



City of Westminster

Licensing Sub-Committee Report

Item No:

Date:

10th August 2017

Classification:

For General Release

Title of Report:

**St Johns Church
Kilburn Lane
London
W10 4AA**

Uniform Reference:

17/08146/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

1. TEMPORARY EVENT NOTICE DETAILS

Proposal:	<u>Permitted Temporary Activities:</u> <ul style="list-style-type: none"> Regulated Entertainment <i>(Please see Temporary Event Notice at Appendix A)</i>		
Premises User:	Mr Edward Lee	Premises Name and Address:	St Johns Church Kilburn Lane London W10 4AA
Date Temporary Event Notice Received:	22 nd July 2017	Period of Event:	<u>17/08146/LITENN</u> 10:00 until 19:00 27.08.2017- 28.08.2017
Ward Name:	Queen's Park	Stress Area:	No
Number of attendees at event (including staff):	499		
Details of Premises Licence:	The premises does not have a Premises Licence.		
Notice of Objection by the Metropolitan Police Service & Environmental Health :	<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 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"> 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 See Police Objection Appendix B)

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.

Environmental Health has stated: *'The licensable activity will have the likely effect of causing an increase in Public Nuisance in the area and could impact on Public Safety.'*

Environmental Health have requested that the applicant agree to the following modifications:

1. 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.

2. The Premises Licence Holder shall provide a name and a contact mobile telephone number of the person responsible for the sound system during the operation of the licence, who shall be the point of contact for the responsible authorities and local residents.

3. The regulated entertainment authorised by this licence is restricted to recorded music associated with the sound system in operation at the premises and may only take place between 12:00 hours and 19:00 hours on the Bank Holiday Monday in August and the preceding Sunday so as to coincide with the Notting Hill Carnival.

4. Loudspeakers shall not be placed in positions where members of the public can place themselves within two metres of a loudspeaker. The speakers shall be separated from members of the public by barriers and/or fencing.

5. All electrical wires and connections shall be checked by a competent electrician to ensure they are safe. Documentation to that effect shall be made available for inspection by Local Authority Officers.

	<p>6. <i>The sound system operators shall follow any advice or instruction given by Local Authority officers or Police officers with regard to crime and disorder, crowd dispersal and overcrowding.</i></p> <p>7. <i>The noise level produced by amplified sound systems shall not exceed 85dB LAeq (1min) at a measuring point determined by the Environmental Health Officer.</i></p> <p>8. <i>Electrical generators, where used, must be:</i></p> <ul style="list-style-type: none"> <i>a) suitably located clear of buildings, marquees and structures, and from flammable materials;</i> <i>b) enclosed to prevent unauthorised access;</i> <i>c) able to provide power for the duration of the event;</i> <i>d) only use diesel as fuel source.</i> <p>(Please See Environmental Health Objection Appendix C)</p>
Recommendation:	<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

APPENDIX A**Temporary Event Notice**

Please Note: You will need to make a payment of £21.00 before the form submission can be accepted. You will be directed to pay when you submit the form.

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

Personal Details of Premises User *(Please read note 1)***1. Your name**

Title	First name	Last
Mr	Edward	Lee

2. Previous names *(if relevant)*

3. Your date of birth

03/02/1964

4. Your place of birthHackney
London**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)36 Penfold Road
EdmontonPostcode
N9 8EH**7. Other contact details****Telephone numbers**

Daytime	07961938085	
Mobile (optional)	07719804700	
Email address	ste10101@hotmail.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)**141 Third Avenue**Postcode
W10 4HP**9. Alternative contact details** (if applicable)

Title	Mr	
First name	Steve	
Last name	Emeh	
Telephone numbers		
Daytime	07719804700	
Mobile (optional)	07719804700	
E-Mail address (optional)	ste10101@hotmail.co.uk	

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

St Johns Church
Kilburn Lane
London
W10 4AA

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"/>					

The church forecourt

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

The church grounds are divided into plots and i have contracted a plot for the playing of recorded music

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

The event is the Notting hill carnival on Sunday 27th August 10:00 to 19:00 and Monday 28th August 10:00 to 19:00 for the playing of recorded music

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 **19:00**

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)

499

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)

The playing of recorded music between the hours of 10:00 until 19:00**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

☐☒

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:

a) ends 24 hours or less before; or

b) begins 24 hours or less after the event period proposed in this notice?

Yes

No

☐☒

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

☐☒

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:

a) ends 24 hours or less before; or

b) begins 24 hours or less after the event period proposed in this notice?

Yes

No

☐☒**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	21/07/2017
Name of person signing	Mr Steve Emeh

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.

Edward, Lee

6V5NC9SCZF5M4

Consultee Comments for Licensing Application 17/08146/LITENN

Application Summary

Application Number: 17/08146/LITENN

Address: St Johns Church Kilburn Lane London W10 4AA

Proposal: TEN Non-Personal Licence Holder

Case Officer: Ms Simone Murray

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 Steve Emeh,

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 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:-

- 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

Westminster City Council

CITY OF WESTMINSTER

MEMORANDUM

TO Licensing Officer

REFERENCE 17/08146/LITENN

FROM EH Consultation Team
REFERENCE 17/23918/ECTENO
BEING DEALT WITH BY S Fabbricatore (sfabbricatore@westminster.gov.uk)
TELEPHONE 020 7641 2788
DATE 26th July 2017

The Licensing Act 2003

RE: St Johns Church, Kilburn Lane, London, W10 4AA

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

The following licensable activities have been requested:

1. To provide the Regulated Entertainment, on the 27th August from 10:00 to 19:00 hours on 28th August 2017. The proposed capacity is 499.

