



SUPPLEMENTARY AGENDA

LICENSING COMMITTEE

Date: TUESDAY, 30 JULY 2019 at 7.15 pm

**Committee Room 3
Civic Suite
Catford Road
London SE6 4RU**

**Enquiries to: Clare Weaser
Telephone: 0208 314 7369 (direct line)
Email: clare.weaser@lewisham.gov.uk**

MEMBERS

This meeting is an open meeting and all items on the agenda may be audio recorded and/or filmed except for items numbered 6 on the Agenda. For legal reasons, those items will be considered in private with the press and public excluded.

Councillors:

Councillor Eva Stamirowski (Chair)
Councillor Colin Elliott (Vice-Chair)
Councillor Tauseef Anwar
Councillor Juliet Campbell
Councillor Alan Hall
Councillor Carl Handley
Councillor Sue Hordijkenko
Councillor Coral Howard
Councillor Susan Wise

Members are summoned to attend this meeting

**Janet Senior
Acting Chief Executive
Laurence House
Catford
London SE6 4RU
Date: 29 July 2019**



INVESTOR IN PEOPLE

The public are welcome to attend our committee meetings, however occasionally committees may have to consider some business in private. Copies of reports can be made available in additional formats on request.

ORDER OF BUSINESS – PART 1 AGENDA

Item No		Page No.s
7.	15 Bryon Close SE26 TEN	1 - 16



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LICENSING COMMITTEE

Report Title	15 Byron Close		
Key Decision	No		Item No. 7
Ward	Bellingham		
Contributors	Community Services – Crime, Enforcement & Regulation Service Head of Law		
Class	Part 1	Date 30 July 2019	

Proposal: **Temporary Event Notice (TEN)**

Legislation: **Licensing Act 2003**

Premises: **15 Byron Close, SE26 5SF**

Applicants: **Shakiela Ellis-Mckoy**

This matter is required to be heard within a short timescale to meet the statutory requirements.

The notice was served in accordance with section 100 of the Licensing Act 2003.

1. Notice content

1.1 The Temporary Event Notice is for the provision of late night refreshment between the hours of 23:00 on the 3 August 2019 and 2:00 on the 4 August 2019.

1.2 The event was described as an ‘*an all day bbq and fun day/ birthday party*’ and the TEN did not give notice regarding the sale of alcohol or regulated entertainment.

2. The notice was served on the Metropolitan Police (MPS) and the London Borough of Lewisham Crime, Enforcement and Regulation Service (formerly known as Environmental Enforcement). Objections were received the from the Metropolitan Police Service within the specified time limit in accordance with section 104 of the Licensing Act 2003 – The objection received was in relation to the licensing objectives of prevention crime and disorder, prevention of public nuisance and public safety.

3. Legal and Human Rights Implications

- 3.1 Where an objection notice is received following a Temporary Event Notice a licensing authority is required to hold a hearing. In this case the Licensing Authority is required to consider whether the proposed temporary event will promote the crime prevention and public nuisance licensing objectives.
- 3.2 The licensing authority is a public authority under the Human Rights Act 1998. Therefore the Licensing Authority is under a duty to act compatibly with Convention Rights in the exercise of their function. Article 6 (1) of the Convention provides that everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial hearing established by law.
- 3.3 The right to give a Temporary Event Notice falls within the scope of civil rights and obligations in Article 6 (1) as it relates, in this case, to a Premises Licence holder's right to pursue commercial activity. This right is a qualified right therefore it may be interfered with if it is appropriate to protect the general interest of the community.

4. Equalities Implications

- 4.1 The Equality Act 2010 includes a new public sector equality duty (the equality duty or duties) the duty covers the following nine protected characteristics: age, disability, gender reassignment, marriage and civil partnerships, pregnancy and maternity, race or religion or belief, sex and sexual orientation.
- 4.2 In summary the Council must, in the exercise of its functions, have due regard to the need to-
- eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act
 - advance equality of opportunity between people who share a protected characteristic and those who do not
 - foster good relations between those who share a protected characteristic and those who do not
- 4.3 As with the case with the original separate duties, the new duty continues to be a "have regard duty" and the weight to attach to it is a matter for the committee bearing in mind the relevance and proportionality. It is not an absolute requirement to eliminate discrimination, advance equality of opportunity or foster good relations.

