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# Merton Council

## Licensing Sub-Committee

### Membership

#### Councillors:

Stephen Alambritis MBE

John Dehaney

Janice Howard

A meeting of the Licensing Sub-Committee will be held on:

**Date: 21 March 2022**

**Time: 3.30 pm**

**Venue: This will be a virtual meeting and therefore not held in a physical location**

### Agenda for this meeting

- 1 Appointment of Chair
- 2 Apologies for Absence
- 3 Declarations of Pecuniary Interest
- 4 TEN - Morden Park Bandstand, SM4 5QU 1 - 20

### Note on declarations of interest

Members are advised to declare any Disclosable Pecuniary Interest in any matter to be considered at the meeting. If a pecuniary interest is declared they should withdraw from the meeting room during the whole of the consideration of that matter and must not participate in any vote on that matter. For further advice please speak with the Managing Director, South London Legal Partnership.

This is a public meeting and attendance by the public is encouraged and welcomed. For more information about the agenda and the licensing decision making process contact [democratic.services@merton.gov.uk](mailto:democratic.services@merton.gov.uk) or telephone 020 8545 3357.

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## **Procedure to be followed at Licensing Hearing**

1. The Chair will welcome all parties and all present will be introduced/introduce themselves
2. The Chair will confirm the sub-committee hearing procedures, a copy of which was included in the notice and agenda packs sent to all parties.
3. The Chair will ask the Legal Adviser to inform those present that the sub-committee had a briefing prior to the hearing to confirm the procedure and for clarification on any aspect of the application.
4. The Chair will ask Legal Adviser to confirm the process for questioning and whether there had been any requests for adjournments.
5. The Chair will ask the Licensing Officer if there are any technical issues they feel should be brought to their attention i.e. withdrawal of objector/agreed conditions (Note: If all objections are withdrawn then the Sub-Committee may go straight to point 14.  
If all conditions are agreed by all parties then the Sub-Committee may go straight to point 14)
6. The Responsible Authorities will present their case. Questions can then be asked of the Responsible Authorities by the Applicant, the interested parties, and members of the Sub-Committee.
7. The Applicant will present their case. Questions can then be asked of the Applicant by the Responsible Authorities, the interested parties and members of the Sub-Committee.
8. The Chair will ask the Licensing Officer for any comments/ clarifications
9. The Chair will ask the Legal Adviser for any comments/clarifications
10. The Chair will invite closing statements by the Applicant
11. The Chair will invite closing statements by the responsible authorities
12. The Chair will announce that the Sub-Committee are retiring for private session and that all parties will receive a written decision notice within 5 working days. The Legal Officer and Clerk will be invited to also retire.
13. In closed session the Sub-Committee will make their decision. They may ask the Legal Officer for advice during this session and this advice will be detailed within the decision notice.

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## Licensing Sub-Committee Report

Subject of hearing: **Temporary Event Notifications, Morden Park Band Stand, SM4 5QU**

Date: **21 March 2022**

Time: **3:30 pm**

Venue: **Virtual Meeting**

**1. Special Policy Area (premises licences and club certificates)**

1.1 The premises are not in the special policy area.

**2. Type of hearing and powers of the sub-committee**

2.1 The sub-committee is required to determine the application by taking such of the steps set out below as it considers necessary for the promotion of the licensing objectives.

2.2 In making their determination the sub-committee must have regard to the Licensing Act 2003, the licensing objectives, guidance issued by the Secretary of State and Merton's Licensing Policy.

2.3 Police objection to temporary event notice: s105 (i) To issue or refuse to issue a counter-notice

**3. Hearing papers**

3.1 The applications, notices and representations for determination by the sub-committee are contained in the hearing bundles together with any relevant existing licence. This includes any documents which must be sent to any of the parties to the hearing under Regulation 7(2) and Schedule 3 of The Licensing Act 2003 (Hearings) Regulations 2005. This bundle has been issued to all parties to the hearing.

