

# LICENSING SUB COMMITTEE

Tuesday, 3 February 2015 at 6.30 p.m.

The Council Chamber, Town Hall, Mulberry Place, 5 Clove Crescent,  
London, E14 2BG

## SUPPLEMENTAL AGENDA 2

This meeting is open to the public to attend.

**Contact for further enquiries:**

Simmi Yesmin, Democratic Services  
1st Floor, Town Hall, Mulberry Place, 5 Clove Crescent, E14 2BG  
Tel: 020 7364 4120  
E-mail: [simmi.yesmin@towerhamlets.gov.uk](mailto:simmi.yesmin@towerhamlets.gov.uk)  
Web: <http://www.towerhamlets.gov.uk/committee>

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For further information, see the main agenda.

	PAGE NUMBER(S)	WARD(S) AFFECTED
5. ANY OTHER BUSINESS THAT THE CHAIR CONSIDERS URGENT	1 - 24	

Application for a Temporary Event Notice for Arch 11  
Gales Gardens, London E2 0EJ

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# Agenda Item 5

Committee :	Date	Classification	Report No.	Agenda Item No.
<b>Licensing Sub Committee</b>	3 February 2015	<b>Unclassified</b>	LSC 65/145	

Report of <b>David Tolley</b> <b>Head of Consumer and Business Regulation</b>  Originating Officer: <b>Kathy Driver</b> <b>Principal Licensing Officer</b>	Title: <b>Licensing Act 2003 Temporary Event Notice for Arch 11 Gales Gardens, London E2 0EJ</b>  Ward affected: <b>St Peters</b>
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## 1.0 Summary

Applicant: **Rhys Rose**

Address of Premises: **Arch 11 Gales Gardens  
Bethnal Green  
London E2 0EJ**

Objectors: **Environmental Health  
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

**Kathy Driver**  
**020 7364 5171**

### 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 supply of alcohol and Regulated Entertainment
- 3.4 The premises that has been applied for is:  
Arch 11 Gales Gardens, Bethnal Green, London E2 0EJ.  
  
There is no premises licence in place.
- 3.5 The dates that have been applied for are as follows: 7<sup>th</sup> February through to 8<sup>th</sup> February 2015
- 3.6 The times that have been applied for are as follows:  
from midnight to 06:00 & 21:00 - 23:59 07/02/2015; and  
midnight to 06:00 08/02/2015
- 3.7 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. 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.
- 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**.
- 5.2 Environmental Protection objections are contained in **Appendix 4**.

## **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**

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

# Appendix 1

**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

Not Currently In Use

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

Rhys

Family name

Rose

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	<input type="text"/>
Street	<input type="text"/>
District	<input type="text"/>
City or town	<input type="text" value="london"/>
County or administrative area	<input type="text"/>
Postcode	<input type="text"/>
Country	<input type="text" value="United Kingdom"/>

**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	<input type="text"/>
Street	<input type="text"/>
District	<input type="text"/>
City or town	<input type="text" value="london"/>
County or administrative area	<input type="text"/>
Postcode	<input type="text"/>
Country	<input type="text" value="United Kingdom"/>

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

Arch 11 is located on a secure alleyway off Bethnal Green Road adjacent to the railway line on the opposite side to the Salmon and Ball pub

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](#))

Arch 11 is a brick built railway arch that has previously been used as a photographic studio.

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

Arch 11 presents a weekend of electronic music from Purler inc & Smoke Signal with Electronic Music and Dancing

