



MINUTES OF THE ALCOHOL AND ENTERTAINMENT LICENSING SUB-COMMITTEE (C)

Friday 14 September 2012 at 1.30 pm

PRESENT: Councillor Harrison (Chair), and Councillors Jones and HM Patel

Also present: Councillors S Choudhary and Hashmi as Ward Member

1. Declarations of Personal and Prejudicial Interests (if any)

Councillor Jones declared a personal non prejudicial interest as she knew the applicant as a former employee of Brent.

The Alcohol and Entertainment Licensing Sub Committee highlighted that they had received correspondence in support of the application.

2. Application by Osita Udenson for a Temporary Event Notice for (Along the length of Oaklands Road, Off Cricklewood Broadway, London NW2) pursuant to the provisions of the Licensing Act 2003

The Licensing Officer introduced the application by Osita Udenson for a Temporary Event Notice on 15 September 2012 for Along the length of Oaklands Road,(Off Cricklewood Broadway, London NW2) pursuant to the provisions of the Licensing Act 2003.

The Chair requested that the applicant clarify the number of attendees for the event as the Event Health and Safety documentation alluded to over 1000 attendees whereas the TENs application form stated the attendance as the upper limit of 499 persons. The applicant clarified that the attendance figures in the Event Health and Safety documentation was representative of all four location sites across the festival at any one time and was not specific to the Oaklands application.

The Legal Advisor reminded Members briefly of the precise wording in section 100 of the Licensing Act 2003 and highlighted that a Temporary Event Notice allowed for a maximum of 499 attendees and expressed concern for a non-ticketed event in a publically accessible street potentially breaching the 499 persons limit. The Legal Advisor also directed Members attention to Box 2 on page 4 of the application where the “description of the premises” covered more than just the stretch of oaklands road for the purposes of licensable activities as evidenced by the plans supplied. The applicant noted the concerns of the Legal Advisor but due to the nature of the festival being across four locations, she felt that it was unlikely to exceed the limit and previous experience of similar events attendees tended to drift between venues throughout the day rather than linger at one point.

The sub-committee noted that the event was a community initiative in which Brent had provided funding for alongside Barnet Council who had granted TENs for the

other three locations. However, the Council is determining the application in its capacity as a Licensing Authority and has to consider the application on its individual merits based on the facts presented. It was highlighted that the Council had processed the application in good faith as it was a community event despite payment of the application fee not being received from the event organisers, after the applicant having made enquiries.

Environmental Health were invited to make their representation which was made on the grounds of preventing public nuisance from regulated entertainment and noise generated by patrons in what was felt to be a residential area rather than a town centre location. Concern was expressed that the event would exceed the upper limit of the TENs and felt that a full premises licence would have been appropriate for the event to ensure that all responsible authorities were provided the opportunity to make any relevant representations.

The applicant clarified as well as holding numerous events previously, a risk assessment had been made available to the fire authority that would be providing support. Additionally it was explained that the festival was during business hours to avoid anti-social hours and the activities on offer were not ones that would generate large quantities of noise and nuisance. It was stated that five security staff as well as 20 local stewards had been sourced to ensure the success of the event. The applicant advised Members that the public had been fully consulted by knocking on each door within Oaklands.

The Environmental Health representative expressed concern that the applicant had been unable to address how the attendance figures would be monitored in accordance with the TENs limit. A workable condition to manage the level of amplified music to not exceed 65Db in a 55 minute period in accordance with the Code of Practice for controlling live amplified music had been presented to the applicant but not agreed. It was clarified that an independent acoustic engineer would need to take sound readings and liaise accordingly.

It was explained that the festival was being funded by the Outer London Fund on a budget of £13,000 and unfortunately an independent acoustic engineer had not been budgeted for. The Council's Environmental Health team had suggested that an employee from Barnet Council take a reading as Brent would need to remain independent should the need for action arise however, Barnet were unwilling to take the reading. An offer of loaning and training the applicant in the relevant equipment had been made by Barnet however it was felt that this option was unsuitable.

The applicant's representative Danny Maher felt that the matter of payment was regrettable but should not be a reason for considering refusal of the application. He highlighted the level of support received from residents, councillors and local businesses to enable a festival at the community's request to be enabled.

The applicant explained that the purpose of the festival was part of an initiative to regenerate Cricklewoods town centre following funding from the Outer London Fund and felt that the location was the most suitable for the festival staging area. The applicant highlighted the lateness of the application due to the funding agreement from the Outer London Fund being agreed.

It was discussed whether the acts that were playing could be altered to an acoustic set however it was noted that the main act was coming from Rome and would not be able to play their set without amplification.

The Environmental Health representative noted that although every door in Oaklands had been knocked on with either discussion with residents taking place or information being left, the amplified music would be audible further away.

The sub-committee queried whether the other festival sites would have been of a greater suitability for the staging area, specifically as one was at B&Q however the applicant felt that this was unsuitable due to the ramped area.

The Environmental Health representative summarised that the application included a staged amplified performance in a residential area with the possibility for the attendance limit of 499 persons to be breached. He concluded that the applicant had failed to address the issues of noise and attendance and therefore had failed to promote the licensing objective so as to prevent a public nuisance.

The applicant summarised that policy was meant to guide rather than dictate and should be applied on an individual cases merit. She highlighted that they were the delivery agent for what the residents wanted and had never previously encountered complaints at town centre located events they had organised. The applicant concluded that she was asking the Council to work with the project team to enable the festival to proceed.

The meeting closed at 3.16 pm

P HARRISON
Chair