



**Waverley Borough Council**  
Council Offices, The Burys,  
Godalming, Surrey  
GU7 1HR  
[www.waverley.gov.uk](http://www.waverley.gov.uk)

To: All Members of the LICENSING SUB-COMMITTEE C  
(Other Members for Information)

When calling please ask for:

Maureen Brown, Democratic Services Officer

**Policy and Governance**

E-mail: [maureen.brown@waverley.gov.uk](mailto:maureen.brown@waverley.gov.uk)

Direct line: 01483 523225

Calls may be recorded for training or monitoring

Date: 13 January 2016

**Membership of the Licensing Sub-Committee C**

Cllr Maurice Byham \*  
Cllr Mike Hodge

Cllr Carole King

\*Cllr Maurice Byham is unable to attend this meeting. Under delegated authority the Head of Policy and Governance has agreed that Cllr Patricia Ellis attend in his place

Dear Councillors

A meeting of the LICENSING SUB-COMMITTEE C will be held as follows:

DATE: THURSDAY, 21 JANUARY 2016

TIME: 10.00 AM

PLACE: COUNCIL CHAMBER, COUNCIL OFFICES, THE BURYS,  
GODALMING

The Agenda for the meeting is set out below.

Yours sincerely

ROBIN TAYLOR

Head of Policy and Governance

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## **NOTE FOR MEMBERS**

Members are reminded that contact officers are shown at the end of each report and members are welcome to raise questions etc in advance of the meeting with the appropriate officer.

## **AGENDA**

### 1. **ELECTION OF CHAIRMAN**

To elect a Chairman for this meeting of Licensing Sub-Committee.

### 2. **DISCLOSURE OF INTERESTS**

To receive from Members declarations of interest in relation to any items included on the agenda for this meeting, in accordance with the Waverley Code of Local Government Conduct.

### 3. **LICENSING ACT 2003 - TEMPORARY EVENT NOTICE WITH POLICE OBJECTION - PLOUGH INN, 74 WEST STREET, FARNHAM (Pages 5 - 40)**

The purpose of the report is to enable the Sub-Committee to consider a Temporary Event Notice (TEN) where an objection has been made by Surrey Police. Only the Police and Environmental Health may object to a TEN on the grounds that the TEN would undermine any of the four Licensing Objectives.

#### **Recommendation**

**It is recommended that the Temporary Event Notice for the 'Plough Inn', 74 West Street, Farnham, Surrey GU9 7EH be determined by the Sub-Committee in light of and having regard to the representations from the Police, after hearing from the parties involved, and provided that the objection is not withdrawn for any reason, or the matter resolved between the person giving the Notice (Mr Simon Collinson) and the Police before or during the meeting.**

### 4. **EXCLUSION OF PRESS AND PUBLIC**

To consider the following recommendation of the motion of the Chairman:-

#### **Recommendation**

That pursuant to Procedure Rule 20 and in accordance with Section 100A(4) of the Local government Act 1972, the press and public be excluded from the meeting during consideration of the following items on the grounds that it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the public were present during the items, there would be disclosure to them of exempt information (as defined by Section 100I

of the Act) of the description specified in paragraph 3 or the appropriate paragraph(s) of the revised Part 1 of Schedule 12A to the Act as follows:-

Information relating to the financial or business affairs of any particular person (including the authority holding that information) (paragraph 3)

5. LEGAL ADVICE

To consider any legal advice relating to any items in the agenda.

**For further information or assistance, please telephone  
Maureen Brown, Democratic Services Officer, on 01483 523225 or by  
email at [maureen.brown@waverley.gov.uk](mailto:maureen.brown@waverley.gov.uk)**

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## WAVERLEY BOROUGH COUNCIL

### LICENSING SUB-COMMITTEE C - 21 JANUARY 2016

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#### Title:

**LICENSING ACT 2003 - TEMPORARY EVENT NOTICE WITH  
POLICE OBJECTION  
PLOUGH INN, 74 WEST STREET, FARNHAM, SURREY GU9 7EH**

[Ward Affected: Farnham Castle Ward]

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#### Summary and Purpose

The purpose of the report is to enable the Sub-Committee to consider a Temporary Event Notice (TEN) where an objection has been made by Surrey Police. Only the Police and Environmental Health may object to a TEN on the grounds that the TEN would undermine any of the four Licensing Objectives.

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#### Current Licensed activities

1. The Temporary Event Notice for the proposed event at the premises (Plough Inn) is shown at Annexe 1. The Plough Inn has a Premises Licence, attached at Annexe 2, which permits:
  - Plays, Films, Performance of Dance, Live Music, Indoor Sports Events, Making Music & Facilities for dancing  
1000 to 2300 Monday to Sunday
  - Recorded Music  
1000 to 2330 Monday to Sunday
  - Late Night Refreshment  
2300 to 2330 Monday & Sunday
  - Sale of Alcohol  
1000 to 2330 Monday to Sunday

Opening hours are as per the sale of alcohol, closing 30 minutes after the sale of alcohol ceases.

#### Temporary Event Notice requested

2. The 'premises user' under the TEN is the current Designated Premises Supervisor, Mr Duncan Collinson, who seeks to have regulated entertainment and sale of alcohol for consumption both on & off the premises from 23.30 on the 23 January until 0200 hours on the 24 January, for a UCA (University of Creative Arts) event.
3. The licensable activities intended to carry on at the premises at the event are:
  - The sale by retail of alcohol

- The provision of regulated entertainment
4. The Licensing Act 2003 permits only the Police and Environmental Health to object to a Temporary Event Notice; no other authority or person. Objections can be raised on any of the four Licensing Objectives.
  5. The four Licensing Objectives of the Licensing Act 2003 are set out below.
    1. Prevention of Crime and Disorder
    2. Public Safety
    3. Prevention of Public Nuisance
    4. Protection of Children from Harm
  6. The Police have raised an objection to the Notice on the grounds of all four of the licensing objectives, and their representation is set out at Annexe 3 to this report. Environmental Health has not raised any objections.
  7. Attached at Annexe 4 is a map showing the premises and surrounding area of Farnham Town Centre.

### **The Purpose of the Hearing**

8. The Sub-Committee must consider the Temporary Event Notice in conjunction with the comments from the Police. The Sub-Committee is asked to hear the applicant and the Police representation. The notice must be considered on its own merits. It is open to the Sub-Committee to decide to:
  - permit the temporary event as applied for, giving its reasons for this decision. The Sub-Committee may impose one or more of the conditions stated in the premises licence on the TEN (insofar as such conditions are not inconsistent with the event) if it considers that this is appropriate for the promotion of the licensing objectives; or
  - having regard to the objection raised, to give a Counter Notice to the premises user to prevent the event going ahead, if it is considered it is appropriate for the promotion of a licensing objective to do so. If this option is selected, the Sub-Committee will again have to give reasons for its decision.

### **Other Possible Outcomes**

9. At any time before the hearing is held or dispensed with, the Police may, with the agreement of the premises user and Environmental Health, modify the Temporary Event Notice by making changes to it, acknowledged by the Council. If this happens, the objection notice will then be regarded as withdrawn and the effect will be that a modified Temporary Event Notice will then be effective.
10. The Sub Committee has been convened and report prepared so that the matter may be considered within the timescale laid down in the legislation, if required. It may be that the premises user and the Police will resolve the issues raised before the meeting. In such a situation, the meeting would be cancelled as there will be no issue for consideration.

11. To assist the Sub-Committee in considering this matter, Part 7 of the Revised Guidance to the Licensing Act 2003 on Temporary Event Notices, is attached at Annexe 5.

### **Human Rights considerations**

12. Under Article 8, European Convention on Human Rights, everyone has the right to respect for his private and family life, his home and his correspondence. There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others. In Licensing Act 2003 cases this means that the Sub-Committee must have regard to the effect of its decisions on local residents, and balance their interests against those of the public at large (e.g. the customers of the premises under consideration) and the people operating the business from the premises.

The rights to a fair hearing and independent and impartial tribunal apply, and reasons must be given for the Sub-Committee's decision.

