



City of Westminster

# Licensing Sub-Committee Report

Item No:

Date:

**10<sup>th</sup> August 2017**

Classification:

**For General Release**

Title of Report:

**40 Leamington Road Villas  
London  
W11 1HT**

Uniform Reference:

**17/07975/LITENN**

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: [jdonovan@westminster.gov.uk](mailto:jdonovan@westminster.gov.uk)**

## 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> </ul> <i>(Please see Temporary Event Notice at Appendix A)</i>		
<b>Premises User:</b>	Mrs Mabel Akabah	<b>Premises Name and Address:</b>	40 Leamington Road Villas London W11 1HT
<b>Date Temporary Event Notice Received:</b>	19 <sup>th</sup> July 2017	<b>Period of Event:</b>	<u>17/07975/LITENN</u> 27.08.17-27.08.2017 12:00-19:00 28.08.17-28.08.2017 12:00-19:00
<b>Ward Name:</b>	Westbourne	<b>Stress Area:</b>	No
<b>Number of attendees at event (including staff):</b>	14		
<b>Details of Premises Licence:</b>	The premises does not have a Premises Licence.		
<b>Notice of Objection by the Metropolitan Police Service and 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 objectives.</p> <p>The Metropolitan Police has stated: <i>'Police object to this Temporary Event Notice(s) for the following reasons:- To prevent crime and disorder, Protect children from harm. I note that you have submitted an event management plan which includes undertakings. This being assessed by the Police Licensing Team and we will contact you to discuss further if required.'</i></p> <p>(Please See Police Objection Appendix B )</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 in Public Nuisance and Public Safety objectives.</p> <p>Environmental Health has stated: <i>'The licensable activity may have the likely effect of causing an increase in Public Nuisance in the area and could impact on Public Safety. However undertakings have been proposed in order to minimise Public Nuisance and protect Public Safety as well as an Event Management Plan.</i></p> <p><i>The Event Management Plan is currently being assessed to determine its suitability.</i></p>		

	<i>(Please See Environmental Health Appendix C )</i>
<b>Recommendation:</b>	That the Sub-Committee consider the notice of objection given by Environmental Health and 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.
<i>Applicants Submissions- please see Appendix D</i>	
<i>Additional procedural information – please see Appendix E</i>	
<p>If you have any questions about this report, please contact Jessica Donovan at  <a href="mailto:Jdonovan@westminster.gov.uk">Jdonovan@westminster.gov.uk</a></p>	

## 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 <i>(Please read note 1)</i>		
<b>1. Your name</b>		
Title	First name	Last
Mrs	Mabel	Akabah
<b>2. Previous names <i>(if relevant)</i></b>		
Miss	Mabel	Akwunwa
<b>3. Your date of birth</b>		25/02/1939
<b>4. Your place of birth</b>		Nigeria
<b>5. National Insurance number</b>		YK244195A
<b>6. Your current address</b> (We will use this address to correspond with you unless you complete the separate correspondence box below)		
40 Leamington Road Villas London		
		Postcode W11 1HT
<b>7. Other contact details</b>		
Telephone numbers		
Daytime	07956199035	
Mobile (optional)		
Email address	angellaakabah@yahoo.co.uk	



Licensing Authority: **Westminster City Council**

Ref:

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

Postcode
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**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

**40 Leamington Road Villas**  
**London**

**W11 1HT**

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)		<table border="1"> <tr> <td>Yes</td> <td>No</td> </tr> <tr> <td><input type="checkbox"/></td> <td><input checked="" type="checkbox"/></td> </tr> </table>	Yes	No	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Yes	No					
<input type="checkbox"/>	<input checked="" type="checkbox"/>					

**Notting Hill carnival**

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

**Private residence**

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

**To sell alcoholic beverages (cans only) to the public. Members of the public would only access the stall from the front of the property immediately in front of the front door and off the public walk way. The table and point of sale which items will be sold would be placed at the far end of the front yard to provide space for customers to queue if there is concern over crowds blocking the pavement. The public only have access to the area serving alcohol from the front of the house as there are walls at either sides of the property. Beverage stocks will be kept inside the property and brought out to the tables as required to ensure there're not large amounts of drinks on display at one time. The 6 team managing the sale of beverages will be in front and behind the table. Those at the front will be able to manage an orderly queue and check the suitability and state of customers wishing to be served as well as operating a challenge 25 proof of age scheme. The staff behind the table will serve customers as well as gathering more stock from the house when supplies need replenishing. My daughter Angella Akabah is a personal license holder LN000013015 expiry 6/8/24 will be present always.**

