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To: MEMBERS OF THE LICENSING SUB COMMITTEE
Councillors Botten, Robinson and Stamp

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customerservices@tandridge.gov.uk
01883 722000

10 August 2022

Dear Sir/Madam

**LICENSING SUB COMMITTEE
THURSDAY, 18TH AUGUST, 2022 AT 6.00 PM**

The agenda for this meeting of the Sub-Committee, to be held in the Council Chamber, Council Offices, Station Road East, Oxted, is set out below. If a member of the Sub-Committee is unable to attend the meeting, please notify officers accordingly.

Yours faithfully,

David Ford
Chief Executive

AGENDA

1. **Apologies for absence**
2. **Election of Chair**
3. **Declarations of interest**

All Members present are required to declare, at this point in the meeting or as soon as possible thereafter:

- (i) any Disclosable Pecuniary Interests (DPIs) and / or
- (ii) other interests arising under the Code of Conduct in respect of any item(s) of business being considered at the meeting. Anyone with a DPI must, unless a dispensation has been granted, withdraw from the meeting during consideration of the relevant item of business. If in doubt, advice should be sought from the Monitoring Officer or her staff prior to the meeting.

4. **Application for a premises licence - Drunken Cow, Walsall House, 24 Godstone Road, Lingfield RH7 6BW (Pages 3 - 58)**

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REPORT TO THE LICENSING SUB-COMMITTEE – 18TH AUGUST 2022	
APPLICATION FOR THE GRANT OF A PREMISES LICENCE - DRUNKEN COW, WALSALL HOUSE, 24 GODSTONE ROAD, LINGFIELD, RH7 6BW	
Report of:	Ian Garrod, Licensing Officer - Tel: 01883 732794 licensing@tandridge.gov.uk
Purpose of Report:	<p>An application has been made for a premises licence at Drunken Cow, Walsall House, 24 Godstone Road, Lingfield, RH7 6BW under the Licensing Act 2003 ('the Act'). During the consultation period representations were received from Lingfield Parish Council and from several residents in respect of the application.</p> <p>The representations received have raised concerns that the licensing objectives under the Act have not been met. Where representations are received, a Licensing Sub-Committee must consider the application (S18(3) of the Act). The Sub-Committee, when considering such applications, shall carry out its function under the Act with a view to the Council's Licensing Policy, Statutory Guidance and promoting the licensing objectives.</p>
Publication status:	Unrestricted.
Recommendations:	<p>That, in accordance with its delegated powers, the Sub-Committee either:</p> <ul style="list-style-type: none"> (a) grants the licence, subject to the conditions as consistent with the operating schedule accompanying the application, and as modified by agreement with the applicant, and the objector, or modified to such extent as the authority considers appropriate for the promotion of the licensing objectives; (b) excludes from the scope of the licence any of the licensable activities to which the application relates; (c) refuses to specify a person in the licence as the premises supervisor; or (d) rejects the application. <p>Members of the Licensing Sub-Committee are asked to decide at the end of the Hearing after all relevant parties have been given the opportunity to speak. Members must give full reasons for their decision.</p>
Appendices:	<ul style="list-style-type: none"> A Application for the Grant of a Premises Licence (page 9) B Current Plan of the Premises (page 27) C Ordnance Survey map of the area around the Drunken Cow (page 29) D Representations from Lingfield Parish Council (page 31) E Representations from Members of the Public (page 37) F Notice of amendment to reduce the hours applied for (page 45) G Relevant sections of Guidance issued under Section 182 of the Licensing Act 2003 (page 47) H Relevant sections of the Council's Licensing Policy (page 55)

1 Purpose of Report

- 1.1 The supply of alcohol, regulated entertainment and late night refreshment are licensable activities under the Licensing Act 2003. Authorisation from the Council, in its role as the licensing authority, is required in order to carry on any of these activities at premises within the District.
- 1.2 The Licensing Sub-Committee (“the Sub-Committee”) is responsible for the exercise of many of the functions of the licensing authority, including determination of applications where representations have been received.
- 1.3 In accordance with the provisions of Section 18(3) of the Licensing Act 2003, the licensing authority must hold a hearing to determine an application for the grant of a premises licence where relevant representations have been made and not withdrawn.
- 1.4 The Council must consider any representations made; providing that the representations are relevant to the promotion of the licensing objectives and in the case of those made by other persons are not frivolous or vexatious.

2 Background Information

- 2.1 Walsall House, 24 Godstone Road, Lingfield, RH7 6BW, is closed and was formerly a coffee shop in a parade of shops based beneath residential properties and the applicant wishes to turn the Premises into a delicatessen with the capability of selling alcohol for consumption on the premises.
- 2.2 The application for a Premises Licence was received on 30th June 2022 was made by Vino V Ltd, 7 Druids Way, Bromley, Kent, BR2 0NQ.
- 2.3 The application is for:-
 - On sales of Alcohol between the hours of 1000 – 2100 Monday to Thursday, 1000 – 2300 Friday & Saturday, 1000 – 2000 Sundays (Now revised on Fridays & Saturdays to 1000 – 2200);
 - A copy of the Application is attached at **Appendix ‘A’** and a copy of the proposed premises plan is attached as **Appendix ‘B’**.
- 2.4 The position of the Premises is shown at **Appendix ‘C’** on a map of the area.

3 Consultation

- 3.1 The application for a new Premises Licence has been served on all the responsible authorities and it is confirmed that statutory notices were displayed on the site. The application was available to view by members of the public on the Councils website.
- 3.3 An objection from Lingfield Parish Council was received see **Appendix ‘D’**.

- 3.4 9 objections from members of the public were received. One has since withdrawn. (see **Appendix 'E'**).

Objectors Name	Grounds
Ms Sarah Carr	Prevention of Public Nuisance
Mr Martin & Mrs Claudette Edwards	Protection of Children, Prevention of Crime & Disorder, Prevention of Public Nuisance
Ms. Venetia Jagoe	Protection of Children, Prevention of Public Nuisance
Mr Andrew Lawrence	Prevention of Public Nuisance
Mrs Sara Nogosek	Prevention of Public Nuisance
Ms Philippa Osterfield	Prevention of Public Nuisance
Mr Rod & Mrs Gillian Shorey	Protection of Children, Prevention of Crime & Disorder, Prevention of Public Nuisance
Dr Graham Staunton	Prevention of Public Nuisance

- 3.5 The matter in the application being objected to is under mainly public nuisance noise and disturbance to the area and in local residents gardens by customers of the premises but other Licensing objectives Protection of Children from Harm are also mentioned in the Prevention of public Nuisance aspect and prevention of Crime and disorder with regards to drunkenness and its associated anti-social behaviour.
- 3.6 No Letters of Support for the application have been received.
- 3.8 Mediation between the applicant and persons who have submitted representations has been unsuccessful.

4 Policy & Guidance – Points For Consideration

4.1 **Section 182 Guidance**

The Sub-Committee must have regard to the Secretary of States Guidance issued under S182 of the Licensing Act 2003 in April 2018, and pay particular attention to the following paragraphs: -

Chapter 1	Para's 1.2-1.5; 1.9; 1.16; 1.17; 1.19
Chapter 2	Para's 2.1–2.6; 2.15–2.21
Chapter 8	Para's 8.41–8.49; 8.78
Chapter 9	Para's 9.31–9.44
Chapter 10	Para's 10.10; 10.13-10.15
Chapter 13	Para 13.10
Chapter 16	Para's 16.6; 16.26; 16.28; 16.33; 16.36-16.41; 16.55; 16.56

The relevant sections of Section 182 Guidance are provided at **Appendix 'G'** to this Report.

4.2 Tandridge District Council – Licensing Policy

The main sections of the Councils Licensing Policy which are particularly relevant to the Sub-Committees decision are set out below and should be considered when determining this application:

- 4 Fundamental principles
- 5 Decision making process
- 7 Premises licences
- 9 The prevention of crime and disorder
- 10 Public safety
- 11 Prevention of public nuisance
- 12 Prevention of harm to children

The relevant sections of Tandridge District Council Licensing Policy are provided at **Appendix 'H'**.

5 Determination

5.1 The Sub-Committee is requested to determine the application in line with Section 5 below, giving full reasons for the decision.

5.2 In determining the application, Members must have regard to the four licensing objectives on which the Licensing Act 2003 is based. These are: -

- The Prevention of Crime and Disorder
- Public Safety
- Prevention of Public Nuisance
- Protection of Children from Harm

Councillors must have consideration to the representations and take such steps it considers appropriate for the promotion of the licensing objectives.

5.3 In achieving this the Sub-Committee shall disregard information which is not relevant to the application or the promotion of the licensing objectives, and give appropriate regard and weight to evidence i.e. direct evidence is better than circumstantial hearsay (although hearsay is admissible).

6 Legal Considerations

6.1 When considering this matter, Members must have regard to government guidance. This makes it clear that that the four licensing objectives should be “paramount at all times”. (Home Office Guidance 1.4). Where there are objections to an application, the sub-Committee must have regard to these and to the “likely effect” on the licensing objectives of granting the application.

