

## Licensing Sub-Committee

Monday 12 June 2017

10.00 am

Ground Floor Meeting Room G02C - 160 Tooley Street,  
London SE1 2QH

## Supplemental Agenda No.1

### List of Contents

Item No.	Title	Page No.
8.	Licensing Act 2003: Flat Iron Square, Union Street, London SE1 - Temporary Event Notice 858857	1 - 25
9.	Licensing Act 2003: Redcross Way (South) Redcross Gardens, London SE1 - Temporary Event Notice 858862	26 - 52
10.	Report: Licensing Act 2003: Flat Iron Square, Union Street, London SE1 – Temporary Event Notice 858875	53 - 83
11.	Licensing Act 2003: Union Street, London SE1 - Temporary Event Notice 858890	84 - 113
12.	Licensing Act 2003: Flat Iron Square, Union Street, London SE1 - Temporary Event Notice 858913	114 - 135

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Date: 5 June 2017

<b>Item No.</b> 8.	<b>Classification:</b> Open	<b>Date:</b> 12 June 2017	<b>Meeting Name:</b> Licensing sub-committee
<b>Report title:</b>		Licensing Act 2003: Flat Iron Square, Union Street, London SE1 – Temporary Event Notice 858857	
<b>Ward(s) or groups affected:</b>		Cathedrals	
<b>From:</b>		Strategic Director of Environment and Social Regeneration	

### RECOMMENDATION

1. That the licensing sub-committee decide whether or not to issue a counter notice in respect of a temporary event notice (TEN) 858857 served by Tim Wood in regards to an event to be held at Flat Iron Square, Union Street, London SE1. The TEN is between 12:00 and 21:00 on Sunday 18 June 2017.

### BACKGROUND INFORMATION

#### The Licensing Act 2003

2. On 24 November 2005 the Licensing Act 2003 came into effect establishing a licensing regime for the following licensable activities:
  - a) The retail sale of alcohol
  - b) The supply of alcohol to club members or on behalf of a club
  - c) The provision of regulated entertainment
  - d) The provision of late night refreshments.
3. The Act established a process for the giving of “temporary event notices” (TENs).
4. Amendments to the Licensing Act 2003 were brought about by way of the Police Reform and Social Responsibility Act 2011 as of 25 April 2012.
5. A premises user may serve a TEN, where it is proposed to use the premises concerned to provide one or more licensable activities for a period not exceeding 168 hours for less than 500 persons.
6. A person holding a personal licence issued under the Act may serve up to 50 TENs in a calendar year. Non personal licence holders may serve up to five TENs in the same period. No premises may be used for more than 12 TENs in a calendar year or for more than 21 days in a calendar year.
7. No premises may be used for temporary events that are less than 24 hours apart.
8. The police or environmental health authority may intervene to prevent such an event taking place or agree a modification of the proposed arrangements, and their

intervention may in some cases result in the licensing authority imposing conditions on a TEN.

9. If the police or environmental health team believe that allowing the premises to be used in accordance with the TEN will undermine the licensing objectives, they must give the premises user and the licensing authority an objection notice. This must be given within three working days of the receipt of the TEN.
10. A TEN does not relieve the premises user from any requirements under planning law for appropriate planning permission where it is required.
11. The police or environmental health may contact the premises user to discuss their objections and attempt 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.
12. If the licensing authority receives an objection notice from the police or environmental health that is not withdrawn, it must (in the case of a standard TEN only) hold a hearing to consider the objection (unless all parties agree that this is unnecessary). The licensing committee may decide to allow the licensable activities to go ahead as stated in the notice. If the notice is in connection with licensable activities at licensed premises, the licensing authority may also impose one or more of the existing licence conditions on the TEN if it considers that this is appropriate for the promotion of the licensing objectives. If the authority decides to impose conditions, it must give notice to the premises user which includes a statement of conditions, and provide a copy to each relevant party. Alternatively, it can decide that the event would undermine the licensing objectives and give a counter notice. This prohibits the event from taking place.

## **KEY ISSUES FOR CONSIDERATION**

### **The temporary event notices**

13. On 24 May 2017 the TEN was served by Tim Wood in regards to an event to be held at Flat Iron Square, Union Street, London SE1. The TEN is between 12:00 and 21:00 on Sunday 18 June 2017. A copy of the TEN is attached to this report as Appendix A.
14. The TEN is summarised as follows:
  - TEN 858857: To allow the sale of alcohol on and off the premises and the provision of regulated entertainment between 12:00 and 21:00 on Sunday 18 June 2017. The maximum number of people expected at any one time at the premises is 499. The activities are to take place on and off the premises. This is a temporary community street party with live music for the Great Get Together bankside hosted by Bankside Open Spaces Trust, in memory of the late MP Jo Cox. Street closures have already been applied for and security and stewards are to be employed.

### **The objection notice**

15. On 25 May 2017 the councils environmental protection team (EPT) served an objection notice in respect of the TEN.
16. The objection notice state that this event should have been applied for by way of a time limited premises licence and not a series of TENs, therefore creating several different events.
17. EPT make the following points in support of their objections:
  - In the event the TEN is granted, the 499 person limit would still apply in each area. It would be very difficult in practice to reasonably control movement of 2495 (cumulative total of all TENs applied for this event) people through the event so as to be assured that no single area exceeds 499 people at any time whilst licensable activities take place.
  - By applying through TEN applications, this large event has also not had full consultation with the following responsible authorities: fire and rescue authority, public health, health and safety, planning authority and trading standards.
  - The recent House of Lords Select Committee report on the Licensing Act covered this issue and concluded: *'354. Where it appears that notices are being given for TENs simultaneously on adjacent plots of land, resulting in effect in the maximum number attending exceeding the 500 person limit, we would expect the police or environmental health officers to object, and the licensing authority to issue a counter-notice. We recommend that the section 182 Guidance be amended to make this clear.'* (<https://www.publications.parliament.uk/pa/ld201617/ldselect/ldlicact/146/146.pdf>)
  - Whilst EPT wish to make clear that there is no objection based on the type of event and reasons for the event, EPT's objection is based on the method by which the event has been applied for to be licensed.
18. A copy of the EPT objection notice is attached to this report in Appendix B.

### **TENs history**

19. There have been no TENs applied for on this parcel of land in the last 12 months.

### **Premises/location history**

20. The premises consists of an area known as Flat Iron Square, Union Street SE1. There have been no TENs issued for this parcel of land in the past 12 months.

### **Licensing visit history**

21. There are currently no issues in this area that we are investigating.

### **The local area.**

22. A map showing the location of the premises is attached to this report as Appendix C. The premises are identified at the centre of the circle on the map.

### **Policy considerations**

23. Section 4 of the Southwark statement of licensing policy on “administration, exercise and delegation of function” deals with the parameters under which TENs may be considered.

### **Consideration by the sub-committee**

24. The sub-committee is asked to consider whether the issue of a counter notice is necessary for the promotion of the prevention of public nuisance and protection of public safety licensing objectives.

### **Community impact statement**

25. Members are advised that under the Act, the matters to which consideration may be given in this instance are the crime and disorder and public nuisance objectives.
26. In considering the TENs in terms of community impact the sub-committee must restrict its considerations to this matter.

### **Resource implications**

27. A fee of £21.00 has been paid by the applicant in respect of the TEN, this being the statutory fee payable.

### **Consultation**

28. The Act provides for no consultations to take place other than the process outlined in this report.

## **SUPPLEMENTARY ADVICE FROM OTHER OFFICERS**

### **Director of Law and Democracy**

29. The sub-committee is asked to determine the notification of this temporary event under Section 105 of the Licensing Act 2003 and to consider whether or not counter notice should be issued in the circumstance. It must only issue a counter notice if they believe the event would undermine the crime prevention objective set out in the Act
30. The principles which sub-committee members must apply are set out below.

### **Principles for making the determination**

31. The general principle is that temporary event notices must be accepted unless a relevant objection is received from the police. This is subject to the proviso that the

premises user has complied with regulations and submitted the notice within a prescribed time.

32. A relevant objection is that which:
- Is about the likely effect of the TEN on the promotion of the crime prevention of the licensing objectives
  - Is made by the metropolitan police
  - Has not been withdrawn
  - Are not, in the opinion of the relevant licensing authority, frivolous or vexatious.
33. If a relevant objection notice is received then the sub-committee must have regard to it in determining whether it is necessary for the promotion of the prevention of crime prevention and the prevention of public nuisance licensing objectives of the Licensing Act to:
- Issue a counter notice by adding to, omit, and/or alter the conditions of the licence or
  - Reject the whole or part of the application for TEN.

### **Conditions**

34. The sub-committee may attach conditions on the carrying on of permitted licensable activities. The sub-committee's function is to determine whether a counter notice should be issued.
35. Members are also referred to the Home Office revised guidance on conditions.

### **Reasons**

36. The sub-committee must give reasons for its decision to issue or not to issue a counter notice.

### **Hearing procedures**

37. Subject to the licensing hearing regulations, the licensing committee may determine its own procedures. Key elements of the regulations are that:
- The hearing shall take the form of a discussion led by the authority. Cross examination shall not be permitted unless the authority considered that it is required for it to consider the objection.
  - Members of the authority are free to ask any question of any party or other person appearing at the hearing.
  - The committee must allow the parties an equal maximum period of time in which to exercise their rights to:
    - Address the authority
    - If given permission by the committee, question any other party.

- In response to a point which the authority has given notice it will require clarification, give further information in support of their submission.
  - The committee shall disregard any information given by a party which is not relevant:
    - To the particular submission before the committee
    - To the licensing objectives prevention of crime and disorder.
  - The hearing shall be in public, although the committee may exclude the public from all or part of a hearing where it considers that the public interest in doing so outweighs the public interest in the hearing, or that part of the hearing, taking place in private.
  - In considering the objection and notice the authority may take into account documentary or other information produced by a party in support of their objection or notice (as applicable) either before the hearing or, with the consent of all the other parties, at the hearing.
38. This matter relates to the determination of a notification for a temporary event notice under section 105 of the Licensing Act 2003. Regulation 26(1) (c) requires the sub-committee to make its determination at the conclusion of the hearing.
39. Members should note that the licensing sub-committee is meeting on this occasion solely to perform the role of licensing authority. The sub-committee sits in quasi-judicial capacity, and must act impartially. It must offer a fair and unbiased hearing of the application. In this case, members should disregard the council's broader policy objectives and role as statutory authority in other contexts. Members must direct themselves to making a determination solely based upon the licensing law, guidance and the council's statement of licensing policy.
40. As a quasi-judicial body the licensing sub-committee is required to consider the temporary event notice on its merits. The sub-committee must take into account only relevant factors, and ignore irrelevant factors. The decision must be based on evidence, that is to say material, which tends logically to show the existence or non-existence of relevant facts, or the likelihood or unlikelihood of the occurrence of some future event, the occurrence of which would be relevant. The licensing sub-committee must give fair consideration to the contentions of the police objection.
41. Members will be aware of the council's code of conduct which requires them to declare personal and prejudicial interests. The code applies to members when considering licensing applications. In addition, as a quasi-judicial body, members are required to avoid both actual bias, and the appearance of bias.
42. Under the Human Rights Act 1998, the sub committee needs to consider the balance between the rights of the applicant and those making the objection to the application when making their decision. The sub-committee has a duty under section 17 Crime and Disorder Act 1998 when making its decision to do all it can to prevent crime and disorder in the borough.

43. Where the relevant counter notice under section 105(3) is given the premises user may appeal against that decision. Where a counter notice is not given, the chief officer of police may appeal against that decision. The appeal must be made to the Magistrates' Court within a period of 21 days beginning with the day on which the applicant was notified by the licensing authority of the decision to be appealed against. No appeal may be brought later than five working days before the day on which the event begins.

### **Guidance**

44. Members are required to have regard to the Home Office revised guidance in carrying out the functions of licensing authority. However, guidance does not cover every possible situation, so long as the guidance has been properly and carefully understood, members may depart from it if they have reason to do so. Full reasons must be given if this is the case.

### **Strategic Director of Finance and Governance**

45. The head of regulatory services has confirmed that the costs of this process over and above the application fee are borne by the service.

### **REASONS FOR URGENCY**

46. The TENs process is time limited, and due to legislative time constraints it would not be possible to wait for a further meeting to be held to consider this report.

### **REASONS FOR LATENESS**

47. Due to the time limited nature of TENs there was not sufficient time to prepare and clear the report in time for the main agenda dispatch.

### **BACKGROUND DOCUMENTS**

<b>Background Papers</b>	<b>Held At</b>	<b>Contact</b>
Licensing Act 2003 Home Office revised guidance Secondary Regulations Statement of Licensing Policy Various papers from the premises file.	Licensing Unit Hub 2 Third Floor 160 Tooley Street SE1 2TZ	Kirty Read (020 7525 5748)

### **APPENDICES**

<b>No.</b>	<b>Title</b>
Appendix A	The temporary event notice
Appendix B	Environmental protection team representation
Appendix C	Map of area



## AUDIT TRAIL

<b>Lead Officer</b>	Deborah Collins, Strategic Director of Environment and Social Regeneration	
<b>Report Author</b>	Mark Orton, Licensing Enforcement Officer	
<b>Version</b>	Final	
<b>Dated</b>	31 May 2017	
<b>Key Decision?</b>	No	
<b>CONSULTATION WITH OTHER OFFICERS/DIRECTORATES/CABINET MEMBER</b>		
<b>Officer Title</b>	<b>Comments sought</b>	<b>Comments included</b>
Director of Law and Democracy	Yes	Yes
Strategic Director of Finance and Governance	Yes	Yes
<b>Cabinet Member</b>	<b>No</b>	<b>No</b>
<b>Date final report sent to Constitutional Team</b>		2 June 2017

20/05/2017

Business - Temporary events notices

Ref No. 820206

Before completing this notice please read the guidance notes at the end of the form.

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. Your name

Title	Mr
If other, Please state	
Surname	WOOD
Firstname(s)	TIM

## 2. Previous names

Title	
If other, Please state	
Surname	
Firstname(s)	

## 3. Your date of birth

	██████████
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## 4. Your place of birth

	██████████
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## 5. National Insurance Number

	██████████
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## 6. Your current address (We will use this address to correspond with you unless you complete the separate correspondence box below)

Address Line 1	████████████████████
Address Line 2	██████████
Town	LONDON

County	
Post code	██████

## Note 1

A temporary event notice may only be given by an individual and not, for example, by an organisation or club or business. The individual giving the notice is the proposed "premises user". Within businesses, clubs or organisations, one individual will therefore need to be identified as the proposed premises user. If you include an e-mail address in section 1(7) or 1(9), the licensing authority may send to this the acknowledgement of receipt of your notice or any notice or counter notice it is required to give under sections 104A, 106A or 107 of the Licensing Act 2003.

## 7. Other contact details

	Telephone numbers:
Daytime	
Evening (optional)	
Mobile (optional)	██████
Fax number (optional)	
E-Mail Address	████████████████████

## 8. Alternative address for correspondence (If you complete the details below, we will use this address to correspond with you)

Address Line 1	
Address Line 2	
Town	
County	
Post code	

## 9. Alternative contact details (if applicable)

	Telephone numbers:
Daytime	
Evening (optional)	
Mobile (optional)	
Fax number (optional)	
E-Mail Address	

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)

Address Line 1	Flat Iron Square
Address Line 2	Flat Iron Square
Town	London

County	
Post code	SE1 1TD

Ordnance Survey grid reference

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If there is no recognised Post code, please enter the address for the premises

Address Line 1	
Address Line 2	
Town	
County	

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)

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Please describe the nature of the premises below. (Please read note 4) \*

	OPEN COMMUNAL TOWN SQUARE, WEST OF UNION STREET
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Please describe the nature of the event below. (Please read note 5)

	TEMPORARY COMMUNITY STREET PARTY WITH LIVE MUSIC FOR THE GREAT GET TOGETHER BANKSIDE HOSTED BY BANKSIDE OPEN SPACES TRUST, IN MEMORY OF THE LATE MP JO COX.
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If the event is situated in a park or in part of a larger premises, please upload the site location plans. Other documents such as risk assessments can also be uploaded here

Document 1	<a href="#">200512-UPDATED-BOST-Flat-Iron-Square-Fest-proposed-site-arrangement.pdf</a>
Document 2	<a href="#">Security-plan-for-Flat-Iron-Square.docx</a>
Document 3	<a href="#">The-Great-Get-Together-Map-PDF.pdf</a>

Document 4	<a href="#">The-Great-Get-Together-deployment-planner-PDF.pdf</a>
Document 5	

## Note 2

For the purposes of the Licensing Act 2003, "premises" means any place. Premises will therefore not always be a building with a formal address and postcode. Premises can include, for example, public parks, recreation grounds and private land.

If a premises licence or club premises certificate has effect in relation to the premises (or any part of the premises) which you want to use to carry on licensable activities, it is possible that any conditions which apply to the licence or certificate may be imposed on the temporary event notice if certain pre-conditions are met. These pre-conditions are that the police or the local authority exercising environmental health functions object to the notice and the licensing authority decides:

- not to give a counter notice under section 105 of the Licensing Act 2003;
- the conditions apply to the licence or certificate; and
- the imposition of the conditions on the notice would not be inconsistent with the carrying on of the licensable activities under the notice.

## Note 3

A temporary event notice can be given for part of a building, such as a single room or a plot within a larger area of land. You should provide a clear description of the area in which you propose to carry on licensable activities. This is important as any licensable activities conducted outside the area of the premises protected by the authority of this temporary event notice would be unlawful and could lead to prosecution. In addition, when holding the proposed event, the premises user would need to be able to restrict the number of people on the premises at any one time when licensable activities are taking place to less than 500.

If more than 499 are on the premises when licensable activities are being carried on, the licensable activities would be unlawful and the premises user would be liable to prosecution. The maximum figure of 499 includes, for example, staff, organisers, stewards and performers.

## Note 4

A description of the nature of the premises assists the chief officer of police and local authority exercising environmental health functions in deciding if any issues relating to the licensing objectives are likely to arise. You should state clearly that the premises to be used are, for example, a public house, a restaurant, an open field, a village hall or a beer tent.

## Note 5

A description of the nature of the event similarly assists the chief officer of police and local authority exercising environmental health functions in making a decision as to whether or not to make an objection. You should state clearly that the event taking place at the premises would be, for example, a wedding with a pay bar, the supply of beer at a particular farmers' market, a discotheque, the performance of a string quartet, a folk group or a rock band.

Please state the licensable activities that you intend to carry on at the premises (please check next to the licensable activities you intend to carry on). (Please read note 6)

	The provision of regulated entertainment
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Please state the dates on which you intend to use these premises for licensable activities. (Please read note 8)

	SUNDAY 18TH JUNE 2017
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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 9)

	12.00 - 21.00
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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 10)

	499
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If the licensable activities will include the supply of alcohol, please state whether the supplies will be for consumption on or off the premises, or both (please check next to the appropriate box). (Please read note 11)

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#### Note 6

The licensable activities are:

- the sale by retail of alcohol;
- the supply of alcohol by or on behalf of a club to, or to the order of, a member of a club;
- the provision of regulated entertainment; and
- the provision of late night refreshment.

Please refer to Schedules 1 and 2 to the Licensing Act 2003 for fuller details of the definitions and exemptions relating to regulated entertainment and late night refreshment.

Regulated entertainment, subject to specified conditions and exemptions, includes:

- (a) a performance of a play;
- (b) an exhibition of a film;
- (c) an indoor sporting event;
- (d) a boxing or wrestling entertainment;
- (e) a performance of live music;
- (f) any playing of recorded music;
- (g) a performance of dance;
- (h) entertainment of a similar description to that falling within (e), (f) or (g).

Regulated entertainment also includes the provision of "entertainment facilities" for:

- (a) making music;
- (b) dancing; and
- (c) entertainment of a similar description to that falling within (a) or (b).

If you are uncertain whether or not the activities that you propose are licensable, you should contact your licensing authority for further advice.

Note 7 (not including the date that the form is submitted and the date of the Event )

Late notices can be given no later than 5 working days but no earlier than 9 working days before the event in relation to which the notice is given. A late notice given later than 5 working days before the event to which it relates will be returned as void and the activities described in it will not be authorised.

The number of late notices that can be given in any one calendar year is limited to 5 for personal licence holders and 2 for non-personal licence holders. These count towards the total number of temporary event notices (i.e. 50 temporary event notices per year for personal licence holders and 5 temporary event notices for non-personal licence holders).

If there is an objection from either the police or local authority exercising environmental health functions, the event will not go ahead and a counter notice will be issued.

#### Note 8

The maximum period for using premises for licensable activities under the authority of a temporary event notice is 168 hours (seven days).

#### Note 9

You should state here the times during the event period, for example 48 hours, when you intend to carry on licensable activities. For example, you may not intend to carry on licensable activities throughout the entire 48 hour event period, and may intend to sell alcohol between 8.00 hrs and 23.00 hrs on each of the two days.

#### Note 10

No more than 499 may be on the premises for a temporary event at any one time when licensable activities are being carried on. If you intend to have more than 499 attending the event, you should obtain a premises licence for the event. Your licensing authority should be able to advise you. The maximum figure of 499 does not just include the audience, spectators or consumers and includes, for example, staff, organisers, stewards and performers who will be present on the premises.

#### Note 11

If you indicate that alcohol will be supplied only for consumption on the premises, you would be required to ensure that no person leaves the premises with alcohol supplied there.

If such a supply takes place, the premises user may be liable to prosecution for carrying on an unauthorised licensable activity. Similarly, if the premises user gives notice that only supplies of alcohol for consumption off the premises will take place, he/she must ensure that alcohol supplied is not consumed on the premises. The premises user is free to give notice that he/she intends to carry on both types of supplies. For this purpose the supply of alcohol includes both of the first two licensable activities listed in note 6 above.

Do you currently hold a valid personal licence?

	No
--	----

If "Yes" please provide the details of your personal licence below.

Issuing licensing authority	
Licence number	
Date of issue	
Date of expiry	
Any further relevant details	

#### Note 12

The holder of a valid personal licence issued under the Licensing Act 2003 may give up to 50 temporary event notices in any calendar year subject to the other limitations in the 2003 Act. A proposed premises user who holds such a licence should give the details requested.

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?

	No
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If answering yes, please state the number of temporary event notices you have given for events in that same calendar year

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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	No
b) begins 24 hours or less after	No

### Note 13

As stated under Note 12, a personal licence holder (issued under the Licensing Act 2003) may give up to 50 temporary event notices (including 5 late notices) in any calendar year. An individual who does not hold a personal licence may only give 5 temporary event notices (including 2 late notices) in England and Wales in any calendar year. A calendar year is the period between 1 January to 31 December inclusive in any year. If an event straddles two calendar years, it will count against the limits on temporary event notices (12 for each premises, 21 days for each premises, 50 per personal licence holder and 5 for non-holders) for each year, however, only one notice needs to be given.

For the purposes of determining the overall limits of 50 temporary event notices per personal licence holder (in a calendar year) and of 5 for a non-personal licence holder (in a calendar year), temporary event notices given by an associate or a person who is in business with a premises user (and that business involves carrying on licensable activities) count towards those totals. Note 14 below sets out the definition of an "associate".

If a temporary event notice has been given for the same premises, by the same premises user, and would have effect within 24 hours before the start of the event period under the current proposal or within 24 hours after the end of that period, the temporary event notice given would be void and any licensable activities carried on under it would therefore be unlicensed.

For the purposes of determining whether or not the required gap of 24 hours is upheld, temporary event notices given by an associate or a person who is in business with a premises user (and that business involves carrying on licensable activities) count as if they had been given by the premises user himself. Note 14 below sets out the definition of an "associate".

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?

	No
--	----

If answering yes, please state the total number of temporary event notices your associate(s) have given for events in the same calendar year

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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	No
b) begins 24 hours or less after	No

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?

	No
--	----



If answering yes, please state the total number of temporary event notices your business colleague(s) have given for events in the same calendar year.

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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	No
b) begins 24 hours or less after	No

Note 14

An "associate" of the proposed premises user is:

- a. the spouse of that person;
- b. a child, parent, grandchild, grandparent, brother or sister of that person;
- c. an agent or employee of that person; or
- d. the spouse of a person within (b) or (c).

For these purposes, a person living with another as that person's husband or wife is to be treated as that person's spouse.

These provisions will be subject to amendment by the Civil Partnerships Act. These amendments are due to take effect from 5th December 2005.

I shall

	If the premises are situated in one or more licensing authority areas, send at least one copy  of this notice to each additional licensing authority If the premises are situated in one or more police areas, send a copy of this notice  to each additional chief officer of police If the premises are situated in one or more local authority areas, send a copy of this notice to each additional  local authority exercising environmental health functions
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Note 15

It is a requirement that you send at least one copy of this notice to the licensing authority at least ten working days (not including the date that the form is submitted and the date of the Event ) (or five working days for a late notice) (not including the date that the form is submitted and the date of the Event )before the commencement of the proposed licensable activities.

The authority will give you written acknowledgement of the receipt of the notice. This will be important proof that you gave the notice and when you gave it for the purposes of the Act. Some premises may be situated in two licensing authority areas, for example, where a building or field straddles the local authority boundary.

Where this is the case, at least one copy of the notice must be sent to each of the licensing authorities identified, together with the appropriate fee in each case. In such circumstances, you will receive acknowledgements from all the relevant licensing authorities.

One copy must be sent to each of the chief officer of police and the local authority exercising environmental health functions for the area in which the premises is situated at least ten working days for a standard notice (or five working days for a late notice) before the commencement of the proposed licensable activities. Where the premises are situated in two police areas or environmental health areas, a further copy will need to be sent to the second police force and local authority exercising environmental health functions.

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 connection with this temporary event notice and that a person is liable on conviction for such an offence to a fine up to level 5 on the standard scale; and
- (ii) to permit an unauthorised licensable activity to be carried on at any place and that a person is liable on conviction for any such offence to a fine not exceeding £20,000, or to imprisonment for a term not exceeding six months, or to both

I agree to the above statement

	I agree
PaymentDescription	Flat Iron Square, Flat Iron Square, SE1 1TD
PaymentAmountInMinorUnits	2100
AuthCode	045388
LicenceReference	LTN-94212-1522
PaymentContactEmail	[REDACTED]







#### Note 17

It is an offence knowingly or recklessly to make a false statement in, or in connection with, a temporary event notice. (A person is to be treated as making a false statement if he produces, furnishes, signs or otherwise makes use of a document that contains a false statement). To do so could result in prosecution and a fine not exceeding level 5 on the standard scale.

The information you provide will be used fairly and lawfully and Southwark Council will not knowingly do anything which may lead to a breach of the Data Protection Act 1998.



