

LICENSING (HEARING) SUB-COMMITTEE

Tuesday 15 June 2021 at 10.00 am

Place: Council Chamber, Epsom Town Hall

Virtual link for public attendees:

<https://attendee.gotowebinar.com/register/7543028413763692299>

Webinar ID: 854-761-883

Telephone (listen-only): 020 3713 5012 Telephone access code: 373-974-317

The members listed below are summoned to attend the Licensing (Hearing) Sub-Committee meeting, on the day and at the time and place stated, to consider the business set out in this agenda.

Councillor David Reeve (Chairman)
Councillor Neil Dallen

Councillor Clive Woodbridge

Yours sincerely



Chief Executive

For further information, please contact Democratic Services, democraticservices@epsom-ewell.gov.uk or 01372 732000

EMERGENCY EVACUATION PROCEDURE

No emergency drill is planned to take place during the meeting. If the fire alarm sounds continuously, or if you are instructed to do so, you must leave the building by the nearest available exit. You will be directed to the nearest exit by council staff. It is vital that you follow their instructions.

- You should proceed calmly; do not run and do not use the lifts;
- Do not stop to collect personal belongings;
- Once you are outside, please do not wait immediately next to the building, but move to the assembly point at Dullshot Green and await further instructions; and
- Do not re-enter the building until told that it is safe to do so.

Public information

Please note that this meeting will be held at the Town Hall, Epsom and will be available to observe live on the internet.

This meeting will be open to the press and public to attend as an observer using free GoToWebinar software, or by telephone.

A link to the online address for this meeting is provided on the first page of this agenda and on the Council's website. A telephone connection number is also provided on the front page of this agenda as a way to observe the meeting, and will relay the full audio from the meeting as an alternative to online connection. A limited number of seats will also be available in the public gallery at the Town Hall. For further information please contact Democratic Services, email: Democraticservice@epsom-ewell.gov.uk / telephone: 01372 732000.

Information about the terms of reference and membership of this Committee are available on the [Council's website](#). The website also provides copies of agendas, reports and minutes. Agendas, reports and minutes for the Committee are also available on the free Modern.Gov app for iPad, Android and Windows devices.

For further information on how to access information regarding this Committee, please email us at Democraticservice@epsom-ewell.gov.uk

Exclusion of the Press and the Public

If there are matters scheduled to be discussed at this meeting that appear to disclose confidential or exempt information under the provisions Schedule 12A of the Local Government (Access to Information) Act 1985 the Committee will be requested to consider passing a resolution to exclude the press and public by virtue of the private nature of the business to be transacted, prior to the discussion of those matters.

Questions from the Public

Questions from the public are not permitted at meetings of the Licensing (Hearing) Sub-Committee. [Part 4 of the Council's Constitution](#) sets out which Committees are able to receive public questions, and the procedure for doing so.

AGENDA

1. DECLARATIONS OF INTEREST

Members are asked to disclose the existence and nature of any Disclosable Pecuniary Interests in respect of any item to be considered at the meeting.

2. GRANT OF PREMISES LICENCE, THE WALLED GARDEN, ROYAL AUTOMOBILE CLUB, WOODCOTE PARK, WILMERHATCH LANE, EPSOM, SURREY KT18 7EW (Pages 5 - 96)

The Licensing (Hearing) Sub-Committee ("the Sub-Committee") is being asked to determine an application for a premises licence made under the Licensing Act 2003 sections 17 and 18.

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**LICENSING ACT 2003 - APPLICATION FOR A PREMISES LICENCE -
THE WALLED GARDEN, ROYAL AUTOMOBILE CLUB, WOODCOTE
PARK, WILMERHATCH LANE, EPSOM, SURREY KT18 7EW**

Head of Service:	Rod Brown, Head of Housing & Community
Wards affected:	Woodcote Ward;
Appendices (attached):	Appendix 1:- Application for a premises licence submitted 15 December 2020 ("the Application") by Pall Mall and Woodcote Park Clubhouses LTD Appendix 1a: Plan attached to Application Appendix 2:- Redacted copies of valid representations Appendix 3:- Correspondence between the Council and Pall Mall and Woodcote Park Clubhouses Appendix 4:- Copy of a letter dated 11 March 2021 from Pall Mall and Woodcote Park Clubhouses to neighbours and occupiers of local premises Appendix 5:- Location Map covering the Walled Garden and surrounding area Appendix 6:- Template Licence Mandatory Conditions

Summary

The Licensing (Hearing) Sub-Committee ("the Sub-Committee") is being asked to determine an application for a premises licence made under the Licensing Act 2003 sections 17 and 18.

Recommendation (s)

The Council being satisfied that the application is made in accordance with the Licensing Act 2003 the Sub Committee is now asked to:

- (1) hold a hearing to determine the application for a premises licence under the Licensing Act 2003, unless all relevant persons agree that a hearing is unnecessary.**
- (2) Grant the application and modify the conditions of the licence as is necessary or, alternatively, reject the whole or part of the application.**

1 Reason for Recommendation

- 1.1 To determine the application for a premises licence at a hearing pursuant to section 18(3) Licensing Act 2003. The Council, the applicant and all persons who made valid representations may agree to dispense with the hearing provided notice is given in accordance with The Licensing Act 2003 (Hearings) Regulations 2005 regulation 9.

2 Background

- 2.1 The supply of alcohol, provision of regulated entertainment, and sale of late night refreshment are licensable activities under the Licensing Act 2003. Authorisation from the Council, in its role as the licensing authority, is required in order to carry on any of these activities at premises within the borough.
- 2.2 Under the scheme of delegation adopted by the Council the Sub-Committee is responsible for the exercise of many of the functions of the Council as a licensing authority, including determination of applications where representations have been received.
- 2.3 On 15 December 2020 Pall Mall and Woodcote Park Clubhouses LTD ("The Applicant") applied for a premises' licence for the premises known as The Walled Garden, Royal Automobile Club, Woodcote Park, Wilmerhatch Lane, Epsom ("the Walled Garden").
- 2.4 The Applicant has amended the conditions stated in the original Application, as set out in more detail in Section 5 below.

3 General principles to be followed

- 3.1 The statutory framework for granting premises licences protects the community by allowing responsible authorities and neighbours and occupiers of local premises, including residents, businesses and community groups, to make representations about an application.
- 3.2 When determining applications, the Sub-Committee recognises the Council as the licensing authority is required to carry out its functions with a view promoting the licensing objectives, which are:
 - the prevention of crime and disorder;
 - public safety;
 - the prevention of public nuisance; and
 - the protection of children from harm.
- 3.3 In considering the licensing objections the Council must have regard to its statement of licensing policy, and to the statutory guidance (Revised Guidance April 2018) issued under section 182 Licensing Act 2003.

- 3.4 The application process is considered at 8.1 ff. of that Guidance. The procedure and information on hearings can be found at 9.31 ff of that Guidance.

4 Options open to the Sub-Committee

- 4.1 The Sub-Committee in determining the application will consider the steps set out in section 18(4) Licensing Act 2003.
- 4.2 The Sub-Committee will decide whether to grant the licence (imposing all mandatory conditions) in the terms set out in the application (as amended) or take any of the following steps before granting the licence:
- 4.2.1 modify and grant the licence with such conditions it considers necessary for the promotion of the licensing objectives, which can include granting the licence subject to different conditions in respect of different parts of the premises or different licensable activities;
 - 4.2.2 grant the licence in different terms by excluding from the scope of the licence any of the licensable activities to which the application relates;
 - 4.2.3 refuse to specify the person nominated in the licence as the premises supervisor and require a different person be so nominated and accepted by the Sub-Committee before granting the licence;
- 4.3 Alternatively the Sub-Committee may reject the application entirely.

5 Details of Application

- 5.1 On 15 December 2020 the Applicant submitted an application to provide films, live and recorded music and for the sale of alcohol, all of which are licensable activities.
- 5.2 The relevant premises is the Walled Garden, an area in Woodcote Park (seen in the plans at Appendix 1a). The Walled Garden area comprises outside and indoor space included an area the Applicant describes as the "Amenity Garden".
- 5.3 The application (Appendix 1) details the proposed standard days and timings for the provision of films (Section 7 of 21), of live music (Section 10 of 21), recorded music (Section 11 of 21) and supply of alcohol (Section 15 of 21). The Applicant has subsequently revised the proposed standard days and timings (email correspondence at Appendix 3).
- 5.4 The Sub-Committee is now being asked to determine a licence for the above licensable activities for the following proposed standard days and timings:

7 days per week

The internal areas 09.00 hours until 21.00 hours

The external areas in winter (October to March) 09.00 hours until 17.00 hours

The external areas in summer (April to September) 09.00 hours until 20.00 hours.

- 5.5 Any applicable mandatory conditions will apply (see Appendix 6).
- 5.6 In seeking a grant of licence the Applicant invites the Sub-Committee to consider the following proposed conditions:

Children's sports camps may only take place on the Multi Use Games Area

Playing of films may only take place inside

The premises licence holder may hold 4 events per calendar year on the Amenity Lawn limited to a maximum capacity of 100 persons (excluding staff); with background recorded or live music and may only take place between 10:00 hours and 16:00 hours

The premises licence holder may hold 10 events per calendar year on the Amenity Lawn limited to a maximum capacity of 30 persons (excluding staff); with background music only and may only take place between 10:00 hours and 15:00 hours

6 Representations from Interested Parties

- 6.1 A total of nine valid representations were received. The Council did not reject any representations.
- 6.2 The Sub-Committee will note that on or before the 17 January 2021 the Applicant held a meeting that was attended by some or all of the Interested Parties. By letter dated 11 March 2021 the Applicant wrote to neighbours and occupiers of local premises regarding the application (Appendix 4).
- 6.1 Two representations have been withdrawn. The remaining seven representations can be found at appendix 2. They address relevant matters; namely the licensing objectives.

7 Representations from Responsible Authorities

- 7.1 By email dated 5 January 2021 Surrey Police advised that they did not oppose the application. Surrey Police were informed of the voluntary revision to the standard days and opening times (as described above). Surrey Police make no objection regarding those revised hours.

7.2 By email dated 21 December 2020 Surrey Fire and Rescue Service stated they did not oppose the application. In that email they reminded the applicant that the Regulatory Reform (Fire Safety) Order 2005 requires the responsible person to make a suitable and sufficient assessment of the risks from fire, to which relevant persons are exposed, and to remedy any findings of the assessment.

7.3 No other responses have been received.

8 Policy Considerations

8.1 A copy of the Councils' Statement of Licensing Policy (December 2018) has been sent to the Applicant and Interested Parties together with this report.

8.2 The Sub-Committee will note there are no policy presumptions against the grant of the application.

8.3 The Sub-Committee will need to have due regard to all valid representations that have not been withdrawn.

8.4 The Walled Garden is in the Green Zone in Epsom (see p.9 Statement of Licensing Policy). There is a policy presumption to grant the licence unless it can be shown that the application would undermine the licensing objectives.

9 Legal Implications

9.1 Decisions on licensing matters engage issues of human rights, in particular, Article 1 of the First Protocol, the peaceful enjoyment of possessions, Article 6, the right to a fair hearing, and Article 8, respect for private and family life. However, interference with Convention rights is permitted where lawful and necessary in the interests of public safety, the prevention of disorder or crime, the protection of health and morals or for the protection of the rights and freedoms of others.

9.2 Due regard must also be had to the public sector equality duty enshrined in Section 149 of the Equality Act 2010, which aims to eliminate unlawful discrimination, having regard to the nine protected characteristics.

9.3 The Sub-Committee may wish to note the following:

Planning

9.4 As noted there were no representations from the Local Planning Authority. The Sub-Committee may wish to note that there is no conflict between planning consents (under ref: 17/00542/FUL, dated 7 December 2017 as amended on 16 March 2020) and the standard days and hours proposed under the application.

Advertising and Notice Requirements

- 9.5 All applications for new or varied Premises Licences or Club Premises Certificates must be advertised by the display of a notice at the premises and by a public notice in a local newspaper.
- 9.6 There was a discrepancy between the deadline for representations as stated on the Council's website (12 January) and on the notices (15 January). The first available date for publication in a local newspaper was 31 December 2020; accordingly the Applicant had to amend the notice date to ensure the publication requirement of 10 working days coincided with the expiry date for the representations. As confirmed above, the Council did not reject any representations it received.
- 9.7 On 13 January 2021 the Council received a complaint from an interested party regarding notification/notice requirements. The Council raised this complaint with the Applicant. The Applicant's resident manager responded stating there are a total of 12 notices placed in key locations around the locality and photographs of these notices were provided to the Council. The Council reviewed this evidence and on 14 January advised that sufficient notice had been given for the purpose of the notice and advertising requirements.

