

LICENSING SUB COMMITTEE

Tuesday, 2 June 2015 at 6.30 p.m.

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

SUPPLEMENTAL AGENDA

This meeting is open to the public to attend.

Contact for further enquiries:

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	PAGE NUMBER(S)	WARD(S) AFFECTED
6. APPLICATION FOR A TEMPORARY EVENT NOTICE FOR TOWPATH BY CANAL GATE, VICTORIA PARK, LONDON E3	1 - 18	Bow West

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Agenda Item 6

Committee :	Date	Classification	Report No.	Agenda Item No.
LicensingSub Committee	02 June 2015	Unclassified	LSC 79/145	

Report of David Tolley Head of Consumer and Business Regulation Originating Officer: Alexander Lisowski Licensing Officer	Title: Licensing Act 2003 Temporary Event Notice for Towpath by Canal Gate, Victoria Park Ward affected: Bow West
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1.0 Summary

Applicant: **Alice Cade**

Address of Premises: **Towpath by Canalgate
Victoria Park**

Objectors: **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

Alexander Lisowski
020 7364 7446

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

Regulated Entertainment

3.4 The premises that has been applied for is:

Towpath by Canalgate, Victoria Park.

3.5 The times and dates that have been applied for are as follows:

Saturday, 6th June, 2015, 12noon to 23.00pm

Sunday, 7th June, 2015, 12noon to 23.00pm

3.6 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 Environmental Protection 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	Environmental Health 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 type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input checked="" type="checkbox"/> Other (please state)		
Surname	Cade		
Forenames	Alice		
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 type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other (please state)		
Surname			
Forenames			
3. Your date of birth	Day	Month	Year
	██	██	1██
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		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)	
Towpath by Canalgate, Victoria Park	
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	
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)	
An open butty boat on the canal moored alongside the towpath by the canalgate entrance to Victoria Park	
Please describe the nature of the event below. (Please read note 5)	
We will have a cafe/bar selling juices, food and alcoholic drinks with sporadic live acoustic music and activities during the day	

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 checked="" 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)	
06/06/15 at 12:00 to 07/06/15 at 23:00	
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)	
12:00 to 23:00 on both days	
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)	
100	
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 checked="" type="checkbox"/>
Please if the licensable activities will include the provision of relevant entertainment. If so, please state the times during the event period that you propose to provide relevant entertainment. (Please read note 12)	

4. Personal licence holders (Please read note 13)		
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 14 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 checked="" type="checkbox"/>	No <input type="checkbox"/>
If answering yes, please 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 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 15 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	Yes <input type="checkbox"/>	No <input type="checkbox"/>
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 16)	
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 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 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 checked="" type="checkbox"/>

