

<b>REPORT OF GROUP DIRECTOR, NEIGHBOURHOODS AND HOUSING</b>		
<b>LICENSING SUB-COMMITTEE:</b> 14 September 2021	<b>Classification</b> DECISION	Enclosure
<b>TEMPORARY EVENT NOTICE – COUNTER NOTICE:</b> Basement, 8 Stoke Newington Road, London, N16 7XN	<b>Ward</b>  Shacklewell	

## **1. SUMMARY**

- 1.1 The Police have given the Licensing Authority and the premises user notice of objection to Temporary Event Notices for an event to be held on **18/09/2021** from **22:00** finishing on **19/09/2021** at **05:00am** at above premises. The Licensing Authority must hold a hearing to decide whether or not to allow the event to proceed.

## **2. RECOMMENDATION**

- 2.1 That the Licensing Sub-Committee consider the issuing of counter notices if it is satisfied that any of the licensing objectives would be undermined if the premises were to be used in accordance with the temporary event notice.

## **3. TEMPORARY EVENT NOTICES - BACKGROUND**

- 3.1 Part 5 the Licensing Act 2003 permits small scale events to take place at which alcohol will be sold or other licensable activities will take place. The numbers attending the event must not exceed 499 people and there are restrictions on the number of events that can be held per year.
- 3.2 The individual must give notice of her/his intention to hold the event to the Licensing Authority, police and environmental health at least 10 working days (or 5 days in the event of a late notice) before the event is scheduled to take place by issuing a Temporary Event Notice (TEN). The event will be permitted to take place unless the Licensing Authority issues a counter notice.
- 3.3 The Licensing Authority can issue a counter notice if the number of permitted events has been exceeded or if, upon consideration of an 'objection notice' given by the police or those in the Council that exercise environmental health functions, it is satisfied that the event would undermine one or more of the licensing objectives.

3.4 If the police or those in the Council that exercise environmental health functions give an objection notice to the Licensing Authority, the Authority must convene a hearing to consider if it wishes to issue a counter notice. If the Authority determines to issue a counter notice it must give two copies to the premises user – a notice of its decision and a notice of the reasons for its decision. The decision must be made and the notices given at least 24 hours before the event is to begin. There is a right of appeal to the magistrates' court against the giving of a counter notice as a result of an objection notice

#### **4. BACKGROUND**

4.1 The premises are not licensed under Licensing Act 2003.

#### **5. TEMPORARY EVENT NOTICE FOR EVENT TO BE HELD 18/09/2021 - 19/09/2021**

5.1 A TEN has been submitted to allow licensable activities to take place on the premises. A copy of the Temporary Event Notice and additional information is attached as Appendix A.

5.2 The Police have objected to the TEN on the grounds of the prevention of crime and disorder, public safety and public nuisance. A copy of the Police objection is attached as Appendix B.

#### **6. HUMAN RIGHTS ACT 1998 IMPLICATIONS**

6.1 There are implications for;

- **Article 6** – Right to a fair hearing
- **Article 14** – Not to discriminate
- Balancing; **Article 1**- Peaceful enjoyment of their possession (i.e. a licence is defined as being a possession) with **Article 8** – Right of Privacy (i.e. respect private & family life) to achieve a proportionate decision having regard to the protection of an individuals rights against the interests of the community at large.

#### **7. MEMBERS DECISION MAKING**

- A. **Option 1**  
That the Licensing Authority decides not to give a counter notice.
- B. **Option 2**  
That the Licensing Authority decides to give a counter notice, giving the reasons for the decision.

## 8. CONCLUSION

- 8.1 That Members decide whether or not to issue a counter notice for the event scheduled to take place on **18/09/2021** from **22:00** finishing on **19/09/2021** at **05:00am** at location **above**.

<b>Acting Group Director, Neighbourhoods and Housing</b>	Ajman Ali
<b>Lead Officer (holder of original copy):</b>	Shan Uthayasangar Licensing Officer Licensing Service 1 Hillman Street E8 1DY Telephone: 020 8356 2431

## LIST OF BACKGROUND PAPERS RELATING TO THIS REPORT

The following document(s) has been relied upon in the preparation of the report.

