



City of Westminster

# Licensing Sub-Committee Report

Item No:	
Date:	21 June 2018
Classification:	For General Release
Title of Report:	29 Duke Street London W1U 1LF
Uniform Reference:	18/06876/LITENP
Report of:	Operational Director for Premises Management
Policy context:	City of Westminster Statement of Licensing Policy
Financial summary:	None
Report Author:	Jessica Donovan Licensing Support Officer
Contact Details:	E-mail: <a href="mailto:jdonovan@westminster.gov.uk">jdonovan@westminster.gov.uk</a>

## 1. TEMPORARY EVENT NOTICE DETAILS

<b>Proposal:</b>	<u>Permitted Temporary Activities:</u> <ul style="list-style-type: none"> <li>• Sale by Retail of Alcohol</li> <li>• Late Night Refreshment</li> </ul> <i>(Please see Temporary Event Notice at Appendix A)</i>		
<b>Premises User:</b>		<b>Premises Name and Address:</b>	29 Duke Street London W1U 1LF
<b>Date Temporary Event Notice Received:</b>	11 <sup>th</sup> June 2018	<b>Period of Event:</b>	10:00 06.07.2018- 23:59 07.07.18 (39 Hours)
<b>Ward Name:</b>	Marylebone High Street	<b>Times when licensable activities will be carried out on each day:</b>	10:00 06.07.2018- 01:00 07.07.2018 (15 Hours)  10:00 07.07.2018- 23:59 07.07.2018 (14 Hours)
<b>Number of attendees at event (including staff):</b>	70	<b>Cumulative Impact Area:</b>	No
<b>Details of Premises Licence:</b>	The premises does have a Premises Licence. <i>(Please see appendix B)</i>		
<b>Notice of Objection by the Metropolitan Police Service :</b>  <b>Notice of Objection by Environmental Health :</b>	<p>Metropolitan Police Service has given a notice of objection under s.104 (2) of the Licensing Act 2003. The notice of objection is based on the grounds that allowing the premises to be used in accordance with the notice would undermine the Prevention of Crime and Disorder and Protection of children from Harm objectives.</p> <p>The Metropolitan Police has stated: <i>'Police object to this Temporary Event Notice for the following reasons to prevent crime and disorder and protect children from harm:-</i>  <i>Insufficient details describing the event.</i>  <i>Insufficient undertakings to promote the licensing objectives'</i></p> <p><i>(Please See Police Objection Appendix C )</i></p> <p>Environmental Health has given a notice of objection under s.104 (2) of the Licensing Act 2003. The notice of objection is based on the grounds that allowing the premises to be used in accordance with the notice would undermine the Licensing objectives</p> <p>Environmental Health has stated: <i>'Objection is made as insufficient undertakings have been provided to comply with the licensing objectives'</i></p> <p><i>(Please See Environmental Health Objection Appendix C1 )</i></p>		

<b>Recommendation:</b>	That the Sub-Committee consider the notice of objection given by Environmental Health and 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.
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*Additional procedural information – please see Appendix D*

If you have any questions about this report, please contact Jessica Donovan at  
Jdonovan@westminster.gov.uk

## 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 Licensing Act 2003 of my proposal to carry on a temporary activity at the premises described below.

### Personal Details of Premises User (Please read note 1)

#### 1. Your name

Title	First name	Last
Mr	[REDACTED]	[REDACTED]

#### 2. Previous names (if relevant)


#### 3. Your date of birth

#### 4. Your place of birth

#### 5. National Insurance number

#### 6. Your current address (We will use this address to correspond with you unless you complete the separate correspondence box below)

[REDACTED]	[REDACTED]
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#### 7. Other contact details

##### Telephone numbers

Daytime	02079352755	
Mobile (optional)		
Email address	chelsea.c@joelsonlaw.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*)**Joelson Jd Lip**Postcode  
**W1B 1LZ****9. Alternative contact details** (*if applicable*)

Title	<b>Miss</b>	
First name	<b>Chelsea</b>	
Last name	<b>Chell</b>	
Telephone numbers		
Daytime	<b>02075805721</b>	
Mobile (optional)		
E-Mail address (optional)	<b>chelsea.c@joelsonlaw.com</b>	

**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

**29 Duke Street  
London****W1U 1LF**

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	<b>17/08985/LIPV</b>					
Additional address information	<b>Lazeez Lebanese Tapas</b>					
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)		<table border="1"> <tr> <td>Yes</td> <td>No</td> </tr> <tr> <td><input checked="" type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> </table>	Yes	No	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Yes	No					
<input checked="" type="checkbox"/>	<input type="checkbox"/>					

