

## Licensing Sub-Committee

Thursday 15 September 2016

10.00 am

Ground Floor Meeting Room G02A - 160 Tooley Street, London SE1  
2QH

## Supplemental Agenda No.1

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### Contact

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Date: 12 September 2016

<b>Item No.</b> 9.	<b>Classification:</b> Open	<b>Date:</b> 15 September 2016	<b>Meeting Name:</b> Licensing Sub-Committee
<b>Report Title:</b>		Licensing Act 2003: 1 Black Swan Yard, London SE1 3XW	
<b>Ward(s) or groups affected:</b>		Grange	

## RECOMMENDATION

1. That the sub-committee decide whether or not to issue a counter notice in respect of a temporary event notice (TEN) served by Mr Harley Gray in regards to an event to be held at 1 Black Swan Yard, London SE1 3XW on 17 September 2016 between 12:00 and 22:30.

## BACKGROUND INFORMATION

### The Licensing Act 2003

2. On 24 November 2005 the Licensing Act 2003 came into effect establishing a new 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 establishes 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 5 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 2 September 2016 a TEN was served by Mr Harley Gray in regards to an event to be held at 1 Black Swan Yard, London SE1 3XW on 17 September 2016 between 12:00 and 22:30. A copy of the TEN is attached to this report as Appendix A.
14. The TEN is summarised as follows:

To permit the retail sale of alcohol and the provision of regulated entertainment 17 September 2016 between 12:00 and 22:30. The maximum number of people expected at any one time at the premises is 300. Licensable activities are to take place on the premises. This is to take place at the same time as the Bermondsey Festival which will bring a lot of people into the immediate vicinity. The Bermondsey Festival has been running 10 years and is relatively trouble free. The TEN will close three hours after the end of the Bermondsey Festival event.

### **The objection notice**

15. On 7 September 2016 an objection was received from the Environmental Protection Team on the grounds of public safety, prevention of crime and disorder and the prevention of public nuisance. It is stated that during the last event that straw bales were used as seating and there were inadequate fire escape provision and an absence of fire fighting equipment. EPT are also concerned as to how noise from recorded music will be controlled so as to prevent a public nuisance. This is attached as Appendix B.

**TENs History**

16. There is no history of TENs at this premises.

**Premises history**

17. There is no licence for this premises.

**Complaints**

18. There are no complaints on record for the premises.

**Local area**

19. A map of the area is attached to this report as Appendix C. The premises is identified by a triangle at the centre of the map. For purposes of scale-only the circle on the map has a 100-metre radius. The following licensed premises terminal hours are also shown on the map.