### **Subsequent Developments in this Procedure**

13. Any subsequent developments in the discussion between the Police and the premises user will be reported at the meeting, if appropriate. If the matter is resolved before the meeting is convened, the Sub-Committee members will be advised immediately.

### **Recommendation**

It is recommended that the Temporary Event Notice for the 'Plough Inn', 74 West Street, Farnham, Surrey GU9 7EH be determined by the Sub-Committee in light of and having regard to the representations from the Police, after hearing from the parties involved, and provided that the objection is not withdrawn for any reason, or the matter resolved between the person giving the Notice (Mr Simon Collinson) and the Police before or during the meeting.

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### **Background Papers**

Applications referred to above, representation referred to above and current premises licence for the 'Plough Inn'

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### **CONTACT OFFICER:**

**Name:** Paul Hughes

**Telephone:** 01483 523189

**E-mail:** [paul.hughes@waverley.gov.uk](mailto:paul.hughes@waverley.gov.uk)

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## Licensing Act 2003 - Temporary Event Notice

Date form submitted:

10 Jan 2016

### Introduction

**You must give Notice of your proposed event as follows, either:**

**e-mail this form to Waverley as the licensing authority and pay online, ensuring that the 10 clear working days notice (or 5 clear working days for a late notice) can be met; or print, sign and deliver or send a printed copy of the fully completed Notice, enclosing a cheque, to Waverley as the licensing authority AND a copy to Waverley's environmental health service AND a copy of the Notice to the WAVERLEY LICENSING OFFICER, SURREY POLICE, P O Box 101, GU1 9PE. The Police must have the same minimum notice as the Council.**

**If accepted and in time, Waverley (the licensing authority) will endorse one copy and return it to you as an acknowledgement of receipt.**

Please indicate whether you wish to submit this Notice  Online  
online or send a printed copy by post\*

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### Application

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

#### 1. The personal details of the premises user

*Note: A temporary event notice **may only be given by an individual** and not, for example, by an organisation or club or business. The individual giving the notice is the proposed "premises user". Within businesses, clubs or organisations, one individual will therefore need to be identified as the proposed premises user.*

##### Your name

|                      |           |
|----------------------|-----------|
| Forename/Initial(s)* | Simon     |
| Surname*             | Collinson |
| Title*               | Mr        |

##### Previous names

*Please enter details of any previous names or maiden names, if applicable. (Please click on "Add" if you have had more than one previous name.)*

##### Date and place of birth and national insurance number

|  |             |
|--|-------------|
| Your date of birth*                                | 12 May 1972 |
| Your place of birth*                               | Colchester  |
| Your national insurance number (format AA999999A)* | NY145662D   |

##### Your current address

*We will use this address to correspond with you unless you provide an alternative address below.*

|   |                                  |
|---|----------------------------------|
| House number and/or name*   | 74 THE PLOUGH                    |
| Street*   | WEST STREET                      |
| Locality  |                                  |
| Town*   | FARNHAM                          |
| County  | SURREY                           |
| Postcode (please include space, e.g. GU7 1HR)*                          | GU9 7EH                          |
| Phone - daytime*  | 01252728057                      |
| Phone - evening   |                                  |
| Phone - mobile  |                                  |
| FAX   |                                  |
| E-mail address*   | the.plough.farnham@hotmail.co.uk |
| Do you wish to provide alternative contact details for correspondence?* | No                               |

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#### 2. The premises

**Please give the address of the premises where you intend to carry on the licensable activities. If it has no address give a detailed description including the Ordnance Survey reference.**

**Note:** For the purposes of the Licensing Act 2003, "premises" means any place. Premises will therefore not always be a building with a formal address and postcode. Premises can include, for example, public parks, recreation grounds and private land.

If a premises licence or club premises certificate has effect in relation to the premises (or any part of the premises) which you want to use to carry on licensable activities, it is possible that any conditions which apply to the licence or certificate may be imposed on the temporary event notice if certain pre-conditions are met. These pre-conditions are that the police or the local authority exercising environmental health functions object to the notice and the licensing authority decides:

- not to give a counter notice under section 105 of the Licensing Act 2003;

- the conditions apply to the licence or certificate; and

- the imposition of the conditions on the notice would not be inconsistent with the carrying on of the licensable activities under the notice.

Please indicate whether you are providing a postal address or detailed description \* Postal address (with postcode)

**Note:** If you cannot provide a postal address you will be required to provide a Location Plan with this application.

|                    |               |
|--------------------|---------------|
| Building No / Name | 74 THE PLOUGH |
| Street             | WEST STREET   |
| Locality           |               |
| Town               | FARNHAM       |
| County             | SURREY        |
| Postcode           | GU9 7EH       |

Please upload a sketch map if appropriate Please provide in .pdf format

Does a premises licence have effect in relation to the premises (or any part of the premises)?\* Yes

Please enter the premises licence number\* LN/000002604

Does a club premises certificate have effect in relation to the premises (or any part of the premises)?\* No

Do you intend to use only part of the premises at this address or intend to restrict the area to which this notice applies?\* No

Please describe fully the nature of the premises below\* public house

Please describe fully the nature of the event below\* UCA fundraising event

Are the premises situated in more than one licensing authority areas?\* No

Are the premises situated in more than one police areas? No

\*

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### 3. The licensable activities

**Please indicate the licensable activities that you intend to carry on at the premises (please tick all licensable activities you intend to carry on):**

- 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

Are you giving a late temporary event notice?\* No

**Please state the date(s) on which you intend to use these premises for licensable activities:**

Please enter the first date on which you intend to use these premises\* 23 Jan 2016

Do you wish to enter additional dates?\* No

**Please state the times during the event period that you propose to carry on licensable activities:**

EventTimes2

Start time\* 23:30:00

End time\* 02:00:00

Notes

*(Click in the "Add" button and use the "Notes" box if you intend to carry on licensable activities at different times on different days.)*

**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. (Absolute maximum of 499 people in total.)**

Number of people\* 150

**If the licensable activities will include the supply of alcohol, please state whether the supplies will be for consumption on or off the premises, or both:**

Please select\* Both

**Please state if the licensable activities will include the provision of relevant entertainment:**

Do the licensable activities include the provision of relevant entertainment?\* No

EntertainmentTimes2

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## 4. Personal licence holders

*Note: The holder of a valid personal licence issued under the Licensing Act 2003 may give up to 50 temporary event notices in any calendar year subject to the other limitations in the 2003 Act. A proposed premises user who holds such a licence should give the details requested.*

Do you currently hold a valid personal licence?\* Yes

**Please provide the details of your personal licence below:**

Issuing licensing authority\* Colchester borough council

Licence number\* 003846

Date of issue\* 07 Nov 2005

Any further relevant details?

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## 5. Previous temporary event notices you have given

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?\* 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 b) begins 24 hours or less after the event period proposed in this notice?\* No

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## 6. Associates and business colleagues

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?\* 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 b) begins 24 hours or less after the event period proposed in this notice?\*

No

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?\*

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: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice?\*

No

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## 7. Checklist

Do you wish to continue to submit and pay for this Notice online? Yes

**Note:** If you are giving this notice to the licensing authority (Waverley) by means of the relevant electronic facility you are not required to send a copy of the notice to:

- the chief officer of police for Surrey; or
- the local authority exercising environmental health functions.

I shall \*

- E-mail (by clicking the "Submit" button on the final page) a copy of this notice to the licensing authority (Waverley) for the area in which the premises are located (Waverley) and make an online payment of the fee for the application (£21)
- Send a printed copy of this notice to each additional local authority exercising environmental health functions

and\*

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## 8. Condition

**IMPORTANT: Under the Licensing Act 2003, all temporary event notices are given subject to a mandatory condition requiring that where the licensable activities involve the supply of alcohol, all such supplies must be made by or under the authority of the named premises user. If there is a breach of this condition, the premises user and the individual making the supply in question would be liable to prosecution. For this purpose the supply of alcohol includes both of the first two licensable activities listed in section 3 above, i.e.:**

- the sale by retail of alcohol; and
- the supply of alcohol by or on behalf of a club to, or to the order of, a member of a club.