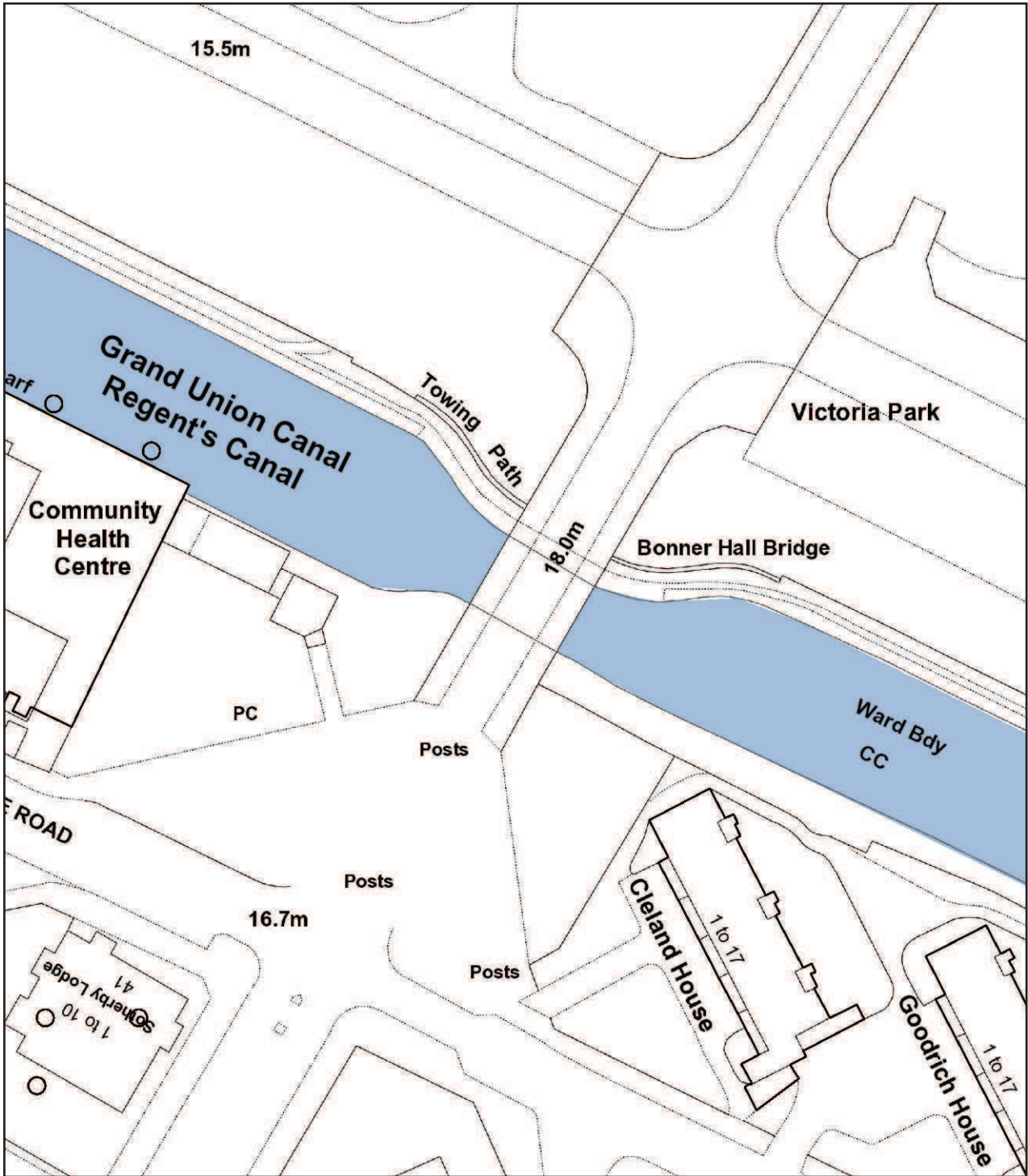
8. Condition (Please read note 17)
It is a condition of this temporary event notice that where the relevant licensable activities described in Section 3 above include the supply of alcohol that all such supplies are made by or under the authority of the premises user.

9. Declarations (Please read note 18)	
<p>The information contained in this form is correct to the best of my knowledge and belief.</p> <p>I understand that it is an offence:</p> <p>(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</p> <p>(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.</p>	
Signature	A Cade
Date	20/05/15
Name of Person signing	Alice Cade

For completion by the licensing authority

10. Acknowledgement (Please read note 19)	
<p>I acknowledge receipt of this temporary event notice.</p>	
Signature	On behalf of the licensing authority
Date	
Name of Officer signing	