Statutory time-frame for holding a hearing

- 9.8 The last date for representations was 15 January 2021. Pursuant to The Licensing Act 2003 (Hearings) Regulations 2005 a hearing for the purposes of section 18(3)(a) Licensing Act 2003 should have commenced 20 working days thereafter i.e. by 12 February 2021. This became impossible with significant constraints on the Council's resources due to the Covid-19 Pandemic
- 9.9 The Council's officers took advice on all options. The Council could not extend time on its own motion i.e. on public interest grounds. That the Applicant's club was closed in February was beside the point and the Council recognises there is a heavy public interest in ensuring that licence applications are determined sooner rather than later given the affect the pandemic has had on the hospitality sector. The Applicant was consulted and by email dated 14 January 2021 the Applicant's representative confirmed the Applicant agreed to a delay (Appendix 3).
- 9.10 While it is regrettable that the hearing did not take place within the statutory time-frame the Council properly consulted the Applicant. Interested Parties were kept apprised of changes to the proposed standard days and times of opening together with the Applicant's proposed changes to the standard opening times and the inclusion of conditions. The Council apologised to those persons for the delay. This delay has not prejudiced their ability to participate in the hearing now before the Sub-Committee.
- 9.11 **Monitoring Officer's Comments:** None arising from the contents of this report.

10 Policies, Plans & Partnerships

10.1 None relevant for the purposes of this report.

11 Background papers

11.1 The documents referred to in compiling this report are as follows:

Previous reports

- None

Other papers:

- Planning Consent 17/00542/FUL, dated 7 December 2017 as amended
- Code of Conduct and Practice in Licensing Procedures and Hearings
- Statement of Licensing Policy, dated 11 December 2018
- Guidance Issued under Section 182 of the Licensing Act 2003
<https://www.gov.uk/government/publications/explanatory-memorandum-revised-guidance-issued-under-s-182-of-licensing-act-2003>
- Licensing Act 2003
- The Licensing Act 2003 (Hearings) Regulations 2005

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**Appendix 1:- Application for a
premises licence submitted 15
December 2020 (“the Application”) by
Pall Mall and Woodcote Park
Clubhouses LTD**

* required information

Section 1 of 21

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

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

Main telephone number

Include country code.

Other telephone number

☐ Indicate here if the applicant would prefer not to be contacted by telephone

Is the applicant:

☒ 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 the applicant is applying so the applicant can be employed, or for some other personal reason, such as following a hobby.

Applicant Business

Is the applicant's 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

Pall Mall and Woodcote Park Clubhouses LTD

If the applicant's business is registered, use its registered name.

VAT number

Put "none" if the applicant is not registered for VAT.

Legal status

Private Limited Company

Continued from previous page...

Applicant's position in the business

Home country

The country where the applicant's headquarters are.

Registered Address

Address registered with Companies House.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Agent Details

* First name

* Family name

* E-mail

Main telephone number

Include country code.

Other telephone number

☐ Indicate here if you would prefer not to be contacted by telephone

Are you:

☒ An agent that is a business or organisation, including a sole trader

A sole trader is a business owned by one person without any special legal structure.

☐ A private individual acting as an agent

Agent 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

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.

Agent 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 21

PREMISES DETAILS

I/we, as named in section 1, apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in section 2 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003.

Premises Address

Are you able to provide a postal address, OS map reference or description of the premises?

☒ Address ☐ OS map reference ☐ Description

Postal Address Of Premises

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Further Details

Telephone number

Non-domestic rateable value of premises (£)

Section 3 of 21

APPLICATION DETAILS

In what capacity are you applying for the premises licence?

- ☐ An individual or individuals
- ☒ A limited company / limited liability partnership
- ☐ A partnership (other than limited liability)
- ☐ An unincorporated association
- ☐ Other (for example a statutory corporation)
- ☐ A recognised club
- ☐ A charity
- ☐ The proprietor of an educational establishment
- ☐ A health service body
- ☐ A person who is registered under part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales
- ☐ A person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 in respect of the carrying on of a regulated activity (within the meaning of that Part) in an independent hospital in England
- ☐ The chief officer of police of a police force in England and Wales

Confirm The Following

- ☒ I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities
- ☐ I am making the application pursuant to a statutory function
- ☐ I am making the application pursuant to a function discharged by virtue of Her Majesty's prerogative

Section 4 of 21

NON INDIVIDUAL APPLICANTS

Provide name and registered address of applicant in full. Where appropriate give any registered number. In the case of a partnership or other joint venture (other than a body corporate), give the name and address of each party concerned.

Non Individual Applicant's Name

Name

Details

Registered number (where applicable)

Description of applicant (for example partnership, company, unincorporated association etc)

Continued from previous page...

private limited company

Address

Building number or name	<input type="text" value="89-91"/>
Street	<input type="text" value="Pall Mall"/>
District	<input type="text"/>
City or town	<input type="text" value="London"/>
County or administrative area	<input type="text"/>
Postcode	<input type="text" value="SW1Y 5HS"/>
Country	<input type="text" value="United Kingdom"/>

Contact Details

E-mail	<input type="text"/>
Telephone number	<input type="text"/>
Other telephone number	<input type="text"/>
* Date of birth	<input type="text" value="15"/> / <input type="text" value="12"/> / <input type="text" value="2020"/> <small>dd mm yyyy</small>
* Nationality	<input type="text" value="n/a - company applicant"/>

[Documents that demonstrate entitlement to work in the UK](#)

Add another applicant

Section 5 of 21

OPERATING SCHEDULE

When do you want the premises licence to start? / /
dd mm yyyy

If you wish the licence to be valid only for a limited period, when do you want it to end / /
dd mm yyyy

Provide a general description of the premises

For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off- supplies you must include a description of where the place will be and its proximity to the premises.

Club family facilities within Woodcote Park as part of the Royal Automobile Club.

Continued from previous page...

If 5,000 or more people are expected to attend the premises at any one time, state the number expected to attend

Section 6 of 21

PROVISION OF PLAYS

[See guidance on regulated entertainment](#)

Will you be providing plays?

☐ Yes ☒ No

Section 7 of 21

PROVISION OF FILMS

[See guidance on regulated entertainment](#)

Will you be providing films?

☒ Yes ☐ No

Standard Days And Timings

MONDAY

Start

End

Start

End

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

Give timings in 24 hour clock.
(e.g., 16:00) and only give details for the days
of the week when you intend the premises
to be used for the activity.

Continued from previous page...

SUNDAY

Start

End

Start

End

Will the exhibition of films take place indoors or outdoors or both?

☐ Indoors ☐ Outdoors ☒ Both

Where taking place in a building or other structure tick as appropriate. Indoors may include a tent.

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

Films may be shown on occasion, eg. for family entertainment

State any seasonal variations for the exhibition of film

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Internal Areas: 09:00 – 21:00

External Areas:

Winter (October to March) 09:00 – 18:00

Summer (April – September) 09:00 – 20:00

Non standard timings. Where the premises will be used for the exhibition of film at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

Section 8 of 21

PROVISION OF INDOOR SPORTING EVENTS

[See guidance on regulated entertainment](#)

Will you be providing indoor sporting events?

☐ Yes ☒ No

Section 9 of 21

PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

[See guidance on regulated entertainment](#)

Will you be providing boxing or wrestling entertainments?

☐ Yes ☒ No

Section 10 of 21

PROVISION OF LIVE MUSIC

[See guidance on regulated entertainment](#)

Continued from previous page...

Will you be providing live music?

☒ Yes ☐ No

Standard Days And Timings

MONDAY

Start

End

Start

End

Give timings in 24 hour clock.
(e.g., 16:00) and only give details for the days
of the week when you intend the premises
to be used for the activity.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

Will the performance of live music take place indoors or outdoors or both?

☐ Indoors ☐ Outdoors ☒ Both

Where taking place in a building or other
structure tick as appropriate. Indoors may
include a tent.

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not
exclusively) whether or not music will be amplified or unamplified.

State any seasonal variations for the performance of live music

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Continued from previous page...

Internal Areas: 09:00 – 21:00
External Areas:
Winter (October to March) 09:00 – 18:00
Summer (April – September) 09:00 – 20:00

Non-standard timings. Where the premises will be used for the performance of live music at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

Section 11 of 21

PROVISION OF RECORDED MUSIC

[See guidance on regulated entertainment](#)

Will you be providing recorded music?

☒ Yes ☐ No

Standard Days And Timings

MONDAY

Start
Start

End
End

Give timings in 24 hour clock.
(e.g., 16:00) and only give details for the days
of the week when you intend the premises
to be used for the activity.

TUESDAY

Start
Start

End
End

WEDNESDAY

Start
Start

End
End

THURSDAY

Start
Start

End
End

FRIDAY

Start
Start

End
End

SATURDAY

Start
Start

End
End

Continued from previous page...

SUNDAY

Start

End

Start

End

Will the playing of recorded music take place indoors or outdoors or both?

☐ Indoors ☐ Outdoors ☒ Both

Where taking place in a building or other structure tick as appropriate. Indoors may include a tent.

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

State any seasonal variations for playing recorded music

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Internal Areas: 09:00 – 21:00 (all year)

External Areas:

Winter (October to March) 09:00 – 18:00

Summer (April – September) 09:00 – 20:00

Non-standard timings. Where the premises will be used for the playing of recorded music at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

Section 12 of 21

PROVISION OF PERFORMANCES OF DANCE

[See guidance on regulated entertainment](#)

Will you be providing performances of dance?

☐ Yes ☒ No

Section 13 of 21

PROVISION OF ANYTHING OF A SIMILAR DESCRIPTION TO LIVE MUSIC, RECORDED MUSIC OR PERFORMANCES OF DANCE

[See guidance on regulated entertainment](#)

Will you be providing anything similar to live music, recorded music or performances of dance?

☐ Yes ☒ No

Section 14 of 21

LATE NIGHT REFRESHMENT

Will you be providing late night refreshment?

Continued from previous page...

Section 15 of 21

SUPPLY OF ALCOHOL

Will you be selling or supplying alcohol?

☒ Yes ☐ No

Standard Days And Timings

MONDAY

Start

End

Start

End

Give timings in 24 hour clock.
(e.g., 16:00) and only give details for the days
of the week when you intend the premises
to be used for the activity.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

Will the sale of alcohol be for consumption:

☐ On the premises ☐ Off the premises ☒ Both

If the sale of alcohol is for consumption on
the premises select on, if the sale of alcohol
is for consumption away from the premises
select off. If the sale of alcohol is for
consumption on the premises and away
from the premises select both.

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Continued from previous page...

Non-standard timings. Where the premises will be used for the supply of alcohol at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

State the name and details of the individual whom you wish to specify on the licence as premises supervisor

Name

First name

Family name

Date of birth / /
dd mm yyyy

Enter the contact's address

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Personal Licence number (if known)

Issuing licensing authority (if known)

PROPOSED DESIGNATED PREMISES SUPERVISOR CONSENT

How will the consent form of the proposed designated premises supervisor be supplied to the authority?

- ☐ Electronically, by the proposed designated premises supervisor
- ☒ As an attachment to this application

Continued from previous page...

Reference number for consent form (if known)

If the consent form is already submitted, ask the proposed designated premises supervisor for its 'system reference' or 'your reference'.

Section 16 of 21

ADULT ENTERTAINMENT

Highlight any adult entertainment or services, activities, or other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children

Give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups etc gambling machines etc.

Section 17 of 21

HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

MONDAY

Start

End

Start

End

Give timings in 24 hour clock. (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

Continued from previous page...

SUNDAY

Start

End

Start

End

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non standard timings. Where you intend to use the premises to be open to the members and guests at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

Section 18 of 21

LICENSING OBJECTIVES

Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b,c,d,e)

List here steps you will take to promote all four licensing objectives together.

