



**LICENSING COMMITTEE - LICENSING HEARING**  
**(SUB-GROUP E)**

**22 August 2012 at 2.00 pm**

***Council Chamber, Argyle Road, Sevenoaks***

**AGENDA**

**Membership:**

Pett (Substitute), Raikes and Walshe

(Composition: Each Sub-Committee will contain three Members of the Licensing Committee. Any member of the Licensing Committee may act as a substitute on any of the Licensing Sub-Committees.)

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**IMPORTANT INFORMATION**

If an interested party (e.g. a parish or town council) has not made a "relevant representation" (section 18(6) and (7) of the Licensing Act 2003), it will not receive a notice of the hearing (Reg. 6(1) Hearings Regulations). The interested party will not, therefore be "a party to the hearing" (Reg. 2 Hearings Regulations). There will therefore be no right to address the hearing (Reg. 16 Hearings Regulations).

The above also applies to a Member i.e. if s/he does not make a "relevant representation" s/he will not be a "party to the hearing" and has no right to address the hearing unless appointed by "a party to the hearing" to assist or represent that party".

Would you please note that all the reports/information listed on this agenda are available from the Democratic Services Team on request (01732 227241). Alternatively you can make an appointment to view the information at the District Council Offices by contacting the Licensing Partnership Manager on 01732 227325.

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1. Appointment of Chairman
2. Declarations of interest.
3. Eden Park, Den Cross, Roman Road, Marsh Green, Kent. (Pages 1 - 22)  
(Edenbridge - Edenbridge South & West)

1. Procedure at Sub-Committees of the Licensing Committee (established in accordance with Section 9 of the Licensing Act 2003)
  - 1.1 In accordance with Section 9 (1) of the Licensing Act 2003, the Licensing Committee has resolved to establish five Sub-Committees, each consisting of three members of the Committee.
  - 1.2 The Sub-Committees have delegated authority to determine those functions that are reserved for decision by the Sub-Committees in accordance with Appendix B of the Council's Statement of Licensing Policy dated 7 January 2011.
  - 1.3 Hearings shall be conducted in accordance with this Procedure Note and The Licensing Act 2003 (Hearings) Regulations 2005 subject to the right of the Sub-Committee to vary that procedure at their absolute discretion if considered in the public interest.
  - 1.4 The quorum for a Sub-Committee shall be two members.
  - 1.5 At the commencement of each hearing the Sub-Committee shall elect one of its members as Chairman.
  - 1.6 The order of business at hearings shall be:
    - (a) Election of Chairman.
    - (b) Declarations of interests.
    - (c) Chairman explains the procedure to be followed at the hearing, including the setting of equal time limits for all parties and the granting of adjournments.
    - (d) Chairman ascertains who is assisting or representing the parties.
    - (e) Applicant (or his/her representative) addresses the Sub-Committee.
    - (f) Applicant questioned by members. At the discretion of the Sub-Committee, other parties may be permitted to question the applicant.
    - (g) Persons who have made representations in respect of the application (or their representative) address the Sub-Committee. No issues other than those relevant to their representations may be raised.
    - (h) Members question each party at the conclusion of their address. At the discretion of the Sub-Committee, the applicant may be permitted to question other parties.
    - (i) Sub-Committee may offer the parties a short adjournment to discuss in the absence of the Sub-Committee whether a solution acceptable to all the parties can be put to the Sub-Committee.
    - (j) Applicant (or his/her representative) makes closing address.
    - (k) Sub-Committee may grant a short adjournment. The parties may not speak to members regarding the application during adjournments.

(l) The Sub-Committee considers the application and motions put to accept or reject the application in the terms requested or to grant the application subject to specified conditions. Reasons are to be given for motions.

(m) The parties will be informed of the decision at the hearing or thereafter in accordance with Regulation 26 of the 2005 Regulation.

