



City of Westminster

# Licensing Sub-Committee Report

Item No:

Date:

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

Classification:

**For General Release**

Title of Report:

**Unit B  
118 Westbourne Grove  
London  
W11 2RR**

Uniform Reference:

**17/08504/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>	Mr Walimohamed Zainudini	<b>Premises Name and Address:</b>	Unit B 118 Westbourne Grove London W11 2RR
<b>Date Temporary Event Notice Received:</b>	1 <sup>st</sup> August 2017	<b>Period of Event:</b>	<b><u>17/08504/LITENN</u></b> 10:00 until 21:00 27.08.2017- 28.08.2017
<b>Ward Name:</b>	Bayswater	<b>Stress Area:</b>	No
<b>Number of attendees at event (including staff):</b>	50		
<b>Details of Premises Licence:</b>	The premises does not have a Premises Licence.		
<b>Notice of Objection by the Metropolitan Police Service &amp; 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 for the following reasons: To prevent crime and disorder and protect children from. There are insufficient details describing the event and insufficient undertakings provided to promote the licensing objectives and we expect a full event management plan to be submitted with all applications concerning Notting Hill Carnival'</i></p> <p>The Metropolitan Police have requested that the applicant provides an event management plan with the following objectives met:</p> <ul style="list-style-type: none"> <li>a) <i>Emergency and Evacuation procedures</i></li> <li>b) <i>Crowd management and stewarding arrangements</i></li> <li>c) <i>A detailed plan showing site layout and emergency egress points site plan must be to scale</i></li> <li>d) <i>Risk Assessments, including Security provisions.</i></li> <li>e) <i>A schedule detailing types and locations of emergency equipment</i></li> <li>f) <i>How the capacity will not be breached</i></li> <li>g) <i>Contacts and details for the day / description of activity</i></li> <li>h) <i>Timetable for the event - including detailed build schedule / arrival times / set up times / staff arrivals / opening times / derig etc - both days</i></li> <li>i) <i>Details of insurance - Public Liability min £5million and all contractors.</i></li> </ul>		

	<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 will have the likely effect of causing an increase in Public Nuisance in the area and could impact on Public Safety.'</i></p> <p>Environmental Health have requested that the applicant agree to the following modifications:</p> <ul style="list-style-type: none"> <li>• <i>Drink shall not be served in glass.</i></li> <li>• <i>A personal licence holder shall be present on site throughout the event.</i></li> <li>• <i>A Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.</i></li> <li>• <i>The Premises Licence holder must ensure an Event Management Plan is presented to the Westminster Police Licensing Team and Environmental Health Consultation Team for their comments. The Event Management Plan shall include, as a minimum:</i> <ul style="list-style-type: none"> <li><i>a) Emergency and Evacuation procedures</i></li> <li><i>b) Crowd management and stewarding arrangements</i></li> <li><i>c) A detailed plan showing site layout and emergency egress points – site plan must be to scale</i></li> <li><i>d) Risk Assessments</i></li> <li><i>e) A schedule detailing types and locations of emergency equipment</i></li> <li><i>f) How the capacity will not be breached</i></li> <li><i>g) Contacts and details for the day / description of activity</i></li> <li><i>h) Timetable for the event - including detailed build schedule / arrival times / set up times / staff arrivals / opening times / derig etc - both days</i></li> <li><i>i) Details of insurance - Public Liability min £5million and all contractors</i></li> </ul> </li> </ul> <p>So far as is reasonably practicable the Premises Licence Holder shall ensure that the event is run in accordance with the Event Management Plan.</p> <p>(Please See Environmental Health Objection Appendix C )</p>
<b>Recommendation:</b>	<p>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.</p>

*Applicants Submissions- please see Appendix D*

*Additional procedural information – please see Appendix E*

If you have any questions about this report, please contact Jessica Donovan at  
[Jdonovan@westminster.gov.uk](mailto:Jdonovan@westminster.gov.uk)



**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.

<b>Personal Details of Premises User</b> <i>(Please read note 1)</i>		
<b>1. Your name</b>		
Title	First name	Last
Mr	Walimohamed	Zainudini
<b>2. Previous names</b> <i>(if relevant)</i>		
<b>3. Your date of birth</b>		02/02/1955
<b>4. Your place of birth</b>		Iran
<b>5. National Insurance number</b>		PW065541B
<b>6. Your current address</b> <i>(We will use this address to correspond with you unless you complete the separate correspondence box below)</i>		
18B Westbourne Grove London		
		Postcode W11 2RR
<b>7. Other contact details</b>		
<b>Telephone numbers</b>		
Daytime	07795554046	
Mobile (optional)	077955504046	
Email address	robmansur@aol.com	