1. Licensable activities may only take place in accordance with the areas indicated on the submitted plans.
2. Alcohol shall not be sold on the premises otherwise than to members or guests of the Royal Automobile Club, or reciprocal clubs, or at a function sponsored by a member of the Royal Automobile Club.
3. The names and addresses of all members of the "club" shall be recorded. A prospective member shall be interviewed by a committee member and shall be proposed and seconded by a current member. Subscriptions shall be paid up to date to enable a member to take part in licensable activities.
4. The DPS or a duty manager shall be on duty on the premises whenever licensable activities are taking place.
5. The DPS or the duty manger shall hold a pager so as to be contactable whenever licensable activities are taking place.

b) The prevention of crime and disorder

6. CCTV cameras shall cover all bars and car parks together with the cellars and the exterior of the buildings.

c) Public safety

(the premises are subject to health & safety and fire safety regulations under relevant legislation and no additional measures are required under the licence)

Continued from previous page...

d) The prevention of public nuisance

see (a) and (b) above

e) The protection of children from harm

7. There shall be no entertainment of an adult/sexual nature.

Section 19 of 21

NOTES ON DEMONSTRATING ENTITLEMENT TO WORK IN THE UK

Continued from previous page...

Entitlement to work/immigration status for individual applicants and applications from partnerships which are not limited liability partnerships:

A licence may not be held by an individual or an individual in a partnership who is resident in the UK who:

- does not have the right to live and work in the UK; or
- is subject to a condition preventing him or her from doing work relating to the carrying on of a licensable activity.

Any premises licence issued in respect of an application made on or after 6 April 2017 will become invalid if the holder ceases to be entitled to work in the UK.

Applicants must demonstrate that they have an entitlement to work in the UK and are not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity. They do this in one of two ways: 1) by providing with this application copies or scanned copies of the documents listed below (which do not need to be certified), or 2) by providing their 'share code' to enable the licensing authority to carry out a check using the Home Office online right to work checking service (see below).

Documents which demonstrate entitlement to work in the UK

- An expired or current passport showing the holder, or a person named in the passport as the child of the holder, is A British citizen or a citizen of the UK and Colonies having the right of abode in the UK [please see note below about which sections of the passport to copy].
- An expired or current passport or national identity card showing the holder, or a person named in the passport as the child of the holder, is a national of a European Economic Area country or Switzerland.
- A Registration Certificate or document certifying permanent residence issued by the Home Office to a national of a European Economic Area country or Switzerland.
- A Permanent Residence Card issued by the Home Office to the family member of a national of a European Economic Area country or Switzerland.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder indicating that the person named is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK.
- A **current** passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK.
- A **current** Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the UK, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A certificate of registration or naturalisation as a British citizen, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.

Continued from previous page...

- A **current** passport endorsed to show that the holder is allowed to stay in the UK and is currently allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder which indicates that the named person can currently stay in the UK and is allowed to work relation to the carrying on of a licensable activity.
- A **current** Residence Card issued by the Home Office to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights or residence.
- A **current** Immigration Status Document containing a photograph issued by the Home Office to the holder with an endorsement indicating that the named person may stay in the UK, and is allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A Certificate of Application, **less than 6 months old**, issued by the Home Office under regulation 18(3) or 20(2) of the Immigration (European Economic Area) Regulations 2016, to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence.
- Reasonable evidence that the person has an outstanding application to vary their permission to be in the UK with the Home Office such as the Home Office acknowledgement letter or proof of postage evidence, or reasonable evidence that the person has an appeal or administrative review pending on an immigration decision, such as an appeal or administrative review reference number.
- Reasonable evidence that a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence in exercising treaty rights in the UK including:-
 - evidence of the applicant's own identity – such as a passport,
 - evidence of their relationship with the European Economic Area family member – e.g. a marriage certificate, civil partnership certificate or birth certificate, and
 - evidence that the European Economic Area national has a right of permanent residence in the UK or is one of the following if they have been in the UK for more than 3 months:
 - (i) working e.g. employment contract, wage slips, letter from the employer,
 - (ii) self-employed e.g. contracts, invoices, or audited accounts with a bank,
 - (iii) studying e.g. letter from the school, college or university and evidence of sufficient funds; or
 - (iv) self-sufficient e.g. bank statements.

Family members of European Economic Area nationals who are studying or financially independent must also provide evidence that the European Economic Area national and any family members hold comprehensive sickness insurance in the UK. This can include a private medical insurance policy, an EHIC card or an S1, S2 or S3 form.

Original documents must not be sent to licensing authorities. If the document copied is a passport, a copy of the following pages should be provided:-

- (i) any page containing the holder's personal details including nationality;
- (ii) any page containing the holder's photograph;
- (iii) any page containing the holder's signature;
- (iv) any page containing the date of expiry; and
- (v) any page containing information indicating the holder has permission to enter or remain in the UK and is permitted to work.

Continued from previous page...

If the document is not a passport, a copy of the whole document should be provided.

Your right to work will be checked as part of your licensing application and this could involve us checking your immigration status with the Home Office. We may otherwise share information with the Home Office. Your licence application will not be determined until you have complied with this guidance.

Home Office online right to work checking service

As an alternative to providing a copy of the documents listed above, applicants may demonstrate their right to work by allowing the licensing authority to carry out a check with the Home Office online right to work checking service.

To demonstrate their right to work via the Home Office online right to work checking service, applicants should include in this application their 9-digit share code (provided to them upon accessing the service at <https://www.gov.uk/prove-right-to-work>) which, along with the applicant's date of birth (provided within this application), will allow the licensing authority to carry out the check.

In order to establish the applicant's right to work, the check will need to indicate that the applicant is allowed to work in the United Kingdom and is not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity.

An online check will not be possible in all circumstances because not all applicants will have an immigration status that can be checked online. The Home Office online right to work checking service sets out what information and/or documentation applicants will need in order to access the service. Applicants who are unable to obtain a share code from the service should submit copy documents as set out above.

Section 20 of 21

NOTES ON REGULATED ENTERTAINMENT

Continued from previous page...

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.
- 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:
 - o a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
 - o 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.
 - o 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.
 - o 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.
 - o 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:
 - o 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.
 - o 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.
 - o 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.

Continued from previous page...

- 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.
- Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
 - o any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
 - o 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;
 - o any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
 - o 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.

Section 21 of 21

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.

Premises Licence Fees are determined by the non domestic rateable value of the premises.

To find out a premises non domestic rateable value go to the Valuation Office Agency site at http://www.voa.gov.uk/business_rates/index.htm

Band A - No RV to £4300 £100.00

Band B - £4301 to £33000 £190.00

Band C - £33001 to £8700 £315.00

Band D - £87001 to £12500 £450.00*

Band E - £125001 and over £635.00*

*If the premises rateable value is in Bands D or E and the premises is primarily used for the consumption of alcohol on the premises then your are required to pay a higher fee

Band D - £87001 to £12500 £900.00

Band E - £125001 and over £1,905.00

There is an exemption from the payment of fees in relation to the provision of regulated entertainment at church halls, chapel halls or premises of a similar nature, village halls, parish or community halls, or other premises of a similar nature. The costs associated with these licences will be met by central Government. If, however, the licence also authorises the use of the premises for the supply of alcohol or the provision of late night refreshment, a fee will be required.

Schools and sixth form colleges are exempt from the fees associated with the authorisation of regulated entertainment where the entertainment is provided by and at the school or college and for the purposes of the school or college.

If you operate a large event you are subject to ADDITIONAL fees based upon the number in attendance at any one time

Capacity 5000-9999 £1,000.00

Capacity 10000 -14999 £2,000.00

Capacity 15000-19999 £4,000.00

Capacity 20000-29999 £8,000.00

Capacity 30000-39000 £16,000.00

Capacity 40000-49999 £24,000.00

Capacity 50000-59999 £32,000.00

Capacity 60000-69999 £40,000.00

Capacity 70000-79999 £48,000.00

Capacity 80000-89999 £56,000.00

Capacity 90000 and over £64,000.00

* Fee amount (£)

635.00

DECLARATION

Continued from previous page...

* I/we understand it is an offence, liable on conviction to a fine up to level 5 on the standard scale, under section 158 of the licensing act 2003, to make a false statement in or in connection with this application.

[Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my

* licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15). The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, if appropriate (please see note 15)

☒ 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/premises-licence/epsom-and-ewell/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.

IT IS AN OFFENCE LIABLE TO SUMMARY CONVICTION TO A FINE OF ANY AMOUNT UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED

OFFICE USE ONLY

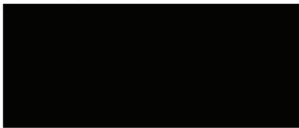
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Approval deadline	<input type="text"/>
Error message	<input type="text"/>
Is Digitally signed	<input type="checkbox"/>

Consent of individual to being specified as premises supervisor




Christyraj Solomon Moses

I
[full name of prospective premises supervisor]

of



[home address of prospective premises supervisor]

Date of birth:  Place of birth:  Nationality: 

hereby confirm that I give my consent to be specified as the designated premises supervisor
in relation to the application for
premises licence

[type of application]

by

Royal Automobile Club

[name of applicant]

relating to a premises licence

TBC

[number of existing licence, if any]

for

The Walled Garden
Royal Automobile Club
Woodcote Park
Wilmerhatch Lane
Epsom KT18 7EW

[name and address of premises to which the application relates]

and any premises licence to be granted or varied in respect of this application made by
Royal Automobile Club

[name of applicant]

concerning the supply of alcohol at

The Walled Garden
Royal Automobile Club
Woodcote Park
Wilmerhatch Lane
Epsom KT18 7EW

[name and address of premises to which application relates]

I also confirm that I am entitled to work in the United Kingdom and am applying for, intend to apply for or currently hold a personal licence, details of which I set out below.

Personal licence number

HO1803

[insert personal licence number, if any]

Personal licence issuing authority

LB Hounslow

[insert name and address and telephone number of personal licence issuing authority, if any]

