

LICENSING SUB-COMMITTEE

27 March 2019

Title: Licensing Act 2003 – Scrattons Farm Community Association, Morrison Road, Barking, IG11 0UA – Temporary Event Notice	
Report of the Director, Law and Governance	
Open Report	For Decision
Wards Affected: Thames	Key Decision: No
Report Author: Theo Lamptey, Service Manager Public Protection, Regulatory Services	Contact Details: Tel: 020 8227 5655 E-mail: theo.lamptey@lbbd.gov.uk
Accountable Director: Andy Opie, Operational Director, Enforcement Services	
Accountable Strategic Director: Fiona Taylor, Director, Law and Governance	
Summary A Temporary Event Notice (TEN) has been given by Ms. Catherine Tyler in respect of Scrattons Farm Community Association, Morrison Road, Barking. Ms. Tyler is the Club Secretary of Scrattons Farm Community association. A representation against the event has been given by the Metropolitan Police under the grounds of the protection of children from harm. The matter is being put to the Licensing Sub-Committee for determination at a public hearing.	
Recommendation That the Sub-Committee considers the content of this report and appendices, together with any oral submissions given at the hearing, and determines the application.	
Reason(s) Under the Licensing Act 2003 the Council, as Licensing Authority for the area, has a duty to consider and determine each valid application submitted.	

1. Introduction and Background

1.1 The Licensing Act 2003 (the “Act”) established the national licensing regime for:

- The sale and supply of alcohol
- Regulated entertainment
- Late night refreshment

- 1.2 Under the Act, any person wishing to use any premises to provide one or more of the above licensable activities must firstly obtain a premises licence from the local licensing authority for the area or give a Temporary Event Notice.
- 1.3 Temporary Event Notices may be given by any person, these authorise any licensable activity for short periods, subject to limits on the total number of hours and days they can be given for each calendar year. They can only be given where the total number of persons to be present is less than 499. There is no public consultation process but the Police and Environmental Health, as responsible authorities are informed of the notice and can make a representation if they are of the opinion that the activities specified in the notice will have a negative impact on one or more of the licensing objectives.
- 1.4 To date in this calendar year there have been five TENs given in respect of Scrattons Farm Community Association, and the numerical limits on the number of TENs that may be given have not been breached.
- 1.5 The relevant licensing objectives are:
 - The prevention of crime and disorder
 - Public safety
 - The prevention of public nuisance
 - The protection of children from harm
- 1.6 If there are no objections from the Police or Environmental Health the activities as set out in the TEN proceed.
- 1.7 Following receipt of a valid representation the Licensing Sub-Committee must hold a hearing to determine if a counter notice should be given. Any counter notice has the effect of cancelling the TEN.
- 1.8 At any time prior to the hearing, the police or the Council's Environmental Team may, with the agreement of the premises user, modify the temporary event notice by making changes to the notice. The objection notice shall be treated as having been withdrawn from the time the temporary event notice is modified. The premises user may also withdraw the notice completely at any time up until 24 hours prior to the proposed start time of the notice.
- 1.9 Upon consideration of a TEN, the Sub-Committee may decide to take any of the following steps
 - To allow the TEN to proceed.
 - To issue a counter notice that has the effect of cancelling the TEN
 - To impose conditions on the TEN, but these conditions can only be those already in place on any premises licence held in respect of the premises. No other conditions or restrictions may be imposed.
- 1.10 There is a club premises certificate in place for Scrattons Farm Community Association.

2. Issues

The Temporary Event Notice Under Consideration

- 2.1 On the 15th March 2019 Ms. Tyler gave a Temporary Event Notice to use Scrattons Farm Community Association, Morrison Road Barking IG11 0AU. A copy of the notice is attached at **Appendix A**.
- 2.2 The notice is to allow the sale by retail of alcohol to non-club members for consumption on the premises only, the provision of late-night refreshment and the provision of regulated entertainment on Saturday 30th March 2019 between the hours of 16:00 and 24:00 (midnight). The number of persons to be present is 120.
- 2.3 The notice is required for this event because it is to be for non-members of the club and the Club Premises Certificate only allows the sale of alcohol to members and bona-fide guests. It is also intended to run for one hour longer than the Club Premises Certificate permits.
- 2.4 The current club premises certificate (**Appendix B**) permits the following licensable activities and hours:

Supply of alcohol (on the premises only)

Daily 12.00 – 23:00

Recorded music

Daily 12.00 – 23:00

Live music

Friday – Sunday 18:00 – 23:00

- 2.5 The Club Secretary is Ms. Catherine Tyler.

2.6 Representations

- 2.7 The Metropolitan Police object to this TEN on the grounds of the protection of children from harm. A copy of the Police representation is attached at **Appendix C** to this report.

2.8 The Premises Operating History

- 2.9 The premises are situated on a site south of Morrison Road Barking. It is a purpose-built club house with an attached function room. The current Club Premises Certificate was granted in December 2013.

Local Area

2.10 A map of the local area is attached as **Appendix D**. The location of the application premises is marked on the map.

3. Options Appraisal

3.1 The Sub-Committee is advised that the hearing is of a quasi-judicial nature and representations from all parties, both written and verbal, will form part of the matters that are to be considered.

3.2 The Sub-Committee is required to consider each application on its own individual merits with all relevant matters taken into account. Findings on issues of fact should be on the balance of probability.

3.3 Having considered the application, the representations and all relevant submissions, the Sub-Committee must decide what action is appropriate to promote the licensing objectives. In doing so the Sub-Committee must decide which of the steps to take, as set out in section 1.8 of this report.

3.4 In reaching its decision, the Sub-Committee must have regard to:

- The Act
- Secondary regulations
- The Guidance issued to Local Licensing Authorities by the Home Office (current version April 2017)
- The Barking and Dagenham Statement of Licensing Policy for 2017-2022.

3.5 If any party is aggrieved by the decision of the Sub-Committee, they have the right to appeal the decision to the Magistrates Court. Appeals may be made within 21 days of notification of the Sub-Committee's decision.

4. Consultation

4.1 The only consultation required for a TEN is that it is copied to the Police and Environmental Health. This has been done.

5. Legal Implications

Implications completed by: Simon Scrowther, Litigation Lawyer, Corporate Legal

5.1 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.

5.2 Notice must be given of the Licensing Authority's decision on this matter.

Background Used in the Preparation of the Report:

- Licensing Act 2003
- Home Office Guidance to Local Licensing Authorities

- London Borough of Barking and Dagenham Statement of Licensing Policy 2017-2022

List of appendices:

- **Appendix A** - Copy of the TEN given in respect Scrattons Farm Community Association Morrison Road Barking IG11 0AU.
- **Appendix B** – Club Premises certificate held in respect of Scrattons Farm Community Association Morrison Road Barking IG11 0AU.
- **Appendix C** - Representation from the Metropolitan Police.
- **Appendix D** - Map of the local area