



**Havering**  
LONDON BOROUGH

Licensing Officer's Report



# LICENSING SUB-COMMITTEE

# REPORT

Date 30 June 2015

Subject heading:

Upminster Windmill Field  
St Marys Lane, Upminster  
Temporary Event Notice

Report author and contact details:

Arthur Hunt, Licensing Officer  
5<sup>th</sup> floor Mercury House  
01708 433585

This Temporary Event Notice (TEN) was submitted by Mr Ben Tillson under section 100 of the Licensing Act 2003. The TEN was received by Havering's Licensing Authority on 10 June 2015.

## Geographical description of the area and description of the building

Upminster Windmill is situated in St Marys Lane near to the junction with Cranborne Gardens and opposite Sacred Heart of Mary Girls School. It contains the Upminster Windmill in the north east corner of the field. It is surrounded on three sides by residential properties with an opening onto St Marys Lane itself.

A map of the area is attached.

## Details of the TEN

The TEN was submitted online via the direct.gov.uk website by Mr Tillson on the 10 June 2015. It seeks to provide licensable activity (the supply of alcohol, regulated entertainment and late night refreshment) in the form of an outdoor cinema evening on the 4 July 2015 between 19:00 hours and 23:59 hours for a maximum of 499 people. It seeks to be able to provide these activities both on and off the premises.

Havering's Noise Specialist, Mr Gasson, contacted Mr Tillson to express some concerns and seek some modifications to the timings of the event. Mr Tillson was unwilling to compromise on the timings submitted on the TEN. Therefore Mr Gasson has submitted an objection based on those concerns.

Mr Tillson has run similar events at this location, also by utilising a TEN, on the:-

31 August 2013	hours 1700 – 2200
21 September 2013	hours 1700 - 2300
21 June 2014	hours 1900 - 2330
2 August 2014	hours 1900 - 2300

There was an objection by Mr Gasson to the event for the 21 June 2014 following complaints being made by residents due to the previous two events. A hearing before the Licensing Sub Committee was held on the 21 May 2014, at which they granted the TEN.

### **Objection notice(s)**

Mr Marc Gasson submitted an objection notice against this TEN on the behalf of Havering's environmental health (noise) team. Mr Gasson's concerns are in relation to the prevention of public nuisance licensing objective.

### **Observations**

The role of the Licensing Authority is governed by section 7 of the guidance issued by the Government under section 182 of the Licensing Act 2003.

Para7.34 states

*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.*

Para 7.37 further states;-

*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.*

However, it must be stated that these are not licensed premises, therefore the Licensing Authority cannot impose conditions on the TEN.



Arthur Hunt  
Licensing Officer



**Havering**  
LONDON BOROUGH

Copy of Application

\* required information

**Section 1 of 9**

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

This is the unique reference for this application generated by the system.

Your reference

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?

Yes  No

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

**Applicant Details**

First name

Family name

E-mail address

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

Registration number

Business name

If your business is registered, use its registered name.

VAT number

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  /  /   
dd mm yyyy

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?

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.

Yes  No

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

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

#### Location Details

Give an Ordnance Survey (OS) map reference (if a full address has not been given)  Give an Ordnance Survey (National Grid) reference e.g. TL683365

Provide further details about the location of the event

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 [\(see also guidance on completing the form, note 3\)](#)

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

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

Continued from previous page...

**Section 4 of 9**

**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

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

[\(See also guidance on completing the form, note 7\).](#)

**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

[\(see also guidance on completing the form, note 8\)](#)

Event start date  /  /   
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  /  /   
dd mm yyyy

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

19:00 - 23:59

[\(see also guidance on completing the form, note 9\)](#)

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

499

Note that the maximum number of people cannot exceed 499.

[\(see also guidance on completing the form, note 10\)](#)



*Continued from previous page...*

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

[\(see also guidance on completing the form, note 11\):](#)

- On the premises only
- Off the premises only
- Both

#### Section 5 of 9

#### RELEVANT ENTERTAINMENT [\(See also guidance on completing the form, note 12\)](#)

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

20:30 - 21:30

#### Section 6 of 9

#### PERSONAL LICENCE HOLDERS [\(See also guidance on completing the form, note 13\)](#)

Do you currently hold a valid personal licence?  Yes  No

#### Section 7 of 9

#### PREVIOUS TEMPORARY EVENT NOTICES [\(See also guidance on completing the form, note 14\)](#)

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?

#### Section 8 of 9

#### ASSOCIATES AND BUSINESS COLLEAGUES [\(See also guidance on completing the form, note 15\)](#)

*Continued from previous page...*

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  
b) Begins 24 hours or less after the event period proposed in this notice?  Yes  No

Has any person with whom you are in business carrying on licensable activities given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?  Yes  No

Has any person with whom you are in business carrying on licensable activities already given a temporary event notice for the same premises in which the event period:  
a) Ends 24 hours or less before; or  
b) Begins 24 hours or less after the event period proposed in this notice?  Yes  No

## Section 9 of 9

### CONDITION [\(See also guidance on completing the form, note 17\)](#)

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 [\(See also guidance on completing the form, note 18\)](#)

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

*Continued from previous page...*

\* 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	<input type="text" value="Ben Tillson"/>
Capacity	<input type="text" value="Director"/>
Date	<input type="text" value="09"/> / <input type="text" value="06"/> / <input type="text" value="2015"/> dd mm yyyy

