

Licensing Sub Committee



Tuesday, 20 December 2022 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.

Further Information

For further information including Membership of this body and public information see the main agenda.

Contact for further enquiries:

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Web: <http://www.towerhamlets.gov.uk/committee>

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Licensing Sub Committee

Tuesday, 20 December 2022

6.30 p.m.

**PAGE
NUMBER(S)**

**3 .2 Temporary Event Notice for Suvlaki - shoreditch, 161 Brick Lane,
London E1 6SB**

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Licensing Objectives:

- Crime & Disorder
- Public Nuisance

Representations by:

- Metropolitan Police

Weavers Ward

Next Meeting of the Committee:

Tuesday, 17 January 2023 at 6.30 p.m. to be held in the The Council Chamber, Town Hall, Mulberry Place, 5 Clove Crescent, London, E14 2BG

Agenda Item 3.2

Committee : Licensing Sub Committee	Date	Classification Unclassified	Report No.	Agenda Item No.
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Report of David Tolley Head of Environmental Health & Trading Standards Originating Officer: Kathy Driver Principal Licensing Officer	Title: Licensing Act 2003 Temporary Event Notice for Suvlaki – shoreditch, 161 Brick Lane, London E1 6SB Ward affected: Weavers
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1.0 Summary

Applicant: **Mr. Ismail Yalgi**

Address of Premises: **Suvlaki – Shoreditch
161 Brick Lane
London E1 6SB**

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

Licensing Act 2003 Section 182 Guidance
Licensing Policy
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:
Late Night Refreshment for restaurant and take away.
- 3.4 The Notice was given on 8th December 2022 and the Responsible Authorities were notified of the Temporary Event Notice on 9th December 2022.
- 3.5 The premises that has been applied for is: 161 Brick Lane, London E1 6SB
- 3.6 The dates that have been applied for are as follows:
27th to 31st December 2022
- 3.7 The times that have been applied for are as follows:
Monday to Wednesday from 23:00 hours to 03:00 hours
Thursday to Saturday from 23:00 hours to 04:00 hours
- 3.8 A map showing the relevant premises and immediate area is included as **Appendix 2**.

4.0 **Premises Licence**

- 4.1 The venue has no premises licence in place, however the applicant has applied for a premises licence of which the consultation date expired on 8th December 2022. Objections have been received by Environmental Health and Police and is awaiting hearing. They have applied for late night refreshment for the hours of: Monday to Wednesday until 3am, Thursday to Saturday until 4am and Sunday until midnight.

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 for 2022 and 2023 are as follows: 20 TEN per

calendar year or 26 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 At any time before a hearing is held or dispensed, the premises user and EH or Police may come to an agreement and modify the temporary event notice by making changes to it.
- 5.5 Following an objection by the relevant Responsible Authority the Licensing Authority must decide whether;
 - (1) Grant the TEN;
 - (2) Grant the TEN with conditions (if a premises licence is in place) and specify conditions as appropriate to the TEN.
 - (3) Refuse the TEN by serving a Counter Notice
- 5.6 The Licensing Authority can apply one or more conditions ;
 - (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.
- 5.7 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.
- 5.8 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.

5.9 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 Health objection is in **Appendix 4**.

7.0 **Advice to Members**

7.1 The Police Reform and Social Responsibility Act 2011 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 Health objection

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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

Not Currently In Use

This is the unique reference for this application generated by the system.

Your reference

Suvlaki Shoreditch

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

Mr Ismail

* Family name

Yalgi

* E-mail

[REDACTED]

Main telephone number

[REDACTED]

Include country code.

Other telephone number

[REDACTED]

- Indicate here if the applicant would prefer not to be contacted by telephone

Is the applicant:

- 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 the applicant is applying so the applicant can be employed, or for some other personal reason, such as following a hobby.

Continued from previous page...

Address

* Building number or name

* Street

District

* City or town

County or administrative area

* Postcode

* Country

Agent Details

* First name

* Family name

* E-mail

Main telephone number

Other telephone number

Include country code.