Signed



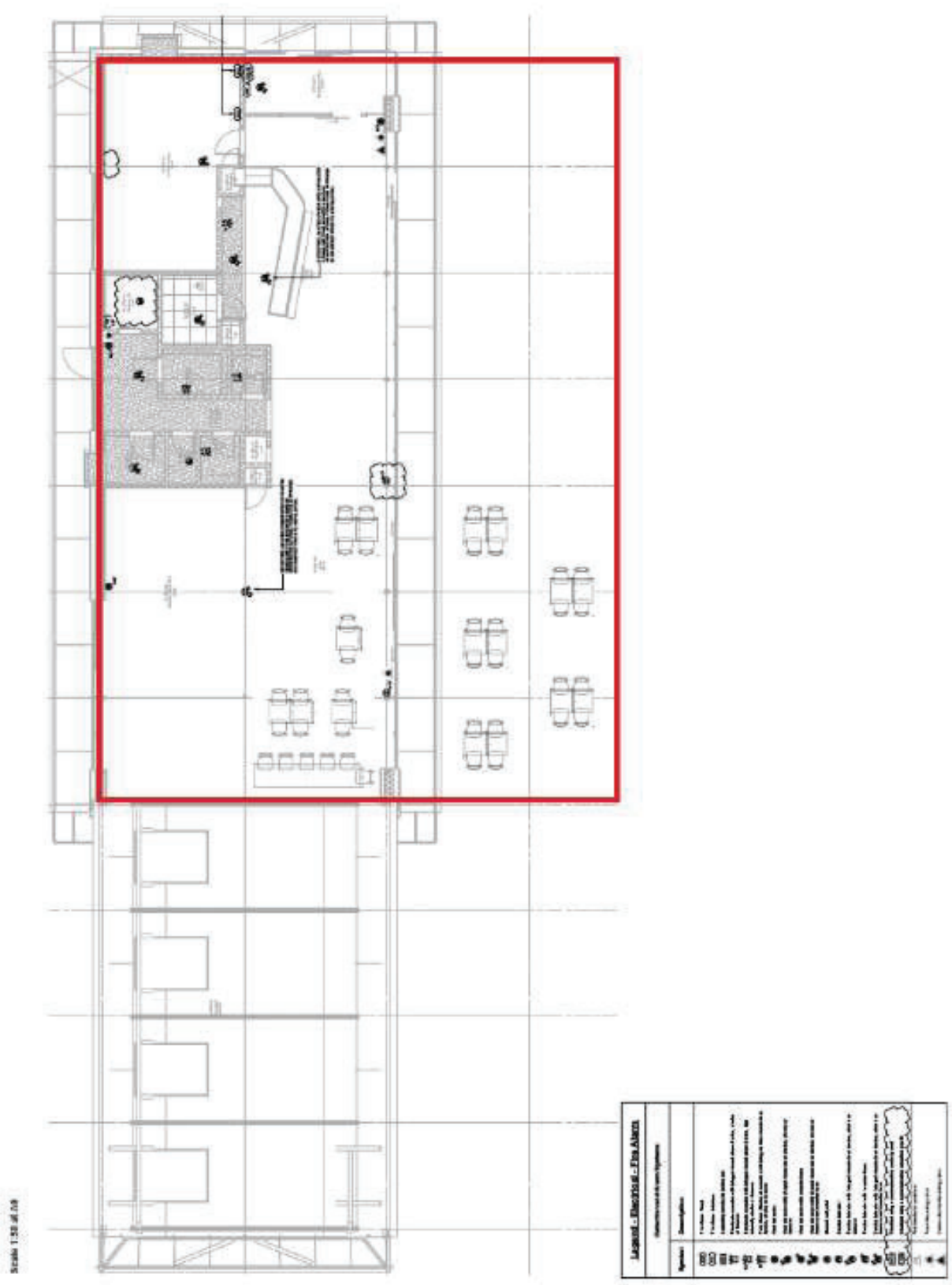
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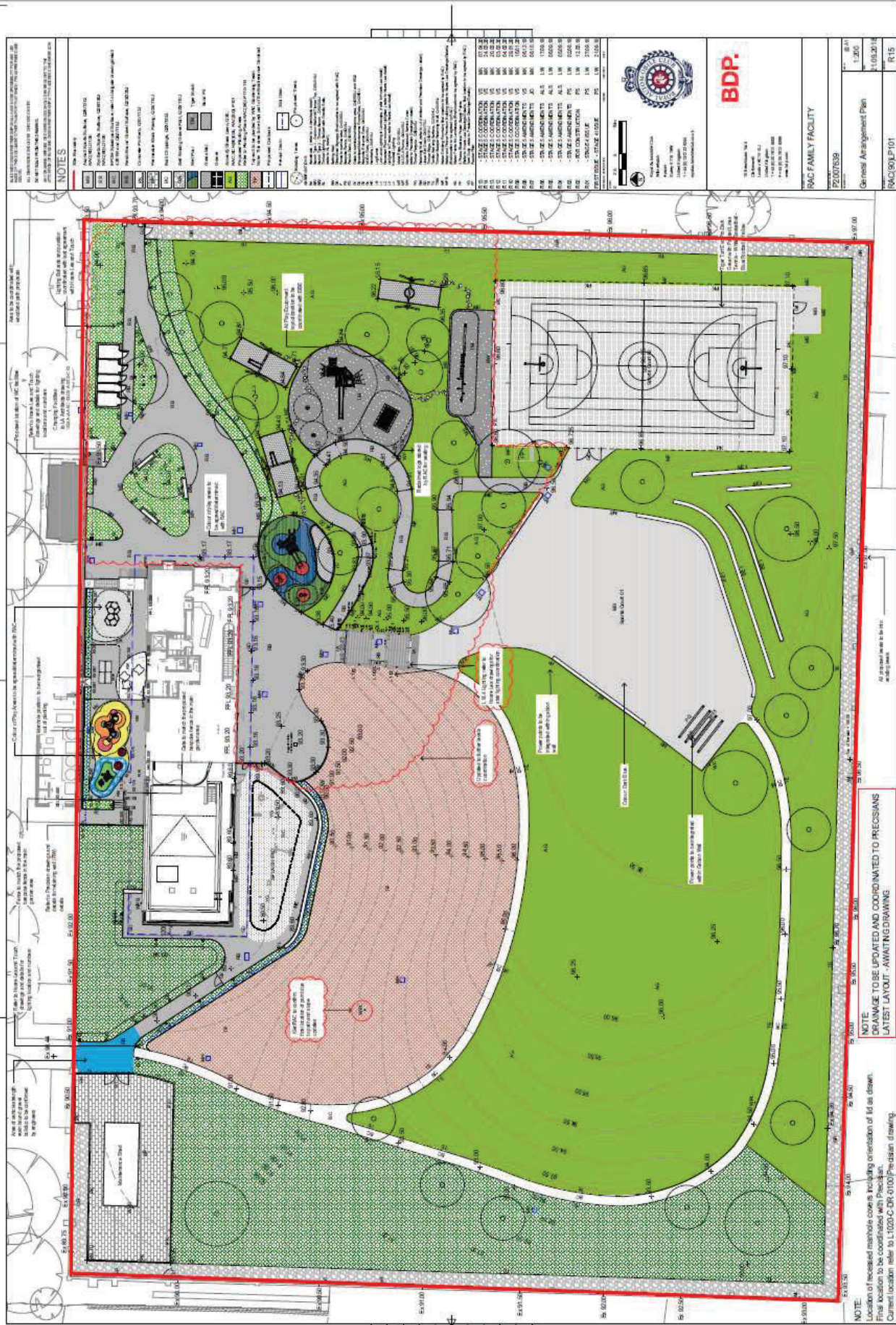
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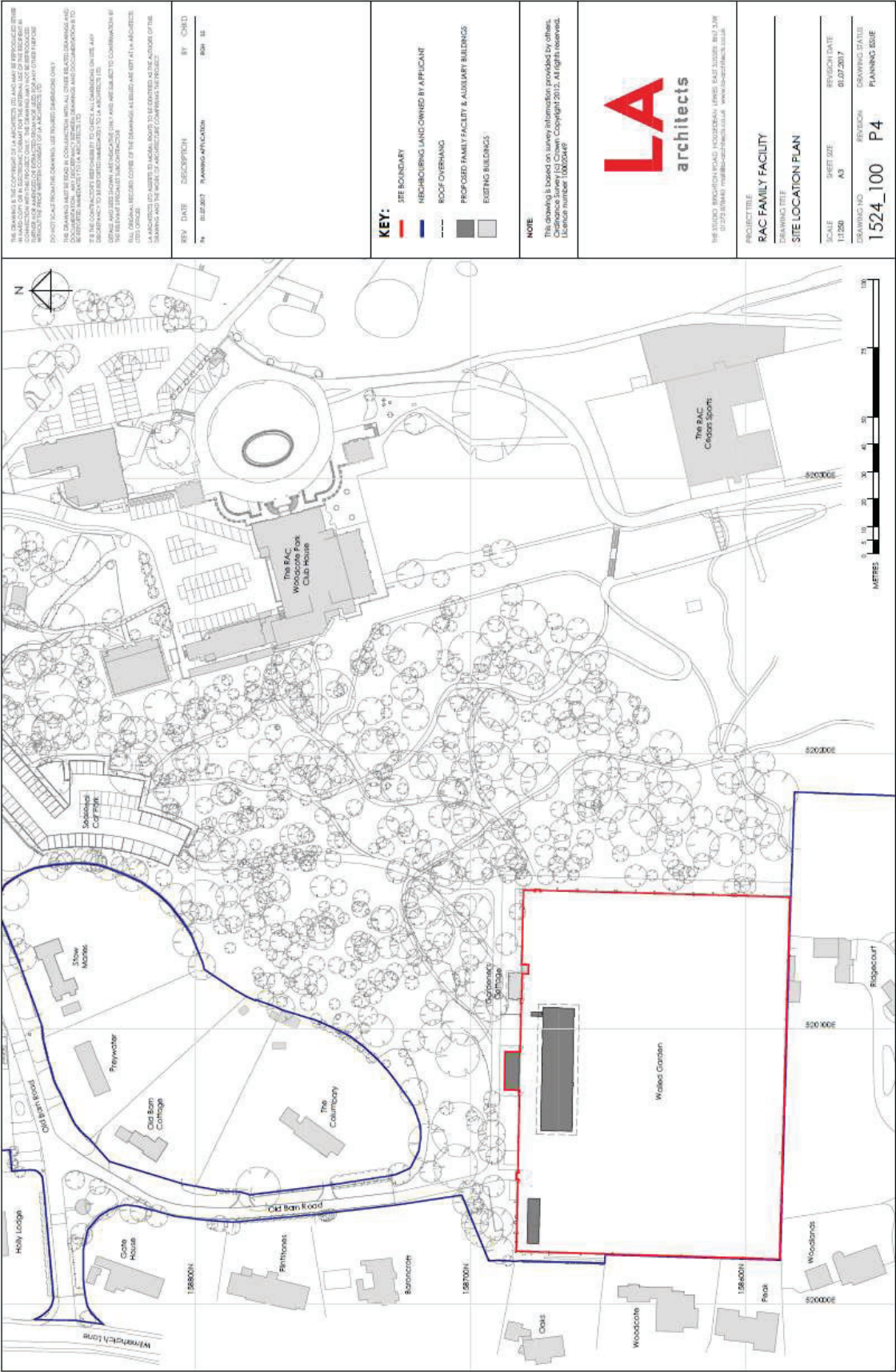
Date

10th December 2020

Appendix 1a: Plan attached to Application









Appendix 2:- Redacted copies of valid representations



Licensing Service
Epsom and Ewell Borough Council
Town Hall
The Parade
Epsom
Surrey, KT18 5BY

Representation from Patricia Darby

Re Application of Pall Mall and Woodcote Park Clubhouses
LTD dated 18 December 2020 for the grant of a premises
licence

From: Tricia Darby [REDACTED]
Sent: 10 January 2021 21:40
To: Licensing <licensing@epsom-ewell.gov.uk>
Cc: [REDACTED]
Subject: Representation in objection of application for premises licence by the RAC for the Walled Garden

Dear Grants and Licensing Team

Please find attached a representation in objection to the application for a premises licence which you have recently received from Pall Mall and Woodcote Park Clubhouses LTD for the walled garden at the Royal Automobile Club.

As per your guidance my name, address, signature and reasons for objection are all included in the attached document. Please let me know if there is anything else you may require.

Kind regards

Patricia Darby



Grants and Licensing Team
Epsom & Ewell Borough Council
Town Hall
Epsom
KT18 5BY

Sunday 10th January 2021

Dear Grants and Licensing Team

Ref: Notice of application for premises licence by Pall Mall and Woodcote Park Clubhouses LTD

I wish to make a representation in objection to the application for a premises licence which you have recently received from Pall Mall and Woodcote Park Clubhouses LTD for The Walled Garden at the Royal Automobile Club.

My objection is mainly based on the prevention of public nuisance and protection of children from harm as recognised licensing objectives, but also based on a range of practicalities and concerns which must be addressed. These are all outlined below.

A. Communication, approach, validity and practicality of application

1. The Royal Automobile Club ("RAC") have been inconsistent in their approach to notifying impacted residents of this licence application in addition to previous planning applications. As I am sure you can see from the long list of planning applications EEBC has dealt with in the last few years, there is a lack of consistency for impacted neighbours to trust the intended use and therefore impact of the walled garden. For example, opening hours of the site have now been amended a couple of times. As a heavily impacted resident, this 'mission creep' demonstrated by the RAC away from the original plans causes me significant concern and stress. This licence request should not be viewed in isolation – it must be considered in the context of the continued changes made to original plans, and the prior noise assessments which have been required as part of the planning application.
2. It seems wholly inappropriate to post the notice of application at a very limited number of locations during this period of lockdown. I only became aware of this application during a walk down The Ridge, where a notice had been posted by the alleyway entrance to the RAC golf course. I am sure there will be many impacted residents who will not be aware of this application, and this seems very unfair. I have received no other communication from the RAC despite the fact my house adjoins on to the perimeter of the walled garden.
3. The notice posted by the RAC / Thomas & Thomas Partners LLP (included at the end of this letter) states that objections must be received no later than 15th January 2021, whereas the EEBC website states 12th January. Any representations received after 12th January should therefore be accepted, but unfortunately this also presents a risk that some impacted residents may refer to the EEBC website and decide to no longer provide a representation if they assume they are too late.
4. The notice states that the record of the application can be inspected on the council's website, however I believe this is incorrect. To receive the application, I had to make contact with the

licensing team at EEBC (who were extremely helpful). I am concerned this may have left other objectors or potential objectors less informed about the application.