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HEARING REGARDING POLICE AND ENVIRONMENTAL HEALTH OBJECTIONS TO A TEMPORARY EVENT NOTICE FOR EDEN PARK, DEN CROSS, ROMAN ROAD, MARSH GREEN, KENT TN8 5PW UNDER SECTION 105 (2) OF THE LICENSING ACT 2003

APPLICATION REFERENCE NO: 12/02706/LATEN

Licensing Committee (Hearing) – 22 August 2012

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Report of the:	Community and Planning Services Director
Status:	For Decision
Head of Service	Head of Environment & Operational Services – Mr. Richard Wilson

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**Recommendation:** Members' instructions are requested to determine the Notice and decide whether to:

- To take no action and permit the event in the manner described in the Temporary Event Notice;
- To issue a counter notice (i.e. refuse the event) under s 105 (2) (b) if the sub-committee considers it necessary for the promotion of the prevention of crime and disorder and prevention of public nuisance objectives to do so.

(Note: There is no discretion in this case, to impose a condition on a TEN where it is decided not to give a counter notice, because there is no premises licence or club premises certificate in existence for any part of the premises to which the application relates.)

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### Background

- 1 The procedure for Hearings of Sub-Committees of the Licensing Committee established in accordance with Section 9 of the Licensing Act 2003 is attached to the agenda front page. Temporary Event Notice Guidance is attached at Appendix A.
- 2 The application is made by Mr Alistair James Campbell, Den Cross, Roman Road, Marsh Green, Kent. TN8 5PW for a Temporary Event Notice from 17:00 hours on Friday 31 August 2012 until 02:00 hours on Sunday 2 September 2012. The Temporary Event Notice seeks to allow up to 499 people on the site for the provision of regulated entertainment, sale of alcohol and late night refreshment for a party/small festival. The Temporary Event Notice received on 2 August 2012 is attached as Appendix B.
- 3 The Police Objection Notice received via public access on 7 August 2012 is attached as Appendix C.

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- 4 The Environmental Objection Notice received via public access on 7 August 2012 is attached as Appendix D

### Issues to be decided and options

- 5 Having regard to the Notice and the objections of the two relevant authorities, members must take such steps (mentioned below) as they consider necessary for the promotion of the licensing objectives.

- 6 The steps are:

- To take no action and permit the event in the manner described in the Temporary Event Notice;
- To issue a counter notice (i.e. refuse the event) under s 105 (2) (b) if the sub-committee considers it necessary for the promotion of the prevention of crime and disorder and prevention of public nuisance objectives to do so.

(Note: There is no discretion in this case, to impose a condition on a TEN where it is decided not to give a counter notice, because there is no premises licence or club premises certificate in existence for any part of the premises to which the application relates.)

- 7 The relevant statutory provisions are sections 98 to 110 inclusive of the Licensing Act 2003. The applicable Licensing Objectives are as follows:

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

### Conclusions

Without prejudice, the Officer would like to draw to Members' attention issues that they may wish to consider:

- 8 The decision is to be made with regard to the Licensing Act 2003, Secretary of State's Amended Guidance issued under Section 182 of the Act and the Council's Statement of Licensing Policy under the Licensing Act 2003. Where the decision departs from the Policy or Guidance the departure must be directed solely at the attainment of the prevention of crime and disorder and prevention of public nuisance objectives, and such departure must be supported by clear and cogent reasons
- 9 Members are advised that they may only issue a counter notice if it is appropriate to promote the licensing objectives. The relevant statutory provisions are sections 98 to 110 inclusive of the Licensing Act 2003.

The applicable Licensing Objectives are as follows:

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

- 10 The relevant section of the Guidance issued under section 182 (as amended on 25 April 2012) of The Licensing Act 2003 is Chapter 7
- 11 The Council recommends that at least three months notice be given to hold these events, to allow it to help organisers plan their events safely. Any longer period than this may mean that organisers do not have all the details available at the time of submitting the notice, and any lesser time means that planning may be rushed or haphazard. The law states that at least ten clear working days notice must be given.
- 12 Members of Licensing Sub-Committee are reminded of their duty under section 17 of the Crime and Disorder Act 1998 to consider the crime and disorder implications of their decisions and the Licensing Authority's responsibility to co – operate in the reduction of crime and disorder in the District.