Indicate here if you would prefer not to be contacted by telephone

Are you:

- An agent that is a business or organisation, including a sole trader
- A private individual acting as an agent

A sole trader is a business owned by one person without any special legal structure.

Agent Business

Is your business registered in the UK with Companies House? Yes No

Note: completing the Applicant Business section is optional in this form.

Registration number

Business name

VAT number

Legal status

Your position in the business

Home country

If your business is registered, use its registered name.

Put "none" if you are not registered for VAT.

The country where the headquarters of your business is located.

Continued from previous page...

Agent Registered Address

Address registered with Companies House.

Building number or name	NARTS
Street	53 Stoke Newington High Street
District	
City or town	London
County or administrative area	
Postcode	N16 8EL
Country	United Kingdom

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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"/>
County or administrative area	<input type="text"/>
Postcode	<input type="text"/>
Country	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

The site is a restaurant/take-away within the Brick Lane and Bethnal Green CIA.
The applicant has understanding of licensing law and conditions we proposed to prevent Crime and Disorder, Public Safety and Public Nuisance, and that granting this application will not increase the pressures the CIZ currently faces.
We believe the ability and competency of our client to operate the premises in accordance with the licensing objectives.
The applicant is an experienced premises operator for many years.
There is a 24 hours premises operating next door to our premises called Beigel Bake Brick Lane Bakery. This is a very well-

Continued from previous page...

known shop and there are long queues in front of this premises pretty much all the time. We believe granting this application will not add any impact on the noise level even the opposite it will provide another option for people who are not willing to wait in the queues for eating something. Unlike the bagel place we are offering a seating area for our customers which again will reduce the noise level for the neighbors if customers chose to do so. People will have a chance to wait inside to take their food or indeed to eat inside.

In order to overcome the potential risks for public disorder, crime and disorder and protection of children from harm, the applicant proposed a number of conditions on the operating schedule.

1. A contact telephone number shall be made plainly available on the website and social media pages for the business for local residents to use to make any noise or other complaints, and remedial action shall be taken as required.
2. A written record of complaints and, where applicable, remedial action taken shall be kept for a minimum of 31 days from the date of the last entry in the record and this record shall be available for inspection on demand by Council Officers at all times the premises are open.
3. A responsible member of staff shall carry out proactive noise assessments around the outside of the premises at least once an hour during the provision of late night refreshment to ensure that noise is not audible at the boundary of the nearest and / or most affected noise sensitive residential property or business and remedial action shall be taken where noise is found to be audible.
4. A written record of proactive external noise assessments and, where applicable, remedial action taken shall be kept for a minimum of 31 days from the date of the last entry in the record and this record shall be available for inspection on demand by Council Officers at all times the premises are open.

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](#))

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

Restaurant and take-away.

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

late night refreshment
Monday to Wednesday from 23:00 to 03:00
Thursday to Saturday from 23:00 to 04:00

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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

([See also guidance on completing the form, note 7](#)).

Continued from previous page...

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PERSONAL LICENCE HOLDERS [\(See also guidance on completing the form, note 14\)](#)

Do you currently hold a valid personal licence? Yes No

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

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 (including the number of late temporary event notices, if any) 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 [\(See also guidance on completing the form, note 16\)](#)

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

Continued from previous page...

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?

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

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

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

ATTACHMENTS

AUTHORITY POSTAL ADDRESS

Continued from previous page...

