Present: Cllr Moin Quadri (Chair), Cllr Peter Chand and Cllr Giasuddin Miah

3. Declaration of Members' Interests

There were no declarations of interest.

4. Licensing Act 2003-Deuce Lounge, 20-22 London Road, Barking IG11 8AG - Temporary Event Notice

The Council’s Licensing Enforcement Officer, John Smith, introduced a report in respect of a Temporary Event Notice (TEN) application that had been received from Mr Ayodele Oshin, Designated Premises Supervisor of the Deuce Lounge, 20-22 London Road, Barking, seeking to extend the licensable activities at the premises from 03:00 – 05:00 hours on Saturday 29 / Sunday 30 September 2018 and Sunday 30 September / Monday 1 October 2018.

The matter was before the Sub-Committee as an objection to the TEN had been made by the Metropolitan Police in relation to the licencing objectives of preventing crime and disorder and preventing public nuisance. Mr Abiodun Ajay, Premises Licence Holder for the Deuce Lounge, was present to represent the applicant.

In accordance with the procedure for the meeting, the Chair invited PC Michael Sear to outline the Metropolitan Police’s objections. PC Sear explained that there had been two serious incidents of violent disorder during July and August involving individuals who had been in the Deuce Lounge, as well as other incidents in the Town Centre area that the Police believed were linked to patrons of the Deuce Lounge. During the course of the Police investigations, it became apparent that the CCTV system at the premises had not been operating in accordance with the licence conditions (retained for at least 31 days) which had hampered the investigations.

PC Sear also advised that in respect of the Sunday night / Monday morning element of the TEN application, there was a gap between the current licensing hours ending and the hours of the TEN commencing. The gap meant that alcohol sales would have to stop at 01:30 hours, patrons would be required to leave the premises at 02:00 hours and not re-enter until 03:00 hours. The Police were, therefore, concerned that patrons being required to wait outside the premises for that 1-hour period could give rise to disorder and nuisance while local residents were asleep ahead of the working day.

The Sub-Committee then heard from Mr Ajay, who stated that the venue had been operating under the current management for four years and was a well-run establishment. Mr Ajay circulated photographs of the interior of the premises showing the layout and furniture, which he felt reflected the type of atmosphere and clientele that the management encouraged. He added that the licence conditions were always applied and the CCTV system issues were quickly rectified.
by an engineer and confirmation provided to the Police that the system was now retaining images for the full 31-day period, having previously retained them for only approximately 15 days.

Mr Ajay acknowledged that there had been fights outside the premises and that some individuals involved had been patrons of the premises at some point although he clarified that the incidents had not taken place inside or directly outside the Deuce Lounge. Mr Ajay stated that problems often stemmed from youths, who had not been patrons of the premises, hanging around James Street and the car park area. Mr Ajay added that he had reported his concerns regarding the groups of youths congregating close to the premises to the Police on several occasions and had been told that the Police were unable to take any action.

Mr Ajay advised that the premises employed four security personnel of a weekend, above the two required under the licence, which reflected how seriously the management took its responsibilities and he had personally called for the ambulance on 12 August having witnessed the incident occurring at the bus stand area further along London Road. Mr Ajay added that he and his security staff could not be held responsible for incidents that took place well away from the premises even if they involved patrons who had left the Deuce Lounge.

Mr Ajay clarified that the TEN was sought as part of Nigerian Independence celebrations and that there would likely be fewer people in the venue than the capacity of 120. He also advised that there had been no complaints from neighbours about noise and that the void period in the TEN application for the Monday was in error and the actual time sought was 01:30 to 05:00 hours on Monday morning.

The Members of the Licence Sub-Committee sought clarification of the issues with regard to the CCTV and the extent of the coverage. It was confirmed that the fault had meant that only 15 days of recordings were being kept but the issue had been resolved. Mr Ajay advised that the CCTV cameras covered 24 areas, including the entrances, exits and areas immediately outside. Entrance to the premises was via the front doors (on London Road) and patrons would leave by the rear exit doors (James Street) at the close of business.

The Members of the Licensing Sub-Committee adjourned at 7.25pm to deliberate in private and returned at 7.34pm to announce the decision, which was read by the Legal Advisor to the Sub-Committee, Mr Scrowther.

DECISION

The Sub-Committee, having considered all the evidence submitted and the representations made and having regard to the Licensing Act 2003 and its regulations, the national guidance and the Council’s licensing policy, refused the application and resolved that a Counter Notice should be issued.

The Sub-Committee’s primary concern was that the recent incidents of violent disorder, including a stabbing, that the Police had linked to the premises and which formed the basis of the objections had not been addressed in the submissions before it. Furthermore, there were no solutions offered in the application to reduce or limit the risks during the extended hours that were being sought.
With regard to the times applied for and specifically the Monday morning, the Sub-Committee accepted that this was an error on the part of the applicant. However, it noted that as the matter of the licence being extended between 01:30 to 03:00 hours on the Monday morning had not been subject to the required consultation, it was not possible to consider the matter. In respect of that void period on the Monday morning, the Sub-Committee noted that there were no apparent arrangements in place to deal with patrons who would have to leave the premises at 02:00 before re-entering at 03:00 and accepted the Police’s assertion that this could pose a significant risk of public nuisance and disorder issues during that intervening period.

The parties were reminded that there was a right of appeal to the Magistrates Court.