

REPORT OF GROUP DIRECTOR, NEIGHBOURHOODS AND HOUSING		
LICENSING SUB-COMMITTEE: 14 September 2021	Classification DECISION	Enclosure
TEMPORARY EVENT NOTICE – COUNTER NOTICE: Hackney Marshes(F&B Area2), Homerton Road, London, E9 5PF	Ward King's Park	

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 **24/09/2021** from **12:00** finishing on **26/09/2021** at **16:00** 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 are not licensed under Licensing Act 2003.

5. TEMPORARY EVENT NOTICE FOR EVENT TO BE HELD 24/09/2021 - 26/09/2021

5.1 A TEN has been submitted to allow licensable activities to take place on the premises. A copy of the Temporary Event Notice and additional information 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 Environmental Protection 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 **24/09/2021** from **12:00** finishing on **26/09/2021** at **16:00** at location **above**.

Acting Group Director, Neighbourhoods and Housing	Ajman Ali
Lead Officer (holder of original copy):	Shan Uthayasangar Licensing Officer Licensing Service 1 Hillman Street E8 1DY Telephone: 020 8356 2431

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: Hackney Marshes(F&B Area2), Homerton Road, London, E9 5PF	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	Hartnell
Forenames	Tim
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	███ ███ ███ ███
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)	
<div style="background-color: black; width: 100px; height: 15px; margin-bottom: 5px;"></div> <div style="background-color: black; width: 150px; height: 15px;"></div>	
Post town	<div style="background-color: black; width: 50px; height: 15px; display: inline-block;"></div>
Postcode	<div style="background-color: black; width: 50px; height: 15px; display: inline-block;"></div>
9. Alternative contact details (if applicable)	
Telephone numbers: Daytime	<div style="background-color: black; width: 100px; height: 20px; margin-bottom: 5px;"></div>
Evening (optional)	
Mobile (optional)	
Fax number (optional)	
E-Mail address (if available)	<div style="background-color: black; width: 200px; height: 15px; display: inline-block;"></div>

2. The premises	
<p>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)</p>	
<p>HACKNEY MARSHES CENTRE HOMERTON ROAD E9 5PF</p>	
<p>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.</p>	
Premises licence number	TBC
Club premises certificate number	TBC
<p>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)</p>	
<p>Whilst Hackney Marshes has its own premises licence, we are applying for 2 separate TENs for our x2 food and beverage (F&B) areas within our event space, which will each serve a range of food and drink to both runners and spectators.</p> <p>Each of these 2x F&B hubs will contain approximately 7 to 10 food traders and will take up a small print of around 50m x 6m each.</p> <p>There will also be 2 x bars (one in the north and one in the south) which are a very small part of our wider event and festival village, which contains all of the half marathon infrastructure, entertainment and participant facilities.</p>	
<p>Please describe the nature of the premises below. (Please read note 4)</p>	

The Hackney Marshes is an area of common land on the bank of the river Lea, in Hackney Borough. It has been the location for our hackney half event village for the last seven years and continues to serve as the centre of activity for the 2021 event.

Please describe the nature of the event below. (Please read note 5)

The Hackney festival is an event centred around the hackney Half Marathon, returning for the eighth year in 2021. In addition to the half marathon there will be a community 5k race, along with a multi-fitness stage area within our festival village. A range of participant and spectator facilities will comprise the 'race/festival village' – including toilets, bag drop facilities, entertainment, seating areas and F&B units.

The serving of alcoholic beverages will very much be incidental to the primary activities taking place in the marshes – ie the half marathon, 5k run, the fitness classes and entertainment for all spectators of the main races.

Our traders will be operating a 'challenge 25' policy throughout the entirety of the event, and we will have visible security staff positioned at each of the bars.

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 type="checkbox"/>
Are you giving a late temporary event notice? (Please read note 8)	<input type="checkbox"/>

Please state the dates on which you intend to use these premises for licensable activities. (Please read note 9)

Start Date: 24-09-21
End Date: 26-09-21

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)

24-09-21
Start: 1200 Finish: 2000
25-09-21
Start: 1000 Finish 2000
26-09-21
Start 1000 Finish 1600

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)		499
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	
	Off the premises only	
	Both	✓

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)

There will be a wide range of entertainment onsite at the festival village, however these activities are covered within Hackney Marshes premises licence.

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

the event period proposed in this notice?		
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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 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 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 checked="" type="checkbox"/>
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 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 checked="" 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 checked="" 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 checked="" 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 checked="" 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 checked="" type="checkbox"/>
Made or enclosed payment of the fee for the application	<input type="checkbox"/>

Signed the declaration in Section 9 below	<input type="checkbox"/>
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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	
Date	
Name of Person signing	

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	

Re: Hackney Moves Festival TENS payment - TEN/240921/HACMARS

Licensing (Shared Mailbox) <licensing@hackney.gov.uk>
Draft To: Gurch Patti <gurch.patti@hackney.gov.uk>

10 September 2021 at 17:16

On Wed, 8 Sept 2021 at 18:14, Gurch Patti <gurch.patti@hackney.gov.uk> wrote:

TEN - OBJECTION

Dear Licensing Team,

Please see comments from the Environmental Protection Team below.

