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democraticservices@southderbyshire.gov.uk

Our Ref: DS
Your Ref:

Date: 13th June 2019

Dear Councillor,

Licensing and Appeals Sub-Committee

Please find enclosed the agenda and supporting information for the Licensing and Appeals Sub-Committee meeting.

The **Licensing and Appeals Sub-Committee** will meet on **Thursday, 20 June 2019**, in the **Council Chamber** at the Civic Offices, Civic Way, Swadlincote. The meeting will commence at **13:30**.

If you require any further information, please contact Democratic Services on the number shown above.

Yours faithfully,



F.B. McArdle
Chief Executive

To:- **Conservative Group**
Councillors Watson and Mrs. Wheelton

Labour Group
Councillor Richards

AGENDA

Open to Public and Press

- 1** Appointment of Chairman
- 2** Apologies.
- 3** To note any declarations of interest arising from any items on the Agenda
- 4** HEARING FOR A TEMPORARY EVENT NOTICE UNDER THE LICENSING ACT 2003-LOCKESTOCK FAMILY CAMPING MUSIC FESTIVAL **3 - 21**

Exclusion of the Public and Press:

- 5** The Chairman may therefore move:-
That in accordance with Section 100 (A)(4) of the Local Government Act 1972 (as amended) the press and public be excluded from the remainder of the Meeting as it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that there would be disclosed exempt information as defined in the paragraph of Part I of the Schedule 12A of the Act indicated in the header to each report on the Agenda.

REPORT TO LICENSING & APPEALS SUB-COMMITTEE

Agenda Item: 4

Hearing Date: 20th June 2019

Contact Officer: Mark Lomas – 01283 595890

HEARING TO CONSIDER THE TEMPORARY EVENT NOTICE - SECTION 105(2) OF THE LICENSING ACT 2003.

Applicant's Name	Richard Locke
Premises Name	Lockestock Family and Camping Music Festival at Broughton Heath Golf Club
Address	Bent Lane, Church Broughton, DE65 5BA

1. PURPOSE

- 1.1 To consider the objection notice submitted by Derbyshire Constabulary and South Derbyshire District Council Environmental Health Department, to the Temporary Event Notice given in respect of the above premises. To consider any supporting evidence given by the Police, the Environmental Health Department officer or the applicant in order to determine whether to issue a counter notice in respect of this Temporary Event Notice.

2. BACKGROUND

- 2.1 The applicant submitted a Temporary Event Notice which was received by South Derbyshire District Council Licensing Authority on Friday 7th June 2019 for the Lockestock Family Camping and Music Festival to be held at Broughton Heath Golf Club from Friday 5th July to Sunday 7th July 2019. **(Appendix 1.)**
- 2.2 The premises is a Golf Club with a bar/function room and a Driving range, the bar/function room holds a premises licence with the Licensing Authority however the golf driving range is not licensed. It is located in a semi-rural area adjacent to Church Broughton Tennis Club with residential dwellings also being located in the vicinity of the premises.
The area denoted for the purpose of this Temporary Event Notice at the premises is the Golf Driving Range area only **(Appendix 2).**

3. APPLICATION DETAILS

- 3.1 The applicant notified the Authority of the following:

Activity	Days	Times
Sale by retail of alcohol for consumption on and off the premises.	Friday 5 th July to Sunday 7 th July 2019	1200hrs to 2300hrs

Regulated Entertainment - Live Music and Recorded Music.	Friday 5 th July 2019 Saturday 6 th July 2019.	1800hrs to 2300hrs 1100hrs to 2300hrs
Opening hours to the public for 450 persons only.	Friday 5 th July to Sunday 7 th July 2019.	1500hrs to 1400hrs

The applicant for the event holds a Personal Licence with South Derbyshire District Council. The licence number is LAPER/1251 and the licence was issued on the 4th April 2019.

