

Committee : <b>Licensing Sub Committee</b>	Date	Classification <b>Unclassified</b>	Report No.	Agenda Item No.
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Report of <b>Colin Perrins</b> <b>Head of Trading Standards and Commercial</b>  Originating Officer: <b>Nick Kemp - Licensing Officer</b>	Title: <b>Licensing Act 2003 Temporary Event Notice for The Old Distillery, 33-35 Commercial Road, E1 1LD</b>  Ward affected: <b>Whitechapel</b>
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## 1.0 Summary

Applicant: Mr Robert Doughty

Address of Premises: The Old Distillery,  
33-35 Commercial Road, E1 1LD

Objectors: 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

020 7364 7446

### 3.0 **Background**

- 3.1 This is an application for a 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:  
**The Old Distillery, 33-35 Commercial Road, E1 1LD**
- 3.5 The dates that have been applied for are as follows:  
**4<sup>th</sup> September to 5<sup>th</sup> September 2010**
- 3.6 The times that have been applied for are as follows:  
**22:00 to midnight on 4<sup>th</sup>**  
**Midnight to 05:00 on 5<sup>th</sup>**
- 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. 96 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 only responsible authority that can object is the Metropolitan Police.
- 4.3 The police can only object on the grounds that allowing the event to go ahead will undermine the crime prevention objective.
- 4.4 No conditions can be attached to a TEN.

### 5.0 **Objections**

- 5.1 The Police objections are contained in **Appendix 3**.

## 6.0 Advice to Members

- 6.1 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.
- 6.2 Members can only consider the crime prevention objective. All other matters must be dealt with elsewhere by primary legislation.
- 6.3 An attempt to widen the grounds of objection to include all the licensing objectives(not just the crime prevention objective) and to extend it to interested parties and responsible authorities was resisted by the Government at the committee stage in the House of Lords. Lord McIntosh, a Government spokesman, stated ( HL Deb, vol643,col390, 17 January 2003):
- Is that what we want for school fêtes,weddings, church fundraisers and discos in the village hall? Why should people be asked to jump through additional hoops? There is no need to expand the number of bodies needed to scrutinise temporary event notices. There is no need to widen the grounds. As long as the Police are satisfied with the proposals and they meet the appropriate conditions on permitted limits, there should be no additional bureaucracy.*

## 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

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# Appendix 1



FEE £21.00
RECEIPT NO

## LONDON BOROUGH OF TOWER HAMLETS

### LICENSING ACT 2003

**Licensing Act 2003-** Information on the is available on the website of the Department for Culture, Media and Sport (<http://www.culture.gov.uk/alcohol> and [entertainment/default.htm](http://www.culture.gov.uk/entertainment/default.htm)) or from the London Borough of Tower Hamlets Licensing Section, Mulberry Place (AH), PO BOX 55739, 5 Clove Crescent, London E14 1BY.

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 two copies of this notice to the licensing authority and an additional copy must be sent to the Police:

- 1) Licensing Section, Mulberry Place (AH), PO BOX 55739, 5 Clove Crescent, London E14 1BY.
- 2) Metropolitan Police, Tower Hamlets Division (HT), Licensing Section, 12 Victoria Park Square, London E2 9NZ

The licensing authority will endorse one of the two copies and return it to you as an acknowledgement of receipt.

**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.**

<b>1.YOUR DETAILS</b>	
<p><b>1.The personal details of premises user</b> (See note 1 of guidance notes)</p> <p>Your Name</p> <p>Title</p> <p>Surname <i>DOUGHTY</i></p> <p>Forenames <i>ROBERT</i></p>	<p>Delete as appropriate) Mr <del>Mrs</del> <del>Miss</del> <del>Ms</del> Other (please state)</p> <p style="text-align: center; font-size: 1.2em;"><i>MR</i></p> <p style="text-align: center; font-size: 1.2em;"><i>DOUGHTY</i></p> <p style="text-align: center; font-size: 1.2em;"><i>ROBERT</i></p>
<b>2. Previous Names</b> (Please enter details of any	<b>(Delete as appropriate) Mr Mrs Miss Ms</b>