**4. Legal advice to the sub-committee**

4.1 A legal officer appointed by the Assistant Director of Corporate Governance and Head of Legal Services will attend the hearing to advise the sub-committee on statutory provision and legal matters.

**5. Licensing Officer comments**

5.1 The Licensing Team received a standard temporary event notice on 9 March 2022 for an event to take place at Morden Park Band Stand.

5.2 The applicant has notified they intend to use authorisations for the supply of alcohol for consumption on the premises and the provision of regulated entertainment, on Saturday 25 June 2022 from 5pm until 11pm.

5.3 The event is described as a live music event.

5.4 The maximum number of attendees is stated as 499.

5.5 An objection notice regarding this notification was received from the Metropolitan Police on the 10 March 2022. This objection notice has triggered this hearing.

**For enquiries about this hearing please contact**

Democratic Services  
Civic Centre  
London Road  
Morden  
SM4 5DX

**Telephone:** 020 8545 3616

**Email:** [democratic.services@merton.gov.uk](mailto:democratic.services@merton.gov.uk)

## Parties to the hearing

This document forms part of the notice of hearing.

The following are parties to the hearing having submitted relevant applications, notices or representations under the statutory provisions indicated:

|                              |  |
|------------------------------|--|
| <b>Applicant</b>             |  |
| Andy Mills                   |  |
|                              |  |
| <b>Statutory Authorities</b> |  |
| Met Police                   |  |
|                              |  |
|                              |  |
| <b>Interested Parties</b>    |  |
| None                         |  |
|                              |  |
|                              |  |
|                              |  |
|                              |  |
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### 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 in black ink or typed. 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.

|   |  |
|---|--|
| 1. The personal details of premises user (Please read note 1)   |  |
| 1. Your name  |  |
| Title   | Mr <input checked="" type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other (please state) |
| Surname   | ANDY   |
| Forenames   | MILLS  |
| 2. Previous names (Please enter details of any previous names or maiden names, if applicable. Please continue on a separate sheet if necessary) |  |
| Title   | Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other (please state)            |
| Surname   |  |
| Forenames   |  |
| 3. Your date of birth   |  |
|   |  |
| 4. Your place of birth  |  |
|   |  |
| 5. National Insurance Number  |  |
|   |  |
| 6. Your current address (We will use this address to correspond with you unless you complete the separate correspondence box below)             |  |
|   |  |
|   |  |
| Post town   | Postcode   |
|   |  |
| 7. Other contact details  |  |
| Telephone numbers   |  |
| Daytime   |  |
| Evening (optional)  |  |
| Mobile (optional)   |  |
| Fax number (optional)   |  |
| E-Mail address (if available)   |  |
| 8. Alternative address for correspondence (If you complete the details below, we will use this address to correspond with you)                  |  |

|  |          |
|--|----------|
|  |          |
| Post town                                      | Postcode |
| 9. Alternative contact details (if applicable) |          |
| Telephone numbers:<br>Daytime                  |          |
| Evening (optional)                             |          |
| Mobile (optional)                              |          |
| Fax number (optional)                          |          |
| E-Mail address<br>(if available)               |          |

|   |  |
|---|--|
| <b>2. The premises</b>  |  |
| 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)<br>(Please read note 2) |  |
| MORDEN PARK BAND STAND SM4 5QU  |  |
| 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   |  |
| Club premises certificate number  |  |
| 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)                           |  |
|   |  |
| Please describe the nature of the premises below. (Please read note 4)  |  |
| OUT DOOR BAND STAND MORDEN PARK   |  |
| Please describe the nature of the event below. (Please read note 5)   |  |
| LIVE MUSIC EVENT  |  |



