

LICENSING SUB COMMITTEE

Tuesday, 25 April 2017 at 6.30 p.m.

MP 702, Town Hall, Mulberry Place,

5 Clove Crescent, London, E14 2BG

SUPPLEMENTAL AGENDA 1

This meeting is open to the public to attend.

Contact for further enquiries:

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For further information, see the main agenda.

	PAGE NUMBER(S)	WARD(S) AFFECTED
4. ITEMS FOR CONSIDERATION		
4 .4 Licensing Act 2003 Temporary Event Notice for Outdoor Courtyard/Car Park, 17 Towcester Road, Bow, London E3 3ND APPLICATION WITHDRAWN	1 - 22	Bromley South

Licensing Objectives

- Public Safety
- Crime and Disorder
- Public Nuisance

Representations by: Metropolitan Police, Environmental
Protection (Noise Team)

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Agenda Item 4.4

Committee :	Date	Classification
Licensing Sub-Committee	25th April 2017	Unrestricted

Report of David Tolley Head of Environmental Health & Trading Standards Originating Officer: Mohshin Ali Senior Licensing Officer	Licensing Act 2003 Temporary Event Notice for (Outdoor Courtyard/Car Park), 17 Towcester Road, Bow, London E3 3ND Ward affected: Bromley South
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1.0 Summary

Applicant: **Stuart Glen**

Address of Premises: **17 Towcester Road**
Bow
London
E3 3ND

Objectors: **Metropolitan Police**
Environmental Health

2.0 Recommendations

2.1 That the Licensing Committee considers the application and objections then adjudicates accordingly.

LOCAL GOVERNMENT 2000 (Section 97)
LIST OF "BACKGROUND PAPERS" USED IN THE DRAFTING OF THIS REPORT

Brief description of "background paper"

Tick if copy supplied for register

If not supplied, name and telephone number of holder

File Only

Mohshin Ali
020 7364 5498

3.0 **Background**

- 3.1 This is an application for a Standard Temporary Event Notice.
- 3.2 Enclosed is a copy of the application. **See Appendix 1.**
- 3.3 The applicant has described the nature of the application as follows:
- The sale by retail of alcohol (on sales)
 - The provision of regulated entertainment
- 3.4 The premises that has been applied for is: (Outdoor Courtyard/Car Park), 17 Towcester Road, Bow, London E3 3ND.
- 3.5 The dates that have been applied for are as follows:
- 29th April 2017
- 3.6 The times that have been applied for are as follows:
- From 12:00 hours to 23:00 hours (music to finish at 22:30 hours)
 - (Capacity = 400)
- 3.7 A map showing the relevant premises and immediate area is included as **Appendix 2.**

4.0 **Background Information**

- 4.1 The premise does not hold a premises licence. The applicant has provided further details as follows:

“Outdoor courtyard, car park and warehouse. Outside of premises only, not inside of warehouse”

5.0 **Temporary Event Notices**

- 5.1 Temporary Event Notices (TENs) are a creation of the Licensing Act 2003. They provide a method by which licensable activities can be carried out on a temporary basis (max. 168 hrs) without a licence. The maximum number that can attend at any one time is 499. At least 10 full working days notice must be given to the licensing authority. When a TEN cannot be obtained, for example the event is over 499, then a full premises licence must be obtained, for a limited duration.
- 5.2 The licensing authority cannot oppose an application, (nor can local residents or businesses). The licensing authority must reject any application that does not meet the rules as to numbers, maximum per year etc. The limits are now as follows: 15 TEN per calendar year or 21 days. The responsible authorities that can object is the Metropolitan Police or Environmental Protection.