6.2 It is a fundamental principle of the Licensing Act that each application must be considered on its own merits. (Guidance 1.17).

- 6.3 If Members, having considered the application, believe that extra measures are required in order to promote the licensing objectives, it may attach additional conditions to the licence provided that these are appropriate, reasonable and proportionate or it may alter or amend any existing conditions. The Sub-Committee must not impose conditions which would be beyond the control of the licence holder. (Guidance 1.16). The sub-Committee should also avoid imposing any conditions which would duplicate other statutory regulations (e.g. Health & Safety legislation, fire regulations, planning).
- 6.4 The Sub-Committee is advised to take the above matters into consideration when reaching their decision. Members are reminded that they should not consider any irrelevant matters and must confine their deliberations solely to the issues relating to the licensing objectives.
- 6.5 Under Section 18(4) of the Act, when determining this application, the Sub-Committee must – having regard to the representations received - take such steps as it considers appropriate to promote the licensing objectives.
- 6.6 The options are:
- To grant the licence subject to –
 - The conditions mentioned in the operating schedule modified to such extent as the authority considers appropriate for the promotion of the licensing objectives, and
 - Any condition which must under section 19, 20 or 21 be included in the licence;
 - To exclude from the scope of the licence any of the licensable activities to which the application relates;
 - To refuse to specify a person in the licence as the premises supervisor;
 - To reject the application.
- 6.7 In determining the application, the Sub-Committee must give appropriate weight to:
- evidence presented at the hearing;
 - Guidance issued by the Home Office under s.182 of the Act;
 - the Council's Statement of Licensing Policy;
 - any advice given by the Council's Legal Advisor during the hearing.
- 6.8 It is considered inappropriate for Officers involved in the administration of applications to make recommendations. However, Officers may request conditions be imposed on a licence and make recommendations with regard to the licensing objectives
- 6.9 Any party to the hearing may appeal to the Magistrates' Court against the decision of the Licensing Sub-Committee. The appeal must be made within 21 days of the date of notification of the Sub-Committee's decision.
- 6.10 The Sub-Committee must give full reasons for its decision.

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Tandridge
Application for a premises licence
Licensing Act 2003

For help contact
licensing@tandridge.gov.uk
Telephone: 01883 732794

* required information

Section 1 of 21

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

System reference Not Currently In Use This is the unique reference for this application generated by the system.

Your reference LINGFIELDNEWBIZ You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant? Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.
Yes No

Applicant Details

* First name ANDREW

* Family name DAWSON

* E-mail

Main telephone number Include country code.

Other telephone number

Indicate here if you would prefer not to be contacted by telephone

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

Applicant Business

Is your business registered in the UK with Companies House? Yes No
Note: completing the Applicant Business section is optional in this form.

Registration number 07153918

Business name VINO V LTD If your business is registered, use its registered name.

VAT number GB 990058896 Put "none" if you are not registered for VAT.

Legal status Private Limited Company

Continued from previous page...

Your position in the business

Home country

The country where the headquarters of your business is located.

Registered Address

Address registered with Companies House.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Section 2 of 21

PREMISES DETAILS

I/we, as named in section 1, apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in section 2 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003.

Premises Address

Are you able to provide a postal address, OS map reference or description of the premises?

- Address OS map reference Description

Postal Address Of Premises

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Further Details

Telephone number

Non-domestic rateable value of premises (£)

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APPLICATION DETAILS

In what capacity are you applying for the premises licence?

- An individual or individuals
- A limited company / limited liability partnership
- A partnership (other than limited liability)
- An unincorporated association
- Other (for example a statutory corporation)
- A recognised club
- A charity
- The proprietor of an educational establishment
- A health service body
- A person who is registered under part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales
- A person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 in respect of the carrying on of a regulated activity (within the meaning of that Part) in an independent hospital in England
- The chief officer of police of a police force in England and Wales

Confirm The Following

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities
- I am making the application pursuant to a statutory function
- I am making the application pursuant to a function discharged by virtue of Her Majesty's prerogative

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NON INDIVIDUAL APPLICANTS

Provide name and registered address of applicant in full. Where appropriate give any registered number. In the case of a partnership or other joint venture (other than a body corporate), give the name and address of each party concerned.

Non Individual Applicant's Name

Name

Details

Registered number (where applicable)

Description of applicant (for example partnership, company, unincorporated association etc)

Continued from previous page...

LIMITED COMPANY

Address

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Contact Details

E-mail

Telephone number

Other telephone number

* Date of birth / /
dd mm yyyy

* Nationality [Documents that demonstrate entitlement to work in the UK](#)

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OPERATING SCHEDULE

When do you want the premises licence to start? / /
dd mm yyyy

If you wish the licence to be valid only for a limited period, when do you want it to end / /
dd mm yyyy

Provide a general description of the premises

For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off- supplies you must include a description of where the place will be and its proximity to the premises.

FORMER COFFEE SHOP WILL BE TURNED INTO A WINE MERCHANT / DELI SELLING A RANGE OF BEERS & WINES TO BE SERVED FOR CONSUMPTION ON AND OFF THE PREMISES. WITH A RANGE OF CHEESE, MEATS, BREADS, SNACKS AND COFFEE. THERE WILL BE A SMALL SEATING / WINE TASTING AREA, WHICH WE WILL HOST PROFESSIONALLY RUN WINE AND CHEESE PAIRING SESSIONS.

Continued from previous page...

If 5,000 or more people are expected to attend the premises at any one time, state the number expected to attend

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PROVISION OF PLAYS

[See guidance on regulated entertainment](#)

Will you be providing plays?

- Yes No

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PROVISION OF FILMS

[See guidance on regulated entertainment](#)

Will you be providing films?

- Yes No

Section 8 of 21

PROVISION OF INDOOR SPORTING EVENTS

[See guidance on regulated entertainment](#)

Will you be providing indoor sporting events?

- Yes No

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PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

[See guidance on regulated entertainment](#)

Will you be providing boxing or wrestling entertainments?

- Yes No

Section 10 of 21

PROVISION OF LIVE MUSIC

[See guidance on regulated entertainment](#)

Will you be providing live music?

- Yes No

Section 11 of 21

PROVISION OF RECORDED MUSIC

[See guidance on regulated entertainment](#)

Will you be providing recorded music?

- Yes No

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PROVISION OF PERFORMANCES OF DANCE

[See guidance on regulated entertainment](#)

Will you be providing performances of dance?

Continued from previous page...

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PROVISION OF ANYTHING OF A SIMILAR DESCRIPTION TO LIVE MUSIC, RECORDED MUSIC OR PERFORMANCES OF DANCE

[See guidance on regulated entertainment](#)

Will you be providing anything similar to live music, recorded music or performances of dance?

- Yes No

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LATE NIGHT REFRESHMENT

Will you be providing late night refreshment?

- Yes No

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SUPPLY OF ALCOHOL

Will you be selling or supplying alcohol?

- Yes No

Standard Days And Timings

MONDAY

Start

End

Start

End

Give timings in 24 hour clock.
(e.g., 16:00) and only give details for the days
of the week when you intend the premises
to be used for the activity.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

Continued from previous page...

SUNDAY

Start

End

Start

End

Will the sale of alcohol be for consumption:

- On the premises Off the premises Both

If the sale of alcohol is for consumption on the premises select on, if the sale of alcohol is for consumption away from the premises select off. If the sale of alcohol is for consumption on the premises and away from the premises select both.

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.

NO CURRENT PLANNED VARIENCE

Non-standard timings. Where the premises will be used for the supply of alcohol at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

CHRISTMAS EVE START AT 8:00

State the name and details of the individual whom you wish to specify on the licence as premises supervisor

Name

First name

Family name

Date of birth / /
dd mm yyyy

Continued from previous page...

Enter the contact's address

Building number or name	<input type="text"/>
Street	<input type="text"/>
District	<input type="text"/>
City or town	<input type="text"/>
County or administrative area	<input type="text"/>
Postcode	<input type="text"/>
Country	<input type="text"/>
Personal Licence number (if known)	<input type="text"/>
Issuing licensing authority (if known)	<input type="text"/>

PROPOSED DESIGNATED PREMISES SUPERVISOR CONSENT

How will the consent form of the proposed designated premises supervisor be supplied to the authority?

- Electronically, by the proposed designated premises supervisor
- As an attachment to this application

Reference number for consent form (if known)

If the consent form is already submitted, ask the proposed designated premises supervisor for its 'system reference' or 'your reference'.

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ADULT ENTERTAINMENT

Highlight any adult entertainment or services, activities, or other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children

Give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups etc gambling machines etc.

NONE

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HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

MONDAY

Start

End

Start

End

Give timings in 24 hour clock. (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

Continued from previous page...