Section 17 of the Crime and Disorder Act 1998 states:

“Without prejudice to any other obligation imposed on it, it shall be the duty of each authority to which this section applies to exercise its various functions with due regard to the likely effect of the exercise of those function on, and the need to do all that it reasonably can to prevent, crime and disorder in its area”

### Human Rights

While all Convention Rights must be considered, those which are of particular relevance to the application are:

- Article 8 - Right to respect for private and family life
- Article 1 of the First Protocol - Protection of Property
- Article 6(1)- Right to Fair Hearing
- Article 10 – Freedom of Expression

Under the Licensing Act 2003 the Licensing Authority has a duty to exercise licensing control in respect of temporary events.

### Risk Assessment Statement

This Hearing is regulated by The Licensing Act 2003 (Hearings) Regulations 2005 No. 44.

All parties to the hearing will receive written notice of the decision. The written notice will be given at least 24 hours before the beginning of the event period specified in the Temporary Event Notice. The parties may appeal the decision to the Magistrate's Court

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within 21 days of the day that the appellant was notified by the licensing authority of the decision appealed against, subject to the appeal being brought at least 5 working days before the day on which the event is proposed to commence.

Sources of Information: [http://www.culture.gov.uk/alcohol and entertainment](http://www.culture.gov.uk/alcohol%20and%20entertainment)

Contact Officer(s): Mrs. Leeann Leeds Ext. 7270

KRISTEN PATERSON  
COMMUNITY AND PLANNING SERVICES DIRECTOR



## 7. Temporary event notices (TENs)

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

### GENERAL

- 7.2 The system of permitted temporary activities is 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 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. Unless it is sent electronically, it must be sent to the relevant licensing authority, to the police and local authority exercising environmental health functions at least ten working days before the event (although a premises user may give a limited number of TENs to the licensing authority less than 10 days before the event to which they relate).
- 7.4 If a temporary event notice is sent electronically via Business link or the licensing authority’s own facility, the licensing authority must notify the police and local authority exercising environmental health functions as soon as possible and no later than the first working day after the notice is given.
- 7.5 The police or local authority exercising environmental health functions may intervene to prevent such an event taking place or agree a modification of the proposed arrangements, and their intervention may in some cases result in the licensing authority imposing conditions on a temporary event notice. When giving a temporary event notice, consideration should be given to the four licensing objectives. The licensing authority only otherwise intervenes if the statutory permitted limits on temporary event notices would be exceeded.
- 7.6 A temporary event notice does not relieve the premises user from any requirements under planning law for appropriate planning permission where it is required.

### LIMITATIONS

- 7.7 A number of limitations are imposed on the use of TENs by the 2003 Act. The limitations apply to:
- the number of times a premises user may give a TEN (50 times in a calendar year for a personal licence holder and 5 times in a calendar year for other people);
  - the number of times a TEN may be given for any particular premises (12 times in a calendar year);
  - the maximum length of time a TEN may have effect (168 hours or 7 days);

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- the maximum total duration of the periods authorised by TENs in relation to individual premises (21 days in a calendar year); and
  - the maximum number of people attending at any one time (fewer than 500).
- 7.8 Proposed activities that exceed these limits will require a premises licence or club premises certificate.
- 7.9 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.
- 7.10 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.
- 7.11 There is nothing to prevent notification of multiple events at the same time, provided the first event is at least ten days away (or five 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 events are to take place in the same licensing authority (and police area), and the limits are not exceeded in the case of each notice.

### **WHO CAN GIVE A TEMPORARY EVENT NOTICE?**

#### PERSONAL LICENCE HOLDERS

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

#### NON-PERSONAL LICENCE HOLDERS

- 7.13 The 2003 Act provides that any individual aged 18 or over may give a TEN 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 combinations of licensable activities. In the absence of a premises user holding a personal licence, the 2003 Act limits the number of notices that may be given by any non-personal licence holder to 5 occasions in a calendar year (this limit is inclusive of any late TENs in the same year). In every other respect, the Guidance and information set out in the paragraphs above applies.