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 undertakings:

1. 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 contractorsSo far as is reasonably practicable the Premises Licence Holder shall ensure that the event is run in accordance with the Event Management Plan.

2. The Premises Licence Holder shall provide a name and a contact mobile telephone number of the person responsible for the sound system during the operation of the licence, who shall be the point of contact for the responsible authorities and local residents.
3. The regulated entertainment authorised by this licence is restricted to recorded music associated with the sound system in operation at the premises and may only take place between 12:00 hours and 19:00 hours on the Bank Holiday Monday in August and the preceding Sunday so as to coincide with the Notting Hill Carnival.
4. Loudspeakers shall not be placed in positions where members of the public can place themselves within two metres of a loudspeaker. The speakers shall be separated from members of the public by barriers and/or fencing.
5. All electrical wires and connections shall be checked by a competent electrician to ensure they are safe. Documentation to that effect shall be made available for inspection by Local Authority Officers.
6. The sound system operators shall follow any advice or instruction given by Local Authority officers or Police officers with regard to crime and disorder, crowd dispersal and overcrowding.
7. The noise level produced by amplified sound systems shall not exceed 85dB LAeq (1min) at a measuring point determined by the Environmental Health Officer.
8. Electrical generators, where used, must be:
 - a) suitably located clear of buildings, marquees and structures, and from flammable materials;
 - b) enclosed to prevent unauthorised access;
 - c) able to provide power for the duration of the event;
 - d) only use diesel as fuel source.

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

Donovan, Jessica: WCC

From: Guerra, Reaz: WCC
Sent: 06 August 2017 21:11
To: steve steve
Cc: Police Tens: WCC; Ehtens: WCC; TEN's Mailboxes: WCC; Fabbriatore, Sally: WCC; Nevitt, Dave: WCC
Subject: RE: 17/08146/LITENN - St Johns Church Kilburn Lane London W10 4AA - (CARNIVAL)

Steve,

Thanks for the additional information, I shall assess it and get back to you as soon as I can.

Kind regards
Reaz

From: steve steve [mailto:ste10101@hotmail.co.uk]
Sent: 05 August 2017 12:06
To: Guerra, Reaz: WCC
Subject: Re: 17/08146/LITENN - St Johns Church Kilburn Lane London W10 4AA - (CARNIVAL)

To PC Reaz Guerra

With reference to the police objection, I hope this clarifies the information requested.

EMERGENCY EVACUATION PROCEDURES

In case of an emergency all exits will be clearly sign posted, in addition there will be arrow pointing exit signs leading to exits.

Fire extinguishers are located in marked areas, (please refer to map) there are 6 in total, 3 powder and 3 foam extinguishers, in addition to stall holders having there own extinguishers and fire blankets.

RISK ASSESSMENTS

Generators must be diesel and have adequate ventilation, must not be within 3m x 3m space and must not be accessible to the public.

Barbecues and hot surfaces must not be accessible to the public.

Gazebos/Tents must be the type that are fire rated if cooking and securely weighted.

Exits are clearly marked.

Sufficient security for crowd management.

There will be 3 SIA security for the grounds and 3 SIA security for the bar area.

Once capacity has reached, security will refuse entry.

Notting hill carnival st johns church is an annual event offering pitches for individuals to offer a variety of food, drink and music.

Food stalls;
Sunday 27 August 12:00 until 21:00
Monday 28 August 10:00 until
21:00

Alcohol bar;
Sunday 27 August 12:00 until 19:00
Monday 28 August 12:00 until 19:00

Music;
Sunday 27 August 12:00 until 19:00
Monday 28 August 10:00 until 19:00

All vehicles must be off site by 11:30am on the Sunday 27 August and 10:00am on the Monday 28 August.

No vehicle will be allowed back on the site before 10:00pm and only if it is safe to do so from that time, security will stop any vehicle entering the grounds if they believe it puts anyone at risk.

Contacts;
Organiser: Steve Emeh 07719804700
Alcohol bar: Laura Mcbean 07961635709
Music: Edward Lee 07961938085

Please contact me should you have any questions.

Regards
Steve Emeh
Organiser

Sent from Outlook

From: Guerra, Reaz: WCC <rguerra@westminster.gov.uk>
Sent: 26 July 2017 09:29
To: ste10101@hotmail.co.uk
Cc: Ehtens: WCC; Police Tens: WCC; TEN's Mailboxes: WCC; Whiteley, Cherie: WCC
Subject: 17/08146/LITENN - St Johns Church Kilburn Lane London W10 4AA - (CARNIVAL)

Dear Mr Steve Emeh,
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 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:-

- 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
Westminster City Council
Portland House
Bressenden Place
London SW1E 5RS
0207 641 1708

Sign our #DontBeldle pledge and help make a big difference to air quality in Westminster
<http://info.westminster.gov.uk/dontbeidle>

Find out how much sugar is in your food and drink and make a healthy change to improve your family's health by downloading the free Change4Life Be Food Smart app today at
<https://t.co/P1KQhwgYTd>

Westminster City Council switchboard: +44 20 7641 6000.
www.westminster.gov.uk

This E-Mail may contain information which is privileged, confidential and protected from disclosure.

If you are not the intended recipient of this E-mail or any part of it, please telephone Westminster City Council immediately on receipt.

You should not disclose the contents to any other person or take copies.

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.