



Waverley Borough Council
Council Offices, The Bury's,
Godalming, Surrey
GU7 1HR
www.waverley.gov.uk

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

When calling please ask for:

Ema Dearsley, Democratic Services Officer
Policy and Governance

E-mail: ema.dearsley@waverley.gov.uk

Direct line: 01483 523224

Calls may be recorded for training or monitoring

Date: 12 August 2016

Membership of the Licensing Sub-Committee A

Cllr Libby Piper
(Vacancy)

Cllr Simon Inchbald

Dear Councillors

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

DATE: MONDAY, 22 AUGUST 2016

TIME: 10.00 AM

PLACE: COMMITTEE ROOM 1, COUNCIL OFFICES, THE BURYS,
GODALMING

The Agenda for the meeting is set out below.

Yours sincerely

ROBIN TAYLOR

Head of Policy and Governance

Most of our publications can be provided in alternative formats. For an audio version, large print, text only or a translated copy of this publication, please contact committees@waverley.gov.uk or call 01483 523351

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 the Sub-Committee A meeting.

2. MINUTES

To confirm the minutes of the meeting that took place on 4 July 2016.

3. DISCLOSURE OF INTERESTS

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

4. TEMPORARY EVENT NOTICE WITH ENVIRONMENTAL HEALTH OBJECTION AT CORRETTO, 10 QUEEN STREET, GODALMING (Pages 5 - 32)

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 Environmental Health. 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 'Corretto', 10 Queen Street, Godalming, Surrey GU7 1BD be determined by the Sub-Committee in light of and having regard to the representation from Environmental Health after hearing from the parties involved, and provided that the objection is not withdrawn for any reason, or the matter resolved between the person giving the Notice (Miss Natalie Hancock) and Environmental Health before or during the meeting.

5. EXCLUSION OF PRESS AND PUBLIC

To consider the following recommendation on 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)

6. LEGAL ADVICE

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

**For further information or assistance, please telephone
Ema Dearsley, Democratic Services Officer, on 01483 523224 or by
email at ema.dearsley@waverley.gov.uk**

This page is intentionally left blank

WAVERLEY BOROUGH COUNCIL

LICENSING SUB-COMMITTEE A - 22 AUGUST 2016

Title:

**LICENSING ACT 2003 - TEMPORARY EVENT NOTICE WITH
ENVIRONMENTAL HEALTH OBJECTION
CORRETTO, 10 QUEEN STREET, GODALMING, SURREY GU7 1BD**

[Ward Affected: Godalming Ward]

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 Environmental Health. 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.

Current Licensed activities

1. The Temporary Event Notice for the proposed event at the premises (Corretto) is shown at Annexe1. Corretto's has a Premises Licence, attached at Annexe2, which permits:
 - Live Music & Recorded Music
 - 1200 to 2300 Monday to Saturday
 - 1200 to 2200 Sunday
 - Sale of Alcohol
 - 1200 to 2300 Monday to Thursday
 - 1200 to 0100 Friday
 - 1000 to 0100 Saturday
 - 1000 to 2200 Sunday
 - Opening Hours
 - 0730 to 2300 Monday to Thursday
 - 0730 to 0100 Friday
 - 0900 to 0100 Saturday
 - 0900 to 2200 Sunday

Temporary Event Notice requested

2. The 'premises user' under the TEN, Miss Natalie Hancock, who seeks to have regulated entertainment, late night refreshment (required after 2300) and sale of alcohol for consumption on the premises only, from 21.00 on the 27 August until 0200 hours on the 28 August, for a Live DJ, soul & funk music 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
 - The provision of late night refreshment
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. Environmental Health have raised an objection to the Notice on the grounds of Prevention of Public Nuisance, and their representation is set out at Annexe 3 to this report. The Police have 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 Environmental Health. The Sub-Committee is asked to hear the applicant and the Environmental Health 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, Environmental Health may, with the agreement of the premises user and the Police, 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 Environmental Health 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 Environmental Health 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 'Corretto', 10 Queen Street, Godalming, Surrey GU7 1BD be determined by the Sub-Committee in light of and having regard to the representation from Environmental Health 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 (Miss Natalie Hancock) and Environmental Health before or during the meeting.

