

REPORT OF GROUP DIRECTOR, NEIGHBOURHOODS AND HOUSING		
LICENSING SUB-COMMITTEE: 13 July 2021	Classification DECISION	Enclosure
TEMPORARY EVENT NOTICE – COUNTER NOTICE: Unit J2 Tram Depot, 38-40 Upper Clapton Road London, E5 8BQ	Ward Lea Bridge	

1. SUMMARY

- 1.1 The Environmental Protection have given the Licensing Authority and the premises user notice of objection to Temporary Event Notices for an event to be held on **29/08/2021** from **14:00** finishing on **30/08/2021** at **00:00** at above premises. The Licensing Authority must hold a hearing to decide whether or not to allow the event to proceed.

2. RECOMMENDATION

- 2.1 That the Licensing Sub-Committee consider the issuing of counter notices if it is satisfied that any of the licensing objectives would be undermined if the premises were to be used in accordance with the temporary event notice.

3. TEMPORARY EVENT NOTICES - BACKGROUND

- 3.1 Part 5 the Licensing Act 2003 permits small scale events to take place at which alcohol will be sold or other licensable activities will take place. The numbers attending the event must not exceed 499 people and there are restrictions on the number of events that can be held per year.
- 3.2 The individual must give notice of her/his intention to hold the event to the Licensing Authority, police and environmental health at least 10 working days (or 5 days in the event of a late notice) before the event is scheduled to take place by issuing a Temporary Event Notice (TEN). The event will be permitted to take place unless the Licensing Authority issues a counter notice.
- 3.3 The Licensing Authority can issue a counter notice if the number of permitted events has been exceeded or if, upon consideration of an 'objection notice' given by the police or those in the Council that exercise environmental health functions, it is satisfied that the event would undermine one or more of the licensing objectives.

3.4 If the police or those in the Council that exercise environmental health functions give an objection notice to the Licensing Authority, the Authority must convene a hearing to consider if it wishes to issue a counter notice. If the Authority determines to issue a counter notice it must give two copies to the premises user – a notice of its decision and a notice of the reasons for its decision. The decision must be made and the notices given at least 24 hours before the event is to begin. There is a right of appeal to the magistrates' court against the giving of a counter notice as a result of an objection notice

4. BACKGROUND

4.1 The premises is currently licence under Licensing Act 2003 and a copy of the licence is attached as Appendix C.

5. TEMPORARY EVENT NOTICE FOR EVENT TO BE HELD 29/08/2021 - 30/08/2021

5.1 A TEN has been submitted to allow licensable activities to take place on the premises. A copy of the Temporary Event Notice is attached as Appendix A.

5.2 The Environmental Protection have objected to the TEN on the grounds of the public nuisance. A copy of the objection is attached as Appendix B.

6. HUMAN RIGHTS ACT 1998 IMPLICATIONS

6.1 There are implications for;

- **Article 6** – Right to a fair hearing
- **Article 14** – Not to discriminate
- Balancing; **Article 1**- Peaceful enjoyment of their possession (i.e. a licence is defined as being a possession) with **Article 8** – Right of Privacy (i.e. respect private & family life) to achieve a proportionate decision having regard to the protection of an individuals rights against the interests of the community at large.

7. MEMBERS DECISION MAKING

A. Option 1
That the Licensing Authority decides not to give a counter notice.

B. Option 2
That the Licensing Authority decides to give a counter notice, giving the reasons for the decision.

8. CONCLUSION

- 8.1 That Members decide whether or not to issue a counter notice for the event scheduled to take place on **29/08/2021** from **14:00** finishing on **30/08/2021** at **00:00** at location **above**.

Acting Group Director, Neighbourhoods and Housing	Ajman Ali
Lead Officer (holder of original copy):	Suba Sriramana Principal Licensing Officer Licensing Service 1 Hillman Street E8 1DY Telephone: 020 8356 4915

LIST OF BACKGROUND PAPERS RELATING TO THIS REPORT

The following document(s) has been relied upon in the preparation of the report.

Description of document	Location
Office File: Unit J2 Tram Depot, 38-40 Upper Clapton Road London, E5 8BQ	Licensing Service 1 Hillman Street London E8 1DY

Printed matter

Licensing Act 2003

LBH Statement of Licensing Policy

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 in black ink or typed. Use additional sheets if necessary. You should keep a copy of the completed notice for your records. You must send at least one copy of this notice to the licensing authority and additional copies must be sent to the chief officer of police and the local authority exercising environmental health functions for the area in which the premises are situated. The licensing authority will give to you written acknowledgement of the receipt of the notice.