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

**Whole of the premises including the outside area will be used.****Restaurant.**

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

**To allow the use of the outside area for licensable activities for extended hours during the summer period. All conditions attached to the current premises licence will remain in force throughout the TEN except numbers 21, 22, 23 and 24 which restrict the use of the outside area.**

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 checked="" 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 <b>06/07/2018</b> Time <b>10:00</b> End date <b>07/07/2018</b> Time <b>01:00</b>	<input checked="" type="checkbox"/>
<b>07/07/2018</b> <b>10:00</b> <b>07/07/2018</b> <b>23:59</b>	

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)

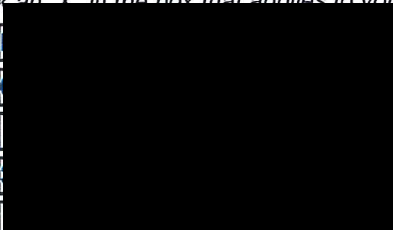
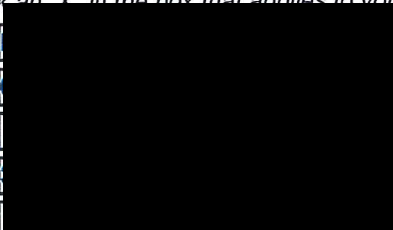
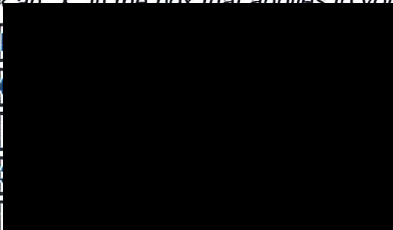
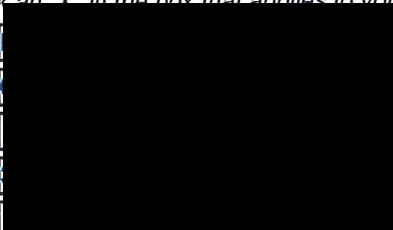
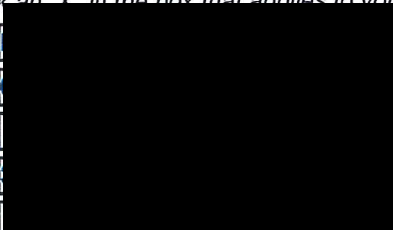
**70**

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)

**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"/>	<input type="checkbox"/>
<b>Provide the details of your personal licence below.</b>	Issuing licensing authority		
	Licence number		
	Date of issue		
	Date of expiry		
	Any further relevant details		

**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 <input checked="" type="checkbox"/>	No <input type="checkbox"/>
State the number of temporary event notices you have given for events in that same calendar year	<b>1</b>	
Have you 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	<input type="checkbox"/>	<input type="checkbox"/>
b) begins 24 hours or less after the event period proposed in this notice? (please mark an "X" in the box that applies to you)	<input type="checkbox"/>	<input checked="" type="checkbox"/>



Licensing Authority: *Westminster City Council*

Ref:

**Associates and business colleagues** (please read note 16)

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"/>
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If answering yes, please state the total number of temporary event notices your associate(s) have given for events in the same calendar year

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Has any associate of yours 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

<input type="checkbox"/>	<input checked="" type="checkbox"/>
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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"/>
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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.

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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:

a) ends 24 hours or less before; or

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

Yes No

<input type="checkbox"/>	<input checked="" type="checkbox"/>
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**Condition** (please read note 17)

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 at 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

08/06/2018

Name of person signing

Miss Chelsea Chell, Joelson JD LLP, as solicitors & authorised agents for the Applicant

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.

Wasim, Malik

F4P12N2J5J12S



# Appendix B



**City of Westminster**

64 Victoria Street, London, SW1E 6QP

Schedule 12  
Part A

Premises licence

WARD: Marylebone High  
Street  
UPRN: 100023464689

Regulation 33, 34

Premises licence number:

17/08985/LIPV

Original Reference:

12/00488/LIPN

## Part 1 – Premises details

### Postal address of premises:

Lazeez Lebanese Tapas  
29 Duke Street  
London  
W1U 1LF

Telephone Number: Not Supplied

### Where the licence is time limited, the dates:

Not applicable

### Licensable activities authorised by the licence:

Late Night Refreshment  
Sale by Retail of Alcohol

### The times the licence authorises the carrying out of licensable activities:

#### Late Night Refreshment

Friday to Saturday: 23:00 to 01:00

#### Sale by Retail of Alcohol

Monday to Thursday: 10:00 to 23:00

Friday to Saturday: 10:00 to 01:00

Sunday: 12:00 to 22:30

### The opening hours of the premises:

Monday to Thursday: 10:00 to 23:30

Friday to Saturday: 10:00 to 01:30

Sunday: 12:00 to 23:00

### Where the licence authorises supplies of alcohol, whether these are on and/or off supplies:

Alcohol is supplied for consumption on the Premises.