Background Papers

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

CONTACT OFFICER:

Name: Paul Hughes

Telephone: 01483 523189

E-mail: paul.hughes@waverley.gov.uk

This page is intentionally left blank

Licensing Act 2003 - Temporary Event Notice

Date form submitted:

05 Aug 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*

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)* Natalie
Surname* Hancock
Title* Miss

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.)

Forename/Initial(s) natalie
Surname hancock
Title No title

Date and place of birth and national insurance number

Your date of birth* 06 Jan 1993
Your place of birth* Sydney, Australia
Your national insurance number (format AA999999A)* SN541350C

Your current address

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

House number and/or name* 3
Street* SOUTH STREET
Locality
Town* GODALMING
County SURREY
Postcode (please include space, e.g. GU7 1HR)* GU7 1BF

Phone - daytime* 01483415020
Phone - evening 07535510207
Phone - mobile 07535510207
FAX
E-mail address* natalie@corretto.co.uk
Do you wish to provide alternative contact details for correspondence?* No

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	10a Corretto
Street	Queen Street
Locality	
Town	Godalming
County	Surrey
Postcode	gu71bd

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/000005077

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*

Cocktail tapas & wine bar, all facilities are in large front room of about 11 restaurant tables, bar area and the service bar itself.

Please describe fully the nature of the event below*

A live DJ, funk & soul music evening. The attendees are invited to fancy dress for

the event. After 11pm the music levels will be lowered, although bar service will

continue in order to spread the service out evenly and limit crowd entering or leaving

the building.

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

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

*

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* 27 Aug 2016 - 9pm

Do you wish to enter additional dates?* Yes

Please Note: The maximum period for using premises for licensable activities under the authority of a temporary event notice is 168 hours (7 days).

Please enter additional dates 28 Aug 2016 - 2am.

(Click on the "Add" button to include additional days. Click on a red X if you wish to remove a date.)

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

EventTimes2

(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* 250

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* On the premises only

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

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* Waverly Borough Council

Licence number* LN/000005013

Date of issue* 23 Jul 2015

Any further relevant details?

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 Yes

this temporary event notice?*

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

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?*

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

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*

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*



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*

Natalie Hancock

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.

This page is intentionally left blank

Licensing Act 2003
 Premises Licence - Summary

Corretto 10 Queen Street Godalming Surrey GU7 1BD	Licence number:	LN/000005077	
	Valid from:	1st April 2016	
	Valid until		
	Telephone:		
Licensable Activities Authorised by the Licence and times these activities may be carried on			
Activity (and area if applicable)	Description	Time From:	Time To:
Provision of regulated entertainment:-			
Live Music and Recorded Music	Monday- Saturday Sunday	12:00 12:00	23:00 22:00
Sale by Retail of Alcohol	Monday - Thursday Friday Saturday Sunday	12:00 12:00 10:00 10:00	23:00 01:00 01:00 22:00
Non-standard Timings:	All Bank Holiday Sundays to allow the sale of alcohol until 01:00 hours. Christmas Eve, Christmas Day, Boxing Day, New Year's Eve and New Year's Day to allow the sale of alcohol until 01:00 hours.		

The opening hours of the premises: 07:30-23:00 Monday to Thursday
 07:30-01:00 Friday
 09:00-01:00 Saturday
 09:00-22:00 Sunday

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: Corretto Esp Ltd
 Suite A2 Linden House
 Unit 12 Woodside Park
 Catteshall Lane
 Godalming
 Surrey
 GU7 1LG

Registered number of holder, for example company number, charity number (where applicable): 09343657

Name of designated premises supervisor where the premises licence authorises the supply of alcohol: Mr Benjamin Timothy Westhead

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

Licensing Act 2003
Premises Licence - Detail

Corretto 10 Queen Street Godalming Surrey GU7 1BD	Licence number:	LN/000005077	
	Valid from:	1st April 2016	
	Valid until		
	Telephone:		
Licensable Activities Authorised by the Licence and times these activities may be carried on			
Activity (and area if applicable)	Description	Time From:	Time To:
Provision of regulated entertainment:-			
Live Music and Recorded Music	Monday- Saturday Sunday	12:00 12:00	23:00 22:00
Sale by Retail of Alcohol	Monday - Thursday Friday Saturday Sunday	12:00 12:00 10:00 10:00	23:00 01:00 01:00 22:00
Non-standard Timings:	All Bank Holiday Sundays to allow the sale of alcohol until 01:00 hours. Christmas Eve, Christmas Day, Boxing Day, New Year's Eve and New Year's Day to allow the sale of alcohol until 01:00 hours.		