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.

1. The personal details of premises user (Please read note 1)			
1. Your name			
Title	Mr <input checked="" type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other (please state)		
Surname	BATES		
Forenames	TERENCE MICHAEL		
2. Previous names (Please enter details of any previous names or maiden names, if applicable. Please continue on a separate sheet if necessary)			
Title	Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other (please state)		
Surname			
Forenames			
3. Your date of birth		Day	Month
4. Your place of birth			
5. National Insurance Number			
6. Your current address (We will use this address to correspond with you unless you complete the separate correspondence box below)			
Post town		Postcode	
7. Other contact details			
Telephone numbers			
Daytime			
Evening (optional)			
Mobile (optional)			
Fax number (optional)			
E-Mail address			

(if available)	
8. Alternative address for correspondence (If you complete the details below, we will use this address to correspond with you)	
Post town	Postcode
9. Alternative contact details (if applicable)	
Telephone numbers: Daytime	
Evening (optional)	
Mobile (optional)	
Fax number (optional)	
E-Mail address (if available)	

2. The premises	
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) (Please read note 2)	
UNITS J2 THE TRAM DEPOT 38-40 UPPER CLAPTON ROAD HACKNEY LONDON E5 8BQ	
Does a premises licence or club premises certificate have effect in relation to the premises (or any part of the premises)? If so, please enter the licence or certificate number below.	
Premises licence number	073781
Club premises certificate number	
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. (Please read note 3)	
Please describe the nature of the premises below. (Please read note 4)	
EVENT SPACE & DINING ROOM	

Please describe the nature of the event below. (Please read note 5)
WEDDING CELEBRATION DINNER & DANCING

3. The licensable activities		
Please state the licensable activities that you intend to carry on at the premises (please tick all licensable activities you intend to carry on). (Please read note 6)		
The sale by retail of alcohol	<input checked="" type="checkbox"/>	
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"/>	
The provision of regulated entertainment (Please read note 7)	<input checked="" type="checkbox"/>	
The provision of late night refreshment	<input checked="" type="checkbox"/>	
Are you giving a late temporary event notice? (Please read note 8)	<input checked="" type="checkbox"/>	
Please state the dates on which you intend to use these premises for licensable activities. (Please read note 9)		
SUNDAY 29/08/2021 14.00HR TILL MONDAY 30/08/2021 00.00HR		
Please state the times during the event period that you propose to carry on licensable activities (please give times in 24 hour clock). (Please read note 10)		
SUNDAY 29/08/2021 14.00HR TILL MONDAY 30/08/2021 00.00HR		
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. (Please read note 11)	90	
If the licensable activities will include the sale or supply of alcohol, please state whether these will be for consumption on or off the premises, or both (please tick as appropriate). (Please read note 12)	On the premises only	<input checked="" type="checkbox"/>
	Off the premises only	<input type="checkbox"/>
	Both	<input type="checkbox"/>

Please state if the licensable activities will include the provision of relevant entertainment. If so, please state the times during the event period that you propose to provide relevant entertainment (including, but not limited to lap dancing and pole dancing). (Please see note 13)

RECORDED MUSIC 14.00HRS – 20.00HRS 29/08/2021

DJ 20.00HRS 29/08/2021 – 00.00HRS 30/08/2021

4. Personal licence holders (Please read note 14)		
Do you currently hold a valid personal licence? (Please tick)	Yes <input type="checkbox"/> X	No <input type="checkbox"/>
If "Yes" please provide the details of your personal licence below.		
Issuing licensing authority	[REDACTED]	
Licence number	[REDACTED]	
Date of issue	[REDACTED]	
Any further relevant details		

5. Previous temporary event notices you have given (Please read note 15 and tick the boxes that apply to you)		
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?	Yes <input type="checkbox"/>	No <input type="checkbox"/> X
If answering yes, please state the number of temporary event notices (including the number of late temporary event notices, if any) you have given for events in that same calendar year		
Have you already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice?	Yes <input type="checkbox"/>	No <input type="checkbox"/> X

6. Associates and business colleagues (Please read note 16 and tick the boxes that apply to you)		
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?	Yes <input type="checkbox"/>	No <input type="checkbox"/> X
If answering yes, please state the total number of temporary event notices (including the number of late temporary event notices, if any) your associate(s) have given for events in the same calendar year.		
Has any associate of yours already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice?	Yes <input type="checkbox"/>	No <input type="checkbox"/> X