**It is a condition of this temporary event notice that, where the relevant licensable activities described in Section 3 above include the supply of alcohol, all such supplies are made by or under the authority of the premises user.**

I acknowledge that I have noted the above\*



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## 9. Declaration by the Premises user

**NOTE: It is an offence knowingly or recklessly to make a false statement in, or in connection with, a temporary event notice. (A person is to be treated as making a false statement if he produces, furnishes, signs or otherwise makes use of a document that contains a false statement). To do so could result in prosecution and a fine not exceeding level 5 on the standard scale.**

Please click on the check-box to acknowledge acceptance of each of the following:

The information contained in this form is correct to the best of my knowledge and belief\*



I have read the Condition at 8. above\*

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\*



I (named below) confirm that I have read and understood the disclaimer and hereby give a Temporary Event Notice and will pay the appropriate fee as payment for the service.\*



Name\*

Simon Collinson

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## Payment

As you have opted to pay the fee of £21 online please proceed as follows:

- click on the "Submit" button below to be transferred to the HSBC payment portal Global-Iris);
- **please complete the full card payment process and click continue until you are returned to the online form -**
- **failure to do this may cause the receipt of your application to be delayed;**
- you will be sent an e-mail confirming that you have submitted the Notice and paid the appropriate fee online. A copy of the completed Notice will be attached to the e-mail;
- if the premises are situated in one or more licensing authority areas, send a printed copy of this notice to each additional licensing authority;
- if the premises are situated in one or more local authority areas, send a printed copy of this notice to the environmental health service of each additional authority;and
- if the premises are situated in one or more police areas, send a printed copy of this notice to each additional chief officer of police.

Please note that a copy of the Notice will also automatically be sent to the Surrey Police.

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Licensing Act 2003  
 Premises Licence - Summary

|  |   |                          |                 |
|--|---|--------------------------|-----------------|
| <b>The Plough</b><br>74 West Street<br>Farnham<br>Surrey<br>GU9 7EH  | <b>Licence number:</b>  | <b>LN/000002604</b>      |                 |
|  | <b>Valid from:</b>  | <b>29th January 2013</b> |                 |
|  | <b>Valid until</b>  |                          |                 |
|  | <b>Telephone:</b>   | <b>01252 739111</b>      |                 |
| <b>Licensable Activities Authorised by the Licence and times these activities may be carried on</b>                  |   |                          |                 |
| <b>Activity (and area if applicable)</b>   | <b>Description</b>  | <b>Time From:</b>        | <b>Time To:</b> |
| <b>Provision of regulated entertainment:-</b>  |   |                          |                 |
| <b>Plays, Films, Indoor Sports Events, Live Music, Performance of dance, Making music and Facilities for dancing</b> | <b>Monday - Sunday</b>  | <b>10:00</b>             | <b>23:00</b>    |
| <b>Recorded Music</b>  | <b>Monday - Sunday</b>  | <b>10:00</b>             | <b>23:30</b>    |
| <b>Provision of Late Night Refreshment</b>   | <b>Monday - Sunday</b>  | <b>23:00</b>             | <b>23:30</b>    |
| <b>Sale by Retail of Alcohol</b>   | <b>Monday - Sunday</b>  | <b>10:00</b>             | <b>23:30</b>    |
| <b>Non-standard Timings:</b>   | Christmas Eve; Boxing Day; Valentine's Day; St Patrick's Day; St George's Day; Easter Friday, Saturday, Sunday and Monday; May Bank Holiday Saturday, Sunday and Monday; Spring Bank Holiday Saturday, Sunday and Monday; August Bank Holiday Saturday, Sunday and Monday; and Halloween - All the above 10:00 until 00:30. New Year's Eve - from the end of permitted hours on New Year's Eve until the start of permitted hours on the following day. |                          |                 |

**The opening hours of the premises:**

Opening hours as for the sale of alcohol, closing 30 minutes after the sale of alcohol ceases

**Where the licence authorises supplies of alcohol, whether this alcohol is to be consumed on and/ or off the premises:**

On and off the premises

**Name & (registered) address of holder of premises licence:**

 Shepherd Neame Ltd  
 17 Court Street  
 Faversham  
 Kent  
 ME13 7AX

**Registered number of holder, for example company number, charity number (where applicable):**

138256

**Name of designated premises supervisor where the premises licence authorises the supply of alcohol:** Mr Simon Paul Collinson

**Whether access to the premises by children is restricted or prohibited:** No restrictions



Licensing Act 2003  
Premises Licence - Detail

|  |   |                          |                 |
|--|---|--------------------------|-----------------|
| <b>The Plough</b><br>74 West Street<br>Farnham<br>Surrey<br>GU9 7EH  | <b>Licence number:</b>  | <b>LN/000002604</b>      |                 |
|  | <b>Valid from:</b>  | <b>29th January 2013</b> |                 |
|  | <b>Valid until:</b>   |                          |                 |
|  | <b>Telephone:</b>   | <b>01252 739111</b>      |                 |
| <b>Licensable Activities Authorised by the Licence and times these activities may be carried on</b>                  |   |                          |                 |
| <b>Activity (and area if applicable)</b>   | <b>Description</b>  | <b>Time From:</b>        | <b>Time To:</b> |
| <b>Provision of regulated entertainment:-</b>  |   |                          |                 |
| <b>Plays, Films, Indoor Sports Events, Live Music, Performance of dance, Making music and Facilities for dancing</b> | <b>Monday - Sunday</b>  | <b>10:00</b>             | <b>23:00</b>    |
| <b>Recorded Music</b>  | <b>Monday - Sunday</b>  | <b>10:00</b>             | <b>23:30</b>    |
| <b>Provision of Late Night Refreshment</b>   | <b>Monday - Sunday</b>  | <b>23:00</b>             | <b>23:30</b>    |
| <b>Sale by Retail of Alcohol</b>   | <b>Monday - Sunday</b>  | <b>10:00</b>             | <b>23:30</b>    |
| <b>Non-standard Timings:</b>   | Christmas Eve; Boxing Day; Valentine's Day; St Patrick's Day; St George's Day; Easter Friday, Saturday, Sunday and Monday; May Bank Holiday Saturday, Sunday and Monday; Spring Bank Holiday Saturday, Sunday and Monday; August Bank Holiday Saturday, Sunday and Monday; and Halloween - All the above 10:00 until 00:30. New Year's Eve - from the end of permitted hours on New Year's Eve until the start of permitted hours on the following day. |                          |                 |

**The opening hours of the premises:**

Opening hours as for the sale of alcohol, closing 30 minutes after the sale of alcohol ceases

**Where the licence authorises supplies of alcohol, whether this alcohol is to be consumed on and/ or off the premises:**

On and off the premises

**Name & (registered) address of holder of premises licence:**

Shepherd Neame Ltd  
 17 Court Street  
 Faversham  
 Kent  
 ME13 7AX

**Registered number of holder, for example company number, charity number (where applicable):**

138256

**Name of designated premises supervisor where the premises licence authorises the supply of alcohol:** Mr Simon Paul Collinson

**Whether access to the premises by children is restricted or prohibited:** No restrictions

## Annexe 1 – Mandatory Conditions

### Films

The admission of children under the age of 18 to film exhibitions permitted under the terms of this licence shall be restricted in accordance with any recommendations made

- a. By the British Board of Film Classification (BBFC) where the film has been classified by that Board, or
- b. By the Licensing Authority where no classification certificate has been granted by the BBFC, or, where the licensing authority has notified the licence holder that section 20 (3) of the Licensing Act 2003 applies to the film.

### Alcohol

No supply of alcohol may be made under the premises licence:

- At a time when there is no designated premises supervisor in respect of the premises licence.
- At a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.

Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

1. (1) The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
- (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children:-
  - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to:-
    - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
    - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
  - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);
  - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;
  - (d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on:-
    - (i) the outcome of a race, competition or other event or process, or
    - (ii) the likelihood of anything occurring or not occurring;

- (e) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.
2. The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
  3. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.
  4.
    - (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.
    - (2) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.
  5. The responsible person shall ensure that:-
    - (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures:-
      - (i) beer or cider: ½ pint;
      - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
      - (iii) still wine in a glass: 125 ml; and
    - (b) customers are made aware of the availability of these measures.

## Annexe 2 – Conditions consistent with the operating schedule

|              |                  |                            |
|--------------|------------------|----------------------------|
| <b>Plays</b> | <b>Monday</b>    | 10:00 hours to 23:00 hours |
|              | <b>Tuesday</b>   | 10:00 hours to 23:00 hours |
|              | <b>Wednesday</b> | 10:00 hours to 23:00 hours |
|              | <b>Thursday</b>  | 10:00 hours to 23:00 hours |
|              | <b>Friday</b>    | 10:00 hours to 23:00 hours |
|              | <b>Saturday</b>  | 10:00 hours to 23:00 hours |
|              | <b>Sunday</b>    | 10:00 hours to 23:00 hours |

### Further Detail

N/A

### Non-Standard Timing

N/A

Location of activity : Indoors

|              |                  |                            |
|--------------|------------------|----------------------------|
| <b>Films</b> | <b>Monday</b>    | 10:00 hours to 23:00 hours |
|              | <b>Tuesday</b>   | 10:00 hours to 23:00 hours |
|              | <b>Wednesday</b> | 10:00 hours to 23:00 hours |
|              | <b>Thursday</b>  | 10:00 hours to 23:00 hours |
|              | <b>Friday</b>    | 10:00 hours to 23:00 hours |
|              | <b>Saturday</b>  | 10:00 hours to 23:00 hours |
|              | <b>Sunday</b>    | 10:00 hours to 23:00 hours |

Further Detail

Playing of video recordings for charity race nights.  
Showing of films for Film Club.

Non-Standard Timing

New Year's Eve - from the end of permitted hours on New Year's Eve until the start of permitted hours on the following day.

Location of activity : Indoors

|                             |                  |                            |
|-----------------------------|------------------|----------------------------|
| <b>Indoor Sports Events</b> | <b>Monday</b>    | 10:00 hours to 23:00 hours |
|                             | <b>Tuesday</b>   | 10:00 hours to 23:00 hours |
|                             | <b>Wednesday</b> | 10:00 hours to 23:00 hours |
|                             | <b>Thursday</b>  | 10:00 hours to 23:00 hours |
|                             | <b>Friday</b>    | 10:00 hours to 23:00 hours |
|                             | <b>Saturday</b>  | 10:00 hours to 23:00 hours |
|                             | <b>Sunday</b>    | 10:00 hours to 23:00 hours |

Further Detail

N/A

Non-Standard Timing

N/A

Location of activity : Indoors

|                   |                  |                            |
|-------------------|------------------|----------------------------|
| <b>Live Music</b> | <b>Monday</b>    | 10:00 hours to 23:00 hours |
|                   | <b>Tuesday</b>   | 10:00 hours to 23:00 hours |
|                   | <b>Wednesday</b> | 10:00 hours to 23:00 hours |
|                   | <b>Thursday</b>  | 10:00 hours to 23:00 hours |
|                   | <b>Friday</b>    | 10:00 hours to 23:00 hours |
|                   | <b>Saturday</b>  | 10:00 hours to 23:00 hours |
|                   | <b>Sunday</b>    | 10:00 hours to 23:00 hours |

Further Detail

Amplified music on an occasional basis, not more than 24 events per year.  
Regular unamplified events, such as piano player on Sunday afternoons and acoustic jam sessions.

Non-Standard Timing

New Year's Eve until 01:00.

Location of activity : Indoors

|                       |                  |                            |
|-----------------------|------------------|----------------------------|
| <b>Recorded Music</b> | <b>Monday</b>    | 10:00 hours to 23:30 hours |
|                       | <b>Tuesday</b>   | 10:00 hours to 23:30 hours |
|                       | <b>Wednesday</b> | 10:00 hours to 23:30 hours |
|                       | <b>Thursday</b>  | 10:00 hours to 23:30 hours |
|                       | <b>Friday</b>    | 10:00 hours to 23:30 hours |
|                       | <b>Saturday</b>  | 10:00 hours to 23:30 hours |
|                       | <b>Sunday</b>    | 10:00 hours to 23:30 hours |

Further Detail

CD's, radio incidental to other activities only.

Occasional disco events, not more than 6 per year, to finish no later than 23:00.

Non-Standard Timing

Christmas Eve; Boxing Day; Valentine's Day; St Patrick's Day; St George's Day; Easter Friday, Saturday, Sunday and Monday; May Bank Holiday Saturday, Sunday and Monday; Spring Bank Holiday Saturday, Sunday and Monday; August Bank Holiday Saturday, Sunday and Monday; and Halloween - All the above 10:00 until 01:00.

New Year's Eve - from the end of permitted hours on New Year's Eve until the start of permitted hours on the following day.

Location of activity : Indoors

|                             |                  |                            |
|-----------------------------|------------------|----------------------------|
| <b>Performance of dance</b> | <b>Monday</b>    | 10:00 hours to 23:00 hours |
|                             | <b>Tuesday</b>   | 10:00 hours to 23:00 hours |
|                             | <b>Wednesday</b> | 10:00 hours to 23:00 hours |
|                             | <b>Thursday</b>  | 10:00 hours to 23:00 hours |
|                             | <b>Friday</b>    | 10:00 hours to 23:00 hours |
|                             | <b>Saturday</b>  | 10:00 hours to 23:00 hours |
|                             | <b>Sunday</b>    | 10:00 hours to 23:00 hours |

Further Detail

Impromptu dancing only.

Non-Standard Timing

Christmas Eve; Boxing Day; Valentine's Day; St Patrick's Day; St George's Day; Easter Friday, Saturday, Sunday and Monday; May Bank Holiday Saturday, Sunday and Monday; Spring Bank Holiday Saturday, Sunday and Monday; August Bank Holiday Saturday, Sunday and Monday; and Halloween - All the above 10:00 until 01:00.

New Year's Eve - from the end of permitted hours on New Year's Eve until the start of permitted hours on the following day.

Location of activity : Indoors

|                     |                  |                            |
|---------------------|------------------|----------------------------|
| <b>Making music</b> | <b>Monday</b>    | 10:00 hours to 23:00 hours |
|                     | <b>Tuesday</b>   | 10:00 hours to 23:00 hours |
|                     | <b>Wednesday</b> | 10:00 hours to 23:00 hours |
|                     | <b>Thursday</b>  | 10:00 hours to 23:00 hours |
|                     | <b>Friday</b>    | 10:00 hours to 23:00 hours |
|                     | <b>Saturday</b>  | 10:00 hours to 23:00 hours |
|                     | <b>Sunday</b>    | 10:00 hours to 23:00 hours |

Further Detail

Piano on site.

Non-Standard Timing

New Year's Eve - from the end of permitted hours on New Year's Eve until the start of permitted hours on the following day.

Location of activity : Indoors

|                               |                  |                            |
|-------------------------------|------------------|----------------------------|
| <b>Facilities for dancing</b> | <b>Monday</b>    | 10:00 hours to 23:00 hours |
|                               | <b>Tuesday</b>   | 10:00 hours to 23:00 hours |
|                               | <b>Wednesday</b> | 10:00 hours to 23:00 hours |
|                               | <b>Thursday</b>  | 10:00 hours to 23:00 hours |
|                               | <b>Friday</b>    | 10:00 hours to 23:00 hours |
|                               | <b>Saturday</b>  | 10:00 hours to 23:00 hours |
|                               | <b>Sunday</b>    | 10:00 hours to 23:00 hours |

Further Detail

N/A

Non-Standard Timing

New Year's Eve - from the end of permitted hours on New Year's Eve until the start of permitted hours on the following day.

