

MINUTES OF LICENSING SUB-COMMITTEE

Wednesday, 19 February 2020
(7:00 - 8:36 pm)

Present: Cllr Moin Quadri (Chair), Cllr Olawale Martins and Cllr Foyzur Rahman

14. Declaration of Members' Interests

There were no declarations of interest.

15. Private Business

Agreed to exclude the public and press for the remainder of the meeting due to the nature of the business to be transacted.

16. Licensing Act 2003 - D'Will Events Hall & Church, Selinas Lane, Dagenham RM8 1QH - Temporary Event Notice

The Licensing Case Officer (LCO) presented a report to the Sub-Committee regarding a Temporary Event Notice (TEN) application.

On 6 February 2020, Ms Kelani-Afolabi (Fola) submitted a TEN application to use D'Will Events Centre, Selinas Lane, Dagenham. The Notice was to host a wedding reception from the hours of 18:00 on Saturday 22 February until 4:00am on Sunday 23 February 2020 with the provision of regulated entertainment by way of a DJ and late-night refreshment. There was no planned sale of alcohol although it would be served in small quantities to family and friends at no charge.

It was noted that the first application covered the operating hours of between 23:00 and 02:00 as it was the applicant's understanding that a licence was not required up to 23:00. However in view of contrary advice a second TEN application was made to cover the full anticipated time of the party i.e. 18:00 to 02:00, which was then resubmitted with amended operating hours of 18:00 until 04:00 for the purposes of cleaning up the premises after the conclusion of the reception.

In presenting the report the LCO referenced the premises operating history over the past year which included an alleged Unlicensed Music Event (UME) and the submission of two previous TEN's, one of which was rejected as it fell outside of the required time limits and the other which was subsequently withdrawn following notification of a Police objection.

The current TEN application was presented before the Sub-Committee due to an objection from the Police in relation to the application failing to satisfy the licencing objectives of the prevention of crime, public nuisance and public safety. The Metropolitan Police were represented by PC Owen Dunn and Ms Kelani-Afolabi (Fola), the Manager of the Events Centre ('the applicant') and her daughter were also present at the meeting.

In accordance with the agreed procedure the Chair invited PC Dunn to outline the

Police objections which were detailed in a letter to the Licensing Authority dated 10 February and which was appended to the report.

PC Dunn explained that there had been multiple closure notices placed around Selinas Lane in the last two months as a result of Unlicensed Music Events (UME's), one of which was on the same industrial estate, and therefore given the operating history of the premises as detailed in the report, it was the Police view that rather than hosting a wedding reception supposedly four years after the actual wedding, the submission of the latest TEN could be seen as an attempt by the applicant to host another UME which they would not support, and which would result in further closure notices being submitted.

Whilst the premises is located within an industrial estate, it is situated close to residential areas, given rise to concerns about potential noise nuisance and general disturbance given the 04:00am closure time and the potential for the clientele leaving the premises being intoxicated (to a degree). This is compounded by the lack of public transport at that time on a Sunday morning and had led to concerns about public safety. It was also noted that the venue had advertised on the web that its operating hours were until 04:00am for which there is no current premises licence in place.

In response to the objections the applicant asked what specific evidence of criminality the Police had associated with the premises from when she assumed management responsibility for the venue?

PC Dunn confirmed there was no specific evidence that he was aware of due in part to the Police taking proactive steps to ensure UME's did not take place in the locality including at the venue itself. It was also known that the applicant had links to an individual of whom the Police have concerns about his involvement in the UME industry.

The Sub-Committee then heard from the applicant. She stated she had taken over the venue in February 2019 and had worked hard to bring it up to a standard capable of hosting events. Upon taking on responsibility for the venue and as a result of a poor handover of paperwork from the previous owner, she had been under the false impression that a premises license was already in place, and that she simply mirrored the previous practices, hence the reason for operating what turned out to be an UME which the Police closed down in December 2019. She recognised that she was not knowledgeable about the licensing rules and had sought advice from both the Police and Licensing Authority about TEN's and other licensing requirements as well as looking up information in the local library.

Referencing another TEN application submitted in February 2020, the applicant confirmed it had been withdrawn as it did not allow enough time for consultations.

Regarding the current application, the applicant explained that once she had been made aware of the Police objections, she had informed the celebrant who then directly contacted the Police, only to be allegedly told it would not be granted because previously someone had been killed at the venue. The Sub Committee were told that the celebrant had initially intended to attend tonight's meeting but decided against it as she was upset given the party was due to take place this weekend and that invites had already been issued.

The Sub-Committee then heard from the applicant's daughter.

She explained that she dealt with the administration of the Event Centre. When the latest TEN had been applied for she had initially dealt with one officer and then another officer which resulted in a breakdown in communication. As an example, having upon request supplied a copy of the wedding invitation, it apparently subsequently went astray.

She addressed the Police's concerns that the planned event was something more than a wedding celebration and would be a music event. This was not the case and that the only reason for asking for an extension of the TEN until 0:400 was to allow time for cleaning and on the off chance that some guests were slow to leave after 0:200.

She repeated the applicant's comments about the four-year gap between the wedding and the planned celebration. This was a personal matter for the celebrant. She expanded on why alcohol was to be given away rather than sold – this being a Nigerian cultural tradition.

She addressed why the Event Centre had advertised on its website that the venue was available until 0:400 – this was because during the handover with the previous owner it was understood that this was the licensed operating finish time. Having learnt otherwise the notification had now been removed from the website.

The daughter closed by saying that if the Sub-Committee preferred, the applicant would accept a lesser TEN's

The Sub-Committee then put a series of questions to the applicant as follows:

Why had the applicant not previously applied for a premises licence?

As already remarked, the applicant stated that she had been under the impression from the previous owner that a licence was already in place.

How many events had been hosted at the Centre prior to December 2019?

Three or four, but these had all finished by 23:00.

Was it anticipated whether children would be present at the event?

The applicant was initially not sure but then stated that there would be no children attending.

The applicant was asked whether the individual known to the Police in connection with UME's was in anyway linked to this event, given they had enquired of the Police ahead of the meeting about whether this TEN would be likely be granted?

The applicant stated that they were not involved.

Each party then summed up their position and the Sub-Committee then retired to consider its decision.

Decision:

The Sub-Committee was concerned about an UME taking place as recently as December 2019 at the venue. It was also concerned that the known UME organiser had been making enquires of the Police as to whether this TEN would be granted. That said, the Sub-Committee decided that this on its own was insufficient evidence to conclude that the application was to cover what would otherwise be an UME.

More concerning was the applicant's inability to demonstrate a knowledge and recognise the importance of the licence aims and objectives and how to meet them.

Furthermore, the Sub-Committee were concerned that there was no active transport infrastructure in place at 0:400 in the location and therefore there would be a likelihood of nuisance of noise and disturbance for the surrounding local community when the venue emptied at that time.

The Sub-Committee therefore decided to decline the application and issue a counter-notice.

Both parties were reminded that they have a right of appeal of this decision to the Magistrates Court within 21 days of this decision.