- 3.2 The Personal Licence entitles the applicant to sell alcohol or authorise the sale of alcohol in any premises in England or Wales for which a Premises Licence has been granted.
- 3.3 A Personal Licence Holder can hold up to 50 temporary events in any one calendar year and up to 12 events per premises.
- 3.4 Although a person may hold a licence, a Personal Licence should not be seen as evidence of business competence.
- 3.5 A formal objection notice to the Temporary Event Notice has been received from Derbyshire Constabulary who have objected under the Prevention of Crime and Disorder, Public Safety, Prevention of Public Nuisance and Protection of Children from Harm licensing objectives – **(Appendix 3)**.
- 3.6 A formal objection notice to the Temporary Event Notice has also been received from South Derbyshire District Council Environmental Health Officer, John Mills have objected under the Prevention of Public Nuisance licensing objectives – **(Appendix 4)**.
- 3.7 Where an objection notice is given in respect of a Temporary Event Notice the Panel must after having regard to the objection notice decide to take one of the following steps as it considers necessary for the promotion of the licensing objectives:
 - (a) to issue a counter notice to the premises user and to give reasons for this; or
 - (b) not to issue a counter notice.

4. Case for the Applicant

Mr Locke has been invited to attend the hearing.

5. Relevant Guidance and Members options.

- 5.1 When determining and considering the objection members must do so with a view to the promotion of the four licensing objectives;
- (a) The Panel must give appropriate weight to:
- The steps that are appropriate to promote the licensing objectives;
 - The representations presented by all the parties;
 - The Section 182 Guidance; and
 - The Licensing Authority's Statement of Licensing Policy
- (b) The Panel must have regard to any representation made by Derbyshire Constabulary, South Derbyshire District Council Environmental Health Department and the applicant as well as any supporting evidence.
- (c) If the Panel considers it necessary for the promotion of the crime prevention and/or public safety and/or prevention of public nuisance and/or protection of children from harm licensing objective, to do so it must issue a counter notice under Section 105 of the Licensing Act 2003. The effect of such a notice is to prevent the event from taking place. A copy of the notice and reasons for issuing it must be given to the premises user, Derbyshire Constabulary and South Derbyshire District Council's Environmental Health Department. If the Panel decides not to issue a counter notice the event may take place.
- (d) The Panel is asked to note that it may not modify the notice or attach conditions.
- 5.2 Members must only determine the objection representations once they have heard and/or read all the available evidence.
- 5.3 Members must have regard to the Human Rights Act 1998 when determining any representation before them.
- 5.4 Furthermore, Members are reminded that any parties to the hearing, have a right of appeal over any decision they reach.

6. Right of Appeal

- 6.1 If the Panel make a decision to issue a counter notice to prohibit the event, or, not to do so and to allow the event, then either party to the hearing may appeal to the Magistrates' Court within 21 days of notification of the decision.
- 6.2 The Magistrates' Court may:
- (a) Dismiss the appeal;
- (b) Substitute for the decision appealed against any other decision which could have been made by the licensing authority; or
- (c) Remit the case to the licensing authority to dispose of it in accordance with the direction of the court.

APPENDICES

1. Temporary Event Notice submitted by Richard Locke to South Derbyshire District Council on 7th June 2019.
2. Two (2) Aerial Plans of Broughton Heath Golf Club with the location of the site of the TEN denoted thereon.
3. Representation from Derbyshire Constabulary submitted on 12th June 2019.
4. Representation from South Derbyshire District Council Environmental Health Department on 12th June 2019.



**Derbyshire Dales
Temporary Event Notice
Licensing Act 2003**

For help,
licensing@derbyshiredal

Telephone: 0162

Section 1 of 9

* required in

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

Lockestock

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

Are you an agent acting on behalf of the applicant?

☐ Yes

☒ No

Put "no" if you are applying on your own behalf or on behalf of a business you own work for.

Applicant Details

* First name

Richard

* Family name

Locke

* E-mail

Main telephone number

Other telephone number

Include country code.

☐ 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

Business name

VAT number

-

none

If your business is registered, use its registered name.