<p>previous names or maiden names, if applicable. Please continue on a separate sheet if necessary)</p> <p>Title</p> <p>Surname</p> <p>Forenames</p>	<p><b>Other (please state)</b></p>
<p><b>3. Your date of birth</b></p>	<p>Day      Month      Year</p> <p>20      01      1953</p>
<p><b>4. National Insurance Number</b></p>	<p>YX 924430C</p>
<p><b>5. Your Current Address</b> (We will use this address to correspond with you unless you complete the separate correspondence box below)</p> <p>Include town and Postcode</p>	<p>25 TELFORDS YARD 6-8 THE HIGHWAY LONDON E1W 2BQ</p>
<p><b>6. Other contact details</b></p> <p>Telephone Numbers:    Daytime</p> <p>                                 Evening (optional)</p> <p>                                 Mobile (optional)</p> <p>                                 Fax Number (optional)</p> <p>                                 E-Mail Address (optional)</p>	<p>0207 582 4545</p> <p>07946 485 074</p> <p>0207 735 3888</p>
<p><b>7. Alternative address for correspondence</b> (If you complete the details below, we will use this address to correspond with you)</p>	<p>UNIT 4 92-98 U.AUX HALL WALK LONDON      SE11    SEL</p>
<p><b>8. Alternative contact details (if applicable)</b></p> <p>Telephone Numbers:    Daytime</p> <p>                                 Evening (optional)</p> <p>                                 Mobile (optional)</p> <p>                                 Fax Number (optional)</p> <p>                                 E-Mail Address (optional)</p>	
<p><b>2. THE PREMISES</b></p>	

<p><b>1. 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)</b> (See note 2 of guidance notes)</p>	<p>THE OLD DISTILLERY 33-35 COMMERCIAL ROAD LONDON E1 1LD</p>
<p><b>2. 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.</b> (See note 3 of guidance notes)</p>	<p>ALL OF IT</p>
<p><b>3. Please describe the nature of the premises.</b> (See note 4 of guidance notes)</p>	<p>RESTORED INDUSTRIAL BUILDING CONVERTED FOR EVENTS</p>
<p><b>4. Please describe the nature of the event.</b> (See note 5 of guidance notes)</p>	<p>FETISH/BDSM DANCE/PLAY EVENT</p>
<p><b>3. THE LICENSABLE ACTIVITIES</b></p>	

<p><b>1. Please state the licensable activities that you intend to carry on at the premises (please mark an "X" next to the licensable activities you intend to carry on).</b> (See note 6 of guidance notes)</p>	<p>The sale by retail of alcohol <input checked="" type="checkbox"/></p> <p>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"/></p> <p>The provision of regulated entertainment <input checked="" type="checkbox"/></p> <p>The provision of late night refreshment <input type="checkbox"/></p>
<p><b>2. Please state the dates on which you intend to use these premises for licensable activities.</b> (See note 7 of guidance notes)</p>	<p>4/9/2010 ↓ 5/9/2010</p>
<p><b>3. Please state the times during the event period that you propose to carry on licensable activities (please give times in 24 hour clock).</b> (See note 8 of guidance notes)</p>	<p>22.00 - 24.00 4/9/2010 00.00 - 05.00 5/9/2010</p>
<p><b>4. 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.</b> (See note 9 of guidance notes)</p>	<p>480</p>
<p><b>5. 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 mark an "X" next to the appropriate box).</b> (See note 10 of guidance notes)</p>	<p>On the premises only <input checked="" type="checkbox"/></p> <p>Off the premises only <input type="checkbox"/></p> <p>Both <input type="checkbox"/></p>
<p><b>4. PERSONAL LICENCE HOLDERS</b></p>	
<p><b>1. Do you currently hold a valid personal</b></p>	<p>Yes <input checked="" type="checkbox"/></p>



<p>licence? (Please mark an "X" in the box that applies to you) (See note 11 of guidance notes)</p>	<p>No <input type="checkbox"/></p>
<p><b>2. If 'YES' please provide the details of your personal licence.</b></p> <p><b>Issuing Licensing Authority</b></p> <p><b>Licence Number</b></p> <p><b>Date of Issue</b></p> <p><b>Date of Expiry</b></p> <p><b>Any further relevant details</b></p>	<p>LONDON BORO' OF TOWER HAMLETS</p> <p>11291</p> <p>14/9/2006</p> <p>14/9 2016</p>
<p><b>3. Previous temporary event notices you have given</b> (See note 12 of guidance notes)</p> <p>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? (Please mark an "X" in the box that applies to you)</p>	<p>Yes <input type="checkbox"/></p> <p>No <input checked="" type="checkbox"/></p>
<p><b>4. If answering yes, please state the number of temporary event notices you have given for events in that same calendar year</b></p>	
<p><b>5. Have you already given a temporary event notice for the same premises in which the event period:</b></p> <p>a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice? (Please mark an "X" in the box that applies to you)</p>	<p>Yes <input type="checkbox"/></p> <p>No <input checked="" type="checkbox"/></p>
<p><b>5. ASSOCIATES AND BUSINESS COLLEAGUES</b></p>	
<p><b>1.</b> (See note 12 of guidance notes)</p>	