Location of activity : Indoors

|                               |                  |                            |
|-------------------------------|------------------|----------------------------|
| <b>Late Night Refreshment</b> | <b>Monday</b>    | 23:00 hours to 23:30 hours |
|                               | <b>Tuesday</b>   | 23:00 hours to 23:30 hours |
|                               | <b>Wednesday</b> | 23:00 hours to 23:30 hours |
|                               | <b>Thursday</b>  | 23:00 hours to 23:30 hours |
|                               | <b>Friday</b>    | 23:00 hours to 23:30 hours |
|                               | <b>Saturday</b>  | 23:00 hours to 23:30 hours |
|                               | <b>Sunday</b>    | 23:00 hours to 23:30 hours |

Further Detail

Hot beverages will be sold after 23:00.

Non-Standard Timing

Christmas Eve; Boxing Day; Valentine's Day; St Patrick's Day; St George's Day; Easter Friday, Saturday, Sunday and Monday; May Bank Holiday Saturday, Sunday and Monday; Spring Bank Holiday Saturday, Sunday and Monday; August Bank Holiday Saturday, Sunday and Monday; and Halloween - All the above 10:00 until 01:00.

New Year's Eve - from the end of permitted hours on New Year's Eve until the start of permitted hours on the following day.

Location of activity : Indoors

|   |                  |                            |
|---|------------------|----------------------------|
| <b>Alcohol BOTH<br/>ON/OFF premises</b> | <b>Monday</b>    | 10:00 hours to 23:30 hours |
|   | <b>Tuesday</b>   | 10:00 hours to 23:30 hours |
|   | <b>Wednesday</b> | 10:00 hours to 23:30 hours |
|   | <b>Thursday</b>  | 10:00 hours to 23:30 hours |
|   | <b>Friday</b>    | 10:00 hours to 23:30 hours |
|   | <b>Saturday</b>  | 10:00 hours to 23:30 hours |
|   | <b>Sunday</b>    | 10:00 hours to 23:30 hours |

Further Detail

N/A

Non-Standard Timing

Christmas Eve; Boxing Day; Valentine's Day; St Patrick's Day; St George's Day; Easter Friday, Saturday, Sunday and Monday; May Bank Holiday Saturday, Sunday and Monday; Spring Bank Holiday Saturday, Sunday and Monday; August Bank Holiday Saturday, Sunday and Monday; and Halloween - All the above 10:00 until 00:30.

New Year's Eve - from the end of permitted hours on New Year's Eve until the start of permitted hours on the following day.

Sale of alcohol to be for consumption : On and off the premises

**Designated Premises Supervisor**

**Name:** Mr Simon Paul Collinson

**Address:** The Chequers Inn  
The Street  
Great Tey  
Colchester  
Essex  
C06 1JS

**Personal Licence Number (If known):** 003846

**Issuing Licence authority (If known):** Colchester Borough Council

**Expiry date:** 23/11/2015

|                      |                  |                            |
|----------------------|------------------|----------------------------|
| <b>Opening Hours</b> | <b>Monday</b>    | 10:00 hours to 00:00 hours |
|                      | <b>Tuesday</b>   | 10:00 hours to 00:00 hours |
|                      | <b>Wednesday</b> | 10:00 hours to 00:00 hours |
|                      | <b>Thursday</b>  | 10:00 hours to 00:00 hours |
|                      | <b>Friday</b>    | 10:00 hours to 00:00 hours |
|                      | <b>Saturday</b>  | 10:00 hours to 00:00 hours |
|                      | <b>Sunday</b>    | 10:00 hours to 00:00 hours |

Further Detail

N/A

## Non-Standard Timing

Christmas Eve; Boxing Day; Valentine's Day; St Patrick's Day; St George's Day; Easter Friday, Saturday, Sunday and Monday; May Bank Holiday Saturday, Sunday and Monday; Spring Bank Holiday Saturday, Sunday and Monday; August Bank Holiday Saturday, Sunday and Monday; and Halloween - All the above 10:00 until 01:00.

New Year's Eve - from the end of permitted hours on New Year's Eve until the start of permitted hours on the following day.

## **ELEMENTS OF OPERATING SCHEDULE TO ADDRESS LICENSING OBJECTIVES:**

### **a) General - all four licensing objectives (b,c,d,e)**

Staff shall be trained in licensing law, health and safety and written training records shall be kept.

Best Practice Guidance shall be adopted, for example, Point of Sale Promotions BBPA.

Current CCTV shall be maintained and operational at all times when the premises are open.

The premises shall be active members of the local Pub Watch, so long as one exists.

The premises shall operate a Challenge 21 Scheme, only accepting the following forms of ID:- passport, photo driving licence and photo ID cards bearing the PASS hologram.

### **b) The prevention of crime and disorder**

There shall be a zero tolerance approach to drugs and alcohol abuse.

Staff shall be trained on the prevention of drug abuse.

The toilets and outside areas shall be regularly checked to prevent drug abuse.

All staff shall adhere to the relevant authorities' policies on drug abuse.

Customers shall be made aware that violence and bad behaviour will not be tolerated.

### **c) Public Safety**

Health and safety risk assessments shall be carried out regularly.

The Police and Licensing Authority shall be given 10 days notice prior to all music and disco events.

### **d) The prevention of public nuisance**

Customers shall be advised to leave the premises quietly and notices shall be displayed at all public exits requesting customers to take all steps to minimise noise once they have left the premises.

The external lighting shall provide sufficient illumination of exits/entrances and point of access/egress to the premises.

The bottle bins shall not be emptied after 23:00 hours.

The premises shall continue to be operated in sympathy with its environment.

During music events, external doors and windows shall be kept shut except for access/egress to the premises.

No consumption of alcohol or other licensable activities shall be carried on in the outside areas after 23:00 hours, except for allowing customers and staff to smoke and only at times when the premises are open.

Smokers shall be limited to using the areas to the rear.

No new customers shall be served alcohol after 23:00 hours.

Noise breakout shall be measured by a "walk round" every 30 minutes and a due diligence log shall be kept.



#### **e) The protection of children from harm**

Under 18's shall not be permitted on to the premises unless accompanied by an adult.

Under 18's shall not be permitted on to the premises after 21:00 hours.

Cigarette machines, pool and AWP machines shall be situated where they can be properly supervised.

Darts boards shall not be available to children.

### **Annexe 3 – Conditions attached after a hearing by the Licensing Authority**

1. Notices shall be displayed at all public exits requesting customers to leave the premises quietly.
2. The bottle bins shall not be emptied between 23:00 hours and 07:00 hours.
3. During music events, external doors and windows shall be kept shut except for access/egress.
4. The mobile phone number of the premises supervisor, or her representative, shall be made available to local residents.

### **Annexe 4 – Plans**

Attached

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**SURREY**  
**POLICE**

Western Licensing Unit,  
P O Box 101,  
Guildford,  
Surrey,  
GU1 9PE,

**Licensing Act 2003**  
**Representation in respect of a**  
**Premises Licence Application or Variation or a**  
**Club Premises Certificate Application or Variation.**  
**And Temporary Event Notice.**

**PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST**

Before completing this form please read the guidance note at the end of the form. If you are completing this form by hand please print. Please ensure your answers are inside the boxes and written in black ink. You may use additional sheets if necessary. You may wish to keep a copy of the completed form for use by you at any hearing held by the Council or the Magistrates Court as a result of this representation.

**I, the undersigned, hereby make representations against the following application.**

**Details of premises or club premises whose application you wish to make representations against.**

|  |  |
|--|--|
| <b>Name of Premises or Club</b><br>Plough Inn        |  |
| <b>Address of Premises or Club</b><br>74 West Street |  |
| <b>Post town</b><br>Farnham                          | <b>Post code (if known)</b><br>GU9 7EH |

**Type of application**

|   | Please tick ✓ |
|---|---------------|
| <b>Premises Licence application</b>             |               |
| <b>Variation to a Premises Licence</b>          |               |
| <b>Club Premises Certificate application</b>    |               |
| <b>Variation of a Club Premises Certificate</b> |               |
| <b>Temporary Event Notice</b>                   | X             |

## Representor's Details

I am

Please tick one only ✓

|  |                                     |
|--|-------------------------------------|
| 1) A person who is not a responsible authority (please complete section (A) below) | <input type="checkbox"/>            |
| 2) A responsible authority (please complete section (B) below)                     | <input checked="" type="checkbox"/> |

If you do not fall into one of the above categories you may not be entitled to make representations.