|  |
|--|
|  |
|--|

| 3. The licensable activities  |   |
|---|---|
| Please state the licensable activities that you intend to carry on at the premises (please tick all licensable activities you intend to carry on). (Please read note 6)   |   |
| The sale by retail of alcohol   | <input type="checkbox"/> YES                      |
| 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 (Please read note 7)   | <input type="checkbox"/> YES                      |
| The provision of late night refreshment   | <input type="checkbox"/>                          |
| Are you giving a late temporary event notice? (Please read note 8)  | <input type="checkbox"/>                          |
| Please state the dates on which you intend to use these premises for licensable activities. (Please read note 9)  |   |
| <b>SAT 25TH JUNE 22</b>   |   |
| 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 10)   |   |
| 17:00 - 23:00   |   |
| 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 11) | 499   |
| If the licensable activities will include the sale or supply of alcohol, please state whether these will be for consumption on or off the premises, or both (please tick as appropriate). (Please read note 12)   | On the premises only <input type="checkbox"/> YES |
|   | Off the premises only <input type="checkbox"/>    |
|   | Both <input type="checkbox"/>                     |

|   |
|---|
| <p>Please state if the licensable activities will include the provision of relevant entertainment. If so, please state the times during the event period that you propose to provide relevant entertainment (including, but not limited to lap dancing and pole dancing). (Please see note 13)</p> <p><b>DJS &amp; ACTS PERFORMING RECORDED MUSIC</b></p> |
|---|

| 4. Personal licence holders (Please read note 14)                   |  |                                |
|---|--|--------------------------------|
| Do you currently hold a valid personal licence?<br>(Please tick)    | Yes<br><input checked="" type="checkbox"/> | No<br><input type="checkbox"/> |
| If "Yes" please provide the details of your personal licence below. |  |                                |
| Issuing licensing authority   | [REDACTED]                                 |                                |
| Licence number  | [REDACTED]                                 |                                |
| Date of issue   | [REDACTED]                                 |                                |
| Any further relevant details  |  |                                |

| 5. Previous temporary event notices you have given (Please read note 15 and tick the boxes that apply to you)  |                                 |   |
|--|---------------------------------|---|
| 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<br><input type="checkbox"/> | No<br><input checked="" type="checkbox"/> |
| If answering yes, please state the number of temporary event notices (including the number of late temporary event notices, if any) 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:<br>a) ends 24 hours or less before; or<br>b) begins 24 hours or less after<br>the event period proposed in this notice? | Yes<br><input type="checkbox"/> | No<br><input checked="" type="checkbox"/> |

| 6. Associates and business colleagues (Please read note 16 and tick the boxes that apply to you)   |                                 |   |
|--|---------------------------------|---|
| 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<br><input type="checkbox"/> | No<br><input checked="" type="checkbox"/> |
| If answering yes, please state the total number of temporary event notices (including the number of late temporary event notices, if any) your associate(s) have given for events in the same calendar year.                               |                                 |   |
| Has any associate of yours already given a temporary event notice for the same premises in which the event period:<br>a) ends 24 hours or less before; or<br>b) begins 24 hours or less after<br>the event period proposed in this notice? | Yes<br><input type="checkbox"/> | No<br><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?                   | Yes<br><input type="checkbox"/> | No<br><input checked="" type="checkbox"/> |
| If answering yes, please state the total number of temporary event notices (including the number of late temporary event notices, if any) 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:<br>a) ends 24 hours or less before; or<br>b) begins 24 hours or less after the event period proposed in this notice? | Yes<br><input type="checkbox"/> | No<br><input checked="" type="checkbox"/> |
|---|---------------------------------|---|

| 7. Checklist (Please read note 17)   |                                     |
|--|-------------------------------------|
| I have: (Please tick the appropriate boxes, where applicable)  |                                     |
| Sent at least one copy of this notice to the licensing authority for the area in which the premises are situated   | <input checked="" type="checkbox"/> |
| Sent a copy of this notice to the chief officer of police for the area in which the premises are situated  | <input checked="" type="checkbox"/> |
| Sent 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, sent at least one copy of this notice to each additional licensing authority                        | <input checked="" type="checkbox"/> |
| If the premises are situated in one or more police areas, sent 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, sent a copy of this notice to each additional local authority exercising environmental health functions | <input checked="" type="checkbox"/> |
| Made or enclosed payment of the fee for the application  | <input checked="" type="checkbox"/> |
| Signed the declaration in Section 9 below  | <input checked="" type="checkbox"/> |

