



City of Westminster

Follow on Committee Agenda

Title:

Licensing Sub-Committee (1)

Meeting Date:

Friday 16th June, 2017

Time:

10.00 am

Venue:

Room 23.1 - 23rd Floor, Portland House, Bressenden Place,
Westminster, London SW1E 5RS

Members:

Councillors:

Angela Harvey (Chairman)
Tim Mitchell
Murad Gassanly



Members of the public are welcome to attend the meeting and listen to the discussion Part 1 of the Agenda.

Admission to the public gallery is via a visitor's pass which is available from the main ground floor reception at Portland House from 9.30am. If you have a disability and require any special assistance please contact the Committee Officer (details listed below) in advance of the meeting.



An Induction loop operates to enhance sound for anyone wearing a hearing aid or using a transmitter. If you require any further information, please contact the Committee Officer, Jonathan Deacon.

**Email: jdeacon@westminster.gov.uk Tel: 020 7641 2783
Corporate Website: www.westminster.gov.uk**

Note for Members: Members are reminded that Officer contacts are shown at the end of each report and Members are welcome to raise questions in advance of the meeting. With regard to item 2, guidance on declarations of interests is included in the Code of Governance; if Members and Officers have any particular questions they should contact the Director of Law in advance of the meeting please.

AGENDA

PART 1 (IN PUBLIC)

6. 35 ST LUKE'S ROAD, W11

**(Pages 1 -
16)**

| App No | Ward/ Cumulative Impact Area | Site Name and Address | Application | Licensing Reference Number |
|--------|---|------------------------------|------------------------------|----------------------------------|
| 5. | Westbourne Ward / not in cumulative impact area | 35 St Luke's Road, W11 | Temporary Event Notice | 17/05815/LITE NN |

**Charlie Parker
Chief Executive
14 June 2017**

In considering applications for premises licences under the Licensing Act 2003, the sub-committee is advised of the following:

POLICY CONSIDERATIONS

The City of Westminster statement of licensing policy applies to all applications where relevant representations have been made. The Licensing Sub-Committee is required to have regard to the City of Westminster statement of Licensing Policy and the guidance issued by the Secretary of state under Section 182 of the Licensing Act 2003.

GUIDANCE CONSIDERATIONS

The Licensing Authority is required to have regard to any guidance issued by the Secretary of State under the Licensing Act 2003.

CORE HOURS WHEN CUSTOMERS ARE PERMITTED TO BE ON THE PREMISES (As set out in the Council's Statement of Licensing Policy 2011)

- For premises for the supply of alcohol for consumption on the premises:

Friday and Saturday: 10:00 to midnight
Sundays immediately prior to Bank Holidays: Midday to midnight
Other Sundays: Midday to 22:30
Monday to Thursday: 10:00 to 23:30.

- For premises for the supply of alcohol for consumption off the premises:

Monday to Saturday: 08:00 to 23:00
Sundays: 10:00 to 22:30.

- For premises for the provision of other licensable activities:

Friday and Saturday: 09.00 to midnight
Sundays immediately prior to Bank Holidays: 09.00 to midnight
Other Sundays: 09.00 to 22.30
Monday to Thursday: 09.00 to 23.30.

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City of Westminster

Licensing Sub-Committee Report

Item No:

| |
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| |
|--|

Date:

16th June 2017

Classification:

For General Release

Title of Report:

**35 St Luke's Road
London
W11 1DD**

Uniform Reference:

17/05815/LITENN

Report of:

Operational Director for Premises Management

Policy context:

City of Westminster Statement of Licensing Policy

Financial summary:

None

Report Author:

**Miss Yolanda Wade
Senior Licensing Officer**

Contact Details:

**Telephone: 020 7641 1872
E-mail: ywade@westminster.gov.uk**

1. TEMPORARY EVENT NOTICE DETAILS

| | | | |
|--|--|-----------------------------------|--|
| Proposal: | <u>Permitted Temporary Activities:</u> <ul style="list-style-type: none"> • The sale by retail of alcohol (Off sales) <p><i>(Please see Temporary Event Notice at Appendix A)</i></p> | | |
| Premises User: | Mr Mohamed Dweifel | Premises Name and Address: | 35 St Luke's Road London W11 1DD |
| Date Temporary Event Notice Received: | 30 th May 2017 | Period of Event: | 12:00-20:00 on 27 th August 2017 12:00-20:00 on 28 th August 2017 |
| Ward Name: | Westbourne | Cumulative Impact Area: | No |
| Number of attendees at event (including staff): | 10 | | |
| Details of Premises Licence: | The premises does not have a premises licence. | | |
| Notice of Objection by The Metropolitan Police | <p>The Metropolitan Police has given a notice of objection under s.104 (2) of the Licensing Act 2003 stating the following reasons: to prevent crime and disorder and protect children from harm".</p> <p>The notice of objection states the following:</p> <ul style="list-style-type: none"> • insufficient undertakings provided to promote the licensing objectives and • insufficient details describing the event. <p><i>(Please see The Metropolitan Police Objection and a copy of a Witness Statement by Commander Musker regarding Policing for Notting Hill Carnival at Appendix B)</i></p> | | |
| Notice of Objection by The Environmental Health Service | <p>The Environmental Health Service has given a notice of objection under s.104 (2) of the Licensing Act 2003 on the grounds that the applicant has not provided sufficient information to show how the Licensing Objectives Prevention of Public Nuisance and Protection of Public Safety will be promoted.</p> <p><i>(Please see the Environmental Health Service Objection at Appendix C)</i></p> | | |

| | |
|-----------------------------|---|
| Applicant Submission | The applicant have provided a copy of a plan (<i>please see Appendix D</i>) |
| Recommendation: | That the Sub-Committee consider the notice of objection given by the Metropolitan Police and determine whether or not the Licensing Authority should issue a counter notice to the premises user, in accordance with s.105 of the Licensing Act 2003. |

Additional procedural information – please see Appendix E

If you have any questions about this report, please contact Miss Yolanda Wade
on 020 7641 1872 or at ywade@westminster.gov.uk

Licensing Authority: *Westminster City Council*

Temporary Event Notice

Please Note: You will need to make a payment of £21.00 before the form submission can be accepted. You will be directed to pay when you submit the form.

I, the proposed premises user, hereby give notice under section 100 of the Licencing Act 2003 of my proposal to carry on a temporary activity at the premises described below.

| Personal Details of Premises User <i>(Please read note 1)</i> | | |
|---|---------------------|---------------------|
| 1. Your name | | |
| Title | First name | Last |
| Mr | Mohamed | Dweifel |
| 2. Previous names <i>(if relevant)</i> | | |
| | | |
| | | |
| 3. Your date of birth | 20/11/1987 | |
| 4. Your place of birth | Gaza | |
| 5. National Insurance number | SE303783D | |
| 6. Your current address <small>(We will use this address to correspond with you unless you complete the separate correspondence box below)</small> | | |
| 35C St Lukes Rd | | |
| | | Postcode W11 1DD |
| 7. Other contact details | | |
| Telephone numbers | | |
| Daytime | 07411966795 | |
| Mobile (optional) | 07411966795 | |
| Email address | mo3bade@hotmail.com | |
| | | |
| | | |

Licensing Authority: *Westminster City Council*

Ref:

8. Alternative address for correspondence (Address for correspondence associated with this application, if different to the previous address)

| |
|----------|
| Postcode |
|----------|

9. Alternative contact details (if applicable)

| | | |
|----------------------------------|--|--|
| Title | | |
| First name | | |
| Last name | | |
| Telephone numbers | | |
| Daytime | | |
| Mobile (optional) | | |
| E-Mail address (optional) | | |

The Premises

Please select the address of the premises where you intend to carry out the licensable activities. If there is no address please select the street record in the address lookup and supply further details of the location (including ordnance Survey references) (Please read note 2). Search for address

35 St Luke's Road
London

W11 1DD

Does a premises licence or club premises certificate have effect in relation to the premises (or any part of the premises)? If so, please enter the licence or certificate number below.

