



GUILDFORD
BOROUGH

James Whiteman
Managing Director

www.guildford.gov.uk

Contact Officer:

Sophie Butcher

Tel no: 01483 444056

18 July 2017

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 **MONDAY 24 JULY 2017 at 10.00 am.**

Yours faithfully

James Whiteman
Managing Director

MEMBERS OF THE LICENSING SUB COMMITTEE

Councillor Mike Hurdle (Chairman)
Councillor David Elms
Councillor Mike Parsons

QUORUM 3



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.

AGENDA

**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 ON 24 -25
SEPTEMBER 2017 IN THE GARDENS OF KINGS HOLT, COLEKITCHEN
LANE, GOMSHALL, GU5 9QB (Pages 1 - 18)**

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

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LICENSING SUB-COMMITTEE

24 JULY 2017

Application Type:	Submission of a Temporary Event Notice (TEN)		
Ward:	Tillingbourne Ward	Ward Councillors:	1. Councillor Billington 2. Councillor Wright
Premises user:	Joseph Stone		
Location:	Kings Holt Colekitchen Lane Gomshall GU5 9QB TQ 508604 148583		
Proposal:	<p>The premises user has given notice of the following licensable activities:</p> <ul style="list-style-type: none"> • The sale by retail of alcohol • The provision of regulated entertainment • The provision of late night refreshment <p>On Saturday 24 September to Sunday 25 September 2017 from 1900 hrs to 0600 hours</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 Council adopted its current Statement of Licensing Policy on 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.

2. SITE LOCATION AND HISTORY

- 2.1 Gardens of Kings Holt, Colekitchen Lane, Gomshall, GU5 9QB

Agenda item number: 2

- 2.2 There is a mix of residential and rural properties situated near the site location. A plan showing the location of the field is attached at **Appendix 1**.

3. APPLICATION

- 3.1 A Temporary Event Notice was submitted by Mr Joseph Stone on 10 July 2017. The notification indicated that there would be 250 attendees plus organisers. The event will be focused on arts and music with overnight camping. The notice form is attached at **Appendix 2** This notification was submitted within the correct time periods and has been accepted as a valid notice.

- 3.2 The dates and times shown on the Notice are as follows:

Saturday 24 September to Sunday 25 September 2017 from 1900 hrs to 0600 hours

The licensable activities notified on the application are:

- a) The sale by retail of alcohol
- b) The provision of regulated entertainment
- c) The provision of late night refreshment

- 3.3 On Wednesday 12 July 2017, the Environmental Health team from Guildford Borough Council served a notice of objection, and on Thursday 13 July, Surrey Police served a notice of objection in relation to the temporary event notice. These notices were served within the timescales prescribed.

- 3.4 The objection from Environmental Health is on the basis of public nuisance to local residents from the music. Surrey Police object on the basis of crime and disorder, public safety and the protection of children due to the lack of information from the applicant as to how the event will be managed and following the police being called to an unlicensed event in May 2017. Copies of the objection notices are attached at **Appendix 3**.

4. CONSIDERING THE OBJECTIONS

- 4.1 The factors to be taken into account when considering the objections are listed below:

- (a) The Sub-Committee is obliged to consider these objections with a view to promoting the licensing objectives of the prevention of crime and disorder, prevention of public nuisance, protection of children from harm and public safety.
- (b) The Sub-Committee must have regard to any representations made by Surrey Police, Environmental Health and the applicant and any supporting evidence.
- (c) The Sub-Committee must, having regard to the objection notices, give a counter notice under Section 105 of the Act if it considers it appropriate for the promotion of the licensing objectives of the prevention of crime and disorder, prevention of public nuisance, protection of children from harm and public safety to do so.
- (d) The Sub-Committee is not entitled to impose conditions on the notice because it may only do so where there is a premises licence in effect in respect of the premises.
- (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.
- (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, Surrey Police and Environmental Health

- (f) There is a right of appeal to the Magistrates' Court for the recipient of a counter notice or for Surrey Police and Environmental Health where no counter notice is given, however no appeal may be brought later than 5 working days before the event period begins.

5. LICENSING POLICY

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

- Section 4 - Paragraphs 4.1 to 4.12: Fundamental Principles
- Section 10 – Paragraphs 10.1 to 10.7: Temporary Event Notices
- Section 12 – The Licensing Objectives

6. NATIONAL GUIDANCE

6.1 The following sections of the Guidance issued on 6 April 2017 by the Secretary of State under Section 182 of the Licensing Act 2003 are relevant:

- Paragraphs 2.01 to 2.06 – Crime and Disorder
- Paragraphs 2.07 to 2.14 – Public Safety
- Paragraphs 2.15 to 2.21 – Public Nuisance
- Paragraphs 2.22 to 2.31 – Protection of Children from Harm
- Paragraphs 7.1 to 7.40 – Temporary Event Notices.

