has complained. Mr Janshidi advised that he did not want to infringe on any of his neighbours lives, but sometimes the nature of the business dictates them having to work late. Mr Janshidi advised if anyone has any issues that they are welcomed to come and speak with him as he is very approachable. Ms Tricker advised that letters had been sent out to local residents and there is a condition proposed where a telephone number would be made available for local residents, as a means of contacting the Applicant if needed.</p> <p>The Sub-Committee sought clarification from the Applicant regarding limiting hours and the necessity for members of the public visiting the Premises, as this is an online business. The Sub-Committee also asked the Applicant if a model condition MC12 regarding noise would be acceptable to the Applicant. The Applicant said that he was prepared to accept the condition if the Sub-Committee were minded to grant the application and also proposed that the garage doors will be kept closed after office hours so as to prevent noise breakout resulting in nuisance. The Sub-Committee carefully reviewed all the information presented from all parties and decided to grant the licence with conditions to reduce the impact on residents. The Sub-Committee felt that the nature of the application and the nature of the business reduces the impact of customers visiting the premises and causing nuisance. The Sub-Committee based on the assurances given by the Applicant during the hearing took the view that the Premises would be run in a professional manner that would not undermine the licensing objectives. The Sub-Committee was reassured that the Applicant had taken steps to engage positively and work with residents very early on in the application process. The Sub-Committee was pleased to note that the Applicant had agreed suitable conditions with the Responsible Authorities that would help promote the public nuisance, public safety and prevention of children from harm licensing objectives. The Sub-Committee reminded residents that if there is noise or nuisance caused, under condition 20 they can lodge a complaint with Environmental health accordingly.</p>
	<p>Decision (including reasons if different from those set out in report):</p> <p>The Sub-Committee granted this application (see reasons for decision in Section 1).</p>

2.	<p><b>Hours premises are open to the public (Withdrawn)</b></p> <p>Monday to Thursday: 08:00 to 00:00  Friday to Saturday: 08:00 to 00:30  Sunday: 08:00 to 23:00</p> <p><b>Seasonal variations/Non-Standard Timings:</b></p> <p>From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.</p> <p>On Sundays prior to bank holiday's/public holidays 12:00 to 00:30</p>
	<p>Amendments to application advised at hearing:</p> <p>It was agreed by the applicant during the hearing that due to the nature of the business, it was unnecessary for the premises to be open to the public. Therefore the applicant has withdrawn Hours premises are open to the public.</p>
	<p>Decision (including reasons if different from those set out in report):</p> <p>The Sub-Committee granted this application (see reasons for decision in Section 1).</p>

<b>Conditions attached to the Licence</b>	
<b>Mandatory Conditions</b>	
1.	No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.
2.	No supply of alcohol may be made at a time when the designated premises supervisor does not hold a personal licence or the personal licence is suspended.
3.	Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.
4.	<p>(1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.</p> <p>(2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.</p> <p>(3) The policy must require individuals who appear to the responsible</p>

person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—

- (a) a holographic mark, or
- (b) an ultraviolet feature.

5. (i) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

(ii) For the purposes of the condition set out in paragraph 5(i) above -

- (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
- (b) "permitted price" is the price found by applying the formula -

$$P = D + (D \times V)$$

Where -

- (i) P is the permitted price,
- (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
- (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -

- (i) the holder of the premises licence,
- (ii) the designated premises supervisor (if any) in respect of such a licence, or
- (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

(iii). Where the permitted price given by Paragraph 5(ii)(b) above would (apart from this paragraph) not be a whole number of pennies, the



price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

- (iv). (1) Sub-paragraph 5(iv)(2) below applies where the permitted price given by Paragraph 5(ii)(b) above on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

### **Additional Conditions**

6. All sales of alcohol, for consumption off the premises, shall be ancillary to the use of the business as an office.
7. All sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises.
8. Before the order is accepted, a declaration will be required from the person placing the order to confirm that they are over 18 years of age.
9. Delivery companies shall require ID verification when orders are delivered. A Challenge 25 proof of age scheme shall be operated where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
10. 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 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 entire 31 day period.
11. 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.
12. Notices shall be prominently displayed at all exits requesting delivery drivers to respect the needs of local residents and businesses and leave the area quietly.
13. An incident log shall be kept at the premises, and made available on request

to an authorised officer of the City Council or the Police. It must be completed within 24 hours of the incident and will record the following:

- (a) all crimes reported to the venue
- (b) all ejections of patrons
- (c) any complaints received concerning crime and disorder
- (d) any incidents of disorder
- (e) all seizures of drugs or offensive weapons
- (f) any faults in the CCTV system, searching equipment or scanning equipment
- (g) any refusal of the sale of alcohol
- (h) any visit by a relevant authority or emergency service.