| | | |
|--------------------------------|--|--|
| Premises licence number | | |
| Additional address information | | |

Do you intend to use the whole of the premises at this address (Please read note 3)
(If no, please give a description and details below)

| | |
|--------------------------|-------------------------------------|
| Yes | No |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Intending to use the front yard to sell Alcohol and soft drinks

| |
|--|
| |
|--|

Please describe the nature of the premises below. (Please read note 4)

House

| |
|--|
| |
|--|

Please describe the nature of the event below. (Please read note 5)

Selling alcohol and soft drinks

| |
|--|
| |
|--|

Licensing Authority: *Westminster City Council*

Ref:

The licensable activities

Please state the licensable activities that you intend to carry on at the premises (please mark an "X" next to the licensable activities you intend to carry on - either double click with the mouse, or press the space bar in the relevant field). (Please read note 6)

| | |
|--|-------------------------------------|
| The sale by retail of alcohol | <input checked="" type="checkbox"/> |
| The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club | <input type="checkbox"/> |
| The provision of regulated entertainment (Please read note 7) | <input type="checkbox"/> |
| The provision of late night refreshment | <input type="checkbox"/> |
| Are you giving a late temporary event notice? (Please read note 8) | <input type="checkbox"/> |

Please state the date and times on which you intend to use these premises for licensable activities. (Please read note 9) Please give times in 24 hour clock. eg. 19:00. (Please read note 10) How many days will your event cover?

| | | | | | | | | |
|------------|-------------------|------|--------------|----------|-------------------|------|--------------|-------------------------------------|
| Start date | 27/08/2017 | Time | 12:00 | End date | 27/08/2017 | Time | 22:00 | <input checked="" type="checkbox"/> |
| | 28/08/2017 | | 12:00 | | 28/08/2017 | | 22:00 | |

Please state the maximum number of people at any one time that you intend to allow to be present at the premises during the times when you intend to carry on licensable activities, including any staff, organisers or performers. (Please read note 11)

10

If the licensable activities will include the supply of alcohol, please state whether the supplies will be for consumption on or off the premises, or both (please mark an "X" next to the appropriate box). (Please read note 12)

On the premises only
Off the premises only
Both

Please state if the licensable activities will include the provision of relevant entertainment. If so, please state the times during the event period that you propose to provide relevant entertainment. (please read note 13)

No**Personal licence holders** (please read note 14)

| | | Yes | No |
|---|------------------------------|----------------------|-------------------------------------|
| Do you currently hold a valid personal licence? (please mark an "X" in the box that applies to you) | | | <input checked="" type="checkbox"/> |
| Provide the details of your personal licence below. | Issuing licensing authority | <input type="text"/> | |
| | Licence number | <input type="text"/> | |
| | Date of issue | <input type="text"/> | |
| | Date of expiry | <input type="text"/> | |
| | Any further relevant details | <input type="text"/> | |

Previous Temporary Event Notices you have given (please read note 15)

Have you previously given a temporary event notice in respect of any premises for events falling in the same calendar year as the event for which you are now giving this temporary event notice? (please mark an "X" in the box that applies to you)

Yes

No

State the number of temporary event notices you have given for events in that same calendar year

Have you already given a temporary event notice for the same premises in which the event period:

a) ends 24 hours or less before; or

b) begins 24 hours or less after the event period proposed in this notice?

Yes

No

(please mark an "X" in the box that applies to you)

Licensing Authority: *Westminster City Council*

Ref:

| Associates and business colleagues <i>(please read note 16)</i> | | |
|--|--------------------------|-------------------------------------|
| Has any associate of yours given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice? | Yes | No |
| | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| If answering yes, please state the total number of temporary event notices your associate(s) have given for events in the same calendar year | | |
| | | |
| Has any associate of yours already given a temporary event notice for the same premises in which the event period: | Yes | No |
| a) ends 24 hours or less before; or | | |
| b) begins 24 hours or less after the event period proposed in this notice? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Has any person with whom you are in business carrying on licensable activities given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice? | Yes | No |
| | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| If answering yes, please state the total number of temporary event notices your business colleague(s) have given for events in the same calendar year. | | |
| | | |
| Has any person with whom you are in business carrying on licensable activities already given a temporary event notice for the same premises in which the event period: | Yes | No |
| a) ends 24 hours or less before; or | | |
| b) begins 24 hours or less after the event period proposed in this notice? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

| Condition <i>(please read note 17)</i> |
|---|
| It is a condition of this temporary event notice that where the relevant licensable activities described in Section 3 above include the supply of alcohol that all such supplies are made by or under the authority of the premises user. |