Put "none" if you are not registered for VAT.

Legal status

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 9

APPLICATION DETAILS (See also guidance on completing the form, general notes and note 1)

Have you had any previous or maiden names?

☐ Yes

☒ No

* Your date of birth

/ /

Applicant must be 18 years of age or older

National Insurance number

This box need not be completed if you are an individual not liable to pay UK national insurance.

Place of birth

Correspondence Address

Is the address the same as (or similar to) the address given in section one?

☒ Yes

☐ No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Continued from previous page...

Additional Contact Details

Are the contact details the same as (or similar to) those given in section one?

☒ Yes

☐ No

If "Yes" is selected you can re-use the detail from section one, or amend them as required. Select "No" to enter a completely new set of details.

E-mail

Telephone number

Other telephone number

Section 3 of 9

THE PREMISES

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

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). (See also guidance on completing the form, note 2)

* Does the premises have an address?

☒ Yes

☐ No

Address

Is the address the same as (or similar to) the address given in section one?

☐ Yes

☒ No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

* Building number or name

Broughton Heath Golf Club

* Street

Bent Lane

District

* City or town

Church Broughton

County or administrative area

Derbyshire

* Postcode

DE65 5BA

* Country

United Kingdom

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

☐ Neither

☐ Premises licence

☒ Club premises certificate

* Club premises certificate number

SDDC/001591

Location Details

* Provide further details about the location of the event

The event will take place on the open field driving range of Broughton Heath Golf Club

Continued from previous page...

If you intend to use only part of the premises at this address or intend to restrict the area to which this notice applies, give a description and details below (see also guidance on completing the form, note 3)

the event will only be held on the course of Broughton Heath Golf club driving range

Describe the nature of the premises below (see also guidance on completing the form, note 4)

The Broughton Heath Golf Club is situated in a non to low residential area

Describe the nature of the event below (see also guidance on completing the form, note 5)

The Event is a Family music camping weekend with live music over 2 days the Event will start on Friday 5th July at 3pm. music to start at 6pm till 11pm Saturday the music will start at 11am till 11pm and the sunday there will be no music and site clear by 2pm

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LICENSABLE ACTIVITIES

State the licensable activities that you intend to carry on at the premises (see also guidance on completing the form, note 6):

- ☒ The sale by retail of alcohol
- ☒ The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club
- ☒ The provision of regulated entertainment
- ☒ The provision of late night refreshment
- ☒ The giving of a late temporary event notice

(See also guidance on completing the form, note 7).

Late notices can be given no later than 5 working days but no earlier than 9 working days before the event.

(See also guidance on completing the form, note 8).

Event Dates

There must be a period of at least 10 working days between the date you submit this form and the date of the earliest event when you will be using these premises for licensable activities.

State the dates on which you intend to use these premises for licensable activities

(see also guidance on completing the form, note 9)

Event start date

05 / 07 / 2019
dd mm yyyy

The maximum period for using premises for licensable activities under the authority of a temporary event notice is 168 hours or seven days.

Event end date

07 / 07 / 2019
dd mm yyyy

Continued from previous page...

State the times during the event period that you propose to carry on licensable activities (give times in 24 hour clock)

1200 to 2300

(see also guidance on completing the form, note 10)

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

450

Note that the maximum number of people cannot exceed 499.

(see also guidance on completing the form, note 11)

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

(see also guidance on completing the form, note 12):

- ☐ On the premises only
- ☐ Off the premises only
- ☒ Both

Section 5 of 9

RELEVANT ENTERTAINMENT (See also guidance on completing the form, note 13)

State if the licensable activities will include the provision of relevant entertainment. If so, state the times during the event period that you propose to provide relevant entertainment

Section 6 of 9

PERSONAL LICENCE HOLDERS (See also guidance on completing the form, note 14)

Do you currently hold a valid personal licence?

☒ Yes

☐ No

Provide the details of your personal licence below.