### Section A - DETAILS OF INDIVIDUAL REPRESENTOR (fill in as applicable)

|  |
|--|
| Surname or Family Name   |
| Forenames  |
| Address of where you live<br>(you can give an alternative address for correspondence later in this form) |
| Daytime Telephone  |
| E-mail address (optional)  |

### Section B - DETAILS OF RESPONSIBLE AUTHORITY

|   |
|---|
| Name of contact person completing this form<br><b>Inspector Mark Bridge</b>     |
| Name of Authority<br><b>SURREY POLICE</b>                                       |
| Address of Authority<br><b>P O BOX 101<br/>GUILDFORD<br/>SURREY<br/>GU1 9PE</b> |
| Telephone number of contact person<br>Rab Carnie<br><b>01483 - 631786</b>       |

**Please state the ground(s) for the representation and how it relates to one of the licensing objectives. Please use additional blank sheets if necessary**

The Police have read the temporary event application for The Plough Inn situated at 74 West Street Farnham Surrey. The licensee wishes to extend his licence till 02:00 hours the Police are objecting to the application on the following grounds

Crime and disorder, Public Safety, The prevention of a public nuisance and The protection of children from harm

The reason for the Police objections are

Police icad reference number P15282140

On Monday the 2<sup>nd</sup> November 2015 Police received a report of a very loud band playing at the premises and the noise from the premises was disturbing the neighbours. The informant stated that the premises doors were open and people were milling about in the street making a lot of noise. At around 22:30 hours the informants husband attended the premises and asked the landlord to close the doors but this was ignored. The informant stated that this is an ongoing situation and she and her husband cannot sleep.

On Thursday the 5<sup>th</sup> November 2015 at 11:00 hours the Police licensing officer along with Tessa Bridger from Waverley Borough Council Licensing Department and Julie Gregory from environmental health attended the premises to see the landlord Simon Collinson. There was no reply at the address. A calling card was left for Mr Collinson to make contact with environmental health officer Julie Gregory to discuss the noise complaint

Police report 45150105978 relating to a female being assaulted at the premises and hit in the face with a glass

At around 22:20 hours on Saturday the 21<sup>st</sup> November 2015 Police have attended The Plough following a call from ambulance about a female being assaulted inside the public house. When officers arrived they quickly located the suspect and she was placed into a Police vehicle. The victim was found in the smoking area of the premises with cuts to her face. The victim stated to officers that the suspect was her friend however they had not really spoken during the week due to arguments about nothing in specific. During the evening both the victim and the suspect have mostly ignored each other but eventually have spoken which then lead to the suspect throwing a glass into the victims face. The victim was taken to Hospital and her injuries required her to have an xray and a cut to her face glued closed

Enquiries made by Police after the assault revealed that the suspect was only 17 years of age.

At 14:30 hours on Friday the 27<sup>th</sup> November 2015 Rab Carnie the Police licensing officer and Paul Hughes Waverley Borough Councils Licensing manager attended The Plough and spoke to the manager Simon Collinson regarding the glassing incident. The manager stated that the suspect had been drinking in his premises for a couple of months he did state that he checked her id when she first came in but never bothered after that. He was then informed that the suspect must have used a fake id or another persons id. The manager was then tested on fake and genuine identity cards ie driving licenses the manager was unable to tell a real licence from a fake one which caused the licensing officer concerns. The manager Simon Collinson also stated that he would not have anymore temporary events as his lease is up soon and he does not want anymore problems

The temporary event on the 23<sup>rd</sup> January is an event for the local university which would mean that there would be a lot of young students at the event and this has caused the Police concerns due the premises already having noise issues with local residents and underage drinking at the premises which then caused a serious assault

|   |
|---|
| E-mail address of contact person (optional)<br><b>rab.carnie@surrey.pnn.police.uk</b> |
|   |

**This representation relates to the following licensing objectives(s)**

**Please tick one or more boxes ✓**

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

|   |
|---|
| x |
| x |
| x |
| x |

**If your representation does not relate to one of the above objectives your representation will be invalid.**

Please tick ✓

- I understand that this representation may result in a hearing before a Licensing Sub-Committee and if the decision of that Sub-Committee is appealed against, a hearing in the Magistrate's Court.
- I understand that this representation will become a public document and will be included in the agenda for any Licensing Sub-Committee hearing that may be held as a result of this representation.

X

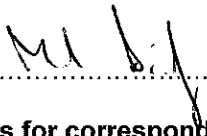
X

**IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO KNOWINGLY OR RECKLESSLY MAKE A FALSE STATEMENT IN CONNECTION WITH THIS REPRESENTATION. THIS IS PUNISHABLE, ON CONVICTION, BY A FINE OF UP TO £5,000.**

This representation must be signed by:

a person making a representation or

a person authorised to do so by a Responsible Authority.

Signed  Inspector 829 .....ate ..... 11 January 2016.....

Address for correspondence

Contact address for correspondence if different from that given in Sections A, B, or C above.

**RAB CARNIE LICENSING ENFORCEMENT OFFICER**

Post town CAMBERLEY

Post code  
**GU15 3HD**

Daytime Telephone number (if any)  
**01483631786**

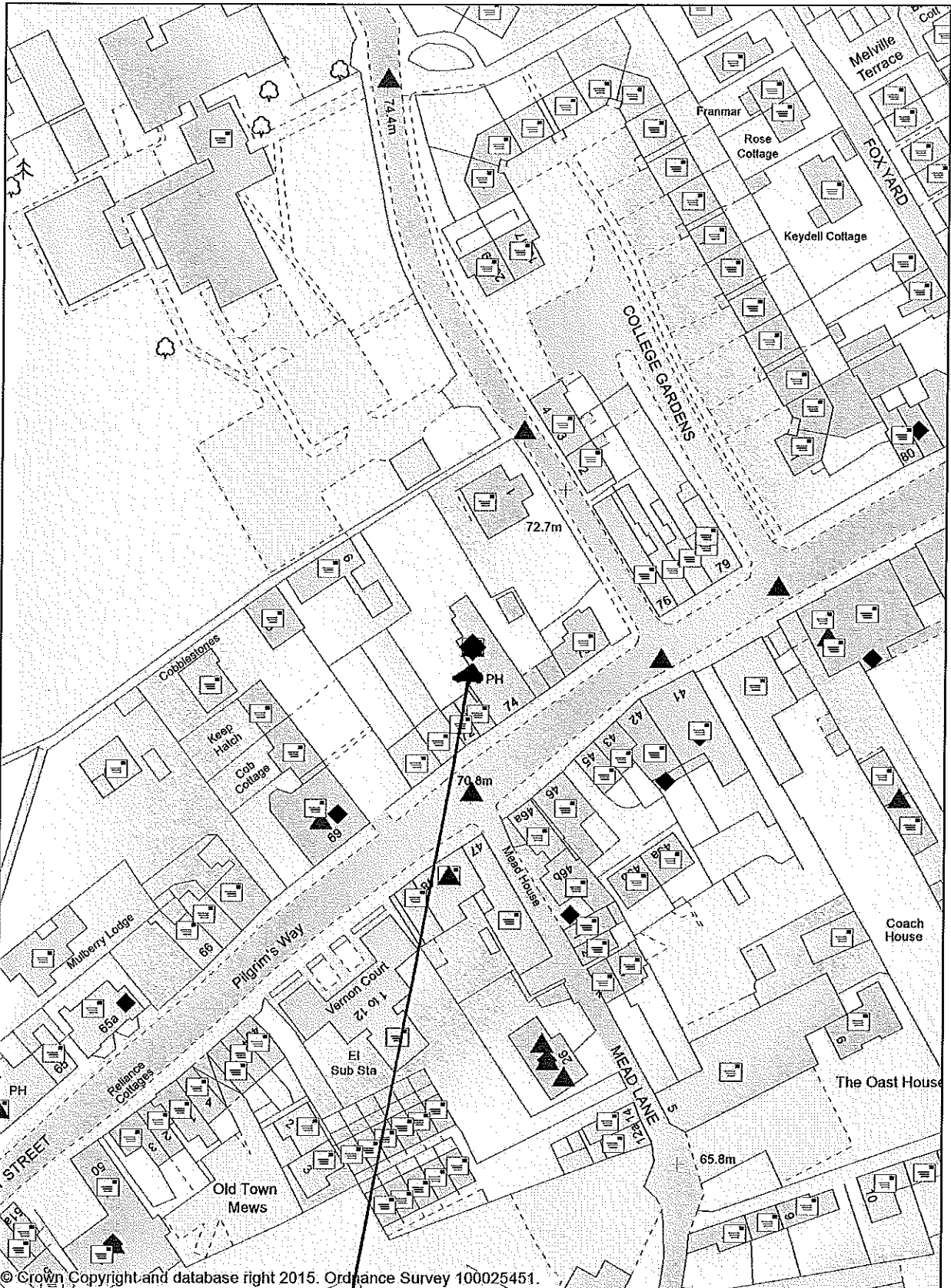
e-mail address (optional)