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 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>27/08/2017</b>	Time	<b>12:00</b>	End date	<b>27/08/2017</b>	Time	<b>19:00</b>	<input checked="" type="checkbox"/>
	<b>28/08/2017</b>		<b>12:00</b>		<b>28/08/2017</b>		<b>19:00</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)

**14**

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"/>
<b>Provide the details of your personal licence below.</b>	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
		<input checked="" type="checkbox"/>
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:	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 checked="" type="checkbox"/>
(please mark an "X" in the box that applies to you)		



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"/>
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		<input checked="" type="checkbox"/>
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
	<input type="checkbox"/>	<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	No
a) ends 24 hours or less before; or		<input checked="" type="checkbox"/>
b) begins 24 hours or less after the event period proposed in this notice?		

**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.



Date

19/07/2017

Name of person signing

Mabel Akabah

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.

Mabel, Akabah

4Z8NT1C1JQKG8



## Consultee Comments for Licensing Application 17/07975/LITENN

### Application Summary

Application Number: 17/07975/LITENN

Address: 40 Leamington Road Villas London W11 1HT

Proposal: TEN Non-Personal Licence Holder

Case Officer: Miss Bina Patel

### 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 Akabah

With reference to the above TEN , Police object to this Temporary Event Notice(s) for the following reasons:-

To prevent crime and disorder,

Protect children from harm.

I note that you have submitted an event management plan which includes undertakings. This being assessed by the Police Licensing Team and we will contact you to discuss further if required.

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

Kind Regards

Reaz

PC Reaz Guerra 1614CW

Westminster Police Licensing Team

Westminster City Council

Portland House

Bressenden Place

London SW1E 5RS

0207 641 1708

CITY OF WESTMINSTER

MEMORANDUM

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TO Licensing Officer

REFERENCE 17/07975/LITENP

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FROM EH Consultation Team  
REFERENCE 17/23577/ECTENO  
BEING DEALT WITH BY S Fabbriatore (sfabbriatore@westminster.gov.uk)  
TELEPHONE 020 7641 2788  
DATE 24<sup>th</sup> July 2017

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**The Licensing Act 2003**

**RE: 40 Leamington Road Villas, London, W11 1HT**

I refer to the Temporary Event Notifications for the above premises.

The following licensable activities have been requested:

1. To provide the Supply of Alcohol off the premises, on the 27<sup>th</sup> August from 12:00 to 19:00 hours and on 28<sup>th</sup> August 2017 from 12:00 to 19:00 hours. The proposed capacity is 14.

I wish to make the following objection:

1. The licensable activity may have the likely effect of causing an increase in Public Nuisance in the area and could impact on Public Safety.

However undertakings have been proposed in order to minimise Public Nuisance and protect Public Safety as well as an Event Management Plan.

The Event Management Plan is currently being assessed to determine its suitability.

Should you wish to discuss the matter further please do not hesitate to contact me.

Sally Fabbriatore  
Senior Practitioner  
Environmental Health Consultation Team

# APPENDIX D

## Event Management Plan

Members of the public can only access the stall selling drinks from the front of the house on the private property immediately in front of the front door and off the public walk way as depicted in the screen shot. Please note, the table and point of sale from which items will be sold, can be moved back deeper into the front yard to provide space for 8/10 customers to queue if there is concern over crowds blocking the pavement. We also have the option to utilise the drive way (as seen in the attached screen shot) in similar fashion, but we propose to use the area in front of the front door unless you dictate otherwise. The public can therefore only gain access to the area serving alcohol from the front of the house as there are walls at either side of the property.

Beverage stocks will be kept inside the property and brought out to the table as required to ensure there are not large amounts of drinks on display outside the property at any one time. The 6 team members managing the sale of beverages will be in front of and behind the table. Those at the front will be able to manage an orderly queue and check the suitability and indeed 'state' of customers wishing to be served (i.e. age verification and state of intoxication). People behind the table will serve customers as well as gathering more stock from the house when supplies need replenishing.

Our neighbours are aware of our proposed activities and continue to fully endorse the manner in which we propose to conduct matters based on our long history of lawful engagement with the carnival-goers.

In every effort to ensure compliance with the law and all regulations in this matter, myself and my daughter Angella Akabah the Personal License holder in this matter, have endeavoured to comply with all required aspects for conditions to grant this license and give assurance as to the following:

1 - A personal license holder (Angella Akabah) will be present and on the premises at all times during the hours permitted to supply alcohol.

2 - A 'Challenge 25' proof of age scheme will be operated at the premises and the only acceptable forms of ID will be recognised photographic identification documentation such as driving licence, passport etc.

3 - There will be no consumption of alcohol on the premises - this is a private residence.