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		
<b>Telephone numbers</b>		
Daytime		
Mobile (optional)		
<b>E-Mail address</b> (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

**Unit B**  
**118 Westbourne Grove**  
**London**

W11 2RR

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 style="width: 100%;"> <tr> <td style="width: 50%; text-align: center;">Yes</td> <td style="width: 50%; text-align: center;">No</td> </tr> <tr> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> </table>	Yes	No	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Yes	No					
<input checked="" type="checkbox"/>	<input type="checkbox"/>					

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

<b>Cafe</b>
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Please describe the nature of the event below. (Please read note 5)

<b>Notting Hill Carnival</b>
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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

✓

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 (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 **27/08/2017**Time **10:00**End date **28/08/2017**Time **21:00**

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)

**50**

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)**

Do you currently hold a valid personal licence? (please mark an "X" in the box that applies to you)

Yes

No

✓

**Provide the details of your personal licence below.**

Issuing licensing authority

Licence number

Date of issue

Date of expiry

Any further relevant details

**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

✓

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?

Yes

No

✓

(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?	<input type="checkbox"/>	<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?	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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**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

01/08/2017

Name of person signing

Mr Walimohamed Zainudini

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.

*Walimohamed, Zainudini*

8V954XPBMC5X



## Consultee Comments for Licensing Application 17/08504/LITENN

### Application Summary

Application Number: 17/08504/LITENN

Address: Unit B 118 Westbourne Grove London W11 2RR

Proposal: TEN Non-Personal Licence Holder

Case Officer: Miss Jessica Donovan

### 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 Mr Walimohamed Zainudini

With reference to the above, Police object to this Temporary Event Notice for the following reasons: To prevent crime and disorder and protect children from.

There are insufficient details describing the event and insufficient undertakings provided to promote the licensing objectives and we expect a full event management plan to be submitted with all applications concerning Notting Hill Carnival.

Please provide an event management plan specific to your operation, detailing the following as a minimum where applicable:-

- a) Emergency and Evacuation procedures
- b) Crowd management and stewarding arrangements
- c) A detailed plan showing site layout and emergency egress points site plan must be to scale
- d) Risk Assessments, including Security provisions.
- e) A schedule detailing types and locations of emergency equipment
- f) How the capacity will not be breached
- g) Contacts and details for the day / description of activity
- h) Timetable for the event - including detailed build schedule / arrival times / set up times / staff arrivals / opening times / derig etc - both days
- i) Details of insurance - Public Liability min £5million and all contractors

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

Kind regards

PC Reaz Guerra 1614CW

Westminster Police Licensing Team

CITY OF WESTMINSTER

MEMORANDUM

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TO Licensing Officer

REFERENCE 17/08504/LITENP

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FROM EH Consultation Team  
REFERENCE 17/24882/ECTENO  
BEING DEALT WITH BY S Fabbricatore (sfabbricatore@westminster.gov.uk)  
TELEPHONE 020 7641 2788  
DATE 3<sup>rd</sup> August 2017

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## The Licensing Act 2003

### RE: Unit B, 118 Westbourne Grove, London, W11 2RR

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 10:00 until 21:00 hours on 28<sup>th</sup> August 2017. The proposed capacity is 50.

I wish to make the following objection:

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

Insufficient undertakings have been proposed in order to minimise Public Nuisance and protect Public Safety. I propose the following:

- Drink shall not be served in glass.
- A personal licence holder shall be present on site throughout the event.
- A Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
- The Premises Licence holder must ensure an Event Management Plan is presented to the Westminster Police Licensing Team and Environmental Health Consultation Team for their comments. The Event Management Plan shall include, as a minimum:
  - a) Emergency and Evacuation procedures
  - b) Crowd management and stewarding arrangements
  - c) A detailed plan showing site layout and emergency egress points – site plan must be to scale
  - d) Risk Assessments
  - e) A schedule detailing types and locations of emergency equipment
  - f) How the capacity will not be breached



- g) Contacts and details for the day / description of activity
  - h) Timetable for the event - including detailed build schedule / arrival times / set up times / staff arrivals / opening times / derig etc - both days
  - i) Details of insurance - Public Liability min £5million and all contractors
- So far as is reasonably practicable the Premises Licence Holder shall ensure that the event is run in accordance with the Event Management Plan.

