

<b>Report to the Licensing Sub-Committee – Wednesday 30<sup>th</sup> June 2021 at 6.30pm</b>	
<b>OBJECTION TO TEMPORARY EVENT NOTICE - SANDHILLS FARM, OUTWOOD LANE, BLETCHINGLEY, RH1 4NL</b>	
Report of:	Ian Garrod, Licensing Officer - Tel: 01883 732794 <a href="mailto:licensing@tandridge.gov.uk">licensing@tandridge.gov.uk</a>
Purpose of Report:	To consider the objection to a Temporary Event Notice made by Surrey Police.
Publication status:	Unrestricted.
Recommendation:	Members are requested to consider the temporary event notice served, the objection received and determine whether to give a counter notice under section 105 of the Licensing Act 2003. A counter notice will render any licensable activities provided unlawful.  <b>Reasons for the Recommendation</b> This Sub-Committee has the power to determine this application in accordance with the provisions of the Licensing Act 2003 and the Council's Constitution.
Appendices:	Appendix 'A' – Temporary Event Notice 0031 Appendix 'B' – Covid Risk Assessment Appendix 'C' – Supporting Document, Risk Assessment Appendix 'D' – Map of the Area Appendix 'E' – Police objection Appendix 'F' – Supporting Police Evidence Appendix 'G' – Relevant sections of Guidance issued under Section 182 of the Licensing Act 2003 Appendix 'H' - Relevant sections of Tandridge District Council Licensing Policy

## 1. Introduction

- 1.1 Authorisation from the Council is required for the sale or supply of alcohol, the provision of regulated entertainment and the provision of late night refreshments.
- 1.2 While most large-scale or permanent businesses will hold Premises Licences to authorise their activities, the Licensing Act 2003 also provides a light-touch mechanism for smaller, infrequent events, known as Temporary Event Notices ('TEN').
- 1.3 An individual (known as the "premises user") may serve a TEN, where it is proposed to use the premises concerned to provide one or more licensable activities for a period not exceeding 168 hours for less than 500 persons.
- 1.4 A TEN must be given to the licensing authority in the form prescribed in regulations made under the Licensing Act 2003. The form requires the user to describe key aspects of the proposed event, including the general nature of the premises and the licensable activities intended to take place.

- 1.5 A TEN was received on 15 June 2021 and Surrey Police submitted an objection on 19 June 2021.
- 1.6 The police or environmental health 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. This must be given within three working days of the receipt of the TEN.
- 1.7 Where a licensing authority receives an objection notice it is required, by section 105(2) of the Licensing Act 2003 to:
  - a) hold a hearing to consider the objection notice, unless the premises user, the relevant person who gave the notice and the licensing authority agree that a hearing is unnecessary; and
  - b) having regard to the objection notice, give the premises user a counter notice if it considers it appropriate for the promotion of a licensing objective to do so.
2. The Temporary Notice
  - 2.1 The proposed premises user is Christopher Baldwin.
  - 2.2 The temporary event notice was received on 15 June 2021 and is attached to Appendix 'A' of this report. Attached as a PDF.
  - 2.3 The temporary event notice was received on 15 June 2021 and is attached to **Appendix 'A'** of this report. Attached as a PDF.
  - 2.4 The event is described as follows: A small 1 day over 18s private event for friends and associates of the organisers. Entertainment will consist of amplified, pre-recorded music, there will also be a paid bar. to be held in a field at Sandhills Farm, Outwood Lane, Bletchingley, RH1 4NL
  - 2.5 The licensable activities and hours intended to be carried at the premises are:

On 11<sup>th</sup> September 2021 the Licensable Hours applied for are: 1200 - 2300

The licensable activities applied for are: Sale of Retail Alcohol, the Provision of Regulated Entertainment
  - 2.6 It is proposed that a maximum of 350 people will attend the event.
  - 2.7 The premises user provided supporting documents with the TEN, as attached at **Appendices 'B'** and **'C'**. The contents of these documents do not form part of the TEN and would not be conditions of the TEN if allowed and are for information only.
  - 2.8 A map of the area is attached at **Appendix 'D'** showing the location of where the event will take place.
  - 2.9 This was accompanied by supporting evidence from when the applicant previously applied for a TEN in 2018 which had a Counter Notice served on it and current documentation supplied with this application which appears to be of a similar nature, attached at **Appendix 'F'**.