TUESDAY

Start	<input type="text" value="10:00"/>	End	<input type="text" value="21:00"/>
Start	<input type="text"/>	End	<input type="text"/>

WEDNESDAY

Start	<input type="text" value="10:00"/>	End	<input type="text" value="21:00"/>
Start	<input type="text"/>	End	<input type="text"/>

THURSDAY

Start	<input type="text" value="10:00"/>	End	<input type="text" value="21:00"/>
Start	<input type="text"/>	End	<input type="text"/>

FRIDAY

Start	<input type="text" value="10:00"/>	End	<input type="text" value="23:00"/>
Start	<input type="text"/>	End	<input type="text"/>

SATURDAY

Start	<input type="text" value="10:00"/>	End	<input type="text" value="23:00"/>
Start	<input type="text"/>	End	<input type="text"/>

SUNDAY

Start	<input type="text" value="10:00"/>	End	<input type="text" value="20:00"/>
Start	<input type="text"/>	End	<input type="text"/>

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non standard timings. Where you intend to use the premises to be open to the members and guests at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

CHRISTMAS EVE OPENING AT 8.00

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LICENSING OBJECTIVES

Describe the steps you intend to take to promote the four licensing objectives:

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

Continued from previous page...

List here steps you will take to promote all four licensing objectives together.

As a responsible retailer of alcohol for 20 years, and the last 10 in my own company, the licensing law is something I take very seriously and this would be shown not only in the running of the establishment and serving alcohol but also in the planning of the layout of the premises, and ordering of fixtures and fittings to minimise potential problems from arising. Fully digital CCTV system will capture every angle of the shop floor and seating area as well as the garden and all entrances and exits, capturing images of patrons faces as they enter the premises. Staff training not only in the licensing law, but also in conflict management and drug and alcohol abuse awareness will be paramount with all staff training records up to date and correct. Think 25 ID policy in place with UV ID checking and smart money checking to ensure no counterfeit notes accepted.

b) The prevention of crime and disorder

Digital CCTV capture – stored for 28 days for staff and patron safety
All staff trained on image capture and download procedures - designated person who can access the CCTV system on duty at all times
CCTV cameras on all doors, entrances and exits to the building and in garden.
Money checking to prevent fraudulent notes being taken

c) Public safety

Our strong record on meeting all the objectives and being a responsible retailer of alcohol.
We would use CCTV recording in all areas of the premises

Join 'local business groups' to share best practices and possible conflict issues / shoplifting etc

d) The prevention of public nuisance

Responsible retailer of alcohol for many years. Independent business owner with over 20 years in the licence trade, 10 years in my own company through 5 different premises.

Full staff training on spotting substance and alcohol abuse

Training on non confrontational customer interaction.

e) The protection of children from harm

Robust think 25 policy with strict ID UV checking and recording.

CCTV image capture of faces as they enter the building.

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NOTES ON DEMONSTRATING ENTITLEMENT TO WORK IN THE UK

Continued from previous page...

Entitlement to work/immigration status for individual applicants and applications from partnerships which are not limited liability partnerships:

A licence may not be held by an individual or an individual in a partnership who is resident in the UK who:

- does not have the right to live and work in the UK; or
- is subject to a condition preventing him or her from doing work relating to the carrying on of a licensable activity.

Any premises licence issued in respect of an application made on or after 6 April 2017 will become invalid if the holder ceases to be entitled to work in the UK.

Applicants must demonstrate that they have an entitlement to work in the UK and are not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity. They do this in one of two ways: 1) by providing with this application copies or scanned copies of the documents listed below (which do not need to be certified), or 2) by providing their 'share code' to enable the licensing authority to carry out a check using the Home Office online right to work checking service (see below).

Documents which demonstrate entitlement to work in the UK

- An expired or current passport showing the holder, or a person named in the passport as the child of the holder, is a British citizen or a citizen of the UK and Colonies having the right of abode in the UK [please see note below about which sections of the passport to copy].
- An expired or current passport or national identity card showing the holder, or a person named in the passport as the child of the holder, is a national of a European Economic Area country or Switzerland.
- A Registration Certificate or document certifying permanent residence issued by the Home Office to a national of a European Economic Area country or Switzerland.
- A Permanent Residence Card issued by the Home Office to the family member of a national of a European Economic Area country or Switzerland.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder indicating that the person named is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK.
- A **current** passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK.
- A **current** Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the UK, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A certificate of registration or naturalisation as a British citizen, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.

Continued from previous page...

- A **current** passport endorsed to show that the holder is allowed to stay in the UK and is currently allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder which indicates that the named person can currently stay in the UK and is allowed to work relation to the carrying on of a licensable activity.
- A **current** Residence Card issued by the Home Office to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights or residence.
- A **current** Immigration Status Document containing a photograph issued by the Home Office to the holder with an endorsement indicating that the named person may stay in the UK, and is allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A Certificate of Application, **less than 6 months old**, issued by the Home Office under regulation 18(3) or 20(2) of the Immigration (European Economic Area) Regulations 2016, to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence.
- Reasonable evidence that the person has an outstanding application to vary their permission to be in the UK with the Home Office such as the Home Office acknowledgement letter or proof of postage evidence, or reasonable evidence that the person has an appeal or administrative review pending on an immigration decision, such as an appeal or administrative review reference number.
- Reasonable evidence that a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence in exercising treaty rights in the UK including:-
 - evidence of the applicant's own identity – such as a passport,
 - evidence of their relationship with the European Economic Area family member – e.g. a marriage certificate, civil partnership certificate or birth certificate, and
 - evidence that the European Economic Area national has a right of permanent residence in the UK or is one of the following if they have been in the UK for more than 3 months:
 - (i) working e.g. employment contract, wage slips, letter from the employer,
 - (ii) self-employed e.g. contracts, invoices, or audited accounts with a bank,
 - (iii) studying e.g. letter from the school, college or university and evidence of sufficient funds; or
 - (iv) self-sufficient e.g. bank statements.

Family members of European Economic Area nationals who are studying or financially independent must also provide evidence that the European Economic Area national and any family members hold comprehensive sickness insurance in the UK. This can include a private medical insurance policy, an EHIC card or an S1, S2 or S3 form.

Original documents must not be sent to licensing authorities. If the document copied is a passport, a copy of the following pages should be provided:-

- (i) any page containing the holder's personal details including nationality;
- (ii) any page containing the holder's photograph;
- (iii) any page containing the holder's signature;
- (iv) any page containing the date of expiry; and
- (v) any page containing information indicating the holder has permission to enter or remain in the UK and is permitted to work.

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If the document is not a passport, a copy of the whole document should be provided.

Your right to work will be checked as part of your licensing application and this could involve us checking your immigration status with the Home Office. We may otherwise share information with the Home Office. Your licence application will not be determined until you have complied with this guidance.

Home Office online right to work checking service

As an alternative to providing a copy of the documents listed above, applicants may demonstrate their right to work by allowing the licensing authority to carry out a check with the Home Office online right to work checking service.

To demonstrate their right to work via the Home Office online right to work checking service, applicants should include in this application their 9-digit share code (provided to them upon accessing the service at <https://www.gov.uk/prove-right-to-work>) which, along with the applicant's date of birth (provided within this application), will allow the licensing authority to carry out the check.

In order to establish the applicant's right to work, the check will need to indicate that the applicant is allowed to work in the United Kingdom and is not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity.

An online check will not be possible in all circumstances because not all applicants will have an immigration status that can be checked online. The Home Office online right to work checking service sets out what information and/or documentation applicants will need in order to access the service. Applicants who are unable to obtain a share code from the service should submit copy documents as set out above.

Section 20 of 21

NOTES ON REGULATED ENTERTAINMENT

Continued from previous page...

In terms of specific **regulated entertainments** please note that:

- Plays: no licence is required for performances between 08:00 and 23:00 on any day, provided that the audience does not exceed 500.
- Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08:00 and 23:00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
- Indoor sporting events: no licence is required for performances between 08:00 and 23:00 on any day, provided that the audience does not exceed 1000.
- Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08:00 and 23:00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
- Live music: no licence permission is required for:
 - o a performance of unamplified live music between 08:00 and 23:00 on any day, on any premises.
 - o a performance of amplified live music between 08:00 and 23:00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - o a performance of amplified live music between 08:00 and 23:00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
 - o a performance of amplified live music between 08:00 and 23:00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - o a performance of amplified live music between 08:00 and 23:00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
- Recorded Music: no licence permission is required for:
 - o any playing of recorded music between 08:00 and 23:00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - o any playing of recorded music between 08:00 and 23:00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - o any playing of recorded music between 08:00 and 23:00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.

Continued from previous page...

- Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
- Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
 - o any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
 - o any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
 - o any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
 - o any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.

Section 21 of 21

PAYMENT DETAILS

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

Premises Licence Fees are determined by the non domestic rateable value of the premises.

To find out a premises non domestic rateable value go to the Valuation Office Agency site at http://www.voa.gov.uk/business_rates/index.htm

Band A - No RV to £4300	£100.00
Band B - £4301 to £33000	£190.00
Band C - £33001 to £87000	£315.00
Band D - £87001 to £125000	£450.00*
Band E - £125001 and over	£635.00*

*If the premises rateable value is in Bands D or E and the premises is primarily used for the consumption of alcohol on the premises then you are required to pay a higher fee

Band D - £87001 to £125000	£900.00
Band E - £125001 and over	£1,905.00

There is an exemption from the payment of fees in relation to the provision of regulated entertainment at church halls, chapel halls or premises of a similar nature, village halls, parish or community halls, or other premises of a similar nature. The costs associated with these licences will be met by central Government. If, however, the licence also authorises the use of the premises for the supply of alcohol or the provision of late night refreshment, a fee will be required.

