



Licensing Sub-Committee

Thursday 11th November 2021

Title	Temporary Event Notice for Talmud Torah Tiferes Shlomo Boys School
Report of	Trading Standards & Licensing Manager
Wards	Hendon
Status	Public
Urgent	No
Key	No
Enclosures	Report of the Licensing Officer Annex 1 – Temporary Event Notice Annex 2 – Noise Nuisance Representation Annex 3 – Notice of Decision
Officer Contact Details	Elisabeth Hammond 0208 359 5639 Elisabeth.Hammond@barnet.gov.uk

Summary

This report asks the Sub-Committee to consider a Temporary Event Notice under Licensing Act 2003.

Officers Recommendations

1. That the Sub-Committee considers the Temporary Event Notice for an event to be held on 20th November 2021 – 21st November 2021 at Talmud Torah Tiferes Shlomo Boys School Danescroft Avenue London NW4 2NB to which a Noise Nuisance Objection has been received.

1. Why this report is needed

- 1.1 The licensing authority having received a representation from the police that has not withdrawn must (in the case of a standard TEN only) hold a hearing to consider the representation (unless all parties agree that this is unnecessary)

2. Reasons for recommendations

- 2.1 The Licensing Act 2003 states that should the licensing authority receive an objection notice from the police or EHA that is not withdrawn, it must (in the case of a standard TEN only) hold a hearing to consider the objection (unless all parties agree that this is unnecessary).
- 2.2 The licensing sub-committee may decide to allow the licensable activities to go ahead as stated in the notice. If the notice is in connection with licensable activities at licensed premises, the licensing authority may also impose one or more of the existing licence conditions on the TEN (insofar as such conditions are not inconsistent with the event) if it considers that this is appropriate for the promotion of the licensing objectives.
- 2.3 If the authority decides to impose conditions, it must give notice to the premises user which includes a statement of conditions (a “notice (statement of conditions)”) and provide a copy to each relevant party.
- 2.4 Alternatively, it can decide that the event would undermine the licensing objectives and should not take place. In this case, the licensing authority must give a counter notice

3. Alternative options considered and not recommended

- 3.1 Not applicable

4. Post decision implementation

- 4.1 The decision will have immediate effect.

5. Implications of decision

5.1 Corporate Priorities and Performance

- 5.1.1 Members are referred to the Council’s Licensing Policy for consideration
- 5.1.2 Timely legal and fair decisions support objectives are contained within the Corporate Plan. In particular in relation to a “successful London borough” by ensuring that only legal, well-regulated licensable activities occur within the borough.

5.2 Resources (Finance & Value for Money, Procurement, Staffing, IT, Property, Sustainability)

- 5.2.1 None

5.3 Legal and Constitutional References

5.3.1 A valid objection notice has been received in relation to this Temporary Event Notice, which is therefore before the Sub-Committee for consideration

5.3.2 The Licensing Sub-Committee will discharge the functions under the Licensing Act 2003 and associated Regulations, as delegated to it by the Licensing Committee

5.4 Insight

5.4.1 N/A

5.5 Social Value

5.5.1 N/A

5.6 Risk Management

5.6.1 N/A

5.7 Equalities and Diversity

5.7.1 Licence applications are dealt with according to the provisions of the Licensing Act 2003 and associated Regulations which allow both applications and representations to applications to be made by all sectors.

5.8 Corporate Parenting

5.8.1 N/A

5.9 Consultation and Engagement

5.9.1 The statutory consultation process has been followed in accordance with the Licensing Act 2003.

5.10 Environmental Impact

5.10.1 Timely legal and fair decisions support objectives are contained within the Corporate Plan. In particular in relation to a “successful London borough” by ensuring that only legal, well-regulated licensable activities occur within the borough.

6. Background papers

6.1 The application and report of the Licensing Officer and appendices are attached to this report.

Officers Report

LICENSING ACT 2003

REPORT FOR PUBLIC HEARING

Tiferes Shlomo School, Danescroft Avenue, London, NW4 2NA

The Notice

This Temporary Event Notice was given to the Licensing Authority by Mr Henry Bondi under Section 100 of the Licensing Act 2003.

The notice submitted seeks to permit the sale by retail of alcohol, the provision of regulated entertainment and the provision of late night refreshment for the school's annual school fundraiser dinner which is due to take place on the following dates & times:

Event Start: 19:00 on Saturday 20th November
Event End : 01:00 on Sunday 21st November

A copy of the Temporary Event Notice is attached to this report in **Annex 1**.

Noise Nuisance Objection

The licensing authority has received an objection from Mr Joe Prasad on behalf of Barnet's Environmental Health Noise Nuisance Team. Mr Prasad states:

"The Noise Nuisance Department are satisfied that allowing the premises to be used in accordance with the notice submitted would undermine the licensing objective of the Prevention of Public Nuisance"

Noise Nuisance's objection & any supporting information are attached to the report in **Annex 2**.