<b>Description of document</b>	<b>Location</b>
<b>Office File:</b> Basement, 8 Stoke Newington Road, London, N16 7XN	Licensing Service 1 Hillman Street London E8 1DY

### Printed matter

Licensing Act 2003  
LBH Statement of Licensing Policy

Before completing this notice, please read the guidance notes at the end of the notice. If you are completing this notice by hand, please write legibly in block capitals. In all cases, ensure that your answers are inside the boxes and written in black ink or typed. Use additional sheets if necessary. You should keep a copy of the completed notice for your records. You must send at least one copy of this notice to the licensing authority and additional copies must be sent to the chief officer of police and the local authority exercising environmental health functions for the area in which the premises are situated. The licensing authority will give to you written acknowledgement of the receipt of the notice.

I, the proposed premises user, hereby give notice under section 100 of the Licensing Act 2003 of my proposal to carry on a temporary activity at the premises described below.

1. The personal details of premises user (Please read note 1)	
1. Your name	
Title	Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other (please state)
Surname	Thomas
Forenames	Charlene
2. Previous names (Please enter details of any previous names or maiden names, if applicable. Please continue on a separate sheet if necessary)	
Title	Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other (please state)
Surname	
Forenames	
3. Your date of birth	██/██/██
4. Your place of birth	██████████
5. National Insurance Number	██████████
6. Your current address (We will use this address to correspond with you unless you complete the separate correspondence box below)	
██████████ ██████████	
Post town	██████████
Postcode	██████████
7. Other contact details	
Telephone numbers Daytime	██████████
Evening (optional)	██████████
Mobile (optional)	██████████
Fax number (optional)	
E-Mail address (if available)	████████████████████
8. Alternative address for correspondence (If you complete the details below, we will	

use this address to correspond with you)	
Post town	Postcode
9. Alternative contact details (if applicable)	
Telephone numbers: Daytime	
Evening (optional)	
Mobile (optional)	
Fax number (optional)	
E-Mail address (if available)	

<b>2. The premises</b>	
Please give the address of the premises where you intend to carry on the licensable activities or, if it has no address, give a detailed description (including the Ordnance Survey references) (Please read note 2)	
Basement 8 Stoke Newington Road London N16 7XN	
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	
Club premises certificate number	
If you intend to use only part of the premises at this address or intend to restrict the area to which this notice applies, please give a description and details below. (Please read note 3)	
Basement area only	
Please describe the nature of the premises below. (Please read note 4)	
Social Club and Lounge	
Please describe the nature of the event below. (Please read note 5)	
Partner's birthday party	

<b>3. The licensable activities</b>		
Please state the licensable activities that you intend to carry on at the premises (please tick all licensable activities you intend to carry on). (Please read note 6)		
The sale by retail of alcohol		X
The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club		<input type="checkbox"/>
The provision of regulated entertainment (Please read note 7)		X
The provision of late night refreshment		<input type="checkbox"/>
Are you giving a late temporary event notice? (Please read note 8)		<input type="checkbox"/>
Please state the dates on which you intend to use these premises for licensable activities. (Please read note 9)		
Start Date: 18-09-2021 End Date: 19-09-2021		
Please state the times during the event period that you propose to carry on licensable activities (please give times in 24 hour clock). (Please read note 10)		
Sat 22:00 – Sun 05:00		
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)		50
If the licensable activities will include the sale or supply of alcohol, please state whether these will be for consumption on or off the premises, or both (please tick as appropriate). (Please read note 12)	On the premises only	X
	Off the premises only	<input type="checkbox"/>
	Both	<input type="checkbox"/>

<p>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 (including, but not limited to lap dancing and pole dancing). (Please see note 13)</p> <p>Sat 22:00 – Sun 05:00</p>
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<b>4. Personal licence holders (Please read note 14)</b>		
Do you currently hold a valid personal licence? (Please tick)	Yes <input type="checkbox"/>	No X

If "Yes" please provide the details of your personal licence below.	
Issuing licensing authority	
Licence number	
Date of issue	
Any further relevant details	


<b>5. Previous temporary event notices you have given (Please read note 15 and tick the boxes that apply to you)</b>		
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?	Yes <input type="checkbox"/>	No X
If answering yes, please state the number of temporary event notices (including the number of late temporary event notices, if any) 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?	Yes <input type="checkbox"/>	No X