Schools and sixth form colleges are exempt from the fees associated with the authorisation of regulated entertainment where the entertainment is provided by and at the school or college and for the purposes of the school or college.

If you operate a large event you are subject to ADDITIONAL fees based upon the number in attendance at any one time

Capacity 5000-9999	£1,000.00
Capacity 10000 -14999	£2,000.00
Capacity 15000-19999	£4,000.00
Capacity 20000-29999	£8,000.00
Capacity 30000-39999	£16,000.00
Capacity 40000-49999	£24,000.00
Capacity 50000-59999	£32,000.00
Capacity 60000-69999	£40,000.00
Capacity 70000-79999	£48,000.00

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Capacity 80000-89999 £56,000.00
Capacity 90000 and over £64,000.00

* Fee amount (£)

DECLARATION

* I/we understand it is an offence, liable on conviction to a fine up to level 5 on the standard scale, under section 158 of the licensing act 2003, to make a false statement in or in connection with this application.

Ticking this box indicates you have read and understood the above declaration

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

* Full name

* Capacity

* Date / /
dd mm yyyy

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

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

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

IT IS AN OFFENCE LIABLE TO SUMMARY CONVICTION TO A FINE OF ANY AMOUNT UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED

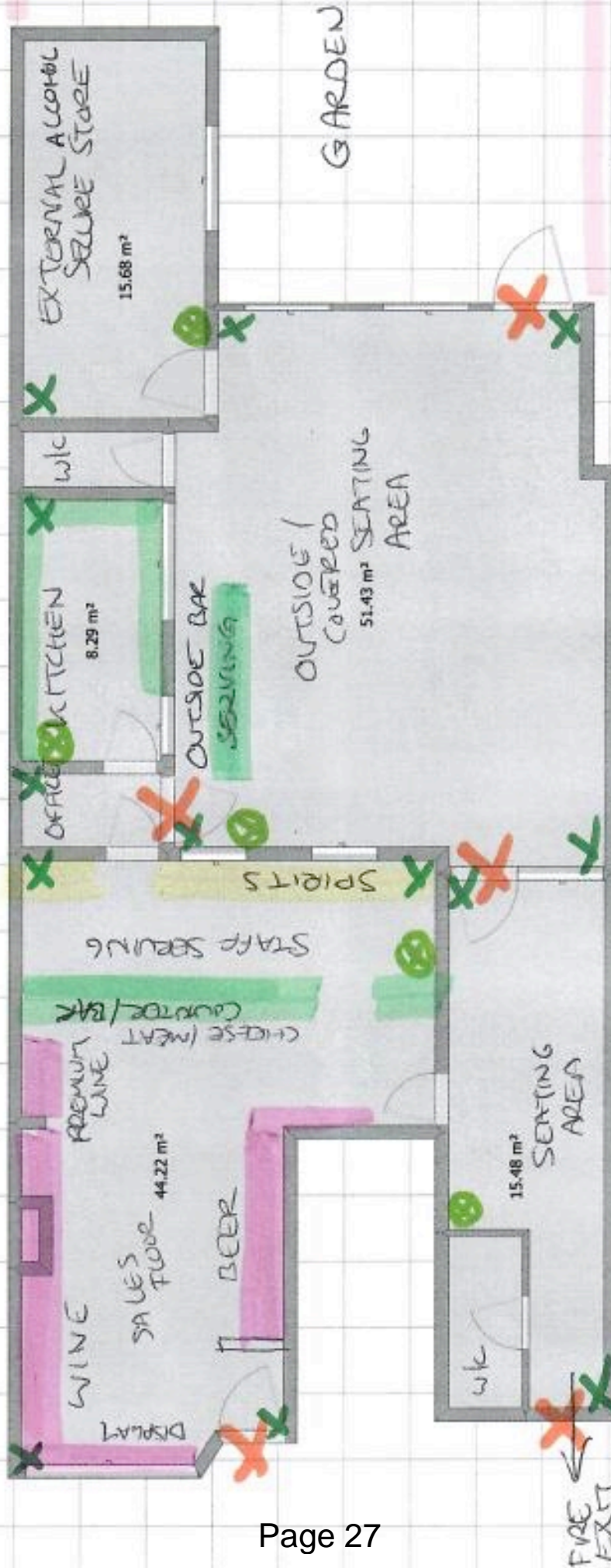
OFFICE USE ONLY

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Fee paid	<input type="text"/>
Payment provider reference	<input type="text"/>
ELMS Payment Reference	<input type="text"/>
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Payment authorisation date	<input type="text"/>
Date and time submitted	<input type="text"/>
Approval deadline	<input type="text"/>
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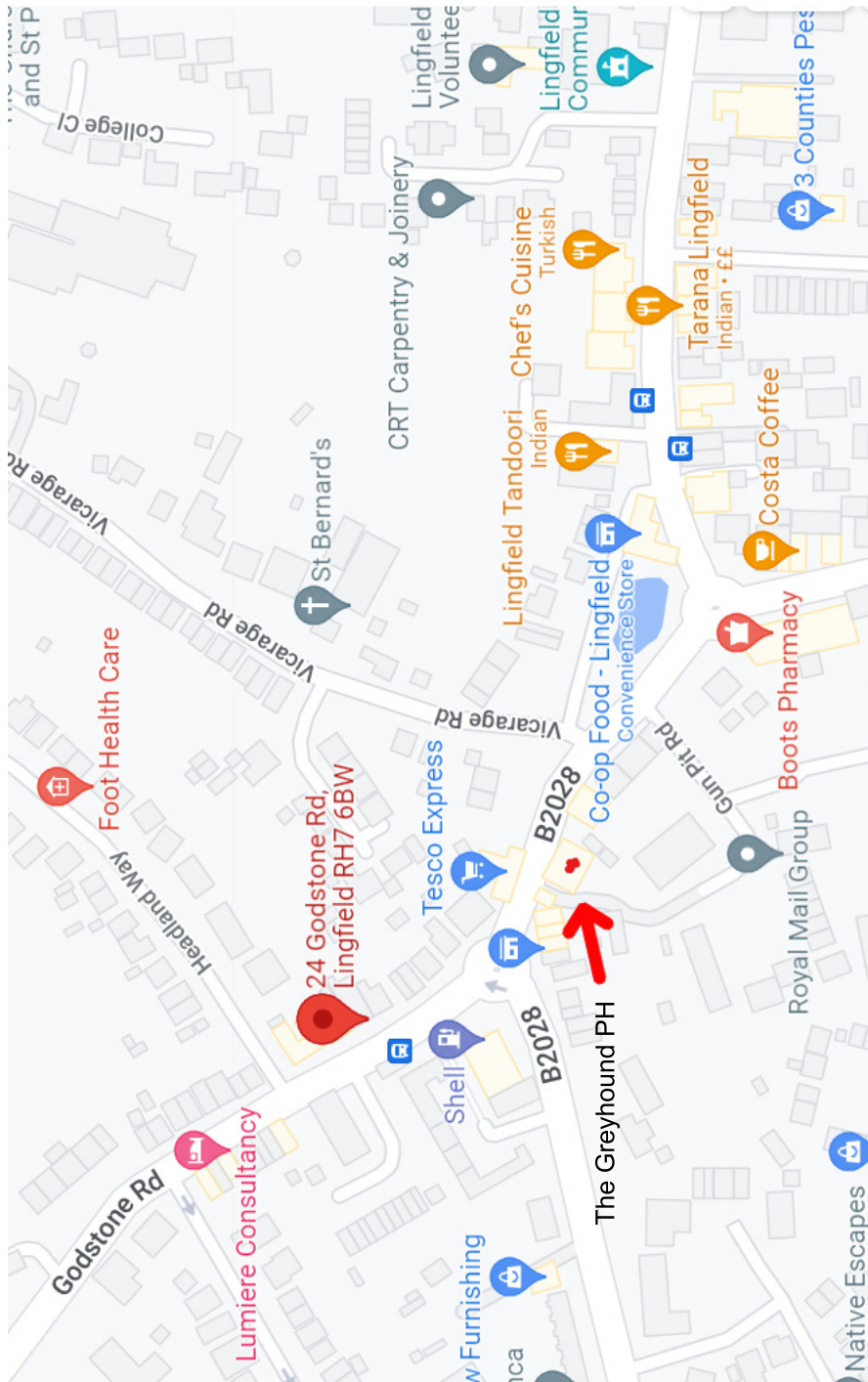
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PROPOSED WINE MERCHANT / DELI IN LINGFIELD



- X CCTV POINT
- X FIRE EXIT
- FIRE / SAFETY EQUIPMENT

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Representations from Lingfield Parish Council



28th July 2022

Tandridge District Council
 Council Offices
 Station Road East
 Oxted
 RH8 0BT

Dear Sirs

Representation in response to Application for Premise Licence by Andrew Dawson, in the name of Vino V Ltd (Company No 07153918) 22 Godstone Road Lingfield RH7 6BW

Proposed Licencing hours (same as opening hours)

	open	close
Monday to Thursday	10.00	21.00
Friday & Saturday	10.00	23.00
Sunday	10.00	20.00

Variance Christmas Eve opening at 08.00

In 2022 Christmas Eve falls on a Saturday so potentially will be open 08.00 to 23.00
 Lingfield Parish Council wishes to register its objection to the application on the following issues:

1. Prevention of Crime and Disorder

Lingfield has six retail outlets which are licenced (or which have personal licences) to sell alcohol for consumption off the premises and five where alcohol can be consumed on the premises. These are nearly all in the central part of the village, which has less than 2,000 households. The central part of the village is a service centre for the wider countryside around it and has the Lingfield Park Resort close by, which is the busiest racecourse in the country. The local economy supports a range of convenience or mini supermarkets, several restaurants and coffee shops as well as a few service businesses. There is a long history of criminal activity directed towards the local shops, especially where cigarettes and alcohol are sold and for cash. Some of the criminal activity involves the use of vehicles being driven into the shop front to break through the windows and in one case, the owner and his family were

attacked in their flat above the shop, whilst it was being ransacked. As the police no longer operate out of local stations, it can take on average 30 to 40 minutes to the police to attend an incident where the shop has no staff present, so most shop owners have put in additional protections to deter the most aggressive types of breaking and entering.

