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**Sent:** 08 May 2017 17:52

**To:** Regen, Licensing <[Licensing.Regen@southwark.gov.uk](mailto:Licensing.Regen@southwark.gov.uk)>

**Cc:** Amy Catlin <[ACatlin@tandtp.com](mailto:ACatlin@tandtp.com)>

**Subject:** TENs objections: Hawker House Canada Water Retail Park Surrey Quays Road SE16 2XU

Dear Licensing,

**RE: TEN applications CMU 853898, 853899, 853900, 853905 05/06/2017-06/06/2017:  
Hawker House Canada Water Retail Park Surrey Quays Road SE16 2XU**

I have considered the above TEN applications and I would like to object on the grounds of prevention of public nuisance for the following reasons:

- The TENs (or CMU 853898) include use of the outside area after 23.00 which is specifically prohibited on the grounds of prevention of public nuisance by condition 341 of the premises license. Use of the outside area for licensable activities after 23.00 is highly likely to result in public nuisance as a consequence of noise from patrons and regulated entertainment.
- There have been complaints received via Cllr Cryan following a similar event in December 2016 regarding (amongst other issues) noise from patrons, dispersal and urination in the street. Operation to the proposed hours increases the risk and severity of public nuisance from this premises.

I would also object to the granting of the TENs on the grounds that the application seeks to artificially circumvent the 499 person limit for TENs by splitting what is clearly a single premises, covered by a single premises license, into multiple 'areas'. In respect of this I would make the following points:

- In the event the TENS were granted the 499 person limit would still apply in each artificially constructed 'area' of the single premises. It would be impossible in practice for the premises supervisor to reasonably control movement of 2000 people through the premises so as to be assured that no single area exceeds 499 people at any time whilst licensable activities take place. The TENs would therefore be consenting something known to be unachievable in practice.
- It would be unverifiable and unenforceable for the Licensing Authority to monitor the numbers of people in each area as they are neither sufficiently precisely defined nor marked in reality in the premises. Furthermore movement of people between areas is unrestricted and so numbers will constantly ebb and flow so as to prevent any practical monitoring or enforcement by the Licensing Authority, Police etc.
- Although the Licensing Act is unhelpfully vague on the definition of premises, it is clear in this case that the whole site is a single premises as it is covered by an existing

single premises license. The applicant for each of the 'area' TENs is the same person, and the same person as the wider licensed premises DPS. The 'areas' are contained within a single building under single supervision and used for a single event on the night. Irrespective of the merits of the application in relation to the licensing objectives, TENs do not allow for this situation as they are intentionally limited in scale to events up to 499 people.

- Section 101 of the Licensing Act states a TEN is void if it is concurrent with another TEN in the same premises. It states: *'(d)two temporary event notices are in respect of the same premises if the whole or any part of the premises in respect of which one of the notices is given includes or forms part of the premises in respect of which the other notice is given.'* I appreciate the applicant may claim the premises in their application refers to the 'area' shown on each plan, not to what any rational person would conclude is the premises, but this involves a large element of semantic gymnastics. In the 'Premises' section of the application form the same premises is stated on each application (i.e. Hawker House). In reality part of the premises which is the subject of each TEN is also the subject of concurrent TEN applications. This contravenes this provision of the Act.
- Even if the definition of premises were accepted as limited to the arbitrarily specified 'areas' on the submitted TEN applications, in this case these areas do overlap on the applications as each application defines the 'licensed area' by a red line shown on each submitted plan as covering the whole premises. S.101 is still contravened in this case.
- The recent House of Lords Select Committee report on the Licensing Act covered this very 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>)

Kind Regards,

Richard

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