

## **MINUTES OF LICENSING SUB-COMMITTEE**

Tuesday, 13 December 2016  
(7:00 - 7:51 pm)

**Present:** Cllr Josephine Channer (Chair), Cllr Syed Ahammad and Cllr Peter Chand

### **36. Declaration of Members' Interests**

There were no declarations of interest.

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

The Service Manager, Public Protection presented a report to the Sub-Committee in respect of three Temporary Event Notice (TEN) applications which had been received from The Deuce Lounge, 20 – 22 London Road, Barking, IG11 8AG.

The Sub-Committee were advised that on 30 November 2016, three applications were submitted for the grant of a temporary event at the premises for the following:

- 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.

Each of the TENs related to:

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

Since the publication of the agenda, the Licensing Officer advised that the premises had currently used 17 days of the 21 days permitted for TENs, which left an entitlement of four days. Following correspondence with the applicant, it was agreed the dates for the TENs would be amended to the following four dates:

- 23/12/2016 1.00 am - 5.00 am
- 25/12/2016 1.00 am - 5.00 am
- 27/12/2016 1.00 am - 5.00 am
- 01/01/2017 1.00 am - 5.00 am

The Sub Committee were advised that the objection from the Metropolitan Police was still in place following the amendment to the dates of the TENs.

On 2 December 2016, the Licensing Department received a notification from the Metropolitan Police that they would be objecting to the three Temporary Event

Notices as on 17 August 2016, the Deuce Lounge were brought before the Licensing Sub-Committee as a result of a Police review. One of the decisions made by the Sub-Committee was for the DPS to complete a Local Authority approved licensing court within the next three months. As yet, the course had not been passed by the DPS, Mr Ismail Adamson.

PC Corinne Holland and PC Stuart Lyons were present to advise on their objection to the TEN's. The Chair invited PC Holland to address the Sub-Committee.

PC Holland advised that at the Licensing Sub-Committee held on 17 August 2016, the review submitted by the Police requested that the DPS be removed from the licence as they had lost confidence in the management. The Sub-Committee allowed the DPS to stay on the proviso of him taking and passing the course. The Police felt that as the DPS had dialled the course, it again called into question Mr Adamson's ability to be in charge of the premise.

On 2 December 2016, PC Holland spoke to Mr Adamson who then subsequently sent her an email showing that he had undertaken the course on 21 October 2016, Mr Adamson then informed PC Holland that he had failed the course and not yet retaken it. Since the TENs had been applied for, Mr Adamson had advised PC Holland that he had rebooked the course for 5 January 2017.

In response to a question from the Sub-Committee, PC Holland advised that the undertaking of the course was a premises licence condition therefore as it had not yet been fulfilled, the premises was in breach of their licence under Section 136 of the Licensing Act 2003. This was also contrary to the 'prevention of crime and disorder' licensing objective.

The Sub-Committee were concerned that such a breach of the licence had not yet been dealt with by the Council or the Police and noted that this had been an oversight.

The Chair then invited representatives of the Deuce Lounge to address the Sub-Committee.

Mr Ismail Adamson (DPS) and Mr Ajayi, a Director of Deuce Management addressed the Sub Committee advising that the DPS taken the course within the three month period stipulated in the conditions, however he had not yet passed the course due to family issues. The DPS had rebooked the course for 5 January 2017 and written confirmation of the rebooked course was circulated to the premises. Mr Ajayi advised that the premises had been open for approximately one year and there had only been one issue during this time.

In response to questions from the Sub-Committee, Mr Ajayi advised that the DPS had not asked for an extension to the three month period, nor had he contacted the Licensing Office of the Local Authority or the Police to explain his circumstance. The Mr Ayayi explained that he felt the premises had a good relationship with the Police and that any time PC Holland called him he would answer.

The Chair invited the parties to sum up their representation before the Sub-Committee retired to consider their decision.

## **Decision**

The Sub Committee in reaching their decision, had regard to the Licensing Act 2003, the statutory guidance issued under Section 182 and the Councils Licensing Policy.

The Sub Committee considered all the evidence placed before it including all written documentation and oral submissions.

The Sub Committee resolved to grant the TENS and attach to it the same conditions as were attached to the premises license. This did not however include any conditions relating to completion of the course (which was still attached to the premises license, but not the TENS) nor any conditions which were incompatible with the TENS events.(i.e. conditions relating to hours in which licensable activities could be conducted; such hours will be as per the TENS).