**Part 2**

**Name, (registered) address, telephone number and email (where relevant) of holder of premises licence:**

Caffe V Restaurant Limited  
29 Duke Street  
London  
W1U 1LF

**Registered number of holder, for example company number, charity number (where applicable)**

07707467

**Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol:**

**Name:** Wasim Malik

*Please note: It is the policy of the Licensing Authority not to display the address details of a designated premises supervisor.*

**Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol:**

**Licence Number:** 043236  
**Licensing Authority:** London Borough Of Redbridge

**Date:** 15 February 2018

**Signed:** pp



**Director - Public Protection and Licensing**

## Annex 1 – Mandatory conditions

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.
  - (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
  - (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises
    - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to;
      - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
      - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
    - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
    - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
    - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
    - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
5. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
6.
  - (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.

- (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.
- (3) The policy must require individuals who appear to the responsible 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.

7. The responsible person must ensure that –

- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures -
  - (i) beer or cider: ½ pint;
  - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
  - (iii) still wine in a glass: 125 ml;
- (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
- (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

A responsible person in relation to a licensed premises means the holder of the premise licence in respect of the premises, the designated premises supervisor (if any) or any individual aged 18 or over who is authorised by either the licence holder or designated premises supervisor. For premises with a club premises certificate, any member or officer of the club present on the premises in a capacity that which enables him to prevent the supply of alcohol.

8(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.

8(ii) For the purposes of the condition set out in paragraph 8(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.

8(iii). Where the permitted price given by Paragraph 8(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.

8(iv).

- (1) Sub-paragraph 8(iv)(2) below applies where the permitted price given by Paragraph 8(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.

**Annex 2 – Conditions consistent with the operating Schedule**

None.

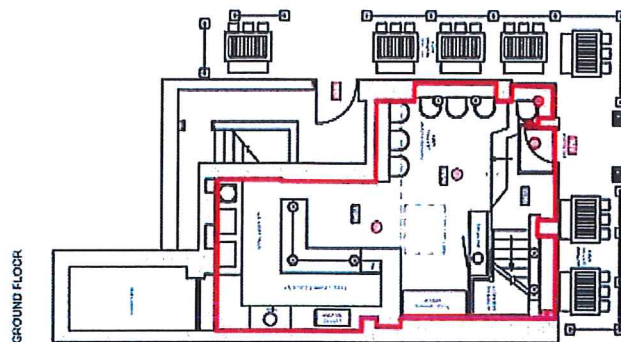
### **Annex 3 – Conditions attached after a hearing by the licensing authority**

9. Alcohol to be consumed as ancillary to a table meal.
10. The supply of alcohol shall only be to persons who are seated at tables and served by a waiter or waitress.
11. Substantial food and non-intoxicating beverages, including drinking water, shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.
12. There shall be no sale of draught beer.
13. The number of persons accommodated at any one time (excluding staff) shall not exceed the limit set out in the current fire risk assessment.
14. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
15. No refuse, including bottles, shall be moved, removed or transferred to or in outside areas between 2300 hours and 0800 hours.
16. The pavement from the building line to the kerb edge immediately outside the premises, including gutter/channel at its junction with the kerb edge, shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements.
17. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
18. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and leave the area quietly.
19. The maximum number of persons accommodated at any one time, shall not exceed 70 persons including staff, inclusive of a maximum of 40 persons in the basement.
20. The premises shall only operate as a restaurant
  - (i) in which customers are shown to their table,
  - (ii) which provide food in the form of substantial table meals that are prepared on the premises and are served and consumed at the table using non disposable crockery,
  - (iii) which do not provide any take away service of food or drink for immediate consumption, and
  - (iv) where intoxicating liquor shall not be sold, supplied, or consumed on the premises otherwise than to persons who are bona fide taking substantial table meals and provided always that the consumption of intoxicating liquor by such persons is ancillary to taking such meals.
21. All tables and chairs shall be removed from the outside area by 23.00 hours each day.
22. All windows and external doors shall be kept closed after 23:00 hours, except for the immediate access and egress of persons.

