

Meeting of the

LICENSING SUB COMMITTEE

Wednesday, 19 March 2014 at 6.00 p.m.

SUPPLEMENTAL AGENDA

	PAGE NUMBER	WARD(S) AFFECTED
3.3 Application for a Temporary Event Notice for (Brick Lane Celebrity Chef Event), Brick Lane (between Chicksand Street and Fournier Street), London E1	1 - 20	

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Simmi Yesmin, Democratic Services

Tel: 020 7364 4120, E-mail: simmi.yesmin@towerhamlets.gov.uk

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Agenda Item 3.3

Committee :	Date	Classification	Report No.	Agenda Item No.
Licensing Sub Committee	19 March 2014	Unclassified		

Report of: David Tolley Head of Consumer and Business Regulation Originating Officer: Mohshin Ali Senior Licensing officer	Title: Licensing Act 2003 (Brick Lane Celebrity Chef Event), Brick Lane (between Chicksand Street and Fournier Street), London E1 Ward affected: Spitalfieldss and Banglatown
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1.0 Summary

Applicant: **Alexander Rayner**

Address of Premises: **Brick Lane (between Chicksand Street and Fournier Street), London E1**

Licence sought: **Temporary Event Notice under the Licensing Act 2003**

Representations: **Metropolitan Police**

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 Temporary Event Notice for (Brick Lane Celebrity Chef Event), Brick Lane (between Chicksand Street and Fournier Street), London E1. This is at a site which does not have a premises licence.
- 3.2 A copy of the application is enclosed as **Appendix 1**.
- 3.3 The applicant has described the nature of the application as follows:
- **The provision of regulated entertainment**
- 3.4 The dates and times that have been applied for are as follows:
- **Sunday 23rd March 2014, from 08:00 hours to 21:00 hours**
- 3.5 A map showing the relevant premises and immediate area is included as **Appendix 2**.

4.0 **Temporary Event Notices**

- 4.1 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. 168hrs) 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.
- 4.2 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: 12 TEN per calendar year or 21 days. The responsible authorities that can object is the Metropolitan Police or Environmental Protection.
- 4.3 The Police and Environmental Protection can object on the grounds that allowing the event to go ahead will undermine one of the Licensing Objectives.

- 4.4 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.
- 4.5 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.
- 4.6 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.
- 4.7 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.

5.0 **Objections**

- 5.1 The Police objections are contained in **Appendix 3**.

6.0 **Advice to Members**

- 6.1 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.
- 6.2 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.
- 6.3 Members can consider any of the licensing objectives. Other matters can also be dealt with elsewhere by primary legislation.

- 6.4 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.
- 6.5 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.

7.0 Legal Comments

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

8.0 Finance Comments

- 8.1 There are no financial implications in this report.

9.0 Appendices

Appendix 1	A copy of the application
Appendix 2	Maps of the area
Appendix 3	Police Objection

Appendix 1



Fee:
Receipt No:

LONDON BOROUGH OF TOWER HAMLETS Temporary Event Notice

Before completing this notice please read the guidance notes at the end of the notice. If you are completing this notice by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written or typed in black ink. Use additional sheets if necessary.

You should keep a copy of the completed notice for your records. You must send at least one copy of this notice to the licensing authority and additional copies must be sent to the chief officer of police and the local authority exercising environmental health functions for the area in which the premises are situated. The licensing authority will give to you written acknowledgement of the receipt of the notice.

I, the proposed premises user, hereby give notice under section 100 of the Licensing Act 2003 of my proposal to carry on a temporary activity at the premises described below.

1. The personal details of premises user (Please read note 1)	
1. Your name	
Title	Mr <input checked="" type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other (please state)
Surname	RAUNER
Forenames	ALEXANDER DEES SAMUEL
2. Previous names (Please enter details of any previous names or maiden names, if applicable. Please continue on a separate sheet if necessary)	
Title	Mr <input checked="" type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other (please state)
Surname	
Forenames	
3. Your date of birth	
4. Your place of birth	
5. National Insurance Number	
6. Your current address (We will use this address to correspond with you unless you complete the separate correspondence box below)	
Post town	LONDON
Post code	
7. Other contact details	
Telephone numbers	
Daytime	
Evening (optional)	
Mobile (optional)	
Fax number (optional)	
E-Mail Address (if available)	

8. Alternative address for correspondence (If you complete the details below, we will use this address to correspond with you)	
Post town	Post code
9. Alternative contact details (if applicable)	
Telephone numbers: Daytime	
Evening (optional)	
Mobile (optional)	
Fax number (optional)	
E-Mail Address (if available)	

