



SUPPLEMENTARY AGENDA

LICENSING COMMITTEE

Date: TUESDAY, 10 AUGUST 2021 at 7.15 pm

Via Microsoft Teams - the public are welcome to observe via the Council's website at <https://lewisham.publicitv/core/portal/home>

Enquiries to: Clare Weaser
Telephone: 0208 314 7369 (direct line)
Email: clare.weaser@lewisham.gov.uk

MEMBERS

This meeting is an open meeting and all items on the agenda may be audio recorded and/or filmed.

Councillors:

Councillor Eva Stamirowski (Chair)
Councillor Bill Brown (Vice-Chair)
Councillor Juliet Campbell
Councillor Colin Elliott
Councillor Alan Hall
Councillor Coral Howard
Councillor Caroline Kalu
Councillor Samantha Latouche
Councillor Susan Wise

Members are summoned to attend this meeting

Kim Wright
Chief Executive
Laurence House
Catford
London SE6 4RU
Date: 6 August 2021



INVESTOR IN PEOPLE

The public are welcome to attend our committee meetings, however occasionally committees may have to consider some business in private. Copies of reports can be made available in additional formats on request.

ORDER OF BUSINESS – PART 1 AGENDA

Item No		Page No.s
6	20 Orion Business Centre Surrey Canal Road SE14 5RT	1 - 19



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Licensing Committee

Report title: 20 Orion Business Centre, Surrey Canal Road, SE14 5RT

Date: 10 August 2021

Key decision: No.

Class: Part 1.

Ward(s) affected: New Cross

Contributors: Community Services – Crime, Enforcement & Regulation Service, Head of Law

Outline and recommendations

Determination of Temporary Event Notice Application - After having regard to all the representations heard, Members must take such steps as they consider appropriate to promote the Licensing Objectives.

Timeline of engagement and decision-making

To consider the application for a Temporary Event Notice. The options open to members of the Committee are set out in paragraph 4 below.

Proposal: Temporary Event Notice (TEN)

Legislation: Licensing Act 2003

Premises: 20 Orion Business Centre, Surrey Canal Road, SE14 5RT

Applicant: Ross Aylward-Tarten

This matter is required to be heard within a short timescale to meet the statutory requirements. The notice was served in accordance with section 100 of the Licensing Act 2003.

1. Notice Content & Objection

- 1.1 The Temporary Event Notice is for the Sale of Alcohol and Regulated Entertainment on 13-14 August 2021 and 14 – 15 August 2021 between the hours of 23:00 – 07:00.

- 1.2 The event is described as *'Friday 13/8/21 Selection of disk jockeys playing music. Saturday 14/8/21 An LGBTQI+ event with a selection of disk jockeys playing music.'*
- 1.3 The capacity applied for is 350 people.
- 1.4 The notice was received by the Licensing Authority on 29 July 2021 and served on the Metropolitan Police (MPS) and the London Borough of Lewisham Crime, Enforcement and Regulation Service on the 30 July 2021.
- 1.5 Objections were received from Frank Olaniran of the Crime, Enforcement & Regulation Service within the specified time limit in accordance with section 104 of the Licensing Act 2003 (objections received on the 4 August 2021). The objection received was in relation to the licensing objective of prevention of public nuisance.

2. Legal and Human Rights Implications

- 2.1 Where an objection notice is received following a Temporary Event Notice a licensing authority is required to hold a hearing. In this case the Licensing Authority is required to consider whether the proposed temporary event will promote the crime prevention and public nuisance licensing objectives.
- 2.2 The licensing authority is a public authority under the Human Rights Act 1998. Therefore the Licensing Authority is under a duty to act compatibly with Convention Rights in the exercise of their function. Article 6 (1) of the Convention provides that everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial hearing established by law.
- 2.3 The right to give a Temporary Event Notice falls within the scope of civil rights and obligations in Article 6 (1) as it relates, in this case, to a Premises Licence holder's right to pursue commercial activity. This right is a qualified right therefore it may be interfered with if it is appropriate to protect the general interest of the community.