5. As part of condition 23 of 17/00542/FUL, a discharge of this condition was permitted on 9th January 2020. As part of this discharge planning record available on the EEBC website, Mr Paul Snoddy of the RAC stated on 15th November 2019 that "There will be strict operational controls and measures on activities within the walled garden, for example **no amplified music** and a strict curfew at the end of permitted hours." Presumably all recorded music when played, by default must be amplified to be audible, as well as films. In addition, Miles Wade, RAC Club Secretary, has confirmed in writing on 8th January 2021 that "there is **no intention to have live music**". This does not correspond to the application. It should therefore be revised with outdoor film, outdoor recorded music, outdoor live music and indoor live music removed.
6. Whilst "I am carrying on or proposing to carry on a business which involves the use of premises for licensable activities" has been selected in section 3 of 21, it should be noted that as part of the walled garden development, the use of this area solely for children/family activities is a completely new venture for the RAC and therefore factors regarding public nuisance and the protection of children from harm are fundamentally different from their existing activities across the wider Woodcote estate.
7. There appears to be no answer to section 14 of 21 (late night refreshment).
8. Dates required in section 5 of 21 are currently blank, which may be due to the fact this is a new development. However, if any licence is granted, consideration should be given to the length of the licence, as I would suggest this should be kept to a minimum in order to trial and assess the impact on residents through a review period. Furthermore, comments in section 5 of 21 are insufficient as there is no explanation for the off-supplies of alcohol even though this is selected in section 15 of 21.
9. Comparable venues which are dedicated to children's activities very rarely, if ever appear to provide alcohol. There is little precedent for the RAC to justify an alcohol licence for this type of premise.

B. The prevention of public nuisance

1. As part of 17/00542/FUL an MUGA noise management and monitoring plan was required in accordance with condition 23. However, I have a number of concerns with the noise assessment, especially in the context of the licence applications changing the scope of the use of the walled garden space, and therefore the degree and type of noise nuisance created. These concerns are as follows:
 - a. The levels/topography of the site have changed since all or some of the noise impact assessments were undertaken as part of 17/00542/FUL. Furthermore, there had been an assumption that the height of the brick wall of the walled garden will block a significant degree of noise. With the varying levels of the site, noise nuisance is potentially of greater concern than the assessments suggested.
 - b. The noise impact assessment is no longer valid as it only assessed for MUGA. The noise impact will be fundamentally different at the site if outdoor films, live music, recorded music and alcohol consumption are licenced at the site. This includes considerations to other audible qualities such as bass, pitch and range of sounds associated with these types of activity, whereas the existing noise impact assessment was restricted only to a decibel measure.
2. The application states in point 1 in section 18 of 21 that "licensable activities may only take place in accordance with the areas indicated on the submitted plans". However, upon reviewing the plans sent to me these appear unclear. There are four plans included, ranging from a layout of the building/café area but also of the full walled garden area. Since outdoors use has also been applied for, there must be much better clarification of the intended zone

where the licences will be utilised, as the noise impact could be significantly detrimental if any of these activities were allowed across the full extent of the site.

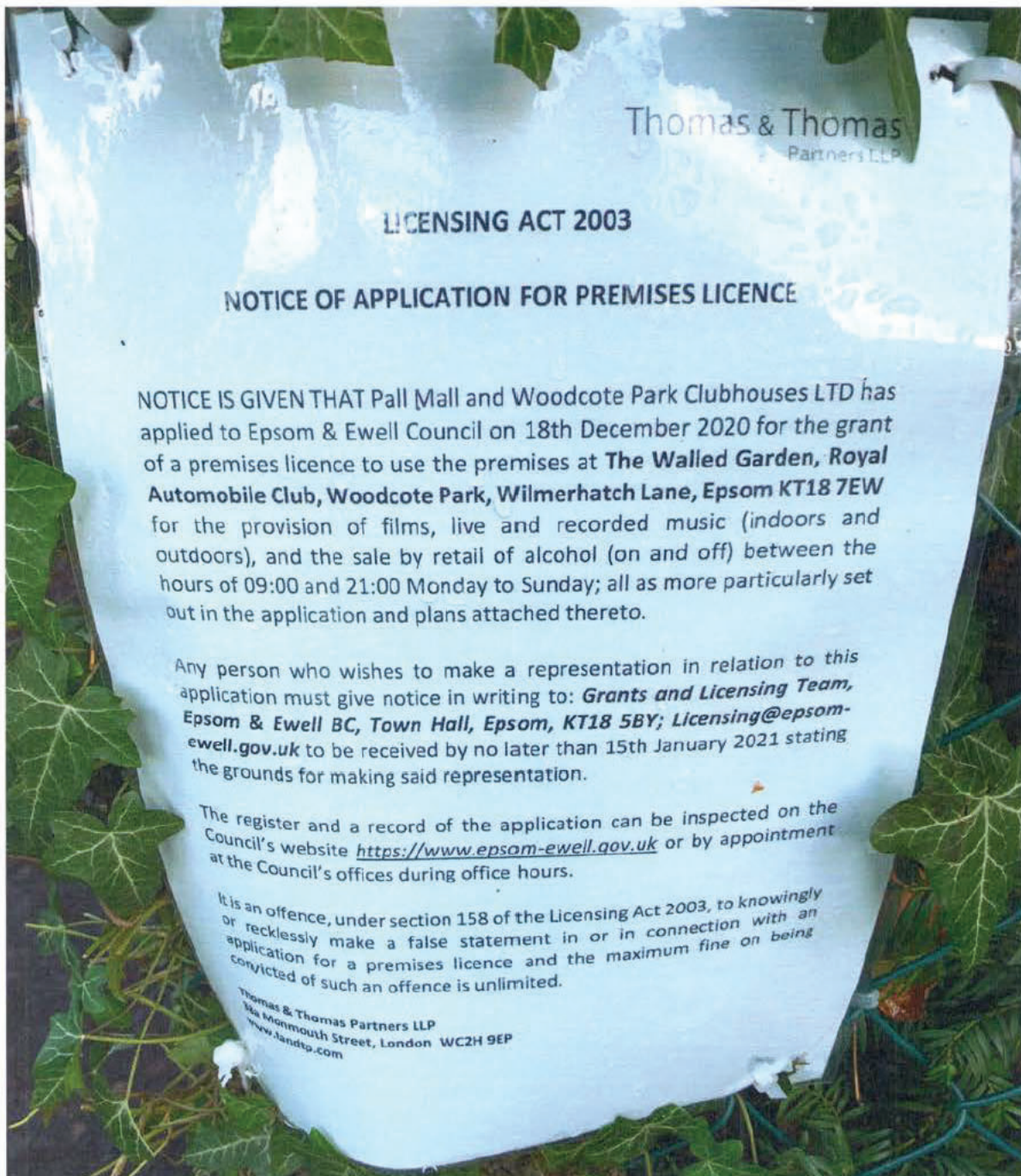
3. The application generally does not provide sufficient consideration to help limit noise nuisance such as:
 - a. All days of the week have been applied for, with no day-to-day variation in the indoor or outdoor licence. This presents a risk of noise nuisance events taking place every day.
 - b. There is insufficient information around the anticipation on the number of people expected at an event or any limits stated – for example an outdoor film event with a large number of people would require significant volume.
 - c. The type of activity for either live or recorded music has been left blank. This is clearly insufficient (please refer also to point A5).
 - d. The notes on regulated entertainment in section 20 of 21 states that no licence permission is required for amplified live music or recorded music if an alcohol licence is granted. Far better clarity is therefore needed whether this would also apply to outdoor use, and points raised in point A5 must be considered, and rectified in the application.
 4. There is existing event activity on the RAC Woodcote estate, namely weddings and private functions at the main house, which is already very audible to me at my property (which is from a much further distance), especially during summertime. The application for this licence sets a serious risk of bringing such activity in the immediate vicinity of my property and many others which adjoin the walled garden. Whilst the RAC have assured residents that there is no intention to utilise the walled garden beyond the stated intentions in the original development plans, the licence application suggests otherwise. Any licence granted should be significantly carved back to safeguard from noise disturbance – the breadth of the licence application simply does not match the use of the space as a children's activity area during daylight hours.
 5. As the application covers differing time ranges for indoor and outdoor activity there is a risk this will be difficult to enforce. For example, where alcohol is already being consumed outdoors but the requested outdoor closing time elapses, or stopping drinks being taken away outdoors outside of hours, which may all contribute to additional noise beyond the time applied for.
 6. The measures detailed in part A of section 18 of 21 seem insufficient to evidence how noise nuisance will be properly monitored.
- C. The protection of children from harm
1. In particular the licensing for the supply of alcohol at the walled garden presents serious concerns as the area is specifically designed for a range of children's activities which undoubtedly require adult supervision, such as the swimming pools and climbing areas. It simply does not seem sensible to risk any impaired adult judgement or actions due to the effects of alcohol within an area which requires significant adult attentiveness.
 2. The application is for both on-premise and off-premise consumption of alcohol as stated in section 15 of 21. Irrespective of any concern with on-premise consumption, there seems little justification for an off-premise licence to be necessary for a children's activity area. Furthermore, the granting of an alcohol licence may attract additional RAC members who are not a parent or guardian of a child in the walled garden. This therefore represents increased risk when considering safeguarding children in the walled garden area, where additional footfall due to alcohol availability may hamper the ability of parents or guardians to supervise children, and limits the ability to control the environment of the walled garden.

3. The staff at the RAC, whilst generally excellent, are sometimes temporary staff or inexperienced. In a child-specific environment of the walled garden, colleague attention and capacity should be focused on the safeguarding and wellbeing of children rather than dealing with any additional requirements or complications as a result of serving alcohol.
4. Although the closing time of the walled garden building is approved at 9pm, the relatively late closing of the outdoor area as per the licensing request presents a potential safety risk for children in the evening in dark areas of the site. I am of the understanding that outside the main building area, lighting has had to be kept minimal as per planning approval, however with the licence application in mind, this may create an unsafe environment in dark areas.
5. The measures detailed in part E of section 18 of 21 seem insufficient to evidence how children will be protected from harm.

Thank you in advance for considering all the points I have raised when considering the impact of this licence application.



Patricia Darby



Article 1: Notice of application



Licensing Service
Epsom and Ewell Borough Council
Town Hall
The Parade
Epsom
Surrey, KT18 5BY

Representation from Claire and Gareth Hird

Re Application of Pall Mall and Woodcote Park Clubhouses
LTD dated 18 December 2020 for the grant of a premises
licence

From: Gareth Hird [REDACTED]
Sent: 12 January 2021 16:32
To: Licensing <licensing@epsom-ewell.gov.uk>
Cc: Claire Hird [REDACTED]
Subject: Premises Licence Objection

Agenda Item 2
Appendix 2

Dear Sir/Madam

Please find attached our letter of objection to the application that was made by Pall Mall and Woodcote Park Clubhouses Ltd for a Premises Licence for the Walled Garden at the Royal Automobile Club, Woodcote Park, Wilmerhatch Lane, Epsom KT18 7EW.

Yours faithfully

Gareth Hird BSc (Hons) MRICS

[REDACTED]

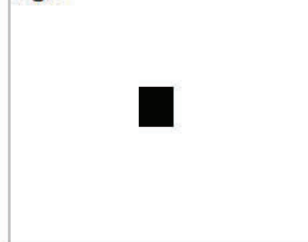
[REDACTED]

Tel: [REDACTED]

Email [REDACTED]

Web [REDACTED]

logo



[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

12 January 2021

Ms Angela Slaughter
Grants and Licensing Team
Epsom & Ewell Borough Council
Town Hall
The Parade
Epsom KT18 7EW
Licensing@epsom-ewell.gov.uk

Dear Ms Slaughter

Re. Application for a Premises Licence-The Walled Garden, The Royal Automobile Club, Woodcote Park, Epsom

We write concerning the application by Pall Mall and Woodcote Park Clubhouses Ltd for a Premises Licence for the Walled Garden at the Royal Automobile Club, Woodcote Park, Wilmerhatch Lane, Epsom KT18 7EW.

We are the owners and occupants of the residential property named Woodcote. The rear wall of our house is only nine metres from the Walled Garden to the west.

We write to object to the application on the grounds of the prevention of public nuisance, as set out in the Licensing Act 2003. This application is for regulated entertainment throughout seven days per week, specifically the screening of film shows, the performance of live music, and the broadcasting of recorded music in outside areas of the Walled Garden. We are extremely concerned that the noise nuisance that these activities will create will interfere with the quiet enjoyment of our property.

When determining this application, we urge you to consider the public nuisance that the proposals will cause to the residential properties in the immediate vicinity.

Should you wish to discuss any aspect of our objection or wish to view the Walled Garden from our property then please do not hesitate to contact us.