2. The premises	
Please 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) (Please read note 2)	
<p>BRICKLANE, E1 * BETWEEN CHICKSAND STREET + FOURNIER STREET</p>	
Does a premises licence or club premises certificate have effect in relation to the premises (or any part of the premises)? If so, please enter the licence or certificate number below.	
Premises licence number	E169 TH 192-11
Club premises certificate number	
If you intend to use only part of the premises at this address or intend to restrict the area to which this notice applies, please give a description and details below. (Please read note 3)	
Please describe the nature of the premises below. (Please read note 4)	
Please describe the nature of the event below. (Please read note 5)	
<p>A street party to celebrate the vibrant culture surround- ing Brick Lane and LBTH in general. TV chef Ainslie Harriet will judge a competition between some of Brick Lane's chefs on stage. Photo/video generation event (Content).</p>	

3. The licensable activities	
Please state the licensable activities that you intend to carry on at the premises (please tick all the licensable activities you intend to carry on). (Please read note 6)	
The sale by retail of alcohol	<input type="checkbox"/>
The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club	<input type="checkbox"/>
The provision of regulated entertainment	<input checked="" type="checkbox"/>
The provision of late night refreshment	<input type="checkbox"/>
Are you giving a late temporary event notice? (Please read note 7)	<input type="checkbox"/>
Please state the dates on which you intend to use these premises for licensable activities. (Please read note 8)	
SUNDAY 23 MARCH 2014	
Please state the times during the event period that you propose to carry on licensable activities (please give times in 24 hour clock). (Please read note 9)	
08:00 - 21:00	
Please 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. (Please read note 10)	499
If the licensable activities will include the supply of alcohol, please state whether the supplies will be for consumption on or off the premises, or both (please tick as appropriate) (Please read note 11)	On the premises only <input type="checkbox"/>
	Off the premises only <input type="checkbox"/>
	Both <input type="checkbox"/>

4. Personal licence holders (Please read note 12)		
Do you currently hold a valid personal licence? (Please tick)	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
If "Yes" please provide the details of your personal licence below.		
Issuing licensing authority		
Licence number		
Date of issue		
Date of expiry		
Any further relevant details		

5. Previous temporary event notices you have given (Please read note 13 and tick the boxes that apply to you)		
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 <input type="checkbox"/>	No <input checked="" type="checkbox"/>
If answering yes, please state the number of temporary event notices you have given for events in that same calendar year		
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 b) begins 24 hours or less after the event period proposed in this notice?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>

6. Associates and business colleagues (Please read note 14 and tick the boxes that apply to you)		
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 <input type="checkbox"/>	No <input checked="" type="checkbox"/>
If answering yes, please state the total number of temporary event notices your associate(s) have given for events in the same calendar year		
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 b) begins 24 hours or less after the event period proposed in this notice?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
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 <input type="checkbox"/>	No <input checked="" type="checkbox"/>
If answering yes, please state the total number of temporary event notices your business colleague(s) have given for events in the same calendar year.		
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 <input type="checkbox"/>	No <input checked="" type="checkbox"/>

7. Checklist (Please read note 15)	
I have (Please tick the appropriate boxes)	
Sent at least one copy of this notice to the licensing authority for the area in which the premises are situated	<input checked="" type="checkbox"/>
Sent a copy of this notice to the chief officer of police for the area in which the premises are situated	<input checked="" type="checkbox"/>
Sent a copy of this notice to the local authority exercising environmental health functions for the area in which the premises are situated	<input checked="" type="checkbox"/>
If the premises are situated in one or more licensing authority areas, sent a copy of this notice to each additional licensing authority	<input checked="" type="checkbox"/>
If the premises are situated in one or more police areas, sent a copy of this notice to each additional chief officer of police	<input checked="" type="checkbox"/>

If the premises are situated in one or more local authority areas, sent a copy of this notice to each additional local authority exercising environmental health functions	<input type="checkbox"/>
Made or enclosed payment of the fee for the application	<input type="checkbox"/>
Signed the declaration in Section 9 below	<input type="checkbox"/>

8. Condition (Please read note 16)

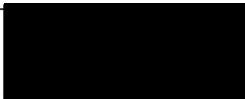
It is a condition of this temporary event notice that where the relevant licensable activities described in Section 3 above include the supply of alcohol that all such supplies are made by or under the authority of the premises user.

9. Declarations (Please read note 17)

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.