<p><b>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?</b></p> <p>(Please mark an "X" in the box that applies to you)</p>	<p>Yes <input type="checkbox"/></p> <p>No <input checked="" type="checkbox"/></p>
<p><b>2. If answering yes, please state the total number of temporary event notices your associate(s) have given for events in the same calendar year</b></p>	
<p><b>3. Has any associate of yours already given a temporary event notice for the same premises in which the event period:</b></p> <p>a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice?</p> <p>(Please mark an "X" in the box that applies to you)</p>	<p>Yes <input type="checkbox"/></p> <p>No <input checked="" type="checkbox"/></p>
<p><b>4. 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?</b></p> <p>(Please mark an "X" in the box that applies to you)</p>	<p>Yes <input type="checkbox"/></p> <p>No <input checked="" type="checkbox"/></p>
<p><b>5. 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.</b></p>	<p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p>
<p><b>6. 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:</b></p> <p>a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice?</p> <p>(Please mark an "X" in the box that applies to you)</p>	<p>Yes <input type="checkbox"/></p> <p>No <input checked="" type="checkbox"/></p>

## 6. CHECKLIST

(See note 14 of guidance notes)

**Please mark the appropriate boxes with an "X"**

**I shall Send two copies of this notice to the licensing authority for the area in which the premises are located**

**Send a copy of this notice to the chief officer of police for the area in which the premises are located**

**If the premises are situated in one or more licensing authority areas, send two copies of this notice to each additional licensing authority**

**If the premises are situated in one or more police areas, send a copy of this notice to each additional chief officer of police**

**Make or enclose payment of the fee for the application**

**Fee Payable £21:00**

**Cheques to be made payable to the London Borough of Tower Hamlets**

**Sign the declaration in Section 9 below**

## 7. Condition

(See note 14 of guidance notes)

**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.**

## 8. DECLARATIONS

(Please read note 16)

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.

SIGNATURE



DATE

20/7/2010

Name of Person signing

ROBERT DOUGHTY

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For completion by the Licensing Authority

TOWER HAMLETS

Acknowledgement (See note 12 of guidance notes)



I acknowledge receipt of this temporary event notice.

