

Report for: Licensing Sub Committee - 30 July 2018

Title: TEMPORARY EVENT NOTICE

Report authorised by : Daliah Barrett-Licensing Team Leader – Regulatory Services.

Ward(s) affected White Hart Lane

**Report for Key/
Non Key Decision:** Not applicable

1. Describe the issue under consideration

- 1.1 This is an application by the Police for a Counter Notice to be issued against the Temporary Event Notice served on the Licensing Authority.
- 1.2 The Licensing Objectives engaged by this application area:-
The Prevention of Crime and Disorder
Prevention of Public Nuisance
Public Safety.
- 1.3 The policy states on page 19 that in a significant number of events it is anticipated that the minimum notice period will not provide sufficient time for proper consideration to be given to any concerns that may arise. For this reason, while this authority will accept notifications given with only the statutory minimum notice, it is requested that a longer notice period of an intention to stage a temporary event is provided, together with as much supporting information as possible, in order to prevent unnecessary objections having to be raised.
- 1.4 Where, following any representations at the hearing, the licensing authority is not satisfied the event will ensure the promotion of the licensing objectives, the policy is to issue a counter-notice against the Temporary Event Notice.

2. Background

- 2.1 Ms J Smith has submitted a TENs to stage an event at Bruce castle Pavilion Café – Lordship Lane N17 on 4th August 2018. Appendix 1. The event is billed as a family fun day and barbeque celebrating Jamaican Independence and Windrush. The day is said to intend to consist of T Shirt designing, tennis ball games a food and music. The application says that it is for 100 people.

3. Police Counter Notice

- 3.1 On further investigation and through discussions with the applicant, the Police ascertained that the event was having up to 6 DJs present but 4 Playing music across the day. Tickets for the event were to be advertised on Facebook and a pirate radio station. The intention is to have 6 SIA and 4 stewards which would therefore reduce the expected capacity to 84. Alcohol is intended to be sold.
- 3.2 Police have concerns that the event is not a local community lead event and is a wider commercial event where anyone can attend. Residents living close by will have music being played through large sound systems which will lead to noise nuisance. The Café seems to be in a transitional period with regard to management of the space. There are number of music events planned for the space across the Summer months.

4. Licensing Officer comments

- 4.1 The parts of the Statutory Guidance (May 2018) relevant to this application and the representation are Chapters: Reviews Section 7.32

5. Conclusion:

- 5.1 Section 106A(2) of the Act provides that the licensing authority may impose one or more conditions on the standard TENs if:

- It considers it appropriate for the promotion of the Licensing Objectives to do so;
- The conditions are also imposed on a premises licence or club premises certificate that has effect in respect of any or in any part of the same premises as the TEN;
- The Conditions would not be inconsistent with the carrying out of licensable activities under the TEN.

- 5.2 Members have three options when determining the Notice,

- To issue a Counter Notice
- To impose conditions on the TEN where those are already imposed on the premises licence.
- To refuse to issue a Counter Notice.

6. Section 17 of the Crime and Disorder Act 1998 states:

“Without prejudice to any other obligation imposed on it, it shall be the duty of each authority to which this section applies to exercise its various functions with due regard to the likely effect of the exercise of those functions, and the need to do all that it reasonably can to prevent crime and disorder in its area”.

7. Human Rights

While all Convention Rights must be considered, those which are of particular relevance to the application are:

- Article 8 – Right to respect for private and family life.
- Article 1 of the First Protocol – Protection of Property
- Article 6(1) – Right to a fair hearing.
- Article 10 – Freedom of Expression

8. Use of Appendices

Appendix 1 – Application document

Appendix 2 – Counter Notice from Met Police

Background papers: Section 82 Guidance

Haringey Statement of Licensing policy