



SUPPLEMENTARY AGENDA

LICENSING COMMITTEE

Date: TUESDAY, 6 OCTOBER 2020 at 7.30 pm

Microsoft Teams remote meeting

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.

Councillors:

Councillor Eva Stamirowski (Chair)
Councillor Kim Powell (Vice-Chair)
Councillor Juliet Campbell
Councillor Colin Elliott
Councillor Alan Hall
Councillor Sue Hordijkeno
Councillor Coral Howard
Councillor Caroline Kalu
Councillor Susan Wise
1 Vacancy

Members are summoned to attend this meeting

Kim Wright
Chief Executive
Laurence House
Catford
London SE6 4RU
Date: 1 October 2020



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
3.1	The Rutlands, Rutland Walk, SE6 4LG	1 - 16



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Licensing Committee

Report title: The Rutlands, Rutland Walk, SE6 4LG

Date: 6 October 2020

Key decision: No.

Class: Part 1.

Ward(s) affected: Bellingham

Contributors: Community Services – Crime, Enforcement & Regulation Service,
Head of Law

Outline and recommendations

Determination of Temporary Event Notice Application - After having regard to all the representations heard, Members must take such steps as they consider appropriate to promote the Licensing Objectives.

Timeline of engagement and decision-making

To consider the application for a Temporary Event Notice. The options open to members of the Committee are set out in paragraph 4 below.

Proposal: Temporary Event Notice (TEN)

Legislation: Licensing Act 2003

Premises: The Rutlands, Rutland Walk, SE6 4LG

Applicant: Leon Haynes

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 & Objection

- 1.1 The Temporary Event Notice is for the Sale of Alcohol and Regulated Entertainment on 11 October 2020 between 11:00 and 19:00.

- 1.2 The event is described as *'The event will be held in the Rutlands Car Park. Social distance covid 19 rules apply in this event. The audience will be placed in their cars as they watch the performance. The car park area outside is the only area that will be used on the day. The car park will consist of 20 cars with a 2 meters distance for passengers to rest their legs or go for refreshments without being in contact with anyone.'*
- 1.3 The capacity applied for is 90 people.
- 1.4 The notice was received by the Licensing Authority on 15 September 2020 and served on the Metropolitan Police (MPS) and the London Borough of Lewisham Crime, Enforcement and Regulation Service on the 15 September 2020.
- 1.5 Objections were received from P.C Simon Butler of the Metropolitan Police Service within the specified time limit in accordance with section 104 of the Licensing Act 2003 (objections received on the 15 September 2020). The objection received was in relation to the licensing objective of prevention of Crime and Disorder and Public Safety.
- 1.6 Members should note that the Council is requesting that all events over 30 people are reviewed and signed off by the Council's Events Safety Advisory Group (ESAG) due to the current Covid-19 regulations in force. The event is currently scheduled on the next ESAG agenda for 13 October 2020. The applicant has been advised to withdraw their TEN and postpone their event for 11 October 2020 with a view to resubmitting a TEN for the licensable activities for a later date after obtaining sign off from ESAG that event is safe to go ahead.

2. Legal and Human Rights Implications

- 2.1 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.
- 2.2 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.
- 2.3 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.

3. Equalities Implications

- 3.1 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.

3.2 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.

3.3 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.

4. Determination of objection notice

4.1 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 if
 - b. the conditions are also imposed on a premises licence or club premises certificate that has effect in respect of the same premises, or any part of the same premises, as the standard temporary event notice, and
 - c. 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.

4.2 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>
Temporary Event Notice		
Applications rec'd	15.09.20	
<u>Police Objection</u>		
Objection rec'd	15.09.20	

Should you require any further information on this report please contact Lisa Hooper at the Crime, Enforcement & Regulation Service on 020 8314 6324 or lisa.hooper@lewisham.gov.uk



Lewisham
Temporary Event Notice
Licensing Act 2003

For help contact
licensing@lewisham.gov.uk
Telephone: 020 8314 7237

* required information

Section 1 of 9

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 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

* Family name

* E-mail

Main telephone number

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.

Applicant Business

Is your business registered in the UK with Companies House? Yes No

Note: completing the Applicant Business section is optional in this form.

Registration number

Business name

If your business is registered, use its registered name.

VAT number

Put "none" if you are not registered for VAT.

Legal status

Continued from previous page...

Your position in the business

Home country

The country where the headquarters of your business is located.

Registered Address

Address registered with Companies House.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Section 2 of 9

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	<input type="text" value="justterrificmusic@gmail.com"/>
Telephone number	<input type="text"/>
Other telephone number	<input type="text"/>

Section 3 of 9

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	<input type="text" value="TheRutlands"/>
* Street	<input type="text" value="TheRutlands"/>
District	<input type="text"/>
* City or town	<input type="text"/>
County or administrative area	<input type="text"/>
* Postcode	<input type="text" value="SE64LG"/>
* Country	<input type="text" value="United Kingdom"/>

* 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

The event will be held in the Rutlands Car Park. Social distance covid 19 rules apply in this event. The audience will be placed in their cars as they watch the performance.