KEY:

-  Free flow pedestrian routes
-  Unimpeded emergency route
-  Barriers
-  Entrance to existing premises
-  Audience area for stage
-  Bollard- indicative location



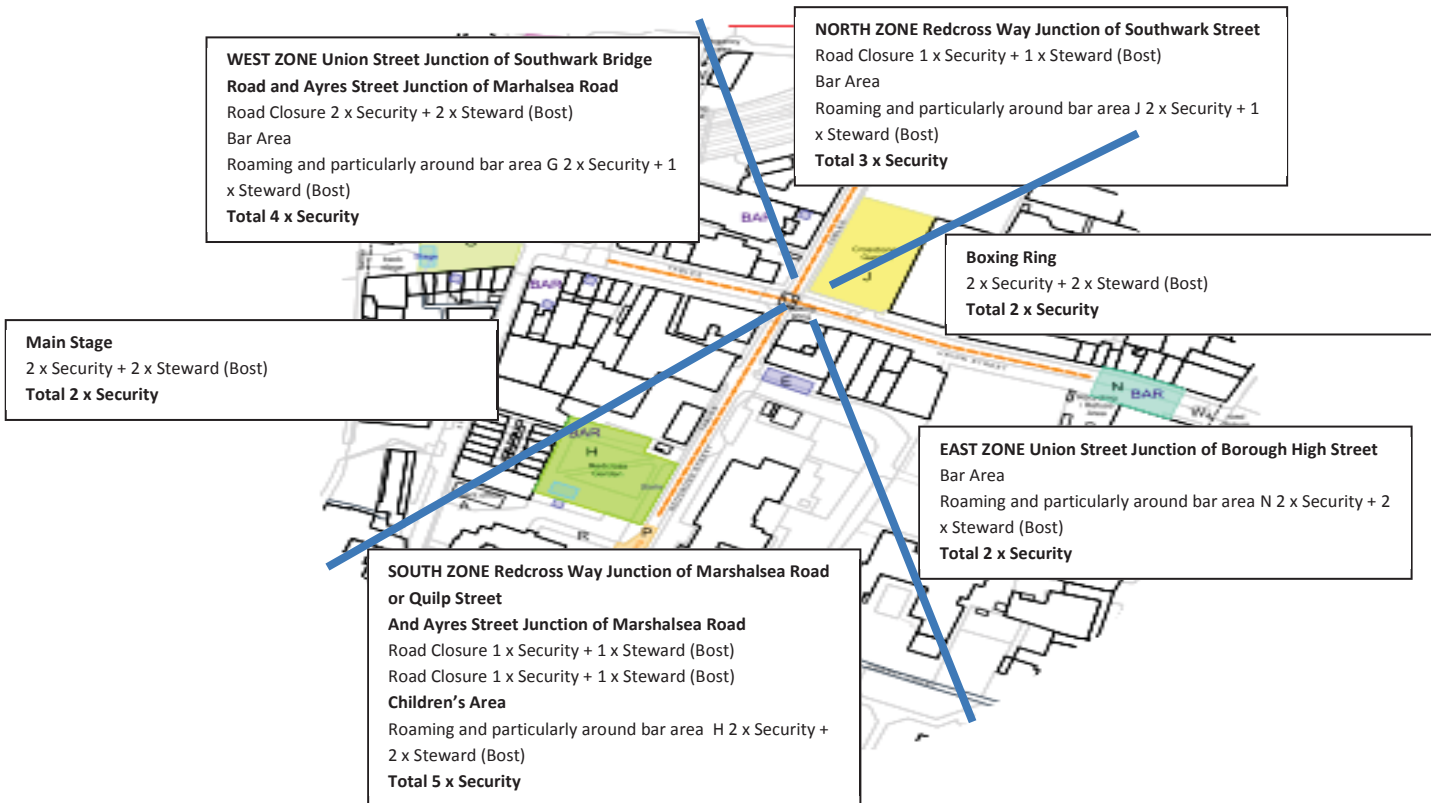
Flat Iron Square- Proposed site arrangement

Scale 1:200@A3



<b>Project</b> BOST Street festival	<b>Client</b> Bankside Open Spaces Trust	<b>Drawing no.</b> 102_P_001	<b>Rev.</b>	<b>Drawing title</b> Flat Iron Square Proposed Site Arrangement	<b>Date</b> 12.05.17	<b>Scale</b> 1:200@A3
--	---	---------------------------------	-------------	---	-------------------------	--------------------------

BOST have employed one security team for the overall event, Corporate Security Solutions (CSS), headed by Darryl O'Leary. The security plan below shows how they will deploy their security guards and monitor the area. In Flat Iron Square zone G where there is a live music stage, CCS have created crowd management and safety strategies which all BOST staff/stewards will also follow. Medical cover is provided by the UK specialist ambulance service will be positioned on O'Meara Street.



**Other areas to cover:**

**1 x Security Manager**

**We may be able to utilise some of the security from other areas but these areas will need a security presence at all times and increased while acts are on the main stage**

**2 x Security Boxing Ring + 2 x Stewards (BOST)**

**2 x Security Main Stage + 2 x Stewards (BOST)**

**8 x Security Roaming 2 in each of the areas**

**5 x Security Permanent on Road Closures**

**TOTAL SIA LICENSED SECURITY = 18 MINIMUM**

**Timings:**

**Security Manager (1) 08:00-21:30 = 13.5 hours**

**All Road Closure points (4) from the start of the day to the end 08:30-22:00 13.5 hours x 4 = 54 hours**

**All Roaming, Stage and Boxing Ring points (12) from 30mins before the start to 30mins after the finish**

**11:30-21:30 10 hours x 12 = 120 hours**

**SECURITY PLAN FOR GREAT GET TOGETHER-  
FLAT IRON SQUARE-ZONE G- MAIN MUSIC STAGE AREA**

**2 x SIA on the road closure point + 2 x BOST Stewards - The stewards will engage with visitors explaining in detail what the event is, SIA will deal with any escalation of complaints regarding road closures which will include trying to explain the legal procedure and process in closing a road.**

**2 x SIA roaming throughout the west zone + 1 x BOST Steward – The steward and sia will continue to give local and event information. SIA will be monitoring overcrowding and directing crowds to create a safer spaces, SIA will also interact with any individuals or groups of people who may be considered as being anti-social.**

**2 x SIA Main stage = 2 BOST Stewards – Making sure the stage is kept clear from general public and only authorised people are allowed to access it.**

***2. Details of how the number of patrons and staff will not exceed 499 at any one time, particularly in area G.***

**Crowd control barriers will be used on Union Street around the main stage limiting the amount of walkway to get past the stage, with the limited walkway space and the importance of keeping the walkway at all times clear SIA will ask visitors to move away from the area if the number of persons exceeds 499**

*3. Details of how persons congregating outside area G to listen/watch the bands in area G will be dealt with to prevent public safety issues from congestion in the street and prevent the audience rising above 499.*

**By having a clearly marked standing/viewing area with the use of crowd control barriers and safely decreasing the amount of walkway to pass along Union Street on the outside of the stage viewing area, will make it easier for the SIA to disperse people stopping in the walkway and keeping the total number of spectators around 499.**

The Great Get Together Saturday 18th June 2017

18 x SIA

1 x SIA Manager 1 x SIA Union Street (TMO) 4 x SIA Roaming Union Street inc Main Stage 1 x SIA Redcross Way (TMO) 4 x SIA Roaming Redcross Way inc Boxing Ring  
2 x SIA Roaming Bars Area 1 x SIA Marshalsea 3 x SIA Roaming

SIA Name Start and End Times

NAME																		
RADIO I.D																		
START	08:00	08:30	08:30	08:30	08:30	11:30	11:30	11:30	11:30	12:30	12:30	12:30	12:30	13:30	13:30	13:30	13:30	
END	22:00	22:00	22:00	22:00	22:00	21:30	21:30	21:30	21:30	18:30	18:30	18:30	18:30	21:30	21:30	21:30	21:30	
08.00 - 09.00													TGT					1 5
09.00 - 10.00																		5
10.00 - 11.00																		5
11.00 - 12.00																		5 9
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18.00 - 19.00																		13
19.00 - 20.00																		13
20.00 - 21.00																		13
21.00 - 22.00																		9 5

**Orton, Mark**

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**From:** Prickett, Mark  
**Sent:** 25 May 2017 13:31  
**To:** Regen, Licensing  
**Cc:** [REDACTED]  
**Subject:** TENS - Union Street/Flat Iron Square/Redcross Way Street Party, Sunday 18th June 2017

Dear Licensing,

The Environmental Protection Team have reviewed x5 TEN applications for a street party event on Sunday 18<sup>th</sup> June 2017.

The event for all x5 TENS is described as a 'community street party with live music for the Great Get Together Bankside hosted by Bankside Open Spaces Trust (BOST), in memory of the late MP Jo Cox'.

The x5 TEN applications are as follows (in no particular order);

- 1) Flat Iron Square. Applied for by Tim Wood, Forge Architects.  
Provision of regulated entertainment between 12:00 – 21:00 for 499 people.  
A proposed site plan, security plan & larger scale map of the event is attached with the application.
- 2) Redcross Way (South). Applied for by Samuel Bompas, Bompas & Parr.  
Sale by retail of alcohol and provision of regulated entertainment between 12:00 – 21:00 for 499 people.  
A site plan, security plan for the south zone and a method statement & risk assessment are attached with the application.
- 3) Redcross Way (North). Applied for by Reuben Powell, Hotel Elephant.  
Sale by retail of alcohol and provision of regulated entertainment between 12:00 – 21:00 for 499 people.  
A site plan, security plan for the north zone & staff bar training document are attached with the application.
- 4) Union Street. Applied for by Jack Callum Wilkinson, Corsica Studios.  
Sale by retail of alcohol and provision of regulated entertainment between 12:00 – 21:00 for 499 people.  
A site plan, security plan for the east zone & Corsica Studios risk assessment are attached with the application.
- 5) Flat Iron Square / West of Union Street. Applied for by Lucy Jane Canty, Sweet & Chilli.  
Sale by retail of alcohol and provision of regulated entertainment between 12:00 – 21:00 for 499 people.  
A security plan for the west zone is attached to the application.

**EPT STANCE**

The 'Great Together Map' states that "BOST have employed one security team for the overall event". This clearly suggests that this is 1 large event. The description of the x5 TENS are also all for the same single event occurring between 12:00 – 21:00 on Sunday 18<sup>th</sup> June 2017.

The total number of people applied for to be present at this event for the x5 TENS is 2495.

**EPT make representation** against these x5 TENS due to the fact that this is 1 large event for 2495 people and should have been applied for using the a premises licence application and not via Temporary Events Notices by breaking this event up into multiple areas.



In the event the TENS were granted the 499 person limit would still apply in each area. It would be very difficult in practice to reasonably control movement of 2495 people through the event so as to be assured that no single area exceeds 499 people at any time whilst licensable activities take place.

By applying through TEN applications, this large event has also not had full consultations with the following responsible authorities; Fire & Rescue authority, Public Health, Health & Safety, Planning authority and Trading Standards.

The recent House of Lords Select Committee report on the Licensing Act covered this issue and concluded: '354. *Where it appears that notices are being given for TENS simultaneously on adjacent plots of land, resulting in effect in the maximum number attending exceeding the 500 person limit, we would expect the police or environmental health officers to object, and the licensing authority to issue a counter-notice. We recommend that the section 182 Guidance be amended to make this clear.*'

(<https://www.publications.parliament.uk/pa/ld201617/ldselect/ldlicact/146/146.pdf>)

Whilst EPT wish to make clear that there is no objection based on the type of event and reasons for the event, EPT's objection is based on the method by which the event has been applied for to be licensed.

EPT would expect the above information to be taken into account by the Licensing Sub-Committee when coming a decision whether to issue a counter notice.

Kind regards,

**Mark Prickett**  
**Principal Enforcement Officer**  
Environmental Protection Team  
Tel: 020 7525 0023

Postal address: Southwark Council, Environmental Protection Team, Regulatory Services, 3rd Floor Hub 1, PO Box 64529, London, SE1P 5LX

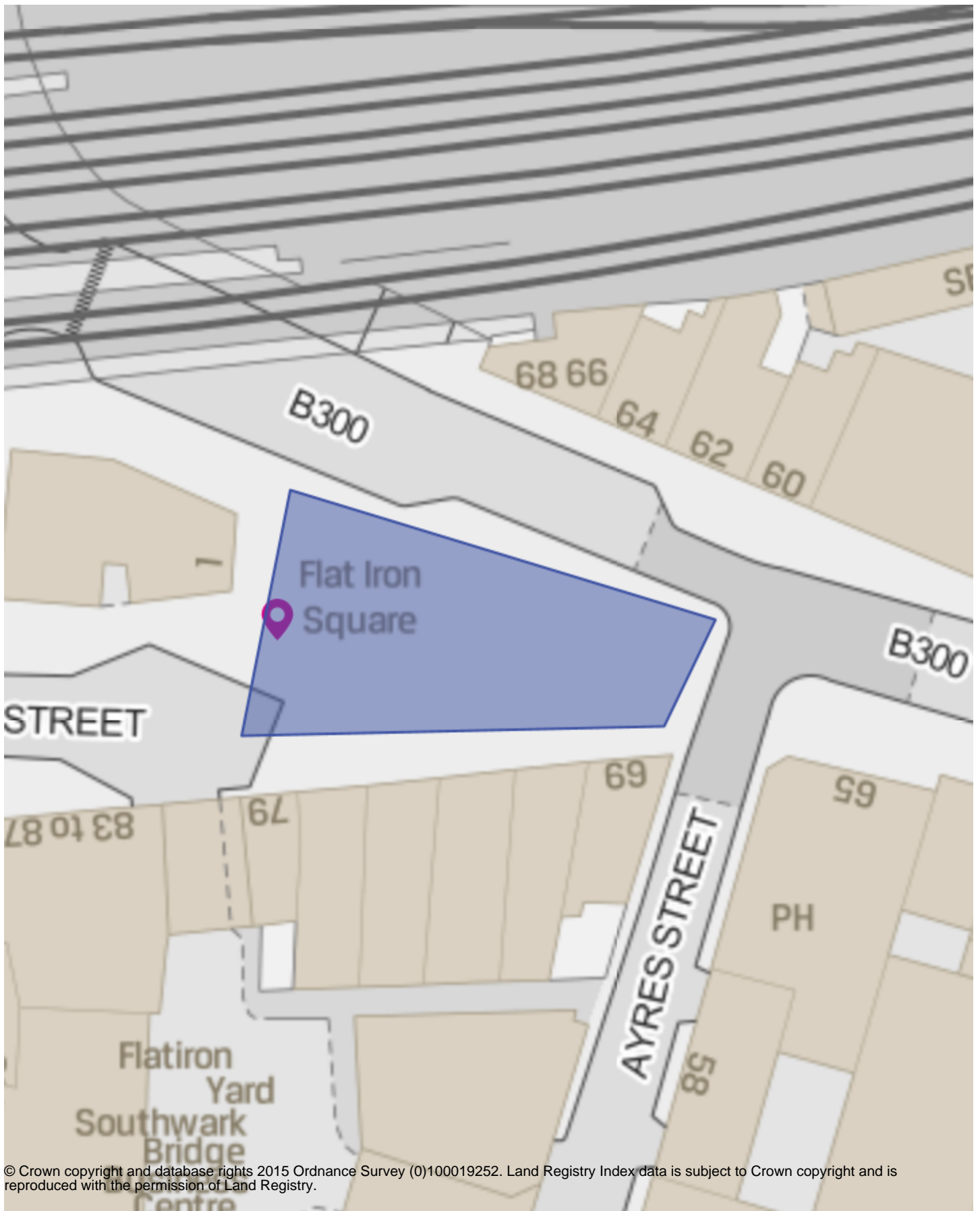
Office address (By appointment only): Southwark Council, 160 Tooley Street, London, SE1 2QH

visit: <http://www.southwark.gov.uk/air-quality>

<http://www.llecp.org.uk/> - London Low Emission Construction Partnership



Please consider the environment - do you really need to print this email?



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Scale = 1 : 332.640

31-May-2017

Legal Services

<b>Item No.</b> 9.	<b>Classification:</b> Open	<b>Date:</b> 12 June 2017	<b>Meeting Name:</b> Licensing sub-committee
<b>Report title:</b>		Licensing Act 2003: Redcross Way (South) Redcross Gardens, London SE1 - Temporary Event Notice 858862	
<b>Ward(s) or groups affected:</b>		Cathedrals	
<b>From:</b>		Strategic Director of Environment and Social Regeneration	

## RECOMMENDATION

1. That the licensing sub-committee decide whether or not to issue a counter notice in respect of a temporary event notice (TEN) 858862 served by Samuel Bompas in regards to an event to be held at Redcross Way (south) Redcross Gardens, London SE1. The TEN is between 12:00 and 21:00 on Sunday 18 June 2017.

## BACKGROUND INFORMATION

### The Licensing Act 2003

2. On 24 November 2005 the Licensing Act 2003 came into effect establishing a licensing regime for the following licensable activities:
  - a) The retail sale of alcohol
  - b) The supply of alcohol to club members or on behalf of a club
  - c) The provision of regulated entertainment
  - d) The provision of late night refreshments.
3. The Act established a process for the giving of “temporary event notices” (TENs).
4. Amendments to the Licensing Act 2003 were brought about by way of the Police Reform and Social Responsibility Act 2011 as of 25 April 2012.
5. A premises user may serve a TEN, where it is proposed to use the premises concerned to provide one or more licensable activities for a period not exceeding 168 hours for less than 500 persons.
6. A person holding a personal license issued under the Act may serve up to 50 TENs in a calendar year. Non personal licence holders may serve up to five TENs in the same period. No premises may be used for more than 12 TENs in a calendar year or for more than 21 days in a calendar year.
7. No premises may be used for temporary events that are less than 24 hours apart.
8. The police or environmental health authority may intervene to prevent such an event taking place or agree a modification of the proposed arrangements, and their

intervention may in some cases result in the licensing authority imposing conditions on a TEN.

9. If the police or environmental health team believe that allowing the premises to be used in accordance with the TEN will undermine the licensing objectives, they must give the premises user and the licensing authority an objection notice. This must be given within three working days of the receipt of the TEN.
10. A TEN does not relieve the premises user from any requirements under planning law for appropriate planning permission where it is required.
11. The police or environmental health may contact the premises user to discuss their objections and attempt 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.
12. If the licensing authority receives an objection notice from the police or environmental health that is not withdrawn, it must (in the case of a standard TEN only) hold a hearing to consider the objection (unless all parties agree that this is unnecessary). The licensing committee may decide to allow the licensable activities to go ahead as stated in the notice. If the notice is in connection with licensable activities at licensed premises, the licensing authority may also impose one or more of the existing licence conditions on the TEN if it considers that this is appropriate for the promotion of the licensing objectives. If the authority decides to impose conditions, it must give notice to the premises user which includes a statement of conditions, and provide a copy to each relevant party. Alternatively, it can decide that the event would undermine the licensing objectives and give a counter notice. This prohibits the event from taking place.

## **KEY ISSUES FOR CONSIDERATION**

### **The temporary event notice**

13. On 24 May 2017 the TEN was served by Samuel Bompas in regards to an event to be held at Redcross Way (south) Redcross Gardens, London SE1. The TEN is between 12:00 and 21:00 on Sunday 18 June 2017. A copy of the TEN is attached to this report as Appendix A.
14. The TEN is summarised as follows:
  - TEN 858862: To allow the sale of alcohol on and off the premises and the provision of regulated entertainment between 12:00 and 21:00 on Sunday 18 June 2017. The maximum number of people expected at any one time at the premises is 499. The activities are to take place on and off the premises. This is a temporary street party with food stalls, kids zone, and acoustic unamplified music for the great get together bankside hosted by Bankside Open Spaces Trust, in memory of the late MP Jo Cox. Street closures have already been applied for and security and stewards are to be employed.

### **The objection notice**

15. On 25 May 2017 the councils Environmental Protection Team served an objection notice in respect of the TENS.
16. The objection notice state that this event should have been applied for by way of a time limited premises licence and not a series of TENS, therefore creating several different events.
17. EPT make the following points in support of their objections:
  - In the event the TEN is granted, the 499 person limit would still apply in each area. It would be very difficult in practice to reasonably control movement of 2495 (cumulative total of all TENS applied for this event) people through the event so as to be assured that no single area exceeds 499 people at any time whilst licensable activities take place.
  - By applying through TEN applications, this large event has also not had full consultation with the following responsible authorities: fire and rescue authority, public health, health and safety, planning authority and trading standards.
  - The recent House of Lords Select Committee report on the Licensing Act covered this issue and concluded: *'354. Where it appears that notices are being given for TENS simultaneously on adjacent plots of land, resulting in effect in the maximum number attending exceeding the 500 person limit, we would expect the police or environmental health officers to object, and the licensing authority to issue a counter-notice. We recommend that the section 182 Guidance be amended to make this clear.'* (<https://www.publications.parliament.uk/pa/ld201617/ldselect/ldlicact/146/146.pdf>)
  - Whilst EPT wish to make clear that there is no objection based on the type of event and reasons for the event, EPT's objection is based on the method by which the event has been applied for to be licensed.
18. A copy of the EPT objection notice is attached to this report in Appendix B.

### **TENS history**

19. There have been no TENS applied for for this parcel of land in the last 12 months.

### **Premises/location history**

20. The premises consists of an area known as Redcross Gardens, Redcross Street SE1. There have been no TENS issued for this parcel of land in the past 12 months.

### **Licensing visit history**

There are currently no issues in this area that we are investigating.

**The local area.**

21. A map showing the location of the premises is attached to this report as Appendix C. The premises are identified at the centre of the circle on the map.

**Policy considerations**

22. Section 4 of the Southwark statement of licensing policy on “administration, exercise and delegation of function” deals with the parameters under which TENs may be considered.

**Consideration by the sub-committee**

23. The sub-committee is asked to consider whether the issue of a counter notice is necessary for the promotion of the prevention of public nuisance and protection of public safety licensing objectives.

**Community impact statement**

24. Members are advised that under the Act, the matters to which consideration may be given in this instance are the crime and disorder and public nuisance objectives.
25. In considering the TENs in terms of community impact the sub-committee must restrict its considerations to this matter.

**Resource implications**

26. A fee of £21.00 has been paid by the applicant in respect of the TEN, this being the statutory fee payable.

**Consultation**

27. The Act provides for no consultations to take place other than the process outlined in this report.

**SUPPLEMENTARY ADVICE FROM OTHER OFFICERS****Director of Law and Democracy**

28. The sub-committee is asked to determine the notification of this temporary event under Section 105 of the Licensing Act 2003 and to consider whether or not counter notice should be issued in the circumstance. It must only issue a counter notice if they believe the event would undermine the crime prevention objective set out in the Act
29. The principles which sub-committee members must apply are set out below.

**Principles for making the determination**

30. The general principle is that temporary event notices must be accepted unless a relevant objection is received from the police. This is subject to the proviso that the

premises user has complied with regulations and submitted the notice within a prescribed time.

31. A relevant objection is that which:
- Is about the likely effect of the TEN on the promotion of the crime prevention of the licensing objectives
  - Is made by the metropolitan police
  - Has not been withdrawn
  - Are not, in the opinion of the relevant licensing authority, frivolous or vexatious.
32. If a relevant objection notice is received then the sub-committee must have regard to it in determining whether it is necessary for the promotion of the prevention of crime prevention and the prevention of public nuisance licensing objectives of the Licensing Act to:
- Issue a counter notice by adding to, omit, and/or alter the conditions of the licence or
  - Reject the whole or part of the application for TEN.

### **Conditions**

33. The sub-committee may attach conditions on the carrying on of permitted licensable activities. The sub-committee's function is to determine whether a counter notice should be issued
34. Members are also referred to the Home Office revised guidance on conditions.

### **Reasons**

35. The sub-committee must give reasons for its decision to issue or not to issue a counter notice.

### **Hearing procedures**

36. Subject to the licensing hearing regulations, the licensing committee may determine its own procedures. Key elements of the regulations are that:
- The hearing shall take the form of a discussion led by the authority. Cross examination shall not be permitted unless the authority considered that it is required for it to consider the objection.
  - Members of the authority are free to ask any question of any party or other person appearing at the hearing.
  - The committee must allow the parties an equal maximum period of time in which to exercise their rights to:
    - Address the authority
    - If given permission by the committee, question any other party.

- In response to a point which the authority has given notice it will require clarification, give further information in support of their submission.
  - The committee shall disregard any information given by a party which is not relevant:
    - To the particular submission before the committee
    - To the licensing objectives prevention of crime and disorder.
  - The hearing shall be in public, although the committee may exclude the public from all or part of a hearing where it considers that the public interest in doing so outweighs the public interest in the hearing, or that part of the hearing, taking place in private.
  - In considering the objection and notice the authority may take into account documentary or other information produced by a party in support of their objection or notice (as applicable) either before the hearing or, with the consent of all the other parties, at the hearing.
37. This matter relates to the determination of a notification for a temporary event notice under section 105 of the Licensing Act 2003. Regulation 26(1) (c) requires the sub-committee to make its determination at the conclusion of the hearing.
38. Members should note that the licensing sub-committee is meeting on this occasion solely to perform the role of licensing authority. The sub-committee sits in quasi-judicial capacity, and must act impartially. It must offer a fair and unbiased hearing of the application. In this case, members should disregard the council's broader policy objectives and role as statutory authority in other contexts. Members must direct themselves to making a determination solely based upon the licensing law, guidance and the council's statement of licensing policy.
39. As a quasi-judicial body the licensing sub-committee is required to consider the temporary event notice on its merits. The sub-committee must take into account only relevant factors, and ignore irrelevant factors. The decision must be based on evidence, that is to say material, which tends logically to show the existence or non-existence of relevant facts, or the likelihood or unlikelihood of the occurrence of some future event, the occurrence of which would be relevant. The licensing sub-committee must give fair consideration to the contentions of the police objection.
40. Members will be aware of the council's code of conduct which requires them to declare personal and prejudicial interests. The code applies to members when considering licensing applications. In addition, as a quasi-judicial body, members are required to avoid both actual bias, and the appearance of bias.
41. Under the Human Rights Act 1998, the sub committee needs to consider the balance between the rights of the applicant and those making the objection to the application when making their decision. The sub-committee has a duty under section 17 Crime and Disorder Act 1998 when making its decision to do all it can to prevent crime and disorder in the borough.



42. Where the relevant counter notice under section 105(3) is given the premises user may appeal against that decision. Where a counter notice is not given, the chief officer of police may appeal against that decision. The appeal must be made to the Magistrates' Court within a period of 21 days beginning with the day on which the applicant was notified by the licensing authority of the decision to be appealed against. No appeal may be brought later than five working days before the day on which the event begins.

### **Guidance**

43. Members are required to have regard to the Home Office revised guidance in carrying out the functions of licensing authority. However, guidance does not cover every possible situation, so long as the guidance has been properly and carefully understood, members may depart from it if they have reason to do so. Full reasons must be given if this is the case.

### **Strategic Director of Finance and Governance**

44. The head of regulatory services has confirmed that the costs of this process over and above the application fee are borne by the service.

### **REASONS FOR URGENCY**

45. The TENs process is time limited, and due to legislative time constraints it would not be possible to wait for a further meeting to be held to consider this report.

### **REASONS FOR LATENESS**

46. Due to the time limited nature of TENs there was not sufficient time to prepare and clear the report in time for the main agenda dispatch.

### **BACKGROUND DOCUMENTS**

<b>Background Papers</b>	<b>Held At</b>	<b>Contact</b>
Licensing Act 2003 Home Office revised guidance Secondary Regulations Statement of Licensing Policy Various papers from the premises file.	Licensing Unit Hub 2 Third Floor 160 Tooley Street SE1 2TZ	Kirty Read (020 7525 5748)

### **APPENDICES**

<b>No.</b>	<b>Title</b>
Appendix A	The temporary event notice
Appendix B	Environmental protection team representation
Appendix C	Map of area

## AUDIT TRAIL

<b>Lead Officer</b>	Deborah Collins, Strategic Director of Environment and Social Regeneration	
<b>Report Author</b>	Mark Orton, Licensing Enforcement Officer	
<b>Version</b>	Final	
<b>Dated</b>	31 May 2017	
<b>Key Decision?</b>	No	
<b>CONSULTATION WITH OTHER OFFICERS/DIRECTORATES/CABINET MEMBER</b>		
<b>Officer Title</b>	<b>Comments sought</b>	<b>Comments included</b>
Director of Law and Democracy	Yes	Yes
Strategic Director of Finance and Governance	Yes	Yes
<b>Cabinet Member</b>	<b>No</b>	<b>No</b>
<b>Date final report sent to Constitutional Team</b>		2 June 2017

22/05/2017

Business - Temporary events notices

Ref No. 820755

Before completing this notice please read the guidance notes at the end of the form.

