

## The administration of Temporary Event Notices by the Licencing Sub-committee and the Environment and Sustainable Transport Directorate

### 1. Summary

1.1 Newham Council Licencing Sub-committee was on the 27 February convened to hear and determine whether a counter notice should be issued in respect of a Temporary Event Notice granted to Hibiscus Caribbean Elderly Association.

1.2 This report looks at the administration of Temporary Event Notices by the: Licencing Sub-committee and the Environment and Sustainable Transport Directorate; that reports to it.

1.3 The report details statements contained in the Committee's Agenda Item 3 Temporary Event Notice, which are known to be false, and or is misleading, namely:

- I. The Metropolitan Police objected to the Temporary Event Notice granted to HCEA for its 28 February event. Opening paragraph Agenda Item 3
- II. Appendix A of Agenda Item 3 Temporary Event Notice. This is not a true copy of the document
- III. This premises is currently licenced... for dancing daily from 9am until 10 pm Paragraph 4 Appendix B Commercial Environmental Health letter of Representation.
- IV. On 27th January 2020 a counter notice was issued in respect of a Temporary Event planned for the 31st January 2020 Paragraph 4 Appendix B Commercial Environmental Health letter of Representation. This is a misleading statement. It fails to acknowledge that the Metropolitan Police objections were unfounded and the Counter Notice issued by John Chislett Senior Licencing Officer on behalf of Newham Council was determined on a technicality: not on any activities associated with Hibiscus.
- V. In addressing the Committee additional false statements were made by Council officers John Chislett and Ian McConnell who misinformed the committee that Hibiscus was granted four Temporary Event Licences in the current calendar year: Mr Chislett and Mr McConnell also advised the committee that in the exercise of their duties they had on the evening on the 9th February resorted to racial profiling informed by negative stereotypical views of black people "as two white men we were afraid to enter a building full of black people".

1.4 Given the number of instances, 1-V above, whereby John Chislett and Ian McConnell have presented false and or misleading information to the committee it brings into question the veracity of the complaints which they claim were received from local residents: *"The Council has received 11 complaints from 5 households about loud music and/or amplified voices coming your property since August 2019." Appendix B Commercial Environmental Health letter of Representation"*

- 1.5 This report concludes that it is beyond dispute that the information submitted to the Licencing Sub-committee was false by intent and designed for the purpose of achieving a predetermined outcome that discriminates against HCEA its members, guest and black people as a whole.
- 1.6 This report recommends that the Board consider pursuing one or more of the following courses of action:
- a) Appeal to the Magistrate Court within a period of twenty-one days.
  - b) Write to the Chief Executive of Newham Council drawing attention to:
    - the corruption of the Public Record,
    - the practice of institutional racism identified in this report,
    - request an investigation into the working practice of the Licencing Sub-committee and the Environment and Sustainable Transport Directorate with particular reference to Licencing and Public Safety functions.
  - c) Post this report and all of its appendices on the Charity's digital platforms with a view to exposing another example of the discrimination and disadvantage experienced by black people and encourage debate and support for HCEA

## 2 Licence Sub-committee meeting 27 February Commentary

Newham Council Licencing Sub-committee was on the 27 February convened **...to hear and determine whether a counter notice should be issued in respect of a Temporary Event Notice granted to Hibiscus Caribbean Elderly Association ... as a result of the Metropolitan Police objecting to the notice:** Appendix 1. *Agenda Item 3 Temporary Event Notice for Hibiscus Community Centre Buckingham Road E15 1SW Jamie Blake Corporate Director – Environment And Sustainable Transport. Originator report: John Chislett - Undated.*

This meeting rapidly descended into farce, when Clifford Headley, who attended on behalf of HCEA pointed out that the committee was convened under the false pretext of the Metropolitan Police objections to the notice: **"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 inform HCEA and a copy laid before this committee."** See Appendix 2. *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 28<sup>th</sup> February 2020. Originator: Clifford Headley Company Secretary HCEA 26 Feb 2020;* and how in its absence is the committee to meet its purpose?