Appendix 2

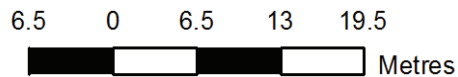


Towpath by Canalgate

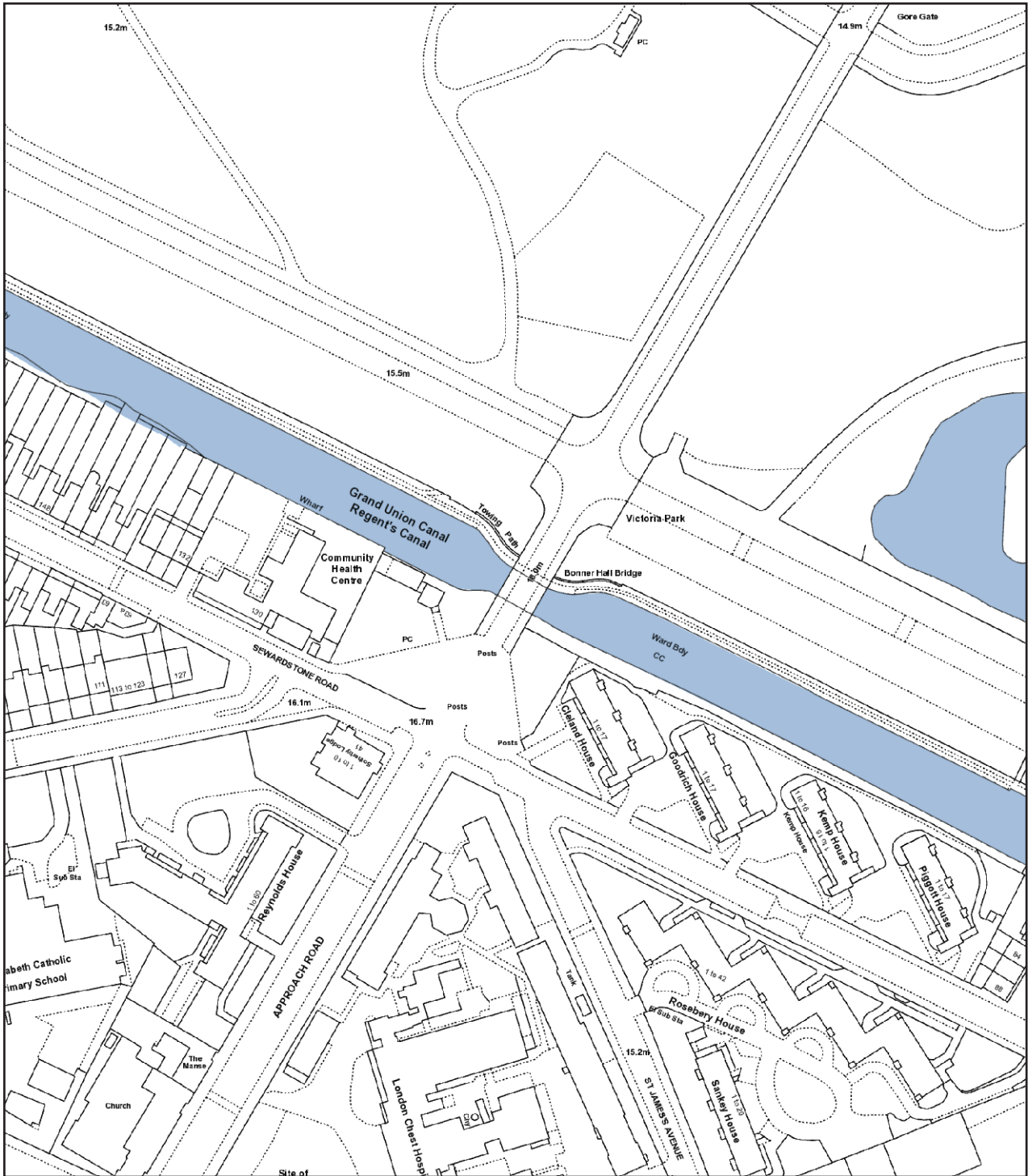
Victoria Park



Scale 1:720



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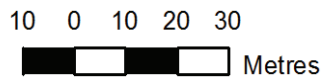


Towpath by Canalgate

Victoria Park



Scale 1:1799



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Appendix 3

Alex Lisowski

From: Alex Lisowski on behalf of Licensing
Sent: 21 May 2015 16:45
To: Ian Wareing
Subject: RE: TEN Representation - Towpath (Canal Gate) 6th & 7th June 2015 - 084894

Ian,
Just to acknowledge receipt of representations.
Alex.

From: Ian Wareing
Sent: 21 May 2015 16:39
To: Licensing
Cc: HT-licensingoffice@met.police.uk; Iain Pendrigh; [REDACTED]; 'Sorwar Ahmed'
Subject: TEN Representation - Towpath (Canal Gate) 6th & 7th June 2015 - 084894

Dear Sir/Madam, please consider this email as a representation to the application above. I have contacted the applicant by phone this morning and have not received a response. EH have concerns that the activities applied for would cause considerable Public Nuisance to nearby residents up to 23.00 over a period of 2 days. 'Sporadic live acoustic music and activities' are the words used in the application. They have not specified how sporadic the music will be and what the other 'activities' may be. Furthermore, the applicants have failed to provide a plan of where the boat is to be moored and details of the boat itself (Name, registration number etc). We have had a large amount of complaints about noise and ASB disturbance around canal boats in recent times. It is therefore recommended that this application be rejected to protect nearby residents from disturbance from Public Nuisance.

ACL - MAU - Miscellaneous Activities Update (APP)

Find Browse Personal D/b Update Additional Data Record Defaults Utilities Help Exit

Number 084894 Premises TEN9TH/1
LA Reference Scheduled Date Actual Date 21/ 5/2015
Name Towpath by Canal Gate Address Victoria Park, , London

Activity Addn Info Consultees

Activity	Category	Unit	Officer
V44	Temporary Events Notice TEN	L	Sophia Uddin

Description TENs - 6 & 7 June 2015

Dates
Target
First Response 21/ 5/2015
Date Closed

Fee 21.00 Payment received

Action LT9 Standard TEN Actions Undefined Op. Scheds

Assess OLD_INFO Text Save Undo

Ctrl+S=Select Default Ctrl+G=GIS Link

Ian Wareing

Technical Officer

Pollution Team

Environmental Protection

Environmental Health

2nd Floor

Gladstone Place Offices

1 Ewart Place

London

E3 5EQ

020 7364 5008

ian.wareing@towerhamlets.gov.uk

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