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. Your name

Title	Mr
If other, Please state	
Surname	Bompas
Firstname(s)	Samuel

## 2. Previous names

Title	
If other, Please state	
Surname	
Firstname(s)	

## 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)

Address Line 1	████████████████████
Address Line 2	LONDON
Town	GREATER LONDON

County	
Post code	██████

## Note 1

A temporary event notice may only be given by an individual and not, for example, by an organisation or club or business. The individual giving the notice is the proposed "premises user". Within businesses, clubs or organisations, one individual will therefore need to be identified as the proposed premises user. If you include an e-mail address in section 1(7) or 1(9), the licensing authority may send to this the acknowledgement of receipt of your notice or any notice or counter notice it is required to give under sections 104A, 106A or 107 of the Licensing Act 2003.

## 7. Other contact details

	Telephone numbers:
Daytime	██████████
Evening (optional)	
Mobile (optional)	
Fax number (optional)	
E-Mail Address	████████████████████

## 8. Alternative address for correspondence (If you complete the details below, we will use this address to correspond with you)

Address Line 1	
Address Line 2	
Town	
County	
Post code	

## 9. Alternative contact details (if applicable)

	Telephone numbers:
Daytime	
Evening (optional)	
Mobile (optional)	
Fax number (optional)	
E-Mail Address	

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)

Address Line 1	REDCROSS WAY (SOUTH)
Address Line 2	REDCROSS GARDENS
Town	MARLBOROUGH AND CATHEDRAL SERVICE ROAD

County	
Post code	SE1 1EX

Ordnance Survey grid reference

--	--

If there is no recognised Post code, please enter the address for the premises

Address Line 1	
Address Line 2	
Town	
County	

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)

--	--

Please describe the nature of the premises below. (Please read note 4) \*

	OPEN SPACE WITH STREET AND PAVEMENT
--	-------------------------------------

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

	TEMPORARY STREET PARTY WITH FOOD STALLS, KIDS ZONE, AND ACOUSTIC UNAMPLIFIED MUSIC FOR TH GREAT GET TOGETHER BANKSIDE HOSTED BY BANKSIDE OPEN SPACES TRUST, IN MEMORY OF THE LATE MP JO COX.
--	--

If the event is situated in a park or in part of a larger premises, please upload the site location plans. Other documents such as risk assessments can also be uploaded here

Document 1	<a href="#">The-Great-Get-Together-Map-South-Zone-PDF-1-.pdf</a>
Document 2	<a href="#">Redcross-Gardens-map-1-.png</a>
Document 3	<a href="#">170522-Risk-Assesment-GreatGetTogether.docx</a>
Document 4	

Document 5	
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Note 2

For the purposes of the Licensing Act 2003, “premises” means any place. Premises will therefore not always be a building with a formal address and postcode. Premises can include, for example, public parks, recreation grounds and private land.

If a premises licence or club premises certificate has effect in relation to the premises (or any part of the premises) which you want to use to carry on licensable activities, it is possible that any conditions which apply to the licence or certificate may be imposed on the temporary event notice if certain pre-conditions are met. These pre-conditions are that the police or the local authority exercising environmental health functions object to the notice and the licensing authority decides:

- not to give a counter notice under section 105 of the Licensing Act 2003;
- the conditions apply to the licence or certificate; and
- the imposition of the conditions on the notice would not be inconsistent with the carrying on of the licensable activities under the notice.

Note 3

A temporary event notice can be given for part of a building, such as a single room or a plot within a larger area of land. You should provide a clear description of the area in which you propose to carry on licensable activities. This is important as any licensable activities conducted outside the area of the premises protected by the authority of this temporary event notice would be unlawful and could lead to prosecution.

In addition, when holding the proposed event, the premises user would need to be able to restrict the number of people on the premises at any one time when licensable activities are taking place to less than 500.

If more than 499 are on the premises when licensable activities are being carried on, the licensable activities would be unlawful and the premises user would be liable to prosecution. The maximum figure of 499 includes, for example, staff, organisers, stewards and performers.

Note 4

A description of the nature of the premises assists the chief officer of police and local authority exercising environmental health functions in deciding if any issues relating to the licensing objectives are likely to arise. You should state clearly that the premises to be used are, for example, a public house, a restaurant, an open field, a village hall or a beer tent.

Note 5

A description of the nature of the event similarly assists the chief officer of police and local authority exercising environmental health functions in making a decision as to whether or not to make an objection. You should state clearly that the event taking place at the premises would be, for example, a wedding with a pay bar, the supply of beer at a particular farmers’ market, a discotheque, the performance of a string quartet, a folk group or a rock band.

Please state the licensable activities that you intend to carry on at the premises (please check next to the licensable activities you intend to carry on). (Please read note 6)

	The sale by retail of alcohol The provision of regulated entertainment
--	---

Please state the dates on which you intend to use these premises for licensable activities. (Please read note 8)

	SUNDAY 18TH JUNE
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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 9)

	12:00-21:00
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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 10)

	499
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If the licensable activities will include the supply of alcohol, please state whether the supplies will be for consumption on or off the premises, or both (please check next to the appropriate box). (Please read note 11)

	Both
--	------

#### Note 6

The licensable activities are:

- the sale by retail of alcohol;
- the supply of alcohol by or on behalf of a club to, or to the order of, a member of a club;
- the provision of regulated entertainment; and
- the provision of late night refreshment.

Please refer to Schedules 1 and 2 to the Licensing Act 2003 for fuller details of the definitions and exemptions relating to regulated entertainment and late night refreshment.

Regulated entertainment, subject to specified conditions and exemptions, includes:

- (a) a performance of a play;
- (b) an exhibition of a film;
- (c) an indoor sporting event;
- (d) a boxing or wrestling entertainment;
- (e) a performance of live music;
- (f) any playing of recorded music;
- (g) a performance of dance;
- (h) entertainment of a similar description to that falling within (e), (f) or (g).

Regulated entertainment also includes the provision of "entertainment facilities" for:

- (a) making music;
- (b) dancing; and
- (c) entertainment of a similar description to that falling within (a) or (b).

If you are uncertain whether or not the activities that you propose are licensable, you should contact your licensing authority for further advice.

Note 7 (not including the date that the form is submitted and the date of the Event )

Late notices can be given no later than 5 working days but no earlier than 9 working days before the event in relation to which the notice is given. A late notice given later than 5 working days before the event to which it relates will be returned as void and the activities described in it will not be authorised.

The number of late notices that can be given in any one calendar year is limited to 5 for personal licence holders and 2 for non-personal licence holders. These count towards the total number of temporary event notices (i.e. 50 temporary event notices per year for personal licence holders and 5 temporary event notices for non-personal licence holders).

If there is an objection from either the police or local authority exercising environmental health functions, the event will not go ahead and a counter notice will be issued.

#### Note 8

The maximum period for using premises for licensable activities under the authority of a temporary event notice is 168 hours (seven days).

#### Note 9

You should state here the times during the event period, for example 48 hours, when you intend to carry on licensable activities. For example, you may not intend to carry on licensable activities throughout the entire 48 hour event period, and may intend to sell alcohol between 8.00 hrs and 23.00 hrs on each of the two days.

Note 10

No more than 499 may be on the premises for a temporary event at any one time when licensable activities are being carried on. If you intend to have more than 499 attending the event, you should obtain a premises licence for the event. Your licensing authority should be able to advise you. The maximum figure of 499 does not just include the audience, spectators or consumers and includes, for example, staff, organisers, stewards and performers who will be present on the premises.

Note 11

If you indicate that alcohol will be supplied only for consumption on the premises, you would be required to ensure that no person leaves the premises with alcohol supplied there.

If such a supply takes place, the premises user may be liable to prosecution for carrying on an unauthorised licensable activity. Similarly, if the premises user gives notice that only supplies of alcohol for consumption off the premises will take place, he/she must ensure that alcohol supplied is not consumed on the premises. The premises user is free to give notice that he/she intends to carry on both types of supplies. For this purpose the supply of alcohol includes both of the first two licensable activities listed in note 6 above.

Do you currently hold a valid personal licence?

	Yes
--	-----

If "Yes" please provide the details of your personal licence below.

Issuing licensing authority	██████████
Licence number	██████████
Date of issue	██████████
Date of expiry	██████████
Any further relevant details	██████████

Note 12

The holder of a valid personal licence issued under the Licensing Act 2003 may give up to 50 temporary event notices in any calendar year subject to the other limitations in the 2003 Act. A proposed premises user who holds such a licence should give the details requested.

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?

	No
--	----

If answering yes, please state the number of temporary event notices 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	No
b) begins 24 hours or less after	No

### Note 13

As stated under Note 12, a personal licence holder (issued under the Licensing Act 2003) may give up to 50 temporary event notices (including 5 late notices) in any calendar year. An individual who does not hold a personal licence may only give 5 temporary event notices (including 2 late notices) in England and Wales in any calendar year. A calendar year is the period between 1 January to 31 December inclusive in any year. If an event straddles two calendar years, it will count against the limits on temporary event notices (12 for each premises, 21 days for each premises, 50 per personal licence holder and 5 for non-holders) for each year, however, only one notice needs to be given.

For the purposes of determining the overall limits of 50 temporary event notices per personal licence holder (in a calendar year) and of 5 for a non-personal licence holder (in a calendar year), temporary event notices given by an associate or a person who is in business with a premises user (and that business involves carrying on licensable activities) count towards those totals. Note 14 below sets out the definition of an "associate".

If a temporary event notice has been given for the same premises, by the same premises user, and would have effect within 24 hours before the start of the event period under the current proposal or within 24 hours after the end of that period, the temporary event notice given would be void and any licensable activities carried on under it would therefore be unlicensed.

For the purposes of determining whether or not the required gap of 24 hours is upheld, temporary event notices given by an associate or a person who is in business with a premises user (and that business involves carrying on licensable activities) count as if they had been given by the premises user himself. Note 14 below sets out the definition of an "associate".

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?

	No
--	----

If answering yes, please state the total number of temporary event notices your associate(s) have given for events in the same calendar year

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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	No
b) begins 24 hours or less after	No

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?

	No
--	----

If answering yes, please state the total number of temporary event notices your business colleague(s) have given for events in the same calendar year.

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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	No
b) begins 24 hours or less after	No

Note 14

An "associate" of the proposed premises user is:

- a. the spouse of that person;
- b. a child, parent, grandchild, grandparent, brother or sister of that person;
- c. an agent or employee of that person; or
- d. the spouse of a person within (b) or (c).

For these purposes, a person living with another as that person's husband or wife is to be treated as that person's spouse.

These provisions will be subject to amendment by the Civil Partnerships Act. These amendments are due to take effect from 5th December 2005.

I shall

	If the premises are situated in one or more licensing authority areas, send at least one copy  of this notice to each additional licensing authority If the premises are situated in one or more police areas, send a copy of this notice  to each additional chief officer of police If the premises are situated in one or more local authority areas, send a copy of this notice to each additional  local authority exercising environmental health functions
--	--

Note 15

It is a requirement that you send at least one copy of this notice to the licensing authority at least ten working days (not including the date that the form is submitted and the date of the Event ) (or five working days for a late notice) (not including the date that the form is submitted and the date of the Event )before the commencement of the proposed licensable activities.

The authority will give you written acknowledgement of the receipt of the notice. This will be important proof that you gave the notice and when you gave it for the purposes of the Act. Some premises may be situated in two licensing authority areas, for example, where a building or field straddles the local authority boundary.

Where this is the case, at least one copy of the notice must be sent to each of the licensing authorities identified, together with the appropriate fee in each case. In such circumstances, you will receive acknowledgements from all the relevant licensing authorities.

One copy must be sent to each of the chief officer of police and the local authority exercising environmental health functions for the area in which the premises is situated at least ten working days for a standard notice (or five working days for a late notice) before the commencement of the proposed licensable activities. Where the premises are situated in two police areas or environmental health areas, a further copy will need to be sent to the second police force and local authority exercising environmental health functions.

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 connection with this temporary event notice and that a person is liable on conviction for such an offence to a fine up to level 5 on the standard scale; and
- (ii) to permit an unauthorised licensable activity to be carried on at any place and that a person is liable on conviction for any such offence to a fine not exceeding £20,000, or to imprisonment for a term not exceeding six months, or to both

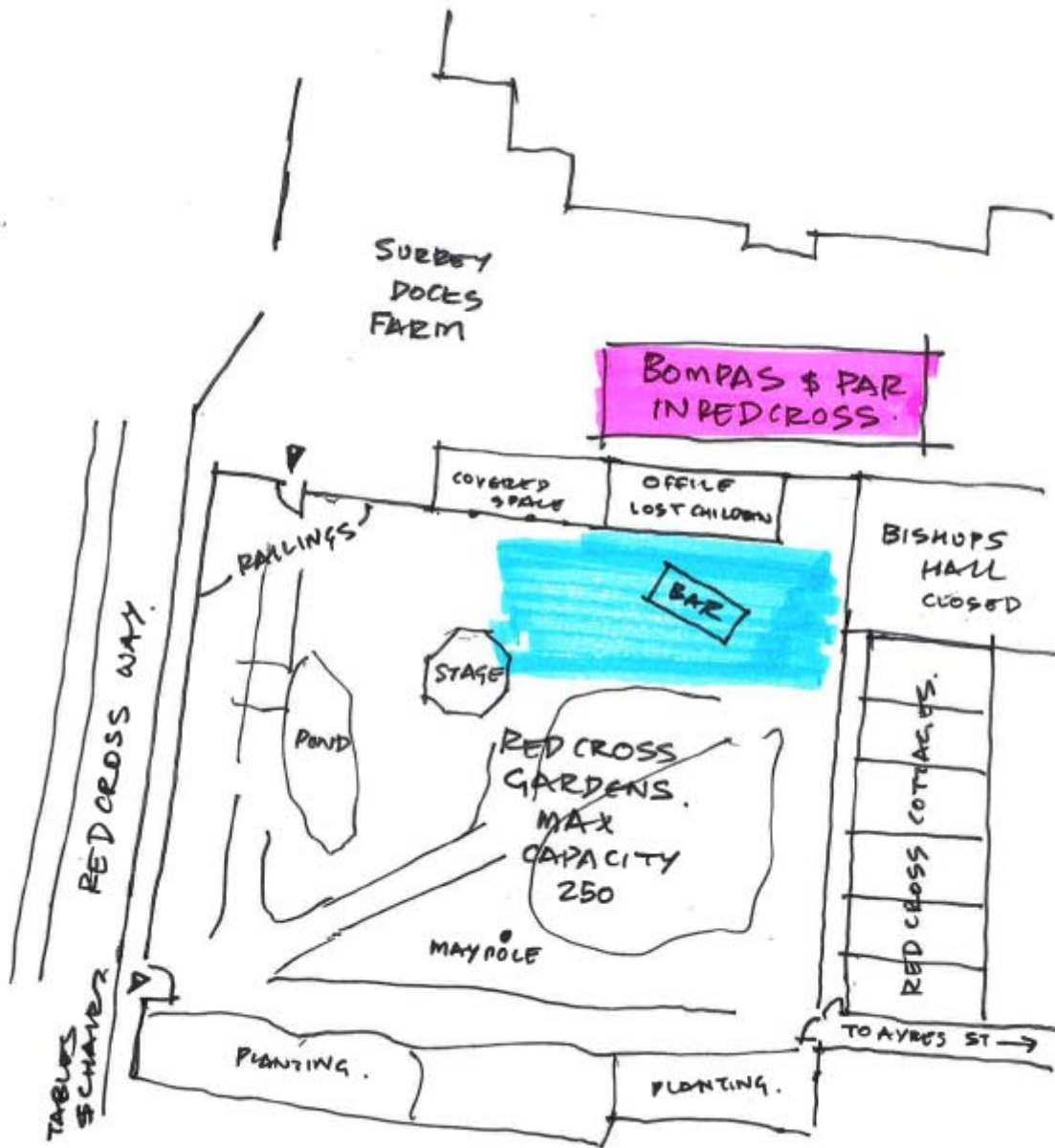
I agree to the above statement

	I agree
PaymentDescription	REDCROSS WAY (SOUTH), REDCROSS GARDENS, SE1 1EX
PaymentAmountInMinorUnits	2100
AuthCode	022889
LicenceReference	LTN-94212-1527
PaymentContactEmail	[REDACTED]

#### Note 17

It is an offence knowingly or recklessly to make a false statement in, or in connection with, a temporary event notice. (A person is to be treated as making a false statement if he produces, furnishes, signs or otherwise makes use of a document that contains a false statement). To do so could result in prosecution and a fine not exceeding level 5 on the standard scale.

The information you provide will be used fairly and lawfully and Southwark Council will not knowingly do anything which may lead to a breach of the Data Protection Act 1998.



Bankside Open Spaces Trust(BOST) have employed a security team, Corporate Security Solutions (CSS), headed by Darryl O'Leary. CSS will be responsible for deploying crowd management, safety strategies and to monitor our bar area in Redcross Gardens. All BOST staff/stewards will also follow the security plan provided by CSS. Below is the security plan for where Bompas and Parr will be set up from midday to 6pm on Sunday 18th June 2017



#### South Zone :

**1 x Security Manager to cover all areas**

**We may be able to utilise some of the security from other areas but these areas will need a security presence at all times and increased while acts are on the main stage**

**2 x Security Roaming and particularly around bar area H Bompas + 2 x Stewards (BOST) in each of the areas**

**2 x Security Permanent on Road Closures**

**TOTAL SIA LICENSED SECURITY = 4 MINIMUM**

**Method Statement and Risk Assessment**  
**Project: cocktails for The Great Get Together**  
**Risk Assessment by: Keziah Brown**

<b>Client name:</b> The Great Get Together		<b>Person completing this method statement and contact details:</b> Keziah Brown [REDACTED]	<b>Venue Address:</b> Redcross Way (South), Redcross Gardens, Marlborough and cathedral service road.
<b>Contractors name:</b> Bompas & Parr Studio Ltd.		<b>Event Date:</b> 18/06/2017	
<b>Item</b>	<b>Subject</b>		
<b>Part 1 – General safe working</b>		<i>You say and agree that;</i>	
1.	Risk Assessment.	Risk Assessment Template has incorporated within this method statement.	
2.	Is this a new structure / design?	No	
3.	Method Statement	B&P will provide drinks catering service for the event B&P will provide the relevant equipment and staff in relation to the services	
4.	Person responsible for build / deconstruction.	NA – no production required	
5.	Staff required on site	Event Managers: Keziah Brown / Rian Coulter Bar Manager: Sam Bompas	
6.	Staff competence training, and information.	All staff working will only undertake work for which they are competent to do. Staff will have knowledge about safety on site, <b>to include;</b> <ul style="list-style-type: none"> <li>➤ details on the risk assessment and risk controls required to be used,</li> <li>➤ Fire, Emergency procedures</li> <li>➤ Reporting safety issues</li> </ul>	
7.	Personal Protective Equipment (PPE) required onsite.	No PPE required.	

Part 2 Methods for safe construction and de-construction of stands		
8.	List the Services required onsite and how you will ensure your electrical fittings are safe before connecting to the supply.	B&P to provide equipment – PAT tested Disposable glassware (plastic) to be provided by B&P
9.	Outline how you will ensure the safety during 'off' load (and 'on' load) of equipment from your vehicle to the space	Produce and follow a schedule for the load in and out Ensure that all staff follow safe handling / lifting procedures Ensure that loading routes are clear and dry
10.	Outline procedures for first aid.	First Aid kit will be available to all staff  An accident book must be provided on site for the recording of accidents to staff whilst at work. Reportable Injuries must be reported to the local authority as per RIDDOR recommendations

**RISK ASSESSMENT**

(L)likelihood: 1=Unlikely; 2=Possible; 3=Likely; 4=Very Likely; 5=Regularly  
 (S)severity: 1=Slight; 2=Minor Injury; 3=Serious Injury; 4=Major Injury; 5=Fatality/Major Injuries

Ref	Hazard	People at Risk	What Might Happen?	Rating			Current Controls	Further Precautions	New Rating			Responsibility & Time Scale
				L	S	Risk			L	S	Risk	
1	Slips, trips and falls	Staff, Contractors	Bar staff may be injured if they trip over objects or slip on spillages	2	3	2 LOW	Good housekeeping – work areas kept tidy, goods stored correctly etc. Kitchen equipment maintained to prevent leaks onto floor. Equipment faults leading to leaks reported promptly to manager. Drainage channels and drip trays provided where spills more likely. Staff clean up spillages (including dry spills) immediately using suitable methods and leave the floor dry or put out 'wet floor sign' Suitable cleaning materials available. Good lighting in all areas including cold storage areas. No trailing cables or obstruction in walkways.	Brief and remind staff to maintain good standard of housekeeping. Ensure suitable footwear with good grip worn by staff.	1	2	2 LOW	Project Manager



2	<b>Equipment deliveries / collections to site</b>	Staff, Contractors	Minor or major injury including fractures or blow to the head	2	2	2 LOW	Staggered delivery/collection schedule Dedicated areas for delivery with organised stacking Clear pathways, obstacle and trip hazard free Safe storage and management of items onsite	Any obstacles or trip hazards to be addressed immediately Late deliveries will be communicated to and rescheduled to avoid overlap	1	2	2 LOW	Project Manager
3	<b>Food Handling</b>	Staff, Contractors	Frequent hand washing can cause skin damage. Some foods can cause some staff to develop skin allergies.	1	2	2 LOW	All staff handling food have completed Food Safety and hygiene for Catering training Where possible staff use tools (cutlery, tongs scoops etc) to handle food rather than hands. Food grade, single-use, non-latex gloves are used for tasks that can cause skin problems, eg fruit washing. Where handling cannot be avoided hands are rinsed promptly after finishing the task.	Staff reminded to thoroughly dry hands after washing. Sink unit is accessible with antibacterial soap and paper towels for drying hands	1	1	1 LOW	Project Manager
4	<b>Manual Handling</b>	Staff, Contractors	Kitchen staff and food service staff may suffer injuries such as strains or bruising from handling heavy/bulky objects	2	2	2 LOW	All staff have been trained to lift with bent knees and straight back after assessing load Ingredients bought in package sizes that are light enough for easy handling. Food stored in Cool Boxes with handles for ease of lifting Sink at good height to avoid stooping Staff trained in how to lift safely	Ensure team working for moving heavier items	1	2	2 LOW	Project Manager

5	<b>Alcohol Service</b>	Guests	Intoxication from drinking too much alcohol	1	3	LOW	<p>Limited supply of Alcohol onsite.</p> <p>All product stored in Kitchen and managed by onsite team.</p>	<p>Alcohol service is managed and limited</p>	1	2	2 LOW	Project Manager
6	<b>Knives</b>	Staff, Contractors	Staff involved in food preparation and service could suffer cuts from contact with blades	2	3	4 MED	<p>Staff trained to handle knives.</p> <p>Knives suitably stored when not in use.</p> <p>First-aid box provided and nominated first-aider always on site.</p>	<p>Tell staff not to use knives to remove packaging – suitable cutters will be provided.</p> <p>Only use knives in clear workspaces</p>	1	2	2 LOW	Project Manager

**Orton, Mark**

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**From:** Prickett, Mark  
**Sent:** 25 May 2017 13:31  
**To:** Regen, Licensing  
**Cc:** [REDACTED]  
**Subject:** TENS - Union Street/Flat Iron Square/Redcross Way Street Party, Sunday 18th June 2017

Dear Licensing,

The Environmental Protection Team have reviewed x5 TEN applications for a street party event on Sunday 18<sup>th</sup> June 2017.

The event for all x5 TENS is described as a 'community street party with live music for the Great Get Together Bankside hosted by Bankside Open Spaces Trust (BOST), in memory of the late MP Jo Cox'.

The x5 TEN applications are as follows (in no particular order);

- 1) Flat Iron Square. Applied for by Tim Wood, Forge Architects.  
 Provision of regulated entertainment between 12:00 – 21:00 for 499 people.  
 A proposed site plan, security plan & larger scale map of the event is attached with the application.
- 2) Redcross Way (South). Applied for by Samuel Bompas, Bompas & Parr.  
 Sale by retail of alcohol and provision of regulated entertainment between 12:00 – 21:00 for 499 people.  
 A site plan, security plan for the south zone and a method statement & risk assessment are attached with the application.
- 3) Redcross Way (North). Applied for by Reuben Powell, Hotel Elephant.  
 Sale by retail of alcohol and provision of regulated entertainment between 12:00 – 21:00 for 499 people.  
 A site plan, security plan for the north zone & staff bar training document are attached with the application.
- 4) Union Street. Applied for by Jack Callum Wilkinson, Corsica Studios.  
 Sale by retail of alcohol and provision of regulated entertainment between 12:00 – 21:00 for 499 people.  
 A site plan, security plan for the east zone & Corsica Studios risk assessment are attached with the application.
- 5) Flat Iron Square / West of Union Street. Applied for by Lucy Jane Canty, Sweet & Chilli.  
 Sale by retail of alcohol and provision of regulated entertainment between 12:00 – 21:00 for 499 people.  
 A security plan for the west zone is attached to the application.

**EPT STANCE**

The 'Great Together Map' states that "BOST have employed one security team for the overall event". This clearly suggests that this is 1 large event. The description of the x5 TENS are also all for the same single event occurring between 12:00 – 21:00 on Sunday 18<sup>th</sup> June 2017.

The total number of people applied for to be present at this event for the x5 TENS is 2495.

**EPT make representation** against these x5 TENS due to the fact that this is 1 large event for 2495 people and should have been applied for using the a premises licence application and not via Temporary Events Notices by breaking this event up into multiple areas.

In the event the TENS were granted the 499 person limit would still apply in each area. It would be very difficult in practice to reasonably control movement of 2495 people through the event so as to be assured that no single area exceeds 499 people at any time whilst licensable activities take place.

By applying through TEN applications, this large event has also not had full consultations with the following responsible authorities; Fire & Rescue authority, Public Health, Health & Safety, Planning authority and Trading Standards.

The recent House of Lords Select Committee report on the Licensing Act covered this issue and concluded: '354. *Where it appears that notices are being given for TENS simultaneously on adjacent plots of land, resulting in effect in the maximum number attending exceeding the 500 person limit, we would expect the police or environmental health officers to object, and the licensing authority to issue a counter-notice. We recommend that the section 182 Guidance be amended to make this clear.*'

(<https://www.publications.parliament.uk/pa/ld201617/ldselect/ldlicact/146/146.pdf>)

Whilst EPT wish to make clear that there is no objection based on the type of event and reasons for the event, EPT's objection is based on the method by which the event has been applied for to be licensed.

EPT would expect the above information to be taken into account by the Licensing Sub-Committee when coming a decision whether to issue a counter notice.

