

London Borough of Newham

Licencing Sub-committee

27 February 2020

Agenda Item 3: Temporary Event Notice for Hibiscus Community Centre Buckingham Road E15 1SW

A response to the Council's Commercial Environmental Health Team (CEHT) objections to Hibiscus Caribbean Elderly Association (HCEA) Temporary Event Notice for an event scheduled to take place tomorrow 28th February 2020.

1. In addressing the objections raised by the CEHT it is necessary to point out that although the Temporary Event Notice appears in my name Clifford Headley, here I am acting only as the servant of HCEA and the event remains it's sole property.
2. HCEA has occupied the premises known as Hibiscus Community Centre, Buckingham Road E15 1SW since 1994. HCEA has a long history of delivering entertainment and social activities based around African and Caribbean culture. That some of its activities are today considered to be a public nuisance is not unusual and reflects the cultural of oppression, practiced by the state against black people in the UK since the 1950's: the literature is replete with examples of this form of oppression, most recently: L Fatsis - Policing the Beats: The Criminalisation of UK drill and grime music by the London Metropolitan Police. Publish: The Sociological Review 2019.
3. The proposed event on the 28 February, entitled "Lets Come Together- Every Last Friday of the Month- Hibiscus Caribbean Elderly Association Members and Guest Social Club" to give it it's full title, is an event organised by members of HCEA. Its principle purpose is to provide affordable entertainment and opportunity for HCEA Members and their guests to socialise.
4. Now in its third year, Lets Come Together is an important feature in the social calendar of HCEA Members, guest and some residents of Buckingham Road and the surrounding area. Let's Come Together is also an important instrument that contributes to the financial health of HCEA.
5. In addressing the detail of CEHT objections the Sub-committee's attention is drawn to the statement made in the opening paragraph of the CEHT report which reads ... Members of the Licensing Sub Committee are asked to hear and determine whether a counter notice should be issued in respect of a Temporary Event Notice as a result of the Metropolitan Police objecting to the notice. There is no truth in this statement. In this instance and to my certain knowledge, no such objection from the Metropolitan Police has been received by HCEA; had such an objection been raised, at the very least one would have expected the Metropolitan Police to advise HCEA accordingly and a copy laid before this committee.
6. It is of course not for me to give any direction to the Sub-committee, however, given the false premise on which the CEHT report is based `an objection from the Metropolitan Police, and in the absence of any evidence from the Metropolitan Police

being submitted to this Committee: the Committee is cautioned, about the dangers of decision making that is unlikely to withstand subsequent public scrutiny, and risk the Council being brought into disrepute.

7. It is clear that the objection has its origin and ownership in the CEHT and that the Metropolitan Police has had no part in its construction: that Officers of the CEHT should seek to openly misinform and misdirect the Members of the Licencing Sub-Committee raises serious ethical issues and questions about the prevailing culture of the CHET. Here attention is drawn to Appendix A. Temporary Event Notice Application, attached to the report. This is not a true copy of the document I submitted to the Council on the 13 February. Amongst its inaccuracies is the absence of my signature which is required for the Temp Notice to be valid.
8. This tendency to misrepresent appears not peculiar to the CEHT and may reflect a shared culture with other agencies charged with the responsibility for enforcing environmental legislation. Paragraph six of Appendix B: CEHT Letter of Representation states "On 27th January 2020 a counter notice was issued in respect of a Temporary event planned for the 31 January 2020" whilst accurate it provides no context nor explanation for issuing the counter notice other than a complaint was received on the 31 January and that the event went ahead in spite of a counter notice having been issued. The genesis of this counter notice is the Metropolitan Police; which on the 23 January 2020 objected to the event on the following grounds: "...the Police note that Newham Council records show that the Licence for the premises is suspended ... The suspension took effect on 22nd January, 2020... this application is an attempt to circumvent the suspension. Police are concerned that the application includes off sales" see Appendix 1. Metropolitan Police objection to a Late TEN for Hibiscus Community Centre, Buckingham Road, E15 1SW
9. In responding to the Police's objection I wrote to the Police on the 24 January pointing out that the Licence Fee had not only been paid, but paid within the permitted time, and as such the allegation of circumventing the suspension was unfounded. Equally without merit was the Police's assertion that: "The likely effect of persons leaving the premises with alcohol and congregating outside before dispersing in a heavily residential area is that anti-social behaviour and public nuisance may adversely affect the quality of life and wellbeing of local residents". Here it must be noted that the majority of HCEA Members are pensioners; some are wheelchair bound whilst others deploy a range of mobility aids. The suggestion that allowing OFF SALES to HCEA Members may lead to a public nuisance is at best derisory.
10. A subsequent email on this issue, from John Chislett was received on the 27 January see Appendix 2 John Chislett email 27 January. This email advised that "I have been informed this morning that the annual fee was paid on the 20th January 2020. As the police have served a letter of objection the licensing authority must issue the counter notice for a late TEN, in addition a late TEN cannot be modified or changed once it has been submitted. Therefore as a counter notice has been issued the event on the 31st January 2020 is no longer authorised and licensable activities cannot take place: In effect the event was cancelled on the basis of a technicality and not on any evidence that supports the assertion of creating a public nuisance. This decision viewed as wholly unjust and a misapplication of the law, had it been adhered to would have served only to further penalised members of the Windrush generation.

11. In Paragraph 5 of Appendix B CEHT Letter of Representation it states "The Council has received 11 complaints from 5 households about loud music and/or amplified voices coming your property since August 2019". Whilst contrite about any disturbance caused to neighbours it must be remembered that the issue complained about: late night socialising is a central feature of African and Caribbean cultures the expression of which in the UK has given rise to significant conflict over the years between black people and the host community, and a deep rooted mistrust of the state that justifies the prohibition of black cultural expression on the grounds of causing a public nuisance. Outside of HCEA activities local residents hire Hibiscus Community Centre for family and other events the majority of which require a Temporary Event Notice. These events attended by whole families including babies and elders who stay out late to socialise: is the norm in the black community. It is almost a year to the day 27 February 2019 since the CHET and Metropolitan Police issued its first objection to a Temporary Event Notice for Hibiscus Community Centre. This Sub-committee in its subsequent deliberations on the matter: did not accede to the Police's objection. I trust that the Sub-committee having weighed the evidence will take a view supportive of tolerance and the space for diverse cultures to be celebrated and not prohibited.

Originator: Clifford Headley Company Secretary HCEA 26 Feb 2020