



City of Westminster

# Licensing Sub-Committee Report

Item No:

Date:

**25 October 2018**

Classification:

**For General Release**

Title of Report:

**3 Savile Row  
London  
W1S 3PB**

Uniform Reference:

**18/12161/LITENN**

Report of:

**Operational Director for Premises Management**

Policy context:

**City of Westminster Statement of Licensing Policy**

Financial summary:

**None**

Report Author:

**Daisy Gadd  
Senior Licensing Officer**

Contact Details:

**E-mail: [dgadd@westminster.gov.uk](mailto:dgadd@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> <li>• Late Night Refreshment</li> <li>• Regulated Entertainment</li> </ul> <p><i>(Please see Temporary Event Notice at Appendix A)</i></p>		
<b>Premises User:</b>	Mr Vittorio Mischi	<b>Premises Name and Address:</b>	3 Savile Row, London, W1S 3PB
<b>Date Temporary Event Notice Received:</b>	30 <sup>th</sup> January 2019	<b>Event Period:</b>	09:00 (30 January 2019) - 03:00 (31 January 2019)
<b>Ward Name:</b>	West End	<b>Times when licensable activities will be carried out on each day:</b>	09:00 (30 January 2019) - 03:00 (31 January 2019)
<b>Number of attendees at event (including staff):</b>	499	<b>Cumulative Impact Area:</b>	No
<b>Details of Premises Licence:</b>	The premises does not have a Premises Licence.		
<b>Notice of Objection by Environmental Health and the Metropolitan Police Service :</b>	<p>Environmental Health have given a notice of objection under s.104 (2) of the Licensing Act 2003. The notice of objection is based on the grounds that what is proposed is likely increase the risk of Public Nuisance and may impact on Public Safety.</p> <p>Environmental Health have stated: <i>'I object to this TEN on the grounds that what is proposed is likely to increase the risk of Public Nuisance and may impact on Public Safety. The applicant has not provided sufficient information to show how the Licensing Objectives will be promoted and how the event will accommodate 499 people safely.'</i></p> <p>The 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 provision of insufficient undertakings to promote the licensing objectives, namely Prevention of Crime and Disorder and Protection of Children from Harm.</p> <p>The Metropolitan Police Service has stated: <i>'Police object to this Temporary Event Notice for the following reasons to prevent crime and disorder and protect children from harm:-</i></p>		

	<p><i>Insufficient undertakings to promote the licensing objectives. Insufficient details describing the event.</i></p> <p><i>Please provide details as to how this event will be managed and controlled particularly as you have stated a capacity of 499.'</i></p> <p>(Please see Environmental Health objection at Appendix B) (Please see Metropolitan Police Service objection at Appendix C).</p>
<p><b>Recommendation:</b></p>	<p>That the Sub-Committee consider the notice of objection given by Environmental Health and The 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>

*Additional procedural information – please see Appendix D*

If you have any questions about this report, please contact Daisy Gadd at  
dgadd@westminster.gov.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)

[Redacted]	
[Redacted]	Postcode [Redacted]

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

Title	[Redacted]
First name	[Redacted]
Last name	[Redacted]
<b>Telephone numbers</b>	
Daytime	[Redacted]
Mobile (optional)	[Redacted]
<b>E-Mail address</b> (optional)	[Redacted]

**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

3 Savile Row  
London

W1S 3PB

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

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

**Abercrombie & Fitch Children's Apparel Shop**

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

I am bringing the Beatles together again to play on the roof of 3 Savile Row (former HQ of Apple records), on January 30th, 2019 - 50th anniversary of the world famous "Rooftop Concert" - which, incidentally, was also the last time the Beatles played in front of an audience. It did not have a license, and was suspended by Police after 42 minutes. I would like to avoid that now. It may go well into the night.

The roof will have to be adapted to the occasion with temporary structures and extra safety measures. No plan available to date. Will submit ASAP.

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**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 checked="" 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 **30/01/2019** Time **09:00** End date **31/01/2019** 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)

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)

**Depends on which countries (and time zones) will want it to play. I would imagine from 10AM until 3AM max**

**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)

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**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: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice?	Yes	No
	<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: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice?	Yes	No
	<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 11/10/2018

Name of person signing



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.

Vittorio, Mischì

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## **Consultee Comments for Licensing Application 18/12161/LITENN**

### **Application Summary**

Application Number: 18/12161/LITENN

Address: 3 Savile Row London W1S 3PB

Proposal: TEN Non-Personal Licence Holder

Case Officer: Mary Pring

### **Consultee Details**

Name: Mr Dave Nevitt

Address: Westminster City Hall 64 Victoria Street, London, City of Westminster SW1E 6QP

Email: dnevitt@westminster.gov.uk

On Behalf Of: Environmental Health Service For TENS

### **Comments**

I object to this TEN on the grounds that what is proposed is likely to increase the risk of Public Nuisance and may impact on Public Safety. The applicant has not provided sufficient information to show how the Licensing Objectives will be promoted and how the event will accommodate 499 people safely.

## **Consultee Comments for Licensing Application 18/12161/LITENN**

### **Application Summary**

Application Number: 18/12161/LITENN  
Address: 3 Savile Row London W1S 3PB  
Proposal: TEN Non-Personal Licence Holder  
Case Officer: Mary Pring

### **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 Vittorio

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

Insufficient undertakings to promote the licensing objectives.  
insufficient details describing the event

Please provide details as to how this event will be managed and controlled particularly as you have stated a capacity of 499.

Kind regards,

PC Reaz Guerra 1614CW  
Westminster Police Licensing Team  
Westminster City Council  
Portland House  
Bressenden Place  
London SW1E 5RS  
0207 641 1708

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## 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.