The opening hours of the premises: 07:30-23:00 Monday to Thursday
 07:30-01:00 Friday
 09:00-01:00 Saturday
 09:00-22:00 Sunday

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: Corretto Esp Ltd
 Suite A2 Linden House
 Unit 12 Woodside Park
 Catteshall Lane
 Godalming
 Surrey
 GU7 1LG

Registered number of holder, for example company number, charity number (where applicable): 09343657

Name of designated premises supervisor where the premises licence authorises the supply of alcohol: Mr Benjamin Timothy Westhead

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

Annexe 1 – Mandatory Conditions

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) The responsible person must 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—
 - (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 in a manner which carries a significant risk of undermining a licensing objective;
 - (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 in a manner which carries a significant risk of undermining a licensing objective;
 - (d) 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;
 - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).
2. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
3.
 - (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
 - (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
 - (3) 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 either—
 - (a) a holographic mark, or
 - (b) an ultraviolet feature.
4. The responsible person must 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;
 - (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
 - (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.”
5. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
6. For the purposes of the condition set out in paragraph 5—
- (a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979(a);
 - (b) “permitted price” is the price found by applying the formula—

$$P = D + (D \times V)$$
 where—
 - (i) P is the permitted price,
 - (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
 - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
 - (c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence—
 - (i) the holder of the premises licence,
 - (ii) the designated premises supervisor (if any) in respect of such a licence, or
 - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
 - (d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
 - (e) “value added tax” means value added tax charged in accordance with the Value Added Tax Act 1994(b).
7. Where the permitted price given by Paragraph (b) of paragraph 6 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
8. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 6 on a day (“the first day”) would be different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax.
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Annexe 2 – Conditions consistent with the operating schedule

Live Music	Monday	12:00 hours to 23:00 hours
	Tuesday	12:00 hours to 23:00 hours
	Wednesday	12:00 hours to 23:00 hours
	Thursday	12:00 hours to 23:00 hours
	Friday	12:00 hours to 23:00 hours
	Saturday	12:00 hours to 23:00 hours
	Sunday	12:00 hours to 22:00 hours

Further Detail

N/A

Non-Standard Timing

All Bank Holiday Sundays to allow live music until 01:00 hours.

Christmas Eve, Christmas Day, Boxing Day, New Year's Eve and New Year's Day to allow live music until 01:00 hours.

Location of activity : Indoors

Recorded Music	Monday	12:00 hours to 23:00 hours
	Tuesday	12:00 hours to 23:00 hours
	Wednesday	12:00 hours to 23:00 hours
	Thursday	12:00 hours to 23:00 hours
	Friday	12:00 hours to 23:00 hours
	Saturday	12:00 hours to 23:00 hours
	Sunday	12:00 hours to 22:00 hours

Further Detail

Occasional DJ for functions.

Non-Standard Timing

All Bank Holiday Sundays to allow recorded music until 01:00 hours.

Christmas Eve, Christmas Day, Boxing Day, New Year's Eve and New Year's Day to allow recorded music until 01:00 hours.

Location of activity : Indoors

Alcohol BOTH ON/OFF premises	Monday	12:00 hours to 23:00 hours
	Tuesday	12:00 hours to 23:00 hours
	Wednesday	12:00 hours to 23:00 hours
	Thursday	12:00 hours to 23:00 hours
	Friday	12:00 hours to 01:00 hours
	Saturday	10:00 hours to 01:00 hours
	Sunday	10:00 hours to 22:00 hours

Further Detail

N/A

Non-Standard Timing

All Bank Holiday Sundays to allow the sale of alcohol until 01:00 hours.

Christmas Eve, Christmas Day, Boxing Day, New Year's Eve and New Year's Day to allow the sale of alcohol until 01:00 hours.

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

Designated Premises Supervisor

Name: Mr Benjamin Timothy Westhead

Address: 2 Westfields
Witley
Godalming
Surrey
GU8 5ND

Personal Licence Number (If known): LN/000005013

Issuing Licence authority (If known): Waverley Borough Council

Opening Hours	Monday	07:30 hours to 23:00 hours
	Tuesday	07:30 hours to 23:00 hours
	Wednesday	07:30 hours to 23:00 hours
	Thursday	07:30 hours to 23:00 hours
	Friday	07:30 hours to 01:00 hours
	Saturday	09:00 hours to 01:00 hours
	Sunday	09:00 hours to 22:00 hours

Further Detail

N/A

Non-Standard Timing

All Bank Holiday Sundays to allow opening until 01:00 hours.
Christmas Eve, Christmas Day, Boxing Day, New Year's Eve and New Year's Day to allow opening until 01:00 hours.

