

Licensing Sub Committee

Supplement Agenda

Tuesday, 25 April 2023 at 6.30 p.m.
Council Chamber - Town Hall, Whitechapel

Contact for further enquiries:

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



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A Guide to Licensing Sub Committee

The Licensing Sub Committee is made up of 3 Members of the Licensing Committee. In summary, the Sub Committee will determine applications to grant, vary or review a license submitted under the Licensing Act 2003 where representations have been made.

Public Engagement

Meetings of the committee are open to the public to attend, and a timetable for meeting dates and deadlines can be found on the council's website.

London Borough of Tower Hamlets

Licensing Sub Committee

Tuesday, 25 April 2023

6.30 p.m.

4.3 Application for a Temporary Event Notice for Boat Live, at 90 White Post Lane E9 5EN (Pages 5 - 28)

Licensing Objectives:

- The prevention of public nuisance
- The prevention of crime and disorder

Representations:

- Metropolitan Police
- Environmental Protection

Ward: Bow East

Next Meeting of the Licensing Sub Committee

Tuesday, 9 May 2023 at 6.30 p.m. to be held in Council Chamber - Town Hall, Whitechapel



Agenda Item 4.3

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

Report of David Tolley Head of Environmental Health & Trading Standards Originating Officer: Lavine Miller-Johnson Licensing Officer	Title: Licensing Act 2003 Temporary Event Notice for 90 White Post Lane Hackney Wick London E9 5EN Ward affected: Bow East
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1.0 Summary

Applicant: **Mr. Rhys Rose**

Address of Premises: **90 White Post Lane
Hackney Wick
E9 5EN**

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

Lavine Miller-Johnson
020 7364 2665

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:
90 White Post Lane is a clear gravel yard bounded by 8ft site fencing on all sides. It is the site of the now demolished Lea Tavern Public House and guest rooms. The site has been empty since the public house was demolished around 2012. The Boat Live project is a converted boat and container structure, which has been running at 66-78 White Post Lane for the last year and will be relocated at this site.
- 3.4 The Notice was given on 14th April 2023 and the Responsible Authorities were notified of the Temporary Event Notice on 17th April 2023
- 3.5 The premises that has been applied for is: 90 White Post Lane Hackney Wick London E9 5EN
- 3.6 The dates that have been applied for are as follows:
29th and 30th April 2023
- 3.7 The times that have been applied for are as follows:
both days - 12:00 hours – 23:59 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 5th April 2023. Objections have been received from, police, EHO and Licensing, H&S and residents.
- 4.2 They have applied for the following:

Regulated Entertainment

Recorded Music (DJs) – Saturday -Sunday 12:00 hours to 23:59 hours

Late Night Refreshment

Saturday -Sunday 12:00 hours to 23:59 hours

Sales of Alcohol (on sales)

Saturday -Sunday 12:00 hours to 23:59 hours

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

Appendix 1

* required information

Section 1 of 9

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

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

Your reference You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant?

☐ Yes ☒ No

Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

Applicant Details

* First name

* Family name

* E-mail

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.

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

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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	<input type="text"/>

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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

90 White Post Lane is a cleared gravel yard bounded by 8ft site fencing on all sides. It is the site of the now demolished Lea Tavern public house and guest rooms, the site has been empty since the demolition of the public house building around 2012. The current landlord, Stewart Schwartz, has plans to redevelop the site in the near future, in the interim he has agreed to lease it to us so that we can relocate the Boat Live project which has been running at 66-78 White Post Lane for the last year. The previous site had to be closed to allow for handover from the LLDC to a housing association for development, leaving the project homeless.

Continued from previous page...

Boat Live project is focused around a small mobile event space built inside an old canal boat, this space has primarily been used to showcase music from the vibrant east London electronic scene, facilitating recording and live broadcast of sessions.