Yours sincerely

Gareth & Claire Hird

[REDACTED]
[REDACTED]

From: [Licensing](#)
To: [REDACTED]
Cc: [Angela Slaughter](#)
Subject: RAC Walled Garden

Dear Mr Hird

I thank you for your email lodging representation to the application to vary the Premises Licence in respect of the Walled Garden Royal Automobile Club. I apologise for the delay in responding due to staff sickness.

We understand from the applicant that there has been communication with residents, and that there has been some modification to the initial application. I can advise that should a Licence be granted, it would be subject to the following additional conditions:

1. Children's sports camps may only take place on the Multi Use Games Area
2. Playing of films may only take place inside
3. The premises licence holder may hold 4 events per calendar year on the Amenity Lawn limited to a maximum capacity of 100 persons (excluding staff); with background recorded or live music and may only take place between 10:00 hours and 16:00 hours
4. The premises licence holder may hold 10 events per calendar year on the Amenity Lawn limited to a maximum capacity of 30 persons (excluding staff); with background music only and may only take place between 10:00 hours and 15:00 hours

In light of the above, I would be grateful if you would confirm if you are happy to withdraw your representation, or if you wish the representation to remain, in which case a Licensing Sub-Committee Hearing will be arranged in due course.

Kind regards

Lisa Rasores
Licensing Officer
Epsom & Ewell Borough Council

Tel: 01372 732347
Email: lrasores@epsom-ewell.gov.uk
Web: www.epsom-ewell.gov.uk



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From: [Claire](#)
To: [Lisa Rasores](#); [Angela Slaughter](#); [Licensing](#)
Cc: ["Gareth Hird"](#)
Subject: RE: RAC Walled Garden
Date: 18 February 2021 11:36:17
Attachments: [image001.jpg](#)

Dear Lisa

Thank you for your email which you sent to my husband, Gareth Hird.

I have attended a meeting with the RAC to review their operations within the Walled garden. Following that meeting they have reviewed their operations and moved certain planned activities away from our boundary which is along the western wall.

Whilst we acknowledge some of the changes they have made will reduce the impact, we have made it clear to them that until the facility is operational it will be difficult for us to fully understand the impact that it will have on us as neighbours.

It is clear that the planned activities were never anticipated by the Acoustic survey and what was once a peaceful garden will never be so again. The RAC acknowledge this and have agreed to review the activities on a regular basis but at this time we cannot withdraw our objection to the licensing proposals.

With kind regards

Claire and Gareth Hird

Claire Hird MRICS

[REDACTED]

[REDACTED]



[REDACTED]

[REDACTED]

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Licensing Service
Epsom and Ewell Borough Council
Town Hall
The Parade
Epsom
Surrey, KT18 5BY

Representation from Lelyana Kurniawan and Ian Harris

Re Application of Pall Mall and Woodcote Park Clubhouses
LTD dated 18 December 2020 for the grant of a premises
licence

From: Ian and Lely [REDACTED]
Sent: 11 January 2021 13:08
To: Licensing [REDACTED]
Subject: Response to the Application for Premises License at The Wall Garden, Royal Automobile Club

Dear Premises License Planning Officer,

We write to object to the Royal Automobile Club's application for a premises license at the Wall Garden. We are concerned that, if granted, this license will allow the RAC to offer live music, cinema and entertainment out of doors every day from April through October to the detriment of the residents who live on The Ridge and the Wilmerhatch Lane. The noise nuisance is a real threat to those living adjacent to the RAC. Every summer (except in 2020 due to the Pandemic) we have had noise coming from the Summer concerts at the Epsom Derby which caused us to have to close our doors and windows in order to minimise it. One could argue that the concerts at Epsom Down start in the afternoon every Thursday and last till around 11pm, two hours longer than the time envisaged by the RAC for its license; however, the much closer proximity of the RAC's Walled Garden to us and the daily nature of this license with much longer operating time (from 09:00-21:00) during April to October mean the Residents who live on the Ridge and Wilmerhatch Lane would have to stay behind closed doors during summer months to escape the noise. This is unfair considering summer months are the prime time when we would like to be able to spend afternoons and evenings outdoors enjoying our garden and the peace and quietness offered.

A further reason for objection is that The Walled Garden is supposed to be a sanctuary for children and their families. Serving alcohol all day until 21:00 could encourage anti-social behaviour and might endanger the children who use the facilities at the Walled Garden which include a swimming pool.

We hope you would consider the reasons for our objection into your deliberation for this application. Feel free to contact us if you have any queries.

Best Regards,
Lelyana Kumiawan and Ian Harris

[REDACTED]

From: [Licensing](#)
To: [REDACTED]
Cc: [Angela Slaughter](#)
Subject: RAC Walled Garden

Dear Sir and Madam

I thank you for your email lodging representation to the application to vary the Premises Licence in respect of the Walled Garden Royal Automobile Club. I apologise for the delay in responding due to staff sickness.

We understand from the applicant that there has been communication with residents, and that there has been some modification to the initial application. I can advise that should a Licence be granted, it would be subject to the following additional conditions:

1. Children's sports camps may only take place on the Multi Use Games Area
2. Playing of films may only take place inside
3. The premises licence holder may hold 4 events per calendar year on the Amenity Lawn limited to a maximum capacity of 100 persons (excluding staff); with background recorded or live music and may only take place between 10:00 hours and 16:00 hours
4. The premises licence holder may hold 10 events per calendar year on the Amenity Lawn limited to a maximum capacity of 30 persons (excluding staff); with background music only and may only take place between 10:00 hours and 15:00 hours

In light of the above, I would be grateful if you would confirm if you are happy to withdraw your representation, or if you wish the representation to remain, in which case a Licensing Sub-Committee Hearing will be arranged in due course.

Kind regards

Lisa Rasores
Licensing Officer
Epsom & Ewell Borough Council

Tel: 01372 732347
Email: lrasores@epsom-ewell.gov.uk
Web: www.epsom-ewell.gov.uk



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From: Ian and Lely [REDACTED]
Sent: 19 February 2021 15:43
To: Licensing <licensing@epsom-ewell.gov.uk>
Cc: Angela Slaughter <ASlaughter@epsom-ewell.gov.uk>
Subject: Re: RAC Walled Garden

Dear Lisa,

Thank you for your email.

Just to let you know, we never knew about this application until the latest amendment to the original (initial) application came out recently, when a neighbour alerted the Ridge residents. Normally, a notice would have been posted in a strategic area where the residents could see it easily. But we never recall seeing the initial application notice, only the amendment notice was posted on the alley way between the Ridge and the RAC. Normally, we would have received a letter from the RAC detailing the application plan and a letter from the Epsom and Ewell planner describing the application and how to response. We never received any of those letters.

In response to your comments regarding the additional conditions to be imposed on the operation of the Wall Garden, if the license is granted; we are happy with all the points except the live music. We think the live music would be noisy and impact negatively the residents' quality of life. Could the live music be scrapped completely? If the RAC absolutely have to have it, the number of live-music events be reduced to a max of two per year and notification be sent out to the Ridge residents each time the RAC plans to hold the event so we will all be prepared for the noise?

I look forward to hearing from you.

Best Regards,
Lelyana Kurniawan



Licensing Service
Epsom and Ewell Borough Council
Town Hall
The Parade
Epsom
Surrey, KT18 5BY

Representation from Julia Low

Re Application of Pall Mall and Woodcote Park Clubhouses
LTD dated 18 December 2020 for the grant of a premises
licence

From: Julia Low [REDACTED]
Sent: 11 January 2021 18:15
To: Licensing <licensing@epsom-ewell.gov.uk>
Subject: Objection Re: Application 01424400

Agenda Item 2 Appendix 2

Re: Application 01424400
Pall Mall & Woodcote Road Club House Ltd (RAC Club)

Dear Sir,

I wish to object to the above Notice of Application for Premises Licence on the following grounds:

1. That the application must by its very nature lead to an increase in noise to the detriment of local residents. It is already a cause of concern in the neighbourhood that excessive noise from Epsom racecourse may be heard on several days per year. If permission is granted, we will have to cope with the noise and light pollution coming from the RAC site (which is a lot nearer to The Ridge) from the planned live music, outdoor events or functions. These will upset the peaceful and tranquil setting which all the residents in The Ridge enjoy and are invaluable in their own right.
2. Allowing 500-1000 people into the grounds of RAC will increase the traffic flow on Wilmerhatch Lane. Therefore the roads will be busier with cars causing traffic congestions, air pollution, noise and even increases in accidents.
3. As alcohol will be served into late hours there is no guarantee that the people who attend the events/shows/outdoor activities and functions will not consume too much. They may not be able to behave in an orderly manner and can be aggressive when confronted.
4. The ground area of RAC club is too large for anyone to provide sufficient security to ensure the safety and the security of the surrounding neighbourhood and residences.
On the afternoon of 09/01/2021, I learned from the group chat (The Ridge Security) that three men came from the RAC golf course who were running away from the security guard (Nathan) of Cedar Court. With additional 500 to 1000 people in the grounds of the RAC club, the residents around the RAC will require additional vigilance.
5. The potential for crime will be increased in the local neighbourhood and security has recently come back into focus. The following is relevant.
 - a) A video of a burglary may be seen which has been circulated to residences along The Ridge.
 - b) At least three others attempted robberies have been reported in the last 12 months.

It is for these reasons that I oppose The Application. Please take these facts into account in any decision.

Kind regards

Ms. Low.

Sent from my iPad



Licensing Service
Epsom and Ewell Borough Council
Town Hall
The Parade
Epsom
Surrey, KT18 5BY

Representation from Mr and Mrs Tyrrell

Re Application of Pall Mall and Woodcote Park Clubhouses
LTD dated 18 December 2020 for the grant of a premises
licence

Email: [REDACTED]
Tel: [REDACTED]

Ms Angela Slaughter
Grants and Licensing Team
Epsom & Ewell Borough Council
Town Hall
The Parade
Epsom KT18 7EW

14th January 2021

Dear Ms Slaughter

**The Walled Garden, RAC, Woodcote Park, Epsom
Representations re application for a premises licence
Licensing Act 2003**

We write in regard to the current (revised) application by Pall Mall and Woodcote Park Clubhouses Ltd for a premises licence for the Walled Garden at the Royal Automobile Club, Woodcote Park, Wilmerhatch Lane, Epsom KT18 7EW.

We are extremely concerned to note that the application is for entertainment to show films, live and recorded music, and sale and consumption of alcohol both on and off the premises.

As far as the sale and consumption of alcohol both on and off the premises is concerned, we note that the RAC propose that the hours for seven days per week will be from 09.00 hours until 20.00 hours every day and that as far as the provision of both live and recorded music is concerned, the hours every day for seven days per week will be:

- internal areas 09.00 hours until 21.00 hours
- external areas 09.00 hours until 17.00 hours October to March
- external areas 09.00 hours until 20.00 hours April until September.

We write to make representations in line with the Licensing Act 2003 in regard to ‘prevention of public nuisance’ and also ‘public safety’. We do so as both members of the RAC and owners and occupiers of the residential property in Wilmerhatch Lane known as Five Oaks, which is located close to the northern corner of the western side of the Walled Garden. Our rear boundary is only 3m from the wall of the Walled Garden. If it would be helpful to view the area and the proximity of our property to the Walled Garden, you would be welcome to visit.

We seek to ensure that the amenities of neighbouring residents are protected in accordance with Policy DM10 of the Development Management Policies Document 2015. In particular we see absolutely no need for live or recorded music in the rural setting of external areas and so close to neighbouring properties. We understand from the RAC that it is their current intention to run the Walled Garden as a family facility for children with adult supervision, and there is no intention of developing it into an external party/entertainment venue for adults. If this is so, the RAC should have no problem in accepting a rejection of their current application for a premises licence for external films and live and recorded music and thereby avoid adverse impact on close neighbours, and prevent public nuisance.

Furthermore we consider it entirely inappropriate for alcohol to be available to supervising adults in a children’s swimming pool such as that in the Walled Garden. This is a health and safety issue for which a risk assessment is required and, in order to maintain public safety, we seek a rejection of their current application for a premises licence for sale and consumption of alcohol in the Walled Garden.

In summary, therefore, we urge you to reject the RAC’s application for a premises licence.