5. Determination of objection notice

- 5.1 After having regard to all the representations heard, Members must take such steps as they consider appropriate to promote the prevention of crime and disorder and public nuisance. Therefore the Licensing Committee may;
1. Decide no action is appropriate to promote the licensing objectives therefore the temporary event may go ahead.
 2. Impose one or more conditions on the standard temporary event notice if-
 - a. the authority considers it appropriate for the promotion of the licensing objectives to do so, and
 - b. the conditions would not be inconsistent with the carrying of licensable activities under the standard temporary event notice
 3. Issue a counter notice if it considers it is appropriate to promote the licensing objectives, therefore the temporary event may not go ahead.
- 5.2 There is a right of appeal to the Magistrates Court against a decision either to give a counter notice or to allow the temporary event to go ahead.

Background Papers

<u>Short Title of Document</u>	<u>Date</u>	<u>Appendix</u>
<u>Applicant</u> Applications rec'd	25.07.19	
<u>Metropolitan Police</u> Objection rec'd	26.07.19	

Should you require any further information on this report please contact Lisa Hooper at the Crime, Enforcement & Regulation Service on 020 8314 6324



* required information

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You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference	Not Currently In Use	This is the unique reference for this application generated by the system.
Your reference		You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant?

Yes
 No

Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

Applicant Details

* First name	Shakiela	
* Family name	Ellis-Mckoy	
* E-mail	shakz87@hotmail.com	
Main telephone number	07538926888	Include country code.
Other telephone number		

Indicate here if you would prefer not to be contacted by telephone

Are you:

Applying as a business or organisation, including as a sole trader
 Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means you are applying so you can be employed, or for some other personal reason, such as following a hobby.

Continued from previous page...

Your Address

Address official correspondence should be sent to.

* Building number or name

* Street

District

* City or town

County or administrative area

* Postcode

* Country

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APPLICATION DETAILS [\(See also guidance on completing the form, general notes and note 1\)](#)

Have you had any previous or maiden names?

- Yes No

* Your date of birth / /
dd mm yyyy

Applicant must be 18 years of age or older

National Insurance number

This box need not be completed if you are an individual not liable to pay UK national insurance.

Place of birth

Correspondence Address

Is the address the same as (or similar to) the address given in section one?

- Yes No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Continued from previous page...

Additional Contact Details

Are the contact details the same as (or similar to) those given in section one?

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

Yes No

E-mail

Telephone number

Other telephone number

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THE PREMISES

I, the proposed user, hereby give notice under section 100 of the Licensing Act 2003 of my proposal to carry out a temporary activity at the premises described below.

Give the address of the premises where you intend to carry on the licensable activities or if it has no address give a detailed description (including the Ordnance Survey references). [\(See also guidance on completing the form, note 2\)](#)

* Does the premises have an address?

Yes No

Address

Is the address the same as (or similar to) the address given in section one?

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

Yes No

* Building number or name

* Street

District

* City or town

County or administrative area

* Postcode

* Country

* Does a premises licence or club premises certificate have effect in relation to the premises (or any part of the premises)?

Neither Premises licence Club premises certificate

Location Details

* Provide further details about the location of the event

If you intend to use only part of the premises at this address or intend to restrict the area to which this notice applies, give a description and details below [\(see also guidance on completing the form, note 3\)](#)

Continued from previous page...

Describe the nature of the premises below [\(see also guidance on completing the form, note 4\)](#)

Describe the nature of the event below [\(see also guidance on completing the form, note 5\)](#)

a all day bbq and fun day/ birthday party

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LICENSABLE ACTIVITIES

State the licensable activities that you intend to carry on at the premises [\(see also guidance on completing the form, note 6\)](#):

- The sale by retail of alcohol
- The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club
- The provision of regulated entertainment
- The provision of late night refreshment
- The giving of a late temporary event notice

[\(See also guidance on completing the form, note 7\).](#)

Late notices can be given no later than 5 working days but no earlier than 9 working days before the event.

[\(See also guidance on completing the form, note 8\).](#)

Event Dates

There must be a period of at least 10 working days between the date you submit this form and the date of the earliest event when you will be using these premises for licensable activities.

State the dates on which you intend to use these premises for licensable activities

[\(see also guidance on completing the form, note 9\)](#)

Event start date / /
 dd mm yyyy

The maximum period for using premises for licensable activities under the authority of a temporary event notice is 168 hours or seven days.