4 - Cans of beer will be the only alcohol on sale - no bottles or glass containers will be on sale for reasons of public safety

5 - Fully and immediate co-operation with Police or other authorised authority will be observed at all times to ensure & promote Public Order

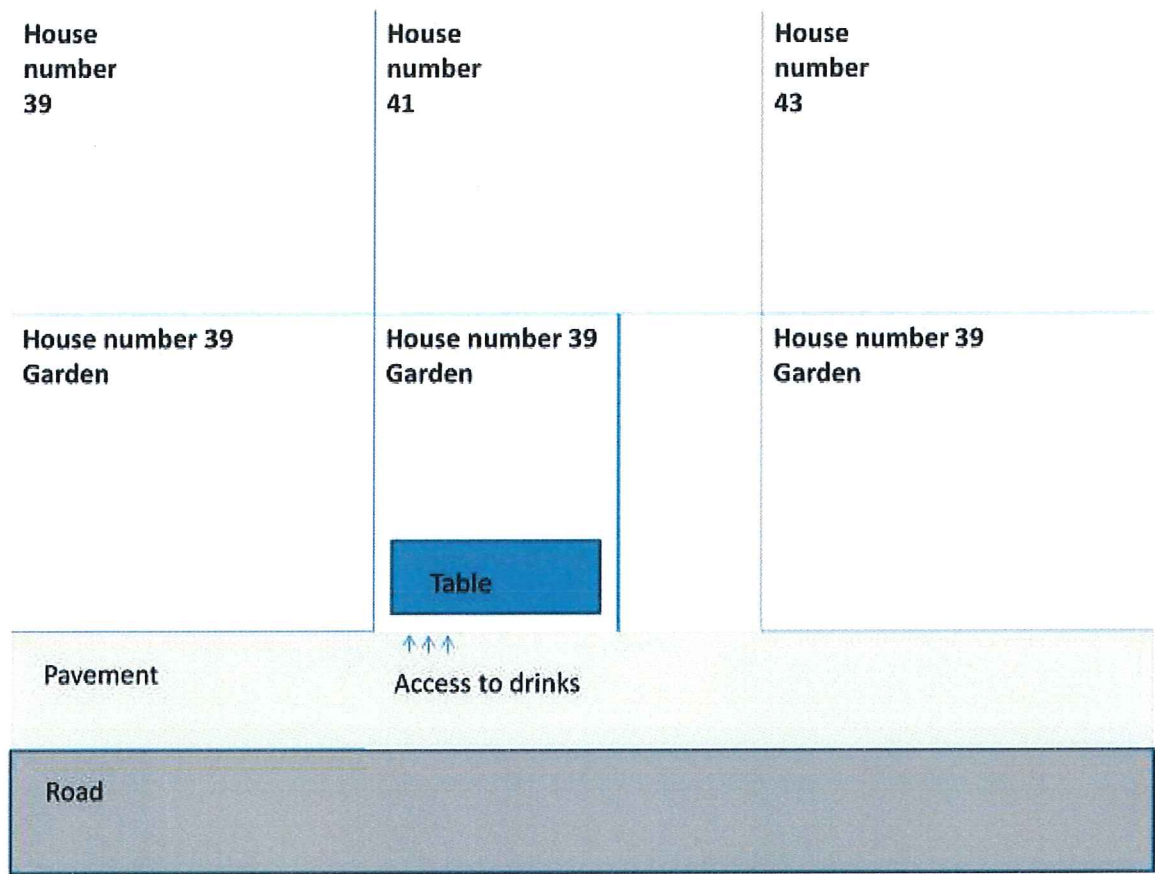


6 - All enterprise will be terminated immediately on the order of the Police or other authorised authority in the event of proper instruction or in the event of or anticipation of Public Disorder or other event which might lead to a Breach of the Peace or other anti-social behavior or any such activity which might contravene the values of my family or the local community in which my Parents proudly reside in.

**Front View**



Plan View



Notes:

Public can only access the stall selling drinks from the front of the house (the table can be moved back deeper into the front yard to provide space for customers to queue if there is a concern over crowds blocking the pavement).

The public can therefore only gain access to the area serving alcohol from the front of the house as there are walls at either side of the property.

Beverage stock will be kept inside the property and brought out to the table as required to ensure there are not large amounts of drinks outside the property at any one time.

The team managing the sale of beverages will be in front of and behind the table. Those at the front will be able to manage an orderly queue and check the suitability of the people wishing to be served (i.e. age verification). People behind the table will serve the customers and provide change as well as gathering more stock from the house when supplies need replenishing.



# APPENDIX E

## 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.