

Committee :	Date	Classification	Report No.	Agenda Item No.
Licensing Sub Committee	06 March 2018	Unclassified		

Report of David Tolley Head of Environmental Health & Trading Standards	Title: Licensing Act 2003 Temporary Event Notices for Shawarma, 84 Brick Lane, London E1 6RL
Originating Officer: Corinne Holland Licensing Officer	Ward affected: Spitalfields and Banglatown

1.0 Summary

Applicant: **Azzam Barhamji**

Address of Premises: **Shawarma
84 Brick Lane
London
E1 6RL**

Objectors: **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

Corinne Holland
020 7364 3986

3.0 **Background**

3.1 A number of Standard Temporary Event Notices have been made for Shawarma, 84 Brick Lane, London E1 6RL.

3.2 Please find below details of the applications

17th – 18th March 2018 (See **Appendix 1**)

24th – 25th March 2018 (See **Appendix 2**)

31st March – 1st April 2018 (See **Appendix 3**)

3.3 The applications are for late night refreshment only

3.4 The times that have been applied for are as follows:
00:30hours to 04:00hours on both days.

3.5 Please note late night refreshment is the supply of hot food/drink between the hours of 11pm and 5am.

3.6 A map showing the relevant premises and immediate area is included as **Appendix 4**.

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: 15 TEN per calendar year or 21 days. The responsible authorities that can object are the Metropolitan Police and/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 5**.
(Please note the objection referred to in the police report for the TEN dated the 3rd-4th March 2018 was a late TEN so a counter notice was served and the TEN dated 10th-11th March 2018 was not objected to within the statutory 3 days so was out of time for an objection so cannot be considered by the Sub Committee.

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 for 17 th -18 th March
Appendix 2	A copy of the application for 24 th – 25 th March
Appendix 3	A copy of the application for 31 st March- 1 st April
Appendix 4	Maps of the area
Appendix 5	A copy of the Police objection