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...

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

Section 5 of 9

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

Section 6 of 9

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

Do you currently hold a valid personal licence? Yes No

Section 7 of 9

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?

Section 8 of 9

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...

Section 9 of 9

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

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" value="Just Terrific"/>
Fee paid	<input type="text"/>
Payment provider reference	<input type="text"/>
ELMSPayment 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"/>
IsDigitallysigned	<input type="checkbox"/>

[1](#) [2](#) [3](#) [4](#) [5](#) [6](#) [7](#) [8](#) [9](#) [Next >](#)



PL - Lewisham Borough

9 Holbeach Road,
Catford. SE6 4TW

Telephone: 07795 801039

Email: Simon.Butler@met.police.uk

www.met.police.uk

Your ref:

Our ref:

15th September 2020

Dear Licensing Team,

I have received a Temporary Events Notice for an event planned to take place on 11th October 2020 at Rutland Walk Car Park, Rutland Walk, SE6 4LG.

I wish to object to this TEN. The event is planned for the 11TH October 2020 and I have concerns around the planning and organisational aspects of this event in conjunction with Risk assessments and Public Safety.

I have researched this location, as I have no prior knowledge or dealings with the location or its event organiser, Mr Leon Haynes, since becoming Police Licensing Officer for Lewisham Borough.

Having read the application and finding that there is No detail in various issues relating to the management of this event in place. I have found whilst researching the Event due to take place, I have found that it is actually been placed on Social media (Everbrite) and inviting public attendance and prior to any formal permission being granted for the event.

Firstly, I must object that anything during the current climate around an ever-changing Covid situation should be applied for without proper planning and permissions being granted is actually irresponsible behaviour and flaunting public safety.

I would therefore, expect to see a comprehensive Risk assessment and intensive plan in place around the event and reflecting the current Government Guidelines to be in place. Covid has been around in general public knowledge for some months and no plan around this has been submitted.

A lack of Social distancing planning and information being submitted around the new 6 grouping levels advised. The organiser needs to plan for various eventualities taking place for this event such as how customers should use toilets and line up for food they wish to purchase and what would happen if all customers get out of their vehicles at the

same time. I see no Stewards or security has been planned in order to control attending customers who may just ignore any rules they get given.

I feel that some kind of Security, stewarding or an event specialist would be essential to the running of this event safely and without such support this event could turn into a Chaotic event. This chaos also leads onto any potential traffic implications for the neighbouring streets and roads surrounding the Venue and needs to be factored into allow its customers to leave safely and orderly and lead to less impact for the local Residents who may be effected by the event taking place. I am mindful of other questions around how many people per vehicle would be permitted?

Having completed my research I also found evidence of previous run ins with the local community and noise levels being excessive and complaints having been logged with the local Authority ,this matter is also not addressed in the plan for this event. This would be a vital requirement to be place and to allow for any future planned events. The need to be supported by the local community is essential for any event taking place and any events management team. Noise control has not been mentioned, and has to be explored after the history between this Premises and the community. No mention of current Government guides or what control is in place to lessen the impact on the area.

I have found that previous events have a potential risk of getting quickly out of control and times of closure being ignored.

I think that with recent Government concerns around public safety and the increase in Covid infections this event needs to be properly risk assessed and allowing this event to take place would be a Risk to public safety with the information presented at this time, which in my opinion would be unsafe.

Under Crime and disorder, the numbers that cannot be controlled would also potentially make this event into an uncontrollable event and potentially would make it a public order issue. The impact on the local community would be a consideration with numbers of Unlicensed Music Events taking place around London already placing a strain on the ability for Police to control numbers when Alcohol is also a major factor.

During the last weekend, Numerous Unlicensed Music events have taken place where starting as small gatherings and swelling in numbers causing serious Disorder for Police to deal with.

Current guideline from Central Government around such gatherings are also a major factor in my decision to Object to this application while trying to control a Pandemic. Social distancing and contingencies have not been explained or put into record for this application process to also show me the event can be safely run and managed.

I object on grounds of Crime and Disorder and Public Safety.

I do believe that in the current climate with balancing Public Health and Safety and Crime and Disorder is my main objection to this event taking place.

Regards

Simon Butler

Police Licensing Officer for Lewisham Borough

9 Holbeach Road, Catford SE6 4TW

TEN SIGNATURE PAGE

PREMISES of Event Rutland Walk Car Park, Rutland Walk
London, SE6 4LG

DATE AND TIMES of Event 11th October 2020 (11:00-19:00)

AUTHORISING OFFICER Steve Phillips

OFFICERS SIGNATURE

A handwritten signature in black ink that reads "Steve Phillips". The signature is written in a cursive style with a horizontal line underneath.

DATE OF SIGNING 1 October 2020

TEMPORARY EVENT NOTICE

To: Leon Haynes
Of: 20-22 Wenlock Road
London
N1 7GU

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

Premises: Rutland Walk Car Park
Rutland Walk
London
SE6 4LG

Date: 11th October 2020 (11:00-19:00)



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.**