| 8. Condition (Please read note 18)  |
|---|
| It is a condition of this temporary event notice that where the relevant licensable activities described in Section 3 above include the sale or supply of alcohol that all such supplies are made by or under the authority of the premises user. |

| 9. Declarations (Please read 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:<br>(i) to knowingly or recklessly make a false statement in or in connection with this temporary event notice and that a person is liable on summary conviction for such an offence to a fine of any amount; and<br>(ii) to permit an unauthorised licensable activity to be carried on at any place and that a person is liable on summary conviction for any such offence to a fine of any amount, or to imprisonment for a term not exceeding six months, or to both. |            |
| Signature  | A . MILLS  |
| Date   | 8/3/22     |
| Name of Person signing   | ANDY MILLS |

Type text here

For completion by the licensing authority

|   |                                      |
|---|--------------------------------------|
| 10. Acknowledgement (Please read note 20)             |                                      |
| I acknowledge receipt of this temporary event notice. |                                      |
| Signature   | On behalf of the licensing authority |
| Date  |                                      |
| Name of Officer signing                               |                                      |

## Notes for Guidance

### General

In these notes, a person who gives a temporary event notice is called a “premises user”.

The police and local authority exercising environmental health functions may intervene on the grounds of any of the four licensing objectives (the prevention of crime and disorder, public safety, the prevention of public nuisance, and the protection of children from harm) to prevent the occurrence of an event at which permitted temporary activities are to take place or to agree a modification of the arrangements for such an event. However, the licensing authority will intervene of its own volition in the cases described below.

First, it will issue a counter notice if there is an objection to a late temporary event notice (see note 8 below).

Secondly, it may issue a notice in relation to its decision to impose conditions on a temporary event notice (see note 2 below).

Thirdly, it will issue a counter notice if the first, second, third and fifth of the limits set out below would be exceeded. If any of the limits below are breached or if a counter notice has been issued, any licensable activities taking place would be unauthorised and the premises user would be liable to prosecution. The limitations apply to:

- the number of times a person may give a temporary event notice (50 times per year for a personal licence holder and 5 times per year for other people);
- the number of times a person may give a late temporary event notice (10 times per year for a personal licence holder and 2 times per year for other people);
- the number of times a temporary event notice may be given in respect of any particular premises (15 times in a calendar year);
- the length of time a temporary event may last for these purposes (168 hours or 7 days);
- the maximum aggregate duration of the periods covered by temporary event notices at any individual premises (21 days per calendar year); and
- the scale of the event in terms of the maximum number of people attending at any one time (a maximum of 499).

For the purposes of determining the overall limits of 50 temporary event notices per personal licence holder (in a calendar year) and of 5 for a non-personal licence holder (in a calendar year), temporary event notices given by an associate or a person who is in business with a premises user (and that business involves carrying on licensable activities) count towards those totals. The limits applying to late temporary event notices are included within the overall limits applying to the total number of temporary event notices. Note 16 below sets out the definition of an “associate”.

When permitted temporary activities take place, a premises user must ensure that either:

- a copy of the temporary event notice is prominently displayed at the premises; or
- the temporary event notice is kept at the premises either in his own custody or in the custody of a person present and working at the premises and whom he has nominated for that purpose.

Where the temporary event notice is in the custody of a nominated person, a notice specifying that fact and the position held by that person must be displayed prominently at the premises.

Where the temporary event notice or a notice specifying the nominated person is not displayed, a constable or an authorised person (for example, a licensing officer, fire officer or environmental health officer) may require the premises user to produce the temporary event notice for examination. Similarly, where the nominated person has the temporary event notice in his custody, a constable or authorised person may require that person to produce it for examination. Failure to produce the temporary event notice without reasonable excuse would be an offence.

