



City of Westminster

Follow on Agenda

Title: **Licensing Sub-Committee (6)**

Meeting Date: **Thursday 10 August 2023**

Time: **10.00 am**

Venue: **Rooms 18.01 - 18.03 - 18th Floor, 64 Victoria Street, London, SW1E 6QP**

Members: **Councillors:**

Maggie Carman (Chair)
Judith Southern
Melvyn Caplan

Members of the public are welcome to attend the meeting and listen to the discussion Part 1 of the Agenda.

Admission to the public gallery is via a visitor's pass which is available from the main ground floor reception at 64 Victoria Street from 9.30am.

If you have a disability and require any special assistance, please contact the Committee Officer (details listed below) in advance of the meeting.

An Induction loop operates to enhance sound for anyone wearing a hearing aid or using a transmitter.

If you require further information, please contact the Committee Officer, Sarah Craddock, Committee and Councillor Co-ordinator.

Email: scraddock@westminster.gov.uk Tel: 0779098018
Corporate Website: www.westminster.gov.uk

Note for Members: Members are reminded that officer contacts are shown at the end of each report and Members are welcome to raise questions in advance of the meeting. Regarding Item 2, guidance on Declarations of Interests is included in the Code of Governance. If Members and Officers have any questions, they should contact the Director of Law before the meeting please.

AGENDA

PART 1 (IN PUBLIC)

Licensing Applications for Determination

- 3. TEMPORARY EVENT NOTICE (TENS): 45-49 EDGWARE ROAD, W2 2HZ**

(Pages 1 - 12)

**Stuart Love
Chief Executive
7 August 2023**



City of Westminster

Licensing Sub-Committee Report

Item No:

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Date:

10 August 2023

Classification:

For General Release

Title of Report:

**45-49 Edgware Road
London
W2 2HZ**

Uniform Reference:

23/05008/LITENP

Report of:

Director of Public Protection and Licensing

Policy context:

City of Westminster Statement of Licensing Policy

Financial summary:

None

Report Author:

**Kevin Jackaman
Senior Licensing Officer**

Contact Details:

E-mail: kjackaman@westminster.gov.uk

1. TEMPORARY EVENT NOTICE DETAILS

Proposal:	<u>Permitted Temporary Activities:</u> <ul style="list-style-type: none"> • Regulated Entertainment • Late Night Refreshment <p><i>(Please find the Temporary Event Notice at Appendix A)</i></p>		
Premises User:	██████████ ██████	Premises Name and Address:	45-49 Edgware Road London W2 2HZ
Date Temporary Event Notice Received:	16 January 2022	Event Period:	22:00 12 August 2023 – 03:00 13 August 2023 (5hrs)
Ward Name:	Hyde Park	Times when licensable activities will be carried out on each day:	22:00 – 00:00 12 August 2023 (2hrs) 00:01 – 03:00 13 August 2023 (3hrs)
Number of attendees at event (including staff):	80	Cumulative Impact Area:	None
		Special Consideration Zone	Edgware Road
Details of Premises Licence:	There is currently no premises licence in place at the premises however the premises held a licence from at least 2005 until the licence was surrendered in September 2022		
Notice of Objection by the Environmental Health Service:	With reference to the above TENs applications, Environmental Health object on grounds of Public Nuisance and Public Safety as there is insufficient information/undertakings within the applications to promote the licensing objectives. There is a history of public nuisance complaints associated with the premises with respect to noisy extractor fans; odour & smoke and general noise from the premises. I am therefore concerned that granting extended trading is likely to lead to more complaints.		
Notice of Objection by the Metropolitan Police Service:	None		
Recommendation:	That the Sub-Committee consider the notice of objection given by The Environmental Health Service and determine whether or not the Licensing Authority should issue a counter notice to the premises user, in accordance with s.105 of the Licensing Act 2003.		

Additional procedural information – please see Appendix D

If you have any questions about this report, please contact Kevin Jackaman at
kjackaman@westminster.gov.uk

Licensing Authority: *Westminster City Council*

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>	
1. Your name	
Title	First name
█	█
Last	
█	
2. Previous names <i>(if relevant)</i>	
3. Your date of birth	
█	
4. Your place of birth	
█	
5. National Insurance number	
█	
6. Your current address <i>(We will use this address to correspond with you unless you complete the separate correspondence box below)</i>	
█	
Postcode	
█	
7. Other contact details	
Telephone numbers	
Daytime	█
Mobile (optional)	
Email address	█

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

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](#)

**45-49 Edgware Road
London**

W2 2HZ

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)

Yes	No
<input type="checkbox"/>	<input checked="" type="checkbox"/>

Basement area and part of ground floor for access to basement and servery see attached plans

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

the property is the basement and ground floor on the corner of Edgware road and Connaught Square

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

**an event party to replace the event from 14th and 15th July due to that being cancelled.
A private party for 80 people invitation only, door security, no under 21 year olds, with recorded music will be played in the basement area only, no alcohol will be served, no antisocial behaviour will be tolerated, guests will be asked to leave quietly.
The door security will ensure that noise is kept to a minimum from people arriving or leaving the event and the external areas will not be used after 11pm.**

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 **12/08/2023** Time **22:00** End date **13/08/2023** Time **03:00**

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)

80

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)		✓	
Provide the details of your personal licence below.	Issuing licensing authority	[REDACTED]	
	Licence number	[REDACTED]	
	Date of issue	[REDACTED]	
	Date of expiry		
	Any further relevant details		

Previous Temporary Event Notices you have given (please read note 15)

		Yes	No
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)		✓	
State the number of temporary event notices you have given for events in that same calendar year			2
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? (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		
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		
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

27/07/2023

Name of person signing

For events held outside, please upload a plan of the area.

Temporary Event Notice History**Appendix B**

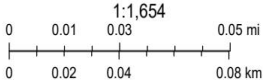
Temporary Event Notices	Date of Event	Activities/Hours	Decision
23/04110/LITENP (Late TEN)	27 June 2023 – 01 July 2023	Regulated Entertainment and Late night refreshment 20:00 to 23:29	Event permitted
23/04207/LITENP (Late TEN)	14 July 2023 - 16 July 2023	Regulated Entertainment and Late night refreshment 22:00 to 03:00	Refused (Police objection)
23/05007/LITENP (Late TEN)	05 August 2023 – 06 August 2023	Regulated Entertainment and Late night refreshment 22:00 to 03:00	Refused (EH objection)

45 - 49 Edgware Road



07/08/2023, 12:52:34

- Property Mailing List
- Ward Boundaries
- Special Consideration Zones
- Ward Labels



Resident count at 75m: 371

APPENDIX D

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.