



City of Westminster

Licensing Sub-Committee Report

Item No:

Date:

24 October 2019

Classification:

For General Release

Title of Report:

**Pimlico Academy
Lupus Street
London
SW1V 3AT**

Uniform Reference:

19/13222/LITENN

Report of:

Operational Director for Premises Management

Policy context:

City of Westminster Statement of Licensing Policy

Financial summary:

None

Report Author:

**Jessica Donovan
Senior Licensing 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 David Parsons	Premises Name and Address:	Pimlico Academy Lupus Street London SW1V 3AT
Date Temporary Event Notice Received:	12 October 2019	Event Period:	00:01 01.01.2020 - 01:30 01.01.2020 (1 Hour 29 Minutes)
Ward Name:	Tachbrook	Times when licensable activities will be carried out on each day:	00:01 01.01.2020 - 01:30 01.01.2020 (1 Hour 29 Minutes)
Number of attendees at event (including staff):	150	Cumulative Impact Area:	No
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 that allowing the premises to be used in accordance with the notice would undermine the Public Nuisance.</p> <p>Environmental Health has stated: 'As discussed on the phone Environmental Health are objecting to the above Temporary Event Notification on the grounds of Prevention of Public Nuisance. You have requested the Provision of Regulated Entertainment on the 1st January 2020 from 00.01 hours to 01.30 hours for 150 persons. No conditions or undertakings have been offered to address the licensing objectives. The premises have recently been served with a section 80 noise abatement notice following an event at the premises where statutory noise nuisance was witnessed and the premises were uncooperative in minimising this nuisance. Can you also advise how you propose to operate the premises during the New Years Eve part of the evening when entertainment between 23.00 hours and 00.00 hours (Midnight) becomes regulated entertainment.'</p> <p><i>(Please See Environmental Health Objection Appendix B)</i></p>		
Recommendation:	That the Sub-Committee consider the notice of objection given by The 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 procedural information – please see Appendix D

If you have any questions about this report, please contact Jessica Donovan at
Jdonovan@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 *(Please read note 1)*

1. Your name

Title	First name	Last
Mr	David	Parsons

2. Previous names *(if relevant)*

3. Your date of birth

22/03/1959

4. Your place of birth

West Wickham

5. National Insurance number

WE573582D

6. Your current address *(We will use this address to correspond with you unless you complete the separate correspondence box below)*

25 Links Road
West Wickham
Kent

Postcode
BR40QN

7. Other contact details

Telephone numbers

Daytime	07963941609	
Mobile (optional)		
Email address	parsons1939@yahoo.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)

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](#)

Pimlico Academy
Lupus Street
London

SW1V 3AT

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

☐
☒

The event, a vintage swing dance, will only take place in the basement auditorium.

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

The venue is an academy which is hired out when the school is not in use. It is a large modern building with an electrically operated inner door in the reception area that is controlled by the front-of-house staff.

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

The event is a vintage swing dance for a mature (average age 50) group of dance enthusiasts who wish to celebrate the New Year. There will be a DJ playing music from the 1930s to 1940s, plus a small jazz combo (five-piece) that is mainly acoustic.

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 **01/01/2020** Time **00:01** End date **01/01/2020** Time **01:30**

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)

150

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)

Music during the period specified, as above.

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	<input type="text"/>
	Licence number	<input type="text"/>
	Date of issue	<input type="text"/>
	Date of expiry	<input type="text"/>
	Any further relevant details	<input type="text"/>

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
✓

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?		
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?		

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 and 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

12/10/2019

Name of person signing

Mr David Parsons

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

David, Parsons

3DCMB57YC41RF

Consultee Comments for Licensing Application 19/13222/LITENN

Application Summary

Application Number: 19/13222/LITENN

Address: Pimlico Academy Lupus Street London SW1V 3AT

Proposal: TEN Non-Personal Licence Holder

Case Officer: Angela Seaward

Consultee Details

Name: Ian Watson

Address: LICENSING DEPARTMENT FOURTH FLOOR, WESTMINSTER CITY HALL, 64
VICTORIA STREET, LONDON SW1E 6QP

Email: iwatson@westminster.gov.uk

On Behalf Of: Environmental Health Service For TENs

Comments

EH objection on Prevention of Public Nuisance. Applicant has been advised.

Dear David

As discussed on the phone Environmental Health are objecting to the above Temporary Event Notification on the grounds of Prevention of Public Nuisance. You have requested the Provision of Regulated Entertainment on the 1st January 2020 from 00.01 hours to 01.30 hours for 150 persons. No conditions or undertakings have been offered to address the licensing objectives. The premises have recently been served with a section 80 noise abatement notice following an event at the premises where statutory noise nuisance was witnessed and the premises were uncooperative in minimising this nuisance. Can you also advise how you propose to operate the premises during the New Years Eve part of the evening when entertainment between 23.00 hours and 00.00 hours (Midnight) becomes regulated entertainment.

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.