- 5.3 The Police and Environmental Protection can object on the grounds that allowing the event to go ahead will undermine one of the Licensing Objectives.
- 5.4 Following an objection by the relevant responsible authority one or more conditions may be imposed by the Licensing Authority
- (a) if it considers it appropriate for the promotion of the licensing objectives to do so,
 - (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 temporary event notice, and
 - (c) the conditions would not be inconsistent with the carrying out of the licensable activities under the temporary event notice.
- 5.5 Where the authority decides to impose one or more conditions;
- (a) the authority must give the premises user notice of the decision;
 - (b) the notice must be accompanied by a separate statement (the “statement of conditions”) which sets out the conditions that have been imposed on the temporary event notice; and
 - (c) a copy of the notice and statement of conditions must be given to each relevant party.
- 5.6 LATE TENs have been created through the Police Reform and Social Responsibilities Act 2011, a Late TEN can be made no later than FIVE working days and no earlier than NINE working days before the event. The limits to these applications are no more than 2 for a non personal licence holder or no more than 10 for a personal licence holder.
- 5.7 The Police and Environmental Protection can object to Late TENs, if an objection is made the Licensing Authority must issue a counter notice advising the event cannot take place.

6.0 **Objections**

6.1 The Police objections are contained in **Appendix 3**.

6.2 Environmental Protection objections are contained in **Appendix 4**.

7.0 **Advice to Members**

7.1 The Police Reform and Social Responsibility Act 2011 have amended legislation whereby Environmental Protection alongside Police can object to Temporary Event Notice under any of the licensing objectives.

- 7.2 This hearing is required by the Licensing Act 2003. As always the decision is on the civil burden of proof, i.e. the balance of probability.
- 7.3 Members can consider any of the licensing objectives. Other matters can also be dealt with elsewhere by primary legislation.
- 7.4 Premises users are not required to be on the premises for the entire duration of the event authorised by the TEN, but they will remain liable to prosecution for certain offences that may be committed at the premises during the period covered by it. These include, for example, the offences of the sale of alcohol to a person who is drunk; persistently selling alcohol to children; and allowing disorderly conduct on licensed premises.
- 7.5 The police or local authority exercising environmental health functions may contact the premises user to discuss their objections and try to come to an agreement which will allow the proposed licensable activities to proceed. The TEN can be modified. If there is no agreement, the licensing authority must hold a hearing to consider the notice.

8.0 **Legal Comments**

- 8.1 The Council's legal officer will give advice at the hearing.

9.0 **Finance Comments**

- 9.1 There are no financial implications in this report.

10.0 **Appendices**

Appendix 1	A copy of the application
Appendix 2	Maps of the area
Appendix 3	Police Objection
Appendix 4	Environmental Protection objection

Appendix 1



* 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 address

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 / /

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

Telephone number

Other telephone number

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

Street

District

City or town

County or administrative area

Postcode

Country

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...

Describe the nature of the premises below ([see also guidance on completing the form, note 4](#))

Describe the nature of the event below ([see also guidance on completing the form, note 5](#))

Invite only daytime event with music and food

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LICENSABLE ACTIVITIES

State the licensable activities that you intend to carry on at the premises ([see also guidance on completing the form, note 6](#)):

- The sale by retail of alcohol
- The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club
- The provision of regulated entertainment
- The provision of late night refreshment
- The giving of a late temporary event notice

Late notices can be given no later than 5 working days but no earlier than 9 working days before the event.
[\(See also guidance on completing the form, note 7\).](#)

Event Dates

There must be a period of at least 10 working days between the date you submit this form and the date of the earliest event when you will be using these premises for licensable activities.

State the dates on which you intend to use these premises for licensable activities

[\(see also guidance on completing the form, note 8\)](#)

Event start date / /
 dd mm yyyy

The maximum period for using premises for licensable activities under the authority of a temporary event notice is 168 hours or seven days.

Event end date / /
 dd mm yyyy

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)

From 12:00 to 23:00 (music to finish 22:30)

[\(see also guidance on completing the form, note 9\)](#)

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

400

Note that the maximum number of people cannot exceed 499.

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

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

[\(see also guidance on completing the form, note 11\):](#)

- On the premises only
- Off the premises only
- Both

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RELEVANT ENTERTAINMENT [\(See also guidance on completing the form, note 12\)](#)

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

No relevant entertainment, regulated entertainment (music) only.

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PERSONAL LICENCE HOLDERS [\(See also guidance on completing the form, note 13\)](#)

Do you currently hold a valid personal licence?

- Yes
- No

Provide the details of your personal licence below.