3. Equalities Implications

- 3.1 The Equality Act 2010 includes a new public sector equality duty (the equality duty or duties) the duty covers the following nine protected characteristics: age, disability, gender reassignment, marriage and civil partnerships, pregnancy and maternity, race or religion or belief, sex and sexual orientation.
- 3.2 In summary the Council must, in the exercise of its functions, have due regard to the need to-
 - eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act
 - advance equality of opportunity between people who share a protected characteristic and those who do not
 - foster good relations between those who share a protected characteristic and those who do not.
- 3.3 As with the case with the original separate duties, the new duty continues to be

a “have regard duty” and the weight to attach to it is a matter for the committee bearing in mind the relevance and proportionality. It is not an absolute requirement to eliminate discrimination, advance equality of opportunity or foster good relations.

4. Determination of objection notice

4.1 After having regard to all the representations heard, Members must take such steps as they consider appropriate to promote the prevention of crime and disorder and public nuisance. Therefore the Licensing Committee may;

1. Decide no action is appropriate to promote the licensing objectives therefore the temporary event may go ahead.
2. Impose one or more conditions on the standard temporary event notice if-
 - a. the authority considers it appropriate for the promotion of the licensing objectives to do so,
 - b. the conditions are also imposed on a premises licence or club premises certificate that has effect in respect of the same premises, or any part of the same premises, as the standard temporary event notice, and
 - c. the conditions would not be inconsistent with the carrying of licensable activities under the standard temporary event notice
3. Issue a counter notice if it considers it is appropriate to promote the licensing objectives, therefore the temporary event may not go ahead.

4.2 There is a right of appeal to the Magistrates Court against a decision either to give a counter notice or to allow the temporary event to go ahead.

<u>Short Title of Document</u>	<u>Background Papers</u> <u>Date</u>	<u>Appendix</u>
Temporary Event Notice Applications rec'd	29 July 2021	
<u>CER Objection</u>		
Objection rec'd	4 August 2021	

Should you require any further information on this report please contact Lisa Hooper at the Crime, Enforcement & Regulation Service on 020 8314 6324 or lisa.hooper@lewisham.gov.uk

App ref: 1105070
 Capita ref: 816158
 Submitted: 29/07/2021



Licensing Team
 Holbeach Office
 9 Holbeach Road
 London
 SE6 4TW
 020 8314 6400

Temporary Event Notice

Before completing this notice, please read the guidance notes at the end of the notice. If you are completing this notice by hand, please write legibly in block capitals. In all cases, ensure that your answers are inside the boxes and written in black ink or typed. Use additional sheets if necessary. You should keep a copy of the completed notice for your records. You must send at least one copy of this notice to the licensing authority and additional copies must be sent to the chief officer of police and the local authority exercising environmental health functions for the area in which the premises are situated. The licensing authority will give to you written acknowledgement of the receipt of the notice.

I, the proposed premises user, hereby give notice under section 100 of the Licensing Act 2003 of my proposal to carry on a temporary activity at the premises described below.

1. The personal details of premises user (Please read note 1)	
1. Your name	
Title	Mr <input checked="" type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other (please state)
Surname	
Forenames	
2. Previous names (Please enter details of any previous names or maiden names, if applicable. Please continue on a separate sheet if necessary)	
Title	Mr <input checked="" type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other (please state)
Surname	Aylward-Tarten
Forenames	Ross
3. Your date of birth	[REDACTED]
4. Your place of birth	[REDACTED]
5. National Insurance Number	[REDACTED]
6. Your current address (We will use this address to correspond with you unless you complete the separate correspondence box below)	
The Master Shipwright's House Watergate Street London	
Post town London	Postcode SE8 3JF
7. Other contact details	
Telephone numbers	
Daytime	
Evening (optional)	
Mobile (optional)	07951724485
Fax number (optional)	