Kind regards,

**Mark Prickett**  
**Principal Enforcement Officer**  
Environmental Protection Team  
Tel: 020 7525 0023

Postal address: Southwark Council, Environmental Protection Team, Regulatory Services, 3rd Floor Hub 1, PO Box 64529, London, SE1P 5LX

Office address (By appointment only): Southwark Council, 160 Tooley Street, London, SE1 2QH

visit: <http://www.southwark.gov.uk/air-quality>

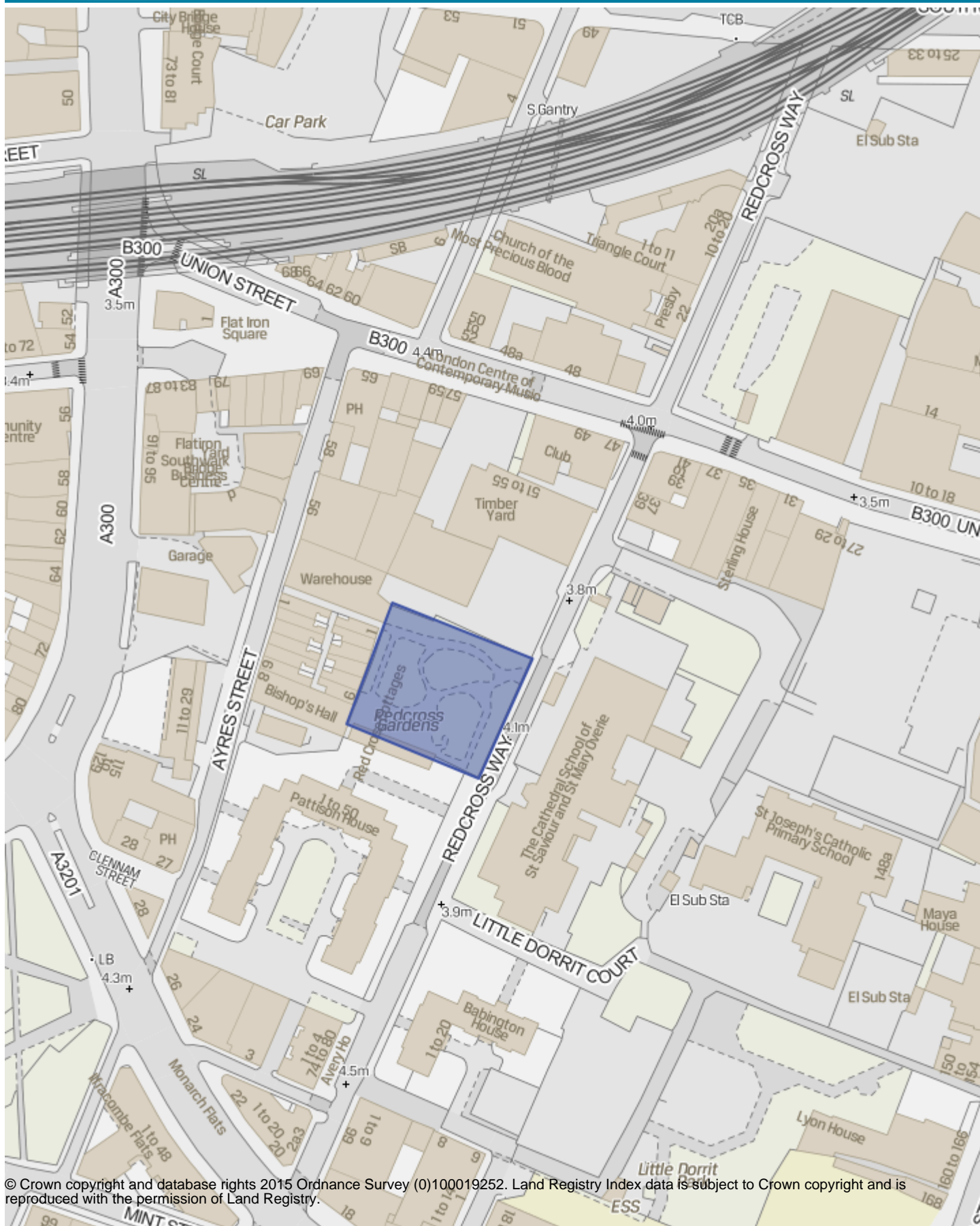
<http://www.llecp.org.uk/> - London Low Emission Construction Partnership



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# Redcross Gardens, Redcross Way SE1



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<b>Item No.</b> 10.	<b>Classification:</b> Open	<b>Date:</b> 12 June 2017	<b>Meeting Name:</b> Licensing sub-committee
<b>Report title:</b>		Licensing Act 2003: Flat Iron Square, Union Street, London SE1 – Temporary Event Notice 858875	
<b>Ward(s) or groups affected:</b>		Cathedrals	
<b>From:</b>		Strategic Director of Environment and Social Regeneration	

### RECOMMENDATION

1. That the licensing sub-committee decide whether or not to issue a counter notice in respect of a temporary event notice (TEN) 858875 served by Reuben Powell in regards to an event to be held at Redcross Way (North of Union Street), London SE1. The TEN is between 12:00 and 21:00 on Sunday 18 June 2017.

### BACKGROUND INFORMATION

#### The Licensing Act 2003

2. On 24 November 2005 the Licensing Act 2003 came into effect establishing a licensing regime for the following licensable activities:
  - a) The retail sale of alcohol
  - b) The supply of alcohol to club members or on behalf of a club
  - c) The provision of regulated entertainment
  - d) The provision of late night refreshments.
3. The Act established a process for the giving of “temporary event notices” (TENs).
4. Amendments to the Licensing Act 2003 were brought about by way of the Police Reform and Social Responsibility Act 2011 as of 25 April 2012.
5. A premises user may serve a TEN, where it is proposed to use the premises concerned to provide one or more licensable activities for a period not exceeding 168 hours for less than 500 persons.
6. A person holding a personal licence issued under the Act may serve up to 50 TENs in a calendar year. Non personal licence holders may serve up to five TENs in the same period. No premises may be used for more than 12 TENs in a calendar year or for more than 21 days in a calendar year.
7. No premises may be used for temporary events that are less than 24 hours apart.
8. The police or environmental health authority may intervene to prevent such an event taking place or agree a modification of the proposed arrangements, and their

intervention may in some cases result in the licensing authority imposing conditions on a TEN.

9. If the police or environmental health team believe that allowing the premises to be used in accordance with the TEN will undermine the licensing objectives, they must give the premises user and the licensing authority an objection notice. This must be given within three working days of the receipt of the TEN.
10. A TEN does not relieve the premises user from any requirements under planning law for appropriate planning permission where it is required.
11. The police or environmental health may contact the premises user to discuss their objections and attempt 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.
12. If the licensing authority receives an objection notice from the police or environmental health that is not withdrawn, it must (in the case of a standard TEN only) hold a hearing to consider the objection (unless all parties agree that this is unnecessary). The licensing committee may decide to allow the licensable activities to go ahead as stated in the notice. If the notice is in connection with licensable activities at licensed premises, the licensing authority may also impose one or more of the existing licence conditions on the TEN if it considers that this is appropriate for the promotion of the licensing objectives. If the authority decides to impose conditions, it must give notice to the premises user which includes a statement of conditions, and provide a copy to each relevant party. Alternatively, it can decide that the event would undermine the licensing objectives and give a counter notice. This prohibits the event from taking place.

## **KEY ISSUES FOR CONSIDERATION**

### **The temporary event notice**

13. On 24 May 2017 the TEN was served by Reuben Powell in regards to an event to be held at Redcross Way (North of Union Street), London SE1. The TEN is between 12:00 and 21:00 on Sunday 18 June 2017. A copy of the TEN is attached to this report as Appendix A.
14. The TEN is summarised as follows:
  - TEN 858875: To allow the sale of alcohol on and off the premises and the provision of regulated entertainment between 12:00 and 21:00 on Sunday 18 June 2017. The maximum number of people expected at any one time at the premises is 499. The activities are to take place on and off the premises. This is a temporary street party with food stalls for the Great Get Together Bankside hosted and organised by Bankside Open Spaces Trust, in memory of the late MP Jo Cox. Street closures have already been applied for and security and stewards are to be employed.

### **The objection notice**

15. On 25 May 2017 the councils environmental protection team served an objection notice in respect of the TENs.
16. The objection notice state that this event should have been applied for by way of a time limited premises licence and not a series of TENs, therefore creating several different events.
17. EPT make the following points in support of their objections:
  - In the event the TEN is granted, the 499 person limit would still apply in each area. It would be very difficult in practice to reasonably control movement of 2495 (cumulative total of all TENs applied for this event) people through the event so as to be assured that no single area exceeds 499 people at any time whilst licensable activities take place.
  - By applying through TEN applications, this large event has also not had full consultation with the following responsible authorities: fire and rescue authority, public health, health and safety, planning authority and trading standards.
  - The recent House of Lords Select Committee report on the Licensing Act covered this issue and concluded: *'354. Where it appears that notices are being given for TENs simultaneously on adjacent plots of land, resulting in effect in the maximum number attending exceeding the 500 person limit, we would expect the police or environmental health officers to object, and the licensing authority to issue a counter-notice. We recommend that the section 182 Guidance be amended to make this clear.'* (<https://www.publications.parliament.uk/pa/ld201617/ldselect/ldlicact/146/146.pdf>)
  - Whilst EPT wish to make clear that there is no objection based on the type of event and reasons for the event, EPT's objection is based on the method by which the event has been applied for to be licensed.
18. A copy of the EPT objection notice is attached to this report in Appendix B.

### **TENs history**

19. There have been no TENs applied for on this parcel of land in the last 12 months.

### **Premises/location history**

20. The premises consists of an area known as Redcross Way (North of Union Street), London SE1. There have been no TENs issued for this parcel of land in the past 12 months.

### **Licensing visit history**

21. There are currently no issues in this area that we are investigating.



**The local area.**

22. A map showing the location of the premises is attached to this report as Appendix C. The premises are identified at the centre of the circle on the map.

**Policy considerations**

23. Section 4 of the Southwark statement of licensing policy on “administration, exercise and delegation of function” deals with the parameters under which TENs may be considered.

**Consideration by the sub-committee**

24. The sub-committee is asked to consider whether the issue of a counter notice is necessary for the promotion of the prevention of public nuisance and protection of public safety licensing objectives.

**Community impact statement**

25. Members are advised that under the Act, the matters to which consideration may be given in this instance are the crime and disorder and public nuisance objectives.
26. In considering the TENs in terms of community impact the sub-committee must restrict its considerations to this matter.

**Resource implications**

27. A fee of £21.00 has been paid by the applicant in respect of the TEN, this being the statutory fee payable.

**Consultation**

28. The Act provides for no consultations to take place other than the process outlined in this report.

**SUPPLEMENTARY ADVICE FROM OTHER OFFICERS****Director of Law and Democracy**

29. The sub-committee is asked to determine the notification of this temporary event under Section 105 of the Licensing Act 2003 and to consider whether or not counter notice should be issued in the circumstance. It must only issue a counter notice if they believe the event would undermine the crime prevention objective set out in the Act
30. The principles which sub-committee members must apply are set out below.

**Principles for making the determination**

31. The general principle is that temporary event notices must be accepted unless a relevant objection is received from the police. This is subject to the proviso that the

premises user has complied with regulations and submitted the notice within a prescribed time.

32. A relevant objection is that which:
- Is about the likely effect of the TEN on the promotion of the crime prevention of the licensing objectives
  - Is made by the metropolitan police
  - Has not been withdrawn
  - Are not, in the opinion of the relevant licensing authority, frivolous or vexatious.
33. If a relevant objection notice is received then the sub-committee must have regard to it in determining whether it is necessary for the promotion of the prevention of crime prevention and the prevention of public nuisance licensing objectives of the Licensing Act to:
- Issue a counter notice by adding to, omit, and/or alter the conditions of the licence or
  - Reject the whole or part of the application for TEN.

### **Conditions**

34. The sub-committee may attach conditions on the carrying on of permitted licensable activities. The sub-committee's function is to determine whether a counter notice should be issued.
35. Members are also referred to the Home Office revised guidance on conditions.

### **Reasons**

36. The sub-committee must give reasons for its decision to issue or not to issue a counter notice.

### **Hearing procedures**

37. Subject to the licensing hearing regulations, the licensing committee may determine its own procedures. Key elements of the regulations are that:
- The hearing shall take the form of a discussion led by the authority. Cross examination shall not be permitted unless the authority considered that it is required for it to consider the objection.
  - Members of the authority are free to ask any question of any party or other person appearing at the hearing.
  - The committee must allow the parties an equal maximum period of time in which to exercise their rights to:
    - Address the authority
    - If given permission by the committee, question any other party.

- In response to a point which the authority has given notice it will require clarification, give further information in support of their submission.
  - The committee shall disregard any information given by a party which is not relevant:
    - To the particular submission before the committee
    - To the licensing objectives prevention of crime and disorder.
  - The hearing shall be in public, although the committee may exclude the public from all or part of a hearing where it considers that the public interest in doing so outweighs the public interest in the hearing, or that part of the hearing, taking place in private.
  - In considering the objection and notice the authority may take into account documentary or other information produced by a party in support of their objection or notice (as applicable) either before the hearing or, with the consent of all the other parties, at the hearing.
38. This matter relates to the determination of a notification for a temporary event notice under section 105 of the Licensing Act 2003. Regulation 26(1) (c) requires the sub-committee to make its determination at the conclusion of the hearing.
  39. Members should note that the licensing sub-committee is meeting on this occasion solely to perform the role of licensing authority. The sub-committee sits in quasi-judicial capacity, and must act impartially. It must offer a fair and unbiased hearing of the application. In this case, members should disregard the council's broader policy objectives and role as statutory authority in other contexts. Members must direct themselves to making a determination solely based upon the licensing law, guidance and the council's statement of licensing policy.
  40. As a quasi-judicial body the licensing sub-committee is required to consider the temporary event notice on its merits. The sub-committee must take into account only relevant factors, and ignore irrelevant factors. The decision must be based on evidence, that is to say material, which tends logically to show the existence or non-existence of relevant facts, or the likelihood or unlikelihood of the occurrence of some future event, the occurrence of which would be relevant. The licensing sub-committee must give fair consideration to the contentions of the police objection.
  41. Members will be aware of the council's code of conduct which requires them to declare personal and prejudicial interests. The code applies to members when considering licensing applications. In addition, as a quasi-judicial body, members are required to avoid both actual bias, and the appearance of bias.
  42. Under the Human Rights Act 1998, the sub committee needs to consider the balance between the rights of the applicant and those making the objection to the application when making their decision. The sub-committee has a duty under section 17 Crime and Disorder Act 1998 when making its decision to do all it can to prevent crime and disorder in the borough.

43. Where the relevant counter notice under section 105(3) is given the premises user may appeal against that decision. Where a counter notice is not given, the chief officer of police may appeal against that decision. The appeal must be made to the Magistrates' Court within a period of 21 days beginning with the day on which the applicant was notified by the licensing authority of the decision to be appealed against. No appeal may be brought later than five working days before the day on which the event begins.

### **Guidance**

44. Members are required to have regard to the Home Office revised guidance in carrying out the functions of licensing authority. However, guidance does not cover every possible situation, so long as the guidance has been properly and carefully understood, members may depart from it if they have reason to do so. Full reasons must be given if this is the case.

### **Strategic Director of Finance and Governance**

45. The head of regulatory services has confirmed that the costs of this process over and above the application fee are borne by the service.

### **REASONS FOR URGENCY**

46. The TENs process is time limited, and due to legislative time constraints it would not be possible to wait for a further meeting to be held to consider this report.

### **REASONS FOR LATENESS**

47. Due to the time limited nature of TENs there was not sufficient time to prepare and clear the report in time for the main agenda dispatch.

### **BACKGROUND DOCUMENTS**

<b>Background Papers</b>	<b>Held At</b>	<b>Contact</b>
Licensing Act 2003 Home Office revised guidance Secondary Regulations Statement of Licensing Policy Various papers from the premises file.	Licensing Unit Hub 2 Third Floor 160 Tooley Street SE1 2TZ	Kirty Read (020 7525 5748)

### **APPENDICES**

<b>No.</b>	<b>Title</b>
Appendix A	The temporary event notice
Appendix B	Environmental protection team representation
Appendix C	Map of area

## AUDIT TRAIL

<b>Lead Officer</b>	Deborah Collins, Strategic Director of Environment and Social Regeneration	
<b>Report Author</b>	Mark Orton, Licensing Enforcement Officer	
<b>Version</b>	Final	
<b>Dated</b>	31 May 2017	
<b>Key Decision?</b>	No	
<b>CONSULTATION WITH OTHER OFFICERS/DIRECTORATES/CABINET MEMBER</b>		
<b>Officer Title</b>	<b>Comments sought</b>	<b>Comments included</b>
Director of Law and Democracy	Yes	Yes
Strategic Director of Finance and Governance	Yes	Yes
<b>Cabinet Member</b>	<b>No</b>	<b>No</b>
<b>Date final report sent to Constitutional Team</b>	2 June 2017	

22/05/2017

Business - Temporary events notices

Ref No. 820974

Before completing this notice please read the guidance notes at the end of the form.

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. Your name

Title	Mr
If other, Please state	
Surname	powell
Firstname(s)	reuben

## 2. Previous names

Title	
If other, Please state	
Surname	
Firstname(s)	

## 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)

Address Line 1	████████████████████
Address Line 2	
Town	LONDON

County	
Post code	██████████

## Note 1

A temporary event notice may only be given by an individual and not, for example, by an organisation or club or business. The individual giving the notice is the proposed "premises user". Within businesses, clubs or organisations, one individual will therefore need to be identified as the proposed premises user. If you include an e-mail address in section 1(7) or 1(9), the licensing authority may send to this the acknowledgement of receipt of your notice or any notice or counter notice it is required to give under sections 104A, 106A or 107 of the Licensing Act 2003.

## 7. Other contact details

	Telephone numbers:
Daytime	██████████
Evening (optional)	
Mobile (optional)	
Fax number (optional)	
E-Mail Address	██

## 8. Alternative address for correspondence (If you complete the details below, we will use this address to correspond with you)

Address Line 1	██
Address Line 2	
Town	LONDON
County	
Post code	██████████

## 9. Alternative contact details (if applicable)

	Telephone numbers:
Daytime	
Evening (optional)	
Mobile (optional)	
Fax number (optional)	
E-Mail Address	

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)

Address Line 1	
Address Line 2	
Town	

County	
Post code	

Ordnance Survey grid reference

	REDCROSS WAY(NORTH) REDCROSS WAY(NORTH)
--	---

If there is no recognised Post code, please enter the address for the premises

Address Line 1	REDCROSS WAY(NORTH)
Address Line 2	
Town	
County	

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)

	A ONE WAY STREET AND PAVEMENT
--	-------------------------------

Please describe the nature of the premises below. (Please read note 4) \*

	A ONE WAY STREET AND PAVEMENT
--	-------------------------------

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

	TEMPORARY STREET PARTY WITH FOOD STALLS FOR THE GREAT GET TOGETHER BANKSIDE HOSTED AND ORGANISED BY BANKSIDE OPEN SPACES TRUST, IN MEMORY OF THE LATE MP JO COX
--	---

If the event is situated in a park or in part of a larger premises, please upload the site location plans. Other documents such as risk assessments can also be uploaded here

Document 1	<a href="#">Redcross-Way-north-MAP.png</a>
Document 2	
Document 3	<a href="#">The-Great-Get-Together-Map-North-Zone-PDF.pdf</a>
Document 4	<a href="#">Bar-Training-.1.pdf</a>



Document 5	
------------	--

Note 2

For the purposes of the Licensing Act 2003, “premises” means any place. Premises will therefore not always be a building with a formal address and postcode. Premises can include, for example, public parks, recreation grounds and private land.

If a premises licence or club premises certificate has effect in relation to the premises (or any part of the premises) which you want to use to carry on licensable activities, it is possible that any conditions which apply to the licence or certificate may be imposed on the temporary event notice if certain pre-conditions are met. These pre-conditions are that the police or the local authority exercising environmental health functions object to the notice and the licensing authority decides:

- not to give a counter notice under section 105 of the Licensing Act 2003;
- the conditions apply to the licence or certificate; and
- the imposition of the conditions on the notice would not be inconsistent with the carrying on of the licensable activities under the notice.

Note 3

A temporary event notice can be given for part of a building, such as a single room or a plot within a larger area of land. You should provide a clear description of the area in which you propose to carry on licensable activities. This is important as any licensable activities conducted outside the area of the premises protected by the authority of this temporary event notice would be unlawful and could lead to prosecution.

In addition, when holding the proposed event, the premises user would need to be able to restrict the number of people on the premises at any one time when licensable activities are taking place to less than 500.

If more than 499 are on the premises when licensable activities are being carried on, the licensable activities would be unlawful and the premises user would be liable to prosecution. The maximum figure of 499 includes, for example, staff, organisers, stewards and performers.

Note 4

A description of the nature of the premises assists the chief officer of police and local authority exercising environmental health functions in deciding if any issues relating to the licensing objectives are likely to arise. You should state clearly that the premises to be used are, for example, a public house, a restaurant, an open field, a village hall or a beer tent.

Note 5

A description of the nature of the event similarly assists the chief officer of police and local authority exercising environmental health functions in making a decision as to whether or not to make an objection. You should state clearly that the event taking place at the premises would be, for example, a wedding with a pay bar, the supply of beer at a particular farmers’ market, a discotheque, the performance of a string quartet, a folk group or a rock band.

Please state the licensable activities that you intend to carry on at the premises (please check next to the licensable activities you intend to carry on). (Please read note 6)

	<input type="checkbox"/> The sale by retail of alcohol <input type="checkbox"/> The provision of regulated entertainment
--	---

Please state the dates on which you intend to use these premises for licensable activities. (Please read note 8)

	sunday 18th june 2017
--	-----------------------

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 9)

	12.00 - 21.00
--	---------------

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 10)

	499
--	-----

If the licensable activities will include the supply of alcohol, please state whether the supplies will be for consumption on or off the premises, or both (please check next to the appropriate box). (Please read note 11)

	Both
--	------

#### Note 6

The licensable activities are:

- the sale by retail of alcohol;
- the supply of alcohol by or on behalf of a club to, or to the order of, a member of a club;
- the provision of regulated entertainment; and
- the provision of late night refreshment.

Please refer to Schedules 1 and 2 to the Licensing Act 2003 for fuller details of the definitions and exemptions relating to regulated entertainment and late night refreshment.

Regulated entertainment, subject to specified conditions and exemptions, includes:

- (a) a performance of a play;
- (b) an exhibition of a film;
- (c) an indoor sporting event;
- (d) a boxing or wrestling entertainment;
- (e) a performance of live music;
- (f) any playing of recorded music;
- (g) a performance of dance;
- (h) entertainment of a similar description to that falling within (e), (f) or (g).

Regulated entertainment also includes the provision of "entertainment facilities" for:

- (a) making music;
- (b) dancing; and
- (c) entertainment of a similar description to that falling within (a) or (b).

If you are uncertain whether or not the activities that you propose are licensable, you should contact your licensing authority for further advice.

Note 7 (not including the date that the form is submitted and the date of the Event )

Late notices can be given no later than 5 working days but no earlier than 9 working days before the event in relation to which the notice is given. A late notice given later than 5 working days before the event to which it relates will be returned as void and the activities described in it will not be authorised.

The number of late notices that can be given in any one calendar year is limited to 5 for personal licence holders and 2 for non-personal licence holders. These count towards the total number of temporary event notices (i.e. 50 temporary event notices per year for personal licence holders and 5 temporary event notices for non-personal licence holders).

If there is an objection from either the police or local authority exercising environmental health functions, the event will not go ahead and a counter notice will be issued.

#### Note 8

The maximum period for using premises for licensable activities under the authority of a temporary event notice is 168 hours (seven days).

#### Note 9

You should state here the times during the event period, for example 48 hours, when you intend to carry on licensable activities. For example, you may not intend to carry on licensable activities throughout the entire 48 hour event period, and may intend to sell alcohol between 8.00 hrs and 23.00 hrs on each of the two days.

#### Note 10

No more than 499 may be on the premises for a temporary event at any one time when licensable activities are being carried on. If you intend to have more than 499 attending the event, you should obtain a premises licence for the event. Your licensing authority should be able to advise you. The maximum figure of 499 does not just include the audience, spectators or consumers and includes, for example, staff, organisers, stewards and performers who will be present on the premises.

#### Note 11

If you indicate that alcohol will be supplied only for consumption on the premises, you would be required to ensure that no person leaves the premises with alcohol supplied there.

If such a supply takes place, the premises user may be liable to prosecution for carrying on an unauthorised licensable activity. Similarly, if the premises user gives notice that only supplies of alcohol for consumption off the premises will take place, he/she must ensure that alcohol supplied is not consumed on the premises. The premises user is free to give notice that he/she intends to carry on both types of supplies. For this purpose the supply of alcohol includes both of the first two licensable activities listed in note 6 above.

Do you currently hold a valid personal licence?

	Yes
--	-----

If "Yes" please provide the details of your personal licence below.

Issuing licensing authority	██████████
Licence number	██████████
Date of issue	██████████
Date of expiry	██████████
Any further relevant details	

#### Note 12

The holder of a valid personal licence issued under the Licensing Act 2003 may give up to 50 temporary event notices in any calendar year subject to the other limitations in the 2003 Act. A proposed premises user who holds such a licence should give the details requested.

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?

	No
--	----

If answering yes, please state the number of temporary event notices 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	No
b) begins 24 hours or less after	No

### Note 13

As stated under Note 12, a personal licence holder (issued under the Licensing Act 2003) may give up to 50 temporary event notices (including 5 late notices) in any calendar year. An individual who does not hold a personal licence may only give 5 temporary event notices (including 2 late notices) in England and Wales in any calendar year. A calendar year is the period between 1 January to 31 December inclusive in any year. If an event straddles two calendar years, it will count against the limits on temporary event notices (12 for each premises, 21 days for each premises, 50 per personal licence holder and 5 for non-holders) for each year, however, only one notice needs to be given.

For the purposes of determining the overall limits of 50 temporary event notices per personal licence holder (in a calendar year) and of 5 for a non-personal licence holder (in a calendar year), temporary event notices given by an associate or a person who is in business with a premises user (and that business involves carrying on licensable activities) count towards those totals. Note 14 below sets out the definition of an "associate".

If a temporary event notice has been given for the same premises, by the same premises user, and would have effect within 24 hours before the start of the event period under the current proposal or within 24 hours after the end of that period, the temporary event notice given would be void and any licensable activities carried on under it would therefore be unlicensed.

For the purposes of determining whether or not the required gap of 24 hours is upheld, temporary event notices given by an associate or a person who is in business with a premises user (and that business involves carrying on licensable activities) count as if they had been given by the premises user himself. Note 14 below sets out the definition of an "associate".

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?

	No
--	----

If answering yes, please state the total number of temporary event notices 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	No
b) begins 24 hours or less after	No

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?

	No
--	----

If answering yes, please state the total number of temporary event notices 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	No
b) begins 24 hours or less after	No

Note 14

An "associate" of the proposed premises user is:

- a. the spouse of that person;
- b. a child, parent, grandchild, grandparent, brother or sister of that person;
- c. an agent or employee of that person; or
- d. the spouse of a person within (b) or (c).

For these purposes, a person living with another as that person's husband or wife is to be treated as that person's spouse.

These provisions will be subject to amendment by the Civil Partnerships Act. These amendments are due to take effect from 5th December 2005.