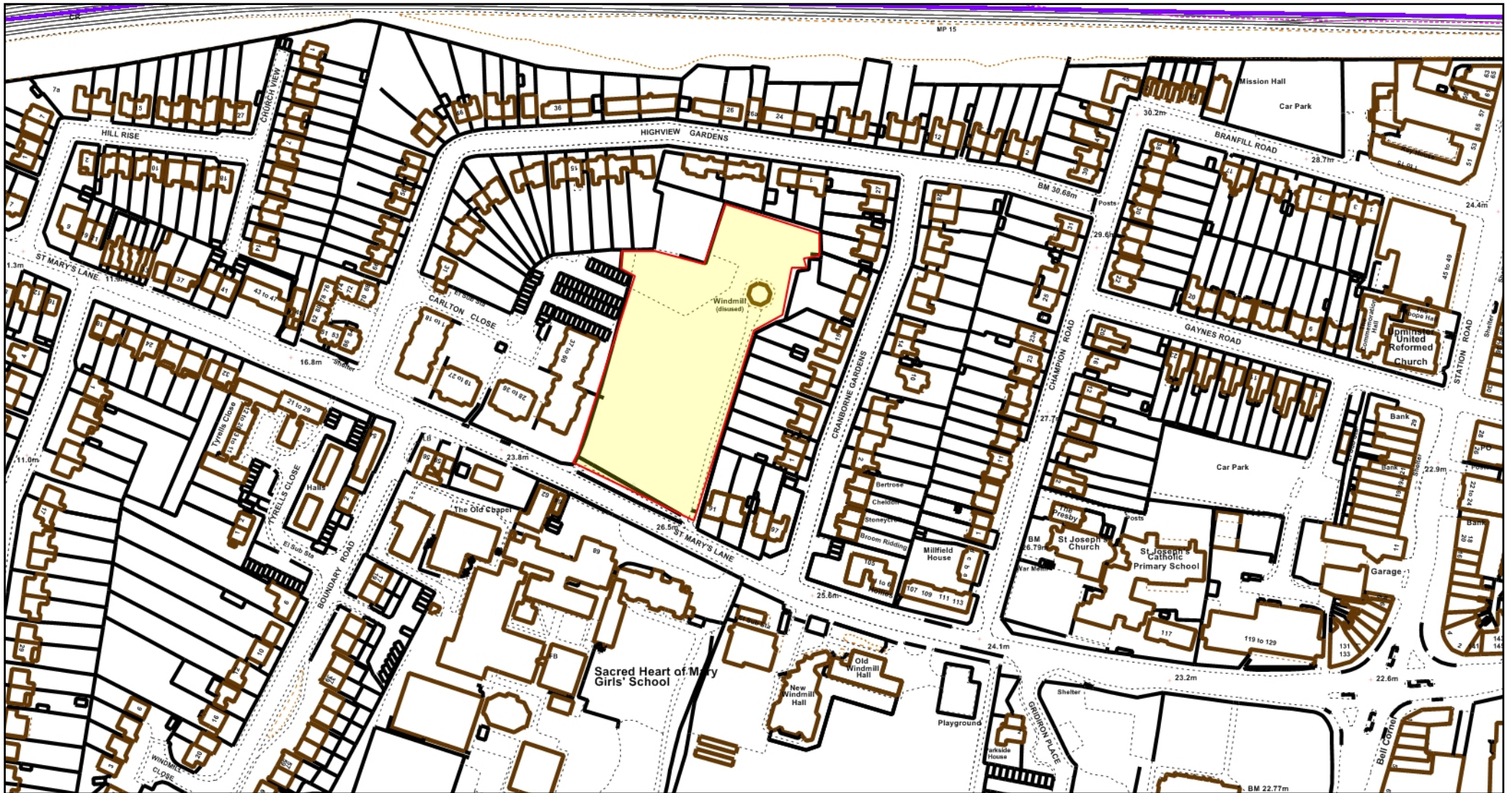
Once you're finished you need to do the following:

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



Upminster Windmill Field, St Marys Lane



Scale: 1:2500  
 Date: 12 June 2015  
 Size: A4



London Borough of Havering  
 Town Hall, Main Road, Romford, RM1 3BD  
 Tel: 01708 434343

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**Havering**  
LONDON BOROUGH

Representation from the Environmental Health  
Responsible Authority





## Public Protection

Mercury House, Mercury Gardens  
Romford RM1 3SL

## memo

From: Marc Gasson-Environmental Protection  
Officer (Noise)

To: Licensing Team -

**Please call: Marc Gasson**

**Telephone: 01708 432777**

Fax: 01708 432554

email: [environmental.health@havering.gov.uk](mailto:environmental.health@havering.gov.uk)

Text Relay for the deaf, speech impaired  
or hard of hearing: 18001 01708 432777

My Reference : MDG/016781

Your Reference :

Date: 12 June 2015

### **Licensing Act 2003-Application For A Temporary Event Notice(4/7/2015 19:00-23:59 hours).**

**Upminster Windmill Field, St Marys Lane, Upminster, Essex.**

I write further to the above application and would advise that I object to it being granted on the grounds of public nuisance for the following reasons:-

1. The close proximity of residential premises in St Marys Lane, Highview Gardens, Carlton Close and Cranbourne Gardens to the application site.
2. Events run on the same format and by the same company have resulted in complaints being logged with the Council in respect of noise in 2012 and 2013. No event was held at this site in 2014.
3. The terminal hour for the event is 23:59 hours which for an outdoor event with amplified sound/music through a PA system is likely to cause unacceptable levels of noise disturbance to nearby residents.

If the committee are minded to approve the application I would recommend a terminal hours of no later than 23:00 hours in conjunction with noise level limits for the PA system set by officers from Public Protection Service prior to the start of the event.

I trust this clarifies my position.

Marc Gasson  
Environmental Protection Officer (Noise)