LICENSING SUB-COMMITTEE

SECOND DESPATCH – TEMPORARY EVENT NOTICE

Date: Friday 18 September 2020

Time: 2.00 pm

Venue: Microsoft Teams – please click here

Copies of agendas, reports, minutes and other attachments for the Council’s meetings are available on the Lambeth website. www.lambeth.gov.uk/moderngov

Members of the Committee

Councillor Fred Cowell, Councillor Martin Tiedemann, Councillor Linda Bray, Councillor Emma Nye, Councillor Irfan Mohammed, Councillor Rezina Chowdhury, Councillor Ibrahim Dogus, Councillor Joshua Lindsey, Councillor Pauline George and Councillor Becca Thackray

Substitute Members

Councillor John Kazantzis, Councillor Jennie Mosley, Councillor Matthew Bennett, Councillor Andy Wilson, Councillor Danial Adilypour, Councillor Donatus Anyanwu, Councillor Claire Holland, Councillor Jon Davies, Councillor Liz Atkins, Councillor Marcia Cameron and Councillor Timothy Windle

Members Required for this meeting will be: Councillor Fred Cowell, Councillor Emma Nye, Councillor Becca Thackray

Further Information

If you require any further information or have any queries please contact:
Nazyer Choudhury, Telephone: 020 7926 0028; Email: nchoudhury@lambeth.gov.uk

Members of the public are welcome to attend this meeting.

Queries on reports

Please contact report authors prior to the meeting if you have questions on the reports or wish to inspect the background documents used. The contact details of the report author are shown on the front page of each report.
AGENDA

PLEASE NOTE THAT THE ORDER OF THE AGENDA MAY BE CHANGED AT THE MEETING.

4. Consideration of an Objections to a Temporary Event Notice
A meeting of the Licensing Sub-Committee has been convened as a result of an objection raised by the Police and Public Protection regarding Temporary Event Notices (TEN). Section 105 (2)(a) (of the Licensing Act 2003 [part5]) requires a minimum of two days’ notice to be given.

The Chair is of the opinion that although the meeting has not been convened with at least five clear days notice, it should proceed now as a matter of urgency to consider the objections to the TEN because of the special circumstances of the need to comply with the statutory requirements of the Licensing Act 2003.

4a. Secret Garden, 53 Mount Ephraim Lane, London, SW16 1JE (St Leonards)
How to access the meeting

This meeting will be held in accordance with Section 78 of the Coronavirus Act 2020 and the related Regulations which details that members of the public and press be provided access to the meeting through remote means, such as video conferencing and live streaming as provided by the link on the above page.

For Members of the Public

This is a Microsoft Teams Live Event meeting. If you are new to Microsoft Teams, clicking the link on the above page will take you to the meeting page where you will be prompted to download the app or watch on the web instead. Please follow the instructions to watch on the web instead. On doing so, you can join our live event anonymously.

For applicants to this meeting and interested parties

Please refer to the guidance you have already received.

Digital engagement

We encourage people to use Social Media and we normally tweet from most Council meetings. To get involved you can tweet us @LBLDemocracy.

Audio/Visual Recording of meetings

Everyone is welcome to record meetings of the Council and its Committees using whatever, non-disruptive, methods you think are suitable. If you have any questions about this please contact Democratic Services (members of the press please contact the Press Office). Please note that the Chair of the meeting has the discretion to halt any recording for a number of reasons including disruption caused by the filming or the nature of the business being conducted.

Persons making recordings are requested not to put undue restrictions on the material produced so that it can be reused and edited by all local people and organisations on a non-commercial basis.

Representation

Ward Councillors may be contacted directly to represent your views to the Council: (details via the website www.lambeth.gov.uk).
HEARING PROCEDURE FOR LICENSING SUB-COMMITTEE

Full information on the procedure is sent to all parties to the hearing. The information below is a précis of that information.

Parties to the hearing must notify Licensing Services within prescribed timescales (these vary according to the type of hearing) that they intend to attend and/or be represented at the hearing, and whether any witnesses will be attending on their behalf.

The hearing will operate as follows (subject to the discretion of the Chair):

- In the form of a discussion led by the Committee; cross examination will not normally be permitted.

- A total of three minutes speaking time is normally allowed for each party. Any preliminary points will be treated separately.

- Where there is more than one representation raising the same or similar grounds, those parties should consider nominating a single representative to address the Sub-Committee on their behalf at the hearing.

- Parties to the hearing may be permitted to ask questions of any other party or witness.

- Parties to the hearing may be required to answer specific questions from members of the Sub-Committee seeking clarification of information.

- The typical order of the hearing will be as follows:

  1. The Chair will ask all parties and witnesses to introduce themselves and this should include a brief explanation of the purpose of their attendance.
  2. Officers present the report.
  3. Committee members ask questions of officers.
  4. The Applicant speaks.
  5. The Applicant's witnesses speak (with permission of Chair).
  6. Committee members ask questions of applicants and their witnesses (only applies to witnesses who have been given permission to speak).
  7. Other parties speak.
  8. Other parties' witnesses speak (with permission of Chair).
  9. Committee members ask questions of the other parties to the hearing and their witnesses (only applies to witnesses who have been given permission to speak).
 10. The Applicant (with exception and with permission of Chair) asks questions of the other parties to the hearing and their witnesses.
 11. Other parties to the hearing (with exception and with permission of Chair) ask questions of the applicant/other parties to the hearing and their witnesses.
 12. The Chair's closing remarks.
 13. The Committee retires to make their decision.
 14. Legal adviser informs the hearing of any advice that they have given to the Committee during the decision-making process.
 15. The Committee announces the decision and gives reasons.
 16. After the hearing officers will write to all parties to confirm the Committee's decision.
Consideration of objection to Temporary Event Notice:

1. Secret Garden, 53 Mount Ephraim Lane, London, SW16 1JE (St Leonards)

Wards: St Leonards

Portfolio: Deputy Leader of the Council (Sustainable Transport, Environment & Clean Air)
Councillor Claire Holland

Report Authorised by: Eleanor Purser and Sara Waller: Strategic Directors for Sustainable Growth and Opportunity

Contact for enquiries: Tom Dunn, Licensing Officer, Public Protection and Regulatory Services, 0207 926 1866, tdunn@lambeth.gov.uk

EXECUTIVE SUMMARY

This report sets out details of a temporary event notice which has been given to the licensing authority, in respect of which the Police and Environmental Health (Community Safety) have submitted an objection notice.

RECOMMENDATION

1. That the notice(s) set out in the Appendix to this report be considered having regard to the Council's Licensing Policy, the Licensing Objectives and the objection notice(s) received.

CONSULTATION

<table>
<thead>
<tr>
<th>Name of consultee</th>
<th>Directorate or Organisation</th>
<th>Date sent to consultee</th>
<th>Date response received from consultee</th>
<th>Comments appear in report (paragraph(s))</th>
</tr>
</thead>
<tbody>
<tr>
<td>J.Melnick</td>
<td>Legal and Governance</td>
<td>18/09/20</td>
<td>18/09/20</td>
<td>N/A</td>
</tr>
</tbody>
</table>

REPORT HISTORY

<table>
<thead>
<tr>
<th>Authorised by Executive Member</th>
<th>Date report drafted</th>
<th>Report deadline</th>
<th>Date report sent</th>
</tr>
</thead>
</table>
APPENDICES

1. Report for Secret Garden, 53 Mount Ephraim Lane, London, SW16 1JE (St Leonards)

1. CONTEXT
1.1 Authorisation from the Council is required for the sale or supply of alcohol, the provision of regulated entertainment and the provision of late-night refreshment.

1.2 While most large-scale or permanent businesses will hold Premises Licences to authorise their activities, the Act also provides a light-touch mechanism for smaller, infrequent events, known as Temporary Event Notices.

1.3 An individual (known as the “premises user”) may give notice of a proposal to use premises for a temporary event, engaging in one or more licensable activities for a period of no more than 168 consecutive hours. The Licensing Sub-Committee is required to consider any objection notice received and must give the premises user a counter-notice under section 105 of the Licensing Act 2003 if it considers it appropriate for the promotion of a licensing objective to do so. The temporary event may not proceed if a counter-notice has been issued.