Any adult entertainment or services, activities, other entertainments or matters ancillary to the use of premises that may give rise to concern in respect of children:-

None.

ELEMENTS OF OPERATING SCHEDULE TO ADDRESS LICENSING OBJECTIVES:

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

The Premises Licence Holder and DPS shall carry out risk assessments with due care and consideration of the four Licensing Objectives.

b) The prevention of crime and disorder

A CCTV system shall be in place covering all licensed areas, including public entry and exit points. The CCTV system shall continuously record whilst the premises are open for licensable activities and during all times when customers remain on the premises.

All CCTV recordings shall be stored for a minimum period of 31 days.

Viewing of the CCTV recordings shall be made available immediately upon request of the Police and any other Responsible Authority.

A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times the premises is open to the public.

This staff member shall be able to show the Police or authorised officer recent data or footage with the absolute minimum delay when requested.

Non-intoxicating beverages, including drinking water, shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.

A record of any incidents or crime or disorder or refusal of sales of alcohol shall be kept detailing the date and time, the nature of the incident and the name of any members of staff involved.

The record shall be made available for inspection at the premises by the Police or other authorised officer at all times when the premises is open.

c) Public Safety

The premises shall be maintained in a safe manner at all times.
All exits shall be clear of hazards.

d) The prevention of public nuisance

All refuse shall be disposed of in an appropriate manner.
Staff shall be instructed to maintain all external areas in a clean and presentable manner at all times.
Notices shall be displayed asking customers to leave the premises in a respectful manner.

e) The protection of children from harm

All staff shall be trained in the law about the sale of alcohol.
Such training shall include challenging every individual who appears to be under 25 years of age and to refuse service where individuals cannot produce acceptable means of identification, acceptable forms of ID and using the refusals register.
Such training (including refresher training) shall be logged and provided not less than every 12 months.
The training log shall be made available for inspection by the Police and "authorised persons".
A "Challenge 25" proof of age scheme shall be operated at the premises where the only acceptable forms of identification shall be a photographic driving licence card, passport or proof of age scheme with the PASS hologram.
The premises shall operate a "No ID, no sale" policy at all times.

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

N/A

Annexe 4 – Plans

Attached

This page is intentionally left blank



Memorandum

Licensing Act 2003

DATE: 9TH AUGUST 2016

TO: Paul Hughes Licensing Authority

FROM: Ann-Marie Wade Environmental Health Officer

TELEPHONE NUMBER: 01483 523393

Location: Corretto, 10 Queen Street, Godalming, Surrey, GU7 1BD

This department wishes to make a representation with regards to the above application and comment as follows;

The applicant is requesting consideration of a Temporary Event Notice (TEN) for additional hours on Saturday 27 August 2016 until 2am. The premises are currently permitted music until 23:00 under the live music act 2012, and have existing licence conditions allowing recorded music until 23:00.

Environmental Health is in receipt of complaints of noise affecting local premises late at night; the cause is alleged to be from loud amplified music and patrons at this premise. Investigations into these complaints have led to Environmental Health establishing that a statutory nuisance is already in existence. A Notice was served on Friday 5 August 2016 under Environmental Protection Act 1990, section 79(1)(g), requiring noise nuisance from loud amplified music to be abated. Environmental Health investigations have also established the premises are breaching the licence conditions in regards to permitted hours for music on the premises.

There is insufficient information provided with the application with regard to preventing public nuisance from the proposed activities, and the regulation of noise is not being adequately controlled by the applicant. The applicant does not indicate any proposals for the control of noise with the additional times requested and there are no direct actions outlined by the applicant to promote

the licensing objective with regards to noise nuisance, both inside and outside the premise.

It is therefore considered that the requested time extension will have the potential to cause further disturbance to local residents from noise nuisance. Suitable controls need to be in place to protect local residents from excessive noise from such licensable activities. If statutory nuisance was to occur at this location as a direct result of the premise operating procedures it may require controls under other legislation, however, it is recognised that the licensing approach is one of prevention.