Declarations (please read note 18)

The information contained in this form is correct to the best of my knowledge and belief.

I understand that it is an offence:

- (i) to knowingly or recklessly make a false statement in connection with this temporary event notice and that a person is liable on conviction for such an offence to a fine up to level 5 on the standard scale; and
- (ii) to permit an unauthorised licensable activity to be carried on at any place an that a person is liable on conviction for any such offence to an unlimited fine, or to imprisonment for a term not exceeding six months, or to both.

Please tick the box if you agree with the declarations above.

| | |
|------------------------|--------------------|
| Date | 30/05/2017 |
| Name of person signing | Mr Mohamed Dweifel |

To enable the consultee's to fully assess your notice, we strongly recommend you upload an event management plan or Police 696 form

For events held outside, please upload a plan of the area.

Mohamed, Dweifel

7P3Z8RZ1GBXZ1

Consultee Comments for Licensing Application 17/05815/LITENN

Application Summary

Application Number: 17/05815/LITENN
Address: 35 St Luke's Road London W11 1DD
Proposal: TEN Non-Personal Licence Holder
Case Officer: Miss Jessica Donovan

Consultee Details

Name: Mr Reaz Guerra
Address: Westminster City Hall 64 Victoria Street, London, City of Westminster SW1E 6QP
Email: rguerra@westminster.gov.uk
On Behalf Of: Metropolitan Police Service For TENs (for Licensing)

Comments

Dear Mohamed

With reference to the above TEN the Metropolitan Police, as a Responsible Authority, object to this Temporary event notice to prevent crime and disorder and protect children from harm for the following reasons:-

Insufficient undertakings provided to promote the licensing objectives
Insufficient details describing the event.

Attached is a statement from Commander Musker regarding Policing for Notting Hill Carnival. Please contact me should you have any questions and reply to all on this email.

Kind Regards
Reaz
PC Reaz Guerra 1614CW
Westminster Police Licensing Team
Westminster City Hall
4th Floor, 64 Victoria Street
London SW1E 6QP
Tel - 0207 641 1708

WITNESS STATEMENT

CJ Act 1967, s.9; MC Act 1980, ss.5A(3)(a) and 5B; Criminal Procedure Rules 2005, Rule 27.1

Statement of Commander David Musker URN: [] [] [] []

Age if under 18 Over 18 (if over 18 insert 'over 18') Occupation: Police Officer

This statement (consisting of: ... 3..... pages each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything in it which I know to be false, or do not believe to be true.

Signature: [Signature] Date: 5th April 2016

Tick if witness evidence is visually recorded [] (supply witness details on rear)

I was appointed a Commander in the Metropolitan Police in July 2014 and have been a police officer since 1989. I have served across London, including postings as the Borough Commander at the London Borough of Wandsworth & Croydon. I have been a public order trained officer since 1990 and a member of the public order cadre since 2006.

I have commanded many high profile public order events over the years including football matches, demonstrations and ceremonial events. My role at the moment is as the Gold Commander for the Notting Hill Carnival. This means that I have overall responsibility for policing the Notting Hill Carnival and ensuring that London is safe for all visitors and residents in the capital.

The Notting Hill Carnival presents the largest Annual policing Operational challenge in the Capital that the Metropolitan Police service has to deal with.

Notting Hill Carnival takes place annually during the August bank holiday weekend. This event attracts nearly 1 million visitors over the two days. Carnival started approximately 50 years ago. It takes place in the Notting Hill Area and is overseen by the Notting Hill Carnival Trust. The carnival encompasses floats which pass round the route and static sound stages spread throughout the area. There are numerous food stalls and drink stands selling food from all over the world. The area is a residential area which makes it very congested. Carnival is a hugely important part of the history and culture of London and generates significant income for the city.