**Bermondsey Street Festival (one day only 17 September 2016)**  
**Bermondsey Street, SE1 3UB**

**Entertainment similar to live/recorded music - outdoors**

Saturday 11:00 to 19:00

**Live music - outdoors**

Saturday 11:00 to 19:30

**Performance of dance - outdoors**

Saturday 11:00 to 19:30

**Plays - outdoors**

Saturday 11:00 to 19:00

**Recorded music - outdoors**

Saturday 11:00 to 19:30

**Sale by retail of alcohol to be consumed on premises**

Saturday 11:00 to 19:00

**SUCHARD FREE HOUSE**  
**2 Crucifix Lane, SE1 3JW**

**Opening hours**

Monday to Sunday 10:00 to 01:30

**Late night refreshment - indoors**

Monday to Sunday 23:00 to 01:00

**Sale by retail of alcohol to be consumed on and off the premises**

Monday to Sunday 10:00 to 01:00

**Tee'z Mini Market**

92 Bermondsey Street, SE1 3UB

**Opening hours**

Monday to Saturday 06:00 to 23:00

Sunday 07:00 to 22:00

**Sale by retail of alcohol to be consumed off premises**

Monday to Saturday 06:00 to 23:00

Sunday 07:00 to 22:00

**INTERNATIONAL WINE AND SPIRIT CENTRE**

39-45 Bermondsey Street, SE1 3XF

**Opening hours**

Monday to Sunday 08:00 to 21:00

**Sale by retail of alcohol to be consumed on premises**

Monday to Sunday 08:00 to 21:00

**THE HIDE**

39-45 Ground Floor Bermondsey Street, SE1 3XF

**Opening hours**

Monday and Tuesday 08:00 to 01:30

Wednesday to Saturday 08:00 to 02:30

Sunday 08:00 to 00:30

**Late night refreshment - indoors**

Monday and Tuesday 23:00 to 01:00

Wednesday to Saturday 23:00 to 02:00

Sunday 23:00 to 00:00

**Recorded music - indoors**

Monday and Tuesday 08:00 to 01:00

Wednesday to Saturday 08:00 to 02:00

Sunday 11:00 to 00:00

**Sale by retail of alcohol to be consumed off premises**

Monday to Sunday 08:00 to 22:00

**Sale by retail of alcohol to be consumed on premises**

Monday and Tuesday 08:00 to 01:00

Wednesday to Saturday 08:00 to 02:00

Sunday 08:00 to 00:00

**B Street Deli Ltd.**

88 Bermondsey Street, SE1 3UB

**Opening hours**

Monday to Sunday 07:00 to 00:00

**Late night refreshment – indoors and outdoors**

Monday Sunday 23:00 to 23:30

**THE FASHION & TEXTILE MUSEUM**

83 Bermondsey Street, SE1 3XF

**Opening hours**

Monday to Sunday 09:00 to 23:00

**Entertainment similar to live/recorded music - indoors**

Monday to Sunday 09:00 to 23:00

**Films - indoors**

Monday to Sunday 09:00 to 23:00

**Live music - indoors**

Monday to Sunday 09:00 to 23:00

**Performance of dance - indoors**

Monday to Sunday 09:00 to 23:00

**Plays - indoors**

Monday to Sunday 09:00 to 23:00

**Recorded music - indoors**

Monday to Sunday 09:00 to 23:00

**Sale by retail of alcohol to be consumed on premises**

Monday to Sunday 09:00 to 23:00

**The Garrison Public House**  
**99 Bermondsey Street, SE1 3XB**

Opening hours

Monday to Thursday 10:00 to 23:30

Friday and Saturday 10:00 to 00:30

Sunday 12:00 to 22:30

**Late night refreshment - indoors**

Monday to Thursday 23:00 to 23:30

Friday and Saturday 23:00 to 00:00

**Sale by retail of alcohol to be consumed on and off the premises**

Monday to Thursday 10:00 to 23:00

Friday and Saturday 10:00 to 00:00

Sunday 12:00 to 22:30

**THE WOOLPACK**

**98 Bermondsey Street, SE1 3UB**

Monday to Thursday 11:00 to 23:30

Friday and Saturday 11:00 to 00:30

Sunday 12:00 to 23:00

**Late night refreshment - indoors**

Monday to Thursday 23:00 to 23:30

Friday and Saturday 23:00 to 00:00

**Live music - indoors**

Monday to Thursday 11:00 to 23:00

Friday and Saturday 11:00 to 00:00

Sunday 12:00 to 22:30

**Recorded music - indoors**

Monday to Thursday 11:00 to 23:00

Friday and Saturday 11:00 to 00:00

Sunday 11:00 to 22:30

**Sale by retail of alcohol to be consumed on and off the premises**

Monday to Thursday 11:00 to 23:00

Friday and Saturday 11:00 to 00:00

Sunday 11:00 to 22:30

**Policy considerations**

20. 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**

21. At the time of writing this report it has not been possible to reach a negotiated outcome in regards to this matter and therefore the sub-committee is asked to consider whether the issue of a counter notice is necessary for the promotion of the prevention of crime and disorder licensing objective.

**Community impact statement**

22. 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.

23. In considering the TEN in terms of community impact the sub-committee must restrict its considerations to this matter.

### **Resource implications**

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

### **Consultation**

25. 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**

26. 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
27. The principles which sub-committee members must apply are set out below.