7. RECOMMENDATION

7.1 The Sub-Committee is asked to consider the objection notices from Environmental Health and Surrey Police, together with any other submissions made at the hearing, and determine whether it is appropriate for the promotion of the prevention of public nuisance, public safety, protection of children from harm and preventing crime and disorder objectives 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:

Revised guidance issued under s 182 - 6 April 2017.

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
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 This is the unique reference for this application generated by the system.

Your reference 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.

Yes No

Applicant Details

First name

Family name

E-mail address

Main telephone number Include country code.

Other telephone number

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.

Continued from previous page...

Your Address

Address official correspondence should be sent to.

Building number or name	<input type="text"/>
Street	<input type="text"/>
District	<input type="text"/>
City or town	<input type="text"/>
County or administrative area	<input type="text"/>
Postcode	<input type="text"/>
Country	<input type="text"/>

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	<input type="text"/>
Street	<input type="text"/>
District	<input type="text"/>
City or town	<input type="text"/>
County or administrative area	<input type="text"/>
Postcode	<input type="text"/>
Country	<input type="text" value="United Kingdom"/>

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Additional Contact Details

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

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.

- Yes No

E-mail	<input type="text" value="[REDACTED]"/>
Telephone number	<input type="text" value="[REDACTED]"/>
Other telephone number	<input type="text"/>

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?

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.

- Yes No

Building number or name	<input type="text" value="Kings Holt"/>
Street	<input type="text" value="Colekitchen Lane"/>
District	<input type="text"/>
City or town	<input type="text" value="Gomshall"/>
County or administrative area	<input type="text" value="Surrey"/>
Postcode	<input type="text" value="GU5 9QB"/>
Country	<input type="text" value="United Kingdom"/>

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 premises is 26 acres, however we will only be using a very small part of that for the event. It is tucked away in a fairly remote part of the countryside which means that there is very little disturbance to neighbors.

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 [\(see also guidance on completing the form, note 3\)](#)

Continued from previous page...

In all we are only using a very small area.

- A 40m squared area for car parking
- A 40m squared area for entertainment space
- A 60m squared area for camping

My understanding is that the license will only apply to the entertainment space

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

Family Home -

- The entertainment area is woodland
- Camping area is a lawn
- Car Parking area is the corner of a large feild

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

- The event is a small music and arts event created by me and a group of friends.
- This is a private event
- This event is NOT open for the public
- The only people able to buy tickets are friends or people part of our collective
- All artists, musicians and organizers are all volunteers, providing services for free.

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.

Continued from previous page...

Event end date / /
dd mm yyyy

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

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

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

Note that the maximum number of people cannot exceed 499.

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

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

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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

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

Section 7 of 9

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

Continued from previous page...

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

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?

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

Continued from previous page...

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

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" value="Joe Stone"/>
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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Licensing Manager
Guildford Borough Council
Millmead House
Millmead
Guildford
GU1 4BB

13/07/17

Ref: - Application for a Temporary Event Notice Kings Holt

Dear *Mr Smith*

Surrey Police, as a Responsible Authority under section 13 (4) (a) of the Licensing Act 2003, wish to make a formal objection against the application for a Temporary Event Notice in respect of the location of the premises Kings Holt, Colekitchen Lane, Gomshall, Surrey, GU5 9QB, date of event 23rd and 24th September 2017 on the grounds of the Prevention of Crime, Disorder, Public Safety and the Protection of Children from Harm.

Surrey Police have concerns about this event as there is not enough detail in the application as to how the event will be managed, Surrey Police attended this location on the Saturday 27th May 2017 following reports of an un-licensed event taking place at the above location, and Surrey Police prevented that event taking place, the applicant now wishes to run an event under a Temporary Event Notice.

The application requests: -

- The sale of alcohol
- The Provision of Regulated Entertainment
- The Provision of Late Night Refreshment

Between the hours of 19:00 23rd to 06:00 24th with numbers of personal not exceeding 250

The event is stated as a private ticketed, small music and arts event, this is to be held on private land with overnight camping.

Having spoken to the applicant there are no clear detail as to how they will be managing the event to prevent Crime and Disorder, the Prevention of Public Safety and the Protection of Children from Harm.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Rob Brian', with a long horizontal flourish extending to the right. The signature is written over a dotted line.

A/ Inspector Rob Brian
Guildford Borough

From: Gary Durrant
Sent: 12 July 2017 11:15
To: Licensing Unit
Subject: TEN 23-24 September 2017 [UNC]

Dear Licensing

I am concerned that the above event is for 250 people being held throughout the night and includes amplified music which may affect residential properties. This relates to public nuisance.
Please can you register my objection.

Regards
Gary Durrant
Team Leader
Health and Community Care Services
Guildford Borough Council
Millmead House
Guildford
Surrey
gary.durrant@guildford.gov.uk
01483-444373
07890591943

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