### Section 4 of 9

#### 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)

00:00 - 06:00 & 21:00 - 23:59 07/02/2015  
00:00 - 06:00 08/02/2015

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

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

100

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

**Section 5 of 9**

**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

00:00 - 06:00 & 21:00 - 23:59 07/02/2015  
00:00 - 06:00 08/02/2015

**Section 6 of 9**

**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?

**Section 8 of 9**

**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

**Section 9 of 9**

**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

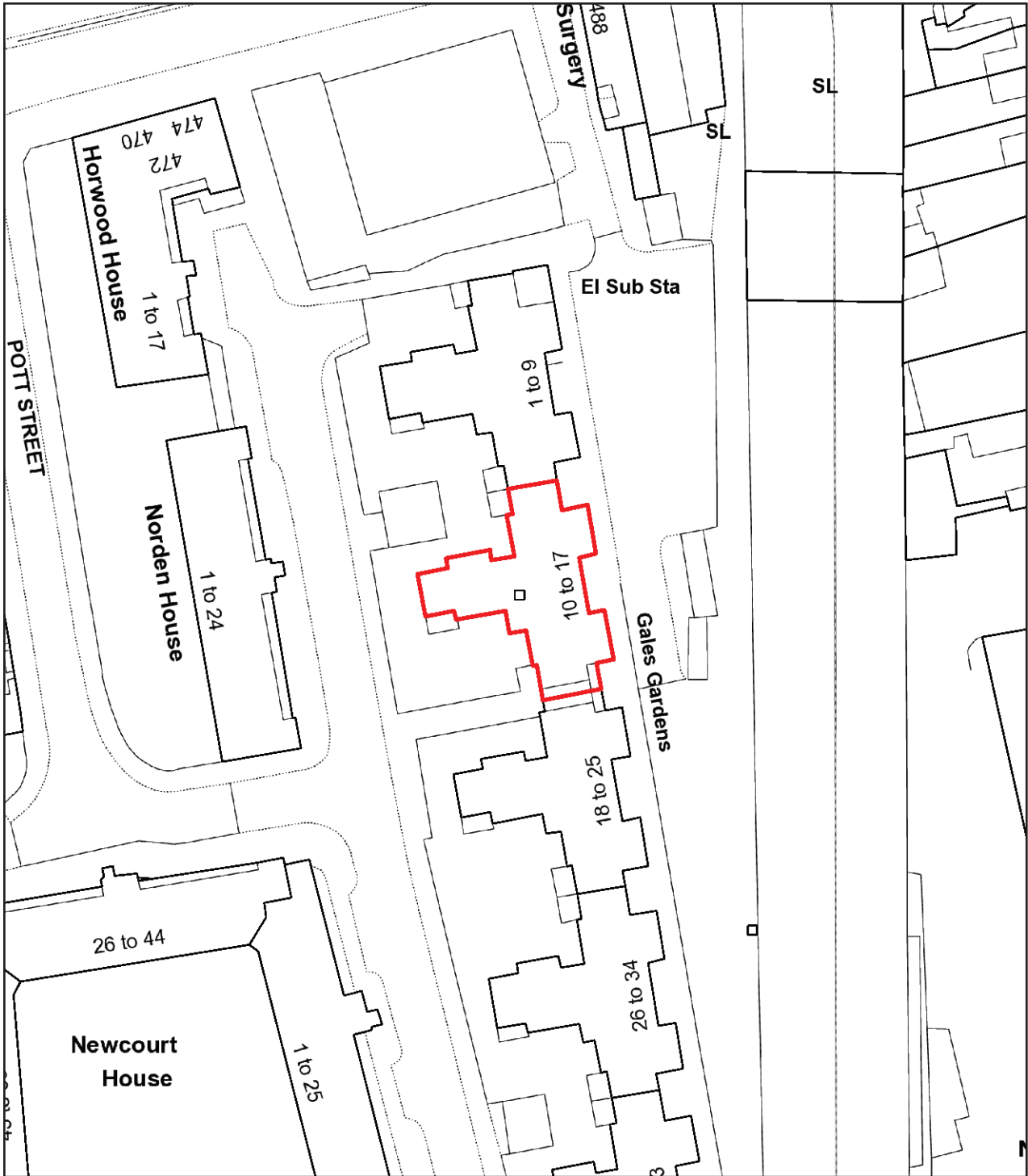
Error message

Is Digitally signed

< Previous [1](#) [2](#) [3](#) [4](#) [5](#) [6](#) [7](#) [8](#) [9](#) Next >

# Appendix 2

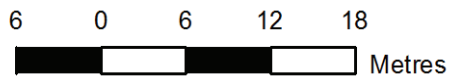




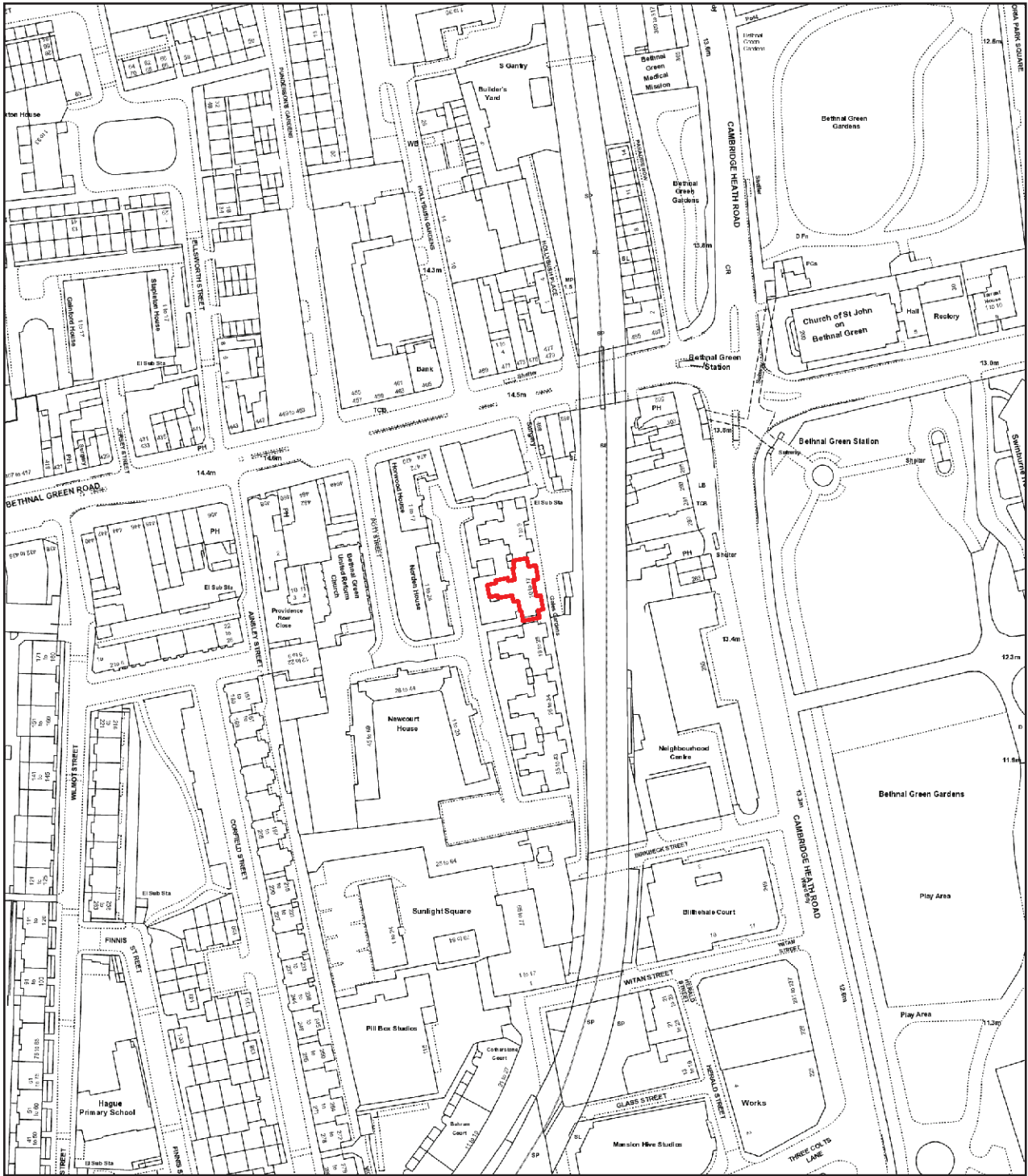
# 11 Gale Gardens



Scale 1:655



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# 11 Gale Gardens



Scale 1:2292

20 0 20 40 60



Metres



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# Appendix 3

## Kathy Driver

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**From:** MARK.J.Perry@met.pnn.police.uk  
**Sent:** 25 January 2015 23:58  
**To:** [REDACTED] Licensing; Environmental Health; HT-LicensingOffice@met.police.uk  
**Cc:** Ian Wareing  
**Subject:** RE: Temporary Events notice submitted today via .gov  
**Attachments:** Objection Arch 11 Gales Gardens.doc

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Dear all,

