



City of Westminster

# Licensing Sub-Committee Report

Item No:	
Date:	<b>11<sup>th</sup> August 2016</b>
Classification:	<b>For General Release</b>
Title of Report:	<b>40 Chepstow Road London W2 5BE</b>
Uniform Reference:	<b>16/07785/LITENN</b>
Report of:	<b>Operational Director for Premises Management</b>
Policy context:	<b>City of Westminster Statement of Licensing Policy</b>
Financial summary:	<b>None</b>
Report Author:	<b>Miss Yolanda Wade Senior Licensing Officer</b>
Contact Details:	<b>Telephone: 020 7641 1872 E-mail: <a href="mailto:ywade@westminster.gov.uk">ywade@westminster.gov.uk</a></b>

## 1. TEMPORARY EVENT NOTICE DETAILS

<b>Proposal:</b>	<p><u>Permitted Temporary Activities:</u></p> <ul style="list-style-type: none"> <li>• The Sale by Retail of Alcohol (On &amp; Off sales)</li> <li>• The provision of late night refreshment</li> </ul> <p><i>(Please see Temporary Event Notices at Appendices A)</i></p>		
<b>Premises User:</b>	John Ballantyne	<b>Premises Name and Address:</b>	40 Chepstow Road London W2 5BE
<b>Date Temporary Event Notice Received:</b>	24 <sup>th</sup> July 2016	<b>Period of Event:</b>	08:00-00:00 on 27 <sup>th</sup> August 2016 08:00-00:00 on 28 <sup>th</sup> August 2016 08:00-00:00 on 29 <sup>th</sup> August 2016
<b>Ward Name:</b>	Bayswater	<b>Stress Area:</b>	No
<b>Number of attendees at event (including staff):</b>	100		
<b>Details of Premises Licence:</b>	<b>The Premises does not have a Premises Licence</b>		
<b>Notice of Objection by Environmental Health:</b>	<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 Public Nuisance, Protection of Public Safety and Protection of Children from Harm objectives.</p> <p><i>(Please see the Environmental Health Objection at Appendix B)</i></p>		
<b>Notice of Objection by The Metropolitan Police</b>	<p>The Metropolitan Police has given a notice of objection under s.104 (2) of the Licensing Act 2003. The notice of objection states: "unfortunately there is insufficient information contained in your application to promote the licensing objectives and so Police object to this notice for the following reasons: to prevent crime and disorder and protect children from harm"</p> <p><i>(Please see the Environmental Health Objection at Appendix C)</i></p>		
<b>Recommendation:</b>	<p>That the Sub-Committee consider the notice of objection given by the 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.</p>		

***Additional procedural information – please see Appendix D***

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

# Appendix A



**Westminster**  
**Temporary Event Notice**  
**Licensing Act 2003**

For help contact  
[tens@westminster.gov.uk](mailto:tens@westminster.gov.uk)  
Telephone: 020 7641 1884

\* required information

## Section 1 of 9

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference

Not Currently In Use

This is the unique reference for this application generated by the system.

Your reference

Chepstow/2016

You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant?

- Yes  No

Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

### Applicant Details

First name

John

Family name

Ballantyne

E-mail address

[REDACTED]

Main telephone number

[REDACTED]

Include country code.

Other telephone number

[REDACTED]

- Indicate here if you would prefer not to be contacted by telephone

Are you:

- Applying as a business or organisation, including as a sole trader  
 Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means you are applying so you can be employed, or for some other personal reason, such as following a hobby.

Continued from previous page...

**Your Address**

Address official correspondence should be sent to.

Building number or name	40
Street	Chepstow Road
District	
City or town	London
County or administrative area	
Postcode	W2 5BE
Country	United Kingdom

**Section 2 of 9**

**APPLICATION DETAILS (See also guidance on completing the form, general notes and note 1)**

Have you had any previous or maiden names?

- Yes       No

Your date of birth

dd	mm	yyyy

Applicant must be 18 years of age or older

National Insurance number

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This box need not be completed if you are an individual not liable to pay UK national insurance.

Place of birth

--

**Correspondence Address**

Is the address the same as (or similar to) the address given in section one?

- Yes       No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

Building number or name	40
Street	Chepstow Road
District	
City or town	London
County or administrative area	
Postcode	W2 5BE
Country	United Kingdom

Continued from previous page...

### Additional Contact Details

Are the contact details the same as (or similar to) those given in section one? If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

Yes  No

E-mail

Telephone number

Other telephone number

### Section 3 of 9

#### THE PREMISES

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

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). (See also guidance on completing the form, note 2)

Does the premises have an address?

Yes  No

#### Address

Is the address the same as (or similar to) the address given in section one? If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

Yes  No

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Does a premises licence or club premises certificate have effect in relation to the premises (or any part of the premises)?

Neither  Premises licence  Club premises certificate

#### Location Details

Provide further details about the location of the event

The event will be located at 40 Chepstow Road, W2 5BE, London.

If you intend to use only part of the premises at this address or intend to restrict the area to which this notice applies, give a description and details below (see also guidance on completing the form, note 3)

The event will take place over the whole premises.

Continued from previous page...

Describe the nature of the premises below (see also guidance on completing the form, note 4)

40 Chepstow Road is a residential terraced property with a basement flat and three upper floors. There are small outdoor patio areas at both of the rear and the front of the house. The patio area at the front of the house has a fence and gate separating it from the pavement on Chepstow Road. The rear patio is an enclosed space. We intend to use the patio and indoor areas of the premises for the event.