<b>6. Associates and business colleagues (Please read note 16 and tick the boxes that apply to you)</b>		
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 <input type="checkbox"/>	No X
If answering yes, please state the total number of temporary event notices (including the number of late temporary event notices, if any) 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: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice?	Yes <input type="checkbox"/>	No X
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 <input type="checkbox"/>	No X
If answering yes, please state the total number of temporary event notices (including the number of late temporary event notices, if any) 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 <input type="checkbox"/>	No X

a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice?		
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<b>7. Checklist (Please read note 17)</b>		
<b>I have: (Please tick the appropriate boxes, where applicable)</b>		
Sent at least one copy of this notice to the licensing authority for the area in which the premises are situated		X
Sent a copy of this notice to the chief officer of police for the area in which the premises are situated		X
Sent a copy of this notice to the local authority exercising environmental health functions for the area in which the premises are situated		X
If the premises are situated in one or more licensing authority areas, sent at least one copy of this notice to each additional licensing authority		X
If the premises are situated in one or more police areas, sent a copy of this notice to each additional chief officer of police		X
If the premises are situated in one or more local authority areas, sent a copy of this notice to each additional local authority exercising environmental health functions		X
Made or enclosed payment of the fee for the application		X
Signed the declaration in Section 9 below		X

<b>8. Condition (Please read note 18)</b>
It is a condition of this temporary event notice that where the relevant licensable activities described in Section 3 above include the sale or supply of alcohol that all such supplies are made by or under the authority of the premises user.

<b>9. Declarations (Please read note 19)</b>	
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 or in connection with this temporary event notice and that a person is liable on summary conviction for such an offence to a fine of any amount; and	
(ii) to permit an unauthorised licensable activity to be carried on at any place and that a person is liable on summary conviction for any such offence to a fine of any amount, or to imprisonment for a term not exceeding six months, or to both.	
Signature	
Date	24 <sup>th</sup> August 2021
Name of Person signing	Charlene Thomas

For completion by the licensing authority



**10. Acknowledgement (Please read note 20)**

I acknowledge receipt of this temporary event notice.

Signature

On behalf of the licensing authority

Date

Name of  
Officer  
signing

# APPENDIX B

## RESPONSIBLE AUTHORITY REPRESENTATION: APPLICATION UNDER THE LICENSING ACT 2003

### RESPONSIBLE AUTHORITY DETAILS

NAME OF AUTHORITY	Metropolitan Police service
ADDRESS OF AUTHORITY	Licensing Unit, Stoke Newington Police Station 33 Stoke Newington High Street Stoke Newington London N16 8DS
CONTACT NAME	PC590GD Hunwick
TELEPHONE NUMBER	0207 275 3022
E-MAIL ADDRESS	hackneylicensing@met.police.uk

### APPLICATION PREMISES

NAME & ADDRESS OF PREMISES	<b>Basement 8 Stoke Newington Road London N16 7XN</b>
NAME OF PREMISES USER	<b>Charlene Thomas</b>

### COMMENTS

I make the following relevant representations in relation to the above application to the TEN at the above address.

- 1) the prevention of crime and disorder      ◆
- 2) public safety      ◆
- 3) the prevention of public nuisance      ◆
- 4) the protection of children from harm

Representations (which include comments and/or objections) in relation to:

Police object to the granting of this TEN for Basement, 8 Stoke Newington road, N16 7XN for the 18<sup>th</sup>/19<sup>th</sup> September 2021 on the grounds of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm for the following reason(s):

Police visited the venue on the 11/07/2021 and 31/07/2021 and on both occasions found the venue to be retailing alcohol without a License or a TEN. A TEN was then submitted for the 6<sup>th</sup>-8<sup>th</sup> August which was withdrawn at Sub Committee following discussion with Councillors. It was suggested that discussion take place with the Police to build trust and it was agreed that Mr Steele should obtain a personal licence before any further TENs are submitted. However, 3 further TENs were submitted which were counter noticed at Sub Committee and now this TEN has been received for the venue. We do not believe that a venue which has no commitment to the licensing objectives should be used by someone who has no knowledge of the licensing objectives. The venue is also in the middle of Dalston SPA which brings extra responsibility around licensable activity and this is also incompatible with a 0500hrs finish. We are concerned that bookings are still being taken despite the advice given in previous hearings.

The above representations are supported by the following evidence and information.