The following table shows some of the measures in place to protect the retail outlets:

Premises	Opening Hours	Additional protections
Shell Garage, 1 Godstone Road	06.00 to 22.00	Roll down shutter bollards in front of glass shop front CCTV
Seven Day Grocer & Post Office, 26 Godstone Road	07.30 to 20.00 Sunday 08.00 to 15.00	Roll down shutter bollard in front of the shop CCTV
Bobby's Convenience Store, 3 New Buildings Newchapel Road	06.00 to 21.00 Sunday 07.00 to 14.00	Owners live above the shop Bollards in front of shop CCTV
Tesco Express, Plaistow Street	07.00 to 23.00	Bollards in front of entrance Cash machine was going to be installed but following first break in, was withdrawn CCTV
The Co-Op, High Street	07.00 to 22.00	Roll down shutters CCTV
Mc Colls, 10 East Grinstead Road	06.00 to 18.00 Sunday 07.00 to 15.00	Internal shutters CCTV bollards in front of shop

Please note that some other shops have additional protections as their former use involved selling of alcohol

Former newsagent with licence to sell alcohol now a pet hydrotherapy/shop 31 High Street	Internal shutters CCTV Bollards in front of shop
Former off licence now a barber 2 New Buildings Newchapel Road	Internal shutters CCTV Bollards in front of shop

Premises with licence to serve alcohol for consumption on site in the village:

Bengal Village 64 High Street	14.30 to 23.00 Sunday 12.00 to 21.30	CCTV
Thai Lounge /Tarana High Street	Friday & Saturday 12.00 to 14.00 & 17.00 to 00.00 Rest of week 12.00 to 14.00 & 17.00 to 23.00	CCTV
Lingfield Tandoori 9 High Street	17.00 to 23.00	CCTV
The Greyhound Plaistow Street	10.00 to 23.00 Sunday 12.00 to 22.00	CCTV
The Star Inn Church Road	Thursday – Saturday 11.00 to 23.00 Monday – Wednesday 11.00 to 22.00 Sunday 12.00 to 21.00	CCTV Not in the centre of the village

The above information not only provides evidence of a sufficiency of locations to purchase alcohol in the village but also clearly show a serious risk to property in doing so. The shutters and bollards have a very negative visual impact on the community but are a necessity because of the frequency of the organised breaking and entering that does occur in the village.

Another licenced establishment which doesn't just sell alcohol but also serves alcohol, is only going to add to the ongoing policing issues regarding the protection commercial property.

Number 22 Godstone Road is in a potentially vulnerable position; it has no bollards or currently shutters to protect the windows. It has a wooden side gate to provide access to the rear of the property, which once opened, can be closed again to keep any further breaking and entering, out of sight. The side alley is roofed, adding to the cover afforded to potential criminal activity.

In terms of the opening hours, the application proposes opening to 11pm on Fridays and Saturdays, which means it is likely to allow for an extension of the times and venues where alcohol is available for sale. Only the Tesco Express will be open as late and the late opening at No 22 will bring more customers into the more residential area of the village – there are houses either side of the shops in this parade.

Regarding the drinking on the premises, again the proposed opening hours are longer than the nearest pub which could encourage patrons to move onto this premises when the Greyhound closes, bringing noise and disturbance further out of the centre of the village. Where the restaurants serve alcohol, their patrons usually have meals and traditionally can emerge at the end of the evening less drunk than from pubs and wine bars. The rear garden of No 22 is very long and surrounded on all sides by residential properties and their gardens and the potential for noise to create disturbance to the family homes may result in provocative and aggressive behaviours from either the customers

when they are requested to be quieter; or from the residents when they are antagonised by the customers. A wine bar in a residential setting is a potential flash point, especially in the summer when families are trying to get children to sleep with windows open and patrons in the garden. It is completely unrealistic to expect people drinking alcohol to be able to or even want to talk very quietly. If there is background music as well, that adds to the ambient noise level and could make the issue more incendiary where residents may feel 8pm on a Sunday evening is completely intolerable and take matters into their own hands.

Add to this concern that Lingfield Parish Council have that the location of a drinking venue will impact the levels of crime and disorder over a wider area in the village, the effect of the Racecourse. With Lingfield Park Resort being the busiest racetrack in the country, with more races being run here than any other racecourse in the country. The racecourse draws customers in with music nights, which improves their business returns, mostly on Saturday nights in the summer. The racecourse is supposed to shut down at 10pm and completely cleared its site of customers by 10.30pm. The distance to the proposed wine bar is not beyond walking distance from the racecourse and stays open to 11pm. It may potentially become a dropping off location for a night-cap or collection of drinks for the journey home, organised by minibuses and nominated drivers, with a large lay-by opposite.

Lingfield village finds the after-effects of drunk and disorderly racecourse customers on the innocent patrons of the restaurants and the owners of residential properties along their route into the village to get more alcohol, **very** unpleasant. The very worst behaviours are witnessed, and police response is becoming almost the normal outcome of every music night held at the racecourse. Whilst the racecourse is happy to divest themselves of their responsibility for pouring up to 10,000 drunk and disorderly customers out of their gates, the worst elements seem to end up causing trouble in the village. Adding another venue where these people can sit and drink more, which is likely to be considerably cheaper than at the racecourse, and where they can also buy more drink to take out with them, is only going to add to the potential for disorderly behaviours that the police will end up dealing with.

We note, there does not appear to be a “last orders” period at the end of the evening, before the venue closes, which will allow customers both to consume and purchase more alcohol right up to closing time. There are no other venues like this at this in the village and it will possibly become a magnet for serious alcohol abuse and resultant misbehaviour.

2. Public Safety

The plan supplied along with the application indicates CCTV will be used to cover all areas as a measure of ensuring public safety. As the full extent of the garden is not shown, nor is there information to indicate numbers and locations of the external coverage, we are concerned the outside area is not sufficiently covered.

As the garden extends more than 25.5 metres from the covered outside area, our concern is that any CCTV cameras would need to be positioned at a fairly low level so as not to infringe the neighbouring properties privacy (direct views into the windows and gardens), the scope of view could be impaired by people or objects, even temporarily, blocking the image of the rest of the garden. The garden area would also require adequate lighting to allow recording to be effective (as well to prevent trips and falls in a darkened outdoor space). This lighting could possibly be refused, or time constrained in any planning application for change of use, in order to protect the amenity of the residential properties adjacent.

Would this level of coverage by CCTV require one trained and allocated member of staff to monitor the screens and be able to provide the police with tapes should they request them?

Can this level of staffing be conditioned into any licence? For safety of the staff and customers, would a minimum level of staffing be conditioned? A member of staff in the kitchen is not going to be able undertake any CCTV monitoring as they will have food and kitchen safety rules to adhere to. If an incident were to occur at the end of the garden, there may be a delay before staff are aware and to respond to any incident.

Regarding fire safety, the Parish Council would like to ask the council to request the fire service have an input in the capacity limits of the site, given the narrow exits onto the street and that fire exits into the garden do not lead to a suitable assembly area as there is no alternative exit other than going back through the shop or side alley way. Could the fire service assess the combustibility of the materials on the roof and gate to the side entrance as customers may have reduced capacity to behave appropriately under stress, should a serious incident occur.

Can it be conditioned that an appointed first aider is always on site when the premises is open?

3. Public Nuisance

The Parish Council believes the issues identified in the first section overlap into this section. Without an indication of the staffing levels on the premises when it is open, there is little we can do to predict the public order issues that may be generated as a result. There is almost no routine police coverage of the area and numbers of officers allocated locally is set to reduce due to resourcing issues. There is little sympathy from the police when complaints are made about rowdy and drunken behaviour are made and attendance is not provided unless there is a serious behaviour breach or criminal damage. Outside of the premises, the venue has no control over the amount of alcohol their former customers will drink. The village already suffers from the unacceptable behaviour from the drunken rascals who enter the village to find alcohol

before they leave for home, with individuals vomiting and defecating into people's property, aggravating existing customers in the venues they enter and continuing with loud and loud and antisocial behaviour until they leave.