23. There shall be no sales of hot food or hot drink for consumption off the premises after 23:00.
24. No drinks shall be taken outside after 23:00 hours.
25. No deliveries to the premises shall take place between 23:00 and 07:00 on the following day.
26. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 23:00 hours and 07:00 hours on the following day.
27. 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.
28. 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.
29. A Challenge 25 proof of age scheme shall be operated at the premises 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.
30. 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
  - (g) any refusal of the sale of alcohol



## Annex 4 – Plans





**City of Westminster**  
64 Victoria Street, London, SW1E 6QP

**Schedule 12  
Part B**

**Premises licence  
summary**

**WARD: Marylebone High  
Street  
UPRN: 100023464689**

Regulation 33, 34

**Premises licence number:**

17/08985/LIPV

**Part 1 – Premises details**

**Postal address of premises:**

Lazeez Lebanese Tapas  
29 Duke Street  
London  
W1U 1LF

**Telephone Number:** Not Supplied

**Where the licence is time limited, the dates:**

Not applicable

**Licensable activities authorised by the licence:**

Late Night Refreshment  
Sale by Retail of Alcohol

**The times the licence authorises the carrying out of licensable activities:**

**Late Night Refreshment**

Friday to Saturday: 23:00 to 01:00

**Sale by Retail of Alcohol**

Monday to Thursday: 10:00 to 23:00

Friday to Saturday: 10:00 to 01:00

Sunday: 12:00 to 22:30

**The opening hours of the premises:**

Monday to Thursday: 10:00 to 23:30

Friday to Saturday: 10:00 to 01:30

Sunday: 12:00 to 23:00

**Where the licence authorises supplies of alcohol, whether these are on and/or off  
supplies:**

Alcohol is supplied for consumption on the Premises.

**Name and (registered) address of holder of premises licence:**

Caffe V Restaurant Limited  
29 Duke Street  
London  
W1U 1LF

**Registered number of holder, for example company number, charity number (where applicable)**

07707467

**Name of designated premises supervisor where the premises licence authorises for the supply of alcohol:**

**Name:** Wasim Malik

**State whether access to the premises by children is restricted or prohibited:**

Restricted

**Date:** 15 February 2018

**Signed:**

pp



**Director - Public Protection and Licensing**

## **Consultee Comments for Licensing Application 18/06876/LITENP**

### **Application Summary**

Application Number: 18/06876/LITENP

Address: 29 Duke Street London W1U 1LF

Proposal: TEN Personal Licence Holder

Case Officer: Mr James Monteromitchell

### **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 Chelsea,

With reference to the above TEN(s), Police object to this Temporary Event Notice(s) for the following reasons to prevent crime and disorder and protect children from harm:-

Insufficient details describing the event.

Insufficient undertakings to promote the licensing objectives.

Please reply to all on this email and let me know should you have any questions.

Kind Regards

Reaz



## **Consultee Comments for Licensing Application 18/06876/LITENP**

### **Application Summary**

Application Number: 18/06876/LITENP

Address: 29 Duke Street London W1U 1LF

Proposal: TEN Personal Licence Holder

Case Officer: Mr James Monteromitchell

### **Consultee Details**

Name: Mr Anil Drayan

Address: Westminster City Hall 64 Victoria Street, London, City of Westminster SW1E 6QP

Email: [adrayan@westminster.gov.uk](mailto:adrayan@westminster.gov.uk)

On Behalf Of: Environmental Health Service For TENs

### **Comments**

objection is made as insufficient undertakings have been provided to comply with the licensing objectives

# APPENDIX D

## ADDITIONAL INFORMATION FOR TEMPORARY EVENT NOTICES

### 1. TEMPORARY EVENT NOTICE PROCEDURE

- 1.1 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).
- 1.2 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.
- 1.3 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).
- 1.4 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.

### 2. NOTICE OF OBJECTION BY POLICE/ENVIRONMENTAL HEALTH

- 2.1 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 3 working days of receipt of the notice.

### 3. HEARING PROCEDURE FOLLOWING NOTICE OF OBJECTION BY POLICE/ENVIRONMENTAL HEALTH

- 3.1 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.
- 3.2 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.
- 3.3 The Council must convene a hearing to consider the notice of objection and give at least two day's notice to the premises user and the police.
- 3.4 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, or where or, after hearing the objections, allow the notice but attach relevant conditions from the premises licence. Please note not all premises will hold a premises licence.

- 3.5 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.
- 3.6 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.

#### **4. APPEAL**

- 4.1 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.
- 4.2 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.

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

- 5.1 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 2011. 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.