Event end date / /
 dd mm yyyy

Continued from previous page...

State the times during the event period that you propose to carry on licensable activities (give times in 24 hour clock)

[\(see also guidance on completing the form, note 10\)](#)

State the maximum number of people at any one time that you intend to allow to be present at the premises during the times when you intend to carry on licensable activities, including any staff, organisers or performers

Note that the maximum number of people cannot exceed 499.

[\(see also guidance on completing the form, note 11\)](#)

If the licensable activities will include the supply of alcohol, state whether the supplies will be for consumption on or off the premises, or both

[\(see also guidance on completing the form, note 12\):](#)

- On the premises only
- Off the premises only
- Both

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RELEVANT ENTERTAINMENT [\(See also guidance on completing the form, note 13\)](#)

State if the licensable activities will include the provision of relevant entertainment. If so, state the times during the event period that you propose to provide relevant entertainment

music from 14.00-02.00

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PERSONAL LICENCE HOLDERS [\(See also guidance on completing the form, note 14\)](#)

Do you currently hold a valid personal licence?

- Yes
- No

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PREVIOUS TEMPORARY EVENT NOTICES [\(See also guidance on completing the form, note 15\)](#)

Have you previously given a temporary event notice in respect of any premises for events falling in the same calendar year as the event for which you are now giving this temporary event notice?

- Yes
- No

Continued from previous page...

Have you already given a temporary event notice for the same premises in which the event period:

- a) Ends 24 hours or less before; or Yes No
- b) Begins 24 hours or less after the event period proposed in this notice?

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ASSOCIATES AND BUSINESS COLLEAGUES [\(See also guidance on completing the form, note 16\)](#)

Has any associate of yours given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?

- Yes No

Has any associate of yours already given a temporary event notice for the same premises in which the event period:

- a) Ends 24 hours or less before; or Yes No
- b) Begins 24 hours or less after the event period proposed in this notice?

Has any person with whom you are in business carrying on licensable activities given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?

- Yes No

Has any person with whom you are in business carrying on licensable activities already given a temporary event notice for the same premises in which the event period:

- a) Ends 24 hours or less before; or Yes No
- b) Begins 24 hours or less after the event period proposed in this notice?

Continued from previous page...

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CONDITION [\(See also guidance on completing the form, note 18\)](#)

It is a condition of this temporary event notice that where the relevant licensable activities described in Sections 4 and 5 above include the supply of alcohol that all such supplies are made by or under the authority of the premises user.

PAYMENT DETAILS

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card.
This formality requires a fixed fee of £21

DECLARATION [\(See also guidance on completing the form, note 19\)](#)

The information contained in this form is correct to the best of my knowledge and belief. I understand that it is an offence:
* (i) to knowingly or recklessly make a false statement in connection with this temporary event notice and (ii) to permit an unauthorised licensable activity to be carried on at any place and that a person is liable on conviction for any such offence to a fine not exceeding £20,000, or to imprisonment for a term not exceeding six months, or to both.

Ticking this box indicates you have read and understood the above declaration

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

* Full name

* Capacity

* Date / /
dd mm yyyy

Once you're finished you need to do the following:
1. Save this form to your computer by clicking file/save as...
2. Go back to <https://www.gov.uk/apply-for-a-licence/temporary-event-notice/lewisham/apply-1> to upload this file and continue with your application.
Don't forget to make sure you have all your supporting documentation to hand.

OFFICE USE ONLY

Applicant reference number	<input type="text"/>
Fee paid	<input type="text"/>
Payment provider reference	<input type="text"/>
ELMS Payment Reference	<input type="text"/>
Payment status	<input type="text"/>
Payment authorisation code	<input type="text"/>
Payment authorisation date	<input type="text"/>
Date and time submitted	<input type="text"/>
Approval deadline	<input type="text"/>
Error message	<input type="text"/>
Is Digitally signed	<input type="checkbox"/>

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TEMPORARY EVENT NOTICE

To: Shakiela Ellis-Mckoy

Of: 15 Byron Close
Sydenham Road
London
SE26 5SF

The Council of the London Borough of Lewisham have acknowledged the event as follows:

Premises: 15 Byron Close
Sydenham Road
London
SE26 5SF

Date: 3rd-4th August 2019 (14.00- 02.00)