Issuing licensing authority

Licence number

Date of issue / /
dd mm yyyy

Date of expiry / /
dd mm yyyy

Continued from previous page... Any further relevant details

Section 7 of 9

PREVIOUS TEMPORARY EVENT NOTICES [\(See also guidance on completing the form, note 14\)](#)

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

State the number of temporary event notices you have given for events in that same calendar year

1

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 [\(See also guidance on completing the form, note 15\)](#)

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?

Continued from previous page...

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
b) Begins 24 hours or less after the event period proposed in this notice? Yes No

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CONDITION [\(See also guidance on completing the form, note 17\)](#)

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 [\(See also guidance on completing the form, note 18\)](#)

- * 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
- * For completion by the Licensing Authority
- * I acknowledge receipt of this temporary event notice
- * SIGNATURE _____ On behalf of the Licensing Authority NAME OF OFFICER _____
DATE _____
- 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

Continued from previous page...

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/tower-hamlets/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

Fee paid

Payment provider reference

ELMS Payment Reference

Payment status

Payment authorisation code

Payment authorisation date

Date and time submitted

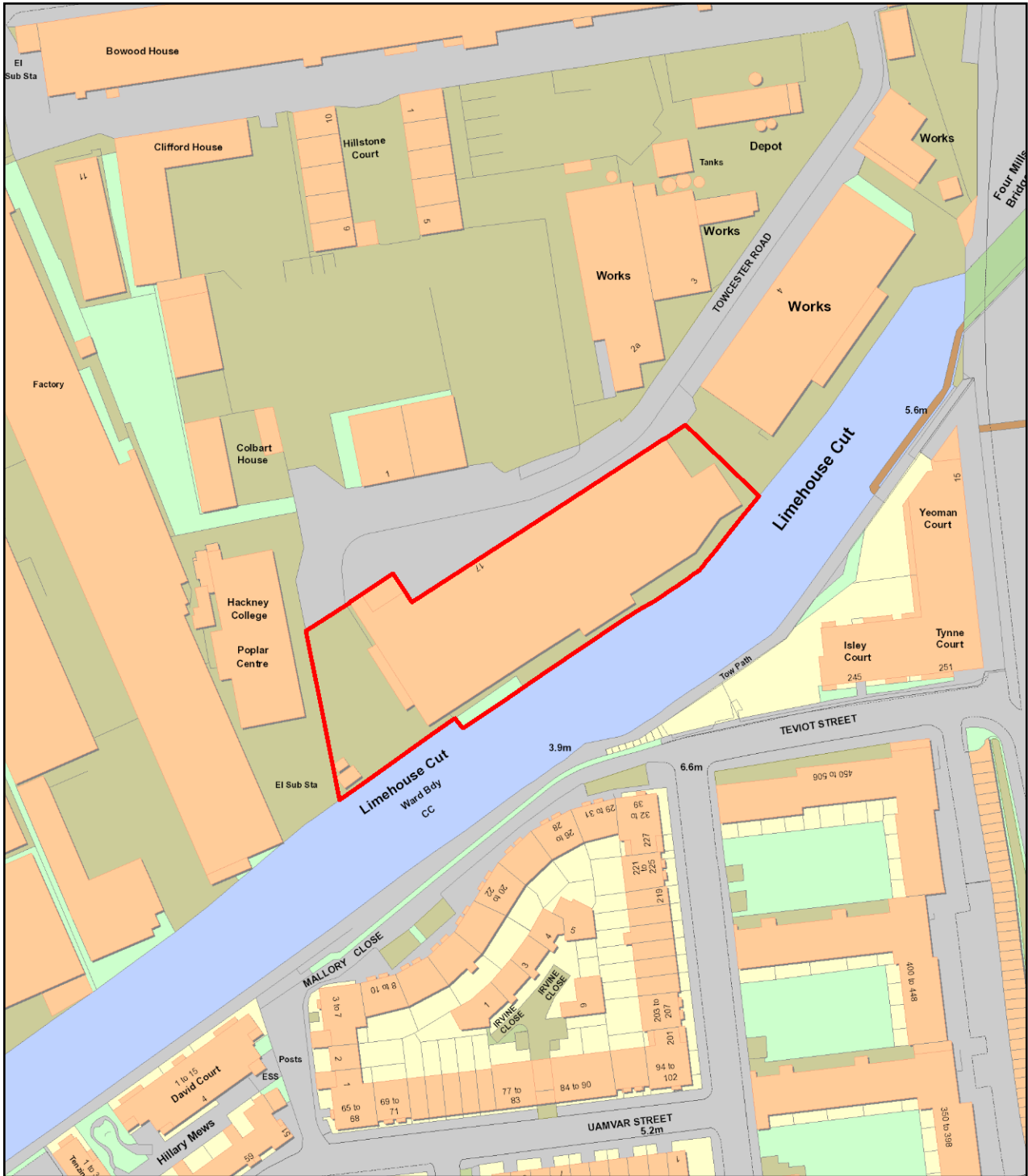
Approval deadline

Error message

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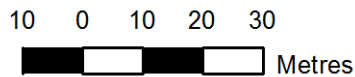
Appendix 2



