

Report for: Licensing Sub Committee 27th December 2018

Item number:

Title: OBJECTION TO TEMPORARY EVENT NOTICE

Report

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

Ward(s) affected Hornsey

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 V Patel has submitted a TENs to extend and override the existing conditions of the premises licence at Funky Brownz, 5 Tottenham Lane London N8 on 31st December 2018. Appendix 1
The event is billed as a 'Bashment event' to celebrate New Year's, the main function of the premises is the Shisha area at the side that will still be in operation and open to non event goers. Some clarity on the amount of people that could potentially be onsite at any one time and means of escape will need to be clarified.

3 Police Counter Notice

- 3.1 On further investigation and through discussions with the applicant, the Police ascertained that the event was similar to a previous event held in 2018 that led to crime and disorder. Details of the Police concerns are attached at Appendix 2.

4 Licensing Officer comments

4.1 The part of the Statutory Guidance (May 2018) relevant to this application and The representation are Chapter: 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 function on, 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

Appendix 3 – Copy of premises licence

Background papers: Section 82 Guidance

Haringey Statement of Licensing policy