The location of a licenced premises at No 22 is not acceptable for the residential nature of the vicinity, especially if the outpourings of the race music events find there way to a wine bar where they can sit and drink more.

4. Protections of children from harm

Lingfield has a significant proportion of children in its population (16% under the age of 16, ONS 2011 data). Any exposure to the inappropriate side effects of overindulgence in alcohol is detrimental to them and potentially a physical risk (accidents, aggression, etc). The garden area of the premises is surrounded on 3 sides by residential accommodation which houses mainly families. Any exposure to loud noise, especially during the weekend and from early evenings onwards, will impact their well being and could affect their sleep. As has been stated earlier, people drinking tend to talk more loudly and this needs to be considered when determining this application.

Conclusions

Lingfield Parish Council are very concerned that the granting of this licence will be very detrimental to the character of the village and have a broadly detrimental impact on residents. We oppose this application on the grounds above and consider the applicant's business model shows that they are not a fit and proper person to manage this premises, given the current state of the company's finances.

Please could you confirm whether this application will be determined by the licencing committee as we feel it would be in the better interests of our village if it was.

Yours faithfully

Mrs Fay Elwood
Clerk to the Council

Representations from members of the public**1. Ms Sarah Carr**

I wish to make a representation against the granting of a premises licence application at 24 Godstone Road, Lingfield due to concerns that the substantially large area allowed for seating in the outside covered area and late opening hours will create a public nuisance to nearby residents.

The application describes the main purpose of the premises as being a wine merchant/deli holding occasional "wine and cheese pairing events" however, with more than 50% of the total floor area designated for seating/consumption, 2 bars (with spirit dispensers) and regular hours similar to that of a public house, the intended use appears to be more akin to a wine/cocktail bar which seems inappropriate with residential gardens surrounding the outside boundaries of the premises.

2. Martin & Claudette Edwards

In relation to the proposed premises licence application on 24 Godstone road, I have some huge concerns on how this, if approved, will directly affect my quality of life at home, my children's health & Safety as well as my general concern for the immediately effected neighbours and roads. My garden immediately co-joins with 24 Godstone road and therefore I hugely object to any garden activity.

I have attached a few images so you can see how close to my property/my children the proposed outdoor seating & bar would be, as well as the surrounding gardens which are also all residential with young families. I will also add that the images are taken from out of the babies' windows which are both at the back of the house, directly over the proposed area. We only moved into the property in April, and I am in absolute bits that we have literally just moved here with our young family (one of 2 years & one of 3 months old) and now a potential bar being put at the bottom of my garden.

I am a big supporter of improving our village and high street, and if the proposal was for a retail wine merchants & deli supplying meats and cheese etc only, that you can purchase alcohol up to closing retail time of 6pm, to be consumed off the property, then this would be lovely. However, I do not see, how in such a residential area with a mix of young families and elderly, how an outside wine bar, in the middle of family gardens, ANY day of the week is acceptable. The footprint on the application also shows the outside bar to be more than double the size of the indoor bar insinuating that it would be an outdoor drinking bar with the inside smaller deli as an afterthought. As does the title 'The Drunken Cow'

When looking at the other establishments in the village that serve alcohol, both the pubs are dated from the 16th century, so anyone who currently lives close by (unless over 400 years old) will have known there was a pub there before buying the property. The Star backs onto a field with no immediate neighbours and the Greyhound onto a car park, again with no immediate neighbours. All the Indian/Thai restaurants have no outdoor seating, therefore privacy and noise effecting neighbouring gardens in not effected. They also serve full meals not just 'deli nibbles' so will attract a different demographic. The one establishment that serves alcohol, that has a small handful of outdoor tables (Chef's Cuisine) which is 90% indoors and 10% outdoors. Again, being a restaurant attracts diners and is not in the centre of family gardens, as it is on the road with a car park at the rear not disturbing any residents' rights to peace & tranquillity.

I have therefore listed below my reasons/concerns for objection which I will send to the Licensing Team as advised:

Prevention of Crime and Disorder

- Whilst I am sure measures will be put in place inside the premises, drunkenness and anti-social behaviour once visitors have left the premises cannot be monitored, which could therefore result in additional crime, disruption and criminal damage in the local vicinity, due to inebriated patrons, leaving at all through the day and at closing time.

Public Safety

- No concern

Public Nuisance

Due to our house & Garden being literally the other side of the fence (co-joining), we feel this is not only public nuisance but also personally to our family and the other families immediately attached.

- **Noise Pollution** - We will have absolutely no peace & quiet to enjoy our garden as a family
- The daily noise will be distressing for our dog who will be on the other side of the fence.
- The noise will disrupt my children's sleep (as they are very young, they still nap in the day so having garden drinkers will affect my children in the day time, not just evening)
- The noise once the bar is shut also hugely concerns me, whilst visitors wait for taxis, or walk up residential roads, which they have had to park on, due to no parking for the proposed bar. this will be particularly noisy in summer when bedroom windows will be left open.

- Noise of bottle/barrels being delivered/refilled.
- **Litter pollution** - Potential litter being put over our fence (including bottles & Cigarette butts)
- **Light Pollution** - I presume there would be outdoor lighting for the outdoor seated area, which would come through not only my children's bedroom windows but our kitchen diner, which we relax in every evening. Come winter I presume there would be outdoor heaters which again would be additional light pollution.
- **Smell pollution** - in an outdoor drinking setting there is always a number of people that smoke, due to the close proximity to my house/Garden we would be able to smell this. There is also the potential of food smell too (which we already get from the Baguette Bar)

Protection of children from harm

Although there seems to be measures in place to protect children from harm visiting the premises, there has been an oversight at protecting children as a result of the premises opening.

- Littering - Hugely concerned at the risk of litter, bottles & cigarette butts being thrown over fence where my children play. They are at an age of picking up and putting things in their mouths which is a health & safety concern
- Exposing my children to potential inappropriate conversation and swearing which comes with drinking alcohol. My children are at a very impressionable age.
- Disrupting my children's sleep, with their bedroom windows being only metres away. Not only by noise but also light, as in the winter months there will no doubt be outside garden lighting/patio heaters. My children have day time naps and sleep is hugely detrimental to their health and wellbeing.
- Smell pollution into my garden from smoking, is again an effect on my children and the surround gardens with children.

On Lingfield race days, the village is already disturbed with drunk & disorderly behaviour from unsavoury characters that flood up to the establishments that serve alcohol, after drinking all day, and as you can imagine their first spot would be a wine bar with a massive sunny garden, especially on summer days, instead of inside a curry house, and this would just be absolutely awful for my family on the other side of the fence, who would most likely be having a quiet bbq or the kids be in the paddling pool. It gives me huge anxiety and I am losing sleep over it.

This will also de-value our house as any potential buyer will surely have the same concerns as we do, regarding the close proximity of a venue serving alcohol all day and evening. We moved to Headland Way as it is a quiet, family orientated residential road, with a mixture of young families and elderly, which we imagined to be a great place for our kids to grow up, however with the proposed plans being set out, I am in fear that this will no longer be the case.

As previously stated, we would welcome a new shop, which is selling local produce and wines, to be consumed off site, in the comfort of people's homes, however, the reality of a wine bar that serves alcohol to be drunk at the end of our garden until 11pm at night on Fridays and Saturdays, and 9pm through the other days of the week, and everything that comes with this type of establishment, we believe, is completely unacceptable and would completely ruin our way of life, peace, privacy and children's health & wellbeing.





3. Ms Venetia Jagoe

I am objecting to the above application due for several reasons.

Firstly, it is going to cause a problem with the strong possibility of noise and disturbance of an evening. We have enough of this around the area from the Greyhound Public House.

We have five shops in the Village which sell wine and alcohol, one of which is the Post Office next door to the proposed which could mean they would not be able to continue trading and we could then lose the Post Office which is a lifeline for us here as there are so many elderly people who are unable to travel, I know how difficult it is.

We had a shop selling wine a few years ago and through lack of custom closed down.

Another is parking as it is already a problem and although in Jenny Lane we have our designated parking bays, the public think they can come and park without thought of the residents. Also, the worry about crime as we are just a small area and any disorderly people could easily cause a problem, something we have experienced in the past requiring police attendance.

There is also the safety of children who are picked up and dropped off near the proposed venue.

4. Mr. Andrew Lawrence

As a very local resident to the application for 24 Godstone Road Lingfield to be turned into the drunken cow I am very concerned.

Firstly I'm all for new local businesses but not this one in this location, we have no qualms with the shop being a deli /wine merchants to sell to passing customers but the idea that they can be serving alcohol on the premises and be open until 11pm is not really acceptable.

Additional noise , drunken unsociable behaviour with local residents to deal with some of whom have young children.

Then to mention the parking , anybody trying to visit the shop and staying for anytime will just park wherever they please on an already dangerous road we're everybody just parks in the bus stops , disabled bays , blocking people's driveways (mine included).