In respect to the above **2** Temporary Event Notices scheduled for:

Start Date : 24-09-2021 End Date : 26-09-2021

Start time: 10:00 End Time: 16:00

The Environmental Protection Team **objects** to the above **2** Temporary Event Notice.

Grounds of ObjectionThe Prevention of Public Nuisance:

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

Kind regards,

Gurch

Gurch Patti

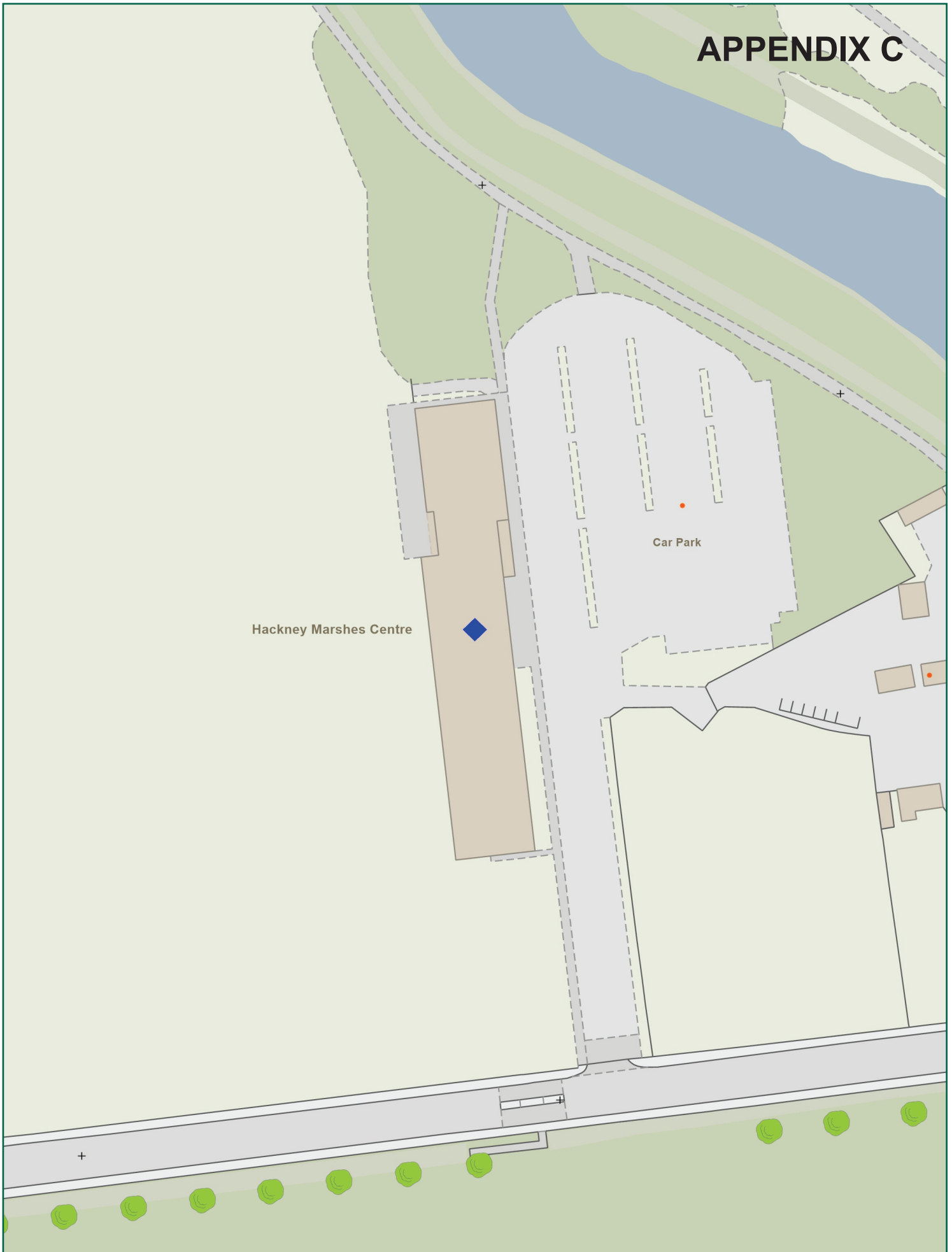
Temporary Event Notice Officer

Environmental Protection Team

Public Realm

1 Hillman Street
London
E8 1DY
Tel: 0208 356 4997

APPENDIX C



NORTH

Scale: 1:1250 at A4

Hackney Marshes, Homerton Road, E9 5PF



Ref:
Friday, September 10, 2021

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email:

please specify copyright statement