

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

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 Unit 8 29 Whitepost Lane, London E9 5EN Ward affected: Bow East
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1.0 Summary

Applicant: **Mr. Carl Edlund**

Address of Premises: **Unit 8 29 White Post Lane
Hackney Wick
E9 5EN**

Objectors: **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:
Ticketed only event:
10th June 2023 – Night Peloton (Music and social event)
11th June 2023 RAI with Timo Maas (Music and social event).
- 3.4 The Notice was given on 25th May 2023 and the Responsible Authorities were notified of the Temporary Event Notice on 26th May 2023
- 3.5 The premises that has been applied for is: Unit 8, 29 White Post Lane Hackney Wick London E9 5EN for the courtyard area.
- 3.6 The dates and times that have been applied for are as follows:
Saturday 10th June 2023 from 21:00 hours to 23:59 hours
Sunday 11th June 2023 from 21:00 hours to 22:30 hours
- 3.7 A map showing the relevant premises and immediate area is included as **Appendix 2**.

4.0 **Premises Licence**

- 4.1 The venue has a premises licence in place, however the licence has a condition that restricts the use of the courtyard aft 21:00 hours and only permits 8 smokers after that time. See **Appendix 3** for a copy of the licence.
- 4.2 The Licensing Authority received a noise complaint on 19th May 2023 stating that a number of events have taken place in the courtyard after 9pm of which an advert was quoting a courtyard event with doors opening at 2pm until midnight. Historical complaints regarding the courtyard on 2/1/22; 2 complaints on 14/2/22.
- 4.3 A warning letter was issued to the premises licence holder and the premises on 23rd May 2023, please see attached in **Appendix 4**.

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 Environmental Health objection is in **Appendix 5**.

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	Premises Licence
Appendix 4	Warning Letter
Appendix 5	Environmental Health objection