Issuing licensing authority

South Derbyshire Distric Council

Licence number

LAPER/1251

Date of issue

04 / 04 / 2019
dd mm yyyy

Any further relevant details

Continued from previous page...

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PREVIOUS TEMPORARY EVENT NOTICES (See also guidance on completing the form, note 15)

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?

☐ Yes

☒ No

Have you already given a temporary event notice for the same premises in which the event period:

a) Ends 24 hours or less before; or ☐ Yes

☒ No

b) Begins 24 hours or less after the event period proposed in this notice?

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ASSOCIATES AND BUSINESS COLLEAGUES (See also guidance on completing the form, note 16)

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?

☐ Yes

☒ No

Has any associate of yours already given a temporary event notice for the same premises in which the event period:

a) Ends 24 hours or less before; or ☐ Yes

☒ No

b) Begins 24 hours or less after the event period proposed in this notice?

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?

☐ Yes

☒ No

Continued from previous page...

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:

☐ Yes

☒ No

a) Ends 24 hours or less before; or

b) Begins 24 hours or less after the event period proposed in this notice?

Section 9 of 9

CONDITION (See also guidance on completing the form, note 18)

It is a condition of this temporary event notice that where the relevant licensable activities described in Sections 4 and 5 above include the supply of alcohol that all such supplies are made by or under the authority of the premises user.

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. This formality requires a fixed fee of £21

DECLARATION (See also guidance on completing the form, note 19)

- * 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.
- ☒ 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/temporary-event-notice/derbyshire-daales/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.

OFFICE USE ONLY

Applicant reference number	Lockestock
Fee paid	
Payment provider reference	
ELMS Payment Reference	
Payment status	
Payment authorisation code	
Payment authorisation date	
Date and time submitted	
Approval deadline	
Error message	
Is Digitally signed	<input type="checkbox"/>

[1](#) [2](#) [3](#) [4](#) [5](#) [6](#) [7](#) [8](#) [9](#) [Next >](#)



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Broughton Heath Golf Club

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Broughton Heath Golf Club

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SOUTH DERBYSHIRE DISTRICT COUNCIL
Licensing Act 2003

REPRESENTATION FORM FROM RESPONSIBLE AUTHORITIES
TEMPORARY EVENT NOTICE

Responsible Authority (please delete as applicable):
Police / Environmental Protection

Name	Gareth Fowler
Job Title	Police Constable 3492
Postal and email address	South Divisional Headquarters Saint Marys Wharf Prime Park Way Chester Green Derby DE1 3AB Gareth.fowler.3492@derbyshire.pnn.police.uk
Contact telephone number	

Name of the premises you are making a representation about	LockeStock-The Big Weekend
Address of the premises you are making a representation about	Broughton Golf Course Bent Lane Church Broughton DE65 5BA

Which of the four licensing objectives does your representation relate to?	Yes Or No	Please detail the evidence supporting your representation. Or the reason for your representation. Please use separate sheets if necessary
To prevent crime and disorder	Yes	<p>Please accept this correspondence as notice that it is the intention of the Chief Officer of Police to object to the above temporary events notice submitted on 07/06/2019 in relation to the premises</p> <p>Broughton Golf Course Bent Lane Church Broughton DE65 5BA</p> <p>The objection is based all four of the Licensing Objectives</p> <p>Prevention of Crime and Disorder Prevention of Public Nuisance Public Safety The Protection of Children From Harm</p> <p>The information submitted on the application is;</p> <p><i>The Event is a Family music camping weekend with live music over 2 days the Event will start on Friday 5th July at 3pm. Music to start at 6pm till 11pm Saturday the music will start at 11am till 11pm and the Sunday there will be no music and site clear by 2pm.</i></p> <p>The concerns are that a Temporary Event notice is designed for events that are low risk for no more than 499</p>