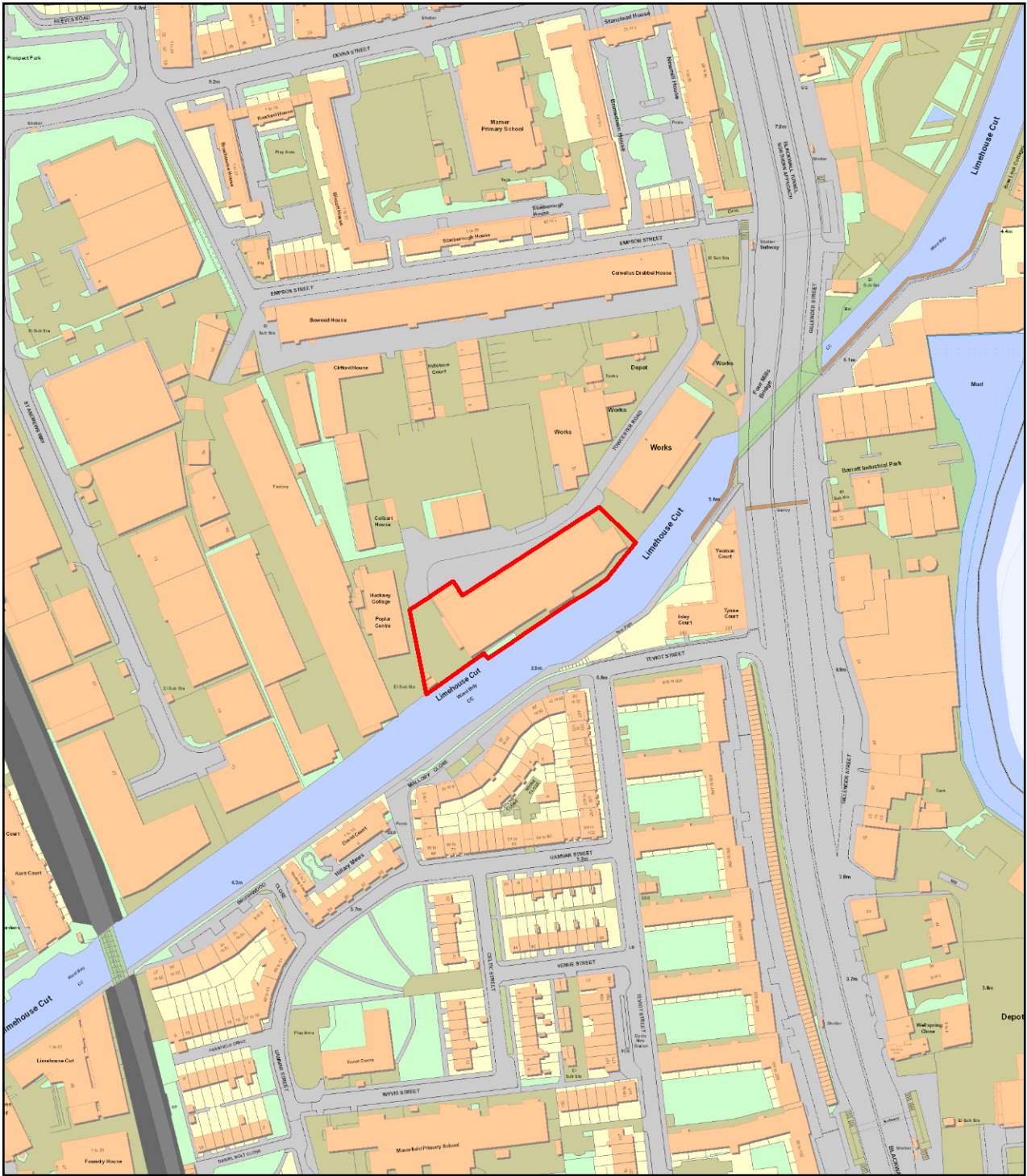
17 Towcester Rd



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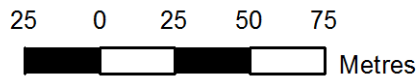
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17 Towcester Rd



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Appendix 3

Mohshin Ali

From: Stuart Glen [REDACTED]
Sent: 13 April 2017 09:42
To: Alan.D.Cruickshank [REDACTED]
Cc: Licensing; Nicola Cadzow
Subject: Re: 17 Towcester Rd, E3: TEN application.

Hey everyone,

Thanks for your responses yesterday.

Please see points below:

- We would bring in portaloos and urinals for the event.
- The event manager would have a first aid kit in case any issues.
- I am happy to increase SIA security to 5-6 staff. The security team will be Secured Location Ltd who I have also used for outdoor events at Bow Arts Club (E3 2SJ) and Styx (N17 9LJ). Everyone will be searched on entry for weapons, drugs and alcohol and security will be stationed at various spots of the event to monitor behaviour of anyone attending.
- Re music, volume levels will be brought up gradually throughout the day so as to create a more relaxed affair early on, with people having more of a dance a little later. Music can stop at 10pm to minimise any sound concerns.
- Our sound team have dB readers and can test readings around the closest residential areas.

If you have any other queries I am happy to look at any solutions to alleviate any concerns.

Best regards

Stuart



Virus-free. www.avg.com

On 12 April 2017 at 13:17, <[Alan.D.Cruickshank](mailto:Alan.D.Cruickshank@...)> wrote:
Dear Licensing

Please accept this as a holding objection for the TEN at the above address on the 29th April 2017 between 1200-2300

I have spoken with the applicant , Mr Glen, who has provided me with extra details.

At present I am opposing this under the crime and disorder, prevention of public nuisance and public safety objectives.

The venue is being held in the open grounds of an industrial estate. This is not a licensed venue.

By playing music outdoors it increases the risk of nearby residents being affected by noise as well as a large number of people attending the area.

