

Committee :	Date	Classification	Report No.	Agenda Item No.
<b>Licensing Sub Committee</b>	18 June 2024	<b>Unclassified</b>		

Report of <b>Tom Lewis</b> <b>Regulatory Services (Commercial)</b>  Originating Officer: <b>Corinne Holland</b> <b>Licensing Officer</b>	Title: <b>Licensing Act 2003 Temporary Event Notice for Colour Factory, Unit 8a Queens Yard 43 White Post Lane London E9 5EN</b>  Ward affected: <b>Bow East</b>
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## 1.0 Summary

Applicant: **Nathanael Williams (Run the Booze)**

Address of Premises: **Colour Factory  
Unit 8a Queens Yard  
43 Whitepost Lane  
London  
E9 5EN**

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

**Corinne Holland**  
**020 7364 5008**

### 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:

The TEN is to tend the usual provision of regulated entertainment including recorded music and live DJ performances to the mezzanine area located adjacent to the main licensed premises. The mezzanine will be used for additional seating, drinking, eating and an additional smoking area.

LICENSING OFFICER COMMENTS: Having spoken with the applicant he confirms that the area in question is the external first floor terrace/balcony rather than the internal mezzanine area. This external area does not form part of the current licence.

3.4 The capacity of the event will be up to 499 persons.

3.5 The Notice was given on Wednesday 5<sup>th</sup> June 2024 and the Responsible Authorities were notified of the Temporary Event Notice on Thursday 6<sup>th</sup> June 2024

3.6 The premises that has been applied for is: Colour Factory, Unit 8a  
Queens Yard 43 White Post Lane London E9 5EN

3.7

3.8 The dates and times that have been applied for are as follows:

#### Sale of alcohol (on and off) and Regulated entertainment

Thursday 20<sup>th</sup> June 09:00 – 23:30 hours

Friday 21<sup>st</sup> June 09:00 – 03:30 hours

Saturday 22<sup>nd</sup> June 09:00 – 03:30 hours

Sunday 23<sup>rd</sup> June 09:00 – 23:30 hours

3.9 A map showing the relevant premises (including photos of the balcony area) and immediate area is included as **Appendix 2**.

### 4.0 **Premises Licence**

4.1 The Premise Licence for this premises is contained in - **Appendix 3**

### 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 Environmental Protections' objection is contained in **Appendix 4**.

6.2 The applicant's response it contained 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.

## **Appendices**

<b>Appendix 1</b>	A copy of the application
<b>Appendix 2</b>	Maps of the area and photos
<b>Appendix 3</b>	Premise Licence
<b>Appendix 4</b>	Environmental Protection Objection
<b>Appendix 5</b>	Applicants response