Carnival attracts significant amounts of anti-social behaviour in the form of urinating and defecating in the doorways and streets of the footprint, and is quite rightly an area of concern for the residents of Notting Hill. They have found themselves adapting to the change of their environment during the carnival weekend by boarding up their homes at considerable cost to themselves or moving out for the duration of the bank holiday weekend.

Analysis of crime trends during Notting Hill Carnival (NHC) has shown that there is a significant rise in the daily base line MOPAC crimes during the period of the carnival. There

Signature: [Signature] Signature witnessed by:

Continuation of Statement of **Commander David Musker**.....

has also been a significant rise (27%) in crime levels at Carnival 2011 - 2013. (Due to the weather overall crime reduced in 2014 however 620 offences still took place) In 2015 there was an 11% increase in reported crime.

The main crime types committed at Carnival include theft person, drug related offences and violent crime. High numbers of arrests are also indicative of the crime issues at Carnival with 301 arrests in 2013, 231 in 2014 and 407 in 2015. (57 people were arrested for knives or bladed articles in addition to the recovery of knives during weapons sweeps. 106 people were arrested for drug offences)

There was a significant increase in serious violent crime of 15% in 2013 -2014. In 2013 -14 there was an 83% rise in sex offences. This increasing trend has continued with a 120% increase in 2015.

The crime committed is directly related to the presence of Carnival itself and the volume of people attending the area. The crowds are densely packed and many people consume alcohol making it a "soft" victim rich environment.

The Notting Hill Carnival is associated with a number of other events such as such parties and other licensed and unlicensed functions.

Notting Hill Carnival receives world wide television and media coverage. London will be the focus of worldwide attention providing unrivalled opportunities for any individual or organisation seeking publicity. This annual resource demand is set against the backdrop of global austerity and the current International terrorist threat which is assessed as Substantial. A terrorist attack is a strong possibility; crowded places including transport hubs, bars, pubs and nightclubs may feature in the attack plans of terrorist organisations as they afford the potential for mass fatalities and casualties.

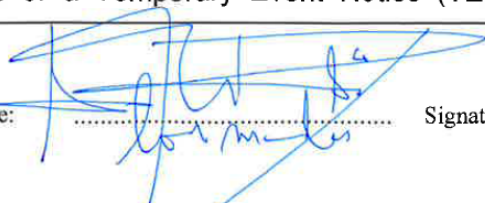
Within this context it is necessary for the Metropolitan Police Service (MPS) to maintain its usual activity while tackling the additional opportunities for crime and disorder that are presented by the significant number of visitors to Notting Hill Carnival. To ensure that the MPS is able to maintain the peace, prevent and detect crime and protect life and property during this time we will be deploying up to 7000 officers, per day, to carnival.

It is essential to work together with event organisers, participants and other agencies to deliver this complex operation with minimal disruption to London. This presents a significant challenge to the MPS, whilst maintaining 'business as usual' for Londoners and London business.

Much of the violence, anti social behaviour and disorder is associated with the intoxication of participants. If those who sell alcohol do not do so in a responsible manner commensurate with the licensing objectives then such alcohol fuelled violence will increase. Any additional burden on resources during this time will compromise our ability to achieve these objectives.

Consequently, it is essential that any application for a new licence, an extension to an existing licence or a Temporary Event Notice (TEN) clearly shows how it promotes the licensing

Signature:

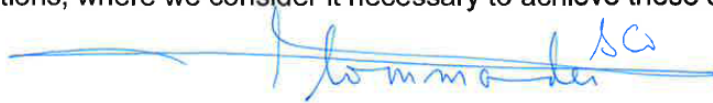



Signature witnessed by:

2003(1)

Continuation of Statement of **Commander David Musker**.....

objectives, particularly those of preventing crime and disorder and promoting public safety. We will carefully scrutinise all applications to ensure this is done and consider the use of conditions, or objections, where we consider it necessary to achieve these objectives.