Directorate for Community Services
Crime, Enforcement & Regulation Service
Licensing Authority
Holbeach Office
9 Holbeach Rd
Catford
SE6 4TW

**Proper Officer for Licensing
London Borough of Lewisham**

**SHOULD A COUNTER NOTICE BE ISSUED IN ACCORDANCE WITH
SECTION 105 OR 107 OF THE LICENSING ACT 2003 THIS EVENT WILL
NOT BE PERMITTED.**

TEN SIGNATURE PAGE

PREMISES of Event 15 Byron Close, Sydenham Road, London
SE26 5SF

DATE AND TIMES of Event 3rd-4th August 2019 (14.00- 02.00)

AUTHORISING OFFICER Steve Phillips

OFFICERS SIGNATURE

A handwritten signature in black ink, appearing to read "Steve Phillips", is written over a light grey rectangular background.

DATE OF SIGNING 29 July 2019

From: Rhodes, Alfene
Sent: 26 July 2019 17:50
To: Licensing
Subject: Byron Close

Dear all.

Please accept this a representation to the Applied for TEN on 3/4th August 2019 at Byron Close SE26 5SF

I am making my representation as I believe the organisers are not able to adhere to the licensing objectives namely The prevention of Public Nuisance and Public safety.

This event took place last year and we received complaints from neighbouring properties. We have also been informed by Lewisham Homes that they are not allowing the applicant to use their land for this party.

I am requesting that the application for this TEN is refused.

Kind regards

Alfene Rhodes
Crime, Enforcement & Regulation Officer (South Team)
9 holbeach Road
Catford
SE6 4TW
0208 314 7237



Territorial Policing

Licensing Department
Lewisham Council
Holbeach Office
9 Holbeach Road
Catford
SE6 4TW

**PL - Lewisham Borough
PL - Lewisham Police Station**

LGB 150
Lewisham Police Station
43 Lewisham High Street
London
SE13 5JZ

Telephone: 020 8 314 7445
Facsimile:
Email:
nicholas.gerry@met.pnn.police .uk

Your ref: TEN Byron Close SE26

Our ref:

26/07/2019

Dear Licensing Department

On behalf of the Metropolitan Police Service, I hereby give notice of my representations against a Temporary Event Notice applied for by Shakiela Ellis-Mckoy for an event to take place between the hours of 14:00hrs to 02:00hrs starting on the 3rd August 2019.

This event is for an all-day BBQ and fun day/Birthday party for 150 people. The intention is that this event is to be held in the communal area beside the block of flats in Byron Close SE26.

I made representations under the following Licensing objectives.
The prevention of crime and disorder, the prevention of public nuisance and Public Safety.

This is not the first time that this event has taken place, at the event last year police received numerous complaints from members of the public and a Cad from Lewisham homes ASB team.

Cad 1072/05Aug 2018 at 02:41 caller stating there is a massive rave outside, the base of the music is shaking our flat, it sounds like an open-air party.

Cad 900/05Aug 2018 at 02:03 caller is the ASB team from Lewisham homes requesting police to assist with a party in the street.

Cad 726/05Aug 2018 at 01:30 caller stating there is party in the street with 100 strong people.

I have now also been made aware that the land that applicant wishes to use is owned by Lewisham homes and they are not permitting this event to take place.

The Temporary event notice is only for late night refreshment, as regulated entertainment has not been applied for after speaking with the event organiser music will be played.

In addition, last year in a separate event in Sydenham, police dealt with a stabbing and during the course of the investigation, an allegation was made that the suspects for the assault may have come from the street party in Byron close.

Due to the Anti-social behaviour that this event caused last year to the local residents and the fact that the area of Byron close SE26 that the event organiser has applied to use cannot in fact be used, Lewisham Homes who manage the land have refused permission for this event. If this event is allowed to now go ahead, the organiser and the people attending the event will be trespassing on the land. I also have concerns that allowing this Temporary Event Noticed to be granted will put the Licensing objectives at risk and will put the public at risk

With this in mind I request my representations be accepted and this Temporary Event notice be refused.

Regards

A handwritten signature in black ink that reads "Nick Gerry PC 1782SE". The signature is written in a cursive style.

Nick Gerry
Licensing officer, Lewisham Police.