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

Sally Fabbricatore  
Senior Practitioner  
Environmental Health Consultation Team

**Donovan, Jessica: WCC**

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**From:** robmansur@aol.com  
**Sent:** 05 August 2017 10:57  
**To:** Donovan, Jessica: WCC  
**Subject:** Re: 17/08504/LITENN-Unit B, 118 Westbourne Grove, London .

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Dear Jessica,

Re: Objected Notice- Licensing of Premises at Unit B, 118 Westbourne Grove

Many thanks for your e-mail of 4th August 2017.

Please note we are well aware of your discomfort at issuing the relevant licence as we have carried out these very same activities at these premises for several years with your approval, and thus are familiar with the consequences that may arise from such activities. This is the reason we have implemented an environment that would minimise any negative consequences, namely:

1) The cafe will be closed, and all the stalls will be mounted on the pavement outside the cafe.  
2) No customer will be allowed inside the cafe. All sales will be made to passers-by who will take the food and drinks away.

3) Drinks will be served in their cans, and no glasses will be provided

4) I, who will be the licence holder, will be present at all times to deal with any eventuality

5) We are happy to implement the Challenge 25 proof of age scheme

6) There is no need for evacuation procedures or emergency exits as all activities will be conducted in the open air

7) We will put up a notice detailing timetable for opening/closing times

8) We hold Public Liability Insurance for £5 million: Policy with ArgoGlobal; No. RIS3/3496493 issued to Golden Inc Ltd T/A West Grove Cafe expiring 04/08/2018

Given all the point mentioned above, we do not think a hearing is necessary

Kind regards,  
Wali Zainudini

-----Original Message-----

From: Donovan, Jessica: WCC <jdonovan@westminster.gov.uk>

To: robmansur <robmansur@aol.com>; Guerra, Reaz: WCC <rguerra@westminster.gov.uk>; Fabbricatore, Sally: WCC <sfabbricatore@westminster.gov.uk>

CC: Sycamore, David: WCC <dsycamore@westminster.gov.uk>

Sent: Fri, 4 Aug 2017 15:15

Subject: 17/08504/LITENN-Unit B, 118 Westbourne Grove, London .

Dear Mr Walimohamed Zainudini

**LICENSING ACT 2003 AND STATUTORY INSTRUMENT 2005 NO.44**  
**THE LICENSING ACT 2003 (HEARINGS) REGULATIONS 2005**

**TEMPORARY EVENT NOTICE**

**PREMISES: Unit B, 118 Westbourne Grove, London**

I refer to your objected notice received under section 104(2) of the Licensing Act 2003.

The objected notice will be considered by the Licensing Sub-Committee on **10<sup>th</sup> August 2017 at 10:00am**.  
The meeting will be held on at **3.1 3<sup>rd</sup> Floor 5 Strand WC2N 5HR**.

**Right of attendance, assistance and representation**

Subject to regulations 14(2) and 25, a party may attend the hearing and may be assisted or represented by any person whether or not that person is legally qualified.

**Representations and supporting information**

At the hearing a party shall be entitled to –

- a) In response to a point upon which the authority has given notice to a party that it will want clarification under regulation 7(1)(d), give further information in support of their application, representations or notice.
- b) If given permission by the authority, question any other party, and
- c) Address the authority.

Under the Licensing Act 2003, you are required to give notice to the Authority no later than **9<sup>th</sup> August 2017** stating:

- i. Whether you intend to attend or be represented at the hearing
- ii. Whether you consider a hearing to be necessary.

Please note – if you do not attend the hearing, the application may proceed in your absence, or alternatively, the Sub-Committee may decide to adjourn the matter.

**Please note- You must submit an event management plan and a scaled plan of the proposed area as soon as possible. Any documents submitted on the day of committee may not be accepted and will be subject to the committee members discretion.**

If you have any queries to this matter please contact me on the details below.

Yours sincerely

**Jessica Donovan**  
Licensing Support Officer

Public Protection and Licensing  
Westminster City Council  
22<sup>nd</sup> Floor  
Portland House  
Bressenden Place  
SW1E 5RS

Email: [Jdonovan@westminster.gov.uk](mailto:Jdonovan@westminster.gov.uk)  
Team E-mail: [licensing@westminster.gov.uk](mailto:licensing@westminster.gov.uk)  
Web: [www.westminster.gov.uk](http://www.westminster.gov.uk)



# 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.