I don't believe there is sufficient security being employed. At present I don't believe there is enough SIA to search individuals properly for drugs and maintain a visual watch in the space.

In terms of public safety, there is no indication as to how this work space will be made safe for their customers. Is there also sufficient toilets and first aid provision?

Mr Glen has attempted to resolve these problems but at the moment I do not think there is sufficient detail to promote a safe event.

Regards

Alan Cruickshank PC 189HT

Total Policing is the Met's commitment to be on the streets and in your communities to catch offenders, prevent crime and support victims. We are here for London, working with you to make our capital safer.

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Stuart Glen
Nu Ink Media



Appendix 4

Kathy Driver

From: Nicola Cadzow
Sent: 12 April 2017 15:09
To: Licensing
Cc: Alan.D.Cruickshank [REDACTED]
Subject: MAU REPRESENTATION - 099818 - Outdoor Courtyard 17 Towcester Road, London

Dear Sir/Madam

Unfortunately there is no noise management plan to take into account the potential impact of public nuisance and offer up measures to prevent noise generated from within the premises or outside it which could cause disturbance to people in the vicinity, for the Outdoor Courtyard event at 17 Towcester Road, London

I am not convinced that the Licensing Objective for the Prevention of Public Nuisance will be met by allowing this event to go ahead. Therefore please take this as my representation to the TENs application for the Outdoor Courtyard 17 Towcester Road, London.

I am willing to withdraw my objection if we receive the applicant's noise management plan showing how they shall mitigate noise from the provision of regulated entertainment, in order to Prevent Public Nuisance.

Kind regards

Nicola Cadzow
Environmental Health Technical Officer
Place Directorate
Public Realm - Environmental Health and Trading Standards
London Borough of Tower Hamlets 5 Clove Crescent London, E14 2BG

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