		<p>people. As per the 182 guidance this is intended as a 'light touch' approach.</p> <p>The applicant has not provided any evidence to satisfy the Chief of Police that this event is in fact low level and consistent with the guidance for a Temporary Event Notice.</p> <p>The applicant confirms that 300 tickets have been sold already and it is the intention is to continue to sell tickets up until the event.</p> <p>Research has been carried out on social media and this would suggest the event is bigger than first anticipated. There is mention that alcohol will be sold from three bars, for the duration of the event and a number of tribute bands will be performing on a stage.</p> <p>There has been no consultation with the Police or other Responsible Authorities prior to submission of the Temporary Event Notice.</p> <p>There is also a camp site available for weekend but no risk assessment or plan has been submitted for the event. The event is advertised as being much bigger than the description on the Temporary Event</p> <p>It is the opinion that this requires a premises licence which will have adequate conditions attached to it to help promote all four of the Licensing Objectives</p> <p>The applicant has already approached another site with the intention of getting a Premises License for this event. This has not come to fruition and the applicant has moved the event to this venue and with less than a month notice. Therefore there is not enough time to apply for a Premises Licence even though the organiser was going to apply for one initially. The only conclusion therefore is that due to time restraints the applicant has applied a Temporary Event Notice in place of what should be a Premises Licence Application.</p> <p>If this event were to take place under a Premises License then conditions such as operating schedules, Event Safety Management Plans and other conditions all specifically aimed at reducing any incidents that would compromise the Four Licensing Objectives, could be put in place to assist in the safe running of this event.</p> <p>This event has been advertised on social media and this could attract high volumes of interest. There is little confidence that the numbers of people attending would remain below 499.</p> <p>Therefore this submission is made in accordance with section 104 (2) of the Licensing Act 2003.</p>
Public safety	Yes	
To prevent public nuisance	Yes	

To protect children from harm	Yes	

Please detail any modifications that could be made to the temporary event notice to allow the licensable activities to take place.

Conditions cannot be added to this event as it does not hold a premises license and due to the scale of the event I believe that this is vital to the safe running of the weekend.

Signed:



Date: 12/06/19

Please return this form along with any additional sheets to the Licensing Section, South Derbyshire District Council, Council Offices, Civic Way, Swadlincote, Derbyshire, DE11 0AH or email to licensing@south-derbys.gov.uk This form must be returned within the statutory period. For more details please check with the Licensing Office on 01283 595 716/890/724

SOUTH DERBYSHIRE DISTRICT COUNCIL
Licensing Act 2003

**REPRESENTATION FORM FROM RESPONSIBLE AUTHORITIES
TEMPORARY EVENT NOTICE**

Responsible Authority (please delete as applicable):
Police / Environmental Protection

Name	John Mills
Job Title	Senior Environmental Health Officer
Postal and email address	SOUTH DERBYSHIRE DISTRICT COUNCIL, CIVIC OFFICES DE11 0AH. John.mills@south-derbyshire.gov.uk
Contact telephone number	01283 595903

Name of the premises you are making a representation about	Broughton Health Golf Course
Address of the premises you are making a representation about	Bent Ln, Church Broughton, Derby DE65 5BA

Which of the four licensing objectives does your representation relate to?	Yes Or No	Please detail the evidence supporting your representation. Or the reason for your representation. Please use separate sheets if necessary
To prevent crime and disorder		
Public safety		
To prevent public nuisance	YES	The applicant proposes an event offering amplified music for 17 hours across a three day period. The nature of the event is such that there is a high potential for this to impact unreasonably on neighbours. Insufficient detail has been submitted with regards to how noise nuisance will be prevented.
To protect children from harm		

Please detail any modifications that could be made to the temporary event notice to allow the licensable activities to take place.	None
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Signed:

John Mills

Date: 12/06/19

Please return this form along with any additional sheets to the Licensing Section, South Derbyshire District Council, Council Offices, Civic Way, Swadlincote, Derbyshire, DE11 0AH or email to licensing@south-derbys.gov.uk This form must be returned within the statutory period. For more details please check with the Licensing Office on 01283 595 716/890/724