Signature:  Signature witnessed by:

2003(1)

Consultee Comments for Licensing Application 17/05815/LITENN

Application Summary

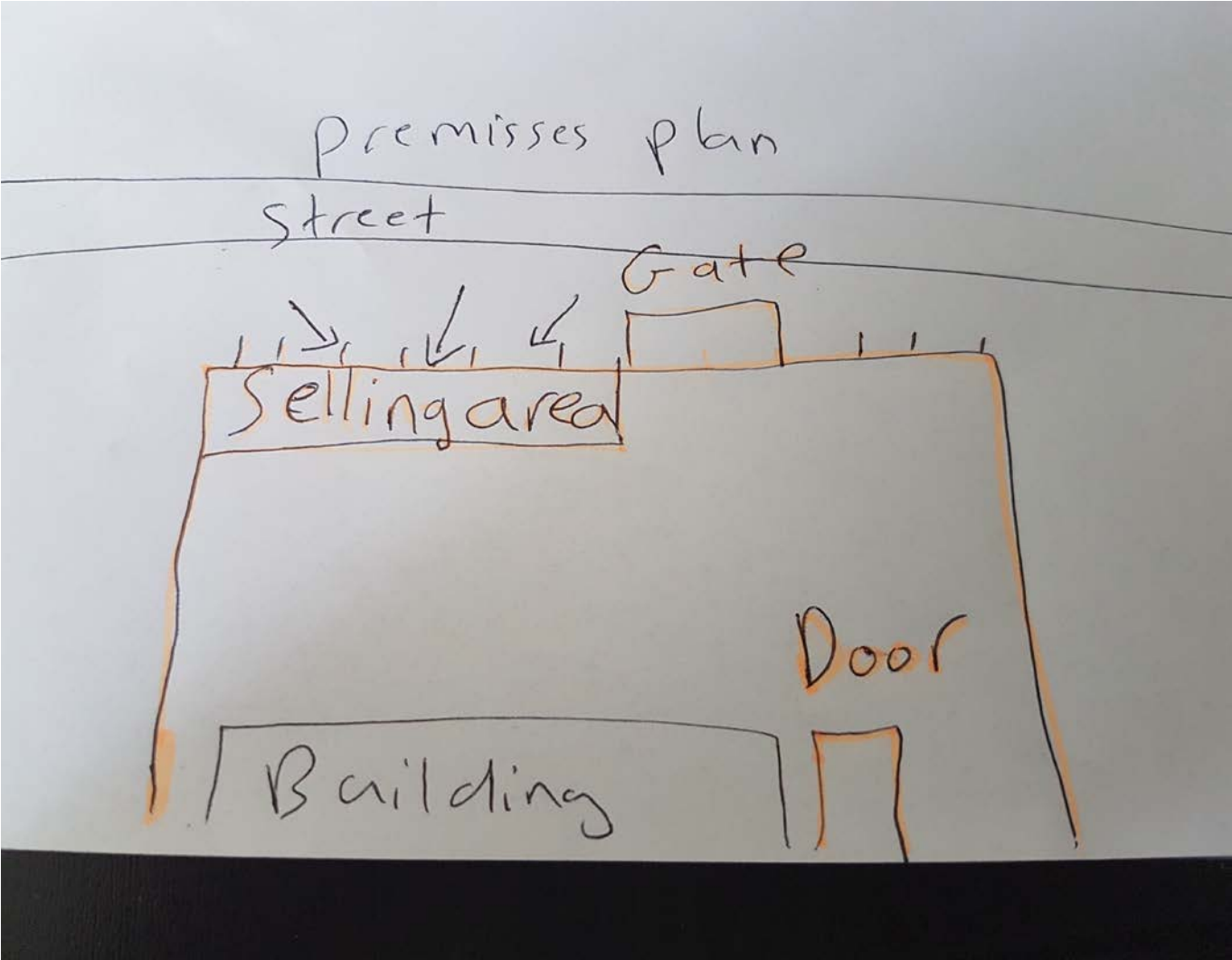
Application Number: 17/05815/LITENN
Address: 35 St Luke's Road London W11 1DD
Proposal: TEN Non-Personal Licence Holder
Case Officer: Miss Jessica Donovan

