



City of Westminster

Committee Agenda

Title: **Licensing Sub-Committee (3)**

Meeting Date: **Thursday 16th August, 2018**

Time: **10.00 am**

Venue: **Room 3.1, 3rd Floor, 5 Strand, London, WC2 5HR**

Members: **Councillors:**

Melvyn Caplan (Chairman)
Susie Burbridge
Peter Freeman



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 5 Strand 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, Kisi Smith-Charlemagne, Senior Committee and Governance Officer.

Email: kscharlemagne@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)

1. MEMBERSHIP

To report any changes to the membership.

2. DECLARATIONS OF INTEREST

To receive declarations by Members and Officers of any personal or prejudicial interests in matters on this agenda.

Licensing Applications for Determination

1. 20A ARTESIAN ROAD, LONDON, W2 5AR

(Pages 1 - 12)

App No	Ward / Cumulative Impact Area	Site Name and Address	Application	Licensing Reference Number
1.	Bayswater Ward/ Not in cumulative impact area	20A Artesian Road, London, W2 5AR	Temporary Event Notice	18/09277/LITENN

**Stuart Love
Chief Executive
10 August 2018**

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

POLICY CONSIDERATIONS

The Licensing Sub-Committee is required to have regard to the City of Westminster statement of Licensing Policy, effective from 7th January 2016.

GUIDANCE CONSIDERATIONS

The Licensing Sub-Committee is required to have regard to any guidance issued by the Secretary of State under Section 182 of the Licensing Act 2003. The most recent version was published in April 2018.

CORE HOURS WHEN CUSTOMERS ARE PERMITTED TO BE ON THE PREMISES (As set out in the Council's Statement of Licensing Policy 2016)

- 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:

Date:

16 August 2018

Classification:

For General Release

Title of Report:

**20a Artesian Road
London
W2 5AR**

Uniform Reference:

18/09277/LITENN

Report of:

Operational Director for Premises Management

Policy context:

City of Westminster Statement of Licensing Policy

Financial summary:

None

Report Author:

**Shannon Pring
Senior Licensing Officer**

Contact Details:

E-mail: spring3@westminster.gov.uk

1. TEMPORARY EVENT NOTICE DETAILS

Proposal:	<u>Permitted Temporary Activities:</u> <ul style="list-style-type: none"> • Sale by Retail of Alcohol • Late Night Refreshment <p><i>(Please see Temporary Event Notice at Appendix A)</i></p>		
Premises User:	Mr Charles Phillips	Premises Name and Address:	20a Artesian Road London W2 5AR
Date Temporary Event Notice Received:	07 August 2018	Event Period:	12:00 26/08/2018 – 17:00 27/08/2018
Ward Name:	Bayswater	Times when licensable activities will be carried out on each day:	12:00 26.08.2018- 18:00 26.08.2018 (6 Hours) 12:00 27.08.2018- 17:00 27.08.2018 (5 Hours)
Number of attendees at event (including staff):	4	Cumulative Impact Area:	Yes - Bayswater
Details of Premises Licence:	The premises does not have a Premises Licence.		
Notice of Objection by Metropolitan Police Service :	<p>The Metropolitan Police has given a notice of objection under s.104 (2) of the Licensing Act 2003. The notice of objection is based on the grounds of Crime and Disorder and protection of children from harm.</p> <p>The Metropolitan Police has stated: Police object pending further enquiries.</p> <p><i>(Please See The Metropolitan Police Objection and additional correspondence at Appendix B)</i></p>		
Notice of Objection by Environmental Health :	<p>The Environmental Health 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 of Public Nuisance and Public Safety.</p> <p>Environmental Health has stated: I am in receipt of the TEN for the Notting Hill Carnival weekend for the sale of alcohol for off sales from 12:00-18:00 hours on 26th and 12:00-17:00 hours on 27th August. I object as there are insufficient undertakings in order to prevent public nuisance and protect public safety.</p> <p><i>(Please See the Environmental Health Objection Appendix C)</i></p>		

Recommendation:	That the Sub-Committee consider the notice of objections given by both the Metropolitan Police Service and Environmental Health 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 Shannon Pring at spring3@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 *(Please read note 1)*

1. Your name

Title	First name	Last
Mr	[REDACTED]	[REDACTED]

2. Previous names *(if relevant)*

3. Your date of birth

[REDACTED]

4. Your place of birth

[REDACTED]

5. National Insurance number

[REDACTED]

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

[REDACTED]

Postcode

[REDACTED]

7. Other contact details

Telephone numbers

Daytime	[REDACTED]	
Mobile (optional)		
Email address	[REDACTED]	

Licensing Authority: *Westminster City Council*

Ref:

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

<i>Postcode</i>

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

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"/>

We would just like to use the front garden gate as a bar for Notting hill Carnival goes to order upmarket Juices and cocktails . No Public will be allowed onto the premises and drinks will be served directly onto the pavement.

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

Residential home. no access to the public. the front garden will be used for stock storage and a bar will be securely built to block the front gate.

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

A takeaway upmarket drinks bar for Notting Hill Carnival goes walking past Artesian road. Opening times will abide by the carnival rules.

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	a
The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club	a
The provision of regulated entertainment (Please read note 7)	
The provision of late night refreshment	
Are you giving a late temporary event notice? (Please read note 8)	

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	26/08/2018	Time	12:00	End date	26/08/2018	Time	18:00	a
	27/08/2018		12:00		27/08/2018		17:00	

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)	4
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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	a
	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)		a
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
		a
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? (please mark an "X" in the box that applies to you)	Yes	No
		a

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"/> a
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"/> a
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"/> a
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"/> a

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 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.

a

Date	07/08/2018
Name of person signing	

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.

Charles, Phillips

7PHDS6R5S412L

**Consultee Comments for Licensing Application
18/09277/LITENN**

Application Summary

Application Number: 18/09277/LITENN

Address: 20A Artesian Road London W2 5AR

Proposal: TEN Non-Personal Licence Holder

Case Officer: Bushara Hamida

Consultee Details

Name: Mr Bryan Lewis

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

Email: blewis1@westminster.gov.uk

On Behalf Of: Metropolitan Police Service For TENs (for Licensing)

Comments

Police object pending further enquiries

regards

Bryan

Consultee Comments for Licensing Application 18/09277/LITENN

Application Summary

Application Number: 18/09277/LITENN

Address: 20A Artesian Road London W2 5AR

Proposal: TEN Non-Personal Licence Holder

Case Officer: Bushara Hamida

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 application on the grounds that the notice giver has not provided sufficient information to show how the Licensing Objectives Prevention of Public Nuisance and Protection of Public Safety will be promoted.

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.