

## Licensing Sub-Committee

Meeting held on Wednesday, 15 July 2021 at 10.30 am. This meeting was held remotely. To view the meeting, please use this link –

**Present:** Councillor Robert Canning (Chair)  
Councillors Pat Clouder & Margaret Bird

**Also Present:** Michael Goddard (Head of Environmental Health, Trading Standards and Licensing); Nicola Thoday (Corporate Lawyer); Eddie Adjei (Senior Pollution Enforcement Officer); Cliona May (Democratic Services Officer); Tariq Aniemeka-Bailey (Trainee Democratic Services Officer).

### PART A

#### Appointment of Chair

Councillor Pat Clouder nominated Councillor Robert Canning as Chair and Councillor Margaret Bird seconded the motion.

The Sub-Committee **RESOLVED** to appoint Councillor Robert Canning as Chair for the duration of the meeting of the Sub-Committee.

#### Disclosure of Interest

There were none.

#### Urgent Business (if any)

There were no items of urgent business.

#### **LICENSING ACT 2003 - Temporary Event Notice subject to Police & Pollution Team (EH) Objection Notices**

*The recording of this meeting can be viewed by clicking here.*

The Licensing Sub-Committee considered the Objection Notices in respect of a Temporary Event Notice given by Mr Owen Baker for **Thornton Heath Recreation Ground**. The Sub-Committee, have made their decision with reference to the licensing objectives under the Licensing Act 2003, the Statutory s182 Guidance and the Council Licensing Policy.

The Sub-Committee also considered the verbal representations made at the virtual hearing by Mr Baker and the Objectors.

#### Reasons for the Sub-Committee's decision

The Sub-Committee took into account the following reasons when making their decision:

1. The information provided in the Temporary Event Notice did not correspond in full with the information in the flyer for the event, or with what Mr Baker told the Sub-Committee during the hearing in relation to licensable activities.
2. The Metropolitan Police and the council's Pollution Team (Environmental Health) had both submitted an 'objection notice'. These objection notices were not withdrawn in advance of, or during, the Sub-Committee hearing.
3. Mr Baker told the Sub-Committee that both the Police and the Pollution Team had not contacted him about their objection notices in advance of the Sub-Committee hearing. During the hearing it emerged that Mr Baker had spoken to both parties. The Sub-Committee was satisfied that both parties made reasonable, successful and timely efforts to contact Mr Baker to discuss with him their grounds for objecting ahead of the hearing.
4. No Event Management and Operating Plan, or any other written document setting out how the event would be managed, had been prepared. Based on the evidence presented to the Sub-Committee, the Sub-Committee was of the view that inadequate thought and planning has been given to meeting the four licensing objectives in relation to:
  - a) Noise management (the premises was surrounded by residential dwellings and the council has received complaints about noise from events at this recreation ground in the past). Whilst Mr Baker told the Sub-Committee that he would monitor noise levels, not play amplified music and would stop the music at 7:30 to 8pm, the Sub-Committee was of the view that inadequate arrangements have been put in place for managing noise and that the absence of tangible and written proposals for managing and mitigating noise would undermine the Prevention of Public Nuisance licensing objective.
  - b) Entry policy, security and stewarding (including arrangements for ensuring that alcohol, weapons and drugs are not brought on to the premises). Whilst Mr Baker told the Committee during the hearing that he would provide security and 14 stewards, the Sub-Committee was not convinced based on the evidence presented that this and wider security planning will meet the licensing conditions relating to Public Safety and the Prevention of Crime and Disorder. The Sub-Committee felt that more detail was needed.
  - c) The provision of medical support/first aid (Mr Baker told the Sub-Committee that this would be provided by a local nurse and local people although the map of the event area submitted as part of the Temporary Event Notice does not contain a designated first aid area).
  - d) Child safeguarding and protection (the Sub-Committee was concerned about the potential for accidents). This was another area where more detail was needed if the Sub-Committee was to be satisfied that the event met the licensing objective around the protection of children from harm.
  - e) Crowd management (The Temporary Event Notice said that the event would be for up to 200 people at any one time but no information was provided on

how crowds larger than this would be managed). Mr Baker told the Sub-Committee that the planned event was a family fun day but was unable to say how admission to the event would be controlled. The Sub-Committee noted that there was no arrangement for crowd dispersal assuming that the event did finish at 9pm as specified in the application rather than “till late” as specified on the event flyer.

f) The Sub-Committee was not convinced that satisfactory arrangements had been put in place for collecting rubbish and litter from the premises once the proposed event was over (Mr Baker told the Sub-Committee that local residents would do the cleaning up rather than use a professional waste collection service or trained litter-pickers to guarantee that the premises would be cleaned to a good standard).

g) No Event Risk Assessment seemed to have been prepared.

5. The Sub-Committee acknowledged the community-spirited nature of Mr Baker and the desire to hold a family fun day to mark the coming out of Covid lockdown. The Sub-Committee also noted that Mr Baker had been organising events such as the one proposed here over the last 15 years. The Sub-Committee further noted that Mr Baker agreed to amend his proposal to prepare an Event Management and Operating Plan.

To conclude, the Sub-Committee considered this case on its merits and found that there was not enough evidence (from either the written or verbal representations) to show an understanding of upholding the Licensing Objectives. For example regarding preventing public nuisance to others, the local people may not have wanted to attend the event or hear the music.

The Sub-Committee was of the view that the TEN did not sufficiently address the issues relating to the prevention of crime and disorder, prevention of public nuisance, public safety and the protection of children from harm and therefore the Sub-Committee **DECIDED** that **the event would undermine the Licensing Objectives and should not take place**. Therefore Mr Baker should be **issued with a Counter Notice** on the basis that the proposed Family Fun Day on 25 July did not promote the Licencing Objectives.

The Sub-Committee wanted to take the opportunity to thank the applicant and the objectors for their valuable contributions to the meeting.

### **Exclusion of the Press and Public**

This item was not required.

The meeting ended at 11:54am

Signed:

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Date: