

Committee : Licensing Sub Committee	Date 5 th July 2022	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 Notices for Lighthouse, 421 Wick Lane, London E9 For 10th July; 23rd July and 31st July 2022 Ward affected: Bow East
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1.0 Summary

Applicant: **Bridget Okonkno-Onobevune**

Address of Premises: **Lighthouse
421 Wick Lane
London E3 2JG**

Objectors: **Environmental Protection**

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

020 7364 5171

3.0 **Background**

- 3.1 These are three applications for consideration for a Standard Temporary Event Notice for the Lighthouse, 421 Wick Lane, London E3 2JG. All applications were received on 22nd June 2022.
- 3.2 Members may wish to note four applications were made in total, one of which is a late TEN for 3rd July 2022 for the hours of 00:30 hours to 03:00 hours, for a private birthday party. This received an objection from Environmental Protection and a counter notice has been issued.
- 3.3 Application 1 is for 10th to 11th July 2022
Hours are from 11:00 hours to 02:00 hours
The event has been described as a 50th birthday party.
Please see **Appendix 1**
- 3.4 Application 2 is for 23rd July 2022
Hours are from 00:30 hours to 02:30 hours
The event has been described as a private birthday party.
Please see **Appendix 2**
- 3.5 Application 3 is for 31st July to 1st August 2022
Hours are from 11:00 hours to 03:00 hours
The event has been described as a private birthday party.
Please see **Appendix 3**
- 3.6 A map showing the relevant premises and immediate area is included as **Appendix 4.**

4.0 **Premises Licence**

- 4.1 The venue holds a premises licence. Members can impose one or more conditions of the existing licence on the TEN (in so far as such conditions are not inconsistent with the event) if it considers that this is appropriate for the promotion of the licensing objectives. A copy of the licence is attached in **Appendix 5.**

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 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 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.
- 5.5 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.
- 5.6 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.
- 5.7 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.

6.0 Objections

6.1 Environmental Protection objections are contained in **Appendix 6**.

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 for 10 th to 11 th July 2022
Appendix 2	A copy of the application for 23 rd July 2022
Appendix 3	A copy of the application for 31 st July to 1 st August 2022
Appendix 4	Maps of the area
Appendix 5	Premises Licence
Appendix 6	Environmental Protection objection