

Jack Spiegler
Thomas & Thomas Partners LLP
38a Monmouth Street
London
WC2H 9EP

16 April 2024

Ref: 31142

Dear Mr Jack Spiegler,

Licensing representation against the premises licence application in respect of Field Vision Wembley Rooftop, Entrance 8-12 Wembley Park Boulevard, HA9 0HP.

The above-mentioned premises licence application has been made pursuant to section 17 of the Licensing Act 2003.

I confirm that I am the delegated officer of the Licensing Authority, in whose area the above-mentioned premises is situated, and who is authorised for the purposes of exercising its statutory function as a 'Responsible Authority' under the Licensing Act 2003.

I certify that I have carefully considered the above premises licence application, and consequently, I wish to make a representation on the grounds that if the application were to be granted as it currently is, it would likely have a detrimental effect on two out of the four below licensing objectives:

- the prevention of crime and disorder;
- **public safety;**
- **the prevention of public nuisance;**
- the protection of children from harm.

Operating Schedule

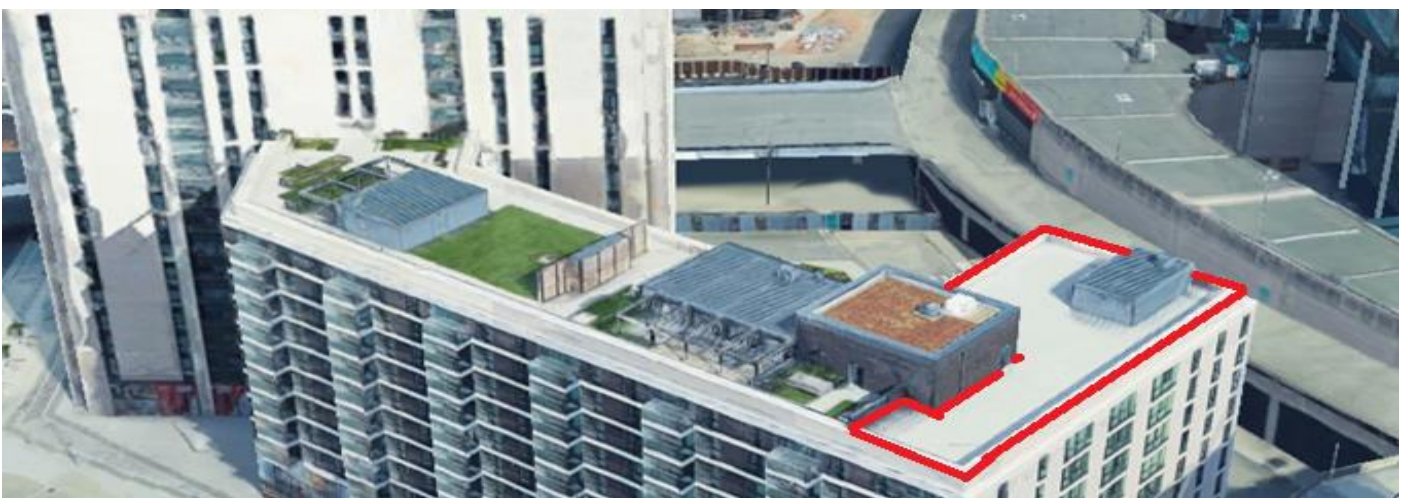
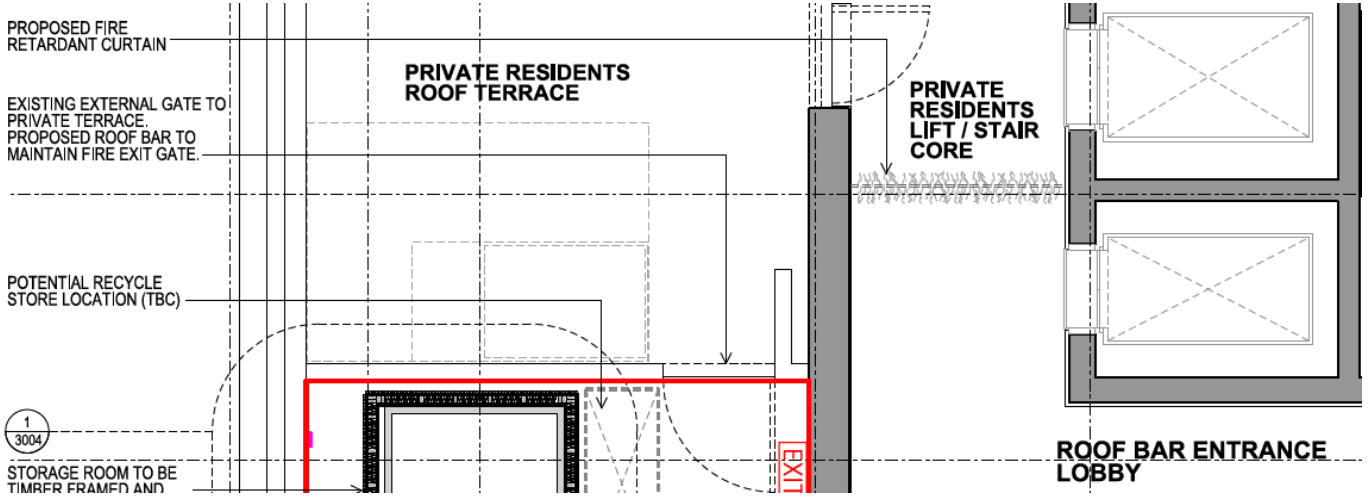
The premises licence application seeks the following permitted licensable activities and opening hours:

The supply of alcohol (on the premises only): Monday to Sunday, 10:00 - 23:00
Opening Hours: Monday to Sunday, 08:00 – 23:30

The Licensing Authority duly notes that the premises licence application has been made in line with other existing premises licences and provisional statements within the local area (i.e., similar conditions), albeit with a slightly early terminal hour for licensable activities and closing time.

Location

The proposed premises licence will be located on the rooftop of Almeda, Wembley Park Boulevard. The premises shares the rooftop with the designated resident's private space, with a fixed gate separating the two outside and a separate key fobbed private entrance from the rooftop lobby for residents to gain access. The below shows the proposed premises licence area in denoted in red in relation to the private resident's space. The nearest residential dwellings are immediately below the premises and approximately 30M from the apartment complex at 14 Wembley Park Boulevard, Wembley Park, HA9 0SL.



The ground floor entrance can be accessed on Wembley Park Boulevard and is situated between the Estadio Lounge & a vacant commercial unit. Whilst it is not specifically mentioned within the premises licence application nor supporting documents, it has been stipulated that patrons will enter through the external door into the internal reception area. Thereafter, a phased lift system will be in operation to gain access to the roof top terrace.



The local area itself is a mixture of commercial units and a modern apartment complex, with Wembley Stadium located behind the premises. 'The Spanish Steps' leading up to the stadium are approximately 20m from the ground floor entrance.



Background

On Thursday 29 February 2024, a pre-application site visit was carried out at the proposed premises licence area. This meeting included the applicant, authorised agent and officers from Brent Council including those from various departments such as Licensing, Noise Team, Public Safety and Neighbourhood Management.

The following points were raised and discussed between all parties:

- The capacity will be limited to around 140 (pending a full assessment carried out by the applicant)
- The Public Safety Officer mentioned that the applicant should also take into consideration the shared fire escape with residents in the building when applying the capacity assessment.
- The applicant mentioned that they are looking for the corporate clientele for football event days/event days/regular days.
- Ingress will be along the Boulevard, through the doors where there will be a reception area. Entry to the roof shall be permitted via a lift solely for the use of the premises with the resident's lift being separate.
- A revised operating schedule would then be submitted in due course along with the application in respect of the above-mentioned points.

Summary

The Licensing Authority is concerned regarding the breakout of noise given that the premises is located entirely outside, and it is within the immediate vicinity of residential dwellings. As consumption of alcohol increases, the volume levels of conversation also rise, and I am mindful that this could disturb residents towards the latter part of the evening. Whilst I appreciate that the application states an earlier closing time in respect to other licenced premises in the area, this is negated by the fact that the licensable area is outside. To mitigate this, I would be most grateful if the permitted hours and opening hours were reduced as detailed below:

The supply of alcohol (on the premises only): Monday to Sunday, 10:00 - 22:00
Opening Hours: Monday to Sunday, 08:00 – 22:30

Furthermore, I do not believe the application, nor any subsequent correspondence has alleviated concerns regarding the promotion of public safety, especially on major football event days. There are no assurances put forward in how the applicant will safely manage the ingress of match going fans.

This concern is exacerbated by the inclusion of condition 35 within the operating schedule that states "*The premises shall only take one set of supporters (Fan Zone) on the production of a valid ticket for the game, the designated team will be allocated by the Metropolitan Police after a risk assessment has been conducted.*". Whilst I understand that the inclusion of this condition is made regarding the promotion of a safer environment for match going fans, this does contradict the earlier understanding during the pre-application process that the premises will cater towards the Club Wembley/Corporate clientele. Of course, it is appreciated that the application needs to be judged on its own merits and not on any information given beforehand.