Tower Hamlets Police formally object to the Temporary Event Notice for Arch 11 Gales Gardens on the grounds of Crime and Disorder and public nuisance.

Please see attached objection.

Regards

Pc Mark Perry  
Licensing Officer  
Tower Hamlets Borough  
Toby Club  
Vawdry Close  
E1 4UA

---

**From:** Rhys Rose [REDACTED]  
**Sent:** 22 January 2015 23:21  
**To:** licensing Tower Hamlets; [environmentalhealth@towerhamlets.gov.uk](mailto:environmentalhealth@towerhamlets.gov.uk); HT - Licensing Office  
**Subject:** Temporary Events notice submitted today via .gov

Dear Police, Licensing and Pollution Control teams,

Please find attached a copy of a tens notice submitted to Tower Hamlets council today electronically, 696 risk assessment to follow tomorrow, I'm still waiting for partial information, apologies.

Yours,

Rhys Rose  
Bar Management, Licensing & Event Consultant  
[REDACTED]

**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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John McCrohan,  
Tower Hamlets Licensing,  
Toby Club,  
Vawdry Close

**HT - Tower Hamlets Borough**

Licensing Office  
Toby Club,  
Vawdry Close  
Telephone: 0207 275 4950  
Email: Mark.perry@met.police.uk  
www.met.police.uk  
Your ref:  
Our ref:  
25rd January 2015

Dear Mr McCrohan

**Re: Application for Temporary Event Notice for Arch 11 Gales Gardens**

I write with reference to the above application which was received in the Licensing Office at 11:21pm on Thursday the 22nd January 2015.