In responding the committee chair Cllr Neil Wilson stated that where in the report it reads **Metropolitan Police** it should read **Commercial Environmental Health Team**. He further explained that this was a typo and as an experienced councillor he was happy to proceed. The meeting proceeded without formal amendment to its purpose.

2.4 The objections raised by the Commercial Environmental Health Team are detailed in Agenda 3 Appendix B *Letter dated 14 February from Ian McConnell Public Protection Officer to HCEA: RE - Application for a Temporary Event Notice - Licensing Act 2003 Address: Hibiscus Community Centre Buckingham Road E15 1SW. to HCEA.*

An early response to these objections is outlined in Appendix 2. *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 28<sup>th</sup> February 2020. Originator: Clifford Headley Company Secretary HCEA 26 Feb 2020.*

2.5 In presenting the CHET objections to the committee the CEHT Ian Mc Connell and John Chislett claimed that they had made a monitoring visit to the premises **at 2.30am on the 9<sup>th</sup> February**. Here Clifford Headley intervened pointing out that he was in the building along with colleagues at that time and there was no visit from any enforcement officers, in addition there is no record on HCEA CCTV of a visit having taken place at that time. In responding Ian McConnell and John Chislett stated they *"had parked some distance away: sixty meters from the premises as they were not accompanied by Police and as two white men were afraid to enter a building full of black people"*. Here the Committee Chair Neil Wilson intervened and justified the Officers actions by stating "they are allowed to make covert visits".

2.6 Paragraph 7-8 of Appendix 2 identifies concern about the ethics and culture of the CEHT which permits false and misleading information to be presented as facts to elected Members of the Council. This practice: corrupting the public record makes a mockery of the administration of Public Policy. Here attention is drawn to the following statement made in CHET report: This premises is currently licenced for performance of plays, exhibition of films, Indoor sporting events, performance of live music, playing of recorded music, performance of dance, facilities for dancing daily from 9am until 10 pm. This is yet another false and misleading statement. The premises Licence a copy of which was attached to the committee's Agenda as Appendix D states quite clearly the times the licence authorises the carrying out of licensable activities i.e. Monday to Sunday: 09.00 hours to 24.00 hours (Midnight).

2.7 It is also the case that in response to a question raised by the Chair of the Committee about the number of Temporary Event Notices issued to Hibiscus in the current calendar year, the Officers response was three. To date Hibiscus has applied for two Late Event Notices the first for its event on the 31 January, which was subsequently rescinded, and the second for its event on the 28 February. Here attention is drawn to the practice of double counting which is: the applicant HCEA applies for an event licence which concludes the following day i.e. 2.00am: a single licence will be issued, however the CHET records this as HCEA having received two licences.

### **3 Conclusion**

3.1 It is beyond dispute that the information submitted to the Licencing Sub-committee was not just inaccurate but false by intent and designed for the purpose of achieving a predetermined outcome that penalises HCEA its members and guest and which serve to

prolong stereotypical images of black people as noisy and dangerous and as such is a clear instance of institutional racism.

3.2 Presenting false and misleading information before elected members of Council and which is used to inform their subsequent decisions is to knowingly corrupt the Public Record.

#### **4 Recommendation**

4.1 In consideration of what action should be taken to address this issue The Board is asked to consider the following options:

- Appeal to the Magistrate Court within a period of twenty-one days. Here colleagues are alerted to the associated cost i.e. representation. In the current financial circumstances these cost may prove to be prohibitive for the Charity.
- Write to the Chief Executive of Newham Council drawing attention to:
- the corruption of the Public Record,
- the practice of institutional racism identified in this report,
- request and investigation into the working practice of the Licencing Subcommittee the Environment and Sustainable Transport Directorate with particular reference to Licencing and Public Safety functions.