**RAB.CARNIE@SURREY.PNN.POLICE.UK**



All representations must be made by sending this form to the Licensing Authority to arrive there during the period of 28 consecutive days starting on the day after the day on which the application to which it relates was given to the Licensing Authority by the applicant. In the case of representations following a closure order this period is 7 days after the day on which the Licensing Authority received the notice under section 165(4) of the Act.

**Representations received outside these time limits will be deemed to be invalid.**





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|  |  |  |   |
|--|--|--|---|
|  <p><b>Waverley</b><br/>BOROUGH COUNCIL</p> | <p><b>The Plough</b></p> <p>West St, Farnham GU9 7EH</p> | <p>0 10 20 30 40 50 metres</p>  | <p>Printed: 11 January 2016    Scale at A4: 1:1000</p> <p><small>Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes © Crown copyright and may lead to prosecution or civil proceedings</small></p> |
|--|--|--|---|

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## 7. Temporary Event Notices (TENs)

- 7.1 This Chapter covers the arrangements in Part 5 of the 2003 Act for the temporary carrying on of licensable activities which are not authorised by a premises licence or club premises certificate.

### General

- 7.2 The system of permitted temporary activities is intended as a light touch process, and as such, the carrying on of licensable activities does not have to be authorised by the licensing authority on an application. Instead, a person wishing to hold an event at which such activities are proposed to be carried on (the "premises user") gives notice to the licensing authority of the event (a "temporary event notice" or "TEN").
- 7.3 The TEN must be given to the licensing authority in the form prescribed in regulations made under the 2003 Act. The form requires the user to describe key aspects of the proposed event, including the general nature of the premises and the event, the licensable activities intended to be carried on at the proposed event, including whether they will include any relevant entertainment as defined in Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 (i.e. displays of nudity designed to sexually stimulate any member of the audience including, but not limited to, lap dancing and pole dancing).
- 7.4 Unless it is sent electronically, it must be sent to the relevant licensing authority, to the police and "local authority exercising environmental health functions" ("EHA") at least ten working days before the event. A premises user may also give a limited number of "late TENs" to the licensing authority less than 10 working days before the event to which they relate, although certain restrictions apply (see paragraphs 7.12-7.14). "Working day" under the 2003 Act means any day other than a Saturday, Sunday, Christmas Day, Good Friday or Bank Holiday. For limited purposes in relation to a TEN, the 2003 Act defines a "day" as a period of 24 hours beginning at midnight.
- 7.5 If a TEN is sent electronically via GOV.UK or the licensing authority's own facility, the licensing authority must notify the police and EHA as soon as possible and no later than the first working day after the TEN is given.
- 7.6 The police or EHA ("relevant persons" for the purposes of TENs) may intervene to prevent such an event taking place by sending an objection to the licensing authority, which the licensing authority must consider on the basis of the statutory licensing objectives and decide whether the event should go ahead. A relevant person may also intervene by agreeing a modification of the proposed arrangements directly with the TENs user (see paragraph 7.36). If a relevant person sends an objection, this may result in the licensing authority imposing conditions on a TEN but only where the venue at which the event is to be held has an existing premises licence or club premises certificate. When giving a TEN, the premises user should consider the promotion of the four licensing objectives. The licensing authority may only otherwise intervene if the statutory permitted limits on TENs would be exceeded (see paragraphs 7.15-7.22).
- 7.7 A TEN does not relieve the premises user from any requirements under planning law for appropriate planning permission where it is required.

## Standard and late temporary event notices

- 7.8 There are two types of TEN: a standard TEN and a late TEN. These are subject to different processes: a standard notice is given no later than ten working days before the event to which it relates; and a late notice is given not before nine and not later than five working days before the event.

### Standard temporary event notices

- 7.9 "Ten working days" (and other periods of days which apply to other requirements in relation to TENs) exclude the day the notice is received and the first day of the event.
- 7.10 The police and EHA have a period of three working days from when they are given the notice to object to it on the basis of any of the four licensing objectives.
- 7.11 Although ten clear working days is the minimum possible notice that may be given, licensing authorities should publicise their preferences in terms of advance notice and encourage premises users to provide the earliest possible notice of events planned by them. Licensing authorities should also consider publicising a preferred maximum time in advance of an event by when TENs should ideally be given to them.

### Late temporary event notices

- 7.12 Late TENs are intended to assist premises users who are required for reasons outside their control to, for example, change the venue for an event at short notice. However, late TENs may, of course, be given in any circumstances providing the limits specified at paragraph 7.15 are not exceeded.
- 7.13 Late TENs can be given up to five working days but no earlier than nine working days before the event is due to take place and, unless given electronically to the licensing authority, must also be sent by the premises user to the police and EHA. A late TEN given less than five days before the event to which it relates will be returned as void and the activities to which it relates will not be authorised.
- 7.14 A key difference between standard and late TENs is the process following an objection notice from the police or EHA. Where an objection notice is received in relation to a standard TEN the licensing authority must hold a hearing to consider the objection, unless all parties agree that a hearing is unnecessary. If the police, EHA or both give an objection to a late TEN, the notice will not be valid and the event will not go ahead as there is no scope for a hearing or the application of any existing conditions.

### Limitations

- 7.15 A number of limitations are imposed on the use of TENs by the 2003 Act:
- the number of times a premises user may give a TEN is 50 times in a calendar year for a personal licence holder and five times in a calendar year for other people;
  - the number of times a premises user may give a late TEN is limited to 10 times in a calendar year for a personal licence holder and twice for other people. Late TENs count towards the total number of permitted TENs (i.e. the limit of five TENs a year for non-personal licence holders and 50 TENs for personal licence holders). A notice that is given less than ten working days before the event to which it relates, when the premises user has already given the permitted number of late TENs in that calendar year, will be returned as void and the activities described in it will not be authorised.

- the number of times a TEN may be given for any particular premises is 12 times in a calendar year (the Deregulation Act 2015 has increased this number to 15 with effect from 1 January 2016);
- the maximum duration of an event authorised by a TEN is 168 hours (seven days);
- the maximum total duration of the events authorised by TENs in relation to individual premises is 21 days in a calendar year;
- the maximum number of people attending at any one time is 499; and
- the minimum period between events authorised under separate TENs in relation to the same premises (not including withdrawn TENs) by the same premises user is 24 hours.

7.16 Any associate, relative or business partner of the premises user is considered to be the same premises user in relation to these restrictions. The 2003 Act defines an associate, in relation to the premises user, as being:

- the spouse or civil partner of that person;
- a child, parent, grandchild, grandparent, brother or sister of that person;
- an agent or employee of that person; or
- the spouse or civil partner of a person listed in either of the two preceding bullet points.