I shall

	If the premises are situated in one or more licensing authority areas, send at least one copy  of this notice to each additional licensing authority If the premises are situated in one or more police areas, send a copy of this notice  to each additional chief officer of police If the premises are situated in one or more local authority areas, send a copy of this notice to each additional  local authority exercising environmental health functions
--	--

Note 15

It is a requirement that you send at least one copy of this notice to the licensing authority at least ten working days (not including the date that the form is submitted and the date of the Event ) (or five working days for a late notice) (not including the date that the form is submitted and the date of the Event )before the commencement of the proposed licensable activities.

The authority will give you written acknowledgement of the receipt of the notice. This will be important proof that you gave the notice and when you gave it for the purposes of the Act. Some premises may be situated in two licensing authority areas, for example, where a building or field straddles the local authority boundary.

Where this is the case, at least one copy of the notice must be sent to each of the licensing authorities identified, together with the appropriate fee in each case. In such circumstances, you will receive acknowledgements from all the relevant licensing authorities.

One copy must be sent to each of the chief officer of police and the local authority exercising environmental health functions for the area in which the premises is situated at least ten working days for a standard notice (or five working days for a late notice) before the commencement of the proposed licensable activities. Where the premises are situated in two police areas or environmental health areas, a further copy will need to be sent to the second police force and local authority exercising environmental health functions.

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 connection with this temporary event notice and that a person is liable on conviction for such an offence to a fine up to level 5 on the standard scale; and
- (ii) to permit an unauthorised licensable activity to be carried on at any place and that a person is liable on conviction for any such offence to a fine not exceeding £20,000, or to imprisonment for a term not exceeding six months, or to both

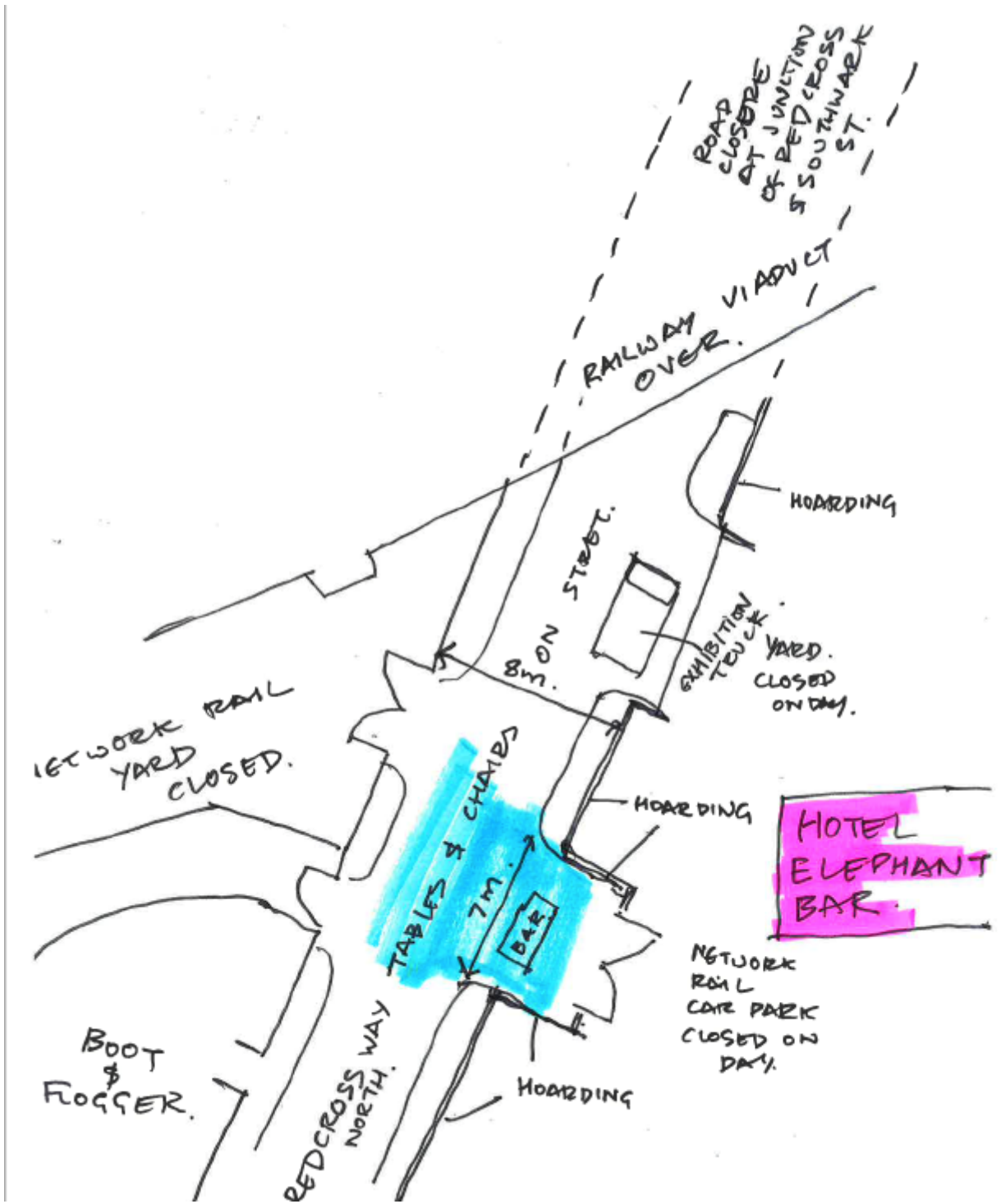
I agree to the above statement

	I agree
PaymentDescription	, ,
PaymentAmountInMinorUnits	2100
AuthCode	003297
LicenceReference	LTN-94212-1531
PaymentContactEmail	████████████████████

#### Note 17

It is an offence knowingly or recklessly to make a false statement in, or in connection with, a temporary event notice. (A person is to be treated as making a false statement if he produces, furnishes, signs or otherwise makes use of a document that contains a false statement). To do so could result in prosecution and a fine not exceeding level 5 on the standard scale.

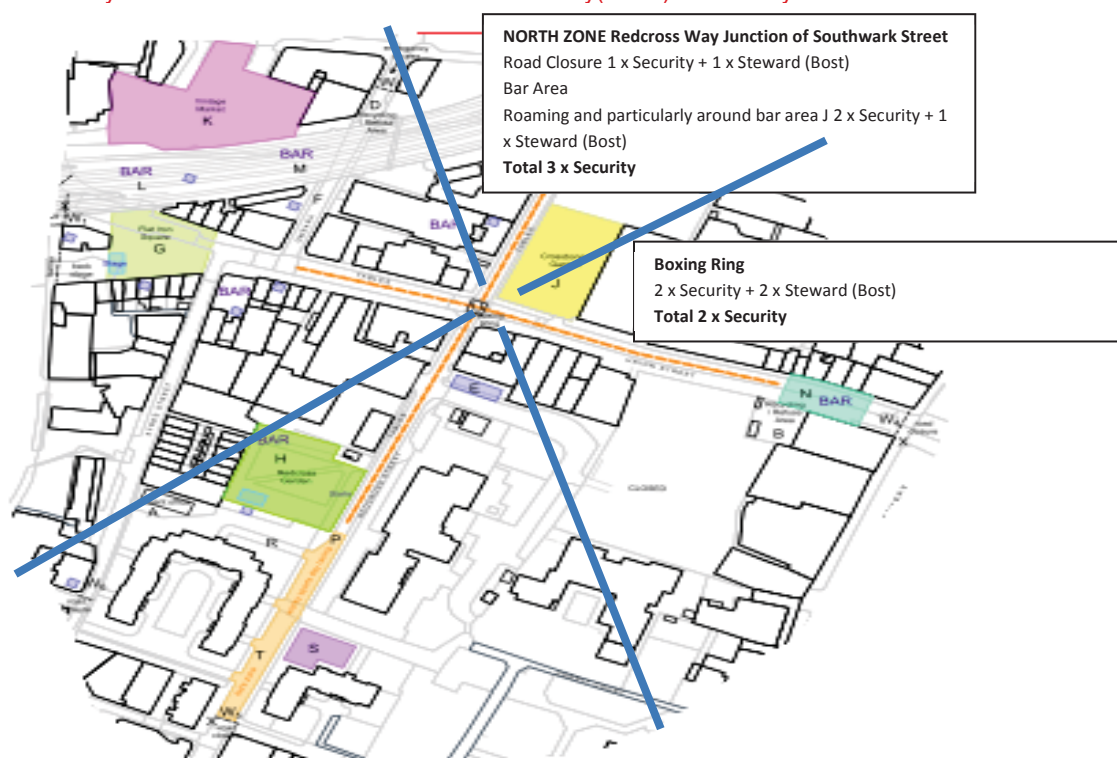
The information you provide will be used fairly and lawfully and Southwark Council will not knowingly do anything which may lead to a breach of the Data Protection Act 1998.



Bankside Open Spaces who are the main organisers for this event have employed one security team, Corporate Security Solutions (CSS), headed by Darryl O'Leary.

CSS will be entirely responsible for the security in this area where Hotel Elephant will be set up, deploying safety strategies and crowd management throughout the day.

Below is the security plan provided by CSS where our bar will be on Redcross Way(North) for Sunday 18th June 2017



**North Zone particularly around bar area J:**

**1 x Security Manager to cover all areas**

**We may be able to utilise some of the security from other areas but these areas will need a security presence at all times and increased while acts are in the Boxing Ring**

**2 x Security Boxing Ring + 2 x Stewards (BOST)**

**2 x Security Roaming and particularly around bar area J + 2 x Stewards (BOST)**

**1 x Security Permanent on Road Closures + 1 x Stewards (BOST)**

**TOTAL SIA LICENSED SECURITY = 5 MINIMUM**



# HOTEL ELEPHANT

5 Spare Street, London, SE17 3EP

[www.hotelelephant.co.uk](http://www.hotelelephant.co.uk)

[info@hotelelephant.co.uk](mailto:info@hotelelephant.co.uk)

## **Bar Staff Training Guide & Record.**

*All bar staff must read this document and sign the log, held by the Bar Manager, to confirm they have read, understood and agree to abide by the provisions herein.*

### **Part 1:**

#### **1. Essential Licensing & Legal regulations.**

- 1.1. You must not serve alcohol to a person who is - or appears to be - drunk.
- 1.2. You must not serve alcohol to the companion of a person who is drunk for the drunken person's consumption.
- 1.3. You must not serve alcohol to a person who is less than 18 years old.
- 1.4. You must not serve a person who you think is attempting to purchase alcohol on behalf of someone who less than 18 years old.
- 1.5. You must not serve alcohol in anything other than standard measures. You must not guesstimate, "eye", or "free-pour" what you think is the right amount. You must always use a measure (175ml or 250ml for wine, 25ml or 50ml for spirits).
- 1.6. Alcoholic drinks that have not been bought at the bar must not be consumed in or brought in open containers into the bar or the outside yard. You must enforce this rule within the bar and outside the in the yard.

1.7. You must not distribute cups or glasses for customers to use for their own drinks. Cups and glasses should only be given with a drink in them.

1.8. You must not sell or hand out any sealed bottles: wine must have the cork or screw cap removed, and beer & cider must have the top removed.  
Our licence does not permit sale of alcohol for consumption off-premises.

1.9. You must not allow the sale or supply of alcohol from the bar outside of our licensed hours.

1.10. You must not allow any smoking in the bar.

1.11. You must not allow disorderly conduct in the bar.

1.12. You must not allow recreational drugs to be used or supplied in the bar.

## **2. Miscellaneous Regulations.**

2.1. You must not allow anyone behind the bar when you are on duty except those authorised to do so by the manager.

2.2. You should not drink alcohol when you are on duty in the bar.

2.3. You must not be intoxicated with alcohol or drugs when you are on duty in the bar.

## **3. Obtaining Help.**

3.1. If you have any problems during your shift, contact the Bar Manager.

3.2. If you have any difficulty or reluctance with enforcing any of the regulations contact the premises supervisor immediately.

3.3. In an emergency (e.g. serious disorderly conduct), you are authorised to call 999 for the police. You must also inform the premises supervisor.

## **4. Gross Misconduct.**

4.1. The following breaches of bar procedure shall be considered gross misconduct. This list is not exhaustive.

4.2. Theft from the bar.

- 4.3. Giving away free drinks except where authorised in advance by the bar manager.
- 4.4. Extending credit to any person.
- 4.5. Allowing the sale or supply of alcohol other than within the terms of our licence.
- 4.6. Consuming or bringing your own alcoholic drinks in open containers into the bar.
- 4.7. Being found on three separate occasions to have allowed an unauthorised person behind the bar.

### **5. Enforcement of discipline.**

- 5.1. Allegations of misconduct may be made to the Bar Manager.
- 5.2. If the premises supervisor receives an allegation of gross misconduct, they are obliged to report this immediately to the licence holder/director.
- 5.3. Allegations of minor misconduct, shall normally be investigated by the premises supervisor. The member of bar staff concerned shall be required to attend an interview with the premises supervisor.
- 5.4. If minor misconduct is found proven, the premises supervisor will keep a record of the offence.
- 5.5. No financial or disciplinary penalty other than a written or verbal warning may be imposed for minor misconduct.
- 5.6. You may appeal against a finding of minor misconduct in writing to the premises supervisor, within five working days of the finding being communicated to you.
- 5.7. Allegations of gross misconduct shall be investigated by the licence holder/director.
- 5.8. The licence holder/director shall have full authority to determine the appropriate action in response to cases of gross misconduct, but the default penalty shall be dismissal from the bar team.
- 5.9. You may appeal against a finding of gross misconduct in writing to the licence holder/director, within five working days of the finding being communicated to you.

## 6. Raising Concerns.

6.1. If you have any concerns about the performance of your colleagues on the bar, you should discuss these with the premises supervisor.

6.2. If you have any concerns about this guidance or its application, please speak in confidence with the premises supervisor.

## Part 2.

*All bar staff must read this document and sign the log, held by the Bar Manager, to confirm they have read, understood and agree to abide by the provisions herein.*

## The Licensing Act 2003.

Hotel Elephant is allowed to conduct licensable activities by virtue of its premises licence.

**Premises licence number:** 051010

Our licensing authority is the London Borough of Southwark. Both their officers and the police may visit our bar without warning, and it is possible that they may employ "mystery customers". So it is important that we comply with the law at all times.

### **The Licensing Act 2003 defines four groups of licensable activity:**

- **Sale of alcohol by retail;**
- **Supply of alcohol in club premises;**
- **Provision of regulated entertainment** (dancing, playing live or recorded music, showing films, indoor sporting events, performance of plays, etc.);
  - **Late night refreshment** (hot food & drink between 11 p.m. and 5 a.m.).

### Objectives of Licensing Law.

Hotel Elephant must always be operated in such a way as to promote the four objectives of the Licensing Act 2003:

- **Prevention of crime and disorder** - making sure that whoever you sell alcohol to doesn't cause trouble inside or outside the venue;
- **Public safety** - operating safe premises and ensuring that people drink alcohol responsibly;
- **Prevention of public nuisance** - ensuring that the behaviour of your customers doesn't cause a nuisance;

Any offence committed under the Licensing Act would probably lead to our premises licence being reviewed and possibly revoked.

## **TO WHOM CAN YOU SELL ALCOHOL?**

### **YOUR RIGHTS**

You have the right to refuse to serve alcohol to any person. You do not have to explain your reasons.

You have the right to ask a person who is drunk or disorderly to leave the bar immediately. If the person refuses, they are committing an offence.

### **SUPERVISION**

The Premises Supervisor has the final say in determining any matter in relation to the conduct of licensable activities. The Premises Supervisor is available to advise on any matters.

Please discuss any problems, concerns, or anything you do not understand with the Premises Supervisor.

If someone is being difficult because you have refused to serve them or asked them to leave, ask for help early from the Premises Supervisor.

### **SALE OF ALCOHOL TO DRUNKEN PEOPLE**

You must not serve alcohol to a person who is – or appears to be – drunk.

You also must not serve alcohol to the companion of a person who is drunk for the drunken person's consumption.

It is a criminal offence to sell alcohol to someone you believe is intoxicated, or for the consumption of someone you believe is intoxicated.

Use your own judgement, and if at all unsure, you should refuse the sale. There are several signs that can indicate someone is drunk:

- **Slurring their words**, using a loud voice, repeating the same drink in an order;
- **Asking for big quantities of alcohol** for themselves, or asking for very strong drinks (e.g. a triple vodka coke);
- **Stumbling** or not standing up straight;

- **Eyes not focusing** / dilated pupils / strange facial movements;
- **Strong smell of alcohol.**

If you are unsure about someone's suitability to drink alcohol you should decline the sale. Offer the customer a soft drink and/or a glass of water instead. Inform your colleagues on the bar to make sure nobody else serves that customer. Avoid getting into confrontational arguments: if a customer insists that they are not drunk, do not offer a second opinion - stand away from the customer and inform the Bar Manager/ Premises Supervisor.

### **SALE OF ALCOHOL TO PERSONS UNDER 18 YEARS OF AGE**

You must not serve alcohol to a person who is less than 18 years old.

You also must not serve a person who you think is attempting to purchase alcohol on behalf of someone who less than 18 years old.

It is a criminal offence to sell alcohol for the consumption of a child. The penalty for selling alcohol to someone less than 18 years of age is a fine of up to £5,000 for each sale that takes place.

If you are unsure, ask for photographic proof of age. Acceptable proof of age includes: passport, driving licence, national ID card, or recognised proof of age card; but note that college / university ID cards are not proof of age as they usually do not include the holder's date of birth.

Hotel Elephant operates a **think 25 policy**, if someone who looks younger than 25 and can't prove their age, do not serve them alcohol.

### **ENCOURAGE RESPONSIBLE DRINKING**

Make efforts to encourage customers to drink responsibly. Never sell any drink containing more than two shots of strong (>30% ABV) spirits.

### **MEASURES**

The Weights & Measures Act 1985 very strictly requires that we always serve drinks in approved measures. Beer and cider may be sold by the bottle "as-is" - because the bottle tells the customer how much is in it and how much alcohol it contains. Wine and spirits must always be sold using a measure: the thimble measures behind the bar.

(175mL or 250mL for wine; 25mL (single) or 50 mL (double) for spirits).

### **DISORDERLY CONDUCT**

Under the Licensing Act 2003, you commit an offence if, as a member of bar staff on duty, you knowingly allow disorderly conduct in the bar area.

If someone is causing trouble, get help early. The police may be requested to assist in the removal of drunk or disorderly individuals.

### **DRUGS**

Heavy penalties can be imposed on staff who permit drug-related offences to take place on licensed premises. The police would be able to close the bar if they become aware of certain drugs being supplied on the premises, and any drug-related activity would lead to a review of our premises licence.

If you suspect any drug offence is taking place in the bar, you should report it to the premises supervisor immediately.

### **AUTHORITIES' RIGHTS OF ENTRY**

A police officer or an authorised person (local authority licensing officer, environmental health officer, fire officer, or health & safety officer) may enter the bar (including behind the bar / back bar area) at any time if they have reason to believe that a licensable activity is being - or is about to be - carried out.

A police officer may enter and search the bar at any time if they have reason to believe that an offence under the Licensing Act has been, is being, or is about to be committed. No warrant is required.

A police officer or authorised person can demand to inspect the original or a certified copy of the premises licence at any time.

If any of the above situations arise, you must notify the premises supervisor immediately.

### **LATE PARTIES / TEMPORARY EVENT NOTICES**

We can hold parties including the sale of alcohol and other licensable activities outside of our normal licensed hours when the Premises Supervisor submits a temporary event notice (TEN) to the licensing authority.

When the bar is open late under a temporary event notice, the notice must be prominently displayed on the premises and a police officer or authorised person can demand to inspect the notice at any time.

The bar will stop serving drinks 15 minutes before the end of the party (e.g. 01.45 for a party that finishes at 02.00).

The music should finish 5 mins before closing time and the house lights turned up at final closing time.

All staff are to assist the premises supervisor in encouraging guests to vacate the premises.

### **SMOKING AREA**

The Health Act 2006 requires us to restrict smoking to designated areas. When on duty behind the bar, it is your responsibility to ensure that no one smokes inside the premises.

There is a small smoking area outside the front of the premises, to the left of the doors.

Bar staff must help enforce this rule.

### **ALCOHOLIC DRINKS NOT BOUGHT AT THE BAR**

Guests on the premises, including the outside yard, must not drink alcoholic drinks bought anywhere other than in our bar.

Bar staff must help enforce this rule and ask anyone to leave if they are drinking their own drinks.

### **"ON-LICENCE"**

Our licence only allows us to sell alcohol for consumption on the premises. To meet this licensing requirement, all bottles and containers must be open when they are given to the customer (cork / screwtop removed from wine; top removed from bottles of beer or cider) and we never sell bottles of spirits.

### **DRINKING ON DUTY**

You should not drink alcohol when you are working behind the bar.

You must not ever be intoxicated when you are working behind the bar.

You must not use recreational drugs when you are working behind the bar.

"Should not" is strong guidance. "Must not" is an immediate dismissal offence.

### **CLOSING TIME**

Sound "last orders" 15 minutes before closing time, and warn guests that are outside.

The sale or supply of alcohol must stop at the time required by our licence.





**Orton, Mark**

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**From:** Prickett, Mark  
**Sent:** 25 May 2017 13:31  
**To:** Regen, Licensing  
**Cc:** [REDACTED]  
**Subject:** TENS - Union Street/Flat Iron Square/Redcross Way Street Party, Sunday 18th June 2017

Dear Licensing,

The Environmental Protection Team have reviewed x5 TEN applications for a street party event on Sunday 18<sup>th</sup> June 2017.

The event for all x5 TENS is described as a 'community street party with live music for the Great Get Together Bankside hosted by Bankside Open Spaces Trust (BOST), in memory of the late MP Jo Cox'.

The x5 TEN applications are as follows (in no particular order);

- 1) Flat Iron Square. Applied for by Tim Wood, Forge Architects.  
 Provision of regulated entertainment between 12:00 – 21:00 for 499 people.  
 A proposed site plan, security plan & larger scale map of the event is attached with the application.
- 2) Redcross Way (South). Applied for by Samuel Bompas, Bompas & Parr.  
 Sale by retail of alcohol and provision of regulated entertainment between 12:00 – 21:00 for 499 people.  
 A site plan, security plan for the south zone and a method statement & risk assessment are attached with the application.
- 3) Redcross Way (North). Applied for by Reuben Powell, Hotel Elephant.  
 Sale by retail of alcohol and provision of regulated entertainment between 12:00 – 21:00 for 499 people.  
 A site plan, security plan for the north zone & staff bar training document are attached with the application.
- 4) Union Street. Applied for by Jack Callum Wilkinson, Corsica Studios.  
 Sale by retail of alcohol and provision of regulated entertainment between 12:00 – 21:00 for 499 people.  
 A site plan, security plan for the east zone & Corsica Studios risk assessment are attached with the application.
- 5) Flat Iron Square / West of Union Street. Applied for by Lucy Jane Canty, Sweet & Chilli.  
 Sale by retail of alcohol and provision of regulated entertainment between 12:00 – 21:00 for 499 people.  
 A security plan for the west zone is attached to the application.

**EPT STANCE**

The 'Great Together Map' states that "BOST have employed one security team for the overall event". This clearly suggests that this is 1 large event. The description of the x5 TENS are also all for the same single event occurring between 12:00 – 21:00 on Sunday 18<sup>th</sup> June 2017.

The total number of people applied for to be present at this event for the x5 TENS is 2495.

**EPT make representation** against these x5 TENS due to the fact that this is 1 large event for 2495 people and should have been applied for using the a premises licence application and not via Temporary Events Notices by breaking this event up into multiple areas.

In the event the TENS were granted the 499 person limit would still apply in each area. It would be very difficult in practice to reasonably control movement of 2495 people through the event so as to be assured that no single area exceeds 499 people at any time whilst licensable activities take place.

By applying through TEN applications, this large event has also not had full consultations with the following responsible authorities; Fire & Rescue authority, Public Health, Health & Safety, Planning authority and Trading Standards.

The recent House of Lords Select Committee report on the Licensing Act covered this issue and concluded: '354. *Where it appears that notices are being given for TENs simultaneously on adjacent plots of land, resulting in effect in the maximum number attending exceeding the 500 person limit, we would expect the police or environmental health officers to object, and the licensing authority to issue a counter-notice. We recommend that the section 182 Guidance be amended to make this clear.*'

(<https://www.publications.parliament.uk/pa/ld201617/ldselect/ldlicact/146/146.pdf>)

Whilst EPT wish to make clear that there is no objection based on the type of event and reasons for the event, EPT's objection is based on the method by which the event has been applied for to be licensed.

EPT would expect the above information to be taken into account by the Licensing Sub-Committee when coming a decision whether to issue a counter notice.

Kind regards,

**Mark Prickett**  
**Principal Enforcement Officer**  
Environmental Protection Team  
Tel: 020 7525 0023

Postal address: Southwark Council, Environmental Protection Team, Regulatory Services, 3rd Floor Hub 1, PO Box 64529, London, SE1P 5LX

Office address (By appointment only): Southwark Council, 160 Tooley Street, London, SE1 2QH

visit: <http://www.southwark.gov.uk/air-quality>

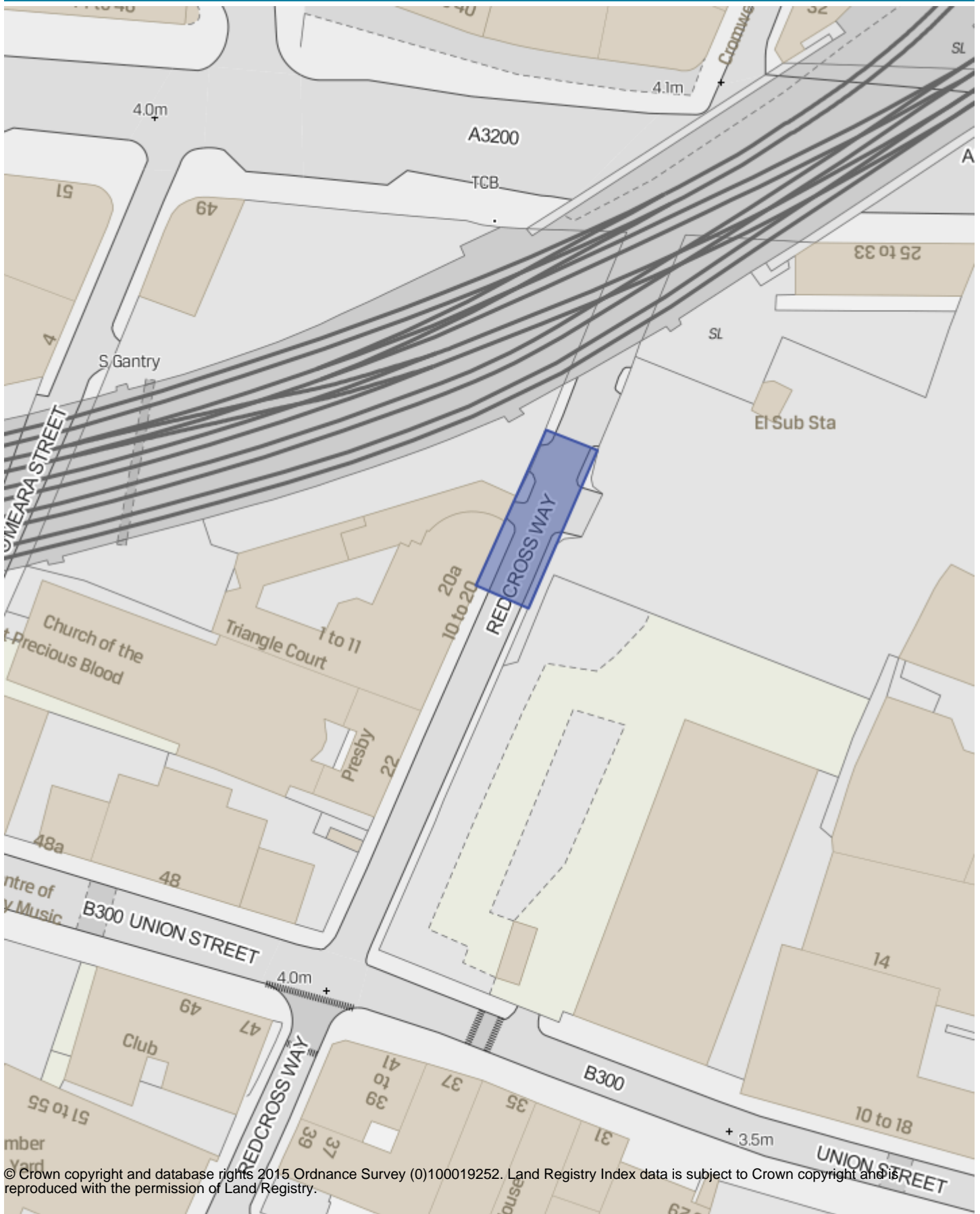
<http://www.llecp.org.uk/> - London Low Emission Construction Partnership



Please consider the environment - do you really need to print this email?