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?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
If answering yes, please state the total number of temporary event notices (including the number of late temporary event notices, if any) your business colleague(s) have given for events in the same calendar year.		
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: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>

7. Checklist (Please read note 17)	
I have: (Please tick the appropriate boxes, where applicable)	
Sent at least one copy of this notice to the licensing authority for the area in which the premises are situated	<input checked="" type="checkbox"/>
Sent a copy of this notice to the chief officer of police for the area in which the premises are situated	<input type="checkbox"/>
Sent a copy of this notice to the local authority exercising environmental health functions for the area in which the premises are situated	<input type="checkbox"/>
If the premises are situated in one or more licensing authority areas, sent at least one copy of this notice to each additional licensing authority	<input type="checkbox"/>
If the premises are situated in one or more police areas, sent a copy of this notice to each additional chief officer of police	<input type="checkbox"/>
If the premises are situated in one or more local authority areas, sent a copy of this notice to each additional local authority exercising environmental health functions	<input type="checkbox"/>
Made or enclosed payment of the fee for the application	<input type="checkbox"/>
Signed the declaration in Section 9 below	<input checked="" type="checkbox"/>

8. Condition (Please read note 18)
It is a condition of this temporary event notice that where the relevant licensable activities described in Section 3 above include the sale or supply of alcohol that all such supplies are made by or under the authority of the premises user.

9. Declarations (Please read note 19)
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 or in connection with this temporary event notice and that a person is liable on summary conviction for such an offence to a fine of any amount; and

(ii) to permit an unauthorised licensable activity to be carried on at any place and that a person is liable on summary conviction for any such offence to a fine of any amount, or to imprisonment for a term not exceeding six months, or to both.	
Signature	See attached
Date	23-06-2021
Name of Person signing	Terence Bates

For completion by the licensing authority

10. Acknowledgement (Please read note 20)	
I acknowledge receipt of this temporary event notice.	
Signature	On behalf of the licensing authority
Date	
Name of Officer signing	



APPENDIX B

Licensing (Shared Mailbox) <licensing@hackney.gov.uk>

Fwd: TENS APPLICATIONS - TEN/180721/38UPP

1 message

Gurch Patti <gurch.patti@hackney.gov.uk>

28 June 2021 at 20:10

To: "Licensing (Shared Mailbox)" <Licensing@hackney.gov.uk>, Subangini Sriramana <Subangini.Sriramana@hackney.gov.uk>, Shan Uthayasangar <Shan.Uthayasangar@hackney.gov.uk>
Cc: [REDACTED], HackneyLicensingUnit-GN@met.police.uk

TEN - OBJECTION

Dear Licensing Team,

The Environmental Protection Team **objects** to all three of the attached Temporary Event Notices.

Grounds of Objection

The Prevention of Public Nuisance:

-

Environmental Protection have concerns with the addition of regulated entertainment, noise emanating from this event could amount to a statutory noise nuisance hence undermining the licensing objective (Public Nuisance). Environmental Protection would like to see evidence of an updated noise management plan, layout plan, dispersal policy and COVID-19 risk assessment for the proposed TENS.

Kind regards,

Gurch

On Wed, 23 Jun 2021 at 15:55, Licensing (Shared Mailbox) <licensing@hackney.gov.uk> wrote:

Hi There,

Please find attached 3 TENS for your comments.

Kind Regards,

Licensing Service
London Borough of Hackney
Tel: 020 8356 2431
Email: licensing@hackney.gov.uk
www.hackney.gov.uk/licensing

[REDACTED]



This premises licence has been issued by:

Licensing Service
1 Hillman Street
London E8 1DY

PART A – PREMISES LICENCE

Premises Licence Number

073781

Part 1 – Premises details

The Tram Depot
Unit 9
38-40 Upper Clapton Road
Hackney
London
E5 8BQ

Where the licence is time limited the dates

Not Applicable

Licensable activities authorised by the licence

Supply of Alcohol

The times the licence authorises the carrying out of Licensable activities

Supply of Alcohol	Standard Hours: Mon 10:00-23:00 Tue 10:00-23:00 Wed 10:00-23:00 Thu 10:00-23:00 Fri 10:00-23:00 Sat 10:00-23:00 Sun 10:00-23:00
The opening hours of the premises	Standard Hours: Mon 10:00-23:00 Tue 10:00-23:00 Wed 10:00-23:00 Thu 10:00-23:00 Fri 10:00-23:00 Sat 10:00-23:00 Sun 10:00-23:00