Police National Computer (PNC) data, Criminal Intelligence Reports, personal knowledge

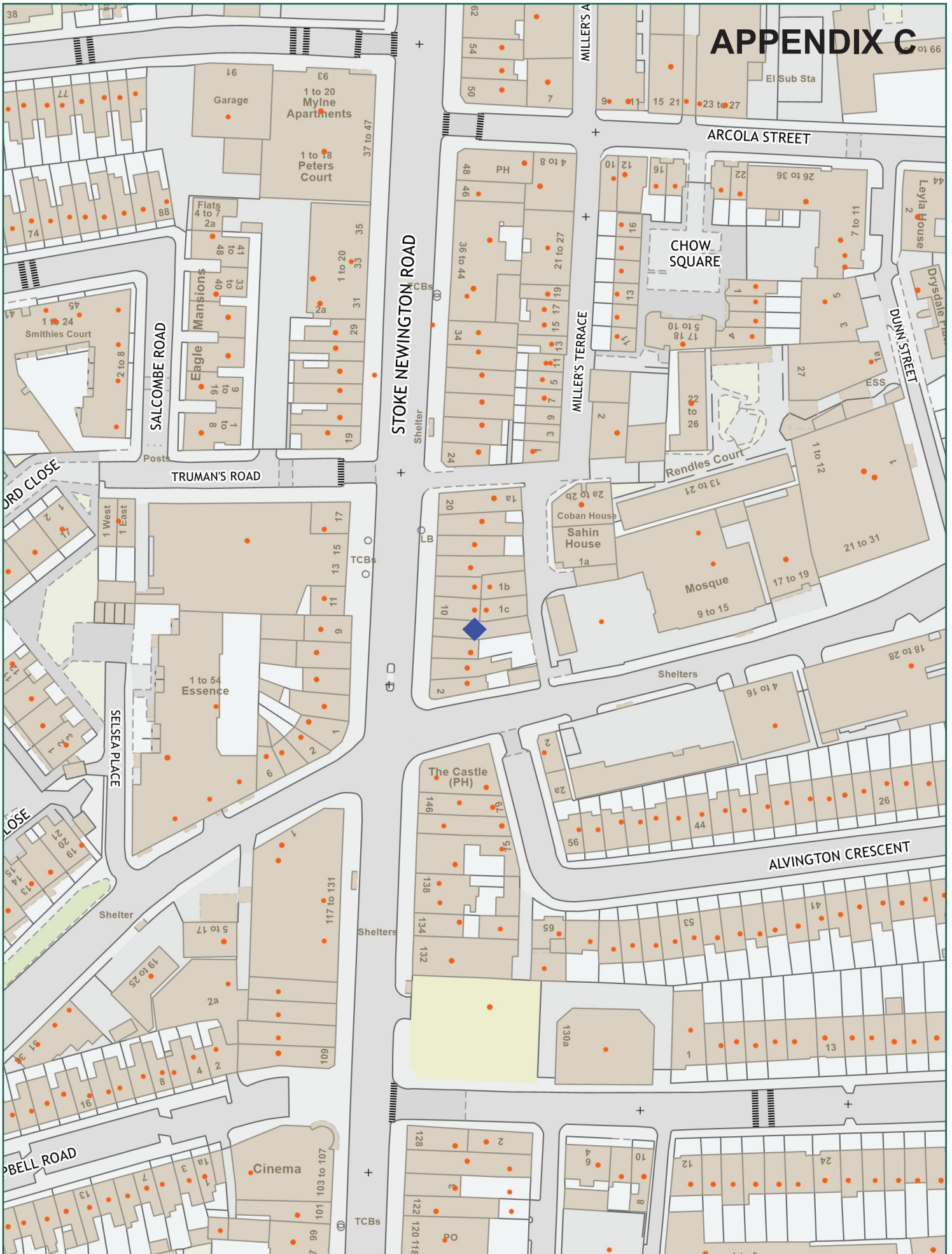
Are there any actions or measures that could be taken to allay concerns or objections? If so, please explain.

Details as requested

Signed PC590GD HUNWICK (By E-mail)

Name PC590GD HUNWICK (Printed)

# APPENDIX C



**NORTH**

Scale: 1:1250 at A4

**Hackney**

**Basement, 8 Stoke Newington Road, N16 7XN**

Ref:	Produced by: unspecified	please specify copyright statement
Friday, September 10, 2021	email:	