Yours sincerely

Dr A P Tyrrell CEng FICE and Mrs E M Tyrrell

From: [Licensing](#)
To: [REDACTED]
Cc: [Angela Slaughter](#)
Subject: RAC Walled Garden

Dear Mr Tyrrell

I thank you for your email lodging representation to the application to vary the Premises Licence in respect of the Walled Garden Royal Automobile Club. I apologise for the delay in responding due to staff sickness.

We understand from the applicant that there has been communication with residents, and that there has been some modification to the initial application. I can advise that should a Licence be granted, it would be subject to the following additional conditions:

1. Children's sports camps may only take place on the Multi Use Games Area
2. Playing of films may only take place inside
3. The premises licence holder may hold 4 events per calendar year on the Amenity Lawn limited to a maximum capacity of 100 persons (excluding staff); with background recorded or live music and may only take place between 10:00 hours and 16:00 hours
4. The premises licence holder may hold 10 events per calendar year on the Amenity Lawn limited to a maximum capacity of 30 persons (excluding staff); with background music only and may only take place between 10:00 hours and 15:00 hours

In light of the above, I would be grateful if you would confirm if you are happy to withdraw your representation, or if you wish the representation to remain, in which case a Licensing Sub-Committee Hearing will be arranged in due course.

Kind regards

Lisa Rasores
Licensing Officer
Epsom & Ewell Borough Council

Tel: 01372 732347
Email: lrasores@epsom-ewell.gov.uk
Web: www.epsom-ewell.gov.uk



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From: [Andrew Tyrrell](#)
To: [Lisa Rasores](#)
Cc: [Angela Slaughter](#)
Subject: RAC Walled Garden
Date: 22 February 2021 11:07:06
Attachments: [LEandEbc19s.doc](#)

Letter dated 22 February 2021 to Grants & Licensing Team, Epsom & Ewell Borough Council attached.

Regards,
Andrew Tyrrell

Click [here](#) to report this email as spam.

Email: a [REDACTED]
Tel: [REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Ms Lisa Rasores
Grants and Licensing Team
Epsom & Ewell Borough Council
Town Hall
The Parade
Epsom
KT18 5BY

22nd February 2021

Dear Ms Rasores

**The Walled Garden, RAC, Woodcote Park, Epsom
Representation re application for a premises licence**

We write in response to your email dated 15 February 2021 in regard to the application by Pall Mall and Woodcote Park Clubhouses Ltd for a premises licence for the Walled Garden at the Royal Automobile Club, Woodcote Park, Wilmerhatch Lane, Epsom KT18 7EW. Specifically, you ask if we are happy to withdraw our representation or if we wish the representation to remain.

Since our letter of 14th January 2021, we have met representatives of the RAC on site and discussed their planned operations within the Walled Garden. Subsequent to this they have proposed modifications to their operations. Whereas these modifications as now proposed by the RAC (and set out in your email as additional conditions should a licence be granted) represent a step in the right direction, for which we are grateful, they are insufficient to dispel our concerns. In particular, background recorded and live music is still permitted externally. This is in our opinion inappropriate in the quiet, rural setting of the Walled Garden and so close to neighbouring properties as to have the potential to cause significant adverse impact and public nuisance.

In our opinion the exact impact cannot currently be predicted with any degree of certainty and therefore the most equitable way forward is to monitor noise levels on a cooperative basis, with regular reviews of day-to-day operation of the facilities in practice, so that meaningful records are available on which to base plans going forward.

Another major concern relates to the sale of alcohol on these premises, comprising a swimming pool specifically for the use of young children. In our opinion consumption of alcohol is inappropriate for adults supervising such children in their care and constitutes a public safety issue. We can think of nothing worse than a serious accident occurring to a young child as a result[AT1]. Even with a lifeguard on duty, responsibility for child safety cannot reasonably be delegated to RAC staff and ignored; for parents to be responsible for the safety of their children, it is essential that they are fully alert to any potential hazard.

In the light of the above, we wish the representation to remain. We noteunderstand this will be considered by a Licensing Sub-Committee. If it would be helpful for any of the Committee to view the area and the proximity of neighbouring residential properties to the Walled Garden, they would be welcome to visit.

Yours sincerely

Dr A P Tyrrell CEng FICE and Mrs E M Tyrrell



Licensing Service
Epsom and Ewell Borough Council
Town Hall
The Parade
Epsom
Surrey, KT18 5BY

Representation from Caroline Wiggins

Re Application of Pall Mall and Woodcote Park Clubhouses
LTD dated 18 December 2020 for the grant of a premises
licence

From: Caroline Wiggins [REDACTED]
Sent: 11 January 2021 12:33
To: Licensing <licensing@epsom-ewell.gov.uk>
Subject: objection to RAC application

Agenda Item 2 Appendix 2

Please find attached an objection to the RAC application for the Walled Garden. I would point out that there is a discrepancy between the dates stated on the site and documents one is the 12th January and the other the 15th. As a neighbouring property we did not receive any notice from the council on this application which clearly effects the amenity of our property

regards

Caroline

Caroline Wiggins
[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

T: [REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]

Caroline Wiggins

[REDACTED]

January 11th 2021

SUBJECT : Application for license Royal Automobile Club, Wilmerhatch Lane,
Epsom, Surrey KT18 7EW

RE : Walled Garden – License to sell alcohol on and off site, to show films, have
live and recorded music.

To the Grants and Licensing Team

To whom it may concern.

The original planning application applied for the walled garden complex to be operational during day light hours only due to light pollution. Once planning had been approved subsequently a modified application was made to operate the complex after dark. The area is intended for use by young children and is set up as such HOWEVER it is a large open space and would lend itself to multiple uses which conflict with the use by families and young children and it may also be detrimental to neighbours and the general public.

The area could be used for functions outside capable of 100 people plus/weddings/ events etc this could place children at the risk of harm. If it is a sports complex for the young the sale and serving of alcohol outside puts children at risk.

Alcohol increases the risk of crime and disorder as adults in a setting with a large number of people- club staff may not be able to control disorderly behaviour

People may lead to disorderly and unsociable behaviour putting public safety at risk

The noise from live bands, discos will echo and reverberate in an area which is effectively a large open space. Serving alcohol and food outside with music in an area surrounded by woodland could also disturb the wildlife and preserved animals that live next to the complex.

As an adjacent property we live in a quiet, rural setting with little or no noise or risk of crime. A complex capable of entertaining a large numbers of people will disturb the rural setting and quality of life, with drinks being served outside with music until 9am, on weekends – noise carries and this should be taken into consideration as well as increasing the risk of crime and unruly and unsociable and we would ask the license for alcohol and music/films to be refused for any use outside.

Caroline Wiggins

[REDACTED]



Licensing Service
Epsom and Ewell Borough Council
Town Hall
The Parade
Epsom
Surrey, KT18 5BY

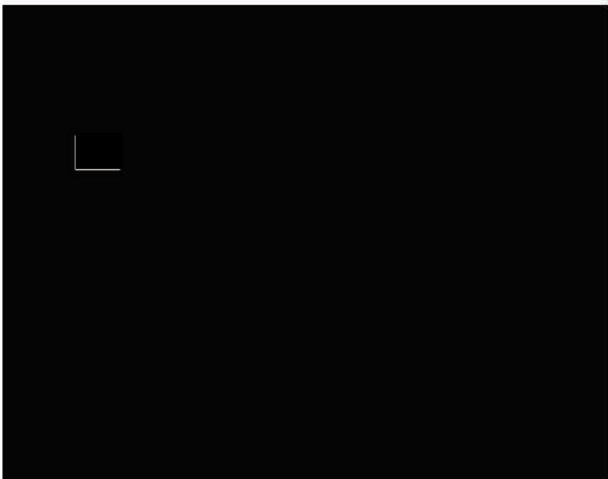
Representation from Eileen Wiggins

Re Application of Pall Mall and Woodcote Park Clubhouses
LTD dated 18 December 2020 for the grant of a premises
licence

From: Caroline Wiggins [REDACTED] uk>
Sent: 12 January 2021 16:18
To: Licensing <licensing@epsom-ewell.gov.uk>
Subject: objection RAC

The attached is self explanatory and is from Eileen Wiggins who is living in the flat at Hartwell House

Caroline Wiggins
[REDACTED]



Eileen Wiggins. [REDACTED]

January 11th 2021

SUBJECT : Application for license Royal Automobile Club, Wilmerhatch Lane, Epsom, Surrey KT18 7EW

RE : Walled Garden – License to sell alcohol on and off site, to show films, have live and recorded music.

To the Grants and Licensing Team

The area is intended for use by young children and is set up as such HOWEVER it is a large open space and would lend itself to multiple uses which conflict with the use by families and young children and it may also be detrimental to neighbours and the general public putting them at risk of disorderly behaviour and crime as it is likely there would be insufficient management to police this outside, as the setting enables customers to wander into woodland and adjacent land.

The area could be used for functions outside capable of 100 people plus/weddings/ events etc this could place children at the risk of harm. If it is a sports complex for the young the sale and serving of alcohol outside puts children at risk and is ~UNNECESSARY

Alcohol increases the risk of crime and disorder as adults in a setting with a large number of people- club staff may not be able to control disorderly behaviour

The noise from live bands, discos will echo and reverberate in an area which is effectively a large open space. Serving alcohol and food outside with music in an area surrounded by woodland could also disturb the wildlife and preserved animals that live next to the complex.

As an adjacent property we live in a quiet, rural setting with little or no noise or risk of crime. A complex capable of entertaining a large numbers of people will disturb the rural setting and quality of life, with drinks being served outside with music until 9pm, on weekends – noise carries and this should be taken into consideration as well as increasing the risk of crime and unruly and unsociable behaviour and we would ask the license for alcohol and music/films to be refused for any use outside.

Eileen Wiggins

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Appendix 3:- Correspondence between the Council and Pall Mall and Woodcote Park Clubhouses

From: [Rachel Jackson](#)
To: ["Thomas O'Maoileoin"](#)
Cc: [Lisa Rasores](#)
Subject: RE: The Walled Garden - Grant of Premises licence application
Date: 10 February 2021 14:01:50

Dear Thomas

Thank you for your email and clarification, we will be in contact with the residents, and will of course keep you updated.

Best wishes

Rachel

From: Thomas O'Maoileoin <TOMaoileoin@tandtp.com>
Sent: 10 February 2021 13:44
To: Rachel Jackson <RJackson@epsom-ewell.gov.uk>
Cc: Lisa Rasores <LRasores@epsom-ewell.gov.uk>; Thomas O'Maoileoin <TOMaoileoin@tandtp.com>
Subject: Re: The Walled Garden - Grant of Premises licence application
Importance: High

Dear Rachel

Thank you again for your patience.

I have now heard back from my clients and they've made a couple of tweaks but confirm that the suggestions below may be included in their operating schedule and be added as conditions to their licence if granted:

1. Children's sports camps may only take place on the Multi Use Games Area
2. Playing of films may only take place inside
3. The premises licence holder may hold 4 events per calendar year on the Amenity Lawn limited to a maximum capacity of 100 persons (excluding staff); with background recorded or live music and may only take place between 10:00 hours and 16:00 hours
4. The premises licence holder may hold 10 events per calendar year on the Amenity Lawn limited to a maximum capacity of 30 persons (excluding staff); with background music only and may only take place between 10:00 hours and 15:00 hours

I appreciate that (2) could be dealt with on the face of the licence but wanted the residents to be clear of the amendment.

If you have any queries arising please do not hesitate to contact me.

With kind regards
Thomas

Thomas O'Maoileoin
Partner

Thomas & Thomas Partners LLP
38a Monmouth Street
London WC2H 9EP

M [REDACTED]
D 020 7042 0414
E tomaoileoin@tandtp.com
W www.tandtp.com

From: Rachel Jackson <RJackson@epsom-ewell.gov.uk>
Date: Wednesday, 10 February 2021 at 12:32
To: Thomas O'Maoileoin <TOMaoileoin@tandtp.com>
Cc: Lisa Rasores <L.Rasores@epsom-ewell.gov.uk>
Subject: RE: The Walled Garden - Grant of Premises licence application

Thanks so much Thomas, absolutely no need to apologise, let's hope that this reaches an agreement. I will await your confirmation before we progress our side.

Best wishes

Rachel

From: Thomas O'Maoileoin <TOMaoileoin@tandtp.com>
Sent: 10 February 2021 10:38
To: Rachel Jackson <RJackson@epsom-ewell.gov.uk>
Subject: Re: The Walled Garden - Grant of Premises licence application

The proposal is as follows but I'm still waiting for the RAC to 100% confirm. That should be very soon and hopefully I can confirm then.... My apologies for the delay!