SIGNATURE

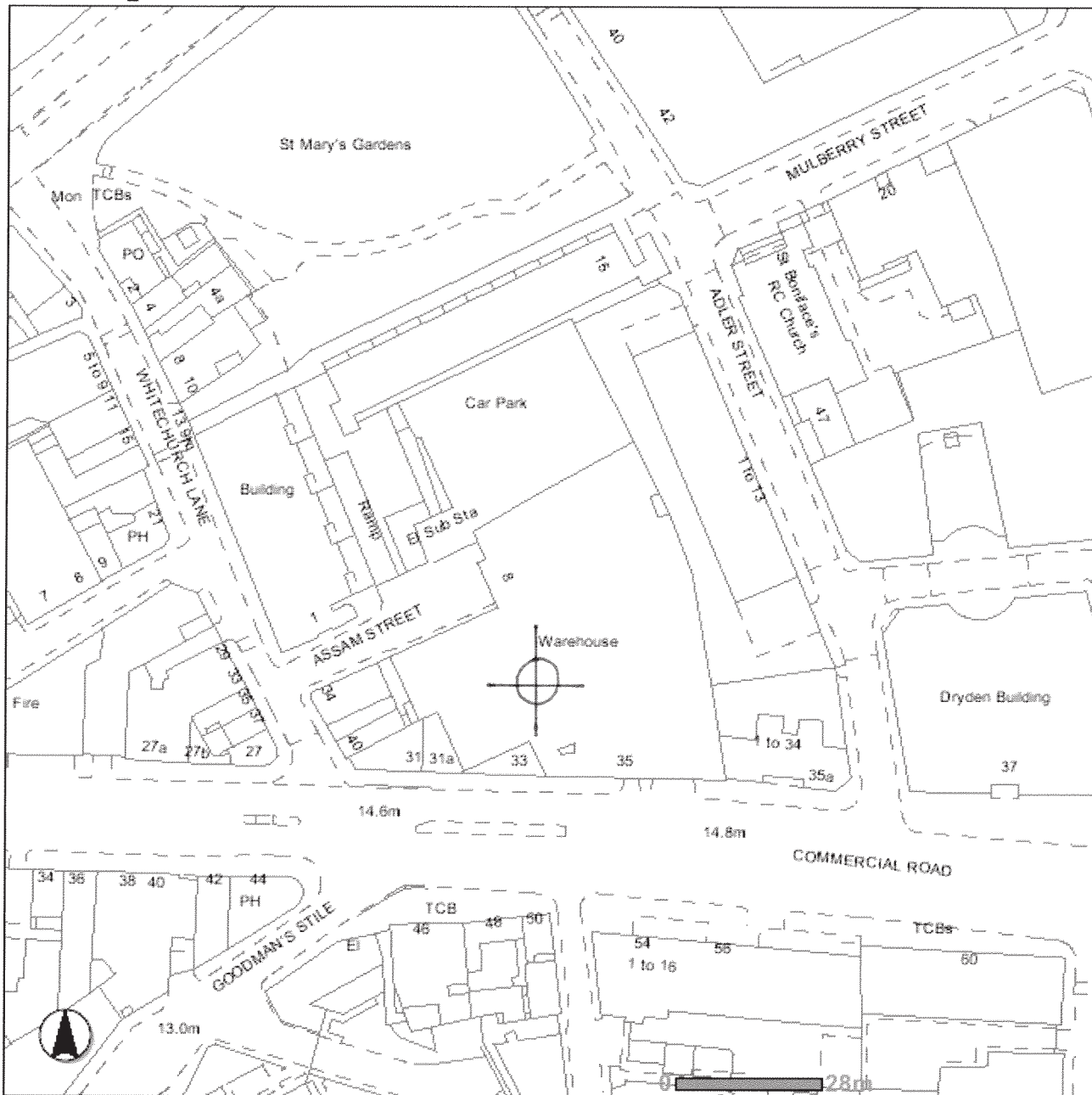
On behalf of the Licensing Authority

DATE

Name of Officer Signing

# Appendix 2

# Map



Scale 1:1228

Map of:

## 33-35 Commercial Road

Notes:

Large Scale

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# Map



Scale 1:2500

Map of:

## 33-35 Commercial Road

Notes:

Small scale

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# Appendix 3





**METROPOLITAN  
POLICE**

Working together for a safer London

TERRITORIAL POLICING

LBTH Licensing  
Mulberry Place ( AH )  
5 Clove Crescent

E14 1BY

**HT - Tower Hamlets Borough**

Licensing Office  
Bethnal Green Police Station  
12 Victoria Park Square  
Bethnal Green  
E2 9NZ

Telephone: 0208 217 6699

Facsimile:

Email: Alan.Cruickshank@met.police.uk

www.met.police.uk

Your ref:

Our ref:

23rd July 2010

Dear Ms Randall

**Re: Temporary Event Notice (TEN)**  
**The Old Distillery,33-35 Commercial Rd,E1 1 LD**

I write with reference to the TEN application which were received in this office on the 22nd July 2010.

Please accept this letter as notification that the police as a responsible authority wish to object to this application on the following licensing objective

**The prevention of crime and disorder**

The venue is part of a large warehouse owned by Kundra properties. It is with regret that I have to say that although we have pointed out to Mr Rajiv Kundra the number of unlicensed clubs and events occurring in his property, he has taken no action.

This is the first time I have heard of 33-35 Commercial Road described as "The Old Distillery". At the time of writing I believe this space is being sub-letted to a man known to this licensing office.

He denies putting on any "promoted parties" and says he uses it as an arts space. However there was a warehouse party advertised on the internet for 17th July 2010 at 33-35 Commercial Road. It was promoted as "Mould" and it was £3 on entry.

I attended this venue at midday on 19th March 2010 along with LBTH Licensing, Smoking team and EH. Also present was Mr Rajiv Kundra. The venue has a couple of fairly large rooms on the ground floor and then you can go downstairs to a basement area which has in the past been used for a bar. There are other rooms off of this which are maintenance type rooms.

I believe it doesn't have planning permission for such entertainment or that there has been any input from the LFB .In the worst case scenario, if there was a fire, it would be very difficult to evacuate the basement area without any casualties.

At the time of writing I have not spoken to the applicant but received a message on my answer phone. I am unsure if they know that this premise has not been risk assessed or whether there has been permission by the Kundra brothers.

I have been unable to ask the following:

How can they assure us that only 480 people will be involved whether as staff or visitors?

Are there any personal licence holders being employed to sell the alcohol?

Are there any SIA staff being employed to deal with any ASB?

What First Aid plans have they in place?

However well behaved a crowd can be in relation to its own event, any small incident can sometimes escalate into disorder.

I cannot rule out the possibility of disorder. Without any reassurances from the applicant, I ask the committee to reject this application

**Alan Cruickshank PC 189HT**