Signature	
Date	26/02/2014
Name of Person signing	A. P. S. RAYNER

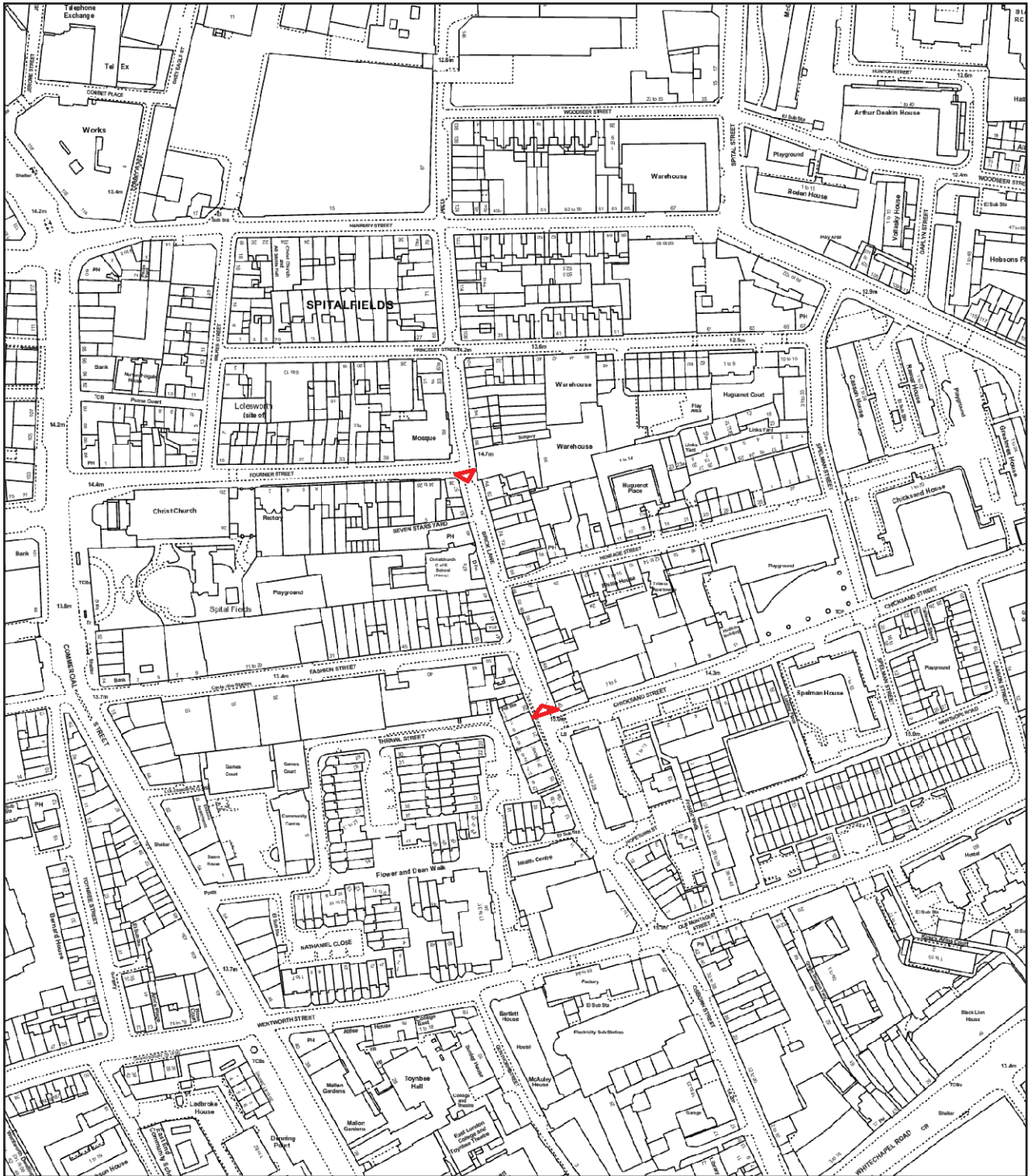
For completion by the licensing authority

10. Acknowledgement (Please read note 18)

I acknowledge receipt of this temporary event notice.

Signature	On behalf of the licensing authority
Date	
Name of Officer signing	

Appendix 2



Brick Celebrity Chef Event 2014



Scale 1:2837

25 0 25 50 75



Metres



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Appendix 3

Mohshin Ali

From: MARK.J.Perry@met.pnn.police.uk
Sent: 10 March 2014 16:14
To: Mohshin Ali
Cc: John Hoang
Subject: RE: Celebrity Chef event: 23rd March 2014
Attachments: Celebrity Chef objection (March 14).doc

Dear Moshin,

Please find attached Tower hamlets Police's objection to the Temporary Event Notice in Brick Lane on 23rd March.