2. PROPOSALS AND REASONS
2.1 The Licensing Sub-Committee has responsibility for exercising many of the Council's powers in respect of the Licensing Act 2003. Consideration by the Committee of the notice appended to this report is required because the notice have attracted an objection from the Police and the Council’s Community Safety Team.

2.2 Details of the notice are set out in the Appendix to this report. The statutory consultation requirement set out in paragraph 3 below has been complied with by the premises user(s), and has resulted in the Noise Team and/or the Police giving an objection notice to the licensing authority.

2.3 The premises user, the Police and the Community Safety Team have been invited to attend the hearing.

2.4 The fee for giving a temporary event notice is prescribed within the Licensing Act 2003.

3. CONSULTATION REQUIREMENTS
3.1 The premises user is required to give a copy of any temporary event notice to the Police and the Council’s Environmental Health (Community Safety Team) no later than 10 working days before the first day of the proposed event. If either body is satisfied that allowing the premises to be used in accordance with the notice would undermine any of the licensing objectives, they must give an objection notice to the licensing authority and to the premises user within three working days of receiving the copy of the notice. It is also possible to give a late TEN with between 5 and 10 working days’ notice, however if an objection notice is given the event cannot proceed.
3.2 An applicants’ failure to comply with the above consultation requirements would invalidate the notice. All notices set out in the appendix of this report have complied with the consultation requirements.

3.3 The Act does not make provision for further consultation with any other responsible authorities nor interested parties, and there is no requirement for the premises user to publicise their notice.

4. FINANCE
4.1 There are no direct financial implications arising from this report.

5. LEGAL AND DEMOCRACY
5.1 The authorisation of premises for the supply of alcohol, regulated entertainment and late night refreshment fall within the provisions of the Licensing Act 2003.

5.2 When carrying out its licensing functions, the Sub-Committee shall act with regard to the Council’s Licensing Policy, Statutory Guidance, and with a view to promoting the Licensing Objectives. The objectives are:

   a. the prevention of crime and disorder;
   b. public safety;
   c. the prevention of public nuisance; and,
   d. the protection of children from harm.

5.3 The Sub-Committee must ensure that all licensing decisions have:

   a. a direct relationship to the promotion of one or more of the four licensing objectives;
   b. regard to the statement of licensing policy;
   c. regard to the Secretary of State's Guidance; and,
   d. there must not be a 'blanket policy' to the extent that it is applied so rigidly that an exercise of discretion in each individual case is precluded.

5.4 Applications must be considered with regard to the principles of fair process and the Human Rights Act.

5.5 The purpose of Lambeth's Statement of Licensing Policy is to make clear to applicants and relevant representatives the considerations that will be taken into account when determining applications. It is also intended to guide the Licensing Committee when considering licensing applications; however the Licensing Committee must consider each application on its own merit and only allow exceptions to its own policy where the circumstances of the application justify it.

5.6 Subject to both the Council's Statement of Licensing Policy and Statutory Guidance having been properly considered, a Sub Committee may depart from them if there are good reasons for doing so. Full reasons must be given and Sub-Committees should be aware that such departures could give rise to an appeal or judicial review.

5.7 Section 105(2)(b) of the Act requires that the licensing authority must, having regard to the objection notice, give the premises user a counter notice under this section if it considers it, “appropriate for the promotion of a licensing objective to do so.” The temporary event may not proceed if a counter-notice has been given.
5.8 Section 106A(2) of the Act provides that the licensing authority may impose one or more conditions on the standard TEN if:

a. it 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 or in any part of the same premises as the TEN; or,

c. the conditions would not be inconsistent with the carrying out of licensable activities under the TEN.

5.9 It is considered inappropriate for officers involved in the administration of notices to make recommendations. However, the Committee may choose whether to have regard to any representations made by police officers or Council’s Noise and Pollution Team if they believe that using the premises in accordance with the TEN will undermine the licensing objectives.

5.10 At any time prior to the hearing, the police or the Council’s Noise and Pollution Team may, with the agreement of the premise’s user, modify the temporary event notice by making changes to the notice. The objection notice shall be treated as having been withdrawn from the time the temporary event notice is modified. The premises user may also withdraw the notice completely at any time up until 24 hours prior to the proposed start time of the notice.

5.11 In accordance with the provisions of Part 3 of Schedule 5 of the Act, where the licensing authority gives a counter-notice under section 105, the premises user may appeal against the decision. Where the authority does not give a counter-notice, the person giving the objection notice may appeal against the decision. In both cases, appeals must be made to a Magistrates Court within 21 days of receiving notification of the decision - however, no appeal can be brought less than 5 working days prior to the first proposed event day.
<table>
<thead>
<tr>
<th>Item No:</th>
<th>1</th>
</tr>
</thead>
<tbody>
<tr>
<td>Title of Report:</td>
<td>Secret Garden</td>
</tr>
<tr>
<td></td>
<td>53 Mount Ephraim Lane, London, SW16 1JE</td>
</tr>
<tr>
<td>Applicant:</td>
<td>Metropolitan Police Service &amp; Public Protection</td>
</tr>
<tr>
<td>Application Type:</td>
<td>Temporary Event Notices (TEN)</td>
</tr>
<tr>
<td>Application Date:</td>
<td>2nd September 2020</td>
</tr>
<tr>
<td>Ward:</td>
<td>St Leonards</td>
</tr>
<tr>
<td>Premises Type:</td>
<td>Other Entertainment Venue</td>
</tr>
<tr>
<td>Policy Context:</td>
<td>Lambeth Statement of Licensing Policy 2019 - 2024</td>
</tr>
<tr>
<td>Report Author:</td>
<td>Mr Tom Dunn</td>
</tr>
<tr>
<td>Contact Details:</td>
<td>020 7926 1866 <a href="mailto:tdunn@lambeth.gov.uk">tdunn@lambeth.gov.uk</a></td>
</tr>
<tr>
<td>Application Summary:</td>
<td>This is an application by the Metropolitan Police Service &amp; Public Protection exercising their Environmental Health function, for a counter notice to be issued against a Temporary Event Notice.</td>
</tr>
</tbody>
</table>
### Consultation Information:

<table>
<thead>
<tr>
<th>Department(s) or Organisation(s)</th>
<th>Consulted (Y/N)</th>
<th>Date Response Received</th>
<th>Comments summarized in report (Y/N)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Internal</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Noise Service</td>
<td>Applicant</td>
<td>10/09/2020</td>
<td>Y</td>
</tr>
<tr>
<td><strong>External</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Police Licensing Unit</td>
<td>Applicant</td>
<td>10/09/2020</td>
<td>Y</td>
</tr>
</tbody>
</table>

### Policy implications:

**Licensing Objectives (chapter 5, pages 9 to 15 of the policy and appendices 1 to 4, pages 41 to 45)**

The Licensing Objectives engaged by this application are:-

**Prevention of Public Nuisance and Public Safety**

**Cumulative Impact Policy (policy 7, pages 26 to 27 and appendix 10, page 58 of the policy)**

The premises is not situated in the Clapham Cumulative Impact Zone.

### 1. Application:

1.1 Mr Christopher Grist on 2\textsuperscript{nd} September 2020 gave the Licensing Authority a Temporary Event Notice (TEN) for this premises under section 100 of the Licensing Act 2003.

1.2 The Notice will authorise the licensable activity of the **sale by retail of alcohol for consumption on the premises**.

1.3 It is proposed to provide the above activity at the premises to a maximum capacity of 100 persons, during the following times:

   - 18\textsuperscript{th} September 2020 18:00 – 22:00
   - 19\textsuperscript{th} September 2020 18:00 – 22:00
   - 20\textsuperscript{th} September 2020 18:00 – 22:00

1.4 The notice giver also included the hours of 14:30 – 17:00 for the 19\textsuperscript{th} & 20\textsuperscript{th} September 2020 but indicated there will be no alcohol during these times.

1.5 The event is a classical concert taking place at a house in a residential street, which has a 1/3-acre plot, secure fence, front gate and equipped with CCTV throughout the garden.