E-Mail address (if available)	ross@venuemotunit18.page	
8. Alternative address for correspondence (If you complete the details below, we will use this address to correspond with you)		
Post town	Postcode	
9. Alternative contact details (if applicable)		
Telephone numbers:		
Daytime		
Evening (optional)		
Mobile (optional)		
Fax number (optional)		
E-Mail address (if available)		
2. The premises		
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)		
20 Orion Business Centre, Surrey Canal Road, SE14 5RT		
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	PL 1244	
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)		
Grass Roots Music Venue		
Please describe the nature of the event below. (Please read note 5)		
Friday 13/08/21 Selection of disk jockeys playing music.		
Saturday 14/08/21 An LGBTQI+ event with a selection of disk jockeys playing music,		

Unit 20 is to be used as a second room from Unit 18 with access to each room through the smoking area

We will have three security staff to operate the door and to patrol the venue.

We are requiring proof of double vaccine or a government registered negative covid test for entry, we will also be conducting temperature checks and have installed new ventilation system to keep fresh air circulating. Staff will be required to wear face covering unless they are exempted

3. The licensable activities		
Please state the licensable activities that you intend to carry on at the premises (please tick all licensable activities you intend to carry on). (Please read note 6)		
The sale by retail of alcohol	<input checked="" type="checkbox"/>	
The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club	<input type="checkbox"/>	
The provision of regulated entertainment	<input checked="" type="checkbox"/>	
The provision of late night refreshment	<input checked="" type="checkbox"/>	
Are you giving a late temporary event notice? (Please read note 7)	<input type="checkbox"/>	
Please state the dates on which you intend to use these premises for licensable activities. (Please read note 8)		
13/08/21-14/08/21 14/08/21-15/08/21		
Please state the times during the event period that you propose to carry on licensable activities (please give times in 24 hour clock). (Please read note 9)		
23:00-07:00 23:00-07:00		
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)		350 350
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 tick as appropriate). (Please read note 11)	On the premises only	<input checked="" type="checkbox"/>
	Off the premises only	<input type="checkbox"/>
	Both	<input type="checkbox"/>

Please state if the licensable activities will include the provision of relevant entertainment. If so, please state the times during the event period that you propose to provide relevant entertainment. (please read note 12)	
23:00-07:00 23:00-07:00	

4. Personal licence holders (Please read note 13)		
Do you currently hold a valid personal licence? (Please tick)	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
If "Yes" please provide the details of your personal licence below.		
Issuing licensing authority	LEWISHAM	
Licence number Date of issue Date of expiry Any further relevant details	Lew 4445	

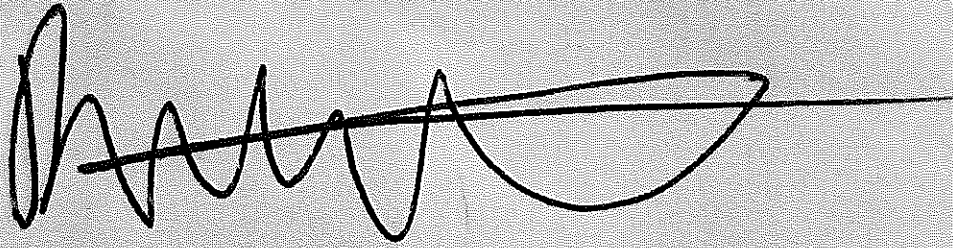
5. Previous temporary event notices you have given (Please read note 14 and tick the boxes that apply to you)		
Have you previously given a temporary event notice in respect of any premises for events falling in the same calendar year as the event for which you are now giving this temporary event notice?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
If answering yes, please state the number of temporary event notices (including the number of late temporary event notices, if any) you have given for events in that same calendar year	3	
Have you already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>