As mentioned prior I think the shop as a whole is a good idea but not for it to be a bar that's going to put a lot of local residents noses out of joint and it is certainly not the correct location for it.

5. Mrs Sara Nogosek

I would like to register my objection to the licensing application for the wine bar/deli at 24 Godstone Road.

We have 3 small children and the premises are adjacent to our property. The noise and language that usually accompany such environments are not appropriate for impressionable young children. We moved to the village to enjoy the quiet family garden and would hate for this to be ruined by such a venue so close by.

We are also concerned about the rising crime and anti social behaviour that we seem to be experiencing in the village, which could only increase with a bar and late night drinking.

Please take this as our formal objection to the application.

6. Ms Philippa Osterfield

I am writing to stongly object to the proposed notice of application for new premises licence for the Drunken Cow, Walsall House, 24 Godstone Road, Lingfield.

I live nearby, which I purchased in April this year. My biggest concern is that will be a public nuisance for me and all the other houses near 24 Godstone Road. With the late licensing times I feel this will have many disruptions for all that live in the proximity of the new proposed establishment.

I have listed the examples:

- Noise pollution from the garden and the proposed outdoor bar area - with customers being loud and could be drunk
- Litter pollution
- Light pollution from lighting up of the back of the premises
- Smell pollution from smoke

There is already a shop (Post office) that sells alcohol next door, Tesco, Co-op, McColls and Bobby's convenience store do we really need 6?

We already have 3 Indian restaurants in Lingfield, which I never understood how the planning department allowed that, please don't make the mistake of having four establishments selling alcohol. I think we have enough problems of crime of property damage caused through alcohol abuse.

There are plenty of pubs and restaurants in and around Lingfield where food and alcohol can be consumed on site, we do not need another that comes at the expense of the privacy and peacefulness of the residences nearby.

I am all for having new trade for Lingfield, but I really feel that adding extra outlets for selling alcohol is not the answer.

7. Mr Rod Shorey & Mrs Gillian Shorey

In spite of this shop facing 4 competing liquor licences already issued within 100 meters, this application would be more palatable to its neighbours if it were just a retail wine merchants with a deli supplying more than meats, cheeses and snacks. Extending hours to 2300 hours on Friday and Saturday would be a problem. From the plan, it seems evident its main purpose is to be a Wine Bar, as the outside covered seating area served by a second bar is 2½+ times larger than the inside seating and then there is the garden in addition. Commenting on the Licensing Act 2003 objectives:

Prevention of crime & disorder

We do not doubt that the security arrangements and training proposed will be effective in mitigating any crime & disorder within the bars and shop, but they will have no legal means or effect over what might occur outside the premises, particularly when the opening hours are extended.

Public safety

No comment. The applicant's experience speaks for itself.

Public Nuisance

There is no doubt this will increase nuisance for the surrounding flats and houses. The previous three (failed) coffee shops catered mainly for mothers and pre-school age children, whose use of the covered area and garden mainly occurred when most neighbours were at work and activities and noise were restricted to school hours (when older siblings were collected), holidays and special party events for children. Peace reigned from 5pm onwards. Adults using the outside covered area and garden would be very different. There is sheltered housing, almshouses, over 65 age restricted housing - all within shouting distance of the bar. Jenny Lane opposite has a predominance of residents over the age of 60. There is no parking space allocated to the shop and evening parking on the slots and bays is used by residents of the flats and adjacent houses when they return from work. From current parking nuisance, it is clear that shoppers are unwilling to walk more than 50 meters to use this parade of shops. Double yellow lines and timed parking restrictions do not deter them.

Protection of children from harm

Actions proposed relate to the inside of the premises. It should be noted that the 2 bus stops and bus parking layby each side of the road outside the premises are used daily by multiple school buses and transport. Mornings would not be a problem but late afternoons and early evenings after school sporting activities / matches, would require extra vigilance.

8. Dr Graham Staunton

I would like to strongly object to the licensing of this property for its planned purpose as a wine merchant and deli, with alcohol consumed on and off the premises. I live nearby, and I am very concerned about the effect that such an establishment would have on the noise levels in the area; particularly around the night time as it is planned to stay open until 11pm. I believe it is likely to attract rowdy crowds and I understand it has outdoor seating. The disturbance this would cause is likely to affect me and all the neighbouring families that live nearby.

I would therefore like this representation to be considered in the application for the license.

APPENDIX F

APPENDIX F

From: andy
Sent: 28 July 2022 11:47
To: Ian Garrod <IGarrod@tandridge.gov.uk>
Subject: LICENCE APPLICATION

Concessions

As per our telephone conversation, having taken into account reasonable objections from local residents, we are willing to make the following alterations to alleviate their concerns.

- We will revise the opening hours down to 10pm on Friday and Saturday night
- A section of 4 meters deep along the back of the garden perimeter which won't be accessible by patrons of our venue to act as a sound buffer.
- Planting will be used in the external fencing of the garden to act as a sound absorber to minimise noise transference from all sides of the garden.

We have tried to address the majority of the concerns of the residents.

Kind Regards

Andy Dawson
Owner & Director
REFRESHERS INDEPENDENT WINE MERCHANT

#SOREFRESHING



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Revised Guidance issued under section 182 of the Licensing Act 2003

Licensing objectives and aims

1.2 The legislation provides a clear focus on the promotion of four statutory objectives which must be addressed when licensing functions are undertaken.

1.3 The licensing objectives are:

- The prevention of crime and disorder;
- Public safety;
- The prevention of public nuisance; and
- The protection of children from harm.

1.4 Each objective is of equal importance. There are no other statutory licensing objectives, so that the promotion of the four objectives is a paramount consideration at all times.

1.5 However, the legislation also supports a number of other key aims and purposes. These are vitally important and should be principal aims for everyone involved in licensing work. They include:

- protecting the public and local residents from crime, anti-social behaviour and noise nuisance caused by irresponsible licensed premises;
- giving the police and licensing authorities the powers they need to effectively manage and police the night-time economy and take action against those premises that are causing problems;
- recognising the important role which pubs and other licensed premises play in our local communities by minimising the regulatory burden on business, encouraging innovation and supporting responsible premises;
- providing a regulatory framework for alcohol which reflects the needs of local communities and empowers local authorities to make and enforce decisions about the most appropriate licensing strategies for their local area; and
- encouraging greater community involvement in licensing decisions and giving local residents the opportunity to have their say regarding licensing decisions that may affect them.

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). Under the 2003 Act ‘premises’ can mean any place. Events authorised under a TEN will therefore not always be in a building with a formal address and can take place, for example, in public parks and plots within larger areas of land. In all cases, the premises user should provide a clear description of the area in which they propose to carry on licensable activities, including whether the premises are, for example, an open field or a beer tent. Local authorities and “relevant persons” (see below) may wish to make enquiries where appropriate to satisfy themselves of the exact location for where a TEN is being given.

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 licence 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 15 times in a calendar year;
- 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 may be subsequently withdrawn by the TEN user by giving the licensing authority a notice to that effect no later than 24 hours before the beginning of the event period specified in the TEN. Otherwise, the TEN will be included within the limits of TENs allowed in a given calendar year, even if the event does not go ahead.

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 15 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. Under Schedule 3 of the 2003 Act, the licensing authority must also keep a record of such matters including any notice of withdrawal of a TEN, any counter notice to a TEN given following an objection by a relevant person and any TEN received following modification. If requested to do so, a licensing authority must supply a person with a copy of the information contained in any entry in its register. Each licensing authority must also provide facilities for making the information contained in the entries in its register available for inspection by any person during office hours and without payment. Licensing authorities may wish to consider bringing TENs to the attention of local councillors and residents by making their register available online or including relevant details of a TEN when it is received, along with notice of licence applications on the authority's website. 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 – even where the statutory limits on numbers are being observed. The premises user who signs the form is legally responsible for ensuring that the numbers present do not exceed the permitted limit at any one time. In cases where there is reason to doubt that the numbers will remain within the permitted limit the premises user should make clear what the nature of the event(s) is and how they will ensure that the permitted persons limit will not be exceeded. For example, where notices are being given for TENs simultaneously on adjacent plots of land it may be appropriate for door staff to be employed with counters. In each case it is important that licensing authorities and relevant persons can consider whether they believe that the premises user intends to exceed the 499 person limit, or will be unable to control or know whether the limit will be exceeded. Where the planned activities are likely to breach the statutory limits or undermine the licensing objectives, it is likely to be appropriate for the police or EHA to raise objections.

7.36 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

7.37 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

7.38 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.

7.39 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.

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.

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TANDRIDGE DISTRICT COUNCIL - STATEMENT OF LICENSING POLICY 2015

4. FUNDAMENTAL PRINCIPLES

4.1 The Act requires that the Council carry out its various licensing functions so as to promote the following four licensing objectives:

- the prevention of crime and disorder
- public safety
- the prevention of public nuisance
- the protection of children from harm

Each objective is of equal importance

4.2 Nothing in the 'Statement of Licensing Policy' will:

- undermine the rights of any individual to apply under the Act for a variety of permissions and have any such application considered on its individual merits, and/or
- override the right of any person to make representations on an application or to seek a review of a licence or certificate where provision has been made for them to do so under the Act.