Officers Comments

The London Borough of Barnet's Licensing Policy states the following about Temporary Event Notices:

- Applicants should be aware that the serving on the Licensing Authority of a TEN does not remove their obligations under other legislation. Where appropriate, permissions should be sought from the appropriate body. The Licensing Authority expects that applicants understand their obligations in respect of:
 - Planning permissions
 - Health and safety
 - Noise pollution
 - The erection of temporary structures
 - Road closures
 - The use of pyrotechnics
 - Anti-social behaviour
- Applicants intending to sell alcohol should be aware that it is an offence to supply alcohol to minors or persons who are drunk. Also that the Police have powers to close down events without notice on the grounds of disorder, the likelihood of disorder or because of public nuisance caused by noise.
- Applicants should be aware that a limit of less than 500 persons at any one time applies to temporary events and failure to comply with this limit may lead to prosecution. Organisers should be aware this is the total number of persons, not customers, therefore staff should be included in this number.

- Where appropriate, organisers are strongly recommended to employ means of recording the number of persons entering and leaving the premises.
- The attention of applicant is drawn to the Licensing Authorities need to be provided with adequate information on the TEN. The applicant should make clear:
 - The nature of the event
 - If the event involves live or DJ music
 - whether it is open to the public or section of the public
- The applicant should also ensure all fields on the application form are completed, including their national insurance number.

Determination

The sub-committee shall determine the application in accordance with Section 105 of the Licensing Act 2003. The Notice of Decision is attached as **Annex 3**.

- (1) Where a relevant objection notice is made, the authority must-
 - (a) hold a hearing to consider the objection notice, unless the premises user, the chief officer of police who gave the objection notice and the authority agree that a hearing is unnecessary, and
 - (b) having regard to the objection notice, give the premises user a counter notice under this section if it considers it appropriate for the promotion of a licensing objective to do so.
- (2) The licensing (sub) committee can only
 - (a) issue a counter notice if it considers it appropriate for the promotion of a licensing objective
 - (b) impose conditions on the temporary event notice that are shown on the premises licence/club premises certificate for this property if it is considered appropriate for the promotion of a licensing objective (and not inconsistent with the carrying out of the licensable activities sought on the TEN)
 - (c) refuse to issue a counter notice, and give notice of this decision

Section 105 (3) states: -

- (1) The relevant licensing authority must –
 - (a) in a case where it decides not to give a counter notice under this section, give the premises user and the relevant chief officer of police notice of the decision, and
 - (b) in any other case –
 - (i) give the premises user the counter notice and a notice stating the reasons for its decision, and
 - (ii) give the relevant chief officer of police a copy of both of those notices.

Any decision or counter notice must be issued to the premises user at least 24 hours before the specified event period. A failure to do so will result in the premises user being able to proceed with the event.

Attaching conditions

As this premises does not hold a premises licence conditions cannot be attached to this Temporary Event Notice.

Full Copies of the Councils Statement of Licensing Policy, the Statutory Guidance to the Act will be available at the Licensing Sub Committee hearing or in advance if required. A map centrally locating the premises and premises plans will be available at the hearing.

Prepared By:

Elisabeth Hammond
Licensing Officer

Annex 1 – Temporary Event Notice
Annex 2 – Noise Nuisance objection
Annex 3 – Decision notice

Temporary Event Notice

* 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.

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

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="XXXXXXXXXXXXXXXXXXXXXXXXXXXX"/>
Telephone number	<input type="text" value="XXXXXXXXXX"/>
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="Tiferes Shlomo School"/>
* Street	<input type="text" value="danescroft avenue"/>
District	<input type="text"/>
* City or town	<input type="text" value="london"/>
County or administrative area	<input type="text"/>
* Postcode	<input type="text" value="nw4 2na"/>
* 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

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)

start 20/11/21 1900 finish 21/11/21 0100

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

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

450

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

the proposal is for musical accompaniment throughout event .

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

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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...

State the number of temporary event notices (including the number of late temporary event notices, if any) you have given for events in that same calendar year

2

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

Continued from previous page...

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:

Yes No

- a) Ends 24 hours or less before; or
- b) Begins 24 hours or less after the event period proposed in this notice?

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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 that a person is liable on conviction for such an offence to a fine up to level 5 on the standard scale; 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

[Add another signatory](#)

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/barnet/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.

Objection

Development & Regulatory Services
The London Borough of Barnet
Community Protection (Regulation)
2 Bristol Avenue, Colindale
London, NW9 4EW

Tel: 020 8359 3545

Date: Monday 1st November 2021

Ref: PHSR/21/08190

Noise Nuisance Make Representations to the following Temporary Event Notice

Sect 100 of the Licensing Act 2003

Application Given To Noise Nuisance:	28th October 2021
Premises:	Talmud Torah Tiferes Shlomo Boys School Danescroft Avenue London NW4 2NB
Person:	Mr Henry Bondi
Event:	LATEN/21/65024
Date:	20th November 2021 – 21st November 2021
Time:	1900hrs – 0100hrs

The Noise Nuisance Department are satisfied that allowing the premises to be used in accordance with the notice submitted would undermine the licensing objective of the Prevention of Public Nuisance.