Redcross Way, Southwark, SE1



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<b>Item No.</b> 11.	<b>Classification:</b> Open	<b>Date:</b> 12 June 2017	<b>Meeting Name:</b> Licensing sub-committee
<b>Report title:</b>		Licensing Act 2003: Union Street, London SE1 – Temporary Event Notice 858890	
<b>Ward(s) or groups affected:</b>		Cathedrals	
<b>From:</b>		Strategic Director of Environment and Social Regeneration	

## RECOMMENDATION

1. That the licensing sub-committee decide whether or not to issue a counter notice in respect of a temporary event notice (TEN) 858890 served by Jack Callum Winkinson in regards to an event to be held at Union Street, London SE1. The TEN is between 12:00 and 21:00 on Sunday 18 June 2017.

## BACKGROUND INFORMATION

### The Licensing Act 2003

2. On 24 November 2005 the Licensing Act 2003 came into effect establishing a licensing regime for the following licensable activities:
  - a) The retail sale of alcohol
  - b) The supply of alcohol to club members or on behalf of a club
  - c) The provision of regulated entertainment
  - d) The provision of late night refreshments.
3. The Act established a process for the giving of “temporary event notices” (TENs).
4. Amendments to the Licensing Act 2003 were brought about by way of the Police Reform and Social Responsibility Act 2011 as of 25 April 2012.
5. A premises user may serve a TEN, where it is proposed to use the premises concerned to provide one or more licensable activities for a period not exceeding 168 hours for less than 500 persons.
6. A person holding a personal license issued under the Act may serve up to 50 TENs in a calendar year. Non personal licence holders may serve up to five TENs in the same period. No premises may be used for more than 12 TENs in a calendar year or for more than 21 days in a calendar year.
7. No premises may be used for temporary events that are less than 24 hours apart.
8. The police or environmental health authority may intervene to prevent such an event taking place or agree a modification of the proposed arrangements, and their

intervention may in some cases result in the licensing authority imposing conditions on a TEN.

9. If the police or environmental health team believe that allowing the premises to be used in accordance with the TEN will undermine the licensing objectives, they must give the premises user and the licensing authority an objection notice. This must be given within three working days of the receipt of the TEN.
10. A TEN does not relieve the premises user from any requirements under planning law for appropriate planning permission where it is required.
11. The police or environmental health may contact the premises user to discuss their objections and attempt 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.
12. If the licensing authority receives an objection notice from the police or environmental health that is not withdrawn, it must (in the case of a standard TEN only) hold a hearing to consider the objection (unless all parties agree that this is unnecessary). The licensing committee may decide to allow the licensable activities to go ahead as stated in the notice. If the notice is in connection with licensable activities at licensed premises, the licensing authority may also impose one or more of the existing licence conditions on the TEN if it considers that this is appropriate for the promotion of the licensing objectives. If the authority decides to impose conditions, it must give notice to the premises user which includes a statement of conditions, and provide a copy to each relevant party. Alternatively, it can decide that the event would undermine the licensing objectives and give a counter notice. This prohibits the event from taking place.

## **KEY ISSUES FOR CONSIDERATION**

### **The temporary event notices**

13. On 24 May 2017 the TEN was served by Jack Callum Wilkinson in regards to an event to be held at Union Street, London SE1. The TEN is between 12:00 and 21:00 on Sunday 18 June 2017. A copy of the TEN is attached to this report as Appendix A.
14. The TEN is summarised as follows:
  - TEN 858890: To allow the sale of alcohol on and off the premises and the provision of regulated entertainment between 12:00 and 21:00 on Sunday 18 June 2017. The maximum number of people expected at any one time at the premises is 499. The activities are to take place on and off the premises. This is a temporary street party with food stalls and music for the Great Get Together Bankside hosted and organised by Bankside Open Spaces trust, in memory of the late MP Jo Cox. Street closures have already been applied for and security and stewards are to be employed.

### **The objection notice**

15. On 25 May 2017 the councils environmental protection team served an objection notice in respect of the TENS.
16. The objection notice state that this event should have been applied for by way of a time limited premises licence and not a series of TENS, therefore creating several different events.
17. EPT make the following points in support of their objections:
  - In the event the TEN is granted, the 499 person limit would still apply in each area. It would be very difficult in practice to reasonably control movement of 2495 (cumulative total of all TENS applied for this event) people through the event so as to be assured that no single area exceeds 499 people at any time whilst licensable activities take place.
  - By applying through TEN applications, this large event has also not had full consultation with the following responsible authorities: fire and rescue authority, public health, health and safety, planning authority and trading standards.
  - The recent House of Lords Select Committee report on the Licensing Act covered this issue and concluded: *'354. Where it appears that notices are being given for TENS simultaneously on adjacent plots of land, resulting in effect in the maximum number attending exceeding the 500 person limit, we would expect the police or environmental health officers to object, and the licensing authority to issue a counter-notice. We recommend that the section 182 Guidance be amended to make this clear.'* (<https://www.publications.parliament.uk/pa/ld201617/ldselect/ldlicact/146/146.pdf>)
 

Whilst EPT wish to make clear that there is no objection based on the type of event and reasons for the event, EPT's objection is based on the method by which the event has been applied for to be licensed.
18. A copy of the EPT objection notice is attached to this report in Appendix B.

### **TENS history**

19. There have been no TENS applied for on this parcel of land in the last 12 months.

### **Premises/location history**

20. The premises consists of an area known as Union Street, London SE1. There have been no TENS issued for this parcel of land in the past 12 months.

### **Licensing visit history**

21. There are currently no issues in this area that we are investigating.

**The local area.**

22. A map showing the location of the premises is attached to this report as Appendix C. The premises are identified at the centre of the circle on the map.

**Policy considerations**

23. Section 4 of the Southwark statement of licensing policy on “administration, exercise and delegation of function” deals with the parameters under which TENs may be considered.

**Consideration by the sub-committee**

24. The sub-committee is asked to consider whether the issue of a counter notice is necessary for the promotion of the prevention of public nuisance and protection of public safety licensing objectives.

**Community impact statement**

25. Members are advised that under the Act, the matters to which consideration may be given in this instance are the crime and disorder and public nuisance objectives.
26. In considering the TENs in terms of community impact the sub-committee must restrict its considerations to this matter.

**Resource implications**

27. A fee of £21.00 has been paid by the applicant in respect of the TEN, this being the statutory fee payable.

**Consultation**

28. The Act provides for no consultations to take place other than the process outlined in this report.

**SUPPLEMENTARY ADVICE FROM OTHER OFFICERS****Director of Law and Democracy**

29. The sub-committee is asked to determine the notification of this temporary event under Section 105 of the Licensing Act 2003 and to consider whether or not counter notice should be issued in the circumstance. It must only issue a counter notice if they believe the event would undermine the crime prevention objective set out in the Act
30. The principles which sub-committee members must apply are set out below.

**Principles for making the determination**

31. The general principle is that temporary event notices must be accepted unless a relevant objection is received from the police. This is subject to the proviso that the



premises user has complied with regulations and submitted the notice within a prescribed time.

32. A relevant objection is that which:
- Is about the likely effect of the TEN on the promotion of the crime prevention of the licensing objectives
  - Is made by the metropolitan police
  - Has not been withdrawn
  - Are not, in the opinion of the relevant licensing authority, frivolous or vexatious.
33. If a relevant objection notice is received then the sub-committee must have regard to it in determining whether it is necessary for the promotion of the prevention of crime prevention and the prevention of public nuisance licensing objectives of the Licensing Act to:
- Issue a counter notice by adding to, omit, and/or alter the conditions of the licence or
  - Reject the whole or part of the application for TEN.

### **Conditions**

34. The sub-committee may attach conditions on the carrying on of permitted licensable activities. The sub-committee's function is to determine whether a counter notice should be issued.
35. Members are also referred to the Home Office revised guidance on conditions.

### **Reasons**

36. The sub-committee must give reasons for its decision to issue or not to issue a counter notice.

### **Hearing procedures**

37. Subject to the licensing hearing regulations, the licensing committee may determine its own procedures. Key elements of the regulations are that:
- The hearing shall take the form of a discussion led by the authority. Cross examination shall not be permitted unless the authority considered that it is required for it to consider the objection.
  - Members of the authority are free to ask any question of any party or other person appearing at the hearing.
  - The committee must allow the parties an equal maximum period of time in which to exercise their rights to:
    - Address the authority
    - If given permission by the committee, question any other party.

- In response to a point which the authority has given notice it will require clarification, give further information in support of their submission.
  - The committee shall disregard any information given by a party which is not relevant:
    - To the particular submission before the committee
    - To the licensing objectives prevention of crime and disorder.
  - The hearing shall be in public, although the committee may exclude the public from all or part of a hearing where it considers that the public interest in doing so outweighs the public interest in the hearing, or that part of the hearing, taking place in private.
  - In considering the objection and notice the authority may take into account documentary or other information produced by a party in support of their objection or notice (as applicable) either before the hearing or, with the consent of all the other parties, at the hearing.
38. This matter relates to the determination of a notification for a temporary event notice under section 105 of the Licensing Act 2003. Regulation 26(1) (c) requires the sub-committee to make its determination at the conclusion of the hearing.
39. Members should note that the licensing sub-committee is meeting on this occasion solely to perform the role of licensing authority. The sub-committee sits in quasi-judicial capacity, and must act impartially. It must offer a fair and unbiased hearing of the application. In this case, members should disregard the council's broader policy objectives and role as statutory authority in other contexts. Members must direct themselves to making a determination solely based upon the licensing law, guidance and the council's statement of licensing policy.
40. As a quasi-judicial body the licensing sub-committee is required to consider the temporary event notice on its merits. The sub-committee must take into account only relevant factors, and ignore irrelevant factors. The decision must be based on evidence, that is to say material, which tends logically to show the existence or non-existence of relevant facts, or the likelihood or unlikelihood of the occurrence of some future event, the occurrence of which would be relevant. The licensing sub-committee must give fair consideration to the contentions of the police objection.
41. Members will be aware of the council's code of conduct which requires them to declare personal and prejudicial interests. The code applies to members when considering licensing applications. In addition, as a quasi-judicial body, members are required to avoid both actual bias, and the appearance of bias.
42. Under the Human Rights Act 1998, the sub committee needs to consider the balance between the rights of the applicant and those making the objection to the application when making their decision. The sub-committee has a duty under section 17 Crime and Disorder Act 1998 when making its decision to do all it can to prevent crime and disorder in the borough.

43. Where the relevant counter notice under section 105(3) is given the premises user may appeal against that decision. Where a counter notice is not given, the chief officer of police may appeal against that decision. The appeal must be made to the Magistrates' Court within a period of 21 days beginning with the day on which the applicant was notified by the licensing authority of the decision to be appealed against. No appeal may be brought later than five working days before the day on which the event begins.

### Guidance

44. Members are required to have regard to the Home Office revised guidance in carrying out the functions of licensing authority. However, guidance does not cover every possible situation, so long as the guidance has been properly and carefully understood, members may depart from it if they have reason to do so. Full reasons must be given if this is the case.

### Strategic Director of Finance and Governance

45. The head of regulatory services has confirmed that the costs of this process over and above the application fee are borne by the service.

### REASONS FOR URGENCY

46. The TENs process is time limited, and due to legislative time constraints it would not be possible to wait for a further meeting to be held to consider this report.

### REASONS FOR LATENESS

47. Due to the time limited nature of TENs there was not sufficient time to prepare and clear the report in time for the main agenda dispatch.

### BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Licensing Act 2003 Home Office revised guidance Secondary Regulations Statement of Licensing Policy Various papers from the premises file.	Licensing Unit Hub 2 Third Floor 160 Tooley Street SE1 2TZ	Kirty Read (020 7525 5748)

### APPENDICES

No.	Title
Appendix A	The temporary event notice
Appendix B	Environmental protection team representation
Appendix C	Map of area

## AUDIT TRAIL

<b>Lead Officer</b>	Deborah Collins, Strategic Director of Environment and Social Regeneration	
<b>Report Author</b>	Mark Orton, Licensing Enforcement Officer	
<b>Version</b>	Final	
<b>Dated</b>	31 May 2017	
<b>Key Decision?</b>	No	
<b>CONSULTATION WITH OTHER OFFICERS/DIRECTORATES/CABINET MEMBER</b>		
<b>Officer Title</b>	<b>Comments sought</b>	<b>Comments included</b>
Director of Law and Democracy	Yes	Yes
Strategic Director of Finance and Governance	Yes	Yes
<b>Cabinet Member</b>	<b>No</b>	<b>No</b>
<b>Date final report sent to Constitutional Team</b>		2 June 2017

22/05/2017

Business - Temporary events notices

Ref No. 821145

Before completing this notice please read the guidance notes at the end of the form.

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. Your name

Title	Mr
If other, Please state	
Surname	Wilkinson
Firstname(s)	Jack Callum

## 2. Previous names

Title	
If other, Please state	
Surname	
Firstname(s)	

## 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)

Address Line 1	██
Address Line 2	
Town	LONDON

County	
Post code	██████████

## Note 1

A temporary event notice may only be given by an individual and not, for example, by an organisation or club or business. The individual giving the notice is the proposed "premises user". Within businesses, clubs or organisations, one individual will therefore need to be identified as the proposed premises user. If you include an e-mail address in section 1(7) or 1(9), the licensing authority may send to this the acknowledgement of receipt of your notice or any notice or counter notice it is required to give under sections 104A, 106A or 107 of the Licensing Act 2003.

## 7. Other contact details

	Telephone numbers:
Daytime	██████████
Evening (optional)	██████████
Mobile (optional)	██████████
Fax number (optional)	
E-Mail Address	████████████████████

## 8. Alternative address for correspondence (If you complete the details below, we will use this address to correspond with you)

Address Line 1	
Address Line 2	
Town	
County	
Post code	

## 9. Alternative contact details (if applicable)

	Telephone numbers:
Daytime	
Evening (optional)	
Mobile (optional)	
Fax number (optional)	
E-Mail Address	

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)

Address Line 1	
Address Line 2	
Town	

County	
Post code	

Ordnance Survey grid reference

--	--

If there is no recognised Post code, please enter the address for the premises

Address Line 1	Union Street
Address Line 2	
Town	London
County	

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)

--	--

Please describe the nature of the premises below. (Please read note 4) \*

	A one way street and pavement.
--	--------------------------------

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

	A TEMPORARY STREET PARTY WITH FOOD STALLS AND MUSIC FOR THE GREAT GET TOGETHER BANKSIDE HOSTED AND ORGANISED BY BANKSIDE OPEN SPACES TRUST, IN MEMORY OF THE LATE MP JO COX.
--	--

If the event is situated in a park or in part of a larger premises, please upload the site location plans. Other documents such as risk assessments can also be uploaded here

Document 1	<a href="#">RISK-ASSESSMENT-CORSICA-STUDIOS.pdf</a>
Document 2	<a href="#">Corsica-Studios-OPERATIONAL-EVENT-SAFETY-MANAGEMENT-PLAN.pdf</a>
Document 3	<a href="#">The-Great-Get-Together-Map-East.pdf</a>
Document 4	<a href="#">Union-Street-Map-Corsica-Studios.pdf</a>

Document 5	
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Note 2

For the purposes of the Licensing Act 2003, “premises” means any place. Premises will therefore not always be a building with a formal address and postcode. Premises can include, for example, public parks, recreation grounds and private land.

If a premises licence or club premises certificate has effect in relation to the premises (or any part of the premises) which you want to use to carry on licensable activities, it is possible that any conditions which apply to the licence or certificate may be imposed on the temporary event notice if certain pre-conditions are met. These pre-conditions are that the police or the local authority exercising environmental health functions object to the notice and the licensing authority decides:

- not to give a counter notice under section 105 of the Licensing Act 2003;
- the conditions apply to the licence or certificate; and
- the imposition of the conditions on the notice would not be inconsistent with the carrying on of the licensable activities under the notice.

Note 3

A temporary event notice can be given for part of a building, such as a single room or a plot within a larger area of land. You should provide a clear description of the area in which you propose to carry on licensable activities. This is important as any licensable activities conducted outside the area of the premises protected by the authority of this temporary event notice would be unlawful and could lead to prosecution.

In addition, when holding the proposed event, the premises user would need to be able to restrict the number of people on the premises at any one time when licensable activities are taking place to less than 500.

If more than 499 are on the premises when licensable activities are being carried on, the licensable activities would be unlawful and the premises user would be liable to prosecution. The maximum figure of 499 includes, for example, staff, organisers, stewards and performers.

Note 4

A description of the nature of the premises assists the chief officer of police and local authority exercising environmental health functions in deciding if any issues relating to the licensing objectives are likely to arise. You should state clearly that the premises to be used are, for example, a public house, a restaurant, an open field, a village hall or a beer tent.

Note 5

A description of the nature of the event similarly assists the chief officer of police and local authority exercising environmental health functions in making a decision as to whether or not to make an objection. You should state clearly that the event taking place at the premises would be, for example, a wedding with a pay bar, the supply of beer at a particular farmers’ market, a discotheque, the performance of a string quartet, a folk group or a rock band.

Please state the licensable activities that you intend to carry on at the premises (please check next to the licensable activities you intend to carry on). (Please read note 6)

	<input type="checkbox"/> The sale by retail of alcohol <input type="checkbox"/> The provision of regulated entertainment
--	---

Please state the dates on which you intend to use these premises for licensable activities. (Please read note 8)

	SUNDAY 18TH JUNE 2017
--	-----------------------

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 9)



	12.00 - 21.00
--	---------------

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 10)

	499
--	-----

If the licensable activities will include the supply of alcohol, please state whether the supplies will be for consumption on or off the premises, or both (please check next to the appropriate box). (Please read note 11)

	Both
--	------

#### Note 6

The licensable activities are:

- the sale by retail of alcohol;
- the supply of alcohol by or on behalf of a club to, or to the order of, a member of a club;
- the provision of regulated entertainment; and
- the provision of late night refreshment.

Please refer to Schedules 1 and 2 to the Licensing Act 2003 for fuller details of the definitions and exemptions relating to regulated entertainment and late night refreshment.

Regulated entertainment, subject to specified conditions and exemptions, includes:

- (a) a performance of a play;
- (b) an exhibition of a film;
- (c) an indoor sporting event;
- (d) a boxing or wrestling entertainment;
- (e) a performance of live music;
- (f) any playing of recorded music;
- (g) a performance of dance;
- (h) entertainment of a similar description to that falling within (e), (f) or (g).

Regulated entertainment also includes the provision of "entertainment facilities" for:

- (a) making music;
- (b) dancing; and
- (c) entertainment of a similar description to that falling within (a) or (b).

If you are uncertain whether or not the activities that you propose are licensable, you should contact your licensing authority for further advice.

Note 7 (not including the date that the form is submitted and the date of the Event )

Late notices can be given no later than 5 working days but no earlier than 9 working days before the event in relation to which the notice is given. A late notice given later than 5 working days before the event to which it relates will be returned as void and the activities described in it will not be authorised.

The number of late notices that can be given in any one calendar year is limited to 5 for personal licence holders and 2 for non-personal licence holders. These count towards the total number of temporary event notices (i.e. 50 temporary event notices per year for personal licence holders and 5 temporary event notices for non-personal licence holders).

If there is an objection from either the police or local authority exercising environmental health functions, the event will not go ahead and a counter notice will be issued.

#### Note 8

The maximum period for using premises for licensable activities under the authority of a temporary event notice is 168 hours (seven days).

#### Note 9

You should state here the times during the event period, for example 48 hours, when you intend to carry on licensable activities. For example, you may not intend to carry on licensable activities throughout the entire 48 hour event period, and may intend to sell alcohol between 8.00 hrs and 23.00 hrs on each of the two days.

#### Note 10

No more than 499 may be on the premises for a temporary event at any one time when licensable activities are being carried on. If you intend to have more than 499 attending the event, you should obtain a premises licence for the event. Your licensing authority should be able to advise you. The maximum figure of 499 does not just include the audience, spectators or consumers and includes, for example, staff, organisers, stewards and performers who will be present on the premises.

#### Note 11

If you indicate that alcohol will be supplied only for consumption on the premises, you would be required to ensure that no person leaves the premises with alcohol supplied there.

If such a supply takes place, the premises user may be liable to prosecution for carrying on an unauthorised licensable activity. Similarly, if the premises user gives notice that only supplies of alcohol for consumption off the premises will take place, he/she must ensure that alcohol supplied is not consumed on the premises. The premises user is free to give notice that he/she intends to carry on both types of supplies. For this purpose the supply of alcohol includes both of the first two licensable activities listed in note 6 above.

Do you currently hold a valid personal licence?

	Yes
--	-----

If "Yes" please provide the details of your personal licence below.

Issuing licensing authority	London Borough of Southwark
Licence number	██████
Date of issue	██████
Date of expiry	██████
Any further relevant details	

#### Note 12

The holder of a valid personal licence issued under the Licensing Act 2003 may give up to 50 temporary event notices in any calendar year subject to the other limitations in the 2003 Act. A proposed premises user who holds such a licence should give the details requested.

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
--	-----

If answering yes, please state the number of temporary event notices you have given for events in that same calendar year

	6
--	---

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	No
b) begins 24 hours or less after	No

### Note 13

As stated under Note 12, a personal licence holder (issued under the Licensing Act 2003) may give up to 50 temporary event notices (including 5 late notices) in any calendar year. An individual who does not hold a personal licence may only give 5 temporary event notices (including 2 late notices) in England and Wales in any calendar year. A calendar year is the period between 1 January to 31 December inclusive in any year. If an event straddles two calendar years, it will count against the limits on temporary event notices (12 for each premises, 21 days for each premises, 50 per personal licence holder and 5 for non-holders) for each year, however, only one notice needs to be given.

For the purposes of determining the overall limits of 50 temporary event notices per personal licence holder (in a calendar year) and of 5 for a non-personal licence holder (in a calendar year), temporary event notices given by an associate or a person who is in business with a premises user (and that business involves carrying on licensable activities) count towards those totals. Note 14 below sets out the definition of an "associate".

If a temporary event notice has been given for the same premises, by the same premises user, and would have effect within 24 hours before the start of the event period under the current proposal or within 24 hours after the end of that period, the temporary event notice given would be void and any licensable activities carried on under it would therefore be unlicensed.

For the purposes of determining whether or not the required gap of 24 hours is upheld, temporary event notices given by an associate or a person who is in business with a premises user (and that business involves carrying on licensable activities) count as if they had been given by the premises user himself. Note 14 below sets out the definition of an "associate".

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
--	-----

If answering yes, please state the total number of temporary event notices your associate(s) have given for events in the same calendar year

	1
--	---

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	No
b) begins 24 hours or less after	No

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
--	-----

If answering yes, please state the total number of temporary event notices your business colleague(s) have given for events in the same calendar year.

	1
--	---

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	No
b) begins 24 hours or less after	No

#### Note 14

An "associate" of the proposed premises user is:

- a. the spouse of that person;
- b. a child, parent, grandchild, grandparent, brother or sister of that person;
- c. an agent or employee of that person; or
- d. the spouse of a person within (b) or (c).

For these purposes, a person living with another as that person's husband or wife is to be treated as that person's spouse.

These provisions will be subject to amendment by the Civil Partnerships Act. These amendments are due to take effect from 5th December 2005.

I shall

	<p>If the premises are situated in one or more licensing authority areas, send at least one copy&lt;br&gt; of this notice to each additional licensing authority</p> <p>If the premises are situated in one or more police areas, send a copy of this notice&lt;br&gt; to each additional chief officer of police</p> <p>If the premises are situated in one or more local authority areas, send a copy of this notice to each additional&lt;br&gt; local authority exercising environmental health functions</p>
--	---

#### Note 15

It is a requirement that you send at least one copy of this notice to the licensing authority at least ten working days (not including the date that the form is submitted and the date of the Event ) (or five working days for a late notice) (not including the date that the form is submitted and the date of the Event ) before the commencement of the proposed licensable activities.

The authority will give you written acknowledgement of the receipt of the notice. This will be important proof that you gave the notice and when you gave it for the purposes of the Act. Some premises may be situated in two licensing authority areas, for example, where a building or field straddles the local authority boundary.

Where this is the case, at least one copy of the notice must be sent to each of the licensing authorities identified, together with the appropriate fee in each case. In such circumstances, you will receive acknowledgements from all the relevant licensing authorities.

One copy must be sent to each of the chief officer of police and the local authority exercising environmental health functions for the area in which the premises is situated at least ten working days for a standard notice (or five working days for a late notice) before the commencement of the proposed licensable activities. Where the premises are situated in two police areas or environmental health areas, a further copy will need to be sent to the second police force and local authority exercising environmental health functions.