Where the licence authorises supplies of alcohol whether these are on and/or off supplies

On and Off Premises

Web Page

Web Page

Web Page

Web Page

Part 2 –

Name, (registered) address, telephone number and e-mail (where relevant) of holder of premises licence

Mr Terence Bates
26 Northolme Road
London
N5 2UZ

Registered number of holder, for example company number, charity number (where applicable)

Name, address and telephone number of designated premises supervisor where the premises authorises the supply of alcohol

Mr Terence Bates

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises the supply of alcohol

Date of Grant: 22/01/2016

Signed:

**David Tuitt
Team Leader - Licensing**

Annex 1 - Mandatory Conditions

Supply of Alcohol

1. No supply of alcohol may be made under the premises licence:
 - (a) At a time when there is no designated premises supervisor in respect of the premises licence.
 - (b) At a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
3. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
 - (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises -
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to:
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.
 - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).

1. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
2. 5.1. The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sales or supply of alcohol.
5.2 The designated premises supervisor in relation to the premises licences must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
5.3. The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either:-
 - A. a holographic mark or
 - B. an ultraviolet feature.
3. The responsible person shall ensure that:
 - a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures:
 - beer or cider: 1/2 pint;
 - gin, rum, vodka or whisky: 25ml or 35ml; and
 - still wine in a glass: 125ml; and
 - a. these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
 - b. where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

Minimum Drinks Pricing

4. 7.1 A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
7.2 For the purposes of the condition set out in paragraph 7.1 above -
 - (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
 - (b) "permitted price" is the price found by applying the formula - $P = D + (D \times V)$
Where -
 - (i) P is the permitted price,
 - (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
 - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(a) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -

- (i) the holder of the premises licence,
- (ii) the designated premises supervisor (if any) in respect of such a licence, or
- (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

(b) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(c) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

7.2 Where the permitted price given by Paragraph 8.2(b) above would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

7.3 (1) Sub-paragraph 7.4(2) below applies where the permitted price given by Paragraph 7.2(b) above on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Annex 2 – Conditions consistent with the Operating Schedule

8. The premises shall maintain a comprehensive CCTV system as per the minimum requirements of a Metropolitan Police Crime Prevention Officer. All public areas, entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Recordings shall be made available immediately upon the request of Police or authorised officer.
9. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open to the public. This staff member shall be able to show Police or an authorised officer of Hackney Borough Council recent data or footage with the absolute minimum of delay when requested.
10. An incident log shall be kept at the premises, and made available immediately to an authorised officer of the Hackney Borough Council or the Police, which will record the following: a. all crimes reported to the venue b. any complaints received c. any incidents of disorder d. any faults in the CCTV system e. any refusal of the sale of alcohol f. any visit by a relevant authority or emergency service.
11. There shall be “CCTV in Operation” signs prominently displayed.
12. All instances of crime or disorder to be reported by the designated premises supervisor or responsible member of staff to an agreed police contact point, as agreed with the Police.
13. All off sales of alcohol shall be sold in sealed containers. They shall not be opened or consumed in or within the vicinity of the premises.
14. Customers shall not take drinks, glass or open containers onto the street. Staff at the premises shall be responsible for ensuring this is enforced.
15. Where the sale or supply of alcohol is taking place employees of the premises must request sight of evidence of the age of any person appearing to be under 25 years of age (Challenge 25). Such evidence may include a driving licence or passport.
16. The premises will display prominent signage by every entrance and exit requesting customers to leave the premises quietly and respect local residents.
17. The premises will display and maintain appropriate signage advising customers of the contact details of the Designated Premises Supervisor.
18. All staff will be given refresher training every six months on the

legislation relating to the sales of alcohol to underage persons and drunken persons. Written records of this training shall be kept on the premises and produced to police or other authorised officer upon request.

19. Any sales of alcohol shall be charged at no less than 50p per unit of alcohol. The licence holder will prepare a price list calculating the units for each available produce, which shall be made available to the Police or Licensing Enforcement on request.

