



City of Westminster

Licensing Sub-Committee Report

Item No:

Date:

05 July 2018

Classification:

For General Release

Title of Report:

**58 Old Compton Street
London
W1D 4UF**

Uniform Reference:

18/07229/LITENP

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"> • Sale by Retail of Alcohol • Regulated Entertainment <p><i>(Please see Temporary Event Notice at Appendix A)</i></p>		
Premises User:	██████████	Premises Name and Address:	58 Old Compton Street London W1D 4UF
Date Temporary Event Notice Received:	19 th June 2018	Event Period:	12:00 07.07.2018- 02:00 08.07.2018 (14 Hours)
Ward Name:	West End	Times when licensable activities will be carried out on each day:	12:00 07.07.2018- 02:00 08.07.2018 (14 Hours)
Number of attendees at event (including staff):	300	Cumulative Impact Area:	Yes
Details of Premises Licence:	The premises does not have a Premises Licence.		
Notice of Objection by Environmental Health :	<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 of public Safety</p> <p>Environmental Health has stated: <i>'I am in receipt of the TEN and the further information. I also object to the TEN on the basis of public safety. Can you confirm by way of fire risk assessment that the premises is suitable for 300 people.'</i></p> <p><i>(Please See Environmental Health Objection Appendix B)</i></p>		
Recommendation:	That the Sub-Committee consider the notice of objection given by Environmental Health 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 documents – Please see appendix C

Additional procedural information – please see Appendix D

If you have any questions about this report, please contact Jessica Donovan at
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.

Personal Details of Premises User <i>(Please read note 1)</i>	
1. Your name	
Title	First name
Mr	[REDACTED]
	Last
	[REDACTED]
2. Previous names <i>(if relevant)</i>	
3. Your date of birth	
	[REDACTED]
4. Your place of birth	
	[REDACTED]
5. National Insurance number	
	[REDACTED]
6. Your current address <i>(We will use this address to correspond with you unless you complete the separate correspondence box below)</i>	
[REDACTED]	
Postcode	
[REDACTED]	
7. Other contact details	
Telephone numbers	
Daytime	01159349170
Mobile (optional)	
Email address	c.barwell@popall.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)

Poppleston Allen Solicitors
37 Stoney Street
Nottingham

Postcode
NG1 1LS

9. **Alternative contact details** (if applicable)

Title	Mr
First name	Craig
Last name	Barwell
Telephone numbers	
Daytime	01159349170
Mobile (optional)	
E-Mail address (optional)	c.barwell@popall.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

58 Old Compton Street
London

W1D 4UF

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	58 Old Compton Street, London, W1D 4DF				
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"/>				

Ground Floor area of 58 Old Compton Street, London, W1D 4DF

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

Office space.

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

Celebration of Pride 2018 - The premises will provide entertainment and the sale of alcohol. We have discussed the Temporary Event Notice with Reaz Guerra in the police licensing department and we agree to his following requirements:

- 1) The operator will comply with an age verification policy
- 2) Plastic drinking vessels will be used at the premises
- 3) SIA registered door staff wearing Hi Vis jackets will be used and the number of door staff will be calculated by way of a risk assessment.
- 4) A Personal Licence Holder will be present when operating under this TEN
- 5) A maximum of 15 people will be permitted in the designated smoking area after 23.00.
- 6) Internal audio speakers will not be moved to face external areas.
- 7) Doors and windows will be closed after 20.00, except for access and egress
- 8) The provision of alcohol for consumption off the premises shall cease after 20.00.
- 9) No entry or re entry to the premises, save for smokers after 00.00.
- 10) Westminster Metropolitan Police Licensing Teams request that Form 696 will be completed for this event will be complied with.

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 checked="" 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 **07/07/2018** Time **12:00** End date **08/07/2018** Time **02:00**

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)

300

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?

(please mark an "X" in the box that applies to you)

Yes No

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Ref:

Associates and business colleagues (*please read note 16*)

	Yes	No
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?	<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: 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?	<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: 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

19/06/2018

Name of person signing

Poppleston Allen

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.

Lee, Towsey

7180GMWCQ4QLR

Consultee Comments for Licensing Application 18/07229/LITENP

Application Summary

Application Number: 18/07229/LITENP

Address: 58 Old Compton Street London W1D 4UF

Proposal: TEN Personal Licence Holder

Case Officer: Miss Jessica Donovan

Consultee Details

Name: Mrs Sally Fabbricatore

Address: 62 Victoria Street, London SW1E 6QP

Email: sfabbricatore@westminster.gov.uk

On Behalf Of: Environmental Health Service For TENS

Comments

Objection:

Dear Steve, Craig

I am in receipt of the TEN and the further information. I also object to the TEN on the basis of public safety.

Can you confirm by way of fire risk assessment that the premises is suitable for 300 people.

Kind regards

Sally

Appendix C

Dear Reaz,

You will be aware from our earlier telephone conversation that I was somewhat surprised at your objection, taking into account, that my view, we had pre-consulted on this Temporary Event Notice, agreed undertakings and included them in the TEN.

You may or not be aware that London Pride 2018 attracts over 40,000 in the London area and the main Pride event takes place in Trafalgar Square. The event allows for entertainment, cabaret, sports to family picnics across the capital with over a thousand volunteers on the day to keep Pride running safely and smoothly.

This event does not attract crime and disorder, public nuisance, risk public safety or the protection of children in the same way that some other festivals do. There are a number of pop-up events and trade which takes place annually and are privately run to support Pride in London. The event and supporting businesses really matter to the LGBT community and my client's operation falls into the above category.

██████████ is to provide a party event, to 'show case' DJs and to promote their Company, which is one of the largest promoters of events for the LGBT community.

It is against that backdrop that we now provide the following information:

- **Plan showing the premises layout, including any outside areas (eg smoking areas)**

Although there is no requirement under the Licensing Act 2003 and unusual to supply this, my client will endeavour to forward a copy of the layout as soon as possible.

- **Details as to nature/type of regulated entertainment**

The regulated entertainment will consist of DJ's playing recorded and live music through an internal existing sound system.

- **Staffing levels and security provisions**

There will be 4 SIA registered door staff at the event including one additional SIA registered door staff who will also be managing the event.

There will be six members of bar staff, two managers and two general cleaners.

- **Details of other premises/event this applicant has held**

Other events held by the applicant can be seen at the company's website at www.jamiehp.co.uk.

- **The application make mention of a risk assessment, but there is nothing attached to the notice**

Reaz, you are aware the general views that Form 696 is highly discriminatory and it is not used by many police forces across the UK.

My client is also aware of this fact and he is also aware that you feel that this form and its contents are appropriate, acceptable and still being used by the Metropolitan Police covering Westminster. In light of your assertion that this must be completed and submitted in relation to this event, I have attached a copy of that form to this email for your information.

- **Please also confirm that you have contacted and sought approval from the Pride Event Organiser regarding this event**

Further to the information supplied above, please note that my client's event is a privately organised event which is taking place in Old Compton Street. Old Compton Street is "blocked off" during the London Pride event to create a party/carnival environment along that street. As this is a privately organised operation, no approval is required from the Pride organisers who are more concerned with the Trafalgar Square area. I have also reviewed the organisers' website and no call for registration or permission is noted.

I hope the above clarifies your concerns. My Client and Director of the Company, [REDACTED] as always is willing to work with the authorities to ensure his events are run safely. He is willing to meet with you and discuss the operation at your convenience should you feel the need.

Obviously, should you have any additional queries then you should feel free to contact me immediately.

Kind regards

Steve

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.