



City of Westminster

Licensing Sub-Committee Report

Item No:

Date:

19 October 2017

Classification:

For General Release

Title of Report:

**The Loop
Ground Floor, 19 Dering Street, London, W1S 1AJ**

Uniform Reference:

17/11369/LITENP

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:

**Telephone: 020 7641 3217
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 • Provision of Regulated Entertainment • Provision of Late Night Refreshment <p><i>(Please see Temporary Event Notice at Appendix A)</i></p> | | |
| Premises User: | Murdoch Scott Rosie | Premises Name and Address: | The Loop, Ground Floor, 19 Dering Street, London, W1S 1AJ |
| Date Temporary Event Notice Received: | 11 October 2017 | Period of Event: | <u>17/11369/LITENP</u> 03:00 on 28 th October 2017 until 04:00 on 28 th October 2017 |
| Ward Name: | West End | Cumulative Impact Area: | No |
| Number of attendees at event (including staff): | 450 | | |
| Details of Premises Licence: | 17/03186/LIPDPS, The Loop, Ground Floor, 19 Dering Street, London, W1S 1AJ <u>Licensable activities:</u> Performance of Dance Monday to Saturday: 09:00 to 03:00 Performance of Live Music Monday to Saturday: 09:00 to 03:00 Playing of Recorded Music Unrestricted Anything of a similar description to Live Music, Recorded Music or Performance of Dance Monday to Saturday: 09:00 to 03:00 Late Night Refreshment Monday to Saturday: 23:00 to 03:30 Private Entertainment consisting of dancing, music or other entertainment of a like kind for consideration and with a view to profit Unrestricted Sale by Retail of Alcohol Monday to Saturday: 10:00 to 03:00 Sunday: 12:00 to 22:30 | | |
| Notice of Objection by Metropolitan | 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 | | |

| | |
|--------------------------------|---|
| <p>Police Service :</p> | <p>undermine the Prevention of Crime and Disorder objectives.</p> <p>The Metropolitan Police Service has stated: <i>'The Metropolitan Police will be objecting to your recent Temporary Event Notice. We have concerns that allowing the premises to be used in accordance with the notice would undermine the Crime Prevention Objective.</i></p> <p><i>There has been an allegation of a serious sexual assault having taken place at the venue last night (12/10/17) The matter is under investigation both from a criminal and licensing perspective at present. We will be objecting to any future TENS for this venue until the Licensing investigation is complete'.</i></p> <p>At the time of writing this report the applicant has not responded to the objection.</p> <p><i>(Please See Police Objection Appendix B)</i></p> |
| <p>Recommendation:</p> | <p>That the Sub-Committee consider the notice of objection given by Metropolitan Police Service 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.</p> |

Additional procedural information – please see Appendix C

If you have any questions about this report, please contact Shannon Pring on 020 7641 3217 or at spring3@westminster.gov.uk

APPENDIX A

Temporary Event Notice

Before completing this notice please read the guidance notes at the end of the notice. If you are completing this notice by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written or typed in black ink. Use additional sheets if necessary.

You should keep a copy of the completed notice for your records. You must send at least one copy of this notice to the licensing authority and additional copies must be sent to the chief officer of police and the local authority exercising environmental health functions for the area in which the premises are situated. The licensing authority will give to you written acknowledgement of the receipt of the notice.

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.

| | |
|---|---------------------------------------|
| 1. The personal details of premises user (Please read note 1) | |
| 1. Your name | |
| Title | Mr X Mrs Miss Ms Other (please state) |
| Surname | Rosie |
| Forenames | Murdoch Scott |
| 2. Previous names (Please enter details of any previous names or maiden names, if applicable. Please continue on a separate sheet if necessary) | |
| Title | Mr Mrs Miss Ms Other (please state) |
| Surname | |
| Forenames | |
| 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 Address] | |
| Post town | London |
| Post code | [Redacted Postcode] |
| 7. Other contact details | |
| Telephone numbers | |
| Daytime | |
| Evening (optional) | |
| Mobile (optional) | |
| Fax number (optional) | |
| E-Mail Address (if available) | |
| 8. Alternative address for correspondence (If you complete the details below, we will use this address to correspond with you) | |

| | |
|--|--|
| Carole Collingwood Woods Whur 2014 Limited Devonshire House 38 York Place | |
| Post town Leeds | Post code LS1 2ED |
| 9. Alternative contact details (if applicable) | |
| Telephone numbers: Daytime | 0113 234 3055 |
| Evening (optional) | |
| Mobile (optional) | |
| Fax number (optional) | |
| E-Mail Address (if available) | carole@woodswhur.co.uk |

| | |
|---|-----------------|
| 2. The premises | |
| Please give the address of the premises where you intend to carry on the licensable activities or if it has no address give a detailed description (including the Ordnance Survey references) (Please read note 2) | |
| The Loop 19 Dering Street London W1S 1AJ | |
| 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 | 17/03186/LIPDPS |
| Club premises certificate number | |
| If you intend to use only part of the premises at this address or intend to restrict the area to which this notice applies, please give a description and details below. (Please read note 3) | |
| Ground Floor | |
| Please describe the nature of the premises below. (Please read note 4) | |
| Bar | |
| Please describe the nature of the event below. (Please read note 5) | |
| Promoted Event - Halloween Special | |
| <ol style="list-style-type: none"> 1. The conditions attached to the premises licence will be complied with for the duration of the TEN. 2. Door staff at the entrance and inside the premises will wear high vis jackets. 3. Last entry to the venue will be 02:00, and that all customers are off the premises by 04:30. | |