- 14. The means of escape provided for the premises shall be maintained unobstructed, free of trip hazards, be immediately available and clearly identified in accordance with the plans provided.
- 15. All emergency exit doors shall be available at all material times without the use of a key code, card or similar means.
- 16. There shall be no advertising of the 'Off' sales of alcohol immediately outside the premises.
- 17. There shall be no direct sales of alcohol to the public on the premises.
- 18. Collections and deliveries of alcohol is permitted once per day between 09.00 hours and 17.00 hours Monday to Friday.
- 19. A direct telephone number including a mobile number for the designated premises supervisor shall be publicly available at all times the premises is open. This telephone number is to be made available to residents in the vicinity.
- 20. No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.

## **2 GROUND FLOOR, CHARING CROSS ROAD, LONDON, WC2H 0DT**

### **LICENSING SUB-COMMITTEE No. 5**

*Thursday 26<sup>th</sup> July 2018*

Membership: Councillor Murad Gassanly (Chairman), Councillor Shamim Talukder and Councillor Louise Hyams

Legal Adviser: Horatio Chance  
Committee Officer: Kisi Smith-Charlemagne  
Presenting Officers: Shannon Pring

Relevant Representations: Environmental Health, Licensing Authority, Metropolitan Police, Covent Garden Community Association and the Soho Society

Present: Mr Maurice St Aubyn, Solicitors (Agent, representing the Applicant, GSM Catering Limited), Ms Sally Fabbriatore (Environmental Health), Caroline Cockshull (Metropolitan Police), Richard Brown (CAB Project Officer, representing local residents) Jane Doyle, (Local residents), David Kaner (The Soho Society)

<b>Ground Floor 101 Charing Cross, London, WC2H 0DT (West End Ward/ West End Cumulative Impact Area) ("The Premises") 18/06063/LIPN</b>	
<b>1.</b>	<p><b>Late Night Refreshment (Indoors, outdoors or both):</b> Both</p> <p>Monday to Sunday: 23:00 to 05:00</p> <p><b>Seasonal variations/Non-Standard Timings:</b></p> <p>None</p>
	<p>Amendments to application advised at hearing:</p> <p>None</p>
	<p>Decision (including reasons if different from those set out in report):</p> <p>The Sub-Committee considered an application by GSM Catering Limited, for a new premises licence in respect of Ground Floor 101 Charing Cross, London, WC2H 0DT. The Presenting Officer provided an outline of the application to the Sub-Committee, the Applicant did not attend the hearing and this was noted by the Sub-Committee. Mr Maurice St Aubyn the Agent for the Applicant advised the Sub-Committee that it had before them a new licence and the Applicant sought to provide late night refreshment, Monday to Sunday 07:00 to 05:00. Mr St Aubyn advised that the Premises currently operates as sit in and take away Café, supplying hot food (fish and chips, kebabs and pizza) and drinks until 23:00 hours.</p> <p>Mr Aubyn advised that this was a family fun restaurant that had been open nearly 30 years serving the local community, the Premises is situated in the West End CIA ("CIA") and is frequented by party goers. Mr Aubyn advised that when the licence was granted in 1954 it was relevant to the area, however today they are requesting that they are allowed to continue selling hot meals after 23:00 hours to 05:00 hours. Mr Aubyn also advised the Sub-Committee that the Premises does have an alcohol licence, but it had not been used and his client does not intend to use it; and all conditions proposed by the Police had been accepted. The Sub-Committee were also advised that the Premises is currently undergoing refurbishment works.</p>

Ms Caroline Cockshull, representing the Metropolitan Police (MP) advised the Sub-Committee that the MP would be maintaining its representation on policy grounds given that the Premises is located in the CIA.