6. Associates and business colleagues (Please read note 15 and tick the boxes that apply to you)		
Has any associate of yours given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
If answering yes, please state the total number of temporary event notices (including the number of late temporary event notices, if any) your associate(s) have given for events in the same calendar year.		
Has any associate of yours already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Has any person with whom you are in business carrying on licensable activities given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
If answering yes, please state the total number of temporary event notices (including the number of late temporary event notices, if any) your business colleague(s) have given for events in the same calendar year.		
Has any person with whom you are in business carrying on licensable activities already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>

7. Checklist (Please read note 16)	
I have: (Please tick the appropriate boxes)	
Sent at least one copy of this notice to the licensing authority for the area in which the premises are situated	<input checked="" type="checkbox"/>
Sent a copy of this notice to the chief officer of police for the area in which the premises are situated	<input checked="" type="checkbox"/>
Sent a copy of this notice to the local authority exercising environmental health functions for the area in which the premises are situated	<input checked="" type="checkbox"/>
If the premises are situated in one or more licensing authority areas, sent at least one copy of this notice to each additional licensing authority	<input checked="" type="checkbox"/>
If the premises are situated in one or more police areas, sent a copy of this notice to each additional chief officer of police	<input checked="" type="checkbox"/>
If the premises are situated in one or more local authority areas, sent a copy of this notice to each additional local authority exercising environmental health functions	<input checked="" type="checkbox"/>
Made or enclosed payment of the fee for the application	<input checked="" type="checkbox"/>
Signed the declaration in Section 9 below	<input checked="" type="checkbox"/>

8. Condition (Please read note 17)
It is a condition of this temporary event notice that where the relevant licensable activities described in Section 3 above include the supply of alcohol that all such supplies are made by or under the authority of the premises user.

9. Declarations (Please read note 18)
The information contained in this form is correct to the best of my knowledge and belief.



A large, stylized handwritten signature in black ink, consisting of several loops and a long horizontal stroke extending to the right.

For completion by the licensing authority

10. Acknowledgement (Please read note 19)	
I acknowledge receipt of this temporary event notice.	
Signature	On behalf of the licensing authority
Date	
Name of Officer signing	

NOTES

General

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

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

First, it will issue a counter notice if there is an objection to a late temporary event notice (see note 7 below).

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

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

- the number of times a person may give a temporary event notice (50 times per year for a personal licence holder and 5 times per year for other people);
- the number of times a person may give a late temporary event notice (10 times per year for a personal licence holder and 2 times per year for other people);
- the number of times a temporary event notice may be given in respect of any particular premises (12 times in a calendar year);
- the length of time a temporary event may last for these purposes (168 hours or 7 days);
- the maximum aggregate duration of the periods covered by temporary event notices at any individual premises (21 days per calendar year); and
- the scale of the event in terms of the maximum number of people attending at any one time (a maximum of 499).

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. The limits applying to late temporary event notices are included within the overall limits applying to the total number of temporary event notices. Note 15 below sets out the definition of an “associate”.

When permitted temporary activities take place, a premises user must ensure that either:

- a copy of the temporary event notice is prominently displayed at the premises; or
- the temporary event notice is kept at the premises either in his own custody or in the custody of a person present and working at the premises and whom he has nominated for that purpose.

Where the temporary event notice is in the custody of a nominated person, a notice specifying that fact and the position held by that person must be displayed prominently at the premises.

Where the temporary event notice or a notice specifying the nominated person is not displayed, a constable or an authorised person (for example, a licensing officer, fire officer or environmental health officer) may require the premises user to produce the temporary event notice for examination. Similarly, where the nominated person has the temporary event notice in his custody,

a constable or authorised person may require that person to produce it for examination. Failure to produce the temporary event notice without reasonable excuse would be an offence.