Tower hamlets Police object on the following grounds:

The prevention of crime and disorder

The prevention of public nuisance

Public safety

Regards

Pc Mark Perry
Licensing Officer
Tower Hamlets Borough
Limehouse Police Station
27 West India Dock Road
0207 275 4950

From: Mohshin Ali [mailto:Mohshin.Ali@towerhamlets.gov.uk]
Sent: 10 March 2014 10:48
To: Perry MARK J - HT
Subject: FW: Celebrity Chef event: 23rd March 2014

From: Alan.D.Cruickshank@met.pnn.police.uk [mailto:Alan.D.Cruickshank@met.pnn.police.uk]
Sent: 05 March 2014 13:47
To: John Hoang; alex.rayner@captiveminds.com; Licensing
Cc: Helen.Lewis@met.pnn.police.uk; Gary.Anderson@met.pnn.police.uk; Kevin.Weeden@met.pnn.police.uk; MARK.J.Perry@met.pnn.police.uk; Brendan.P.O'Rourke@met.pnn.police.uk; Kelly.Barnes1@met.pnn.police.uk
Subject: Celebrity Chef event: 23rd March 2014

Dear Mr Hoang and Mr Rayner

At this time, Tower Hamlets Police Licensing Unit is objecting to the above application.

It is normal practice to be invited to a meeting by the applicant to discuss an event. Prior to today ,no one has contacted the Licensing Unit or any other of my colleagues.

I understand we will be meeting tomorrow at 0930 at the location of the TEN. However, I also suggest that a meeting is held with all responsible authorities including the LFB.

Like everyone concerned, the object is to have a successful and safe event. If this can be achieved we will withdraw our objection.

LBTH Licensing: please find attached the objection.

Regards

Alan Cruickshank PC 189HT

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John McCrohan
LBTH Licensing
Toby Club
Vawdrey Close
E1 4UA

HT - Tower Hamlets Borough
HH - Limehouse Police Station

Licensing Office
Limehouse Police Station
27 West India Dock Road &
5 Birchfield Street
E14 8EZ

Telephone: 0207 275 4911

Facsimile:

Email:

Alan.Cruickshank@met.police.uk
www.met.police.uk

Your ref:

Our ref:

5 March 2014

Dear Mr McCrohan

Re: Celebrity Chef, Brick Lane TEN

Sunday 23rd March 2014

Please accept this letter as notification that the police as a responsible authority wish to object to this application on the following three licensing objectives:

The prevention of crime and disorder

The prevention of public nuisance

Public safety

Whilst wishing for this event to be a success, there has been no formal meeting with any department of Tower Hamlets police. Any such high profile event would require input not only from the police but also the LFB. It would certainly require a meeting prior to the event to discuss our concerns.

This event has been applied for by use of a TEN. The scale of this event would seem more of a time limited event that would allow more than 499 people. A TEN capacity includes the staff employed, entertainers and the cooks involved in this event.

This application was submitted very late. Police resources are often allocated well in advance of events. If the event is to go ahead it will need policing and officers need to be found to allow the event to pass peacefully and safely.

The same concerns were raised for last year's Curry Capital event.

Sunday is already a very busy day in Brick Lane with the markets and people visiting the local bars.

How will the security team ensure that no more than 499 people are at the event? What numbers are they expecting to attend the event and what publicity has been organised to attract people to Brick Lane?

There are many off licences in Brick Lane. Again, how is this going to be managed? Will people be allowed into the TEN zone with alcohol or will they all be searched?

Where is the stage to be erected? There is a danger that this will cause a bottleneck and may well be detrimental to public safety.

Is there sufficient expertise to deal with the sudden outbreak of violence or disorder which can easily occur in tight knit areas such as the stage area?

How will the emergency services access Brick Lane between Chicksand St and Fournier St?

The main event is from 1200 - 1600. The road closure is from 0800 - 2100. For the event to finish at 1600, the road closure until 2100 seems excessive. I understand that the stage needs dismantling but the sooner this obstruction is removed it will allow the area to return to its regular access and egress points.

In terms of crime, Brick Lane is already a "hot spot" for theft, specifically bag and mobile phone thefts. Has the applicant considered how they might wish to combat this problem?

In conclusion, there has not been sufficient time to fully explore this application, especially the use of the stage in such a popular area of Brick Lane. Public safety, along with the two other licensing objectives is paramount and I therefore object to this application.

Alan Cruickshank PC 189HT

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