### 3 Consultation / Objection Notice

- 3.1 The TEN was sent to Environmental Health and the Police on 16 June 2021, the day after it was received by the Licensing Authority.
- 3.2 On 19 June 2021, an objection was received from Surrey Police on the grounds of the prevention of crime and disorder and public safety. A copy of the police objection is attached at Appendix E.
- 3.3 No objection was received from Tandridge Council's Environmental Health Team.

### 4 Policy & Guidance – Points for Consideration

#### 4.1 Section 182 Guidance

The most relevant paragraphs of the Section 182 Guidance issued by the Secretary of State in relation to the Sub Committees decision are set out below and must be considered by the Sub Committee:

- 1 Licensing objectives and aims
- 7 Temporary Event Notices (TENs)
- 9 Hearings

The relevant sections of Section 182 Guidance is provided at **Appendix 'G'**

Members are required to have regard to the Home Office revised guidance in carrying out the functions of licensing authority. However, guidance does not cover every possible situation, so long as the guidance has been properly and carefully understood, Members may depart from it if they have reason to do so. Full reasons must be given if this is the case.

#### 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 Objectives
- 8 - Temporary Event Notice
- 9 - The Prevention of Crime and Disorder
- 10 - Public Safety

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

### 5. Legal Considerations

- 5.1 Section 104 of the Licensing Act 2003 provides that where a 'relevant person' (i.e. the Chief Officer of Police or the Environmental Health Service) are satisfied that allowing a premises to be used in accordance with a temporary event notice would undermine a licensing objective, that 'relevant person' is required to give a notice ("an objection notice") stating the reasons for being so satisfied.

- 5.2 Where a licensing authority receives an objection notice it is required, by section 105(2) of the Licensing Act 2003 to:
- a) hold a hearing to consider the objection notice, unless the premises user, the relevant person who gave the notice and the licensing authority agree that a hearing is unnecessary; and
  - b) having regard to the objection notice, give the premises user a counter notice if it considers it appropriate for the promotion of a licensing objective to do so.
- 5.3 In circumstances where an objection notice has been given (and not withdrawn) and the licensing authority has determined not to give a counter notice under section 105, the authority may impose one or more conditions on the standard temporary event notice if:
- a) the authority considers it appropriate for the promotion of the licensing objectives to do so;
  - b) if the conditions are already imposed on the premises licence that has effect in respect of the premises; and
  - c) the conditions would not be inconsistent with the carrying out of the licensable activities under the temporary event notice.
- 5.4 The Sub Committee is asked to determine the notification of this TEN under Section 105 of the Licensing Act 2003 and to consider whether or not counter notice should be issued in the circumstance. It must only issue a counter notice if they believe the event would undermine the crime prevention and public safety objectives set out in the Act.
- 5.5 As a quasi-judicial body the Sub Committee is required to consider the temporary event notice on its merits. The Sub Committee must take into account only relevant factors, and ignore irrelevant factors. The decision must be based on evidence, that is to say material, which tends logically to show the existence or non-existence of relevant facts, or the likelihood or unlikelihood of the occurrence of some future event, the occurrence of which would be relevant. The licensing sub-committee must give fair consideration to the contentions of the police objection.
- 5.6 The Sub-Committee must also ensure that all licensing decisions:
- a) have a direct relationship to the promotion of one or more of the four licensing objectives;
  - b) have regard to the Council's statement of licensing policy;
  - c) have regard to the Secretary of State 182 Guidance;
  - d) must not be subject to a blanket policy to the extent that it is applied so rigidly that an exercise of discretion in each individual case is precluded.

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