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

28. 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.
29. 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.
30. 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

31. 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
32. Members are also referred to the DCMS guidance on conditions, specifically section 7, and Annexes D, E, F and G.

## Reasons

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

## Hearing Procedures

34. 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.
35. 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.

36. 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.
37. 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.
38. 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.
39. 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.
40. 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**

41. Members are required to have regard to the DCMS 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.

### **REASONS FOR URGENCY**

42. 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**

43. This report was not available for circulation within five clear days before the meeting due to legislative time constraints.

**BACKGROUND DOCUMENTS**

<b>Background Papers</b>	<b>Held At</b>	<b>Contact</b>
Licensing Act 2003 DCMS Guidance Secondary Regulations Statement of Licensing Policy Various papers from the premises file.	Southwark Licensing, C/O Community Safety & Enforcement, 160 Tooley Street, London, SE1 2QH	Kirty Read (020 7525 5748)

**APPENDICES**

<b>No.</b>	<b>Title</b>
Appendix A	Copy of the TEN
Appendix B	Copy of the EPT objection notice
Appendix C	Map of area

**AUDIT TRAIL**

<b>Lead Officer</b>	Strategic Director of Environment and Leisure	
<b>Report Author</b>	Dorcas Mills, Principal Licensing Officer	
<b>Version</b>	Final	
<b>Dated</b>	9 September 2016	
<b>Key Decision?</b>	No	
<b>CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / EXECUTIVE 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	No	No
<b>Cabinet Member</b>	No	No
<b>Date final report sent to Constitutional Team</b>	9 September 2016	

02/09/2016

Business - Temporary events notices

Ref No. 675196

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	Gray
Firstname(s)	Harley

## 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

	London
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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	██████████ BERMONDSEY STREET
Town	LONDON

County	
Post code	SE1 [REDACTED]

## 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	[REDACTED]
Evening (optional)	
Mobile (optional)	[REDACTED]
Fax number (optional)	
E-Mail Address	[REDACTED]

## 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	1 BLACK SWAN YARD
Address Line 2	
Town	LONDON

County	
Post code	SE1 3XW

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) \*

	Goods Yard and Warehousing
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Please describe the nature of the event below. (Please read note 5)

	Bermondsey Street Festival Bar and Events Space
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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	
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)

	The sale by retail of alcohol 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)

	17/09/2016
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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)

	12:00-22:30
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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)

	300
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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
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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
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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?

	Yes
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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

	2
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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

--	--

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	1 BLACK SWAN YARD, , SE1 3XW
PaymentAmountInMinorUnits	2100
AuthCode	053807
LicenceReference	LTN-94212-597
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.

# MEMO: Environmental Protection Team

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**To** Regen.Lic **Date** 7 September 2016

**Copies**

**From** Ken Andrews **Telephone** 020 7525 4258 **Fax** 020 7525 5705

**Email** Ken.Andrews@southwark.gov.uk

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**Subject** **TENs 1 Black Swan Yard SE1 3XW**  
**CMU 840400**

EPRA has reviewed a Tens application for an event on 17 September 2016 from 12:00-22:30. The licensable activities include;

- 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.

The use of the premises during the last event highlighted issues such as inadequate fire escape and the absence of fire extinguishers and flammable materials such as straw bales were used as seating.

There is also no detail as to how noise from the recorded music will be controlled so as to prevent a public nuisance.

There is no information in the application that addresses the above concerns. As a result EPRA raises objections to this event taking place under the provisions of public safety and prevention of crime and disorder and the prevention of public nuisance..

**Ken Andrews - Principal Environmental Protection Officer**



**LICENSING SUB-COMMITTEE DISTRIBUTION LIST (OPEN) MUNICIPAL YEAR 2016-17**

**NOTE:** Original held by Constitutional Team; all amendments/queries to Andrew Weir - Tel: 020 7525 7222

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Councillor Bill Williams	1	Dorcas Mills, Licensing team	1
		Jayne Tear, Licensing team	1
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