I do note that further correspondence has alluded to the fact that the intention is still for the Club Wembley/Corporate clientele however the above condition is to provide the applicant with more freedom in their business model.

The issue is however, if the above condition is to be included and the application is to be granted - the premises licence holder might be in breach of their premises licence conditions should they exclusively have Club Wembley/Corporate patrons on certain popular match day events (i.e, FA Cup Final etc.). If the premises is conducting licensable activities not in accordance with their premises licence conditions, this would be deemed to be a criminal offence as per Section 136 of the Licensing Act 2003 (Unauthorised Licensable Activities). It would therefore be beneficial to the applicant and to the Licensing Authority to amend the condition so that it reads the below:

“The premises shall only take one set of supporters (Fan Zone) on the production of a valid ticket for the game, the designated team will be allocated by the Metropolitan Police after a risk assessment has been conducted unless the premises is exclusively open to Club Wembley or any other form of Corporate clientele”.

Nonetheless, if the premises will be open to one set of designated supporters – this will in turn increase the public safety risk factor. Especially if the premises proves to be a popular choice amongst fans. If the maximum capacity is reached, there isn't a clear plan on how the applicant intends to manage queuing fans beyond/outside the internal reception area, how the phased ingress/egress lift system will work and any other provisions to manage the area safely on a match day.

As such, I would appreciate it if the applicant could answer the following questions. Consequently, the Licensing Authority would seek to condition the answers to the below.

Standard

- In reference to condition 24 of the OS (“A capacity specific risk assessment shall be conducted by a competent person and approved by the Licensing Authority. This assessment shall show all calculations used to reach the final capacity and reference the guidance used to achieve this figure. This risk assessment shall be appraised annually or at the time of any building or layout structural works”) – Assuming that the premises licence application is granted, is this something that that will be provided to the Licensing Authority before the commencement of licensable activities?

- Similar to the above, will the applicant provide a fire risk assessment to the Licensing Authority before the commencement of licensable activities? (If the application is granted).

Match Day

- Has the applicant undertaken an Entry/Exit Plan, Fan Zone Crowd Safety Management Plan and an Evacuation Plan?

- Taking into consideration the use of the internal space on the ground floor, does the client intend to have a queuing system beyond the entrance onto the outside area/ Wembley Park Boulevard? (I.e., Fan Zone Crowd Safety Management Plan)

- Will the premises be open to patrons following full time on a football event match day? If so, how will the applicant deal with the outside queuing area, especially if fans are leaving the stadium via ‘The Spanish Steps’? (I.e., Fan Zone Crowd Safety Management Plan)

- How will staff ensure that the number of patrons will not go beyond capacity? (I.e., Entry/Exit Plan)

- How many staff will be downstairs managing the internal reception area? (I.e., Entry/Exit Plan)
- How will the phased entry system work? (I.e., Entry/Exit Plan)
- Will the use of the lift to the terrace be exclusively for patrons or will it be shared with residents? (I.e., Entry/Exit Plan)
- How will patrons leave the premises? Will there be a phased exit system as well? (I.e., Entry/Exit Plan)
- Will there be a separation between patrons wanting to leave the premises and patrons waiting in the reception area? (I.e., Entry/Exit Plan)
- Where are the designated fire exits on the ground floor? (I.e., Evacuation Plan)
- Will the internal reception area impede any evacuation procedure? (I.e., Evacuation Plan)
- How will staff mitigate against fans throwing objects over the edge off the terrace? (I.e., Will there be a barrier/planter erected? What will the height of this be?)
- Will the applicant have a specific security plan for high risk, medium risk, and low risk football match day events?

Having carefully read the application, I wouldn't have any issues with this application being granted providing that certain assurances are made by way of conditions and if the applicant agrees to the reduced hours. This in turn will satisfy the promotion of the four licensing objectives.

If the applicant does not answer the questions to the satisfaction of the Licensing Authority, or if conditions cannot be agreed, then my representation will be upheld, and the application will be determined by way of a Licensing Sub-Committee hearing.

It should be pertinent to note that if the applicant chose not to conduct licensable activities (i.e the supply of alcohol) and it wanted to operate as a restaurant between 05:00 – 23:00, then this would be outside the licensing regime. Therefore, some of the above questions would go unanswered. Despite that, this is ultimately a premises licence application made under the Licensing Act 2003, and the Licensing Authority are expected to scrutinise every aspect of the application that relates to the promotion of the four licensing objectives. Especially taking into consideration that nature of this application is rather anomalous in comparison to the other licenced premises around the development, given that it is a roof top bar/terrace and has the potential to be a popular venue on matchday events.

Yours sincerely,



Edwin Maldoom
Licensing Enforcement Officer