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 connection with this temporary event notice and that a person is liable on conviction for such an offence to a fine up to level 5 on the standard scale; and
- (ii) to permit an unauthorised licensable activity to be carried on at any place and that a person is liable on conviction for any such offence to a fine not exceeding £20,000, or to imprisonment for a term not exceeding six months, or to both

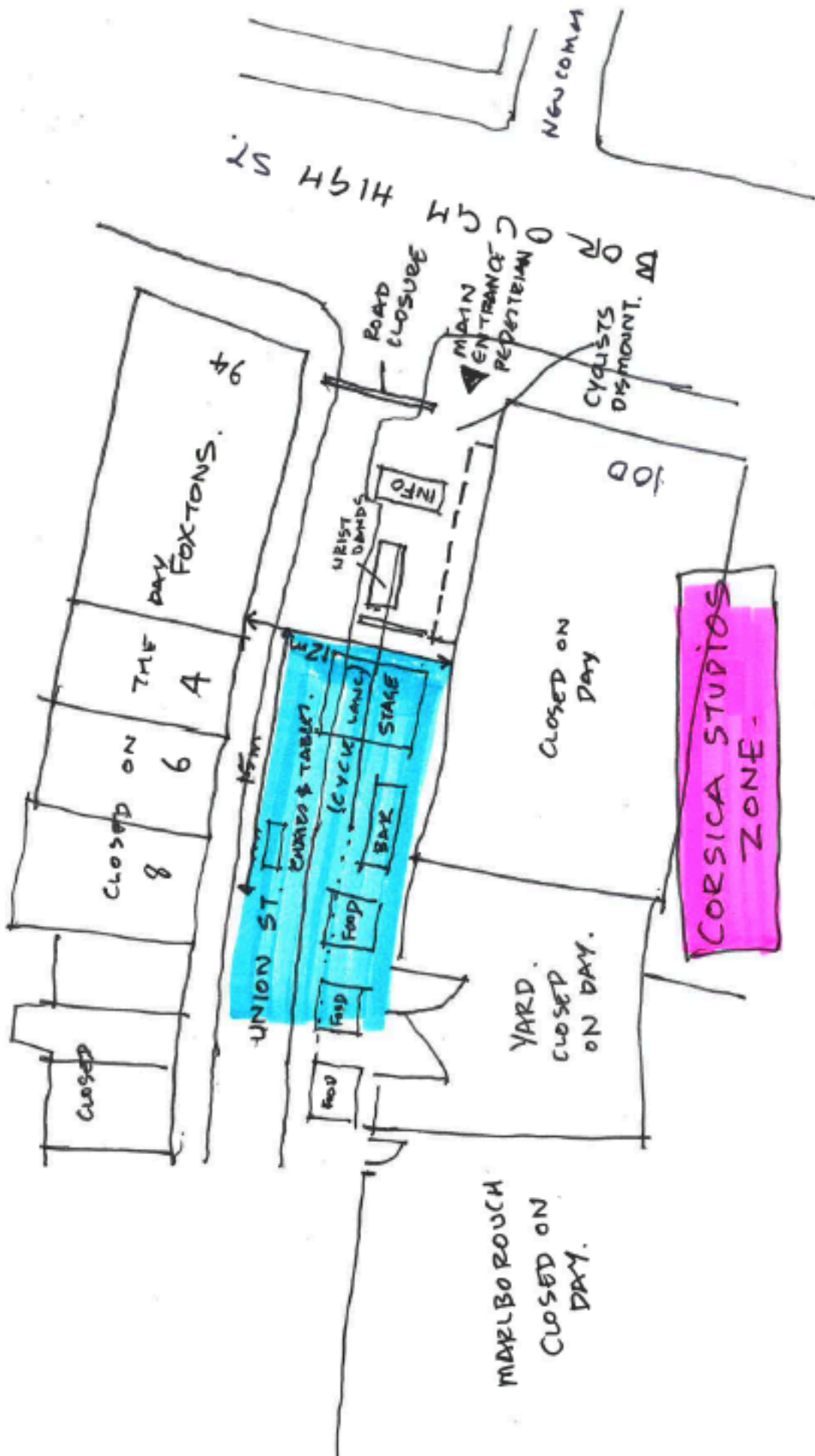
I agree to the above statement

	I agree
PaymentDescription	, ,
PaymentAmountInMinorUnits	2100
AuthCode	222189
LicenceReference	LTN-94212-1534
PaymentContactEmail	[REDACTED]

#### Note 17

It is an offence knowingly or recklessly to make a false statement in, or in connection with, a temporary event notice. (A person is to be treated as making a false statement if he produces, furnishes, signs or otherwise makes use of a document that contains a false statement). To do so could result in prosecution and a fine not exceeding level 5 on the standard scale.

The information you provide will be used fairly and lawfully and Southwark Council will not knowingly do anything which may lead to a breach of the Data Protection Act 1998.





#### East Zone

1 x Security Manager to cover all areas.

We may be able to utilise some of the security from other areas but these areas will need a security presence at all times and increased while acts are on the main stage

2 x Security Roaming and particularly around bar area N Corsica + 2 x Stewards (BOST)

**TOTAL SIA LICENSED SECURITY = 2 MINIMUM**

21.05.17

## Corsica Studios Operational & Event Safety Management Plan - The great Get Together

### Street Food, BBQ's and Food

In general The Great Get Together operates as a multi venue arts, music and community gathering.

Food stalls are located in a restricted area of safety and at a safe distance from customers, all aspects of health and safety regarding smoke etc will be carefully considered, adhered and managed throughout.

Throughout opening hours numbers will vary with certain peak times at lunch and dinner, over the course of the day we would expect a peak in the area where the food operators will be located.

Bins are provided throughout the area and in each individual traders space. Bar and floor staff regularly patrol the venue and pick up all litter and discarded items.

Food is contracted out to street food providers who are all responsible for overseeing and complying with current Health & Safety Legislation and implementing changes when they occur in this field. The Street Food teams are responsible for bringing the different elements of their service together, i.e. the set-up and co-ordination of their operation. The Operations Manager will oversee and co-ordinate all operations through liaising closely with these teams and BOST Management.

### Music and Stage

Music will be operated at agreed levels and mostly played at an in offensive level. The event is aimed at families and the local community and the music programme will reflect this outdoors, Sunday relaxed environment.





### Corsica Studios Risk Assessment - The Great Get Together 2017

This risk assessment covers the main significant risks associated with the event but is non-exhaustive. Where additional risks are identified, these should be evaluated and suitable precautions listed on this assessment and implemented. All contractors shall complete a risk assessment for their individual activities.

Date: Sunday 18<sup>th</sup> June 2017  
Union Street, Borough, London

#### Key personnel

Director: Adrian Jones - [REDACTED]

Operations: Jack Wilkinson - [REDACTED]

Stage Manager & Artist Liaison: To be appointed

Security: Corporate Security Solutions (CSS) have been appointed by Bankside Open Spaces Trust (BOST)

The event is a free street party for all ages marking the 1 year anniversary of the murder of Jo Cox. Corsica Studios (CS) will be operating an area of this street party hosting bars, street food traders and a stage with music.

Security has been hired for the Great Get Together through BOST.

#### **Agencies**

- Corsica Studios
- Bankside Open Spaces Trust
- Stage rigging & Audio - To be appointed
- Corporate Security Solutions



	<b>Hazard</b>	<b>Control Measures</b>	<b>Measures Implemented/ Comments</b>	<b>Responsible person</b>
1	<b>Fire, explosion or other emergency</b>	<p>Escape routes will be kept clear of obstruction and emergency routes will be unlocked and not blocked whilst staff are present and patrons on site.</p> <p>Adequate first aid provision will be provided.</p> <p>An adequate number of tested and certified fire extinguishers of types suitable for use for the potential fire situations anticipated will be available for use from clearly signed "Fire Points". Telephone communication will be available on site to summon the Fire Service in the event of a fire.</p> <p>Rig and derig: In the case of evacuation CS staff will be briefed instructed to meet at the designated Muster Point for our area of the event.</p> <p>Events: In the case of evacuation CS Staff, Security and Stewards will direct attendees to the exit and to this Muster Point.</p>		Jack Wilkinson



	<b>Hazard</b>	<b>Control Measures</b>	<b>Measures Implemented/ Comments</b>	<b>Responsible person</b>
2	<b>Crowd disorder</b>	<p>BOST Consultation with CSS security team and local Police.</p> <p>Police are aware of the event occurring and will be on standby to assist if required.</p> <p>CS and event crew to have radios + to communicate with each other to relay event management comms + any emergencies.</p> <p>There are a minimum of 2 security in the CS area dependent on time. They are in radio communication with each other and security staff managing the adjacent venues and can notify of any issues.</p>		CSS / Jack Wilkinson

	<b>Hazard</b>	<b>Control Measures</b>	<b>Measures Implemented/ Comments</b>	<b>Responsible person</b>
3	<b>Risk of Over Crowding</b>	<p>Crowd barrier will be used to cordon off queue lanes and stage.</p> <p>CSS security will remain in comms with CS management to direct customers away from crowded areas.</p>		Jack Wilkinson / CSS



	<b>Hazard</b>	<b>Control Measures</b>	<b>Measures Implemented/ Comments</b>	<b>Responsible person</b>
4	<b>Sound levels</b>	Electronic limiter on sound system to ensure maximum set level cannot be exceeded.  Ear plugs available on request.		Jack Wilkinson

	<b>Hazard</b>	<b>Control Measures</b>	<b>Measures Implemented/ Comments</b>	<b>Responsible person</b>
5	<b>Alcohol &amp; Drugs</b>	Where appropriate CSS can carry out a search, any drugs confiscated will be deposited in a locked box and passed on to the Police  Bar staff are trained in alcohol retail guidelines and laws and will implement these as outlined in the staff handbook.  Bar Staff are trained in Challenge 25 policies and this will be implemented across the CS bars.		CSS  Bar Managers and Staff (under direction of Jack Wilkinson)



	<b>Hazard</b>	<b>Control Measures</b>	<b>Measures Implemented/ Comments</b>	<b>Responsible person</b>
6	<b>Slips, trips and Fall because of:</b> Uneven or slippery surfaces, trailing cables and left equipment	All cables and equipment will be managed so they do not pose a risk to the crew or the public, through siting, cable covers and signage, where appropriate  Staff to take care when moving around the site and performers on / off stage		Jack Wilkinson

	<b>Hazard</b>	<b>Control Measures</b>	<b>Measures Implemented/ Comments</b>	<b>Responsible person</b>
7	<b>Vehicular Movements</b>	Vehicular movements will be restricted to rig and derig and will not be permitted once the general public are in the event space.  Crew will park vehicles in a designated area which will not cause a hazard to other highway users including pedestrians, some of which may have a disability, elderly etc.  Rigger driver will not work longer than the maximum permitted hours.		Jack Wilkinson



	<b>Hazard</b>	<b>Control Measures</b>	<b>Measures Implemented/ Comments</b>	<b>Responsible person</b>
8	<b>Work equipment</b> due to unsuitability, lack of maintenance; manual handling	<p>Suppliers of equipment and services are responsible for ensuring that it is fit for purpose. CS may request documentary evidence that it has been adequately examined or tested.</p> <p>The person in charge of resources e.g. sound supervisor or production manager is responsible for ensuring that portable electrical equipment has been suitably tested including visual inspection.</p> <p>Access/egress is suitable for the equipment to be brought in.</p> <p>Where lifting equipment has to be used e.g. winches, this shall be suitable for the purpose and lifting certificates available on request.</p> <p>All electrical equipment should be suitable to work in wet weather</p>		Jack Wilkinson



	<b>Hazard</b>	<b>Control Measures</b>	<b>Measures Implemented/ Comments</b>	<b>Responsible person</b>
9	<b>Working at height due to person/equipment falling; person or vehicle colliding with platform; structural collapse</b>	Rig & Derig  Where safety harnesses are necessary, suitable anchorage points are provided and users are properly trained  If ladders are used, their use must be temporary, regularly inspected for damage, must be secured and adequately footed.		Jack Wilkinson

**Orton, Mark**

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**From:** Prickett, Mark  
**Sent:** 25 May 2017 13:31  
**To:** Regen, Licensing  
**Cc:** [REDACTED]  
**Subject:** TENS - Union Street/Flat Iron Square/Redcross Way Street Party, Sunday 18th June 2017

Dear Licensing,

The Environmental Protection Team have reviewed x5 TEN applications for a street party event on Sunday 18<sup>th</sup> June 2017.

The event for all x5 TENS is described as a 'community street party with live music for the Great Get Together Bankside hosted by Bankside Open Spaces Trust (BOST), in memory of the late MP Jo Cox'.

The x5 TEN applications are as follows (in no particular order);

- 1) Flat Iron Square. Applied for by Tim Wood, Forge Architects.  
 Provision of regulated entertainment between 12:00 – 21:00 for 499 people.  
 A proposed site plan, security plan & larger scale map of the event is attached with the application.
- 2) Redcross Way (South). Applied for by Samuel Bompas, Bompas & Parr.  
 Sale by retail of alcohol and provision of regulated entertainment between 12:00 – 21:00 for 499 people.  
 A site plan, security plan for the south zone and a method statement & risk assessment are attached with the application.
- 3) Redcross Way (North). Applied for by Reuben Powell, Hotel Elephant.  
 Sale by retail of alcohol and provision of regulated entertainment between 12:00 – 21:00 for 499 people.  
 A site plan, security plan for the north zone & staff bar training document are attached with the application.
- 4) Union Street. Applied for by Jack Callum Wilkinson, Corsica Studios.  
 Sale by retail of alcohol and provision of regulated entertainment between 12:00 – 21:00 for 499 people.  
 A site plan, security plan for the east zone & Corsica Studios risk assessment are attached with the application.
- 5) Flat Iron Square / West of Union Street. Applied for by Lucy Jane Canty, Sweet & Chilli.  
 Sale by retail of alcohol and provision of regulated entertainment between 12:00 – 21:00 for 499 people.  
 A security plan for the west zone is attached to the application.

**EPT STANCE**

The 'Great Together Map' states that "BOST have employed one security team for the overall event". This clearly suggests that this is 1 large event. The description of the x5 TENS are also all for the same single event occurring between 12:00 – 21:00 on Sunday 18<sup>th</sup> June 2017.

The total number of people applied for to be present at this event for the x5 TENS is 2495.

**EPT make representation** against these x5 TENS due to the fact that this is 1 large event for 2495 people and should have been applied for using the a premises licence application and not via Temporary Events Notices by breaking this event up into multiple areas.



In the event the TENS were granted the 499 person limit would still apply in each area. It would be very difficult in practice to reasonably control movement of 2495 people through the event so as to be assured that no single area exceeds 499 people at any time whilst licensable activities take place.

By applying through TEN applications, this large event has also not had full consultations with the following responsible authorities; Fire & Rescue authority, Public Health, Health & Safety, Planning authority and Trading Standards.

The recent House of Lords Select Committee report on the Licensing Act covered this issue and concluded: '354. *Where it appears that notices are being given for TENS simultaneously on adjacent plots of land, resulting in effect in the maximum number attending exceeding the 500 person limit, we would expect the police or environmental health officers to object, and the licensing authority to issue a counter-notice. We recommend that the section 182 Guidance be amended to make this clear.*'

(<https://www.publications.parliament.uk/pa/ld201617/ldselect/ldlicact/146/146.pdf>)

Whilst EPT wish to make clear that there is no objection based on the type of event and reasons for the event, EPT's objection is based on the method by which the event has been applied for to be licensed.

EPT would expect the above information to be taken into account by the Licensing Sub-Committee when coming a decision whether to issue a counter notice.

Kind regards,

**Mark Prickett**  
**Principal Enforcement Officer**  
Environmental Protection Team  
Tel: 020 7525 0023

Postal address: Southwark Council, Environmental Protection Team, Regulatory Services, 3rd Floor Hub 1, PO Box 64529, London, SE1P 5LX

Office address (By appointment only): Southwark Council, 160 Tooley Street, London, SE1 2QH

visit: <http://www.southwark.gov.uk/air-quality>

<http://www.llecp.org.uk/> - London Low Emission Construction Partnership



Please consider the environment - do you really need to print this email?



Union St (East) SE1



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<b>Item No.</b> 12.	<b>Classification:</b> Open	<b>Date:</b> 12 June 2017	<b>Meeting Name:</b> Licensing sub-committee
<b>Report title:</b>		Licensing Act 2003: Flat Iron Square, Union Street, London SE1 - Temporary Event Notice 858913	
<b>Ward(s) or groups affected:</b>		Cathedral	
<b>From:</b>		Strategic Director of Environment and Social Regeneration	

## RECOMMENDATION

1. That the licensing sub-committee decide whether or not to issue a counter notice in respect of a temporary event notice (TEN) 858913 served by Ms Lucy Jane Canty in regards to an event to be held at Flat Iron Square, Union Street Junction of Southwark Bridge Road, London SE1. The TEN is between 12:00 and 21:00 on Sunday 18 June 2017.

## BACKGROUND INFORMATION

### The Licensing Act 2003

2. On 24 November 2005 the Licensing Act 2003 came into effect establishing a licensing regime for the following licensable activities:
  - a) The retail sale of alcohol
  - b) The supply of alcohol to club members or on behalf of a club
  - c) The provision of regulated entertainment
  - d) The provision of late night refreshments.
3. The Act established a process for the giving of “temporary event notices” (TENs).
4. Amendments to the Licensing Act 2003 were brought about by way of the Police Reform and Social Responsibility Act 2011 as of 25 April 2012.
5. A premises user may serve a TEN, where it is proposed to use the premises concerned to provide one or more licensable activities for a period not exceeding 168 hours for less than 500 persons.
6. A person holding a personal license issued under the Act may serve up to 50 TENs in a calendar year. Non personal licence holders may serve up to five TENs in the same period. No premises may be used for more than 12 TENs in a calendar year or for more than 21 days in a calendar year.
7. No premises may be used for temporary events that are less than 24 hours apart.
8. The police or environmental health authority may intervene to prevent such an event taking place or agree a modification of the proposed arrangements, and their

intervention may in some cases result in the licensing authority imposing conditions on a TEN.

9. If the police or environmental health team believe that allowing the premises to be used in accordance with the TEN will undermine the licensing objectives, they must give the premises user and the licensing authority an objection notice. This must be given within three working days of the receipt of the TEN.
10. A TEN does not relieve the premises user from any requirements under planning law for appropriate planning permission where it is required.
11. The police or environmental health may contact the premises user to discuss their objections and attempt 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.
12. If the licensing authority receives an objection notice from the police or environmental health that is not withdrawn, it must (in the case of a standard TEN only) hold a hearing to consider the objection (unless all parties agree that this is unnecessary). The licensing committee may decide to allow the licensable activities to go ahead as stated in the notice. If the notice is in connection with licensable activities at licensed premises, the licensing authority may also impose one or more of the existing licence conditions on the TEN if it considers that this is appropriate for the promotion of the licensing objectives. If the authority decides to impose conditions, it must give notice to the premises user which includes a statement of conditions, and provide a copy to each relevant party. Alternatively, it can decide that the event would undermine the licensing objectives and give a counter notice. This prohibits the event from taking place.

## **KEY ISSUES FOR CONSIDERATION**

### **The temporary event notices**

13. On 24 May 2017 the TEN was served by Ms Lucy Jane Canty in respect of an event intended to be held at Flat Iron Square, Union Street Junction of Southwark Bridge Road, London SE1 1TD. The TEN is between 12:00 and 21:00 on Sunday 18 June 2017. A copy of the TEN is attached to this report as Appendix A.
14. The TEN is summarised as follows:
  - TEN 858913: To allow the sale of alcohol on and off the premises and the provision of regulated entertainment between 12:00 and 21:00 on Sunday 18 June 2017. The maximum number of people expected at any one time at the premises is 499. The activities are to take place on and off the premises. This is a temporary street party, with live music for the great get together Bankside, hosted and organised by Bankside open spaces trust, in memory of the late MP Jo Cox. Street closures have already been applied for and security and stewards are to be employed.

### The objection notices

15. On 25 May 2017 the councils Environmental Protection Team served an objection notice in respect of the TENS.
16. The objection notice state that this event should have been applied for by way of a time limited premises licence and not a series of TENS, therefore creating several different events.
17. EPT make the following points in support of their objections:
  - In the event the TEN is granted, the 499 person limit would still apply in each area. It would be very difficult in practice to reasonably control movement of 2495 (cumulative total of all TENS applied for this event) people through the event so as to be assured that no single area exceeds 499 people at any time whilst licensable activities take place.
  - By applying through TEN applications, this large event has also not had full consultation with the following responsible authorities: fire and rescue authority, public health, health and safety, planning authority and trading standards.
  - The recent House of Lords Select Committee report on the Licensing Act covered this issue and concluded: *'354. Where it appears that notices are being given for TENS simultaneously on adjacent plots of land, resulting in effect in the maximum number attending exceeding the 500 person limit, we would expect the police or environmental health officers to object, and the licensing authority to issue a counter-notice. We recommend that the section 182 Guidance be amended to make this clear.'* (<https://www.publications.parliament.uk/pa/ld201617/ldselect/ldlicact/146/146.pdf>)
  - Whilst EPT wish to make clear that there is no objection based on the type of event and reasons for the event, EPT's objection is based on the method by which the event has been applied for to be licensed.
18. A copy of the EPT objection notice is attached to this report in Appendix B.

### TENS History

19. There have been no TENS applied for on this parcel of land in the last 12 months.

### Premises/location history

20. The premises consists of a parcel of land adjacent to the Island Café on Flat Iron Square, Union Street SE1, close to the junction of Southwark Bridge Road SE1. There have been no TENS issued for this parcel of land in the past 12 months.

### Licensing visit history

General enforcement visits have been carried out in the area as part of the duties of the licensing team. There are currently no issues in this area that we are investigating.

**The local area.**

21. A map showing the location of the premises is attached to this report as Appendix C. The premises are identified at the centre of the circle on the map.

**Policy considerations**

22. Section 4 of the Southwark statement of licensing policy on “administration, exercise and delegation of function” deals with the parameters under which TENs may be considered.

**Consideration by the sub-committee**

23. The sub-committee is asked to consider whether the issue of a counter notice is necessary for the promotion of the prevention of public nuisance and protection of public safety licensing objectives.

**Community impact statement**

24. Members are advised that under the Act, the matters to which consideration may be given in this instance are the crime and disorder and public nuisance objectives.
25. In considering the TENs in terms of community impact the sub-committee must restrict its considerations to this matter.

**Resource implications**

26. A fee of £21.00 has been paid by the applicant in respect of the TEN, this being the statutory fee payable.

**Consultation**

27. The Act provides for no consultations to take place other than the process outlined in this report.

**SUPPLEMENTARY ADVICE FROM OTHER OFFICERS****Director of Law and Democracy**

28. The sub-committee is asked to determine the notification of this temporary event under Section 105 of the Licensing Act 2003 and to consider whether or not counter notice should be issued in the circumstance. It must only issue a counter notice if they believe the event would undermine the crime prevention objective set out in the Act
29. The principles which sub-committee members must apply are set out below.

**Principles for making the determination**

30. The general principle is that temporary event notices must be accepted unless a relevant objection is received from the police. This is subject to the proviso that the

premises user has complied with regulations and submitted the notice within a prescribed time.

31. A relevant objection is that which:
- Is about the likely effect of the TEN on the promotion of the crime prevention of the licensing objectives
  - Is made by the metropolitan police
  - Has not been withdrawn
  - Are not, in the opinion of the relevant licensing authority, frivolous or vexatious.
32. If a relevant objection notice is received then the sub-committee must have regard to it in determining whether it is necessary for the promotion of the prevention of crime prevention and the prevention of public nuisance licensing objectives of the Licensing Act to:
- Issue a counter notice by adding to, omit, and/or alter the conditions of the licence or
  - Reject the whole or part of the application for TEN.

### **Conditions**

33. The sub-committee may attach conditions on the carrying on of permitted licensable activities. The sub-committee's function is to determine whether a counter notice should be issued
34. Members are also referred to the Home Office revised guidance on conditions.

### **Reasons**

35. The sub-committee must give reasons for its decision to issue or not to issue a counter notice.

### **Hearing procedures**

36. Subject to the licensing hearing regulations, the licensing committee may determine its own procedures. Key elements of the regulations are that:
- The hearing shall take the form of a discussion led by the authority. Cross examination shall not be permitted unless the authority considered that it is required for it to consider the objection.
  - Members of the authority are free to ask any question of any party or other person appearing at the hearing.
  - The committee must allow the parties an equal maximum period of time in which to exercise their rights to:
    - Address the authority
    - If given permission by the committee, question any other party.

- In response to a point which the authority has given notice it will require clarification, give further information in support of their submission.
  - The committee shall disregard any information given by a party which is not relevant:
    - To the particular submission before the committee
    - To the licensing objectives prevention of crime and disorder.
  - The hearing shall be in public, although the committee may exclude the public from all or part of a hearing where it considers that the public interest in doing so outweighs the public interest in the hearing, or that part of the hearing, taking place in private.
  - In considering the objection and notice the authority may take into account documentary or other information produced by a party in support of their objection or notice (as applicable) either before the hearing or, with the consent of all the other parties, at the hearing.
37. This matter relates to the determination of a notification for a temporary event notice under section 105 of the Licensing Act 2003. Regulation 26(1) (c) requires the sub-committee to make its determination at the conclusion of the hearing.
38. Members should note that the licensing sub-committee is meeting on this occasion solely to perform the role of licensing authority. The sub-committee sits in quasi-judicial capacity, and must act impartially. It must offer a fair and unbiased hearing of the application. In this case, members should disregard the council's broader policy objectives and role as statutory authority in other contexts. Members must direct themselves to making a determination solely based upon the licensing law, guidance and the council's statement of licensing policy.
39. As a quasi-judicial body the licensing sub-committee is required to consider the temporary event notice on its merits. The sub-committee must take into account only relevant factors, and ignore irrelevant factors. The decision must be based on evidence, that is to say material, which tends logically to show the existence or non-existence of relevant facts, or the likelihood or unlikelihood of the occurrence of some future event, the occurrence of which would be relevant. The licensing sub-committee must give fair consideration to the contentions of the police objection.
40. Members will be aware of the council's code of conduct which requires them to declare personal and prejudicial interests. The code applies to members when considering licensing applications. In addition, as a quasi-judicial body, members are required to avoid both actual bias, and the appearance of bias.
41. Under the Human Rights Act 1998, the sub committee needs to consider the balance between the rights of the applicant and those making the objection to the application when making their decision. The sub-committee has a duty under section 17 Crime and Disorder Act 1998 when making its decision to do all it can to prevent crime and disorder in the borough.



42. Where the relevant counter notice under section 105(3) is given the premises user may appeal against that decision. Where a counter notice is not given, the chief officer of police may appeal against that decision. The appeal must be made to the Magistrates' Court within a period of 21 days beginning with the day on which the applicant was notified by the licensing authority of the decision to be appealed against. No appeal may be brought later than five working days before the day on which the event begins.

### Guidance

43. Members are required to have regard to the Home Office revised guidance in carrying out the functions of licensing authority. However, guidance does not cover every possible situation, so long as the guidance has been properly and carefully understood, members may depart from it if they have reason to do so. Full reasons must be given if this is the case.

### Strategic Director of Finance and Governance

44. The head of regulatory services has confirmed that the costs of this process over and above the application fee are borne by the service.

### REASONS FOR URGENCY

45. The TENs process is time limited, and due to legislative time constraints it would not be possible to wait for a further meeting to be held to consider this report.

### REASONS FOR LATENESS

46. Due to the time limited nature of TENs there was not sufficient time to prepare and clear the report in time for the main agenda dispatch.

### BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Licensing Act 2003 Home Office revised guidance Secondary Regulations Statement of Licensing Policy Various papers from the premises file.	Licensing Unit Hub 2 Third Floor 160 Tooley Street SE1 2TZ	Kirty Read (020 7525 5748)

### APPENDICES

No.	Title
Appendix A	The temporary event notice
Appendix B	Environmental protection team representation
Appendix C	Map of area

## AUDIT TRAIL

<b>Lead Officer</b>	Deborah Collins, Strategic Director of Environment and Social Regeneration	
<b>Report Author</b>	Mark Orton, Licensing Enforcement Officer	
<b>Version</b>	Final	
<b>Dated</b>	31 May 2017	
<b>Key Decision?</b>	No	
<b>CONSULTATION WITH OTHER OFFICERS/DIRECTORATES/CABINET MEMBER</b>		
<b>Officer Title</b>	<b>Comments sought</b>	<b>Comments included</b>
Director of Law and Democracy	Yes	Yes
Strategic Director of Finance and Governance	Yes	Yes
<b>Cabinet Member</b>	<b>No</b>	<b>No</b>
<b>Date final report sent to Constitutional Team</b>		2 June 2017

24/05/2017

Business - Temporary events notices

Ref No. 821825

Before completing this notice please read the guidance notes at the end of the form.