The Sub-Committee heard from Ms Sally Fabbricatore, representing Environmental Health (EH), whom also maintained its representation due to the Premises being located in the CIA. Ms Fabbricatore confirmed that she had made a site visit to the Premises where she found the capacity quite small with approximately 50 covers. The Sub-Committee was informed, there is no customer WC, however the Premises has operated in this manner for the past 30 years, and that there is access if necessary, so it was felt that this was not a major concern. Ms Fabbricatore advised that a licence history had been circulated, there was no other noise complaints to add to that list, just the unauthorised licensable activities. Ms Fabbricatore also advised the Sub-Committee that new conditions had been proposed regarding noise nuisance and accepted by the Applicant, her only remaining concern was regarding dispersal of customers at 05:00 hours and what measures the Applicant was to put in place to overcome potential difficulties with dispersal that would promote the public nuisance licensing objective.

Ms Daisy Gadd, representing the Licensing Authority also maintained its representation based on policy FFP2 which is the WCC fast food policy. Ms Gadd advised that the policy highlights the attraction and retention of persons within the CIA and how that might affect the dispersal within that area, as being a major concern. Ms Gadd felt that in order for the Sub-Committee to grant the licence, "genuine exception" must be shown by the Applicant.

Mr David Kaner, representing the Covent Garden Community Association addressed the Sub-Committee, firstly responding to the Applicant's representative Mr Aubyn, advising that the Premises is on the outskirts of the City Council's CIA for the West End and on the other side of the road is the Camden CIA. Mr Kaner then went on to raise concerns regarding the Premises operating without a licence and the licence that was refused in 2006. Mr Mark Quinn, local resident who lives opposite the Premises, explained to the Sub-Committee that six months ago t he was woken up by noise from customers and music emanating from the Premises. Mr Quinn explained that club goers visit the Café after the clubs finish. Mr Kaner also raised policy concerns relating attracting and retaining customers in the CIA which will cause nuisance and harm the licensing objectives.

Mr Richard Brown CAB project Officer, representing local residents addressed the Sub-Committee advising that this was a busy area of Charing Cross Road. The nature and type of this Premises late at night attracts people who have been drinking and referenced Club Salsa and other clubs within the immediate vicinity. Mr Brown advised that the policy refers to attracting people who may cause nuisance, this might not been the fault of the Premises, nevertheless that is what tends to happen. Mr Brown felt that it could not go unremarked that there have been ten incidences reported by EH and the MP, where the Premises was found selling hot food after 23:00 hours, late reported on the 21<sup>st</sup> June 2018.

Ms Jane Doyle, from the Soho Society addressed the Sub-Committee raising

	<p>concerns regarding the number of drug related incidents in the area. Ms Doyle also raised concerns regarding the late hours contrary to policy within the CIA, the potential to attract crime and disorder and the serving of hot food after 23:00 would in her opinion only bring further public nuisance and crime and disorder in the area.</p> <p>The Sub-Committee sought further clarification on the reported EH and MP incidences. Ms Cockshull and Ms Fabbricatore provided the Sub-Committee with the details of the incidences which were circulated as part of the application pack. Mr Aubyn addressed the Sub-Committee advising that none of these complaints had been reported. The Sub-Committee confirmed that these were reported and were not isolated incidences. In responding to Mr Aubyn, the Sub-Committee advised that in order to grant a licence it must be satisfied that the licensee will uphold the promotion of the licensing objectives.</p> <p>The Sub-Committee carefully considered all the evidence and decided not to grant the licence as no exception to the policy presumption was proven. The Sub-Committee felt that the existing breaches and late operating hours would add to the CIA by failing to promote the licensing objectives. The Sub-Committee was also disappointed that the Applicant did not attend the hearing personally to ask questions of the Sub-Committee given the problems identified by the Responsible Authorities and local residents.</p>
	<p>Decision (including reasons if different from those set out in report):</p> <p>The Sub-Committee did not grant this application (see reasons for decision in Section 1).</p>
<p><b>2.</b></p>	<p><b>Hours premises are open to the public</b></p> <p>Monday to Sunday: 07:00 to 05:00</p> <p><b>Seasonal variations/Non-Standard Timings:</b></p> <p>None</p>
	<p>Amendments to application advised at hearing:</p> <p>None</p>
	<p>Decision (including reasons if different from those set out in report):</p> <p>The Sub-Committee did not grant this application (see reasons for decision in Section 1).</p>

**3 APOLLO VICTORIA THEATRE, 17 WILTON ROAD, LONDON, SW1V 1LG**  
**GRANTED UNDER DELEGATED AUTHORITY**

The Meeting ended at 12.00 pm

**CHAIRMAN:** \_\_\_\_\_

**DATE** \_\_\_\_\_