It should also be noted that the following, among other things, are offences under the Licensing Act 2003:

- the sale or supply of alcohol to children under 18 years of age (maximum fine on conviction is a fine not exceeding level 5 on the standard scale, currently £5,000);
- allowing the sale of alcohol to children under 18 (maximum fine on conviction is a fine not exceeding level 5 on the standard scale, currently £5,000);
- knowingly allowing the consumption of alcohol on the premises by a person aged under 18 (maximum fine on conviction is a fine not exceeding level 5 on the standard scale, currently £5,000);
- allowing disorderly behaviour on the premises (maximum fine on conviction is a fine not exceeding level 3 on the standard scale, currently £1,000);
- the sale of alcohol to a person who is drunk (maximum fine on conviction is a fine not exceeding level 3 on the standard scale, currently £1,000);
- obtaining alcohol for a person who is drunk (maximum fine on conviction is a fine not exceeding level 3 on the standard scale, currently £1,000);
- knowingly allowing a person aged under 18 to make any sale or supply of alcohol unless the sale or supply has been specifically approved by the premises user or any individual aged 18 or over who has been authorised for this purpose by the premises user (maximum fine on conviction is a fine not exceeding level 1 on the standard scale, currently £200); and
- knowingly keeping or allowing to be kept on the premises any smuggled goods which have been imported without payment of duty or which have otherwise been unlawfully imported (maximum fine on conviction is a fine not exceeding level 3 on the standard scale, currently £1,000).

In addition, where the premises are to be used primarily or exclusively for the sale or supply of alcohol for consumption on the premises, it is an offence to allow children under 16 to be present when the premises are open for that purpose unless they are accompanied by an adult. In the case of any premises at which sales or supplies of alcohol are taking place at all, it is an offence for a child under 16 to be present there between the hours of midnight and 5am unless accompanied by an adult. In both instances, the penalty on conviction is a fine not exceeding level 3 on the standard scale, currently £1,000.

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.

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.

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 performance of a play;
- Ⓜ an exhibition of a film;
- Ⓜ an indoor sporting event;
- Ⓜ a boxing or wrestling entertainment;

- a performance of live music;
- any playing of recorded music;
- a performance of dance; and
- entertainment of a similar description to that falling within (e), (f) or (g).

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

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 10 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 or 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 includes not only the audience, spectators or consumers but also, 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.

Note 12

Relevant entertainment is defined in the Local Government (Miscellaneous Provisions) Act 1982 (“the 1982 Act”) as *any live performance or any live display of nudity which is of such a nature that, ignoring financial gain, it must reasonably be assumed to be provided solely or principally for the purpose of sexually stimulating any member of the audience (whether by verbal or other means)*. Relevant entertainment therefore includes, but is not limited to, lap dancing and pole dancing.

The 1982 Act requires premises which provide relevant entertainment to be licensed under that Act for this purpose. Premises at which there have not been more than eleven occasions on which such entertainment has been provided within a period of 12 months, no such occasion has lasted for more than 24 hours and there has been a period of at least one month between each such occasion are exempt from the requirement to obtain a licence under the 1982 Act. Such premises are likely instead to require an authorisation under the Licensing Act 2003 to be used for such activities as these are a licensable activity (the provision of regulated entertainment – see note 6 above). A temporary event notice may be given for this purpose.

Note 13

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.

Note 14

As stated under Note 13, a personal licence holder (issued under the Licensing Act 2003) may give up to 50 temporary event notices (including 10 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 1st January to 31st 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. Note 15 below sets out the definition of an “associate”.

Note 15

An “associate” of the proposed premises user is:

- ④ the spouse or civil partner of that person;
- ④ a child, parent, grandchild, grandparent, brother or sister of that person;
- ④ an agent or employee of that person; or

the spouse or civil partner 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.

Note 16

It is a requirement that you send at least one copy of this notice to the licensing authority at least ten working days (or five working days for a late notice) 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 further police force and local authority exercising environmental health functions.

Note 17

Under the Licensing Act 2003, all temporary event notices are given subject to a mandatory condition requiring that where the licensable activities involve the supply of alcohol, all such supplies must be made by or under the authority of the named premises user. If there is a breach of this condition, the premises user and the individual making the supply in question would be liable to prosecution. For this purpose, the supply of alcohol includes both of the first two licensable activities listed in note 6 above.