**STANDARD AND LATE TEMPORARY EVENT NOTICES**

7.14 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 10 working days before the event to which it relates; and
- a late notice is given not before 9 and not later than 5 working days before the event.

**STANDARD TEMPORARY EVENT NOTICES**

7.15 “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. Working days are Monday to Friday excluding Christmas Day, Good Friday and other Bank Holidays. A notice that is given less than 10 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 be not be authorised.

7.16 The police and local authority exercising environmental health functions 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.

7.17 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**

7.18 Late TENs are intended to be used by premises users who are required for reasons outside their control to, for example, change the venue at short notice. They should not be used save in exceptional circumstances.

7.19 As for a standard TEN, the police and local authority exercising environmental health functions 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. If there is an objection from either the police or local authority exercising environmental health functions, the event will not go ahead. In these circumstances there is no scope for a hearing or the application of existing conditions.

7.20 Late TENs can be given up to five working days but no earlier than nine working days before the event is scheduled and, unless given electronically to the licensing authority, must also be sent by the premises user to the police and local authority exercising environmental health functions. A late TEN given less than five days before the event to which it relates

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will be returned as void and the activities to which it relates will not be authorised. The number of late TENS that can be given in a calendar year is limited to ten for personal licence holders and two for non-personal licence holders. Late TENS count towards the total number of TENS (for example, the limit of five TENS per year for non-personal licence holders and 50 TENS for personal licence holders). Once these limits have been reached, the licensing authority should issue a counter notice (permitted limits) if any more are given.

### **ROLE OF THE LICENSING AUTHORITY**

- 7.21 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 7.7 above). 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.
- 7.22 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.
- 7.23 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.
- 7.24 Where the application is not within the statutory parameters described earlier, the licensing authority will issue a counter notice to the premises user.
- 7.25 Where the TEN is in order, the relevant fee paid, the event falls within the prescribed limits and there has been no objection from the police or local authority exercising environmental health functions on the basis of any of the four licensing objectives, the licensing authority will record the notice in its register and send an acknowledgement to the premises user (which may be given electronically).
- 7.26 If the licensing authority receives an objection notice from the police or local authority exercising environmental health functions 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.

- 7.27 Premises users are not required to be on the premises for the entire duration of 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.
- 7.28 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.
- 7.29 Section 8 of the 2003 Act requires licensing authorities to keep a register containing certain matters, including a record of TENs received. There is no requirement to record all the personal information given on a TEN.

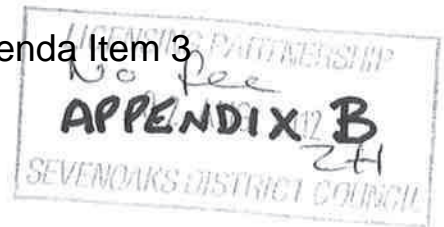
### **POLICE AND ENVIRONMENTAL HEALTH INTERVENTION**

- 7.30 The system of permitted temporary activities gives police and local authorities exercising environmental health functions the opportunity to consider whether they should object to a TEN on the basis of any of the licensing objectives.
- 7.31 Such cases might arise because of concerns about the scale, location, timing of the event or concerns about public nuisance. However, in most cases, where (for example) alcohol is supplied away from licensed premises at a temporary bar under the control of a personal licence holder, (for example, at weddings or small social or sporting events) this should not give rise to the use of these powers.
- 7.32 Each of the police and local authority exercising environmental health functions (as an authorised person) have the right under sections 109(5) and (6) of the 2003 Act to request the premises user 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 Part 8 of the 2003 Act should disorder or noise nuisance be expected or arise.
- 7.33 If the police or local authority exercising environmental health functions 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 three working days of their receipt of the TEN.

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- 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, local authority exercising environmental health functions and the premises user may make representations to the licensing authority. If the police and/or local authority exercising environmental health functions give an objection to a late notice, the TEN will not be valid.
- 7.35 The police or local authority exercising environmental health functions 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. If there is no agreement, the licensing authority must hold a hearing to consider the notice.

31/08 - 02/09/2012



**Temporary Event Notice**

Before completing this notice please read the guidance notes at the end of the notice. If you are completing this notice by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written or typed in black ink. Use additional sheets if necessary.