7.17 A person living with another person as their husband or wife, is treated for these purposes as their spouse. 'Civil partner' has its meaning in the Civil Partnership Act 2004.

7.18 A TEN that is given and subsequently withdrawn by the TEN user can be included within the limits of the numbers of TENs allowed in a given calendar year.

7.19 Once these limits have been reached, the licensing authority should issue a counter notice (permitted limits) if any more are given. Proposed activities that exceed these limits will require a premises licence or club premises certificate.

7.20 TENs may be given in respect of premises which already have a premises licence or club premises certificate to cover licensable activities not permitted by the existing authorisation.

7.21 In determining whether the maximum total duration of the periods covered by TENs at any individual premises has exceeded 21 days, an event beginning before midnight and continuing into the next day would count as two days towards the 21-day limitation.

7.22 There is nothing in the 2003 Act to prevent notification of multiple events at the same time, provided the first event is at least ten working days away (or five working days away in the case of a late TEN). For example, an individual personal licence holder wishing to exhibit and sell beer at a series of farmers' markets may wish to give several notices simultaneously. However, this would only be possible where the limits are not exceeded in the case of each notice. Where the events are due to take place in different licensing authority (and police) areas, the respective licensing authorities and relevant persons would each need to be notified accordingly.

## Who can give a temporary event notice?

### Personal licence holders

- 7.23 A personal licence holder can give a TEN at any premises on up to 50 occasions in a calendar year. This limit is inclusive of any late TENs given in the same year. The use of each TEN must of course observe the limits described above, including the limit of 12 TENs in respect of each premises in a calendar year.

### Non-personal licence holders

- 7.24 The 2003 Act provides that any individual aged 18 or over may give a TEN to authorise the carrying on of all licensable activities under the Licensing Act 2003, whether or not that individual holds a personal licence. Such an individual will not, therefore, have met the requirements that apply to a personal licence holder under Part 6 of the 2003 Act. Where alcohol is not intended to be sold, this should not matter. However, many events will involve a combination of licensable activities and the 2003 Act limits the number of notices that may be given by any non-personal licence holder to five occasions in a calendar year (inclusive of any late TENs in the same year). In every other respect, the Guidance and information set out in the paragraphs above applies.

### Role of the licensing authority

- 7.25 The licensing authority must check that the limitations set down in Part 5 of the 2003 Act are being observed and intervene if they are not (see paragraph 7.15). For example, a TEN would be void unless there is a minimum of 24 hours between events notified by the same premises user, or an associate or someone who is in business with the relevant premises user in respect of the same premises. This is to prevent evasion of the seven day (or 168 hour) limit on such events and the need to obtain a full premises licence or club premises certificate for more major or permanent events. In addition, for these purposes, a TEN is treated as being from the same premises user if it is given by an associate.
- 7.26 Where the application is not within the statutory parameters described earlier, the licensing authority will issue a counter notice to the premises user.
- 7.27 Where the TEN is in order, the relevant fee paid and the event falls within the prescribed limits, the licensing authority will record the notice in its register and send an acknowledgement to the premises user (which may be given electronically). The licensing authority must do so, no later than the end of the first working day following the day on which it was received (or by the end of the second working day if it was received on a non-working day), unless an objection notice is received beforehand from the police or EHA on the basis of any of the four licensing objectives (see paragraphs below).
- 7.28 If the licensing authority receives an objection notice from the police or EHA that is not withdrawn, it must (in the case of a standard TEN only) hold a hearing to consider the objection (unless all parties agree that this is unnecessary). The licensing committee may decide to allow the licensable activities to go ahead as stated in the notice. If the notice is in connection with licensable activities at licensed premises, the licensing authority may also impose one or more of the existing licence conditions on the TEN (insofar as such conditions are not inconsistent with the event) if it considers that this is appropriate for the promotion of the licensing objectives. If the authority decides to impose conditions, it must give notice to the premises user which includes a statement of conditions (a "notice (statement of conditions)") and provide a copy to each relevant party. Alternatively, it can

decide that the event would undermine the licensing objectives and should not take place. In this case, the licensing authority must give a counter notice.

- 7.29 Premises users are not required to be on the premises during the event authorised by the TEN, but they will remain liable to prosecution for certain offences that may be committed at the premises during the period covered by it. These include, for example, the offences of the sale of alcohol to a person who is drunk; persistently selling alcohol to children and allowing disorderly conduct on licensed premises.
- 7.30 In the case of an event authorised by a TEN, failure to adhere to the requirements of the 2003 Act, such as the limitation of no more than 499 being present at any one time, would mean that the event was unauthorised. In such circumstances, the premises user would be liable to prosecution.
- 7.31 Section 8 of the 2003 Act requires licensing authorities to keep a register containing certain matters, including a record of TENs received. There is no requirement to record all the personal information given on a TEN.

## **Police and environmental health intervention**

- 7.32 The system of permitted temporary activities gives police and EHAs the opportunity to consider whether they should object to a TEN on the basis of any of the licensing objectives.
- 7.33 If the police or EHA believe that allowing the premises to be used in accordance with the TEN will undermine the licensing objectives, they must give the premises user and the licensing authority an objection notice. The objection notice must be given within the period of three working days following the day on which they received the TEN.
- 7.34 Where a standard TEN was given, the licensing authority must consider the objection at a hearing before a counter notice can be issued. At the hearing, the police, EHA and the premises user may make representations to the licensing authority. Following the hearing, the licensing authority may decide to impose conditions which already apply to an existing premises licence or club premises certificate at the venue, or issue a counter notice to prevent the event going ahead. As noted above, there is no scope for hearings in respect of late TENs and if objections are raised by the police or EHA in relation to a late TEN, the notice will be invalid and the event will not go ahead.
- 7.35 Such cases might arise because of concerns about the scale, location, timing of the event or concerns about public nuisance. However, in most cases, where for example, alcohol is supplied away from licensed premises at a temporary bar under the control of a personal licence holder, (such as at weddings with a cash bar or small social or sporting events) this should not usually give rise to the use of these powers.

## **Modification**

- 7.36 As noted above, the police or EHA (as "relevant persons") may contact the premises user to discuss their objections and try to come to an agreement which will allow the proposed licensable activities to proceed. The TEN can be modified (for example, by changing the details of the parts of the premises that are to be used for the event, the description of the nature of the intended activities or their duration). The other relevant person has to agree for the modification to be made. There is no scope under the 2003 Act for the modification of a late TEN.

## Applying conditions to a TEN

- 7.37 The 2003 Act provides that only the licensing authority can impose conditions to a TEN from the existing conditions on the premises licence or club premises certificate at the venue. The licensing authority can only do so:
- if the police or the EHA have objected to the TEN;
  - if that objection has not been withdrawn;
  - if there is a licence or certificate in relation to at least a part of the premises in respect of which the TEN is given;
  - and if the licensing authority considers it appropriate for the promotion of the licensing objectives to impose one or more conditions.
- 7.38 This decision is one for the licensing authority alone, regardless of the premises user's views or willingness to accept conditions. The conditions must be notified to the premises user on the form prescribed by regulations.

## Hearings to impose conditions

- 7.39 Section 105 of the 2003 Act is clear that a licensing authority must hold a hearing to consider any objections from the police or EHA unless all the parties agree that a hearing is not necessary. If the parties agree that a hearing is not necessary and the licensing authority decides not to give a counter notice on the basis of the objection, it may impose existing conditions on the TEN.

## Duty of premises users to keep and produce TENs

- 7.40 Where a TEN is not prominently displayed at the premises, the police and licensing officers have the right under sections 109(5) and (6) of the 2003 Act to request the premises user (or relevant nominated person who has the TEN in their custody) to produce the TEN for examination. If the police do not intervene when a TEN is given, they will still be able to rely on their powers of closure under the Anti-social Behaviour, Crime and Policing Act 2014<sup>3</sup>.

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<sup>3</sup> For further guidance on the closure power under the 2014 Act, please refer to [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/352562/ASB\\_Guidance\\_v8\\_July2014\\_final\\_2.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/352562/ASB_Guidance_v8_July2014_final_2.pdf)