

MINUTES OF A MEETING OF THE LICENSING SUB COMMITTEE D

THURSDAY 10 MARCH 2022

Councillors Present: Cllr Emma Plouviez in the Chair
Cllr Brian Bell and Cllr Anya Sizer

Officers in Attendance: Amanda Nauth - Licensing and Corporate Lawyer
Gurch Patti - Temporary Events Notice Officer,
Community Safety, Enforcement and Business
Regulation
Andy Spragg - Governance Services Team Leader
Suba Sriramana - Principal Licensing Officer

Also in Attendance: PC Neal Hunwick – Police

1. Election of Chair

Cllr Plouviez was duly elected as Chair for the meeting.

2. Apologies for Absence

There were no apologies for absence.

3. Declarations of Interest - Members to declare as appropriate

There were no declarations of interest.

4. Minutes of the Previous Meeting

There were no minutes to consider.

5. Licensing Sub - Committee Hearing Procedure (Temporary Event Notice)

Those present noted the procedure.

6. Temporary Event Notice: 119 Wallis Road, E9 5LN

6.1 The Principal Licensing Officer introduced the report. The Sub-Committee heard representations from the police and Environmental Protection. It was outlined that both Responsible Authorities had concerns about the lack of information provided in support of the Temporary Event Notification (TEN). The police commented that they were unable to adequately risk assess the event without additional documentation such as a dispersal plan.

6.2 It was clarified that the applicant had received requests for further information from the police on 9 February and from Environmental Protection on 10 February. No further information was provided, and it was noted that the applicant was not in attendance.

- 6.3 The Sub-Committee discussed the local area, and it was clarified that other TENs had been granted in relation to the venue, on the grounds sufficient information and adequate mitigation measures were in place to support the licensing objectives.
- 6.4 In concluding the Chair highlighted that the failure to engage with Responsible Authorities meant the Sub-Committee could not be assured the event organiser had adequately considered the safety of those attending or the noise impact on those in the area.

Decision

The Licensing Sub-Committee, in considering this decision from the information presented to it within the report and at the hearing today, has determined that having regard to the promotion of all the licensing objectives:

- The prevention of crime and disorder;
- Public safety;
- Prevention of public nuisance; and
- The protection of children from harm

and in particular upon consideration of the 'objection notice' given by the Metropolitan Police Service and Environmental Protection, is satisfied that the proposed event would undermine the licensing objectives. Therefore, the Licensing Sub-Committee has decided to issue a counter notice.

Reasons for the decision

The Licensing Sub-Committee took into consideration the objections received from the Responsible Authorities: (the Metropolitan Police Service on 9 February and Environmental Protection on 10 February) to the Temporary Event Notice for the period from 22:00 on 12th March, and finishing at 04:30 on 13th March 2022, which contended that this event would undermine the licensing objectives, on the grounds of crime and disorder, public safety, and prevention of public nuisance. The Sub-Committee carefully considered the reasons for this objection.

The Sub-Committee noted that the premises user did not attend the hearing and made no written representations in response to the objections raised by the Metropolitan Police Service and Environmental Protection.

The Sub-Committee heard representation from the Metropolitan Police Service (the police) that the premises user did not provide sufficient information for the police to adequately risk assess this event for 350 people to attend a family birthday party.

The police made submissions that they required information on who would be operating the premises and organising the event. In addition the police required from the premises user the following:

- i) A written dispersal plan,
- ii) noise management plan,
- iii) details of the security firm being used,
- iv) evidence of the premises user's experience of running large scale events,

Thursday 10 March 2022

v) sight of an acoustic report into the suitability of the first floor space for the proposed event.

The police made submissions that premises are directly opposite a residential area, and the impact of the noise breakout from the first floor needed to be considered.

The Sub-Committee heard representation from Environmental Protection that the addition of regulated entertainment to this event could amount to a statutory noise nuisance and undermining the licensing objectives. Environmental Protection also needed to see evidence of a noise management plan and dispersal plan for the proposed event.

The Sub-Committee took into consideration that the premises user gave no information or assurances about how dispersal would be dealt with, and how the premises user would prevent the noise breakout from the premises that would affect over 100 local residents residing directly opposite the premises.

The Sub-Committee felt that the premises user failed to engage with the Responsible Authorities to address their concerns given that the proposed event was on the first floor of the premises, and the potential for noise breakout that would affect the local residents directly opposite the premises. The Sub-Committee noted that previous events at the premises were on the ground floor and in the basement which would have resulted in less noise impact.

The Sub-Committee felt that due to the size and capacity of the premises, and the limited number of staff that would be running the event it was legitimate for the Responsible Authorities (the police and Environmental Protection) to ask for the information requested. Both private parties and organised events of this size: 350 required proper contact and appropriate measures to protect those attending. The premises user has a duty to operate the event responsibly and in cooperation with the Responsible Authorities.

The Sub-Committee therefore considered that allowing the event to take place in accordance with the Temporary Event Notice would undermine the licensing objectives. It determined that it was therefore necessary and proportionate to issue a counter notice.

Duration of the meeting: 2pm – 2.18pm

Contact: Andy Spragg, Team Leader – Governance governance@hackney.gov.uk