Title: Determination of Objection to Temporary Event Notice: The Deuce Lounge, 20-22 London Road, Barking, IG11 8AG

<table>
<thead>
<tr>
<th>Open Report</th>
<th>For Decision</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ward Affected: Abbey</td>
<td>Key Decision: No</td>
</tr>
<tr>
<td>Report Author: Richard Parkins Senior Licensing Officer</td>
<td>Contact Details: Tel: 0208 227 5046 E-mail: <a href="mailto:richard.parkins@lbfd.gov.uk">richard.parkins@lbfd.gov.uk</a></td>
</tr>
</tbody>
</table>

Accountable Head of Service: Jonathon Toy, Operational Director Enforcement Services

Accountable Director: Clare Symonds, Strategic Director Customer, Commercial and Service Delivery

Summary

Three Temporary Event Notices have been received from Ismail Adamson in respect of events scheduled to take place at The Deuce Lounge, 20-22 London Road, Barking, IG11 8AG.

A relevant representation has been received from the Metropolitan Police Authority to all three Temporary Event Notices in relation to the Prevention of Crime and Disorder Licensing Objective.

Recommendation

That the Sub-Committee considers this report and appendices together with any oral submissions at the hearing and decides whether to:

- Allow the Temporary Event Notices as applied for;
- Allow the Temporary Event Notices subject to one or more of the existing conditions from the relevant Premises License; or
- Reject the Temporary Event Notices and issue a Counter Notice to prevent each event from going ahead.
1. Introduction and Background

1.1. The Licensing Act 2003 (‘the Act’) established a Temporary Events Notice (TENs) system so as to provide a light touch process for the carrying on of licensable activities that do not have to be authorised by the licensing authority on an application. Instead, a person wishing to hold an event at which such activities are proposed to be carried on (the ‘premises user’) gives notice to the licensing authority of the event.

1.2. Section 104 (2) of the Licensing Act 2003, allows the Police or Environmental Health Authority to object to a TENs if they believe that allowing the premises to be used will undermine one or more of the licensing objectives.

1.3. The relevant licensing objectives are:

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

1.4. Where objection is received the local licensing authority must hold a public hearing to determine the matter.

2. The Temporary Event Notices

2.1. On 3 December 2016, three TENs were submitted by Ismail Adamson in relation to the premises known as The Deuce Lounge, 20-22 London Road, Barking, IG11 8AG. The TENs are given in respect of scheduled parties scheduled to take place at the restaurant and bar premises:

- From 23.00 on Thursday 15 December 2016 to 0500 hours on Friday 16 December 2016;
- From 23.00 hours on each of the days 22, 23, 24, 25, 26 and 27 December 2016 to 0500 on the days following; and
- From 23.00 on Saturday 31 December 2016 to 0500 on Sunday 1 January 2017.

2.2. Each of the TENs relates to:

- The sale by retail of alcohol;
- The provision of regulated entertainment; and
- The provision of late night refreshment.

2.3. Copies of the three TENs are attached as Appendices A(i), A(ii) and A(iii).

2.4. Each of the TENs are opposed by the Metropolitan Police Authority. A copy of the police objection is attached as Appendix B.
2.5. The objection notes that “On 17th August 2016 Deuce Lounge were brought in front of the Licensing Committee as a result of a police review. One of the decisions made by the committee was for the DPS, to complete a Local Authority approved licensing course within the next three months. The decision notice was sent out by the Local Authority dated 25th August 2016”. As yet this course has not been passed by Ismail Adamson”.

2.6. As noted the police oppose the TENs but also ask that, in the event that any of the TENs are allowed, the Sub-Committee applies all of the conditions currently applicable to the premises licence to these events.

3. The Premises Licence

3.1. The premises is currently licensed to Deuce Management Ltd. Ismail Adamson, the intended premises user in the case of the TENs is the Designated Premises Supervisor named upon the licence.

3.2. A copy of the current premises licence is attached as Appendix C.

3.3. As has been noted in the police objection, on 17 August 2016, the premises licence was subject of a review conducted by the Licensing Sub-Committee following application by the Metropolitan Police Authority. A copy of the formal Notice of Decision from that meeting is attached as Appendix D. The Notice of Decision provides the recorded detail of the hearing and the decision.

4. Issues, Options and Analysis of Options

4.1. The Sub Committee, after considering the objections, will need to consider what action, if any, to take in order to ensure that the licensing objectives are complied with.

4.2. The following options are available to the Licensing Sub-Committee:

- Allow the Temporary Events Notices as applied for;
- Allow the Temporary Events Notices to include one or more existing licence condition
- Reject the Temporary Events Notices and issue a counter notice to prevent the events from going ahead.

4.3. The decision made by the Sub-Committee will take immediate effect.

4.4. In determining this application for an objection of the Temporary Event Notice the Sub-Committee should have regard to the Council’s Statement of Licensing Policy and to the guidance issued to local licensing authorities by the Home Office under s182 of the Licensing Act 2003.

4.5. The Sub-Committee are advised that the hearing is of a quasi-judicial nature and representations from all parties both written and verbal will form part of
matters that are to be considered. Findings on issues of fact should be on the balance of probability.

4.6. The Sub-Committee are advised that the final decision should be based on the individual merits of the application and findings of fact made at the hearing.

5. Consultation

5.1. A copy of the objection has been served on the premises licence holder.

5.2. The Temporary Event Notices have been subject to consultation in accordance with the Licensing Act 2003.

6. Legal Comment

6.1. The London Borough of Barking and Dagenham, as Licensing Authority under the Licensing Act 2003 and subordinate legislation, is empowered to determine applications of this nature.

6.2. Notice must be given of the Licensing Authority’s decision on this matter.

Public Background Papers Used in the Preparation of the Report: None

List of appendices:

Appendix B – Notice of the Objection submitted by the Metropolitan Police Authority
Appendix C – Premises Licence
Appendix D – Copy of the Formal Notice of Decision from the Sub-Committee hearing of 17 August 2016