



GUILDFORD  
BOROUGH

**Satish Mistry**  
Director of Corporate Services

**[www.guildford.gov.uk](http://www.guildford.gov.uk)**

Contact Officer:

Sophie Butcher, Committee Services,  
Tel: 01483 444056

19 October 2016

Dear Councillor

Your attendance is requested at a meeting of the **LICENSING SUB COMMITTEE** to be held in the Council Chamber, Millmead House, Millmead, Guildford, Surrey GU2 4BB on **THURSDAY, 27 OCTOBER 2016 at 10.00 am.**

Yours faithfully

Satish Mistry  
Director of Corporate Services

**MEMBERS OF THE LICENSING SUB COMMITTEE**

Councillor Mike Parsons (Chairman)  
Councillor David Elms  
Councillor Tony Phillips

**QUORUM 3**



INVESTOR IN PEOPLE



**Guildford Borough Council**

Millmead House, Millmead, Guildford, Surrey GU2 4BB

## **THE COUNCIL'S STRATEGIC FRAMEWORK**

### **Vision – for the borough**

For Guildford to be a town and rural borough that is the most desirable place to live, work and visit in South East England. A centre for education, healthcare, innovative cutting-edge businesses, high quality retail and wellbeing. A county town set in a vibrant rural environment, which balances the needs of urban and rural communities alike. Known for our outstanding urban planning and design, and with infrastructure that will properly cope with our needs.

### **Five fundamental themes that support the achievement of our vision:**

- **Our Borough** - ensuring that proportional and managed growth for future generations meets our community and economic needs
- **Our Economy** - improving prosperity for all by enabling a dynamic, productive and sustainable economy that provides jobs and homes for local people
- **Our Infrastructure** - working with partners to deliver the massive improvements needed in the next 20 years, including tackling congestion issues
- **Our Environment** - improving sustainability and protecting our countryside, balancing this with the needs of the rural and wider economy
- **Our Society** - believing that every person matters and concentrating on the needs of the less advantaged

**Your Council** – working to ensure a sustainable financial future to deliver improved and innovative services

### **Values for our residents**

- We will strive to be the best Council.
- We will deliver quality and value for money services.
- We will help the vulnerable members of our community.
- We will be open and accountable.
- We will deliver improvements and enable change across the borough.

### **Mission – for the Council**

A forward looking, efficiently run Council, working in partnership with others and providing first class services that give our society value for money, now and for the future.

## **A G E N D A**

### **ITEM NO.**

#### **1      LOCAL CODE OF CONDUCT - DISCLOSABLE PECUNIARY INTERESTS**

In accordance with the revised local Code of Conduct, a councillor is required to disclose at the meeting any disclosable pecuniary interest (DPI) that they may have in respect of any matter for consideration on this agenda. Any councillor with a DPI must not participate in any discussion or vote regarding that matter and that they must also withdraw from the meeting immediately before consideration of the matter.

If that DPI has not been registered, you must notify the Monitoring Officer of the details of the DPI within 28 days of the date of the meeting.

#### **2      APPLICATION FOR A TEMPORARY EVENT NOTICE FOR REGULATED ENTERTAINMENT TAKING PLACE IN A FIELD OFF HIGH BARN ROAD, EFFINGHAM, LEATHERHEAD, KT24 5PR ON 29-30 OCTOBER 2016 (Pages 1 - 16)**

**Please contact us to request this document in an  
alternative format**

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**LICENSING SUB-COMMITTEE****27 October 2016**

<b>Application Type:</b>	Submission of a Temporary Event Notice (TEN)		
<b>Ward:</b>	Effingham	<b>Ward Councillors:</b>	Councilor Liz Hogger
<b>Premises user:</b>	Mr Richard Jaehme		
<b>Location:</b>	High Barn Lane , Effingham, KT24 5PR Latitude 51.258484 N, Longitude 0.389596		
<b>Proposal:</b>	<p>The premises user has given notice of the following licensable activities:</p> <p>(a) the sale by retail of alcohol (b) the provision of regulated entertainment</p> <p>On the following dates and times:</p> <p>From 14:00 Saturday 29 October 2016 to 02:00 Sunday 30 October 2016</p>		

**1. BACKGROUND**

- 1.1 The *Licensing Act 2003* (the *2003 Act*) requires the Council (as licensing authority) to carry out its various licensing functions to promote the following four licensing objectives:
- (1) the prevention of crime and disorder;
  - (2) public safety;
  - (3) the prevention of public nuisance;
  - (4) the protection of children from harm.
- 1.2 The *2003 Act* further requires the Council to publish a 'Statement of Licensing Policy' that sets out the policies the Council will generally apply to promote the licensing objectives when making decisions on applications made under the Act. The current Statement of Licensing Policy took effect on the 7 January 2016.
- 1.3 Under the *2003 Act*, it is the duty of all licensing authorities, in carrying out their functions, to have regard to guidance issued by the Secretary of State under section 182. As long as the licensing authority has properly understood and considered the Guidance, it may depart from it when it has reason to do so. However, as the licensing authority is under a duty to have regard to the Guidance, it will need to give full reasons for its departure from it. This would be a key consideration for the courts should departure from the Guidance result in a determination, which gives rise to an appeal or judicial review.
- 1.4 Temporary event notices allow licensable activities to be carried on without the need for a premises licence. If a premises has a premises licence, they allow licensable activities to be carried on otherwise than in accordance with the licence. They can therefore allow different activities or different hours. Events carried on under the authority of a temporary event notice are not subject to the conditions on the premises licence unless conditions are imposed by the Sub-Committee, however any conditions imposed on the temporary event notice must be in line with those on the premises licence.

## **2. SITE LOCATION AND HISTORY**

- 2.1 The event is in the field behind the house, High Barn, High Barn Road. (Latitude 51.258484N, Longitude 0.389596W ).
- 2.2 The event will be held in the southeast corner of the field, which is bordered by woodland and fencing.
- 2.3 The location is a private field and does not have a premises licence.
- 2.4 The premises are in an area with residential properties in the vicinity. A plan showing the location of the premises is attached at Appendix 1.
- 2.5 There is one record of a previous event at this location in 2015, a party event for 499 people with an end time of 2100 hrs.

## **3. APPLICATION**

- 3.1 A Temporary Event Notice was submitted by Richard Jaehme, the Designated Premises Supervisor for the Keystone Public House in Guildford (who holds a Personal Licence) on Sunday 16 October 2016 and the notice is attached at Appendix 2. This notification was submitted within the correct time period and has been accepted as a valid notice.
- 3.2 The dates and times shown on the Notice are as follows:
  - Saturday 29 October 2016 from 14:00 to 02:00 Sunday 30<sup>th</sup> October 2016
- 3.3 The licensable activities notified on the application are:
  - the sale by retail of alcohol
  - the provision of regulated entertainment

The proposed event is for a 'DJ' for up to 450 people. Loud music will terminate at 0000hrs. Ambient music will terminate at 0200.

- 3.4 On 19 October 2016, Environmental Health served a notice of objection in relation to the temporary event notice. This notice was served within the timescales prescribed. A copy of this objection is attached at Appendix 3.
- 3.5 The objection is based on their concern that the 'prevention of public nuisance' licensing objective would not be met. The objection notice refers to a high probability that events with an emphasis on bass beat will be audible at noise sensitive premises.

## **4. CONSIDERING THE OBJECTION**

- 4.1 The factors to be taken into account when considering the objection are listed below:
  - (a) The Sub-Committee is obliged to consider this objection with a view to promoting the licensing objective of the prevention of public nuisance.
  - (b) The Sub-Committee must have regard to any representations made by Environmental Health and the applicant and any supporting evidence.
  - (c) The Sub-Committee must, having regard to the objection notice, give a counter notice under Section 105 of the Act if it considers it appropriate for the promotion of the licensing objective of the prevention of public nuisance to do so. If a counter notice is given, the event is not authorised to take place.

- (d) If the Sub-Committee does not consider it appropriate to give a counter notice, the

premises user will be entitled to hold the event as stated in the notice. No conditions may be imposed on the event because there is no premises licence from which conditions can be taken.

- (e) If the Sub-Committee decides to give a counter notice, it must give the counter notice and a notice stating the reasons for the decision to the premises user and Environmental Health.
- (f) There is a right of appeal to the Magistrate's Court for the recipient of a counter notice or for Environmental Health where no counter notice is given, however no appeal may be brought later than 5 working days before the event period begins, which in this case means that it is not possible for either party to appeal the Sub-Committee's decision.

## **5. LICENSING POLICY**

5.1 The following sections of the Council's Licensing Policy are relevant:

- Section 4 - Fundamental Principles
- Section 10 - Temporary Event Notices
- Section 12.4 - The Licensing Objectives – Prevention of a public nuisance

## **6. NATIONAL GUIDANCE**

6.1 The following sections of the Guidance issued by the Secretary of State under Section 182 of the Licensing Act 2003 are relevant:

- Paragraphs 2.14 to 2.20 – Public Nuisance
- Paragraphs 7.1 to 7.40 – Temporary Event Notices.

## **7. RECOMMENDATION**

7.1 The Sub-Committee is asked to consider the objection notice from Environmental Health, together with any other submissions made at the hearing, and determine whether it is appropriate for the promotion of the prevention of public nuisance objective to give a counter notice, which will prevent the event from going ahead.

### Reason for recommendation

To comply with the requirements of the Licensing Act 2003

### Background Papers:

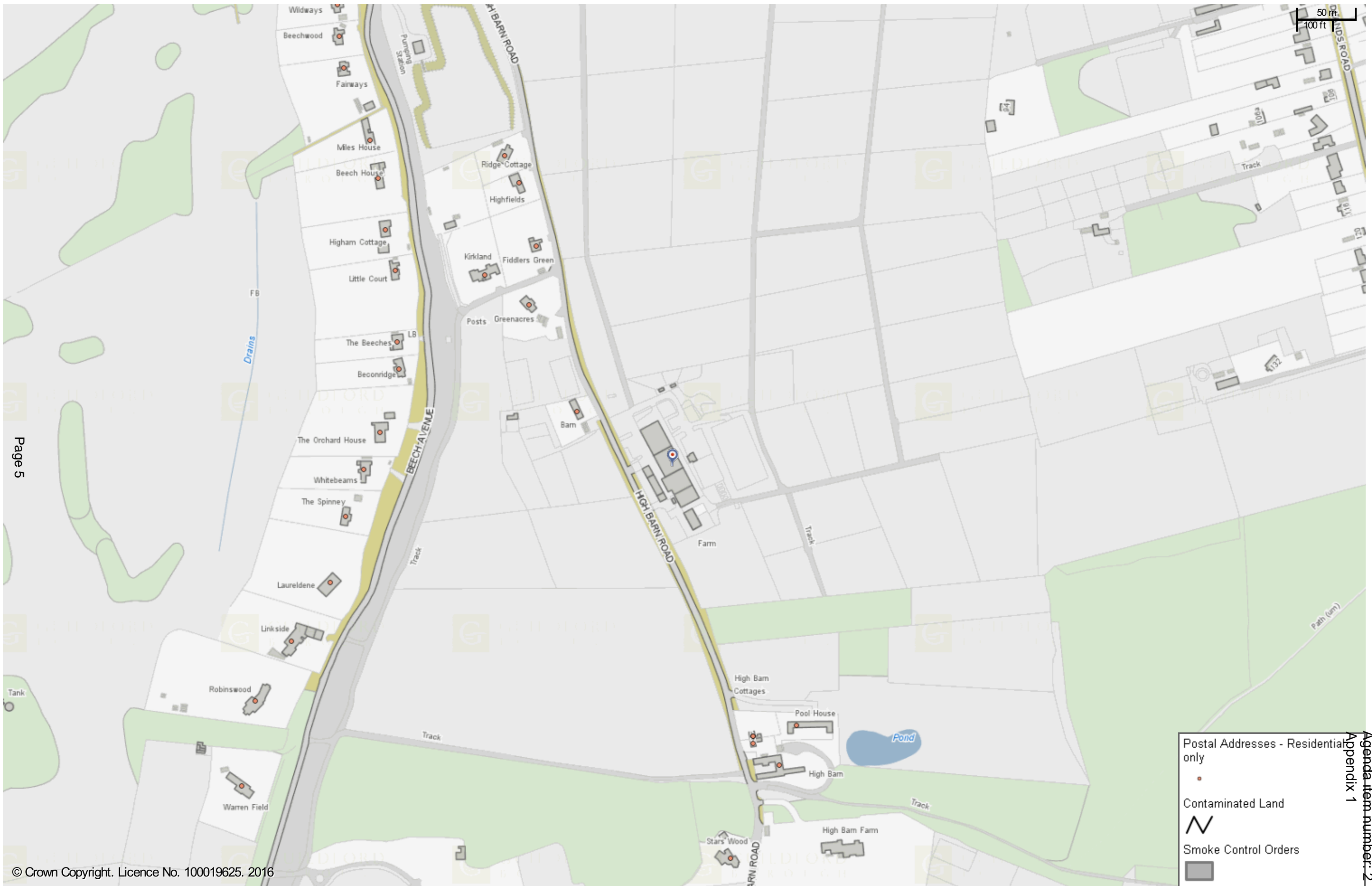
Amended Guidance issued under Section 182 of the Licensing Act 2003

### Originator:

Mark Adams Licensing Officer  
Tel: (01483) 444368  
E-Mail: mark.adams@guildford.gov.uk

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**Guildford**  
**Temporary Event Notice**  
**Licensing Act 2003**

For help contact  
[licensing@guildford.gov.uk](mailto:licensing@guildford.gov.uk)  
Telephone: 01483 505050

\* required information

**Section 1 of 9**

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference	<input type="text" value="Not Currently In Use"/>	This is the unique reference for this application generated by the system.
Your reference	<input type="text"/>	You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.
Are you an agent acting on behalf of the applicant?		Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.
<input type="radio"/> Yes <input checked="" type="radio"/> No		

**Applicant Details**

First name	<input type="text" value="Richard"/>	
Family name	<input type="text" value="Jaehme"/>	
E-mail address	<input type="text" value="richard@rawevents.uk"/>	
Main telephone number	<input type="text" value="07734328121"/>	Include country code.
Other telephone number	<input type="text"/>	
<input type="checkbox"/> Indicate here if you would prefer not to be contacted by telephone		

Are you:

☒ Applying as a business or organisation, including as a sole trader

☐ Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means you are applying so you can be employed, or for some other personal reason, such as following a hobby.

**Applicant Business**

Is your business registered in the UK with Companies House?	<input checked="" type="radio"/> Yes <input type="radio"/> No	Note: completing the Applicant Business section is optional in this form.
Registration number	<input type="text" value="08801868"/>	
Business name	<input type="text"/>	If your business is registered, use its registered name.
VAT number	<input type="text" value="-"/> <input type="text" value="179743653"/>	Put "none" if you are not registered for VAT.
Legal status	<input type="text" value="Private Limited Company"/>	

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Your position in the business

Home country

The country where the headquarters of your business is located.

**Registered Address**

Address registered with Companies House.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

**Section 2 of 9**

**APPLICATION DETAILS** ([See also guidance on completing the form, general notes and note 1](#))

Have you had any previous or maiden names?

☐ Yes ☒ No

Your date of birth  /  /   
dd mm yyyy

Applicant must be 18 years of age or older

National Insurance number

This box need not be completed if you are an individual not liable to pay UK national insurance.

Place of birth

**Correspondence Address**

Is the address the same as (or similar to) the address given in section one?

☒ Yes ☐ No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

*Continued from previous page...*

### Additional Contact Details

Are the contact details the same as (or similar to) those given in section one?

☐ Yes ☐ No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

E-mail

Telephone number

Other telephone number

## Section 3 of 9

### THE PREMISES

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

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). [\(See also guidance on completing the form, note 2\)](#)

Does the premises have an address?

☒ Yes ☐ No

### Address

Is the address the same as (or similar to) the address given in section one?

☐ Yes ☒ No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Does a premises licence or club premises certificate have effect in relation to the premises (or any part of the premises)?

☒ Neither ☐ Premises licence ☐ Club premises certificate

### Location Details

Provide further details about the location of the event

The event is in the field behind the house. Latitude 51.258484 N, Longitude 0.389596 W

If you intend to use only part of the premises at this address or intend to restrict the area to which this notice applies, give a description and details below [\(see also guidance on completing the form, note 3\)](#)

The event will be held in the south East corner of the field, which is bordered by woodland and fencing. The area will be

*Continued from previous page...*

defined by stake and rope to contain the area.

Describe the nature of the premises below ([see also guidance on completing the form, note 4](#))

Describe the nature of the event below ([see also guidance on completing the form, note 5](#))

A music event for 400 people people. Music will commence at 1400j and loud music will terminate at 0000. Ambient music will terminate at 0200 and will be played to aid the egress of people on coaches.

## Section 4 of 9

### LICENSABLE ACTIVITIES

State the licensable activities that you intend to carry on at the premises

([see also guidance on completing the form, 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
- ☐ The provision of late night refreshment
- ☐ The giving of a late temporary event notice

Late notices can be given no later than 5 working days but no earlier than 9 working days before the event.

([See also guidance on completing the form, note 7](#)).

### Event Dates

There must be a period of at least 10 working days between the date you submit this form and the date of the earliest event when you will be using these premises for licensable activities.

State the dates on which you intend to use these premises for licensable activities

([see also guidance on completing the form, note 8](#))

Event start date

/  /   
dd mm yyyy

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

Event end date

/  /   
dd mm yyyy

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State the times during the event period that you propose to carry on licensable activities (give times in 24 hour clock)

1400 - 0200h

[\(see also guidance on completing the form, note 9\)](#)

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

450

[\(see also guidance on completing the form, note 10\)](#)

Note that the maximum number of people cannot exceed 499.

If the licensable activities will include the supply of alcohol, state whether the supplies will be for consumption on or off the premises, or both [\(see also guidance on completing the form, note 11\)](#):

- ☒ On the premises only
- ☐ Off the premises only
- ☐ Both

Section 5 of 9

RELEVANT ENTERTAINMENT [\(See also guidance on completing the form, note 12\)](#)

State if the licensable activities will include the provision of relevant entertainment. If so, state the times during the event period that you propose to provide relevant entertainment

Music by DJs

Section 6 of 9

PERSONAL LICENCE HOLDERS [\(See also guidance on completing the form, note 13\)](#)

Do you currently hold a valid personal licence?

☒ Yes

☐ No

Provide the details of your personal licence below.

Issuing licensing authority

Guildford Borough Council

Licence number

GUPA 1377

Date of issue

09

/

01

/

2014

dd

mm

yyyy

Date of expiry

08

/

01

/

2024

dd

mm

yyyy

*Continued from previous page...* Any further relevant details

None

## Section 7 of 9

### PREVIOUS TEMPORARY EVENT NOTICES [\(See also guidance on completing the form, note 14\)](#)

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

☐

No

State the number of temporary event notices you have given for events in that same calendar year

2

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

☐

Yes

☒

No

b) Begins 24 hours or less after the event period proposed in this notice?

## Section 8 of 9

### ASSOCIATES AND BUSINESS COLLEAGUES [\(See also guidance on completing the form, note 15\)](#)

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

☐

No

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

☐

Yes

☒

No

b) Begins 24 hours or less after the event period proposed in this notice?



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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 ☒ No

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: ☐ Yes ☒ No

a) Ends 24 hours or less before; or

b) Begins 24 hours or less after the event period proposed in this notice?

**Section 9 of 9**

**CONDITION** [\(See also guidance on completing the form, note 17\)](#)

It is a condition of this temporary event notice that where the relevant licensable activities described in Sections 4 and 5 above include the supply of alcohol that all such supplies are made by or under the authority of the premises user.

**PAYMENT DETAILS**

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card.

This formality requires a fixed fee of £21

**DECLARATION** [\(See also guidance on completing the form, note 18\)](#)

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

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

Full name

Capacity

Date  /  /   
dd mm yyyy

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Add another signatory

Once you're finished you need to do the following:

1. Save this form to your computer by clicking file/save as...
2. Go back to <https://www.gov.uk/apply-for-a-licence/temporary-event-notice/guildford/apply-1> to upload this file and continue with your application.

Don't forget to make sure you have all your supporting documentation to hand.

**OFFICE USE ONLY**

Applicant reference number	<input type="text"/>
Fee paid	<input type="text"/>
Payment provider reference	<input type="text"/>
ELMS Payment Reference	<input type="text"/>
Payment status	<input type="text"/>
Payment authorisation code	<input type="text"/>
Payment authorisation date	<input type="text"/>
Date and time submitted	<input type="text"/>
Approval deadline	<input type="text"/>
Error message	<input type="text"/>
Is Digitally signed	<input type="checkbox"/>

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Hello Richard

Thank you for calling me today.

From your explanation, I understand that you are running an event with security until from 14:00 to 2:00 on 29/30 October 2016 in a field in High Barn Lane Effingham. The description is Latitude 51.258484 N, Longitude 0.389596. Please can you indicate the exact location on the map attached.

The site will have a stage, access will be by coach only, plus you have the consent and agreement of the two nearest neighbours, one of whom is the landowner. You will be playing low volume music during the last two hours to allow collection of attendees.

Running an outside event has many facets to it, but as I explained my principal concern is noise impact not only in the nearby vicinity, but across a wider area.

Whilst my experience is limited to outside events on mainly a larger scale, there is definitely a high probability that events with an emphasis on bass beat will be audible at noise sensitive premises. I have checked the OS maps and note that there are properties in Beech Avenue and Woodlands Road that may be affected.

If the event is approved, I would like to see measures relating to noise control in place. I have attached a copy of some guidance which should help you:

[http://www.cieh.org/uploadedFiles/Core/Policy/Environmental\\_protection/Noise/NoiseCouncilCodeonNoiseControlatConcerts.pdf](http://www.cieh.org/uploadedFiles/Core/Policy/Environmental_protection/Noise/NoiseCouncilCodeonNoiseControlatConcerts.pdf)

Please note this only guidance.

I would therefore conclude that it is only fair that this is heard by the sub- committee.

Regards

Gary Durrant  
Team Leader  
Health and Community Care Services  
Guildford Borough Council  
Millmead House  
Guildford  
Surrey  
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