It should also be noted that the following, among other things, are offences under the Licensing Act 2003:

- the sale or supply of alcohol to children under 18 years of age (subject to an unlimited fine on conviction);
- allowing the sale of alcohol to children under 18 ( subject to an unlimited fine on conviction);
- knowingly allowing the consumption of alcohol on the premises by a person aged under 18 (subject to an unlimited fine, on conviction );
- allowing disorderly behaviour on the premises (subject to a fine not exceeding level 3 on the standard scale, on conviction);
- the sale of alcohol to a person who is drunk (subject to a fine not exceeding level 3 on the standard scale, on conviction);
- obtaining alcohol for a person who is drunk (subject to a fine not exceeding level 3 on the standard scale, on conviction);
- knowingly allowing a person aged under 18 to make any sale or supply of alcohol unless the sale or supply has been specifically approved by the premises user or any individual aged 18 or over who has been authorised for this purpose by the premises user (subject to a fine not exceeding level 1 on the standard scale, on conviction); and
- knowingly keeping or allowing to be kept on the premises any smuggled goods which have been imported without payment of duty or which have otherwise been unlawfully imported (subject to a fine not exceeding level 3 on the standard scale, on conviction).

In addition, where the premises are to be used primarily or exclusively for the sale or supply of alcohol for consumption on the premises, it is an offence to allow children under 16 to be present when the premises are open for that purpose unless they are accompanied by an adult. In the case of any premises at which sales or supplies of alcohol are taking place at all, it is an offence for a child under 16 to be present there between the hours of midnight and 5am unless accompanied by an adult. In both instances, the penalty on conviction is a fine not exceeding level 3 on the standard scale, currently £1,000.

#### Note 1

A temporary event notice may only be given by an individual and not, for example, by an organisation or club or business. The individual giving the notice is the proposed “premises user”. Within businesses, clubs or organisations, one individual will therefore need to be identified as the proposed premises user.

If you include an e-mail address in section 1(7) or 1(9), the licensing authority may send to this the acknowledgement of receipt of your notice or any notice or counter notice it is required to give under sections 104A, 106A or 107 of the Licensing Act 2003.

#### Note 2

For the purposes of the Licensing Act 2003, “premises” means any place. Premises will therefore not always be a building with a formal address and postcode. Premises can include, for example, public parks, recreation grounds and private land.

If a premises licence or club premises certificate has effect in relation to the premises (or any part of the premises) which you want to use to carry on licensable activities, it is possible that any conditions which apply to the licence or certificate may be imposed on the temporary event notice if certain pre-conditions are met. These pre-conditions are that the police or the local authority exercising environmental health functions object to the notice and the licensing authority decides:

- not to give a counter notice under section 105 of the Licensing Act 2003;
- the conditions apply to the licence or certificate; and
- the imposition of the conditions on the notice would not be inconsistent with the carrying on of the licensable activities under the notice.

#### Note 3

A temporary event notice can be given for part of a building, such as a single room or a plot within a larger area of land. You should provide a clear description of the area in which you propose to carry on licensable activities. This is important as any licensable activities conducted outside the area of the premises protected by the authority of this temporary event notice would be unlawful and could lead to prosecution.

In addition, when holding the proposed event, the premises user would need to be able to restrict the number of people on the premises at any one time when licensable activities are taking place to less than 500. If more than 499 are on the premises when licensable activities are being carried on, the licensable activities would be unlawful and the premises user would be liable to prosecution. The maximum figure of 499 includes, for example, staff, organisers, stewards and performers.

#### Note 4

A description of the nature of the premises assists the chief officer of police and local authority exercising environmental health functions in deciding if any issues relating to the licensing objectives are likely to arise. You should state clearly that the premises to be used are, for example, a public house, a restaurant, an open field, a village hall or a beer tent.