The boat has been soundproofed and managed well with no noise complaints from its time at 66-78 White Post Lane. The Boat Live project was previously operating on the Hackney Wick Underground licence on units 2-3 66-78 White Post Lane and was located in the outdoor front yard area to the north of the units. As with the previous licence we would add some temporary structures to facilitate a wc block, lounge, and bar area, most likely housed in shipping containers. We will have a central courtyard area with flexible seating, keeping a space to give us the option to bring in food trucks, similar to the previous premises. We will have a service window from the bar container direct to the street, this will only be used from early morning through the daytime for sales of coffee and smoothies, no alcohol will ever be sold from this window.

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](#))

A meanwhile project hosted in a converted boat and container structure on the site of the demolished Lea Tavern.

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

The tens applied for is to allow us to test the site for events use in advance of a decision to the premises licence application we have submitted.

The events for this ten are:

Saturday 29th April
QYSP
12:00pm - 23:59pm

Your summer starts here... Queen's Yard Summer Party is back, for another year of dancing in our beloved Hackney Wick to break the summer in style! As the new flats spring up and the landscape of the Wick changes, we keep finding new nooks and crannies to pop up dancing spaces in. Who knows how long we'll be able to continue? But for now we'll dance till the sun sets on Hackney Wick. This year expect all your returning favourite venues including Colour Factory, The Yard, CRATE, Boat Live, Number 90, 9294, alongside a bunch new spots that we've scouted and can't wait to show you and bring to life with a slew of the best party crews and DJ's the UK has to offer."

Sunday 30th April
Boat - Unknown DJs
12:00pm - 23:59pm

Third installment of new concept event Unknown DJs, premiered in Berlin and celebrated by London's warehouse scene, bringing together a well known headliner and an new unknown artist to share the booth at the boat for this bi weekly residency.

Continued from previous page...

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LICENSABLE ACTIVITIES

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

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

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

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 8](#)).

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 9](#))

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

State the times during the event period that you propose to carry on licensable activities (give times in 24 hour clock)

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

12:00-23:59 29/04/2023
12:00-23:59 30/04/2023

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

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

Note that the maximum number of people cannot exceed 499.

Continued from previous page...

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

[\(see also guidance on completing the form, note 12\):](#)

- ☒ On the premises only
- ☐ Off the premises only
- ☐ Both

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RELEVANT ENTERTAINMENT [\(See also guidance on completing the form, note 13\)](#)

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

none

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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

Provide the details of your personal licence below.

Issuing licensing authority

Licence number

Date of issue / /
dd mm yyyy

Any further relevant details

Section 7 of 9

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

Continued from previous page...

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

7

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 [\(See also guidance on completing the form, note 16\)](#)

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

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

Continued from previous page...

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:

☐ Yes ☒ No

- a) Ends 24 hours or less before; or
b) Begins 24 hours or less after the event period proposed in this notice?

Section 9 of 9

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

1 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

Rhys Rose

* Capacity

Applicant

* Date

14 / 04 / 2023
dd mm yyyy

Add another signatory

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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	<input type="text"/>
Fee paid	<input type="text"/>
Payment provider reference	<input type="text"/>
ELMS Payment Reference	<input type="text"/>
Payment status	<input type="text"/>
Payment authorisation code	<input type="text"/>
Payment authorisation date	<input type="text"/>
Date and time submitted	<input type="text"/>
Approval deadline	<input type="text"/>
Error message	<input type="text"/>
Is Digitally signed	<input type="checkbox"/>

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

Appendix 2

90 White Post Lane - Maps of the area



Appendix 3



Tom Lewis
Head of Licensing
Tower Hamlets Council

HT - Tower Hamlets Borough

Licensing Office
Shoreditch Police Station

Email: [REDACTED]
www.met.police.uk

17th April 2023

Dear Sir,

Central East Police Licensing formally object to the application for a Temporary Event Notice for Boat Live, at 90 White Post Lane E9 5EN for the 29th and 30th April 2023. This objection is on the grounds of preventing crime and disorder, and public nuisance.

Central East Police Licensing object to this application as we believe it will lead to increased crime and disorder and public nuisance. Firstly when the applicant operated from 66 – 78 White Post Lane, not only were there noise complaints from local residents, when Police visited the site we found a poorly run venue with intoxicated customers, and open use of drugs. Management were not running the premises effectively as they had allowed customer to become drunk and there was no sense that anyone was in charge.