Note 18

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.

Note 19

You should not complete section 10 of the notice, which is for use by the licensing authority. It may complete this section as one means of giving you written acknowledgement of its receipt of the notice.



TEMPORARY EVENT NOTICE

To: Ross Aylward-Tarten
Of: The Master Shipwright's House
Watergate Street
London
SE8 3JF

The Council of the London Borough of Lewisham have acknowledged the event as follows:

Premises: 20 Orion Business Centre, Surrey Canal Road, London SE14 5RT

Event date and time: 13 August 2021 (23:00 – 07:00 following morning)
14 August 2021 (23:00 – 07:00 following morning)

Directorate for Community Services
Licensing Authority
Holbeach Office
9 Holbeach Rd
Catford
SE6 4TW

**Proper Officer for Licensing
London Borough of Lewisham**

SHOULD A COUNTER NOTICE BE ISSUED IN ACCORDANCE WITH SECTION 105 OR 107 OF THE LICENSING ACT 2003 THIS EVENT WILL NOT BE PERMITTED.

A TEN DOES NOT RELIEVE THE PREMISES USER FROM ANY REQUIREMENTS UNDER PLANNING LAW FOR APPROPRIATE PLANNING PERMISSION WHERE IT IS REQUIRED.



Crime Enforcement and Regulation
Service
9 Holbeach Road
Catford
London SE6 4TW

LICENSING TEAM
9 Holbeach Road
London
SE6 4TW

Direct line: 0208 314 7237
Email: cer@lewisham.gov.uk

Date 4th August 2021
Our ref WK/ 202112607
WK/202112543
WK/202112394

Dear Licensing Team,

RE: Objection to Temporary Event Notice for Units 18 and 20, Orion Business Centre, Surrey Canal Rd, London SE14 5RT.

I am writing to object to the application made by Ross Aylward-Tarten for a Temporary Events Notice for the above premises.

The Crime, Enforcement and Regulation (CER) Service has received complaints from local residents with regards to noise nuisance causing a disturbance in the area.

On the 17th July 2021, Mark Adu-Brobbey and I were providing an out of hour's service monitoring compliance and noise nuisance. At approx. 00:48 we attended unit 18 and observed what we believed to be an unacceptable level of noise emanating from the premises.

The premises was not providing an outside event and there were no patrons outside at the time of our visit. The owner of the business was stationed outside of the premises with 2 members of staff and between them did not find the noise level unacceptable until we approached them on the matter.

A verbal warning was issued to the owner and he was instructed to actively monitor the level of music observed outside of the premises. The Owner was also reminded of his obligations under the Licensing Act 2003 to promote key licensing objectives.

Despite this warning on the 24th July 2021, a complaint was received from a local resident alleging that the premises was causing noise nuisance till 04:30.

Another complaint was made to the CER Service on 31st July 2021. The complainant advised that they had been affected by loud amplified music till 04:00. The complainant also went on to report that incidences of this nature were taking place 4-5 times a week and on occasions till 07:00.

Again on 2nd August 2021, another complaint was received alleging that the premises was causing noise nuisance at 00:14.

The CER Service is investigating these concerns, however the need to safeguard key licensing objectives should take priority to minimise any negative impact on local residents.

As Ross Aylward-Tarten is the DPS for unit 18, I am of the view that the TEN application for units 18 and 20 should not be granted for the 13th and 14th August 2021. Additionally I am of the view that any future TEN application for these units, should also not be granted until such a time the CER Service acting as the Licensing Authority is confident that the premises and the DPS are competent to carry out licensable activity without causing a nuisance.

Should you require further information, please let me know.

I am willing to attend and present this objection in person at a Licensing Committee should this be required.

Kind regards,

F. Olaniran

Frank Olaniran
Crime, Enforcement & Regulation Officer