Police object the application for a Temporary Event Notice for the 7th and 8th February 2015 on the grounds of Crime and Disorder and Prevention of Public Nuisance.

The venue has come to the notice of both Tower Hamlets Police and Tower Hamlets Council for several illegal Raves that have taken place there in the last year. This has resulted in complaints by local residents.

The venue is right behind a busy local pub, and close to several more, as well as being off a main road and Bethnal Green Tube Station. Police believe that having this event could lead to disorder as the people attending this event will congregate next to the people from the pub, people trying to move down Bethnal Green Road and those using the tube station.

The venue is very small and has only 1 exit, if there were any disorder in the venue it could well lead to injuries as people are trying to leave, or police try to enter.

By having a dance music event that runs from midnight to 06:00 runs the risk that people will attend the event having already pre-loaded on alcohol. Being able to consume alcohol for an additional 6 hours runs the risk of creating alcohol related crime and disorder.

Such events also attract drug use and where there is drug use there are drug dealers who supply them.

Tower Hamlets Police and Environmental Health are working with Network Rail to remove the current occupants due to the illegal events taking place there.

Given that this is not a venue specifically designed to host such events, and that there is the possibility of alcohol related disorder and drug use we therefore object to the Temporary Event Notice being granted and ask that it is refused by committee.

# Appendix 4

## Kathy Driver

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**From:** Ian Wareing  
**Sent:** 24 January 2015 20:28  
**To:** Licensing; [REDACTED]  
**Cc:** 'Alan.D.Cruickshank@met.pnn.police.uk'; MARK.J.Perry@met.pnn.police.uk; 'SAMANTHA.BENNETT@london-fire.gov.uk'  
**Subject:** RE: Temporary Events notice submitted today via .gov  
**Attachments:** SubstandardFullSizeRender.jpg

Dear Sir/Madam, please accept this email as a representation to the application for a TEN for Arch 11 Gales Gardens, London, E2 0EJ.

We have received a complaint about a 'Private' event that was held at this address just last week. Loud music from this venue was witnessed in a complainants property at 02.15 and our Out of Hours Officers had to attend the site and get music levels reduced. The officer stated that customers were seen leaving Arch 12 and entering Arch 11. We have had several issues with Arch 12 last year with illegal events taking place, to the point that we are now in discussions with the owner of both of these arches and at the point of taking legal action against both the tenants and owners.

It is my understanding that S.80 Noise Abatement Notices (Environmental Protection Act 1990) will be served on the appropriate parties next week.

The officer spoke with a male whom I had only spoken to two weeks ago and advised of the history of these units and that if he continued to have these type of events we would consider further action. He failed to mention during that phone call that he would be having this type of event on this date. This person is not the applicant in this instance. I have attached a photograph taken by the officer on the night.

This venue is not suitable for an electronic music event until 06.00 over two days, there are residential properties within 20m of this site. The venue does not have a Premises Licence, so no conditions can be imposed to safeguard a peaceful right to sleep in one's home.

We are currently undertaking work to stop any further events at these railway arches as they are a source of noise disturbance and anti-social behaviour.

It is then our opinion that this application be rejected on the grounds of not promoting the Licensing objective of Prevention of Public Nuisance.

Regards,

Ian

**Ian Wareing**  
Technical Officer  
Pollution Team  
Environmental Protection  
Environmental Health  
2<sup>nd</sup> Floor  
Gladstone Place Offices  
1 Ewart Place  
London  
E3 5EQ



020 7364 5008

[ian.wareing@towerhamlets.gov.uk](mailto:ian.wareing@towerhamlets.gov.uk)

---

**From:** Rhys Rose [REDACTED]

**Sent:** 22 January 2015 23:21

**To:** licensing Tower Hamlets; [environmentalhealth@towerhamlets.gov.uk](mailto:environmentalhealth@towerhamlets.gov.uk); HT - Licensing Office

**Subject:** Temporary Events notice submitted today via .gov

Dear Police, Licensing and Pollution Control teams,

Please find attached a copy of a tens notice submitted to Tower Hamlets council today electronically, 696 risk assessment to follow tomorrow, I'm still waiting for partial information, apologies.

Yours,

Rhys Rose

Bar Management, Licensing & Event Consultant  
[REDACTED]

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# HIS IS A PRIVATE PARTY

Clarke C	9.30pm to Midnight
Seb Greenwood	Midnight – 1am
Jack Lomath	1am to 2.30am
Tom Nijhuis	2.30am to 4am
Violent Blondes	4am to close