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. Your name

Title	Miss
If other, Please state	
Surname	Canty
Firstname(s)	Lucy Jane

## 2. Previous names

Title	
If other, Please state	
Surname	
Firstname(s)	

## 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)

Address Line 1	████████████████████
Address Line 2	██████████
Town	██████████

County	████
Post code	██████

## Note 1

A temporary event notice may only be given by an individual and not, for example, by an organisation or club or business. The individual giving the notice is the proposed "premises user". Within businesses, clubs or organisations, one individual will therefore need to be identified as the proposed premises user. If you include an e-mail address in section 1(7) or 1(9), the licensing authority may send to this the acknowledgement of receipt of your notice or any notice or counter notice it is required to give under sections 104A, 106A or 107 of the Licensing Act 2003.

## 7. Other contact details

	Telephone numbers:
Daytime	████████
Evening (optional)	
Mobile (optional)	
Fax number (optional)	
E-Mail Address	████████████████████

## 8. Alternative address for correspondence (If you complete the details below, we will use this address to correspond with you)

Address Line 1	
Address Line 2	
Town	
County	
Post code	

## 9. Alternative contact details (if applicable)

	Telephone numbers:
Daytime	
Evening (optional)	
Mobile (optional)	
Fax number (optional)	
E-Mail Address	

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)

Address Line 1	Flat Iron Square
Address Line 2	Union Street
Town	London

County	
Post code	SE1 1TD

Ordnance Survey grid reference

--	--

If there is no recognised Post code, please enter the address for the premises

Address Line 1	
Address Line 2	
Town	
County	

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)

--	--

Please describe the nature of the premises below. (Please read note 4) \*

	Open communal Town Square West of Union Street
--	---

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

	Temporary Street party, with live music for the great get together Bankside, hosted and organised by Bankside open spaces trust, in memory of the late MP Jo Cox
--	--

If the event is situated in a park or in part of a larger premises, please upload the site location plans. Other documents such as risk assessments can also be uploaded here

Document 1	<a href="#">The-Great-Get-Together-Map-West-Zone-PDF-2-3-.pdf</a>
Document 2	
Document 3	
Document 4	

Document 5	
------------	--

## Note 2

For the purposes of the Licensing Act 2003, "premises" means any place. Premises will therefore not always be a building with a formal address and postcode. Premises can include, for example, public parks, recreation grounds and private land.

If a premises licence or club premises certificate has effect in relation to the premises (or any part of the premises) which you want to use to carry on licensable activities, it is possible that any conditions which apply to the licence or certificate may be imposed on the temporary event notice if certain pre-conditions are met. These pre-conditions are that the police or the local authority exercising environmental health functions object to the notice and the licensing authority decides:

- not to give a counter notice under section 105 of the Licensing Act 2003;
- the conditions apply to the licence or certificate; and
- the imposition of the conditions on the notice would not be inconsistent with the carrying on of the licensable activities under the notice.

## Note 3

A temporary event notice can be given for part of a building, such as a single room or a plot within a larger area of land. You should provide a clear description of the area in which you propose to carry on licensable activities. This is important as any licensable activities conducted outside the area of the premises protected by the authority of this temporary event notice would be unlawful and could lead to prosecution.

In addition, when holding the proposed event, the premises user would need to be able to restrict the number of people on the premises at any one time when licensable activities are taking place to less than 500.

If more than 499 are on the premises when licensable activities are being carried on, the licensable activities would be unlawful and the premises user would be liable to prosecution. The maximum figure of 499 includes, for example, staff, organisers, stewards and performers.

## Note 4

A description of the nature of the premises assists the chief officer of police and local authority exercising environmental health functions in deciding if any issues relating to the licensing objectives are likely to arise. You should state clearly that the premises to be used are, for example, a public house, a restaurant, an open field, a village hall or a beer tent.

## Note 5

A description of the nature of the event similarly assists the chief officer of police and local authority exercising environmental health functions in making a decision as to whether or not to make an objection. You should state clearly that the event taking place at the premises would be, for example, a wedding with a pay bar, the supply of beer at a particular farmers' market, a discotheque, the performance of a string quartet, a folk group or a rock band.

Please state the licensable activities that you intend to carry on at the premises (please check next to the licensable activities you intend to carry on). (Please read note 6)

	<input type="checkbox"/> The sale by retail of alcohol <input type="checkbox"/> The provision of regulated entertainment
--	---

Please state the dates on which you intend to use these premises for licensable activities. (Please read note 8)

	Sunday 18th June 2017
--	-----------------------

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 9)

	12:00-21:00
--	-------------

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 10)

	499
--	-----

If the licensable activities will include the supply of alcohol, please state whether the supplies will be for consumption on or off the premises, or both (please check next to the appropriate box). (Please read note 11)

	Both
--	------

#### Note 6

The licensable activities are:

- the sale by retail of alcohol;
- the supply of alcohol by or on behalf of a club to, or to the order of, a member of a club;
- the provision of regulated entertainment; and
- the provision of late night refreshment.

Please refer to Schedules 1 and 2 to the Licensing Act 2003 for fuller details of the definitions and exemptions relating to regulated entertainment and late night refreshment.

Regulated entertainment, subject to specified conditions and exemptions, includes:

- (a) a performance of a play;
- (b) an exhibition of a film;
- (c) an indoor sporting event;
- (d) a boxing or wrestling entertainment;
- (e) a performance of live music;
- (f) any playing of recorded music;
- (g) a performance of dance;
- (h) entertainment of a similar description to that falling within (e), (f) or (g).

Regulated entertainment also includes the provision of "entertainment facilities" for:

- (a) making music;
- (b) dancing; and
- (c) entertainment of a similar description to that falling within (a) or (b).

If you are uncertain whether or not the activities that you propose are licensable, you should contact your licensing authority for further advice.

Note 7 (not including the date that the form is submitted and the date of the Event )

Late notices can be given no later than 5 working days but no earlier than 9 working days before the event in relation to which the notice is given. A late notice given later than 5 working days before the event to which it relates will be returned as void and the activities described in it will not be authorised.

The number of late notices that can be given in any one calendar year is limited to 5 for personal licence holders and 2 for non-personal licence holders. These count towards the total number of temporary event notices (i.e. 50 temporary event notices per year for personal licence holders and 5 temporary event notices for non-personal licence holders).

If there is an objection from either the police or local authority exercising environmental health functions, the event will not go ahead and a counter notice will be issued.

#### Note 8

The maximum period for using premises for licensable activities under the authority of a temporary event notice is 168 hours (seven days).

#### Note 9

You should state here the times during the event period, for example 48 hours, when you intend to carry on licensable activities. For example, you may not intend to carry on licensable activities throughout the entire 48 hour event period, and may intend to sell alcohol between 8.00 hrs and 23.00 hrs on each of the two days.

#### Note 10

No more than 499 may be on the premises for a temporary event at any one time when licensable activities are being carried on. If you intend to have more than 499 attending the event, you should obtain a premises licence for the event. Your licensing authority should be able to advise you. The maximum figure of 499 does not just include the audience, spectators or consumers and includes, for example, staff, organisers, stewards and performers who will be present on the premises.

#### Note 11

If you indicate that alcohol will be supplied only for consumption on the premises, you would be required to ensure that no person leaves the premises with alcohol supplied there.

If such a supply takes place, the premises user may be liable to prosecution for carrying on an unauthorised licensable activity. Similarly, if the premises user gives notice that only supplies of alcohol for consumption off the premises will take place, he/she must ensure that alcohol supplied is not consumed on the premises. The premises user is free to give notice that he/she intends to carry on both types of supplies. For this purpose the supply of alcohol includes both of the first two licensable activities listed in note 6 above.

Do you currently hold a valid personal licence?

	No
--	----

If "Yes" please provide the details of your personal licence below.

Issuing licensing authority	Southwark Council
Licence number	██████████
Date of issue	██████
Date of expiry	██████
Any further relevant details	

#### Note 12

The holder of a valid personal licence issued under the Licensing Act 2003 may give up to 50 temporary event notices in any calendar year subject to the other limitations in the 2003 Act. A proposed premises user who holds such a licence should give the details requested.

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?

	No
--	----

If answering yes, please state the number of temporary event notices 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	No
b) begins 24 hours or less after	No

### Note 13

As stated under Note 12, a personal licence holder (issued under the Licensing Act 2003) may give up to 50 temporary event notices (including 5 late notices) in any calendar year. An individual who does not hold a personal licence may only give 5 temporary event notices (including 2 late notices) in England and Wales in any calendar year. A calendar year is the period between 1 January to 31 December inclusive in any year. If an event straddles two calendar years, it will count against the limits on temporary event notices (12 for each premises, 21 days for each premises, 50 per personal licence holder and 5 for non-holders) for each year, however, only one notice needs to be given.

For the purposes of determining the overall limits of 50 temporary event notices per personal licence holder (in a calendar year) and of 5 for a non-personal licence holder (in a calendar year), temporary event notices given by an associate or a person who is in business with a premises user (and that business involves carrying on licensable activities) count towards those totals. Note 14 below sets out the definition of an "associate".

If a temporary event notice has been given for the same premises, by the same premises user, and would have effect within 24 hours before the start of the event period under the current proposal or within 24 hours after the end of that period, the temporary event notice given would be void and any licensable activities carried on under it would therefore be unlicensed.

For the purposes of determining whether or not the required gap of 24 hours is upheld, temporary event notices given by an associate or a person who is in business with a premises user (and that business involves carrying on licensable activities) count as if they had been given by the premises user himself. Note 14 below sets out the definition of an "associate".

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?

	No
--	----

If answering yes, please state the total number of temporary event notices 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	No
b) begins 24 hours or less after	No

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?

	No
--	----

If answering yes, please state the total number of temporary event notices 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	No
b) begins 24 hours or less after	No

Note 14

An "associate" of the proposed premises user is:

- a. the spouse of that person;
- b. a child, parent, grandchild, grandparent, brother or sister of that person;
- c. an agent or employee of that person; or
- d. the spouse of a person within (b) or (c).

For these purposes, a person living with another as that person's husband or wife is to be treated as that person's spouse.

These provisions will be subject to amendment by the Civil Partnerships Act. These amendments are due to take effect from 5th December 2005.

I shall

	If the premises are situated in one or more licensing authority areas, send at least one copy  of this notice to each additional licensing authority If the premises are situated in one or more police areas, send a copy of this notice  to each additional chief officer of police If the premises are situated in one or more local authority areas, send a copy of this notice to each additional  local authority exercising environmental health functions
--	--

Note 15

It is a requirement that you send at least one copy of this notice to the licensing authority at least ten working days (not including the date that the form is submitted and the date of the Event ) (or five working days for a late notice) (not including the date that the form is submitted and the date of the Event )before the commencement of the proposed licensable activities.

The authority will give you written acknowledgement of the receipt of the notice. This will be important proof that you gave the notice and when you gave it for the purposes of the Act. Some premises may be situated in two licensing authority areas, for example, where a building or field straddles the local authority boundary.

Where this is the case, at least one copy of the notice must be sent to each of the licensing authorities identified, together with the appropriate fee in each case. In such circumstances, you will receive acknowledgements from all the relevant licensing authorities.

One copy must be sent to each of the chief officer of police and the local authority exercising environmental health functions for the area in which the premises is situated at least ten working days for a standard notice (or five working days for a late notice) before the commencement of the proposed licensable activities. Where the premises are situated in two police areas or environmental health areas, a further copy will need to be sent to the second police force and local authority exercising environmental health functions.

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 connection with this temporary event notice and that a person is liable on conviction for such an offence to a fine up to level 5 on the standard scale; and
- (ii) to permit an unauthorised licensable activity to be carried on at any place and that a person is liable on conviction for any such offence to a fine not exceeding £20,000, or to imprisonment for a term not exceeding six months, or to both

I agree to the above statement

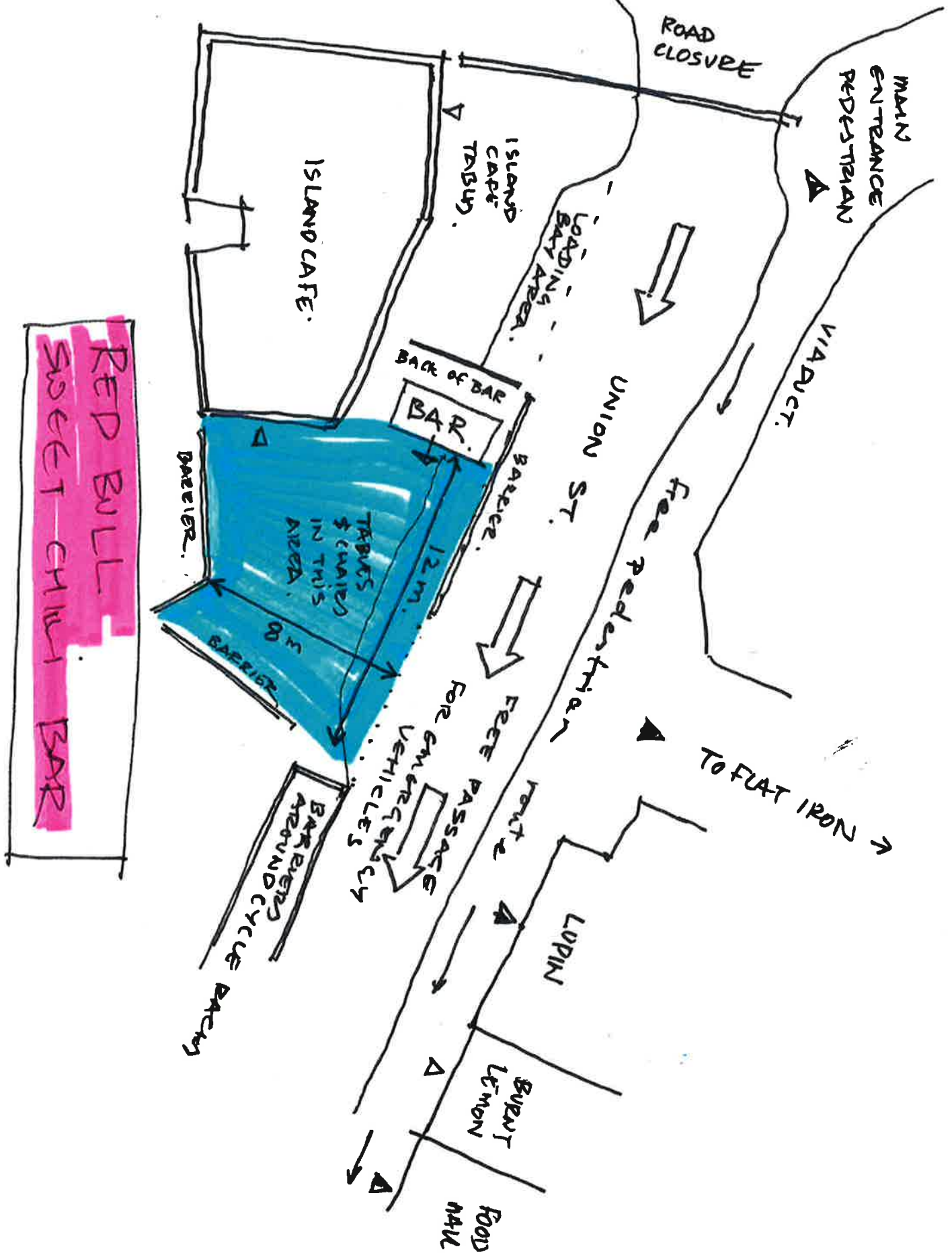
	I agree
PaymentDescription	Flat Iron Square, Union Street, SE1 1TD
PaymentAmountInMinorUnits	██████
AuthCode	██████
LicenceReference	██████████████
PaymentContactEmail	████████████████████

#### Note 17

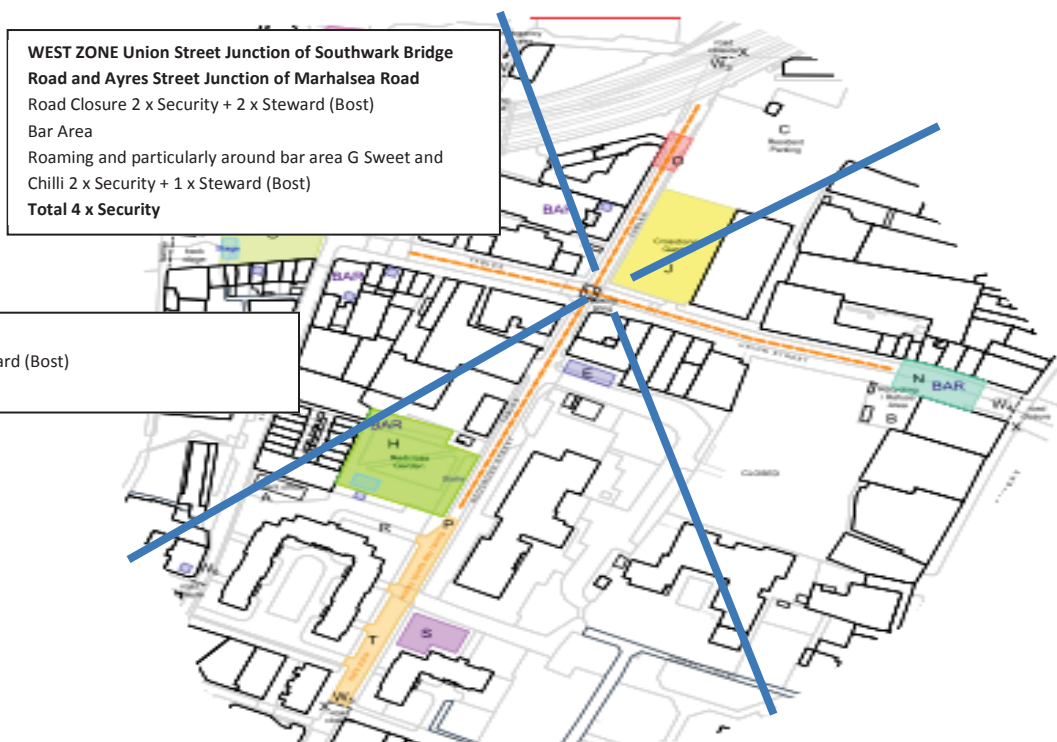
It is an offence knowingly or recklessly to make a false statement in, or in connection with, a temporary event notice. (A person is to be treated as making a false statement if he produces, furnishes, signs or otherwise makes use of a document that contains a false statement). To do so could result in prosecution and a fine not exceeding level 5 on the standard scale.

The information you provide will be used fairly and lawfully and Southwark Council will not knowingly do anything which may lead to a breach of the Data Protection Act 1998.

# SOUTH MARK BRIDGE ROAD



Please note that the security team, Corporate Security Solutions, provided by Darryl O'Leary have been employed by Bankside Open Spaces Trust (BOST). CSS's responsibility is to monitor our bar area in Flat Iron Square. Below is the security plan CCS provided for Sunday 18th June 2017 to highlight how they will apply crowd management and safety strategies which all BOST staff/stewards will also follow.



**West Zone Covering Main Stage and Bar G:**  
**1 x Security Manager to cover 4 zones**  
**We may be able to utilise some of the security from other areas but these areas will need a security presence at all times and increased while acts are on the main stage**

**2 x Security Main Stage + 2 x Stewards (BOST)**  
**2 x Security Roaming and particularly around bar area G Sweet and Chilli + 2 Stewards (BOST)**  
**2 x Security Permanent on Road Closures + 2 Stewards (BOST)**

**TOTAL SIA LICENSED SECURITY = 6 minimum**

**Orton, Mark**

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**From:** Prickett, Mark  
**Sent:** 25 May 2017 13:31  
**To:** Regen, Licensing  
**Cc:** [REDACTED]  
**Subject:** TENS - Union Street/Flat Iron Square/Redcross Way Street Party, Sunday 18th June 2017

Dear Licensing,

The Environmental Protection Team have reviewed x5 TEN applications for a street party event on Sunday 18<sup>th</sup> June 2017.

The event for all x5 TENS is described as a 'community street party with live music for the Great Get Together Bankside hosted by Bankside Open Spaces Trust (BOST), in memory of the late MP Jo Cox'.

The x5 TEN applications are as follows (in no particular order);

- 1) Flat Iron Square. Applied for by Tim Wood, Forge Architects.  
 Provision of regulated entertainment between 12:00 – 21:00 for 499 people.  
 A proposed site plan, security plan & larger scale map of the event is attached with the application.
- 2) Redcross Way (South). Applied for by Samuel Bompas, Bompas & Parr.  
 Sale by retail of alcohol and provision of regulated entertainment between 12:00 – 21:00 for 499 people.  
 A site plan, security plan for the south zone and a method statement & risk assessment are attached with the application.
- 3) Redcross Way (North). Applied for by Reuben Powell, Hotel Elephant.  
 Sale by retail of alcohol and provision of regulated entertainment between 12:00 – 21:00 for 499 people.  
 A site plan, security plan for the north zone & staff bar training document are attached with the application.
- 4) Union Street. Applied for by Jack Callum Wilkinson, Corsica Studios.  
 Sale by retail of alcohol and provision of regulated entertainment between 12:00 – 21:00 for 499 people.  
 A site plan, security plan for the east zone & Corsica Studios risk assessment are attached with the application.
- 5) Flat Iron Square / West of Union Street. Applied for by Lucy Jane Canty, Sweet & Chilli.  
 Sale by retail of alcohol and provision of regulated entertainment between 12:00 – 21:00 for 499 people.  
 A security plan for the west zone is attached to the application.

**EPT STANCE**

The 'Great Together Map' states that "BOST have employed one security team for the overall event". This clearly suggests that this is 1 large event. The description of the x5 TENS are also all for the same single event occurring between 12:00 – 21:00 on Sunday 18<sup>th</sup> June 2017.

The total number of people applied for to be present at this event for the x5 TENS is 2495.

**EPT make representation** against these x5 TENS due to the fact that this is 1 large event for 2495 people and should have been applied for using the a premises licence application and not via Temporary Events Notices by breaking this event up into multiple areas.

In the event the TENS were granted the 499 person limit would still apply in each area. It would be very difficult in practice to reasonably control movement of 2495 people through the event so as to be assured that no single area exceeds 499 people at any time whilst licensable activities take place.

By applying through TEN applications, this large event has also not had full consultations with the following responsible authorities; Fire & Rescue authority, Public Health, Health & Safety, Planning authority and Trading Standards.

The recent House of Lords Select Committee report on the Licensing Act covered this issue and concluded: '354. *Where it appears that notices are being given for TENs simultaneously on adjacent plots of land, resulting in effect in the maximum number attending exceeding the 500 person limit, we would expect the police or environmental health officers to object, and the licensing authority to issue a counter-notice. We recommend that the section 182 Guidance be amended to make this clear.*'

(<https://www.publications.parliament.uk/pa/ld201617/ldselect/ldlicact/146/146.pdf>)

Whilst EPT wish to make clear that there is no objection based on the type of event and reasons for the event, EPT's objection is based on the method by which the event has been applied for to be licensed.

EPT would expect the above information to be taken into account by the Licensing Sub-Committee when coming a decision whether to issue a counter notice.

Kind regards,

**Mark Prickett**  
**Principal Enforcement Officer**  
Environmental Protection Team  
Tel: 020 7525 0023

Postal address: Southwark Council, Environmental Protection Team, Regulatory Services, 3rd Floor Hub 1, PO Box 64529, London, SE1P 5LX

Office address (By appointment only): Southwark Council, 160 Tooley Street, London, SE1 2QH

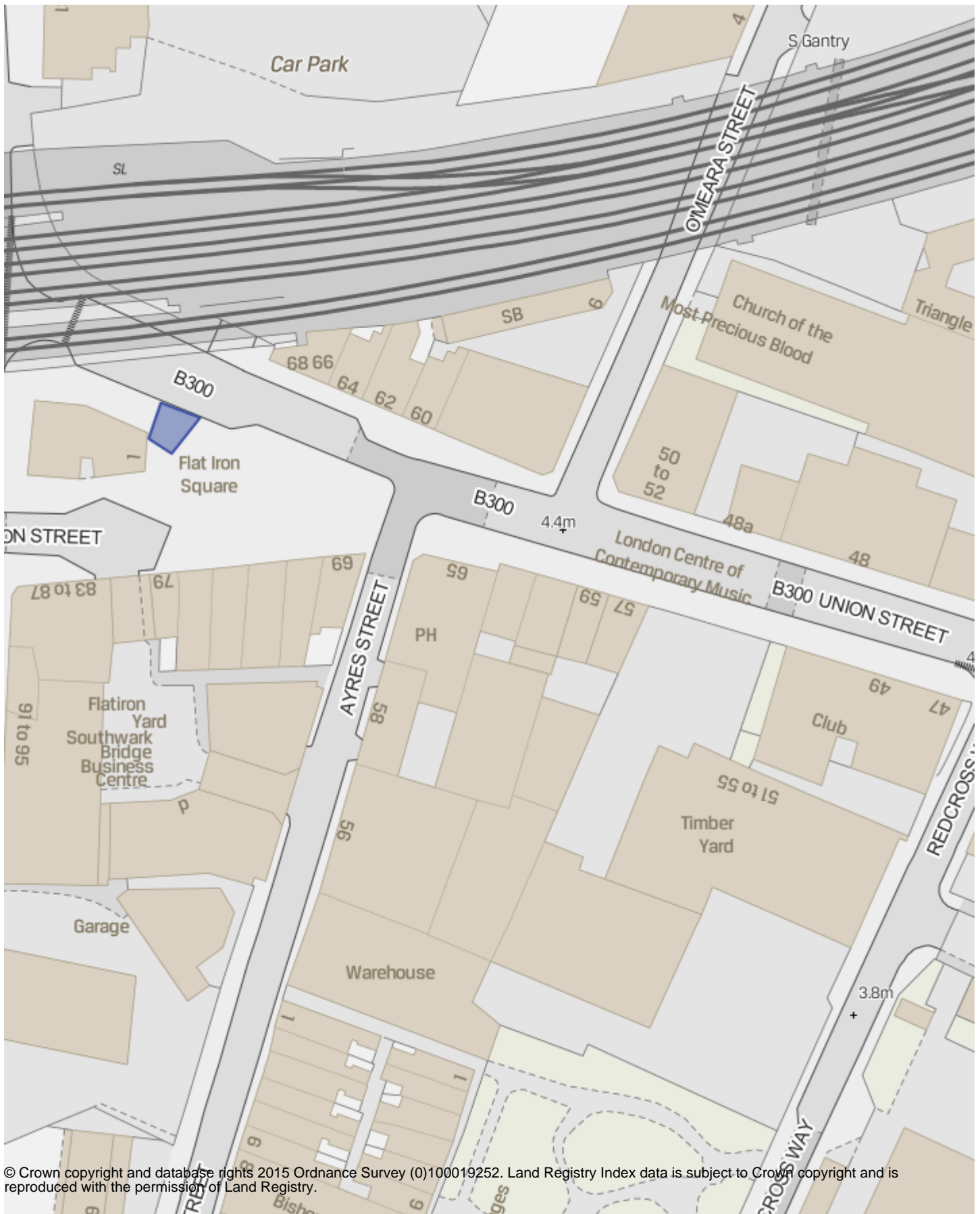
visit: <http://www.southwark.gov.uk/air-quality>

<http://www.llecp.org.uk/> - London Low Emission Construction Partnership



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Flat Iron Square, Union St SE1



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