

<b>REPORT OF GROUP DIRECTOR, NEIGHBOURHOODS AND HOUSING</b>		
<b>LICENSING SUB-COMMITTEE:</b> 14 September 2021	<b>Classification</b> DECISION	Enclosure
<b>TEMPORARY EVENT NOTICE – COUNTER NOTICE:</b> The Factory,21-31 Shacklewell Lane, London, E8 2DA	<b>Ward</b>  Shacklewell	

## **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 **25/09/2021** from **11:00** finishing on **26/09/2021** at **17:00** 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 25/09/2021 - 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 **25/09/2021** from **11:00** finishing on **26/09/2021** at **17:00** at location **above**.

<b>Acting Group Director, Neighbourhoods and Housing</b>	Ajman Ali
<b>Lead Officer (holder of original copy):</b>	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.

<b>Description of document</b>	<b>Location</b>
<b>Office File:</b> The Factory, 21-31 Shacklewell Lane, London, E8 2DA	Licensing Service 1 Hillman Street London E8 1DY

#### **Printed matter**

Licensing Act 2003

LBH Statement of Licensing Policy

**Hackney Temporary Event Notice**

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 type="checkbox"/> Mrs <input type="checkbox"/> Miss <input checked="" type="checkbox"/> Ms <input type="checkbox"/> Other (please state) _____
Surname _____	WRAGG
Forenames _____	JOANNA DAYNA
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)	
[REDACTED]	
[REDACTED]	
Post town [REDACTED]	Postcode [REDACTED]
7. Other contact details	
Telephone numbers	
Daytime _____	[REDACTED]
Evening (optional) _____	
Mobile (optional) _____	
Fax number (optional) _____	
E-Mail address (if available) _____	[REDACTED]
8. Alternative address for correspondence (If you complete the details below, we will use this address to correspond with you)	
[REDACTED]	
[REDACTED]	

Post town	Postcode
9. Alternative contact details (if applicable)	
Telephone numbers:	
Daytime	
Evening (optional)	
Mobile (optional)	
Fax number (optional)	
E-Mail address (if available)	

<b>2. The premises</b>	
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)	
THE FACTORY, 21-31 SHACKLEWELL LANE, HACKNEY DOWNS, LONDON, E8 2DA.	
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	
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)	
POD'S 1, 2, 3, 4, 16, 19.	
Please describe the nature of the premises below. (Please read note 4)	
BOUTIQUE SHOPPING UNITS.	
Please describe the nature of the event below. (Please read note 5)	
WELLNESS EVENT - TALKS, WORKSHOPS, MINI TREATMENTS, ETC.	

<b>3. The licensable activities</b>	
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 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)

**25<sup>TH</sup> + 26<sup>TH</sup> SEPTEMBER 2021**

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)

**11:00 AM To 17:00 PM**

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) **300**

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) <b>N/A</b>	On the premises only	<input 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)

**N/A**

**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:	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
a) ends 24 hours or less before; or		
b) begins 24 hours or less after		
the event period proposed in this notice?		

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:	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
a) ends 24 hours or less before; or		
b) begins 24 hours or less after		
the event period proposed in this notice?		
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:	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
a) ends 24 hours or less before; or		
b) begins 24 hours or less after		
the event period proposed in this notice?		

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 type="checkbox"/> N/A
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"/> N/A
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"/> N/A
Made or enclosed payment of the fee for the application	<input type="checkbox"/> N/A - VIA SECURE ONLINE PAYMENT.
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.
N/A - WILL NOT BE SELLING ALCOHOL

**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 \_\_\_\_\_

25/08/21

Name of  
Person signing \_\_\_\_\_

JOANNA  
WRAGG

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 \_\_\_\_\_

**Notes for Guidance****General**

In these notes, a person who gives a temporary event notice is called a "premises user".

The police and local authority exercising environmental health functions may intervene on the grounds of any of the four licensing objectives (the prevention of crime and disorder, public safety, the prevention of public nuisance, and the protection of children from harm) to prevent the occurrence of an event at which permitted temporary activities are to take place or to agree a modification of the arrangements for such an event. However, the licensing authority will intervene of its own volition in the cases described below.

First, it will issue a counter notice if there is an objection to a late temporary event notice (see note 8 below).

Secondly, it may issue a notice in relation to its decision to impose conditions on a temporary event notice (see note 2 below).

Thirdly, it will issue a counter notice if the first, second, third and fifth of the limits set out below would be exceeded. If any of the limits below are breached or if a counter notice has been issued, any licensable activities taking place would be unauthorised and the premises user would be liable to prosecution. The limitations apply to:

- the number of times a person may give a temporary event notice (50 times per year for a personal licence holder and 5 times per year for other people);
- the number of times a person may give a late temporary event notice (10 times



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**Re: TEN/250921/21-3 SHAC**Licensing (Shared Mailbox) <licensing@hackney.gov.uk>  
Draft

10 September 2021 at 17:19

On Wed, 8 Sept 2021 at 18:27, Gurch Patti &lt;gurch.patti@hackney.gov.uk&gt; wrote:

**TEN - OBJECTION**

Dear Licensing Team,

Please see comments from the Environmental Protection Team below.