You should keep a copy of the completed notice for your records. You must send at least one copy of this notice to the licensing authority and additional copies must be sent to the chief officer of police and the local authority exercising environmental health functions for the area in which the premises are situated. The licensing authority will give to you written acknowledgement of the receipt of the notice.

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

<b>1. The personal details of premises user (Please read note 1)</b>	
<b>1. Your name</b>	
Title	Mr <input checked="" type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other (please state)
Surname	CAMPBELL
Forenames	ALISTAIR JAMES
<b>2. Previous names (Please enter details of any previous names or maiden names, if applicable. Please continue on a separate sheet if necessary)</b>	
Title	Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other (please state)
Surname	
Forenames	
<b>3. Your date of birth</b>	Day 02 Month 05 Year 1956
<b>4. Your place of birth</b>	LONDON
<b>5. National Insurance Number</b>	YR 34 39 41D
<b>6. Your current address (We will use this address to correspond with you unless you complete the separate correspondence box below)</b>	
EDEN PARK DEN CROSS	
Post town	EDENBRIDGE
Post code	TN8 5PW
<b>7. Other contact details</b>	
Telephone numbers	
Daytime	07408 804400
Evening (optional)	01732 866 030
Mobile (optional)	07408 804400
Fax number (optional)	
E-Mail Address (if available)	ALISTAIR@CAMPBELLINTERNET.COM
<b>8. Alternative address for correspondence (If you complete the details below, we will use this address to correspond with you)</b>	

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Post town	Post code
9. Alternative contact details (if applicable)	
Telephone numbers: Daytime	
Evening (optional)	
Mobile (optional)	
Fax number (optional)	
E-Mail Address (if available)	

**2. The premises**  
Please give the address of the premises where you intend to carry on the licensable activities or if it has no address give a detailed description (including the Ordnance Survey references) (Please read note 2)

EDEN PARK  
DEN CROSS  
EDEN BRIDGE  
KENT TN8 5PW

544 809E  
144 675N

Does a premises licence or club premises certificate have effect in relation to the premises (or any part of the premises)? If so, please enter the licence or certificate number below.

Premises licence number N/A

Club premises certificate number N/A

If you intend to use only part of the premises at this address or intend to restrict the area to which this notice applies, please give a description and details below. (Please read note 3)

4.5 acre field to north of domestic house 'Eden Park' but fully contained within the boundary of the property per Land Registry entry for 'Eden Park' KS254535

Please describe the nature of the premises below. (Please read note 4)

Eden Park comprises 3.5 acres house and gardens and 4.5 acres of 'park land' field to north bordering Hartfield Road. We will be erecting stage & marquees in the field

Please describe the nature of the event below. (Please read note 5)

Party / small festival for fun with proceeds going to designated charities. Live music bands from 7-midnight on Friday & midday - midnight on Saturday. Lower key and volume recorded music in Marquee after midnight.



<b>3. The licensable activities</b>		
Please state the licensable activities that you intend to carry on at the premises (please mark an "X" next to the licensable activities you intend to carry on). (Please read note 6)		
The sale by retail of alcohol		<input checked="" type="checkbox"/>
The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club		<input type="checkbox"/>
The provision of regulated entertainment		<input checked="" type="checkbox"/>
The provision of late night refreshment		<input checked="" type="checkbox"/>
Are you giving a late temporary event notice? (Please read note 7)		<input type="checkbox"/>
Please state the dates on which you intend to use these premises for licensable activities. (Please read note 8)		
31st August to 2nd September 2012		
Please state the times during the event period that you propose to carry on licensable activities (please give times in 24 hour clock). (Please read note 9)		
17:00 31st August to 02:00 2nd September		
Please state the maximum number of people at any one time that you intend to allow to be present at the premises during the times when you intend to carry on licensable activities, including any staff, organisers or performers. (Please read note 10)		499
If the licensable activities will include the supply of alcohol, please state whether the supplies will be for consumption on or off the premises, or both (please mark an "X" next to the appropriate box). (Please read note 11)	On the premises only	<input type="checkbox"/>
	Off the premises only	<input type="checkbox"/>
	Both	<input checked="" type="checkbox"/>
<b>4. Personal licence holders (Please read note 12)</b>		
Do you currently hold a valid personal licence? (Please mark an "X" in the box that applies to you)		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
If "Yes" please provide the details of your personal licence below.		
Issuing licensing authority		
Licence number		
Date of issue		
Date of expiry		
Any further relevant details		