#### Note 5

A description of the nature of the event similarly assists the chief officer of police and local authority exercising environmental health functions in making a decision as to whether or not to make an objection. You should state clearly that the event taking place at the premises would be, for example, a wedding with a pay bar, the supply of beer at a particular farmers’ market, a discotheque, the performance of a string quartet, a folk group or a rock band.

#### Note 6

The licensable activities are:

- 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 a club;
- the provision of regulated entertainment; and
- the provision of late night refreshment.

#### Note 7

Regulated entertainment, subject to specified conditions and exemptions, includes:

- (a) a performance of a play;

- (b) an exhibition of a film;
- (c) an indoor sporting event;
- (d) a boxing or wrestling entertainment;
- (e) a performance of live music;
- (f) any playing of recorded music;
- (g) a performance of dance; and
- (h) entertainment of a similar description to that falling within (e), (f) or (g).

In terms of specific regulated entertainments please note that:

- Plays: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500.
- Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
- Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
- Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
- Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
- Live music: no licence permission is required for:
  - a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
  - a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
  - a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
  - a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
  - a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
- Recorded Music: no licence permission is required for:
  - any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
  - any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser



- gets consent for the performance from a person who is responsible for the premises.
  - any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.
- Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
  - any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
  - any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
  - any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
  - any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.

If you are uncertain whether or not the activities that you propose are licensable, you should contact your licensing authority for further advice.

#### Note 8

Late notices can be given no later than 5 working days but no earlier than 9 working days before the event in relation to which the notice is given. A late notice given later than 5 working days before the event to which it relates will be returned as void and the activities described in it will not be authorised.

The number of late notices that can be given in any one calendar year is limited to 10 for personal licence holders and 2 for non-personal licence holders. These count towards the total number of temporary event notices (i.e. 50 temporary event notices per year for personal licence holders and 5 temporary event notices for non-personal licence holders).

If there is an objection from either the police or local authority exercising environmental health functions, the event will not go ahead and a counter notice will be issued.

#### Note 9

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

#### Note 10

You should state here the times during the event period, for example 48 hours, when you intend to carry on licensable activities. For example, you may not intend to carry on licensable activities throughout the entire 48 hour event period, and may intend to sell alcohol between 8.00 hrs and 23.00 hrs on each of the two days.

#### Note 11

No more than 499 may be on the premises for a temporary event at any one time when licensable activities are being carried on. If you intend to have more than 499 attending the event, you should obtain a premises licence for the event. Your licensing authority should be able to advise you. The maximum figure of 499 includes not only the audience, spectators or consumers but also, for example, staff, organisers, stewards and performers who will be present on the premises.

#### Note 12

If you indicate that alcohol will be supplied only for consumption on the premises, you would be required to ensure that no person leaves the premises with alcohol supplied there. If such a supply takes place, the premises user may be liable to prosecution for carrying on an unauthorised licensable activity. Similarly, if the premises user gives notice that only supplies of alcohol for consumption off the premises will take place, he/she must ensure that alcohol supplied is not consumed on the premises. The premises user is free to give notice that he/she intends to carry on both types of supplies. For this purpose, the supply of alcohol includes both of the first two licensable activities listed in note 6 above.

#### Note 13

Relevant entertainment is defined in the Local Government (Miscellaneous Provisions) Act 1982 (“the 1982 Act”) as *any live performance or any live display of nudity which is of such a nature that, ignoring financial gain, it must reasonably be assumed to be provided solely or principally for the purpose of sexually stimulating any member of the audience (whether by verbal or other means)*. Relevant entertainment therefore includes, but is not limited to, lap dancing and pole dancing.

The 1982 Act requires premises which provide relevant entertainment to be licensed under that Act for this purpose. Premises at which there have not been more than eleven occasions on which such entertainment has been provided within a period of 12 months, no such occasion has lasted for more than 24 hours and there has been a period of at least one month between each such occasion are exempt from the requirement to obtain a licence under the 1982 Act. Such premises are likely instead to require an authorisation under the Licensing Act 2003 to be used for such activities as these are a licensable activity (the provision of regulated entertainment — see note 6 above). A temporary event notice may be given for this purpose.