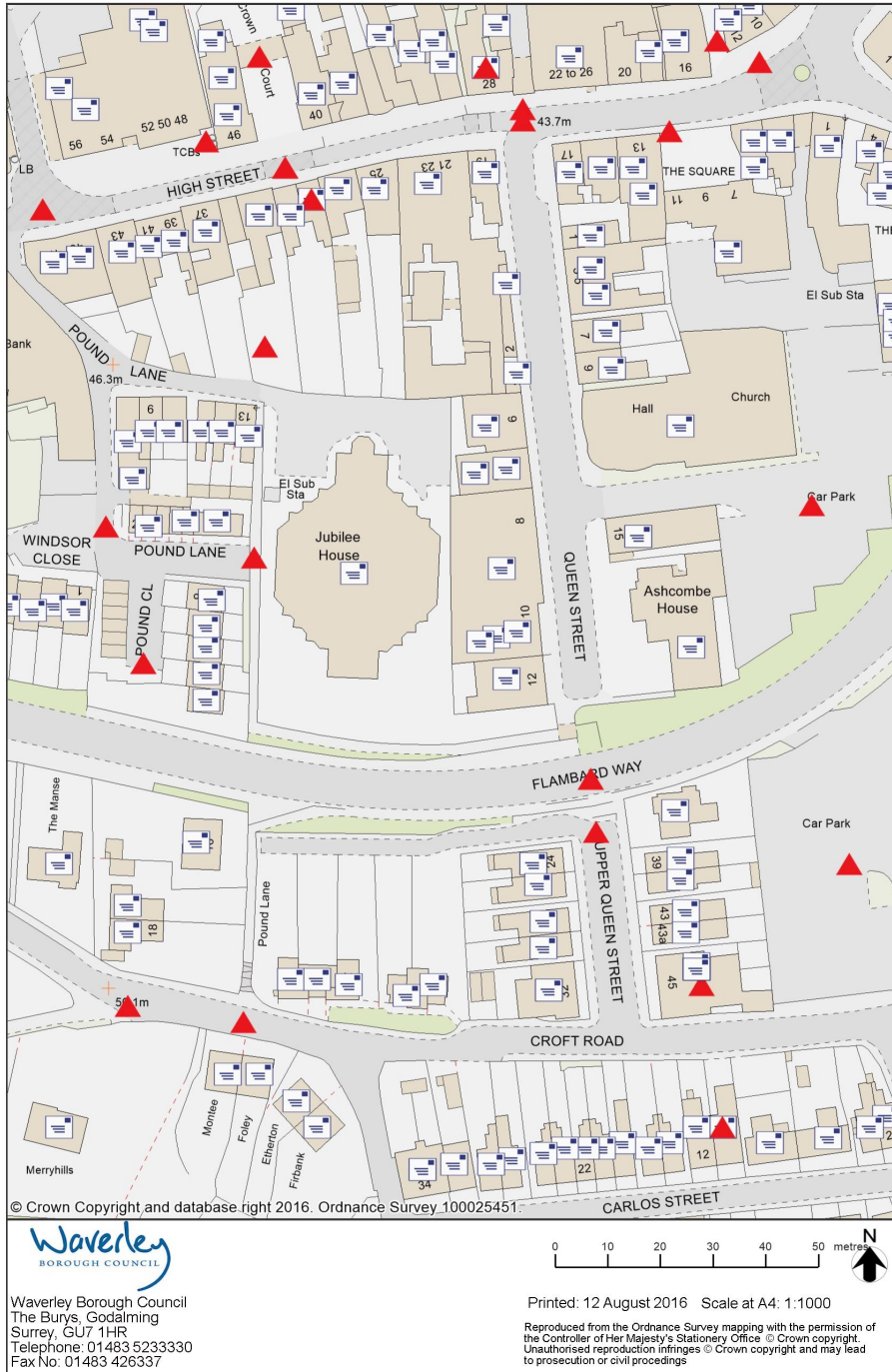
Suitable controls may be agreed and I would be interested to know how the applicant proposes to control nuisance issues at this location. However, at present, I am concerned that granting of the requested TEN may lead to public nuisance being caused, and therefore, I wish to make a representation to this effect.

Please do not hesitate to contact me if you require further information or would like to discuss the above comments.

Regards

Ann-Marie Wade

Environmental Health Officer



This page is intentionally left blank

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 2014³.

³ 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