4.3 Licensing is about regulating licensable activities on licensed premises, by qualifying clubs and at temporary events within the terms of the Act. Any conditions attached to various authorisations will be appropriate for the promotion of the licensing objectives and proportionate to what they are intended to achieve.

4.4 The Council will, as far as possible, avoid attaching conditions that replicate offences that are set out in the 2003 Act or other legislation.

4.5 The Council acknowledges that licensing law is not the primary mechanism for the general control of anti-social behaviour by individuals once they are away from the premises and beyond the direct control of the individual, club or business holding the licence, certificate or authorisation concerned.

4.6 Conditions attached to authorisations will be focused on matters which are within the control of individual licence holders and others with relevant authorisations, i.e. the premises and its vicinity.

4.7 The Council would prefer a personal licence holder to be on the premises when alcohol is supplied. If the personal licence holder is absent from the premise for a brief period of time, they will still be responsible for the actions of those they authorise to make such sales. It is recommended that authorisations to sell alcohol should be in writing.

5. THE DECISION MAKING PROCESS

5.1 The powers of the Council as the licensing authority under the Act may be carried out by the Licensing Committee, by a Licensing Sub-Committee or by one or more officers acting under delegated authority.

5.2 In the interests of speed, efficiency and cost-effectiveness to all parties involved in the licensing process, the Council has established a scheme of delegation to deal with

applications received under the Act and the Table attached at Appendix 1 sets out the delegation of decisions and functions to the Licensing Committee, Licensing Sub-Committee and Officers. This is the scheme recommended by the Secretary of State in guidance to Licensing Authorities issued under section 182 of the Act.

5.3 This form of delegation is without prejudice to Officers referring an application to a Licensing Sub-Committee, or a Licensing Sub-Committee to the Licensing Committee, if considered appropriate in the circumstances of any particular case.

5.4 Officers will notify District Councillors of applications for new premises licences and club premises certificates and of standard variations to such licences and certificates in their Ward.

5.5 Applications for new premises licences and club premises certificates and of variations to such licences and certificates dealt with by Officers will be reported to the next meeting of the Committee for the purposes of information only, but there will be no opportunity to reverse delegated decisions.

5.6 In respect of each of the four licensing objectives:

- applicants will need to provide evidence to the Licensing Authority that suitable and sufficient measures, as detailed in their operating schedule, will be implemented and maintained, relevant to the individual style and characteristics of their premises and events;
- reference will need to be made as to whether additional measures will be taken on a permanent basis or a specific occasion such as when a special event or promotion is planned, which is intended to, or is likely to attract larger audiences.

5.7 When considering applications, the Licensing Authority will have regard to:

- this Policy;
- current guidance issued under Section 182 of the Licensing Act 2003;
- the Licensing Act 2003 generally;
- any supporting regulations;
- the licensing objectives more specifically;
- mandatory conditions specified by Order by the Secretary of State;
- the Council's *current* Community Safety Strategy;
- representations from the Responsible Authorities and other persons;
- and case law.

5.8 Where a notice of hearing is given to an applicant, the applicant will normally be given copies of all the representations made. Representations can be made in opposition to, or in support of, an application and must be directly relevant to one or more of the four licensing objectives.

5.9 Representations must be submitted on paper or by approved electronic means.

5.10 The Police as a responsible authority are an essential source of advice and information on the impact and potential impact of licensable activities, particularly on the crime and disorder objective. Due weight shall be given to what representations the Police make or do not make with regard to an application. A similar approach will be taken to representations made by the other responsible authorities for matters that fall within their remit.

5.11 The Licensing Authority acting in its capacity as a responsible authority will not normally act on behalf of other parties where those parties may make representations etc in their own right.

5.12 Where no representation has been made on an application, the proposals contained in the operating schedule to promote the licensing objectives, where appropriate, shall be replicated in the form of clear and enforceable licence conditions.

8. TEMPORARY EVENT NOTICES

8.1 If an activity will last not more than 168 hours and is for no more than 499 people, a full licence for a licensable activity is not required and a Temporary Event Notice (TEN) can be served on the Council, the Police and Environmental Health (EH). There are two types of TEN, a standard TEN and a late TEN.

8.2 A standard Temporary Event Notice TEN must be received by the Council, the Police and EH at least 10 clear working days before the function. The 10 working days does not include the day on which the notice is received or the day of the event. Bank Holidays, public holidays and weekends are not counted as working days. A late TEN must be received by the Council, the Police and EH at least five but no more than nine clear working days before the function.

8.3 There must be at least 24 hours before the next temporary event at the same premises if it is organised by the same person or his/her associate. So the same person(s) cannot run two consecutive temporary events at the same premises without a break. No premises may be used for temporary events on more than a total of 21 days in any calendar year, and no premises may have more than 12 temporary events in any calendar year.

8.4 A person who does not hold a Personal Licence may submit 5 standard TENs or 2 late TENs a year, whilst a Personal Licence holder may submit 50 standard TENs or 10 late TENs a year.

8.5 The Police and Environmental Health (EH) can object to the TEN and, if they do not object, the function can go ahead. In the event that the Police or EH object to a standard TEN, the application must be heard by the Licensing Authority. There will be no hearing if the Police or EH object to a late TEN and the event will not be permitted. District Councillors can inform the Police or EH should they have concerns about particular TENs.

8.6 Conditions may be applied to TENs if the authority consider it appropriate for the promotion of the licensing objectives, providing the conditions are already imposed on a premises licence or club premises certificate that has effect in respect of the same premises, or any part of the same premises, as the temporary event notice, and the conditions would not be inconsistent with the carrying out of the licensable activities under the temporary event notice.

8.7 Applicants should ensure that they have attached the correct postage, because if it is not correct, delivery of the application may be delayed or refused.

9. THE PREVENTION OF CRIME & DISORDER

9.1 The essential purpose of the licence or certificate in the context of this objective is to regulate the behaviour of persons whilst on licensed premises, or in the immediate vicinity of the premises as they seek to enter or leave.

9.2 The Licensing Authority will expect applicants to include in their operating schedules the steps they propose to take to reduce/deter crime and disorder, both inside and in the immediate vicinity of the premises. These steps will vary from premises to premises and according to the type of licensable activities that are to be carried on. When addressing crime and disorder the applicant should initially identify any particular issues (having regard to the particular type of premises and/or activities) which are likely to adversely affect the promotion of the crime and disorder objective. Such steps as are required to deal with these identified issues should be included within the applicant's operating schedule. In particular, the Licensing Authority will expect applicants to consider addressing, as appropriate, the following matters in their operating schedules-

- Physical security features e.g. use of toughened drinking glasses

- Procedures for the risk assessment of promotions such as 'happy hours' in order to
- minimise the potential for crime and disorder
- The use of licensed door supervisors
- Amount of seating to be provided
- Training given to staff in crime prevention measures
- Protocols agreed with the Police to reduce crime

Events offering alcohol and music and dancing to large numbers of patrons (over 5000) or events of a nature that may attract illegal drug users or suppliers will also be expected to include the following

- Search procedures
- Measures to prevent the use or supply of illegal drugs
- Details of CCTV video cameras and audio recording equipment (including the position and siting of each camera and the period of time for which recordings are to be retained)

Where alcohol is to be sold for consumption on the premises, the applicant is advised to be a member of the local Pubwatch scheme.

9.3 Applicants are recommended to seek advice from the Licensing Section and Surrey Police, as well as taking into account the current Tandridge Community Safety Strategy before preparing their operating schedules.

9.4 In addition to the requirement for the Licensing Authority to promote the licensing objectives, it also has a duty under Section 17 of the Crime and Disorder Act 1998 to exercise its functions with due regard to the likely effect of the exercise of those functions on, and to do all it reasonably can to prevent, crime and disorder in the District.

9.5 The Licensing Authority recognises that public houses, nightclubs, restaurants, hotels, theatres, private members clubs, concert halls and cinemas all sell alcohol, serve food and provide entertainment but with contrasting styles and characteristics. In considering an application for a licence or certificate, due regard will be given to those differences and the differing impact these will have on the local community.

10. PUBLIC SAFETY

10.1 Licences may be sought for a wide range of premises, including, cinemas, concert halls, theatres, nightclubs, public houses, cafes/restaurants and fast food outlets/takeaways.

10.2 The physical safety both of performers and persons attending licensable activities on these premises is a primary objective for the Licensing Authority. The risk to public safety will vary according to the type of premises and the activities in respect of which the applicant seeks approval.

10.3 Conditions that may benefit a person's general health are currently outside the licensing authority's powers under the 2003 Act.

10.4 Where appropriate, the Licensing Authority will expect the applicants to consider including in their operating schedules the steps they propose to take to promote public safety e.g. the use of door supervisors. Applicants are advised to seek advice from the Licensing Unit and the Surrey Fire and Rescue Service before preparing their operating schedules.

10.5 The Department of Communities and Local Government (DCLG) makes available technical guidance on the range of fire safety measures which will need to be considered to deliver compliance via the gov.uk website: <https://www.gov.uk/workplace-fire-safety-your-responsibilities>