#### Note 14

The holder of a valid personal licence issued under the Licensing Act 2003 may give up to 50 temporary event notices in any calendar year subject to the other limitations in the 2003 Act. A proposed premises user who holds such a licence should give the details requested.

#### Note 15

As stated under Note 14, a personal licence holder (issued under the Licensing Act 2003) may give up to 50 temporary event notices (including 10 late notices) in any calendar year. An individual who does not hold a personal licence may only give 5 temporary event notices (including 2 late notices) in England and Wales in any calendar year. A calendar year is the period between 1st January to 31st December inclusive in any year.

If an event straddles two calendar years, it will count against the limits on temporary event notices (15 for each premises, 21 days for each premises, 50 per personal licence holder and 5 for non-holders) for each year. However, only one notice needs to be given.

For the purposes of determining the overall limits of 50 temporary event notices per personal licence holder (in a calendar year) and of 5 for a non-personal licence holder (in a calendar year), temporary event notices given by an associate or a person who is in business with a premises user (and that business involves carrying on licensable activities) count towards those totals. Note 16 below sets out the definition of an “associate”.

If a temporary event notice has been given for the same premises, by the same premises user, and would have effect within 24 hours before the start of the event period under the current proposal or within 24 hours after the end of that period, the temporary event notice given would be void and any licensable activities carried on under it would therefore be unlicensed.

For the purposes of determining whether or not the required gap of 24 hours is upheld, temporary event notices given by an associate or a person who is in business with a premises user (and that

business involves carrying on licensable activities) count as if they had been given by the premises user. Note 16 below sets out the definition of an “associate”.

#### Note 16

An “associate” of the proposed premises user is:

- a. the spouse or civil partner of that person;
- b. a child, parent, grandchild, grandparent, brother or sister of that person;
- c. an agent or employee of that person; or
- d. the spouse or civil partner of a person within (b) or (c).

For these purposes, a person living with another as that person’s husband or wife is to be treated as that person’s spouse.

#### Note 17

It is a requirement that you send at least one copy of this notice to the licensing authority at least ten working days (or five working days for a late notice) before the commencement of the proposed licensable activities. The authority will give you written acknowledgement of the receipt of the notice. This will be important proof that you gave the notice and when you gave it for the purposes of the Act. Some premises may be situated in two licensing authority areas, for example, where a building or field straddles the local authority boundary. Where this is the case, at least one copy of the notice must be sent to each of the licensing authorities identified, together with the appropriate fee in each case. In such circumstances, you will receive acknowledgements from all the relevant licensing authorities.

One copy must be sent to each of the chief officer of police and the local authority exercising environmental health functions for the area in which the premises is situated at least ten working days for a standard notice (or five working days for a late notice) before the commencement of the proposed licensable activities. Where the premises are situated in two police areas or environmental health areas, a further copy will need to be sent to the further police force and local authority exercising environmental health functions.

#### Note 18

Under the Licensing Act 2003, all temporary event notices are given subject to a mandatory condition requiring that where the licensable activities involve the supply of alcohol, all such supplies must be made by or under the authority of the named premises user. If there is a breach of this condition, the premises user and the individual making the supply in question would be liable to prosecution. For this purpose, the supply of alcohol includes both of the first two licensable activities listed in note 6 above.


#### Note 19

It is an offence knowingly or recklessly to make a false statement in, or in connection with, a temporary event notice. (A person is to be treated as making a false statement if he produces, furnishes, signs or otherwise makes use of a document that contains a false statement.) To do so could result in prosecution and an unlimited fine.

#### Note 20

You should not complete section 10 of the notice, which is for use by the licensing authority. It may complete this section as one means of giving you written acknowledgement of its receipt of the notice.