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<b>5. Previous temporary event notices you have given (Please read note 13)</b>		
Have you previously given a temporary event notice in respect of any premises for events falling in the same calendar year as the event for which you are now giving this temporary event notice? (Please mark an "X" in the box that applies to you)	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
If answering yes, please state the number of temporary event notices you have given for events in that same calendar year		
Have you already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice? (Please mark an "X" in the box that applies to you)	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>

<b>6. Associates and business colleagues (Please read note 14)</b>		
Has any associate of yours given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice? (Please mark an "X" in the box that applies to you)	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
If answering yes, please state the total number of temporary event notices your associate(s) have given for events in the same calendar year	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Has any associate of yours already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice? (Please mark an "X" in the box that applies to you)	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Has any person with whom you are in business carrying on licensable activities given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice? (Please mark an "X" in the box that applies to you)	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
If answering yes, please state the total number of temporary event notices your business colleague(s) have given for events in the same calendar year.	—	
Has any person with whom you are in business carrying on licensable activities already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice? (Please mark an "X" in the box that applies to you)	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>

<b>7. Checklist (Please read note 15)</b>	
<b>I shall (Please mark the appropriate boxes with an "X")</b>	
Send at least one copy of this notice to the licensing authority for the area in which the premises are situated	<input checked="" type="checkbox"/>
Send a copy of this notice to the chief officer of police for the area in which the premises are situated	<input checked="" type="checkbox"/>
Send a copy of this notice to the local authority exercising environmental health functions for the area in which the premises are situated	<input checked="" type="checkbox"/>
If the premises are situated in one or more licensing authority areas, send at least one copy of this notice to each additional licensing authority	<input type="checkbox"/>
If the premises are situated in one or more police areas, send a copy of this notice to each additional chief officer of police	<input type="checkbox"/>

If the premises are situated in one or more local authority areas, send a copy of this notice to each additional local authority exercising environmental health functions	<input type="checkbox"/>
Make or enclose payment of the fee for the application	<input checked="" type="checkbox"/>
Sign the declaration in Section 9 below	<input checked="" type="checkbox"/>

**8. Condition (Please read note 16)**

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


**9. Declarations (Please read note 17)**

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

I understand that it is an offence:

(i) to knowingly or recklessly make a false statement in connection with this temporary event notice and that a person is liable on conviction for such an offence to a fine up to level 5 on the standard scale; and


(ii) to permit an unauthorised licensable activity to be carried on at any place and that a person is liable on conviction for any such offence to a fine not exceeding £20,000, or to imprisonment for a term not exceeding six months, or to both.

Signature	
Date	30 / 7 / 2012
Name of Person signing	ALISTAIR CAMPBELL


For completion by the licensing authority

**10. Acknowledgement (Please read note 18)**

I acknowledge receipt of this temporary event notice.

Signature	 On behalf of the licensing authority
Date	2 / 8 / 12
Name of Officer signing	G. CURTIS

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 <p><b>Kent Police</b></p>	<p>Chief officer of Police Objection Notice in relation to a Temporary Event Notice given under Part 5 Section 100 Licensing Act 2003 (S104 Licensing Act 2003) amended by S115(1) and (2) b The Police and Social Responsibility Act 2011</p>
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**Details of person making objection**

Name of Chief Officer of Police	Chief Inspector Steenhuis
Postal Address	Police Station London Road Swanley Kent BR8 7AG
E-mail address	<a href="mailto:carol.perkins@kent.pnn.police.uk">carol.perkins@kent.pnn.police.uk</a>
Telephone number	101