In respect to the above Temporary Event Notices scheduled for:

**Start Date : 25-09-2021      End Date : 26-09-2021****Start time: 11:00              End Time: 17:00**The Environmental Protection Team **objects** to the above Temporary Event Notice.**Grounds of Objection**The 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 and COVID-19 risk assessment for this TEN.

Kind regards,

Gurch

Gurch Patti

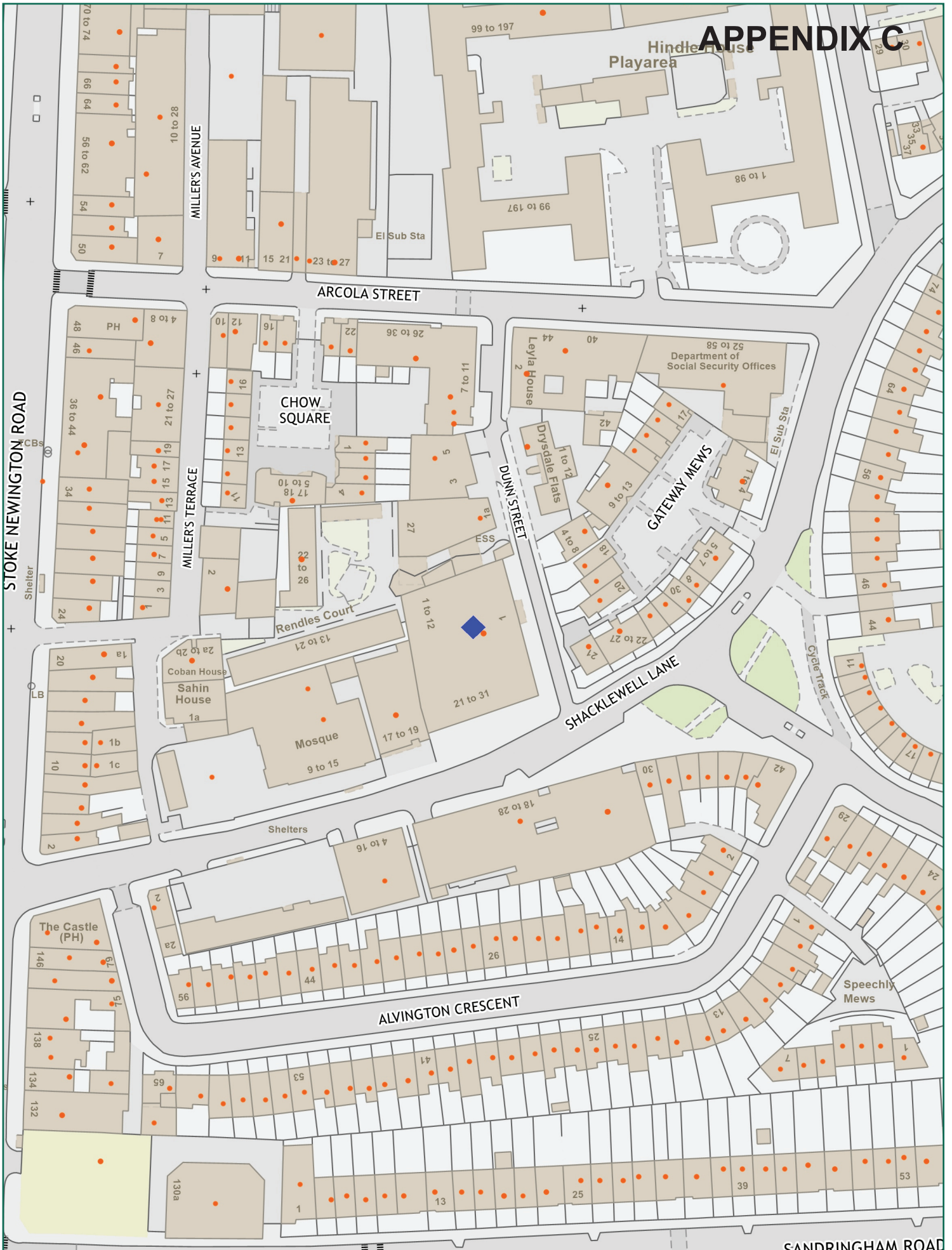
Temporary Event Notice Officer

Environmental Protection Team

Public Realm

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

# APPENDIX C



Scale: 1:1250 at A4

## The Factory, 21-31 Shacklewell Lane, E8 2DA



Ref:  
Friday, September 10, 2021

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