

Licensing Sub-Committee

Meeting of held on Wednesday, 6 September 2023 at 1.00 pm in MS Teams

MINUTES

Present: Councillor Patsy Cummings (Chair);
Councillors Margaret Bird and Danielle Denton

PART A

55/22 **Appointment of Chair**

It was **MOVED** by Councillor Bird and **SECONDED** by Councillor Denton and **RESOLVED**, to:

Appoint Councillor Patsy Cummings as Chair for the meeting.

56/22 **Disclosure of Interests**

There were none.

57/22 **Urgent Business (if any)**

There were no items of urgent business.

58/22 **LICENSING ACT 2003 - Temporary event notice subject to police objection notice**

The Chair outlined the procedures for the Licensing Hearing in line with the Licensing Act 2003 and the Council's protocol.

The applicant and objector were both present.

The Head of Environmental Health, Trading Standards and Licensing explained the facility to apply for one off, or occasional events providing licensable activities, via the submission of a Temporary Event Notice (TEN). Following the Council's receipt of a TEN, the Police or the Council's Environmental Health team was engaged and if either party believed the

notice would undermine any of the four licensing objectives they were able to submit objections.

The Sub-Committee was to consider the police objection notice raised against the TEN in respect of a proposed event at 112 Whitehorse Road, Croydon on 30 September 2023 and 1 October 2023. The TEN was detailed in Appendix A1 of the agenda and included sale by retail of alcohol, provision of regulated entertainment and provision of late-night refreshment between the hours of 7:00pm on 30 September 2023 and 3:00am on 1 October 2023. The Police objection notice was included at Appendix A2 of the agenda. An ordinance survey extract of the proposed location of the TEN was included at Appendix A3 of the agenda.

The Police objector PC Sear was given the opportunity to speak. PC Sear advised the Sub-Committee:

- The TEN stated the event was to raise funds for a wedding. This had been advertised as an Old Skool vs. Afro Beats event at Whitehorse Road.
- The police had discussed the intended operation of the event with Mr Sempa and noted the venue was at a busy junction on Whitehorse Road and would be the first event held at this premises.
- The owner of the venue had stated that he did not want the event to take place. PC Sear believed that, should the Sub-Committee be minded to grant the authority for a TEN, the event would not go ahead.
- Police concerns included the terminal hour of the event, the social media marketing of the event and the impact this could have on attendance. The event was not ticketed and therefore attendance levels could not be foreseen. The premises could hold approximately 50-100; however the attendance could be higher.
- The premises was not licensed, and the staff had no experience of selling alcohol. There were concerns that due to the event's fundraising nature, the focus would be to sell as much alcohol as possible without regard to managing attendees' intoxication.
- Running an event until 3:00am, especially when widely advertised, required experience of managing the risks, particularly in the context of Croydon's crime levels.
- There was no last entry time of the event and attendees would be charged £20 on the door.
- The venue only had 2 CCTV cameras inside.
- The Police had suggested hiring a more appropriate venue such as a pub or social club which would be able to support with the event's operations and uphold the licensing objectives. The venue had been chosen due to financial considerations.
- Two security guards who were friends and family would be present at the event working on a voluntary basis. This was considered a risk as volunteers may not be as thorough in undertaking searches and may admit attendees for the entry fee.

In response to questions from the Sub-Committee, officers advised the applicant did not hold a personal licence; however it was possible to submit a

TEN without one. A TEN could be submitted to provide licensable activities at a premises which did not hold a premises license.

In response to questions from the Sub-Committee PC Sear confirmed the volunteer security guards both held active SIA licenses which had been seen by the Police.

The applicant was then given the opportunity to speak. Mr Sempa introduced himself and explained:

- The TEN had been submitted to put on a fundraising event for his wedding. Mr Sempa advised he was Ugandan and had been a Croydon resident for 18 years.
- The cancellation of the event by the premises was incorrect, it had initially been cancelled following the police objections.
- The event had not been advertised on any social media platform; Mr Sempa had invited the Police to search for it and felt the concern was not valid.
- The security guards would uphold the prevention of crime and disorder objective and the event would be only for those aged 18+.
- Events to support fundraising for weddings in this way were typical within the African community.
- Wedding guests were contacted via a WhatsApp group and most attendees at the event would be friends and family with 40-60 guests expected. Attendees would be mostly in their 40s with some older family in their 70s and 80s also expected to attend.
- The event would not cause any disorder and Mr Sempa questioned why the police were anticipating a worst-case scenario rather than an event to raise money for a good cause.
- The CCTV at the location was sufficient for the premises and no disorder was expected at the event, the safety of attendees had been considered.
- A professional bar person would serve alcohol and levels of consumption would be monitored.
- Entertainment would take place and guests would be served a meal.
- A guaranteed attendance list would be in place, advance charging had not been adopted to give attendees the option to attend on the night.
- Following discussions with the premises manager a 3.00am terminal hour had been agreed.
- Mr Sempa asked the Sub-Committee to consider the TEN as a strictly family and friends event. It was noted the venue owner was a friend and the notice had been made to ensure the event was run correctly and within the law.

The Sub-Committee queried the approach of advertising the event on social media rather than inviting guests on a RSPV basis. There were concerns social media advertisement could bring crowds which 2 SIA security guards may not be able to manage. Mr Sempa advised the event had not been advertised on social media and he did not know where that claim had come from. The event had only been sent to family and friends on WhatsApp.

The Sub-Committee suggested that pre-paid tickets would have meant Mr Sempa had funds to utilise a venue with experience of holding events and experienced staff, noting that events could escalate quickly. Mr Sempa had investigated holding the event elsewhere; however this was not financially feasible. The chosen venue was not costly and had been hired for a private event. The event had not yet been advertised to all the intended guests, pending permission for it to go ahead.

The Sub-Committee asked the applicant to explain the WhatsApp advert in the agenda pack. Mr Sempa asked the police to explain where the advert had been found, a picture from his fashion label had been used on the event flyer.

In response to questions Mr Sempa advised no fee had been paid to the premises and the arrangement had only been agreed in principle. No written agreement was in place pending the approval of the TEN. The Sub-Committee advised that having the agreement in writing would have been beneficial due to the disparity between the Police and Mr Sempa's understanding as to whether the premises had now agreed to host the event. Mr Sempa advised it would be possible to acquire a written agreement from the venue if the Sub-Committee wished.

PC Sear advised the promotional WhatsApp flyer included in the agenda pack had been sent by Mr Sempa and suggested a family event would not be advertised as Old Skool vs Afro Beats, £20 on the door. The police had received an email from the venue manager confirming they had refused permission to hold the event; however this email did not form part of the agenda pack. Mr Sempa advised the owner was still willing to go ahead, but that they had initial concerns due to the receipt of police objections. Officers noted the relevance of the premises owner's position but reminded the Sub-Committee it was to consider the police objections, if the TEN were to be granted, and if the event would undermine any of the licensing objectives.

The Sub-Committee raised concerns regarding the avoidance of public nuisance and asked what plans were in place to mitigate nuisance to local residents. Mr Sempa advised music would be kept to a reasonable level and there would be intermissions throughout the event. The premises manager had advised that the immediate neighbouring business would be closed and therefore unaffected. The venue had soundproofing meaning little sound would leave the premises. This would be the first event held at the premises and it could be learned from.

The Chair advised that the parties would be notified of the Sub-Committee's decision later that day and thanked those present for their participation.

After the hearing the sub-committee withdrew to the virtual deliberation room and **RESOLVED**, that **the event would undermine the Licensing Objectives and should not take place and therefore a Counter Notice should be issued**. The reasons for this decision are set out in the Statement of Licensing Committee decision as follows:

LONDON BOROUGH OF CROYDON
STATEMENT OF LICENSING SUB-COMMITTEE DECISION

On 6 September 2023, the Licensing Sub-Committee considered the Objection Notice in respect of a Temporary Event Notice given by Mr Ronald Sempa for Kani Lodge 112 White Horse Road CR0 2JF. 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 Sempa and PC Edwin Sear of the Metropolitan Police Licensing Team who had set out written objections dated 25 August 2023 to the Temporary Event Notice on behalf of the Metropolitan Police.

