

LICENSING SUB-COMMITTEE

WEDNESDAY 20 DECEMBER 2023

Application Type:	Submission of a Temporary Event Notice (TEN)		
Ward:	Bellfields & Slyfield	Ward Councillors:	1. Councillor Creese 2. Councillor Walsh
Premises user:	The Aggie Club		
Location:	Parsons Green, Bellfields, Guildford, Surrey, GU1 1QG		
Proposal:	The premises user has given notice to extend current licenced hours until 01:00 for licensable activities: From 23:00 New Years Eve until 01:00 New Years Day.		

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 2021.

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, however any conditions imposed on the temporary event notice must be in line with the premises licence.

2. **SITE LOCATION AND HISTORY**

- 2.1 The Aggie Club is a private members club which holds both a Premises Licence and a Club Certificate it is situated in Parsons Green, Bellfields, Guildford. The club moved from its long-standing building to the new club house a short distance from the original site in early 2023.
- 2.2 There is a mix of residential and commercial properties situated near the site location. A plan showing the location of the club and residential properties is attached at **Appendix 1**.
- 2.3 The Aggie Club currently holds a Premises Licence and a Club Certificate for a variety of licenced activities. A Temporary Event Notice is required for the event to take place with extended hours, copy of the Premises Licence GUPLA0797 is attached at **Appendix 2**.

3. **APPLICATION**

- 3.1 A Temporary Event Notice was submitted on Tuesday 12th December 2023. The notice form is attached at **Appendix 3**. 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:

The licensable activities notified on the application are: The premises user has given notice to extend current licenced hours until 0100 for licensable activities:
From 2300 New Years Eve until 01:00 New Years Day.
- 3.3 On Wednesday 13 December 2023, Environmental Health team from Guildford Borough Council, served a notice of objection in relation to the

temporary event notice. This notice was served within the timescales prescribed.

- 3.4 The objection is based on concerns that the prevention of public nuisance licensing objective would not be met. The objection notice states that “issues surrounding noise from events at the club have been ongoing since moving to the new location, and despite attempts by Environmental Health to minimise the noise and therefore the risk of complaints from these events, and despite meetings held with management at the club, Environmental Health have continued to receive complaints from nearby residents when events are held.

The grounds for objection are potential nuisance.

A full copy of the objection notice is attached at **Appendix 4**.

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 2003 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) The Sub-Committee does not consider it appropriate to serve a counter notice under Section 105, it may impose conditions on the notice if it considers appropriate for the promotion of the ‘prevention of public nuisance’ licensing objective to do so. Because there is a premises licence in effect in respect of the premises, any conditions imposed on the temporary event notice are limited to those already imposed on the premises licence.
- (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, subject to any conditions imposed by the Sub-Committee.

- (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. If the Sub-Committee decides to impose conditions, it must give notice to the premises user together with a separate statement of conditions and provide a copy to 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.

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 – Specifically 12.3 – Public Nuisance.

6. NATIONAL GUIDANCE

6.1 The following sections of the Guidance issued in 6 April 2018 by the Secretary of State under Section 182 of the Licensing Act 2003 are relevant:

- Paragraphs 2.15 to 2.21 – 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 the public nuisance objective to give a counter notice which will prevent the event from going ahead or whether to impose conditions from the existing premises licence on the event.

Reason for recommendation

To comply with the requirements of the Licensing Act 2003

Background Papers:

This revised guidance issued under s 182 Licensing Act 2003 from 6 April 2018.

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