Consultee Details

Name: Mr Dave Nevitt
Address: Westminster City Hall 64 Victoria Street, London, City of Westminster SW1E 6QP
Email: dnevitt@westminster.gov.uk
On Behalf Of: Environmental Health Service For TENs

Comments

I object to this temporary event notice on the grounds that the applicant has not provided sufficient information to show how the Licensing Objectives Prevention of Public Nuisance and Protection of Public Safety will be promoted.



ADDITIONAL INFORMATION FOR TEMPORARY EVENT NOTICES

2. TEMPORARY EVENT NOTICE PROCEDURE

- 2.1 Under s.100(1) of the Licensing Act 2003 certain temporary events, which include licensable activities, are permitted under the Act if they are notified to the Council and the Police/Environmental Health by giving a 'Temporary Event Notice'. The notice must be given by the 'premises user' (usually the event organiser responsible for all aspects of the event).
- 2.2 Permitted temporary events are events that take place in any premises, open space or temporary structure. The event must consist of one or more licensable activities; and the premises must be used over a period of no longer than 168 hours, with no more than 499 people in attendance.
- 2.3 Licensable activities include the sale by retail of alcohol; the provision of regulated entertainment and the provision of late night refreshment (hot food or drink supplied between 11pm and 5am).
- 2.4 The premises user must send two copies of the temporary event notice to the Council, one copy to the environmental health department and one copy to the police leaving at least 10 clear working days before the event is due to begin. The Council must acknowledge receipt of the temporary event notice by the next working day.

3. NOTICE OF OBJECTION BY POLICE/ ENVIRONMENTAL HEALTH SERVICE

- 3.1 If the Police/ Environmental Health are satisfied that the event would undermine one or more of the licensing objectives, they must give a notice of objection stating their reasons as to why an objective would be undermined to the Council and premises user within 2 working day of receipt of the notice.

4. HEARING PROCEDURE FOLLOWING NOTICE OF OBJECTION BY POLICE/ENVIRONMENTAL HEALTH SERVICE

- 4.1 The Sub-Committee is being asked to consider the notice of objection and hear any oral evidence given by or on behalf of the premises user and the Police/Environmental Health.
- 4.2 The Sub-Committee must consider whether to give a counter notice to the temporary event notice given by the premises user if it considers it necessary for the promotion of the licensing objectives.
- 4.3 The Council must convene a hearing to consider the notice of objection and give at least two days' notice to the premises user and the police.
- 4.4 The Sub-Committee must either reject the notice of objection to allow the event to take place, or issue a counter notice to prevent the event from taking place.

- 4.5 The Council must, where it decides not to give a counter notice, give the premises user and the Police/Environmental Health a notice of the decision at least 24 hours before the beginning of the event period specified in the temporary event notice.
- 4.6 Where the Council decides to give a counter notice, it must give the premises user the counter notice and the reasons for its decision, and a copy of the counter notice and the reason for its decision to the police, at least 24 hours before the beginning of the event period specified in the temporary event notice.

5. APPEAL

- 5.1 Schedule 5, Part 3 of the Licensing Act 2003 provides a right of appeal to the premises user against the giving of a counter notice, and a right of appeal to the chief officer of Police/Environmental Health where the Council decides not to give a counter notice. Such an appeal must be commenced within 21 days beginning with the day on which the appellant was notified by the Licensing Authority of the decision appealed against.
- 5.2 No appeal may be brought later than five working days before the day on which the event period specified in the temporary event notice begins.

6. POLICY CONSIDERATIONS

- 6.1 The Westminster Statement of Licensing Policy for applications relating to premises and personal licences and temporary event notices made under the Licensing Act 2003 was determined for a three-year period commencing 7 January 2016. This contains no specific policy for Temporary Event Notices but urges longer periods of notice to be given for events which involve the use of the streets or necessitate the special management of traffic and services.