At the start of the hearing, PC Sear informed the Sub-Committee that the owner of the premises had indicated to him that he had decided not to host the event at his premises. This was disputed by Mr Sempa. However, there was no evidence presented to the Sub Committee to support PC Sear's contention. Whilst this was discussed at the hearing, the licencing Officer advised the sub-committee that for the purposes of considering whether the licensing objectives would be met, this did not need to be considered in our deliberations.

Reasons for the Sub-Committee's decision:

The Sub-Committee considered the following when making their decision:

1. The information provided in the Temporary Event Notice. The Sub-Committee noted from the information provided on the Temporary Event Notice, that Mr Sempa was proposing to carry out licensable activities on the 30 September 2023 between the hours of 19:00 – 03:00 to the early hours of the 1 October 2023. The purpose of the event as stated on the Notice, was to raise funds for Mr Sempa's forthcoming wedding. According to the Notice, there was to be a DJ playing music and an MC from the start of the fund-raising event which would start at 21:00 – 02:00 hours. The Notice stated that children would not be attending the event.
2. The Metropolitan Police submitted an 'objection notice' dated 25 August 2023. In summary, the objection of the police to the Temporary Event Notice was based on the following grounds:

2.1 Public Nuisance

There were private residences within the vicinity of the premises. Although in their objection notice, the police had stated that the event was promoted on social media as "*Old Skool v Afro Beats end of summer party*", Mr Sempa disputed this. He informed the Sub-Committee that the event was only open to family and friends and that he was expecting between 40-60 people to attend. He also informed the sub-committee, that it is not certain that they would all attend. There were concerns raised by the police as to the suitability of the venue. The police stated they were unaware that there were noise mitigation measures in place, to prevent noise nuisance that may

emanate from the venue. However, Mr Sempa did state that the premises was sound proofed.

2.2 Prevention of Crime and Disorder

The concern raised by the police was that Mr Sempa did not have adequate provisions in place to control the event. People attending the event were likely to become intoxicated and the police were likely to be called to deal with the fall out as a result. Mr Sempa informed the Sub-Committee that the event was for family and friends and not open to the public as suggested by the police. He stated that contrary to what was alleged by the police, the event was not published on social media but on a WhatsApp group chat for family and friends. Mr Sempa also informed the Sub-Committee when questioned, that two of his friends have SIA certificates and had agreed to provide security at the event.

2.3 Protection of Children

The parties did not raise any issue on this point, except for that which was mentioned by the police in the objection notice. Mr Sempa however informed the Sub-Committee that the event was to be a family run event, the owner of the premises was a family friend and he wanted to ensure that the event complied with the law.

Having carefully considered the contents of the Temporary Event Notice and representations from Mr Sempa and PC Sear the Sub-Committee was conscious of the fact that there were private residential premises within the vicinity of the venue and that the event was likely to cause a noise nuisance to nearby residents because of loud music. Mr Sempa did state that the premises either side of the venue would be closed, and the flat above was unoccupied, appreciating there were other residents in the area. He also stated that although he did not know what the maximum noise level was, he would turn down the music if necessary, or required to do so. However, the Sub-Committee had concerns that there was not enough evidence shown by Mr. Sempa as to how he would mitigate against noise nuisance that would emanate from the premises during the event.

The Sub-Committee queried why Mr Sempa did not host the event in licensed premises where there is likely to be more control. His response was that he had made enquiries, but the cost to hire a licensed premise may be in excess of the funds raised and would therefore negate the purpose of the event.

The Sub-Committee is of the view that the TEN does not sufficiently address the issues relating to prevention of crime and disorder and public nuisance. The Sub-Committee **DECIDED** that **the event would undermine the Licensing Objectives and should not take place**. Therefore, Mr Sempa should be **issued with a Counter Notice** on the basis that the proposed fund-raising event on 30 September 2023 to the 1 October 2023 does not promote the Licensing Objectives.

The Sub-Committee would like to take this opportunity to thank the parties for their valuable contributions to the meeting.

Accordingly, licensable activities planned for 30 September 2023- 1 October 2023 under authority of the TEN at the above premises are not authorised to proceed.

A copy of this counter notice will be sent to the chief officer of police for the area in which the premises specified in the temporary event notice you gave is situated.

May I draw your attention to Part 3 of Schedule 5 to the Licensing Act 2003 which concerns the rights of appeal in this matter.

The meeting ended at 1.57 pm

Signed:

Date:

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