Address

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

DECLARATION (See also guidance on completing the form, note 19)

(i) to knowingly or recklessly make a false statement in connection with this temporary event notice and that a person is
* liable on summary conviction for such an offence to a fine of any amount; and (ii) to permit an unauthorised licensable activity to be carried on at any place and that a person is liable on summary conviction for any such offence to a fine of any amount, or to imprisonment for a term not exceeding six (6) 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

* Capacity

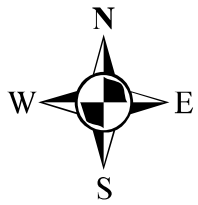
Date (dd/mm/yyyy)

Once you're finished you need to do the following:

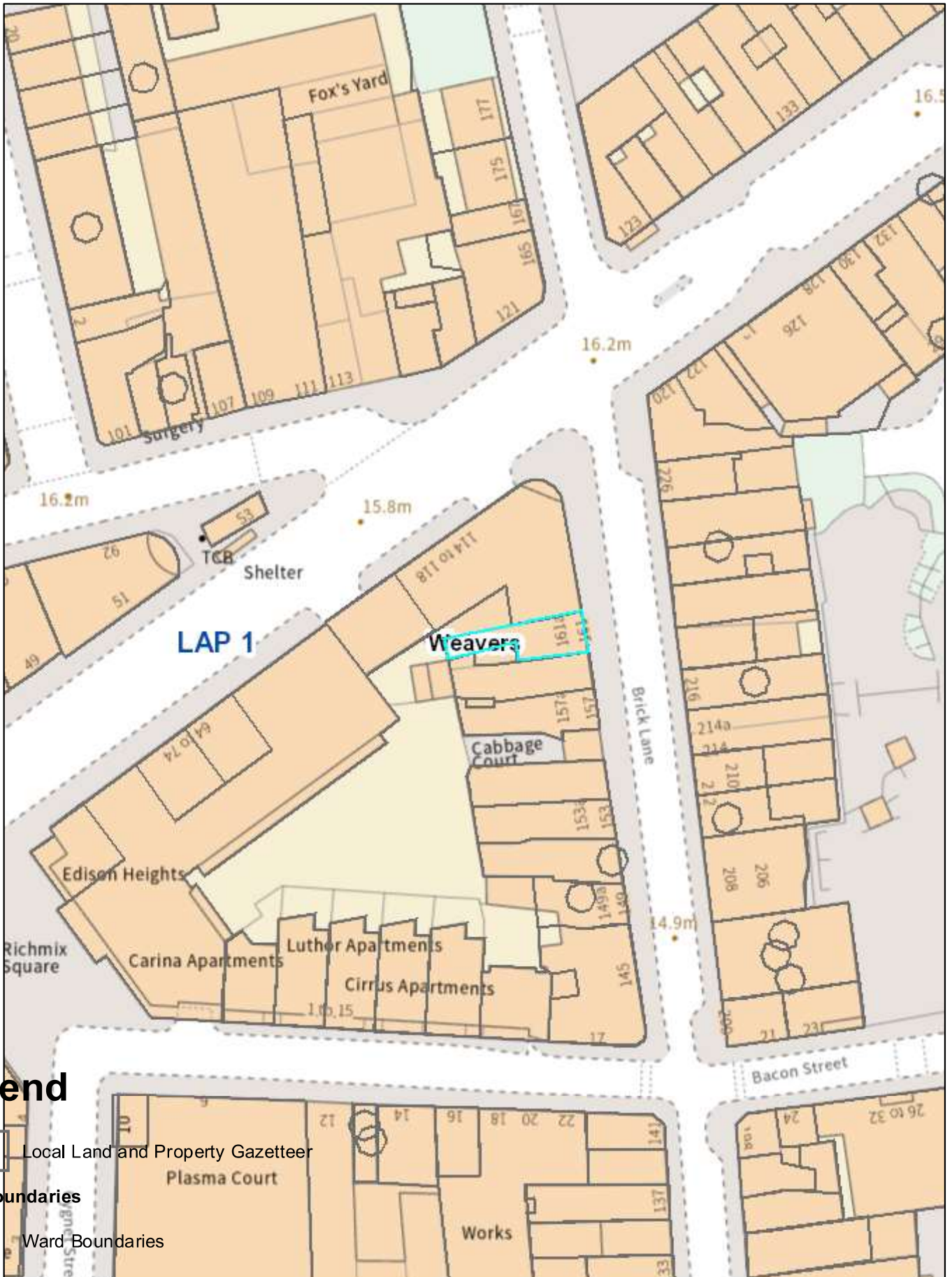
1. Save this form to your computer by clicking file/save as...
2. Go back to <https://www.gov.uk/apply-for-a-licence/temporary-event-notice/tower-hamlets/apply-1> to upload this file and continue with your application.