We believe that should this venue be allowed to have a Temporary Event Notice there will be crime and disorder. The applicant have not said how they will keep customers safe, they have not provided a security plan, an egress or dispersal plan. Customers are vulnerable when leaving a venue after the event has finished as if they have consumed alcohol then their decision making is impaired and they are more likely to be either victims of or instigators of alcohol related crime and disorder.

Given the likelihood of drugs being used at late night music events, such as the one on the 8th and 9th it is concerning that the applicant has made no reference to any searching of customers or security planning.

We also believe that this event will lead no noise nuisance, in contradiction to the applicants assertion that there were no noise complaints about the venue they previously operated from, noise complaints were indeed received by Tower Hamlets Council.

The boat itself may or may not be sound proofed to one degree or another, but this boat cannot hold 200 people, where will the guests be, and is this area sound proofed? We believe that having 200 people dancing to DJ music will cause noise nuisance as they listen to the music.

We also have concerns that as the Boat Live is next to residential premises, Boat Live's customers will congregate at this entrance and cause noise nuisance both as they enter the premises and as they leave.

I have visited the site of the boat with Nicola Cadzow from Tower Hamlets Council Noise Team and found the site to be dangerous with rubbish on the ground, no electricity or running water or any permanent or semi-permeant buildings for customers built or on site. We believe that such poor management demonstrated previously and an un-prepared site will lead to increased risks of crime and disorder and public nuisance.

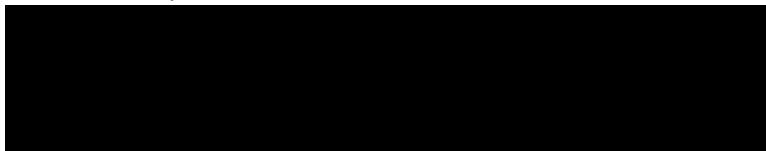
We believe that this event will cause alcohol related crime and disorder and noise nuisance and ask that this application is rejected.

Kind Regards

Mark



PC Mark Perry



Appendix 4

Lavine Miller-Johnson

From: Nicola Cadzow
Sent: 17 April 2023 15:02
To: Licensin
Cc: [REDACTED]
Subject: 158846 MAU REPRESENTATION Boat Live 90 White Post Lane, London on 29-30th April 2023

Follow Up Flag: Follow up
Flag Status: Completed

Dear Licensing,

I have reviewed the TENs applications for Boat Live 90 White Post Lane, London for 29-30th April 2023 and have considered the potential impact of public nuisance and measures to prevent noise generated from within the premises or outside it which could cause disturbance to people in the vicinity.

The applicant advised in the application that and I quote *"the boat had been soundproofed and managed well with no noise complaints from it's time at 66-78 White Post Lane"*. This is contradictory to the fact Tower Hamlets Council Noise Team have received several complaints from nearby residents as recently as November 2022 and I quote complaints received:

(1) "The venue is in a repurposed barge so it has no noise insulation and the sound level of the music coming from it, is ridiculously loud".

(2) "...stated that they are playing music indoors at a loud volume with no soundproofing"

(3) "music indoors at a loud volume with no soundproofing"

On one occasion when a complaint was received (6th November 2022) the Out of Hours Noise Team arrived in the vicinity of Boat Live at 66-78 White Post Lane, London and they could hear party style music with a heavy bass. I do not believe that by using same wooden boat as a venue on another site further down White Post Lane, particularly with insufficient sound insulation, that the licensing objective for the prevention of public nuisance will be met.

Noise Sensitive premises: residential and commercial premises in close proximity to 90 White Post Lane.

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, particular when the boat with the sound system will no facilitate 200 persons, and use of front yard area.
- Access & egress to and from the venue, of patrons, especially due to patrons likely to be in high spirits;

CONCLUSION

Environmental Protection **does not** support the TENs application for Boat Live 90 White Post Lane, as I do not believe that the licensing objective for the prevention of public nuisance will be met, as there is a greater likelihood of disturbance to residential premises if the event goes ahead.

Kind regards

Nicola Cadzow

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