**The Chief Officer of Police has received a Temporary Event Notice under Section 100 Licensing Act 2003, and under Section 104 of that Act, as amended by Section 114 (1) and (7) of the Police and Social Responsibility Act 2011, asks the Licensing Authority to consider this objection in respect of the following licensing objective**

The prevention of crime and disorder	x
The prevention of public nuisance	x
Public Safety	x
The protection of children from harm	x

**Details of Temporary Event**

Date(s) of the event	31/08/2012 – 02/09/2012
Licensable activities proposed	Sale of Alcohol, provision of late night refreshment and Regulated Entertainment
Hours of licensable activities	17:00 hours 31/08/2012 – 02:00 hours 02/09/2012
Name of premises	Eden Park
Address of premises	Den Cross Edenbridge Kent TN8 5PW
Date TEN received by police	Thursday 2 <sup>nd</sup> August 2012
Date objection notice given to the Licensing Authority and premises user	Tuesday 7 <sup>th</sup> August 2012

## Agenda Item 3

**Due to the circumstances of this case, I am satisfied that allowing the premises to be used in accordance with the notice would undermine the above licensing objective(s) because :**

The applicant has not submitted any supporting documentation outlining the measures that will be taken to effectively manage and control this event. This event is a music festival, albeit on a smaller scale, where people would be camping on the grounds overnight. There are numerous considerations that should be comprehensively covered by a full licence application and consultation process. There are many potential risk factors at an event of this type, and the police concern is that a temporary event notification is insufficient to enable the applicant and indeed the police to confirm and ensure all reasonable measures are being taken to promote the licensing objectives.

The police licensing officer for the Sevenoaks District, PC Mark Beresford, has contacted the applicant by phone, but was unable to meet him in person as he is currently on holiday overseas. An in depth discussion took place over the phone, and it was confirmed that the applicant does not have experience in holding such events, and this would be the first event at this location. The location is not covered by a premises licence, and as such conditions cannot be added to this notification.

The applicant has shown willingness to negotiate and compromise, and from the telephone conversation there appears to have been some level of control measures taken. However it is not possible to cover all considerations over a phonecall, and without being able to attach binding conditions any agreements would be verbal only. This is simply not an acceptable level of risk to take at an event such as this.

**Suggested modifications that could be added to the temporary event notice to remedy the objection or other suggestions the Licensing Committee may take into account are:**

A festival of this nature needs to be covered by a full licence, a temporary event without the ability to add conditions is not suitable. Reducing numbers or times is not a sufficient control measure.

It is recommended that the applicant cancels the event and considers applying for a premises licence. This would also include an Event Management Plan specific to this event outlining the details of what the event involves and how it will be controlled.

This plan should cover the following as a minimum, but not be restricted to:

Management of traffic to and from the site

Security provisions including numbers of stewards working during the festival

Steward/Security duties and how they will be briefed/trained and what level of experience they have in events

Safety provisions for persons staying on site (if overnight camping is provided for any persons)

Risk assessments should be provided identifying each potential hazard and evaluating the risk posed, the level of the risk and measures taken to reduce risks.

Emergency procedures to be followed by the organisers – including communication to emergency services, event team on site and the public.

Fire, Medical and Welfare provisions

Detailed site plan showing layout of structures and access routes

## Agenda Item 3

Signed:

Date: 7<sup>th</sup> August 2012

Print Name Mark Beresford

Force number PC 9923

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## Consultee Comments for Licensing Application 12/02706/LATEN

### Application Summary

Application Number: 12/02706/LATEN

Address: The Cottage Roman Road Marsh Green Kent TN8 5PN

Proposal: Temporary Event Notice

Case Officer: Zoe Hedges

### Consultee Details

Name: Mr Nicholas Chapman

Address: Council Offices Argyle Road, Sevenoaks, Kent TN13 1HG

Email: [nick.chapman@sevenoaks.gov.uk](mailto:nick.chapman@sevenoaks.gov.uk)

On Behalf Of: SDC Environmental Protection

### Comments

Unfortunately I have significant concerns that the proposed event will result in nearby residents being unreasonably disturbed by noise nuisance. Therefore I wish to object to this TEN Application.

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