



CITY OF WESTMINSTER

MINUTES

Licensing Sub-Committee (3)

MINUTES OF PROCEEDINGS

Minutes of a meeting of the **Licensing Sub-Committee (3)** held on **Thursday 16th August, 2018**, Room 3.1, 3rd Floor, 5 Strand, London, WC2 5HR.

Members Present: Councillors Melvyn Caplan (Chairman), Susie Burbridge and Peter Freeman

Also Present: Councillors

Apologies for Absence:

- 1 **MEMBERSHIP**
- 2 **DECLARATIONS OF INTEREST**
- 1 **20A ARTESIAN ROAD, LONDON, W2 5AR**

LICENSING SUB-COMMITTEE No.3 *Thursday 16th August 2018*

Membership: Councillor Melvyn Caplan (Chairman), Councillor Susie Burbridge and Councillor Peter Freeman

Legal Adviser: Barry Panto
Committee Officer: Kisi Smith-Charlemagne
Presenting Officer: Shannon Pring

Relevant Persons Objecting: Metropolitan Police and Environmental Health

Present: Ms Sally Fabbicatore (Environmental Health) and PC Bryan Lewis (Metropolitan Police)

20A Artesian Road, London, W2 5AR, 18/09277/LITENN (Temporary Event Notice)
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	<p>Sale by Retail of Alcohol (Off sales)</p> <p><u>Event Period:</u> 12.00 on Sunday 26th August 2018 to 17.00 on Monday 27th August 2018</p> <p><u>Times when licensable activities will be carried out:</u> 12.00 on Sunday 26th August 2018 to 18.00 on Sunday 26th August 2018 12.00 on Monday 27th August 2018 to 17.00 on Monday 27th August 2018</p>
	<p>The Sub-Committee considered a Temporary Event Notice in respect of 20A Artesian Road, London, W2 5AR. The Licensing Officer provided an outline of the Notice to the Sub-Committee. The Premises User, Mr Charles Phillips, did not attend the meeting or send a representative on his behalf. Efforts had been made to contact Mr Phillips but it was understood that he was not available.</p> <p>This was a Temporary Event Notice in relation to the Notting Hill Carnival. The proposal was to sell refreshments including beer from the front garden of the premises.</p> <p>Ms Sally Fabbriatore from Environmental Health (EH) maintained her objection, advising that it had been based on insufficient undertakings being given in order to prevent public nuisance and protect public safety. Ms Fabbriatore then advised the Sub-Committee that the Premises User was new to EH and the Notting Hill Carnival, therefore EH wanted to be sure that the location was suitable. Ms Fabbriatore advised that EH issued its objections on 9th August and corresponded with the Premises User on the 10th and 14th August, confirming that the location was suitable. However, EH also wanted to ensure that a Challenge 25 proof of age scheme would be adhered to, that all drinks would be served in plastic cups and that a personal license holder would be on site throughout the event. The Premises User responded confirming that he did not have a personal license. Ms Fabbriatore explained that she also had concerns about trading taking place over the garden wall and had sought clarification that the sales would be taking place in the front garden.</p> <p>The Sub-Committee made inquiries as to the size of the garden and the storage of drinks and refreshments. EH were unable to provide a response to these queries apart from indicating that the front garden area was very small. The Sub-Committee raised further questions regarding other occupants and owners of the premises and about the method used to communicate with the Premises User. Ms Fabbriatore advised the Sub-Committee that she had communicated with the Premises User via e-mail, she also clarified that the Premises User had advised that there was only one other occupant and they had given permission. Ms Fabbriatore confirmed that she was maintaining her objection as her concerns had not been addressed.</p> <p>PC Bryan Lewis from the Metropolitan Police maintained his objection advising that he was concerned with the same issues as EH. PC Lewis explained that</p>

there was little information that supported the application regarding security and how the sales would be managed in practice. These premises were situated close to the main route of the Carnival, so the immediate area was likely to be very busy. The applicant was unknown to the police and had not provided any supporting information with the application, such as an event management plan.

Both the Environmental Health and the Police advised that they had made several attempts to contact the Premises User to discuss conditions over the last few days, however the Premises User had not provided a response to satisfy their concerns.

The Licensing Sub-Committee upheld the objections and decided to give a counter notice to prevent the event from taking place. In making its decision, the Sub-Committee acknowledged that the applicant had provided little information to support the Notice and it was impossible to ensure that the licensing objectives would be upheld if they still had unanswered questions regarding the Premises User's proposed operation from the premises. The sale of alcohol in connection with the Carnival was always a concern and it was not appropriate for alcohol to be sold from a private garden unless there was a clear plan in place regarding the safe storage and display of the alcohol and to ensure that the sale of the alcohol itself would be conducted in a responsible manner. There were potential concerns regarding all four licensing objectives.

The Meeting ended at 10.18 am

CHAIRMAN: _____

DATE _____