Don't forget to make sure you have all your supporting documentation to hand.






Appendix 2

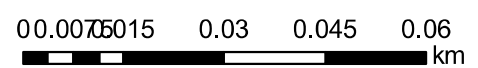


161 Brick Lane



Legend

-  Local Land and Property Gazetteer
-  Ward Boundaries
-  Ward Boundaries
-  LAP Boundaries
-  LAP Boundaries



Appendix 3

Kathy Driver

From: MARK.J.Perry@met.police.uk
Sent: 12 December 2022 10:14
To: [REDACTED]
Cc: [REDACTED]
Subject: Objection TENS Application - 161 Brick Lane 27 to 31 December 2022
Attachments: BrickLane161.27-31_12_22.pdf

Follow Up Flag: Follow up
Flag Status: Completed

Dear Naim, and Tower Hamlets Council Licensing,

Central East Police Licensing formally object to the Late Temporary Event Notice application for 161 Brick Lane on the 27 to 31 December 2022, open until 3am Monday to Wednesday and 4am Thursday to Saturday.

We object on both the grounds of preventing crime and disorder and public nuisance. Having a restaurant and Takeaway operate in Brick Lane until 3am and 4 am will we believe lead to crime and disorder and public nuisance as most of the customers attending will be those who have been drinking and partying during the Christmas Party Season. These drunken customers are much more likely to have impaired decision making process's and be the victims of or perpetrators of alcohol related crime and disorder.

Intoxicated customers are also likely to have raised voices and cause nuisance as they either queue to get food or congregate outside. Drunk customers are also less sensitive to local residents and more likely to cause noise nuisance.

We therefore ask that this late TEN is rejected.

Kind Regards

Mark



PC Mark Perry
Central East Licensing Unit
Metropolitan Police Service (MPS)

[REDACTED]
Email [REDACTED]

A: Licensing Office, 1st Floor Stoke Newington Police Station



Appendix 4

Kathy Driver

From: Nicola Cadzow
Sent: 13 December 2022 14:11
To: Licensin
Cc: [REDACTED]
Subject: 155764 MAU REPRESENTATION TENs for Suvlaki 161 Brick Lane, London

Dear Licensing,

I have considered the TENs application for Suvlaki 161 Brick Lane, London and the the impact of the licensing objectives, particular for Environmental Protection the prevention of public nuisance and the prevention of noise generated from within the premises or outside, to be causing disturbance to people in the vicinity at the late hours sought. Also consideration has be given to the fact that the premise is in Brick Lane Cumulative Impact Zone.

The applicant is proposing licensable activity: late night refreshment from 27th December 22 to 31st December 2022

- Monday to Wednesday from 23:00 hours to 03:00 hours in the morning
- Thursday Friday and Saturday from 23:00 hours until 04:00 hours in the morning

Noise Sensitive premises: residential premises in close proximity to 161 Brick Lane, London.

In my view the application, as it stands fails, to comply with the objective of the Licensing Act 2003 relating to “public nuisance” for the following reasons:-

- Noise breakout from the venue affecting neighbouring residents.
- Access & egress to and from the venue, of patrons, especially due to patrons likely to be in high spirits; and
- The hours of operation (inclusive of proposals)

CONCLUSION

Environmental Protection **does not** support the TENs application for Suvlaki 161 Brick Lane, London for the following reasons:

- (1) Great likelihood of disturbance to residential premises at the noise sensitive hours sought.
- (2) The premises is in Brick Lane Cumulative Impact Zone.

Kind regards

Nicola Cadzow
Environmental Protection Team
Place Directorate
London Borough of Tower Hamlets
Mulberry Place Town Hall

5 Clove Crescent
London E14 2BG

0207 364 6394

www.towerhamlets.gov.uk

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