1.6 The notice doesn't include regulated entertainment due to the music being unamplified and therefore deregulated between the hours 08:00 – 23:00 on any day, up to a audience of 500 persons.
1.7 A copy of the notice is attached to this report as **Annex A**

1.8 The notice giver provided additional supporting information to accompany their TEN, including a risk assessment, a plan of the premises, a Secret Gardens information sheet and messages of support. These documents can be seen at **Annex B**.

### 2. Representations:

2.1 An objection notice to the TEN was received from the Metropolitan Police Service & Public Protection on the 10th September 2020. These objections engage with the licensing objectives of the prevention of public nuisance and public safety.

2.2 Both responsible authorities are concerned that there were resident complaints following previous notices, during the periods 21st – 23rd August 2020 and 29th – 30th August 2020. These complaints included concerns with social distancing and public nuisance.

2.3 Although the notice was given to the Licensing Authority on the 2nd September 2020, this wasn’t served on the Responsible Authorities until 8th September 2020. Therefore, the last date for giving an objection notice was 11th September 2020.

2.4 A copy of the objections have been provided to the notice giver and are appended to this report as **Annex C**.

2.5 Public Protection provided supporting documentation on the 12th September 2020, regarding a resident complaint made on the 11th September 2020. This can be seen at **Annex D** and has been circulated to all parties.

### 3. Current Licence:

3.1 There isn’t a valid premises licence in place for this address.

### 4. Background History:

4.1 The notice giver has given 5 other notices so far in 2020 for this premises. The event dates were as follows:
- 2nd – 8th August 2020
- 14th – 16th August 2020
- 21st – 23rd August 2020
- 27th – 30th August 2020
- 5th – 6th September 2020

4.2 The late TEN applied for the event period 5th-6th September 2020 received a counter notice, following objections from the Police and Public Protection. A copy of the objections and counter notice can be seen at **Annex E**.

4.3 The Premises are located on Mount Ephraim Lane, which is a highly residential street with on-road parking. The area has limited public transport options, with bus links available on Streatham High Road and Streatham Hill Station a 10-minute walk.
5. Observations:

5.1 The parts of the Statutory Guidance (April 2018) relevant to this application and the representations received are Chapters:

7 – Temporary Event Notices;
9 – Determining Applications;
15 – Regulated Entertainment.

5.2 The parts of the Statement of Licensing Policy that relevant to this application and the representations are Sections:

5. The Licensing Objectives
5.11. The Prevention of Crime and Disorder
5.20. Public Safety
5.27. Prevention of Public Nuisance

Policy 6 - Temporary Events
Policy 7 – Cumulative Impact

Appendix 1 – The Prevention of Crime and Disorder
Appendix 2 – Public Safety
Appendix 3 – Prevention of Public Nuisance
Appendix 5 – Recommend hours by location
Appendix 6 – Types of premises
Appendix 7 – Major, District and local Town Centres
Appendix 10 – Clapham Cumulative Impact Policy

6. Conclusion:

6.1 Members have two options when determining this application:
- To issue a Counter-Notice;
- To refuse to issue a Counter Notice.

Appendices:

Annex A – TEN Application
Annex B – Supporting documentation
Annex C - Metropolitan Police Service & Public Protection objection notices
Annex D – Public Protection supporting documentation
Annex E – Objections and counter notice to TEN period 5th-6th September 2020

Reference Documents:

Local Government Act 1972 – Access to information documents used in the preparation of this report

1 The Licensing Act 2003 (“the Act”)
2 Amended Guidance issued under Section 182 of the Licensing Act 2003 (April 2018) (“the Guidance”)
3 Lambeth Statement of Licensing Policy 2019 - 2024 (“the Policy”)
## Personal Details of Premises User

**Your Name (please read note 1)**

<table>
<thead>
<tr>
<th>Title *</th>
<th>Mr</th>
</tr>
</thead>
<tbody>
<tr>
<td>First Name *</td>
<td>Christopher</td>
</tr>
<tr>
<td>Surname *</td>
<td>Grist</td>
</tr>
<tr>
<td>Have you been known by any previous names, including a maiden name? *</td>
<td>No</td>
</tr>
</tbody>
</table>

**Date of Birth ***

<table>
<thead>
<tr>
<th>Place of Birth *</th>
</tr>
</thead>
<tbody>
<tr>
<td>National Insurance Number *</td>
</tr>
</tbody>
</table>

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**Personal Details of Premises User**
Current Address

We will use this address and contact details to correspond with you unless you specify an alternative correspondence address.

Street Address *

Town/City *
London

Postcode *

Daytime Telephone Number *

Evening Telephone Number

Mobile Telephone Number

Fax Number

Email Address *

Do you have an alternative correspondence address you would like us to use? *
No

The Premises

Premises Address

53 MOUNT EPHRAIM LANE LONDON LAMBETH SW16 1JE

Does a premises licence or club premises certificate have effect in relation to the premises, or any part of the premises? If so, please select and enter the Premises Licence Number or Club Premises Certificate Number.*

No - Neither
<table>
<thead>
<tr>
<th>Premises</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>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. (Please read note 3)</strong></td>
</tr>
<tr>
<td><strong>The front garden for the classical performances, with drinks served at the rear from a room opening onto the rear garden.</strong></td>
</tr>
<tr>
<td><strong>Please describe the nature of the premises. (Please read note 4)</strong> *</td>
</tr>
<tr>
<td><strong>A sizeable (1/3 acre) plot of a house in a residential street, with a secure fence and front gate, equipped with CCTV throughout the garden</strong></td>
</tr>
<tr>
<td><strong>Please describe the nature of the event. (Please read note 5)</strong> *</td>
</tr>
<tr>
<td><strong>Unamplified classical concerts with a paid bar. Doors open at 6pm with music performed from 7.30-9.30pm and final doors at 10pm. All staff wearing PPE and all seating socially distanced.</strong></td>
</tr>
</tbody>
</table>
### 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
- [ ] The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club
- [ ] The provision of regulated entertainment *(Please read note 7)*
- [ ] The provision of late night refreshment

**Are you giving a late temporary event notice? (Please read note 8)***

- [ ] No

**Please state the dates on which you intend to use these premises for licensable activities *(Please read note 9).***

<table>
<thead>
<tr>
<th>Start Date</th>
<th>End Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>18/09/2020</td>
<td>20/09/2020</td>
</tr>
</tbody>
</table>

**Please state the times during the event period that you propose to carry on licensable activities *(please give times in 24 hour clock).*** *(Please read note 10)*

<table>
<thead>
<tr>
<th>Date</th>
<th>Times</th>
</tr>
</thead>
<tbody>
<tr>
<td>18/9</td>
<td>18:00-22:00 19/9 - 14:30-17:00 (no alcohol) &amp; 18:00-22:00</td>
</tr>
<tr>
<td></td>
<td>19/9 - 14:30-17:00 (no alcohol) &amp; 19:30-21:30 20/9 - 15:00-16:30 (no alcohol) &amp; 19:30-21:30</td>
</tr>
</tbody>
</table>

**Please state the maximum number of people at any one time that you intend to allow to be present at the premises during the times when you intend to carry on licensable activities, including any staff, organisers or performers.*** *(Please read note 11)*

- [ ] 100

**If the licensable activities will include the sale or supply of alcohol, please state whether these will be for consumption on or off the premises, or both (please read note 12).***

- [ ] On the premises only

**Please state if the licensable activities will include the provision of relevant entertainment. If so, please state the times during the event period that you propose to provide relevant entertainment (including, but not limited to lap dancing and pole dancing).*** *(Please read note 13)*

As this is unamplified music, it does not fall under ‘regulated entertainment’, however, music will be performed during the following times: 18/9 - 19:30-21:30 19/9 - 15:00-16:30 (no alcohol) & 19:30-21:30 20/9 - 15:00-16:30 (no alcohol) & 19:30-21:30

### Personal Licence Holder

**Do you currently hold a valid personal licence? (please read note 14)***

- [ ] No
### Previous Temporary Event Notices

<table>
<thead>
<tr>
<th>Question</th>
<th>Answer</th>
</tr>
</thead>
<tbody>
<tr>
<td>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? (please read note 15)</td>
<td>Yes</td>
</tr>
</tbody>
</table>

### Previous Event Notice

<table>
<thead>
<tr>
<th>Question</th>
<th>Answer</th>
</tr>
</thead>
<tbody>
<tr>
<td>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.</td>
<td>4</td>
</tr>
</tbody>
</table>

### Previous Temporary Event Notices

<table>
<thead>
<tr>
<th>Question</th>
<th>Answer</th>
</tr>
</thead>
<tbody>
<tr>
<td>Have you already given a temporary event notice for the same premises in which the event period either; ends 24 hours or less before begins 24 hours or less after the event period proposed in this notice?</td>
<td>No</td>
</tr>
</tbody>
</table>

### Associates and Business Colleagues

<table>
<thead>
<tr>
<th>Question</th>
<th>Answer</th>
</tr>
</thead>
<tbody>
<tr>
<td>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? (please read note 16)</td>
<td>No</td>
</tr>
</tbody>
</table>

### Associates and Business Colleagues

<table>
<thead>
<tr>
<th>Question</th>
<th>Answer</th>
</tr>
</thead>
<tbody>
<tr>
<td>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?</td>
<td>No</td>
</tr>
<tr>
<td>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?</td>
<td>No</td>
</tr>
</tbody>
</table>

### Associates and Business Colleagues

<table>
<thead>
<tr>
<th>Question</th>
<th>Answer</th>
</tr>
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<tbody>
<tr>
<td>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?</td>
<td>No</td>
</tr>
</tbody>
</table>
Declaration

Please ensure you submit all the information required to support your proposal. Failure to submit all the information required could result in your notice being deemed invalid. It will not be considered valid until all the information required by the licensing authority has been submitted. Please read guidance note 17 for further information. I understand that a copy of this notice will be sent to the chief officer of police for the area in which the premises are situated. I understand that a copy of this notice will be sent to the local authority exercising environmental health functions for the area in which the premises are situated. If the premises are situated in one or more licensing authority areas, I understand that the issuing authority will send at least one copy of this notice to each additional licensing authority. If the premises are situated in one or more police areas, I understand that the issuing authority will send a copy of this notice to each additional chief officer of police.

It is a condition of this temporary event notice that where the relevant licensable activities described include the supply of alcohol that all such supplies are made by or under the authority of the premises user. (please read note 18)

The information contained in this form is correct to the best of my knowledge and belief. I understand that it is an offence: (i) to knowingly or recklessly make a false statement in or in connection with this temporary event notice and that a person is liable on summary conviction for such an offence to a fine of any amount; and (ii) to permit an unauthorised licensable activity to be carried on at any place and that a person is liable on summary conviction for any such offence to a fine of any amount, or to imprisonment for a term not exceeding six months, or to both.

Name of Person Signing *

Christopher Grist

Date *

02/09/2020

Email confirmation

On submission an email confirmation will be sent using the details below

Forename

Christopher

Surname /Company Name

Grist

Email *

[ REDACTED ]

Telephone

[ REDACTED ]
<table>
<thead>
<tr>
<th>RISK</th>
<th>LIKELIHOOD (on scale of 1-5, with 5 being most likely)</th>
<th>CONSEQUENCE (on scale of 1-5, with 5 being most harmful)</th>
<th>WHO MIGHT BE HARMED AND HOW?</th>
<th>WHAT ARE YOU ALREADY DOING?</th>
<th>PREVENTATIVE ACTION BY WHOM</th>
<th>PREVENTATIVE ACTION BY WHEN</th>
<th>DONE (DD MM-YY)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Medical Emergencies</td>
<td>1</td>
<td>5</td>
<td>An audience member or staff member</td>
<td>There will be a designated first aider on site</td>
<td>Fast aider</td>
<td>Both before and during the concert</td>
<td>xx-xx-xx</td>
</tr>
<tr>
<td>Trips and Slips</td>
<td>1</td>
<td>3</td>
<td>Audience members might slip over following spillages of drinks dispensed at the venue. Alternatively, there are some steps situated at various points throughout the garden layout. In the event of inclement weather, the possibility of slipping increases with wet surfaces underfoot.</td>
<td>Ensuring that drinks cups are not filled too much so as to minimise the risk of spillages. In the event of inclement weather, we have already planned to postpone the event until a later date.</td>
<td>Event organisers and staff</td>
<td>During the concert</td>
<td>xx-xx-xx</td>
</tr>
<tr>
<td>Damage/theft of equipment/instruments</td>
<td>1</td>
<td>4</td>
<td>The performers might have their instruments damaged in some way, either by unintentional physical contact with audience members or other players, or by inclement weather.</td>
<td>We are ensuring that there is sufficient space between the audience and the performers to make sure that potential risk of contact between performers and any other persons is minimised. In the event of inclement weather, we have already planned to postpone the event until a later date. Once the performance has concluded, performers will be storing their instruments securely in their cases to minimise any damage that might be caused. Instruments when not being used will be stored indoors (where the audience will not be allowed) in order to minimise their safety from theft. CCTV is active on site 24hrs/day and is stored for 30 days.</td>
<td>Event organisers, staff and performers</td>
<td>Before, during and after the concert</td>
<td>xx-xx-xx</td>
</tr>
<tr>
<td>COVID-19</td>
<td>2</td>
<td>5</td>
<td>Anyone at the venue</td>
<td>We are carrying out a track-and-trace programme, whereby audience members provide their email address upon purchasing a ticket, and are under instruction to contact us after the concert should they develop any symptoms. Staff members will also be required to inform the concert organisers if they develop symptoms. Staff members will be issued with PPE and attend a pre-concert briefing; their jobs will be restricted so designated staff will undertake one assigned job. Multiple hand sanitisers dispensers will be positioned around the event. We are also encouraging audience members to wear PPE and maintain social distancing throughout the evening; our seating arrangement for the concert ensures that guests will be at least 2m apart from each other apart from when bubbles have purchased a group of tickets together. Queueing for entry to the event and bathroom facilities will be mapped by floor marking, as will any food and beverage queues; and queue to the event will be monitored by a staff member to ensure social distancing. Any payments carried out on site will be contactless only transactions. In the case of woodland performers, we are ensuring that the gaps between the performers is at least 1m (in line with the most recent scientific research), and we are ensuring that all audience members are sufficiently distanced from the performers to minimise the risk of aerosol transfer. Hand sanitisers will also be provided at the venue at multiple points to everyone at the venue, and we are ensuring that all monetary transactions carried out at the venue is carried out via contactless payment to minimise transmission.</td>
<td>Event organisers and staff notifying audience members prior to the concert and upon entry, and performers during the concert</td>
<td>Before, during and after the concert</td>
<td>xx-xx-xx</td>
</tr>
<tr>
<td>Alcohol</td>
<td>2</td>
<td>3</td>
<td>Individuals under the age of 18 may try to purchase alcohol and other audience members may consume too much, leading to drunkenness and disorderly behaviour which could result in other risks outlined in this assessment.</td>
<td>The bar staff at the venue will be ensuring that alcohol is not sold to anyone under the age of 18 - anyone who is thought to be under the age of 18 will be asked by a member of staff to provide photo ID to confirm their age. Staff around the venue will also closely monitor all other audience members to ensure that safe levels of alcohol are being consumed throughout the evening.</td>
<td>Event organisers and staff</td>
<td>During and after the concert</td>
<td>xx-xx-xx</td>
</tr>
<tr>
<td>Event Type</td>
<td>Impact Level</td>
<td>Frequency Level</td>
<td>Description</td>
<td>Responsible Parties</td>
<td>Timing</td>
<td>Notes</td>
<td></td>
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</tr>
<tr>
<td>Food poisoning/allergies</td>
<td>1</td>
<td>4</td>
<td>Anyone at the venue who has purchased food (this is a ticketed event). Although we are hiring a professional catering team, there is a slight risk of undercooked/servings/meals that could prove hazardous to people's health, as well as individuals being allergic to certain foods.</td>
<td>Event organizers, staff and audience members</td>
<td>Before, during and after the concert</td>
<td>xx-xx-xx</td>
<td></td>
</tr>
<tr>
<td>Noise Pollution</td>
<td>2</td>
<td>1</td>
<td>Neighbouring residents</td>
<td>Event organizers and staff</td>
<td>During the concert</td>
<td>xx-xx-xx</td>
<td></td>
</tr>
<tr>
<td>Lines</td>
<td>2</td>
<td>2</td>
<td>The venue's owners and neighbouring residents</td>
<td>Event organizers, staff and audience members</td>
<td>Before, during and after the concert</td>
<td>xx-xx-xx</td>
<td></td>
</tr>
<tr>
<td>Street Urination</td>
<td>1</td>
<td>2</td>
<td>Anyone at the venue and neighbouring residents</td>
<td>Event organizers and staff</td>
<td>Before, during and after the concert</td>
<td>xx-xx-xx</td>
<td></td>
</tr>
<tr>
<td>Parking</td>
<td>2</td>
<td>2</td>
<td>Neighbouring residents</td>
<td>Event organizers and staff</td>
<td>Before, during and after the concert</td>
<td>xx-xx-xx</td>
<td></td>
</tr>
<tr>
<td>Overcrowding</td>
<td>1</td>
<td>1</td>
<td>Anyone and the venue and neighbouring residents</td>
<td>Event organisers and staff</td>
<td>Before, during and after the concert</td>
<td>xx-xx-xx</td>
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<td></td>
</tr>
<tr>
<td>Evacuation procedure</td>
<td>1</td>
<td>5</td>
<td>Anyone at the venue facing potential harm from fire or similar hazards</td>
<td>Evacuation point identified at the end of Mount Ephraim Lane - pedestrian areas marked off away from potential traffic</td>
<td>Event organisers and staff</td>
<td>Before, during and after the concert</td>
<td>xx-xx-xx</td>
</tr>
</tbody>
</table>

**COMPLETED BY**  
**Chris Grist**  
**SIGNED BY**  
**Chris Grist**  
**DATE**  
24/07/2020
Dear audience members,

Thank you so much for booking tickets to the inaugural Secret Garden Concerts series. We’re so excited to welcome you to our fabulous outdoor venue for a wonderful evening’s entertainment.

Please take time to read the following details ahead of Sunday’s concert:

**TIMINGS**

Doors open at **6:00pm**. If you have purchased our food/sparkling wine-ticket option, you will receive a complementary glass of sparkling wine upon arrival.

The performance begins at **7:30pm**, and ends at around **9:30pm**; there will be a 20- to 30-minute interval. After the performance has concluded, the bar will remain open until closing time.

Doors close at **10:00pm**. When leaving the venue, please do so in a quiet and respectful manner as the venue is located in a residential neighbourhood.

Seating will be provided; however we are unable to provide soft furnishings, so do feel free to bring cushions and blankets with you.
If you have booked tickets but would like to sit with another party as a bubble, then please email tickets@secretgardenconcerts.com

We are delighted to announce that we will have a catering team on site that will be led by Sven-Hanson Britt, winner of MasterChef: The Professionals Rematch. He and his team will be preparing a delicious 5-course tasting menu for this event:

- **Lincolnshire poacher and Comté gougeré**
- **Cucumbers and trombetta courgette with aioli**
- **Summer bean salad with potato, pancetta and shallot**
- **Toulouse sausage, white beans and garlic sourdough**
- **Wood roasted white peaches with sauternes syrup**

Additional dishes which can be added:
- A whole Oxfordshire "Bix" organic cheese with honey and hazelnut.
  Perfect to share £12

**Interval menu - from the wood fired oven**
*(Not part of the five-course tasting plate menu)*

- XXL Vintage cheddar and smoked mozzarella toastie with spiced tomato £9.50
- Chargrilled Yellowfin tuna steak, roasted red peppers, new potato, olives and cherry tomatoes £20
- Bavette steak baguette, parmesan, rocket and Dijon mustard £15
Toasted marshmallows, chocolate sauce £4
Epic ice cream sandwiches from £4.00 or 3 for £10

Please note: Do let us know of any dietary requirements prior to attending. As we have a dedicated catering team on site, we ask that you do NOT bring your own food or drink to this concert.

**FOOD TICKET UPGRADE**

If you would like to upgrade your ticket to include this 5-course tasting menu (with a complementary glass of sparkling wine upon arrival) before Sunday, then please email us at tickets@secretgardenconcerts.com – we will then send you a pay-pal link where you will be able to transfer us the extra cost. You will, however, be able to purchase individual dishes on the night.

**BAR**

There will be a bar on site which will be selling both alcoholic and non-alcoholic beverages throughout the evening to all audience members. We therefore ask that you do NOT bring your own drinks to this concert.

**PARKING & TRAVEL**

We ask that you consider alternative modes of travel to driving to the event to minimise disruption to the local community.

We have ample space for bike storage on site.
The closest underground stations are Balham (20-minute walk) and Tooting Bec (25-minute walk), both on the Northern Line.

The closest overground stations are Streatham Hill Station (10-minute walk) and Streatham Station (15-minute walk).

There are also several bus-stops within a short walking distance from the venue.

If you are, however, planning to travel by car, we ask that you endeavour to NOT park in Mount Ephraim Lane as it is a cul-de-sac.

**SAFETY**

We are taking our safety measures extremely seriously with COVID-19 still posing a very real threat. All staff members will be wearing appropriate PPE throughout the event, and we ask that you consider taking the following precautionary measures:

- **Track and Trace**
  - Upon arrival, you will be asked to provide an up-to-date contact details. If you are unwell after having attended one of our events, please do get in contact so we can notify the other attendees of your symptoms and test results.

- **Social distancing**
  - All seating will be set out in groups according to your booking size, and these groups will be socially distanced. We ask that whilst walking around the garden, you endeavour to maintain social distancing from your fellow audience members.

- **Masks/face-coverings**
o We ask that you consider wearing a mask/face-covering to the event in order to minimise the risk of aerosol transfer.

• Hand sanitation
  o We will provide hand sanitiser at various locations throughout the event; please use it regularly and encourage your fellow audience members to do so.

• Bathroom facilities
  o Bathroom facilities will be provided at the venue; one of the facilities is suitable for disabled access.

• Contactless payment
  o In line with recent government advice, we will only be using contactless payment facilities. We will not accept any cash/cheque payments.

There is no dress code, but with the event being entirely outdoors, we suggest you bring some warmer clothing.

If you have any questions on any of the above, or if you have a query that is not answered here, then please feel free to get in touch via email and a member of our team will endeavour to respond as soon as we can.

We look forward to welcoming you this Sunday!

Best wishes,

The Secret Garden Concerts Team
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MESSAGES OF APPRECIATION AND SUPPORT

Hi Chris

Very nice attending your concert last Sunday (our second evening in your lovely garden it was). A great event, compliant with all covid guidelines and much needed by the local community in these days when we have limited opportunities to go out and support the artists.

I was disappointed to hear that the council will not let you continue into September. As a close neighbour (maybe 45 meters as the crow flies from the end of my garden to your concert stage), I do not understand why there would be any local objections. Limited frequency, short duration, well-behaved audience who mostly walk to the event, early finish etc... As far as noise is concerned, for the anecdote, I tried to listen to one of your other concerts from the back end of my garden with a glass of wine hoping to enjoy some music free of charge :-) but I could not hear much music, only some very faint bits every few minutes.

This is exactly the kind of bottom-up initiative we need to restart the economy and our lives. Many thanks again for organising and I hope you get to perform many more of these.

Best regards

Bruno (and Valerie) Boulanger

Woodbourne Avenue
London SW16

Dear SGC team,

just a quick line to thank you for organising such a wonderful set of events in our neighbourhood. We would have enjoyed it at any time, but your efforts were particularly appreciated in the current circumstances, when we need so much to lift our spirits and reestablish our hope for a brighter, more kind and humane future.

We have had several months of cultural fasting, and the online performances of many lifted our spirits, but nothing can replace a communal experience of a live performance. We supported you not only because of our own, personal experience, but also because the Secret Garden Concerts provided very tangible support for the performers who have not been able to work over the last six months. Having them perform in our neighbourhood, all top-class performing and recording artists, was a true delight - it was our Proms and Edinburgh Festival rolled into one. The concerts brought our community together, but it also attracted people from further afield. Many of our friends and colleagues have shown a healthy dose of envy for what Gris and his family have afforded us over the month of August. The events were set up exceptionally professionally, the front of house and the catering staff were so welcoming and kind. You helped us refill our batteries for the Autumn, with a hope that we'll have some more events organised in this beautiful setting in the future, even when the things return to 'normal'.

Thank you again wholeheartedly. With best wishes to all the staff, crew, performers and the lovely Grist family.

Igor Brkic

Kingscourt Road

SW16

As Lambeth residents we hugely appreciated going to a concert in the Secret Garden which is close to our home. We had not been to any live concerts since the start of the lockdown and this was a special treat. The evening was superbly organised and to the highest standards in every dimension. It did not finish late and we can't imagine that the beautiful music would upset the neighbours. We strongly support the continuation of the concerts. We would love to attend again.
Peter and Stella Grant (SW16)

I write to thank you for organising a series of Secret Garden Concerts over the past month. It has been a most imaginative and successful response to the deprivations of COVID-19 lockdown, which has greatly enhanced the quality of life in Streatham.

My wife and I attended the concert on 30 August, and found your choice of music suited the occasion and setting to perfection.

It was a great privilege to be able to walk 5 minutes from our home to listen to one of Europe’s finest ensembles playing in a garden of outstanding beauty, and enjoy a delicious dinner beforehand.

I also congratulate all those who were involved in organising the event. The arrangements were excellent.

I was utterly dismayed to learn that Lambeth Council refused you permission to hold an additional concert on 5 September. I can see no grounds for anyone objecting to concerts such as these. The noise level was modest at all times, and you ended the music well before closing time of 10 p.m. Local residents and the Council should be proud of what you achieved instead of preventing you from adding one further concert that would have allowed another group of people to enjoy your music. My bewilderment is all the greater since several times during the summer, people have blasted out recorded music over Tooting Common so loud that it could be heard by people hoping to enjoy peace on the Common but also in streets well away from it, without having obtained a licence for a concert. On the one occasion when I complained to the police, my complaint was brushed aside with a feeble pretext. Moreover, musicians have suffered exceptional financial and spiritual deprivation during lockdown, so that to deny you and your players one more opportunity of earning a little money and sharing your talents with an audience was heartless.

I know that in normal times your London Concertante ensemble is kept very busy playing about 100 concerts a year, but I do hope you will find time to organise some Secret Garden Concerts in Streatham again next year.

Yours sincerely,

Roger Garside

Fisher’s Close, London SW16
Dear Chris and family,
I just wanted to say thank you for such a lovely event last night. I live across the road from you and have enjoyed hearing the music waft across the gardens on Sunday evenings. Last night I attended with some other neighbours and had our first experience of live music since the beginning of lockdown.
I was so disappointed to hear that the council might withdraw your licence for next weekend. I cannot imagine what would prompt them to do this. The music is not loud enough to disturb anyone and your infection control measures were the best I have seen.
As a close neighbour and council tax payer I would like to register my absolute support for the concerts and hope that they will carry on for a very long time. I will be very happy for you to forward this to whichever council department is dealing with your licence.
All the best
Caroline Campbell
Mount Ephraim Lane

We think it’s a really positive and creative thing that you have been doing with the concerts, knowing how much impact lockdown has had on the Arts industry, as we both work in arts/media and have been quite badly affected too!
Look forward to seeing you
Richard and Sam Pavitt at Mount Ephraim Lane

Dear Chris and Zoe,
Having been in events myself before we understand the difficult times everyone is going through and it’s great to see people thinking out the box for these times.

Have a good concert tonight I hope the rain holds off.

Thank you for your consideration regarding people leaving and the noise after 11.00 p.m for tonight.

Kind regards
Caroline O ’Shaughnessy
Mount Ephraim Lane

Hi Chris and Zoe

We’re pleased to hear that your garden concerts have been such a success. You have a fantastic setting for them.

Hope it goes well.

Best wishes
Andrea and Mark Thompson Mount Ephraim Lane
Wow! What a positive initiative - one of the rare bits of good news in the area, and, quite frankly, in the creative industries nationally (Lambeth should be celebrating this by shouting about it from the roof tops!)

Having been in the audience for two Secret Garden Concerts, (yes, we were so impressed my wife and I came back for more) can I express my gratitude to all those who, through professionalism and sheer hard work, made the vision possible - which includes the Council for having the courage to give it permission to go ahead in the first place, at a time when so much is about being risk-adverse at the moment.

What words best describe the joy and hope we experienced the two evenings we were there? Gentle, gracious, full of good will - and of course, glorious music!

Jim Dawton - local resident Becmead Avenue, SW16

Dear Chris,

The series of concerts at 53 Mount Ephraim Lane have been remarkable in bringing the community together in a wonderful and historic setting. The sell-out concerts have allowed exceptionally talented musicians the opportunity to bring joy to residents who in turn are supporting the entertainment and hospitality sectors in these very difficult times

The Streatham Society fully supports such events which meet our aims and objectives:

The Streatham Society is a local amenity which represents a large community of residents in the London Boroughs of Lambeth and Wandsworth.

The purpose and aims of the Society are to raise the awareness and appreciation of our local area and to maintain and improve the quality of life for all who live and work in Streatham.

From a personal perspective and as a local resident these events have been magnificent. The performances are all of the very highest standard and the processes and procedures in relation to Covid-19 the best I have seen.

Well done and thank you from the Streatham Community
Mark Bery
Secretary
Streatham Society
From: Keith Badrick <KBadrick@lambeth.gov.uk>
Sent: 10 September 2020 18:06
To: Chris Grist
Cc: Licensing Police (ASMailbox.LambethLicensing@met.police.uk) <ASMailbox.LambethLicensing@met.police.uk>; Licensing <XDESLICENSE@lambeth.gov.uk>; PPDutyDesk; Pam Riley <PRiley@lambeth.gov.uk>
Subject: REPRESENTATION AGAINST 20/09949/TEN (REC 08.09.20 -REP10.09.20) for 53 Mount Ephraim Lane, SW16 1JE event dates 18.09.20 to 20.09.20

Dear Mr Grist

I write on behalf of the London Borough of Lambeth Public Protection Team with regard to:

20/09949/TEN (REC 08.09.20 -REP10.09.20) for 53 Mount Ephraim Lane, SW16 1JE event dates 18.09.20 to 20.09.20

Notice of objection under Section 104 (2) of the Licensing Act 2003

Unfortunately The Public Protection Team are entering a representation against the above mentioned TEN application on the grounds of the following licensing objectives:

- Prevention of Public Nuisance.
- Public safety.

Public Protection have received multiple complaints with regards to the last two temporary event you held on 21st to 23rd August 2020 and 29th to 30th August 2020.

These complaints include;

Noise nuisance to properties interfering with residents rights to enjoy their home.
Concerns over lack of social distancing and failing to follow current government COVID guidelines.

Please see the complaint details from one local resident:

The owner of 53 Mount Ephraim is having paid concerts in his front garden selling tickets with at least 30- 40 people then catered tickets dinners after which the public pay for. The noise was still going at 12.45 on a Sunday night when we have to work at 7 am. Not only have they held them on previous Sundays they also held a classical concert on the 21st and 22bd making it 3 nights in a row. I am not sure the licences or legality of having ticketed concerts in a quiet residential street and the noise of people until late. It is a nuisance and inconsiderate to the neighbours especially when the people are making a noise leaving late. Please advise what will be done thank you. I have a video and photos. There is another one if not more scheduled for next week. It also takes all the parking on the street. This area is conservation and not a secret garden concert ensue as advertised it a residential home.

When did the incident happen? Sun, 23/08/2020
What time did the incident happen? 12:45 pm

We also received multiple complaints from local resident Dr Haseeb Rahman, the complaints are detailed below and Dr Rahman has also provided an impact statement as attached.
Loud music regularly coming from the above address. Can be heard over the TV. This is not the first time it has happened. Takes place during the day and evenings including on weekdays at times. Once or twice it wouldn't be a problem and I wouldn't bother with any complaint. But this is now a regular occurrence. Pedestrians passing by the house stop to look into the premises to see what is going on.

When did the incident happen? Sat, 22/08/2020
What time did the incident happen? 7:45 pm

Loud music that can be heard down the street. New neighbours, usually a quiet street. Large gathering of people. The music can be heard even when I watch TV. I do not want my hearing to be affected by having to increase the volume. As a doctor I am fully aware of the affects of noise pollution of all types. This is a regular occurrence, happening a few times a week especially at weekends but not only.

When did the incident happen? Sun, 23/08/2020
What time did the incident happen? 9:00 pm

Holding yet another concert with a large gathering in their front garden so close to the street so the noise easily travels to homes in the street. No social distancing.

When did the incident happen? Sat, 29/08/2020
What time did the incident happen? 9:00 pm

Band rehearsing in the front garden of the property prior to a concert later in the evening. As it is in the front garden close to the street the loud music travels easily to surrounding homes in the street and drowns out TV, radio or conversations in my home.

When did the incident happen? Sun, 30/08/2020
What time did the incident happen? 4:00 pm

Loud music in their front garden so close to the street which allows the music to be heard in all the surrounding homes. The music can be heard over TV and conversations etc. Large gathering of people with hardly any social distancing at best. Goes on for at least a couple of hours. Also increased parking in the street, parking on white lines affecting entry/exit to driveways etc

When did the incident happen? Sun, 30/08/2020
What time did the incident happen? 9:00 pm

As a result of these complaints Public Protection believe that this event will cause detriment to the neighbouring community, therefore we are representing against this application.

The Lambeth Licensing Team will be in contact with you regarding this application.

Kind Regards

Keith Badrick
Public Protection Officer
Public Protection, Assurance & Regulatory Services
Environment Directorate
Resident Services
London Borough of Lambeth
Telephone: 020 7926 5000
Direct dial: 020 7926 3085

Email: kbadrick@lambeth.gov.uk
Website: http://www.lambeth.gov.uk

Lambeth – a cooperative council

Privacy Note
The London Borough of Lambeth (the “Council”) will make use of personal data it collects when issuing Notices for the purpose of processing and enforcing them, and if required, to obtain recent address details to ensure that the notice and any further notices are issued to the correct address. As a ‘public task’, the processing of personal data related to the enforcement by the Council of a notice does not require your consent. The personal information collected by the Council’s enforcement teams may be shared with its enforcement contractors, other government agencies and 3rd parties to ensure appropriate enforcement actions, and for the prevention and detection of crime. The personal information will be retained for 6 years following the closure of this case. If you are concerned about how the council is using your personal data, you may find more information about your rights on our website www.lambeth.gov.uk/privacy-notice.
Statement of: Dr Haseeb Rahman

Occupation of Witness: General Practitioner (Doctor)

Age of Witness: Over 18

Pages:

“This statement has been taken over the telephone by Nicholas Anderson-Cottee. I have had the opportunity to review the contents of the statement and confirm that the contents are accurate and true.”

Signed: ____________________________ Date: 07/09/2020

I currently live in Mount Ephraim Lane and have done so for almost all of my life. Mount Ephraim Lane is a very quiet neighbourhood. The street is blocked off at one end meaning it is not a thoroughfare and there is not large amounts of traffic (vehicular or pedestrian). It is also not a neighbourhood that in the main has disturbances from other residents. This has meant that the completely residential area is generally very quiet at all times.

Recently I have had reason to make several complaints in relation to neighbours living at 53 Mount Ephraim Lane, Streatham, SW16 1JE. They moved into number 53 during the winter/spring season just gone. The property itself is a newly built property that took the best part of three years to complete.

There have been multiple occasions where my family and I have been disturbed. I remember the first time that I was disturbed was on the 2nd of August. At the time I had believed it was just a party but my sister informed me after this first event that this property was being used for paid commercial events. Subsequent and frequent events where my family and I have been disturbed have occurred on the 9th, 21st, 22nd, 23rd, 29th & 30th of August.

All of these events have taken place in the front garden of number 53 which is surrounded by a fence. My property is located opposite number 53. Our properties are located on a lane and as such the carriageway is narrow so there is not much distance between our properties. From the rooms on the first floor and above within my property I can see directly into the garden of number 53 and can see the audience and the performers.

These events are primarily live music events except for the event held on Saturday 29th of August which appeared to be an improvised play that took place. Whilst different from the music events, the actors themselves projected loudly and vocally throughout the performance and the audience was very loud with periodic laughing and cheering through to the end. Also on the days when a music event has been held the performers have also held rehearsal sessions earlier in the day in the garden of number 53 so the disturbance is not just confined to the event itself.
From within my property and with my windows shut I am able to hear the performances clearly. When I try to watch TV I am unable to do so without increasing the volume, which I cannot do, as this would then disturb other members in my household even more. The music is even loud enough to be heard in my own back garden and is a disturbance that I have had to put up with when I have wanted to enjoy the use of my back garden whilst the weather has been good.

During the events there is also an increase in the traffic on Mount Ephraim Lane which has led to parking issues as there are no parking restrictions around the area. At the end of the events there are also the problems that arise from so many people leaving at once: loud talking, laughing and shouting, as well as the sound of multiple vehicles all leaving at the same time.

On most if not all occasions, when the events finish, the residents of number 53 will then gather and congregate in the garden and there will always be loud voices, shouting and loud laughter as they have some kind of gathering which normally goes on for up to a couple of hours after the event. I am under the impression that the congregation is also made up of other guests who had attended the event beforehand.

As a GP I am dismayed by the lack of social distancing that I have observed at times during the events as well as a distinct lack of mask wearing by the majority of people on site. With the residents of number 53, the performers, the audience and the event/catering staff I would estimate there to be up to 50 people at each event. With us being in the middle of a pandemic and with COVID numbers on an increase not just in London but specifically Lambeth I believe that these events are a significant public health risk to my neighbourhood and the local area.

As mentioned earlier I am a GP which is a stressful job at the best of times and it is a well known fact that GPs are retiring early across the country due to the stresses. I currently work on the front-line for the Camden COVID Response Unit which is a highly intensive and stressful environment. As such during my time off I need to be able to relax and recuperate in my own home, to recharge my physical and mental batteries, so that I can be ready to help those in need of my medical skills when back at work. Unfortunately I have not been able to relax in my own home due to these events which have affected my well-being, both physically and mentally. This has the potential to put patient safety at risk should these commercial events continue to be held in a residential area in the future.

--

Haseeb Rahman
Miss Bina Patel
Licensing Manager
Lambeth Borough Council

RE: Objection – 53 Mount Ephraim Lane, SW16 1JE

20/09949/TEN

Date of event – 18th to 20th September 2020
Time from – 1800 hours
Terminal Time – 2200 hours
Capacity – 100

On the premises.

Notice of objection under Section 104 (2) of the Licensing Act 2003

Dear Miss Patel.

Notice of objection is hereby given on behalf of the Commissioner of Police for the Metropolis for the above Temporary Event Notice (TEN) on the grounds:

• Prevention of Public Nuisance.

This TEN was received on 8th September 2020 by Police

As per section 100 Licensing Act 2003 subsection 7a:

(7) The temporary event notice—
(a) must be given to the relevant licensing authority (in duplicate) no later than ten working days before the day on which the event period begins,

This is a Late TEN.

With regards to London Borough Of Lambeth’s Statement of Licensing Policy 2019 – 2024
‘12.11. When a TENs is submitted the Authority expects that the following information will be provided:

- A risk assessment and capacity determination;
- Any other information that is relevant or pertinent to the TENs. In this case the concerns with regards to noise nuisance & social distancing have not been addressed.

While it is noted that there is support for this event, Lambeth Council have informed myself that there have been complaints from residents. This formed part of their objection for TEN 20/08643 over August Bank Holiday period.

It is also alleged that social distancing was not being managed and the previous event went past it’s allotted time.

There is to be a change in law taking place on 14th September 2020. (It is accepted this was submitted prior to this update from the Government) to address the concerns of Covid-19 spreading.


As such the expectation is, more is required to combat this virus. This should be reflected in an updated risk assessment.

**Conclusion**

The Metropolitan Police Service recommends that a counter notice be served for this Late TEN.

Yours sincerely,

Mike Constable | PC 1596 AS - Licensing & Night Time Economy Team | Lambeth Borough
Address Civic Centre, 3rd Floor, 6 Brixton Hill, SW2 1EG
Hi Tom

I have received the email below from another resident regarding the secret Garden TEN events at 53 Mount Ephraim Lane, this is a new complainant who contacted yesterday (Friday 11th September 2020) and I spoke with today (Saturday 12th September 2020) hence why this was not included in the original representation.

I have removed personal details such as email address and contact details but can you just double check it for me please?

Please can you add this to the Public Protection representation for Friday, I’m presuming this needs to sent to the applicant as well, but I’m not sure, please let me know.

Many thanks.

Kind Regards

Keith Badrick
Public Protection Officer
Public Protection, Assurance & Regulatory Services
Environment Directorate
Resident Services
London Borough of Lambeth
Telephone: 020 7926 5000
Direct dial: 020 7926 3085
Email: kbadrick@lambeth.gov.uk
Website: http://www.lambeth.gov.uk

Lambeth – a cooperative council

Privacy Note

The London Borough of Lambeth (the “Council”) will make use of personal data it collects when issuing Notices for the purpose of processing and enforcing them, and if required, to obtain recent address details to ensure that the notice and any further notices are issued to the correct address. As a ‘public task’, the processing of personal data related to the enforcement by the Council of a notice does not require your consent. The personal information collected by the Council’s enforcement teams may be shared with its enforcement contractors, other government agencies and 3rd parties to ensure appropriate enforcement actions, and for the prevention and detection of crime. The personal information will be retained for 6 years following the closure of this case. If you are concerned about how the council is using your personal data, you may find more information about your rights on our website www.lambeth.gov.uk/privacy-notice.

From: Charlie O'Shaughnessy
Sent: 12 September 2020 19:04
To: Keith Badrick <KBadrick@lambeth.gov.uk>
Subject: Mount Ephraim Lane Concerts

Dear Mr Badrick

I wish to follow up our recent conversation concerning the music events that have been taking place at 53 Mount Ephraim Lane. I am happy to be a named complainant.

These events started on July 26th and were a surprise to a number of residents as there was no prior warning. To start with there was not much reaction as we assumed it was a one off. However we then found out that the events were being sponsored by Rampton Baseley Estate Agents and a flyer, (attached) had been produced along with a web site to promote five further events in August. However there was a total of 11 events in the pipeline. Which we find unacceptable, and especially after three nights in a row from August 21st.

These concerts start mid afternoon for rehearsals, there is a short break whilst paying guests arrive, the performance then takes place. At the end there is usually applause followed by guests leaving noisily and then the caterers tidy up and leave, this can go on for sometime and on one occasion until 12.30am. I have some video footage of this, but sadly cannot transfer it at the moment, possibly because of the file size.

My daughter sleeps at the front of our house and is constantly disturbed be these events. There is little or no social distancing by the attendees, and very little mask wearing, please see the attached photographs from the August 9th and 23rd events. I assume no more events will be legally allowed after the new government distancing rules come in to play on Monday 14th. Also the quantity of the attendees impacts on parking availability.

There's some indication that this will be an ongoing series of events into next year and beyond, which is unacceptable. I understand that the arts sector has been severely hit by these difficult and strange times and Mr Grist should be applauded for trying to address the situation, and in the big scheme of things a couple of concerts is no problem with anybody. However there is an indication from Mr Grist that he intends to continue these concerts throughout the year and beyond, which turns them into a commercial enterprise. For example three more events in October are currently being advertised.

It is not my intention to be a killjoy and stop any events from event happening again, there are, after all, halls, and venues specifically set up to host these types of events. What I wish to clarify is the councils' intention to allow the events to continue on a commercial basis in the coming months and years, thus creating a dangerous precedent and encouraging a change of use to a residential dwelling. If this is allowed who knows what other events may take place or be proposed for our residential street.

I look forward to receiving your comments on this matter.

Charlie O'Shaughnessy

Please consider the environment before printing this email
Secret Garden Concerts

2nd - 30th August
secretgardenconcerts.com

VENUE
53 MOUNT EPHRAIM LANE
STREATHAM
LONDON
SW16 1JE

Sponsored by
RAMPTON BASELEY
This page is intentionally left blank
Dear Mr Grist

I write on behalf of the London Borough of Lambeth Public Protection Team with regard to:

20/08643/TEN (REC 24.08.2020 - REP 27.08.2020) for 53 Mount Ephraim Lane, London, SW16 1JE event date 05/09/20 to 06/09/20

Notice of objection under Section 104 (2) of the Licensing Act 2003

Unfortunately The Public Protection Team are entering a representation against the above mentioned LATE TEN application on the grounds of the following licensing objectives:

- Prevention of Public Nuisance.
- Public safety.

Public Protection have received multiple complaints with regards to the last temporary event you held on 21st to 23rd August 2020.

Noise nuisance to multiple properties interfering with residents rights to enjoy their home. Concerns over lack of social distancing and failing to follow current government COVID guidelines. Regulated entertainment outside of TEN agreed times.

In addition you have clearly indicated that this is NOT a late application, however as you are aware we require a minimum of ten working days between the receipt of the application to the event date not including the received date or the event date, in this case the application was received on 24th August for an event on 05th September, meaning there are only nine working days between 25th August and 04th September, there is also a Bank Holiday on 31st August which then reduces it to eight working days.

We are also concerned that this is a live music event yet you have not requested regulated entertainment on this application.

Public Protection strongly believe that this event will cause detriment to the neighbouring community, therefore we are representing against this LATE TEN application.

For your convenience please see the link below to the licensing policy, please see policy 6 page 23 for advice on temporary events.


The Lambeth Licensing Team will be in contact with you regarding this application.

Kind Regards

Keith Badrick
The London Borough of Lambeth (the “Council”) will make use of personal data it collects when issuing Notices for the purpose of processing and enforcing them, and if required, to obtain recent address details to ensure that the notice and any further notices are issued to the correct address. As a ‘public task’, the processing of personal data related to the enforcement by the Council of a notice does not require your consent. The personal information collected by the Council’s enforcement teams may be shared with its enforcement contractors, other government agencies and 3rd parties to ensure appropriate enforcement actions, and for the prevention and detection of crime. The personal information will be retained for 6 years following the closure of this case. If you are concerned about how the council is using your personal data, you may find more information about your rights on our website www.lambeth.gov.uk/privacy-notice.
On **24th August 2020** the licensing authority received from you, **Mr Christopher Grist**, a late temporary event notice ("the notice") in respect of proposed temporary licensable activities due to take place on **5th & 6th September 2020** at **53 Mount Ephraim Lane, SW16 1JE**. The licensing authority has received an objection under section 104(2) of the Licensing Act 2003 ("the Act").

The objection which applies is indicated by an “X” in the following table.

<table>
<thead>
<tr>
<th>Objection</th>
<th>Insert “X” as applicable</th>
</tr>
</thead>
<tbody>
<tr>
<td>A chief officer of police for any police area in which the premises are situated is satisfied that allowing the premises to be used in accordance with the notice would undermine a licensing objective.</td>
<td>☐</td>
</tr>
<tr>
<td>A local authority exercising environmental health functions for the area in which the premises are situated is satisfied that allowing the premises to be used in accordance with the notice would undermine a licensing objective.</td>
<td>☒</td>
</tr>
</tbody>
</table>

A copy of this counter notice will be sent to the chief of police and the local authority exercising environmental health functions for the area in which the premises specified in the temporary event notice you gave is situated.

The Licensing Act 2003 does not make provision for you to appeal against this counter notice.

Under section 136 of the Licensing Act 2003, a person commits an offence if he carries on a licensable activity on or from any premises otherwise than under and in accordance with an authorisation; or if he knowingly allows a licensable activity to be so carried on. A person convicted of such an offence is liable to imprisonment for a term not exceeding six months or to a fine, or to both.

**SIGNATURE**

On behalf of the Licensing Authority

**Name of Officer Signing**

Tom Dunn

**DATE**

27/08/2020