20. The age verification policy operated at the premises shall be 'Challenge 25', where any person who appears under 25 years of age shall be required to provide proof of age using an acceptable form of ID. Forms of ID that may be accepted shall be

- a) A proof of age card bearing the PASS hologram logo
- b) A passport
- c) A UK photo driving licence

21. Notices advertising that the premises operates a 'Challenge 25' scheme will be displayed prominently at the premises entrance(s) and inside the premises.

Annex 3 – Conditions attached after a hearing by the licensing authority

N/A

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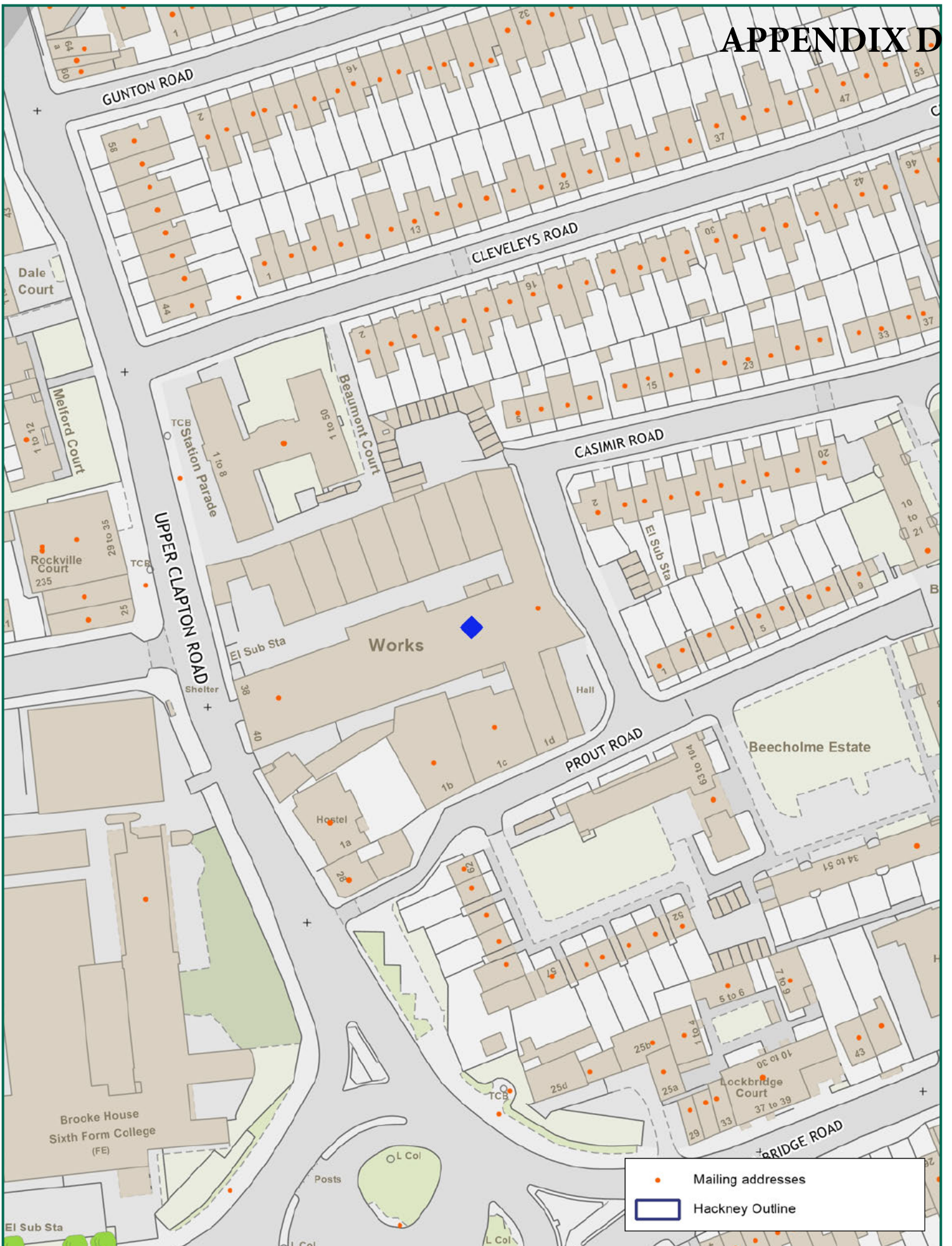
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APPENDIX D



- Mailing addresses
- Hackney Outline


NORTH

Scale: 1:1250 at A4



Unit J2, Tram Depot, 38-40 Upper Clapton Road, London, E5 8BQ

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