4. All customers will be searched on entry to the premises.
 5. Club scan will be used, scanning customers with ID on entry from 22:00.

| 3. 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). (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 | <input checked="" type="checkbox"/> | |
| The provision of late night refreshment | <input checked="" type="checkbox"/> | |
| Are you giving a late temporary event notice? (Please read note 7) | <input type="checkbox"/> | |
| Please state the dates on which you intend to use these premises for licensable activities. (Please read note 8) | | |
| 28 October 2017 | | |
| Please state the times during the event period that you propose to carry on licensable activities (please give times in 24 hour clock). (Please read note 9) | | |
| 03:00 to 04:00 | | |
| 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 10) | 450 | |
| 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 11) | On the premises only | <input checked="" type="checkbox"/> |
| | Off the premises only | <input type="checkbox"/> |
| | Both | <input type="checkbox"/> |

| |
|---|
| <p>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 12)</p> <p>N/A</p> |
|---|

| 4. Personal licence holders (Please read note 13) | | |
|--|-------------------------------------|--------------------------|
| Do you currently hold a valid personal licence? (Please mark an "X" in the box that applies to you) | Yes | No |
| | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

| | |
|---|--------------------------|
| If "Yes" please provide the details of your personal licence below. | |
| Issuing licensing authority | London Borough of Ealing |
| Licence number | 03460 |
| Date of issue | 14/05/2012 |
| Date of expiry | 14/05/2022 |
| Any further relevant details | |

| 5. Previous temporary event notices you have given (Please read note 14) | | |
|---|--|---|
| 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"/> |
| If answering yes, please state the number of temporary event notices you have given for events in that same calendar year | 1 | |
| 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 <input type="checkbox"/> | No <input checked="" type="checkbox"/> |

| 6. Associates and business colleagues (Please read note 15) | | |
|---|---------------------------------|---|
| 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? (Please mark an "X" in the box that applies to you) | Yes <input type="checkbox"/> | No <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 | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 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? (Please mark an "X" in the box that applies to you) | Yes <input type="checkbox"/> | No <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? (Please mark an "X" in the box that applies to you) | Yes <input type="checkbox"/> | No <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 <input type="checkbox"/> | No <input checked="" type="checkbox"/> |

| | | |
|---|--|--|
| 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) | | |
|---|--|--|

| 7. Checklist (Please read note 16) | |
|--|-------------------------------------|
| I shall (Please mark the appropriate boxes with an "X") | |
| Send at least one copy of this notice to the licensing authority for the area in which the premises are situated | <input checked="" type="checkbox"/> |
| Send a copy of this notice to the chief officer of police for the area in which the premises are situated | <input checked="" type="checkbox"/> |
| Send a copy of this notice to the local authority exercising environmental health functions for the area in which the premises are situated | <input checked="" type="checkbox"/> |
| If the premises are situated in one or more licensing authority areas, send at least one copy of this notice to each additional licensing authority | <input checked="" type="checkbox"/> |
| If the premises are situated in one or more police areas, send a copy of this notice to each additional chief officer of police | <input checked="" type="checkbox"/> |
| If the premises are situated in one or more local authority areas, send a copy of this notice to each additional local authority exercising environmental health functions | <input checked="" type="checkbox"/> |
| Make or enclose payment of the fee for the application | <input checked="" type="checkbox"/> |
| Sign the declaration in Section 9 below | <input checked="" type="checkbox"/> |

| 8. 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. |

| 9. 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 and that a person is liable on conviction for any such offence to a fine not exceeding £20,000, or to imprisonment for a term not exceeding six months, or to both. | |
| Signature | <i>C. Collingwood</i> |
| Date | 9 October 2017 |
| Name of Person signing | Carole Collingwood - Woods Whur 2014 Limited |

For completion by the licensing authority

1711369/LITENP

| | |
|---|---|
| 10. Acknowledgement (Please read note 19) | |
| I acknowledge receipt of this temporary event notice. | |
| Signature |  On behalf of the licensing authority |
| Date | 11/10/17 |
| Name of Officer signing | JESSICA DONOVAN |

Consultee Comments for Licensing Application 17/11369/LITENP

Application Summary

Application Number: 17/11369/LITENP
Address: 19 Dering Street London W1S 1AJ
Proposal: TEN Personal Licence Holder
Case Officer: Mrs Shannon Pring

Consultee Details

Name: Mrs sandy russell
Address: Westminster City Hall 64 Victoria Street, London, City of Westminster SW1E 6QP
Email: srussell@westminster.gov.uk
On Behalf Of: Metropolitan Police Service For TENS (for Licensing)

Comments

Dear Carole ,

Re Temporary Event Notice at: Loop bar, 19, Dering Street, W1. 28/10/17

The Metropolitan Police will be objecting to your recent Temporary Event Notice. We have concerns that allowing the premises to be used in accordance with the notice would undermine the Crime Prevention Objective.

There has been an allegation of a serious sexual assault having taken place at the venue last night (12/10/17) The matter is under investigation both from a criminal and licensing perspective at present. We will be objecting to any future TENS for this venue until the Licensing investigation is complete.

PC Sandy Russell 4167CW
Westminster Police Licensing Team
4th Floor, 64 Victoria Street,
LONDON, SW1E 6QP
Tel: 0207 641 1721

APPENDIX C

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.