



City of Westminster

# Licensing Committee

<b>Item No:</b>	
<b>Date:</b>	5 July 2017
<b>Classification:</b>	For General Release
<b>Title of Report:</b>	Licensing Appeals
<b>Report of:</b>	Director of Law
<b>Wards involved:</b>	Not applicable
<b>Policy context:</b>	A business like approach
<b>Financial summary:</b>	None
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## **1. Summary**

1.1 This report provides a summary of recent appeal results.

## **2. Recommendations**

2.1 That the report be noted.

## **3. Background**

3.1 To date, 466 appeals have been heard / settled / withdrawn:

- 16 allowed
- 13 allowed only in part
- 56 dismissed
- 216 withdrawn
- 165 settled

## **4. Licensing Appeals**

### **4.1 Sophisticats, 3-7 Brewer Street, London, W1F 0RD (Local Government (Miscellaneous Provisions) Act 1982)**

On 19 December 2016 an appeal was received under the Local Government (Miscellaneous Provisions) Act 1982 against the LSC's refusal on 1<sup>st</sup> December 2016 to vary the sex establishment licence of Sophisticats, 3-7 Brewer Street, London, W1. The application sought to vary the licence so as to extend the terminal hour by three hours for relevant entertainment on the day following Mondays to Saturdays and five hours for days following Sundays. It was also proposed to vary the layout of the premises, to permit full nudity for dancers and to reduce capacity.

A second appeal has also been received against the LSC's decision of the same date, 1 December 2016 to grant a new premises licence under the Licensing Act 2003 for Sophisticats, limiting the hours to 03.00 on Monday to Saturday and 23.00 on Sundays (as opposed to the 06.00 Mon-Sat and 05.00 Sun sought by the application).

The appeals were heard over four days on 27 June to 30 June 2017. A further update will be provided at the meeting.

## **5. JUDICIAL REVIEWS / CASE STATED**

### **5.1 Sex Establishment Licensing – Fees Hemming and others v Westminster City Council.**

The history of and the background to this case has been set out in detail in previous reports to the Committee. The case has returned to the Supreme Court for final orders to be made following the earlier decisions of the Supreme Court and of the Court of Justice of the European Union.

The issues remaining outstanding are remedy and costs. A hearing took place at the Supreme Court on 11<sup>th</sup> May, at which both parties made submissions.

Judgment is awaited, and is likely to be received within the next couple of months.

## **6. Legal implications**

6.1 There are no legal implications for the City Council arising directly from this report.

## **7. Staffing implications**

7.1 There are no staffing implications for the City Council arising directly from this report.

## **8. Business plan implications**

8.1 There are no business plan implications arising from this report.

## **9. Ward member comments**

9.1. As this report covers all wards, comments were not sought.

## **10. Reason for decision**

10.1 The report is for noting.

If you have any queries about this report or wish to inspect any of the background papers please contact Hayley Davies on 020 7641 5984; email: [hdavies@westminster.gov.uk](mailto:hdavies@westminster.gov.uk)

### **Background Papers**

- None