**For completion by the licensing authority**

|   |  |
|---|--|
| 10. Acknowledgement (Please read note 20)             |  |
| I acknowledge receipt of this temporary event notice. |  |
| Signature   | <br><b>On behalf of the licensing authority</b> |
| Date  | <b>9 March 2022</b>  |
| Name of Officer signing                               | <b>Andrea McGuinness</b>   |

**From**  
**Sent:**

**To:** Licensing <[Licensing@merton.gov.uk](mailto:Licensing@merton.gov.uk)>

**Subject:** Temporary Event Notice - Police objection

Dear Licensing,

On behalf of the Metropolitan Police Service I wish to Object to the attached Temporary Event Notice (TEN) as, if granted, it is likely to undermine the licensing objectives relating to;

- **The Prevention of Crime and Disorder**
- **The Prevention of Public Nuisance.**

The TEN as shown on attached pdf is dated **9<sup>th</sup> March 2022** for an event at;

**Morden Park Band Stand, London Road, Morden SM4 5QU on SAT 25<sup>TH</sup> JUNE 2022 : 17:00 – 23:00**

The TEN is for a **LIVE MUSIC EVENT** with licensable activities for the sale by retail of alcohol and the provision of regulated entertainment. The TEN also confirms that the regulated entertainment will be **DJS & ACTS PERFORMING RECORDEDE MUSIC**

The TEN shows a maximum number of people to be present when carrying on licensable activities shown as 499 but does not state whether alcohol will be sold for consumption on or off the premises or both.

The TEN was submitted by **ANDY MILLS** with a contact email address shown as

**Research on police indices shows Mr Andy Mills is linked to Mr Andreas MILLIOS. The TEN shows two mobile numbers which links Andy Mills and Andreas Millios.**

Recent intelligence shows these names to be involved in the organisation of Unlicensed Music Events (UME) attracting numbers of people that would be likely to exceed the 499 allowed on a TEN.

One of these reports states;

**WWRT00420915 B21 - UME - 02/05/2021**

UME took place at 7 INGATE PLACE SW8, the call to location was called in to make Police aware of an UME that will be taking place at Approx. 23:00 hrs on Sunday 02/05/2021. The caller who wanted to remain anonymous also provided the details of the alleged organisers of this event At approx. 23:29 hours, as per CAD 7395/02MAY21, an update was provided that BTP officers were inside the location liaising with those involved to which they were provided the UME would be ending at 0600 hours and the event was taking place a Remembrance of someone who has recently passed away. When BTP officers were speaking with individuals inside of the venue, BTP officers were sprayed with Beer and also threats were made to the officers to which the threats made were for the Officers to be Stabbed.

Entrance to the UME located on Queenstown Rd, was barricade with items stopping any officers from entering the property and also stopping those inside the building from exiting, while officers were at the entrance located on Queenstown Rd a unknown MALE could be heard behind the barricade telling officers "YOU ARE NEVER GOING TO GET IN AS THEY HAVE BARRICADED THE DOOR",

this unknown MALE also ignored officers when asked if anyone inside the building needed medical attention or is wanting to leave the property.

At 2339 hours a Section 35 Dispersal Notice was put in place for the area to disperse the number of groups starting to attending the location trying to gain entry to the UME and for those inside to be dispersed.

It is also alleged that part of the organiser for this UME was Flex FM which is a Pirate Radio Station, to which the vehicle that had Flex FM logos had the VRM [REDACTED] which intel shows the vehicle registered to Mr Andreas MILLIOS

The submitted TEN is an event that is very likely to attract an audience that exceeds what can be legally covered by a TEN (499) and police feel will totally undermine one or more of the Licensing Objectives. No risk assessment has been submitted to reassure police that this would be a safe event.

### **I object to this Temporary Event Notice**

I reserve the right to submit further supporting evidence in connection with this representation, and to assist in oral evidence to be given at any hearing to determine this objection.

Yours sincerely

[REDACTED]

John McGann PC 4509SW

**Licensing Officer – Southwest BCU**

[REDACTED]

**Keeping South West London Safe**

Putting victims first—Preventing harm—Working as one team



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