Describe the nature of the event below (see also guidance on completing the form, note 5)

The event will be a side party to the Notting Hill Carnival selling soft and alcoholic drinks and food to the public. There will be some music equipment but no public facilities or appliances.

#### Section 4 of 9

#### LICENSABLE ACTIVITIES

State the licensable activities that you intend to carry on at the premises (see also guidance on completing the form, note 6):

- The sale by retail of alcohol
- The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club
- The provision of regulated entertainment
- The provision of late night refreshment
- The giving of a late temporary event notice

Late notices can be given no later than 5 working days but no earlier than 9 working days before the event.  
(See also guidance on completing the form, note 7).

#### Event Dates

There must be a period of at least 10 working days between the date you submit this form and the date of the earliest event when you will be using these premises for licensable activities.

State the dates on which you intend to use these premises for licensable activities

(see also guidance on completing the form, note 8)

Event start date

/  /   
dd mm yyyy

The maximum period for using premises for licensable activities under the authority of a temporary event notice is 168 hours or seven days.

Event end date

/  /   
dd mm yyyy

**Continued from previous page...**

State the times during the event period that you propose to carry on licensable activities (give times in 24 hour clock)

08.00 - 00.00

(see also guidance on completing the form, note 9)

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

100

(see also guidance on completing the form, note 10)

Note that the maximum number of people cannot exceed 499.

If the licensable activities will include the supply of alcohol, state whether the supplies will be for consumption on or off the premises, or both

(see also guidance on completing the form, note 11):

- On the premises only
- Off the premises only
- Both

**Section 5 of 9**

**RELEVANT ENTERTAINMENT (See also guidance on completing the form, note 12)**

State if the licensable activities will include the provision of relevant entertainment. If so, state the times during the event period that you propose to provide relevant entertainment

Playing of recorded music only but with no large scale equipment.

**Section 6 of 9**

**PERSONAL LICENCE HOLDERS (See also guidance on completing the form, note 13)**

Do you currently hold a valid personal licence?  Yes  No

**Section 7 of 9**

**PREVIOUS TEMPORARY EVENT NOTICES (See also guidance on completing the form, 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?  Yes  No

**Continued from previous page...**

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  Yes  No
- b) Begins 24 hours or less after the event period proposed in this notice?

**Section 8 of 9**

**ASSOCIATES AND BUSINESS COLLEAGUES (See also guidance on completing the form, 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?

- Yes  No

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  Yes  No
- b) Begins 24 hours or less after the event period proposed in this notice?

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

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  Yes  No
- b) Begins 24 hours or less after the event period proposed in this notice?



Continued from previous page...

**Section 9 of 9**

**CONDITION (See also guidance on completing the form, note 17)**

It is a condition of this temporary event notice that where the relevant licensable activities described in Sections 4 and 5 above include the supply of alcohol that all such supplies are made by or under the authority of the premises user.

**PAYMENT DETAILS**

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card.  
This formality requires a fixed fee of £21

**DECLARATION (See also guidance on completing the form, 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
- Ticking this box indicates you have read and understood the above declaration

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

Full name	<input type="text" value="John Stanley Ballantyne"/>
Capacity	<input type="text" value="Resident"/>
Date	<input type="text" value="24"/> / <input type="text" value="07"/> / <input type="text" value="1985"/> dd mm yyyy

- Once you're finished you need to do the following:
1. Save this form to your computer by clicking file/save as...
  2. Go back to <https://www.gov.uk/apply-for-a-licence/temporary-event-notice/westminster/apply-1> to upload this file and continue with your application.
- Don't forget to make sure you have all your supporting documentation to hand.

**OFFICE USE ONLY**

Applicant reference number	<input type="text" value="Chepstow/2016"/>
Fee paid	<input type="text"/>
Payment provider reference	<input type="text"/>
ELMS Payment Reference	<input type="text"/>
Payment status	<input type="text"/>
Payment authorisation code	<input type="text"/>
Payment authorisation date	<input type="text"/>
Date and time submitted	<input type="text"/>
Approval deadline	<input type="text"/>
Error message	<input type="text"/>
Is Digitally signed	<input type="checkbox"/>

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# Appendix B

## Consultee Comments for Licensing Application 16/07785/LITENN

### Application Summary

Application Number: 16/07785/LITENN

Address: 40 Chepstow Road London W2 5BE

Proposal: TEN Non-Personal Licence Holder

Case Officer: Mr Ola Owojori

### 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 TEN on the grounds that the applicant has not provided sufficient information and/or undertakings to show how the Licensing Objectives Prevention of Public Nuisance, Protection of Public Safety and Protection of Children from Harm will be promoted.

# Appendix C

## Consultee Comments for Licensing Application 16/07785/LITENN

### Application Summary

Application Number: 16/07785/LITENN

Address: 40 Chepstow Road London W2 5BE

Proposal: TEN Non-Personal Licence Holder

Case Officer: Mr Ola Owojori

### Consultee Details

Name: Mr Toby Janes

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

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

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

### Comments

Dear John

Temporary Event Notice - 40 Chepstow Road Notting Hill Side party - 27/08/16

Thank you for your Temporary Event Notice application.

Unfortunately there is insufficient information contained in your application to promote the licensing objectives and so Police object to this notice for the following reasons:

To prevent crime and disorder and protect children from harm

Insufficient undertakings provided to promote the licensing objectives

If you wish to discuss this matter further please do not hesitate to contact me.

Kind regards

Toby.

PC Toby JANES 1275CW  
Westminster Police Licensing Team  
4th Floor, 64 Victoria Street,  
LONDON, SW1E 6QP  
Tel: 0207 641 3347

## **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**

- 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**

- 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 day's 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.