Our records show that there have been several complaints of noise and nuisance emanating from the venue with the most recent ones being received on 6th October 2021. The complaint was made concerning loud music being audible outside the boundary of the premises. Also loud voices from the patrons causing unnecessary loud noise outside of the premise.

The Noise Nuisance Department have concerns with the event going past 11pm. The building has poor sound insulating properties and, in my opinion, would severely affect the local neighbourhood with many properties situated next to the premises aswell as behind and opposite.

We have concerns that people attending (Up to 450 guests) this function are likely to cause unreasonably high levels of noise nuisance when they leave the premise and also large groups gathering outside during the events. This concern is also heightened as this is a time when most of the local residents would expect to be undisturbed by noise.

I have liaised with Mr Henry Bondi on a number of occasions regarding previous complaints that the Barnet Noise Nuisance team have received. Mr Bondi stated each time that the issues were addressed appropriately. However, during and after the previous TENs applications complaints have been received regarding the same issues previously stated.

There are over a dozen residents who are reporting these complaints to Environmental Health and providing visual and audio/video recording evidence.

After the last three most recent TENs I liaised with Mr Bondi via telephone, email and in person regarding the complaints I had received and about progressing forward. On Thursday 28th October 2021 I attended a meeting with Mr Bondi at the venue where I handed him a formal warning regarding the complaints I had received as I had also received visual evidence to corroborate the complaints.

If the premise user or their appointed representative does not engage with the Noise Nuisance Department and provide the information and reassurances to fully promote the licensing objectives identified above. I would respectfully request the Licensing Sub Committee reject the notice.

Yours Sincerely,

Joe Prasad
Environmental Health Technical Officer

Notice of Decision

PERMITTED TEMPORARY ACTIVITIES
Licensing Act 2003 part 5 sections 100-110 (the Act)

Licensing Authority: Directorate of Corporate Governance, 5th Floor
2 Bristol Avenue, Colindale, NW9 4EW

Ref: LATEN/21/65024

On Thursday, 28th of October 2021 the licensing authority received from you, the premises user Mr Henry Bondi, a temporary event notice in respect of proposed temporary licensable activities due to take place from 19:00 am on 20.11.2021 and finishing at 01:00 am on the 21.11.21 within Tiferes Shlomo School, Danescroft Avenue, London, NW4 2NA.

NOTICE OF DECISION

- (a) COUNTER NOTICE**
 - (b) DECISION NOT TO ISSUE A COUNTER NOTICE**
- (delete that which is not applicable)**

The Licensing Authority, having received a notice of objection from the relevant chief officer of police under section 104(2)(a) of the Act and in accordance with section 105(2)(a) of the Act, having held a hearing on **11th** November 2021 at **10:30 am** to consider the objection notice hereby;

- (a)** gives the premises user this counter notice as it considers it necessary for the promotion of the crime prevention objective to do so. **The event may not go ahead.**
- (b)** does not consider it necessary to give a counter notice for the promotion of the crime prevention objective. **The event may go ahead.**

(delete that which does not apply)

NOTICE STATING REASONS FOR THE DECISION

The following reasons are given:

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SERVICE OF THIS COUNTER NOTICE/NOTICE OF DECISION.

At least twenty four hours before the beginning of the event period as specified in the temporary event notice, the relevant licensing authority must:

- (a) in a case where it decided not to give a counter notice under this section, give the premises user and the relevant chief officer of police notice of the decision, and
- (b) in any other case-
 - (i) give the premises user the counter notice and a notice stating the reasons for its decision, and
 - (ii) give the relevant chief officer of police a copy of both of those notices.

CERTIFICATE OF SERVICE

I _____ (print name) an officer of the London Borough of Barnet, hereby certify that I served a true copy of this notice on the premises user _____ (print name of premises user)

by: (insert method notice given)

Signed _____

Dated _____

MANNER OF GIVING A COUNTER NOTICE:

A counter notice is given in the prescribed manner if it is:

- (a) delivered to the relevant premises user in person
- (b) left at the “appropriate address”
- (c) sent to that address by ordinary post; or
- (d) sent by e-mail to an appropriate e-mail address.

RIGHTS OF APPEAL:

Under Schedule 5 Part 3 Licensing Act 2003

Temporary Event Notices

- 16(1) This paragraph applies where -
 - (a) a temporary event notice is given under section 100, and
 - (b) a chief officer of police gives an objection notice in accordance with section 104(2).
- (2) Where the relevant licensing authority gives a counter notice under section 105(3), the premises user may appeal against that decision.
- (3) Where that authority decides not to give such a counter notice, the chief officer of police may appeal against that decision.
- (4) An appeal under this paragraph must be made to the magistrate’s court for the petty sessions area (or any such area) in which the premises concerned are situated.
- (5) An appeal under this paragraph must be commenced by notice of appeal given by the appellant to the justices’ chief executive for the magistrate’s court within the period of 21 days beginning with the day on which the appellant was notified by the licensing authority of the decision appealed against.
- (6) But no appeal may be brought later than five working days before the day on which the event period specified in the temporary event notice begins.
- (7) On an appeal under sub-paragraph (3), the premises user is to be the respondent in addition to the licensing authority.