1. Children's sports camps may only take place on the Amenity Lawn
2. Playing of films may only take place inside
3. The premises licence holder may hold 4 events per calendar year on the Amenity Lawn limited to a maximum capacity of 100 persons (excluding staff); with background music only and may only take place between 10:00 hours and 16:00 hours
4. The premises licence holder may hold 10 events per calendar year on the Amenity Lawn limited to a maximum capacity of 30 persons (excluding staff); with background music only and may only take place between 10:00 hours and 15:00 hours

From: Rachel Jackson <RJackson@epsom-ewell.gov.uk>

Date: Wednesday, 10 February 2021 at 09:58

To: Thomas O'Maoileoin <TOMaoileoin@tandtp.com>

Subject: RE: The Walled Garden - Grant of Premises licence application

Good morning Thomas

I hope all is well with you, can I just check there are no further updates from your side? I hope that we will be in contact with the residents this week.

Best wishes

Rachel

From: Thomas O'Maoileoin <TOMaoileoin@tandtp.com>

Sent: 04 February 2021 09:38

To: Rachel Jackson <RJackson@epsom-ewell.gov.uk>

Cc: Moses Solomon [REDACTED] Daniel Pereira

[REDACTED] >; Tilly Burton [REDACTED]

Subject: Re: The Walled Garden - Grant of Premises licence application

Importance: High

Thank you very much for your email.

I'm not aware of anything further. To my knowledge the concerns have been addressed through the various amendments but I note that both Moses and Daniel are copied into your email and they will be able to confirm.

All good wishes and thank you again for all of your assistance throughout this process.

Kind regards,
Thomas

Thomas O'Maoileoin
Partner

Thomas & Thomas Partners LLP
38a Monmouth Street
London WC2H 9EP

M [REDACTED]
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From: Rachel Jackson <RJackson@epsom-ewell.gov.uk>

Date: Thursday, 4 February 2021 at 09:34

To: Thomas O'Maoileoin <TOMaoileoin@tandtp.com>

Cc: Moses Solomon [REDACTED], Daniel Pereira [REDACTED], Tilly Burton [REDACTED]

Subject: RE: The Walled Garden - Grant of Premises licence application

Good morning Thomas

I hope all is well with you. I have some progress on my staffing, in that one Licensing Officer has returned from sick leave, with my other Officer due back in 2 weeks all being well. We will make contact soon with the residents, all were notified about the change of hours, so we will now contact them to advise that outdoor film aspect being removed. Sorry for asking, but just to check, is there anything else we need to be aware of at this point as I know previously you were hopeful that matter could be resolved without a Hearing?

Best wishes

Rachel

From: Thomas O'Maoileoin <TOMaoileoin@tandtp.com>

Sent: 27 January 2021 15:48

To: Rachel Jackson <RJackson@epsom-ewell.gov.uk>

Cc: Moses Solomon [REDACTED]; Daniel Pereira [REDACTED]; Tilly Burton [REDACTED]

Subject: Re: The Walled Garden - Grant of Premises licence application

Pleasure Rachel and you too

On 27 Jan 2021, at 14:10, Rachel Jackson <RJackson@epsom-ewell.gov.uk> wrote:

Dear Thomas

Thank you for your email, I can confirm the application will be amended as per your request. I am hoping to have both my officers back next week. Thank you once again for your patience and understanding.

Best wishes

Rachel

From: Thomas O'Maoileoin <TOMaoileoin@tandtp.com>

Sent: 27 January 2021 13:58

To: Rachel Jackson <RJackson@epsom-ewell.gov.uk>

Cc: Moses Solomon [REDACTED]; Daniel Pereira [REDACTED]

[REDACTED]; Tilly Burton [REDACTED], Thomas

O'Maoileoin <TOMaoileoin@tandtp.com>

Subject: Re: The Walled Garden - Grant of Premises licence application

Importance: High

Dear Rachel

My clients have been in further discussions with the residents and it is apparent that there are concerns relating to the showing of films OUTSIDE. Please note that following these discussions we have agreed to WITHDRAW the application to permit the showing of films OUTSIDE. Inside will remain as is.

I would be most grateful if the application could be amended accordingly.

With kind regards

Thomas

Thomas O'Maoileoin
Partner

Thomas & Thomas Partners LLP
38a Monmouth Street
London WC2H 9EP

M [REDACTED]
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From: Rachel Jackson <RJackson@epsom-ewell.gov.uk>

Date: Thursday, 14 January 2021 at 12:14

To: Thomas O'Maoileoin <TOMaoileoin@tandtp.com>

Cc: Moses Solomon [REDACTED] Daniel Pereira

[REDACTED], Tilly Burton [REDACTED]

Subject: RE: The Walled Garden - Grant of Premises licence application

Dear Thomas

I thank you for your kind reply and understanding. I have briefly seen some of the representations, and I agree, there does appear to be some misunderstanding with the timings, which you have now clarified. I too would be hopeful that agreements can be reached, to avoid a Hearing. As I say, as soon as I have the staffing levels, we will be progressing this as priority, to either schedule the Hearing or have the amended Licence to you as appropriate. In the meantime, if there are any urgent matters, please do not hesitate to contact me.

Thank you again

Rachel

From: Thomas O'Maoileoin <TOMaoileoin@tandtp.com>
Sent: 14 January 2021 11:39
To: Rachel Jackson <RJackson@epsom-ewell.gov.uk>
Cc: Moses Solomon [REDACTED]; Daniel Pereira [REDACTED]
Tilly Burton [REDACTED]
Subject: Re: The Walled Garden - Grant of Premises licence application
Importance: High

Dear Rachel

Thank you for your email. I am very sorry to hear that your colleagues have come down with corona. May I wish them a speedy recovery.

I fully appreciate your predicament and of course am happy to do whatever is necessary. In the meantime we hope that we may be able to reach an agreement with the residents. Unfortunately there have been a number of misunderstandings in relation to the application in terms of timings and the actual use of the premises. If these can be cleared up it may well be that the residents' concerns are addressed and a hearing becomes unnecessary. I certainly hope so.

I have copied my clients into this email.

With very best wishes
Thomas

Thomas O'Maoileoin
Partner

Thomas & Thomas Partners LLP
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M [REDACTED]
D 020 7042 0414
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From: Rachel Jackson <RJackson@epsom-ewell.gov.uk>
Date: Thursday, 14 January 2021 at 11:11

To: Thomas O'Maoileoin <TOMaoileoin@tandtp.com>

Subject: RE: The Walled Garden - Grant of Premises licence application

Dear Thomas

I hope all is well with you. As you are aware, Angela Slaughter was my Licensing Officer dealing with this case, and she was going to work with my other premises Licensing Officer Lisa Rasores. Unfortunately, both Officers are sadly off sick with conformed coronavirus, this leaves me seriously stretched with only one Officer leading on taxi and general matters. I have sent holding replies to those residents who have submitted potential representations, and I understand the last date for representation is tomorrow.

Ordinarily, this would not cause a problem, but of course we are in unprecedented times. I appreciate that the Regulations state there are powers to extend Hearing timings on the grounds of public interest, but that is the only flexibility. However, what I am asking is despite this lack of flexibility, would you and your client have any objection to a delay in the Hearing being scheduled? I can assure you that the application will be the paramount priority of my Licensing Officers on their return from sick leave. The matter of any representations and their validity will of course take precedence, although I believe my Taxi Officer has forwarded some representations already (but I assume not "vetted" as such).

I can only apologise for this unprecedented request in these unprecedented times, but I am hopeful you and your client will be able to understand my predicament.

Best wishes

Rachel

Rachel Jackson
Licensing, Grants and HIA Manager
Epsom and Ewell Borough Council
Town Hall
The Parade
Epsom
Surrey
KT18 5BY

Tel: 01372 732449

Web: www.epsom-ewell.gov.uk

Email: rjackson@epsom-ewell.gov.uk

<image001.png>

Please do not print this e-mail unless absolutely necessary - SAVE PAPER

From: Thomas O'Maoileoin <TOMaoileoin@tandtp.com>
Sent: 11 January 2021 14:39
To: Angela Slaughter <ASlaughter@epsom-ewell.gov.uk>
Cc: Tilly Burton [REDACTED]
Subject: Re: The Walled Garden - Grant of Premises licence application

Dear Angela

I have now had the opportunity of liaising with my clients.

There seems to be some confusion. The summer hours as applied for in the licensing application are in fact already within the permitted hours granted on the planning permission. It is winter where there is a discrepancy. As you are aware the hours sought in the licensing application are:

- �. The internal areas 09.00 hours until 21.00 hours
- �. The external areas winter (October to March) 09.00 hours until **18.00 hours** and summer (April to September) 09.00 hours until 20.00 hours.

An application "to vary Condition 15 of Planning Permission ref: 17/00542/FUL, dated 7 December 2017, to extend the opening hours of the external play facilities and café area in the walled garden from 6:00pm to 8:00pm between April and September (inclusive) and in the winter months 5pm on any given day" was granted on 16th March 2020.

To come within the boundaries of the permission dated 16th March therefore the premises licence application is amended so as to read:

- �. **The internal areas 09.00 hours until 21.00 hours**
- �. **The external areas winter (October to March) 09.00 hours until 17.00 hours and summer (April to September) 09.00 hours until 20.00 hours.**

A copy of the permission is attached.

I hope this addresses any misunderstanding.

With kind regards

Thomas

Thomas O'Maoileoin
Partner

Thomas & Thomas Partners LLP
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M [REDACTED]
D 020 7042 0414
E tomaoileoin@tandtp.com
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From: Thomas O'Maoileoin <TOMaoileoin@tandtp.com>
Date: Monday, 11 January 2021 at 10:54
To: "ASlaughter@epsom-ewell.gov.uk" <ASlaughter@epsom-ewell.gov.uk>
Cc: Tilly Burton [REDACTED], Thomas O'Maoileoin
<TOMaoileoin@tandtp.com>
Subject: Re: The Walled Garden - Grant of Premises licence application

Dear Angela

Thank you for your email.

I was unaware of the planning restriction. I will speak to my clients but I am confident that they will agree to amend the application so that it mirrors what is permitted on the planning permission.

I'll revert ASAP – probably later today.

Warm regards
Thomas

Thomas O'Maoileoin
Partner

Thomas & Thomas Partners LLP
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From: Angela Slaughter <ASlaughter@epsom-ewell.gov.uk>
Sent: 07 January 2021 09:49
To: Tilly Burton [REDACTED]
Subject: The Walled Garden - Grant of Premises licence application
Importance: High

Dear Madam

I have been speaking to local Ward Councillors and several local residents about the hours of the live music stated on the application form. They are also concerned about noise.

The internal areas 09.00 hours until 21.00 hours
The external areas
Winter (October to March) 09.00 hours until 18.00 hours
Summer (April to September) 09.00 hours until 20.00 hours.

Below is condition 15 of the planning permission;

Condition 15 of planning permission ref: 17/00542/FUL, dated 07.12.2017, allowed for the following opening hours:

The external play facilities and café area in the walled garden shall not be used before 8am or after 6pm between April and October (inclusive) and in the winter months 5pm on any given day. The facilities within the pool house (within the walled garden) shall not be used before 6am or after 10pm on any given day.

Whilst I recognize that Planning and Licensing hours do not have to match, but given the amount of interest I am receiving about this application, would you consider asking the Applicants to reduce the live music hours to match the planning hours?

Many thanks
Angela

Angela Slaughter
Licensing Officer
Epsom & Ewell Borough Council
tel: 01372 732443

Email: aslaughter@epsom-ewell.gov.uk

Please note my normal working days are Tuesdays to Thursdays

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**Appendix 4:- Copy of a letter dated 11
March 2021 from Pall Mall and Woodcote
Park Clubhouses to neighbours and
occupiers of local premises**



The Royal Automobile Country Club
Old Barn Road
Epsom
Surrey
KT18 7EW

11 March 2021

Dear Neighbour / Occupier,

WALLED GARDEN LICENCE APPLICATION

I am writing to you today as I understand you have concerns on the potential impact of noise arising from our Walled Garden. I would like to provide you with reassurance that it is our intention to run the Walled Garden as a family facility for children with adult supervision. We currently have a robust management plan in place to ensure noise levels are constantly monitored and within the agreed parameters.

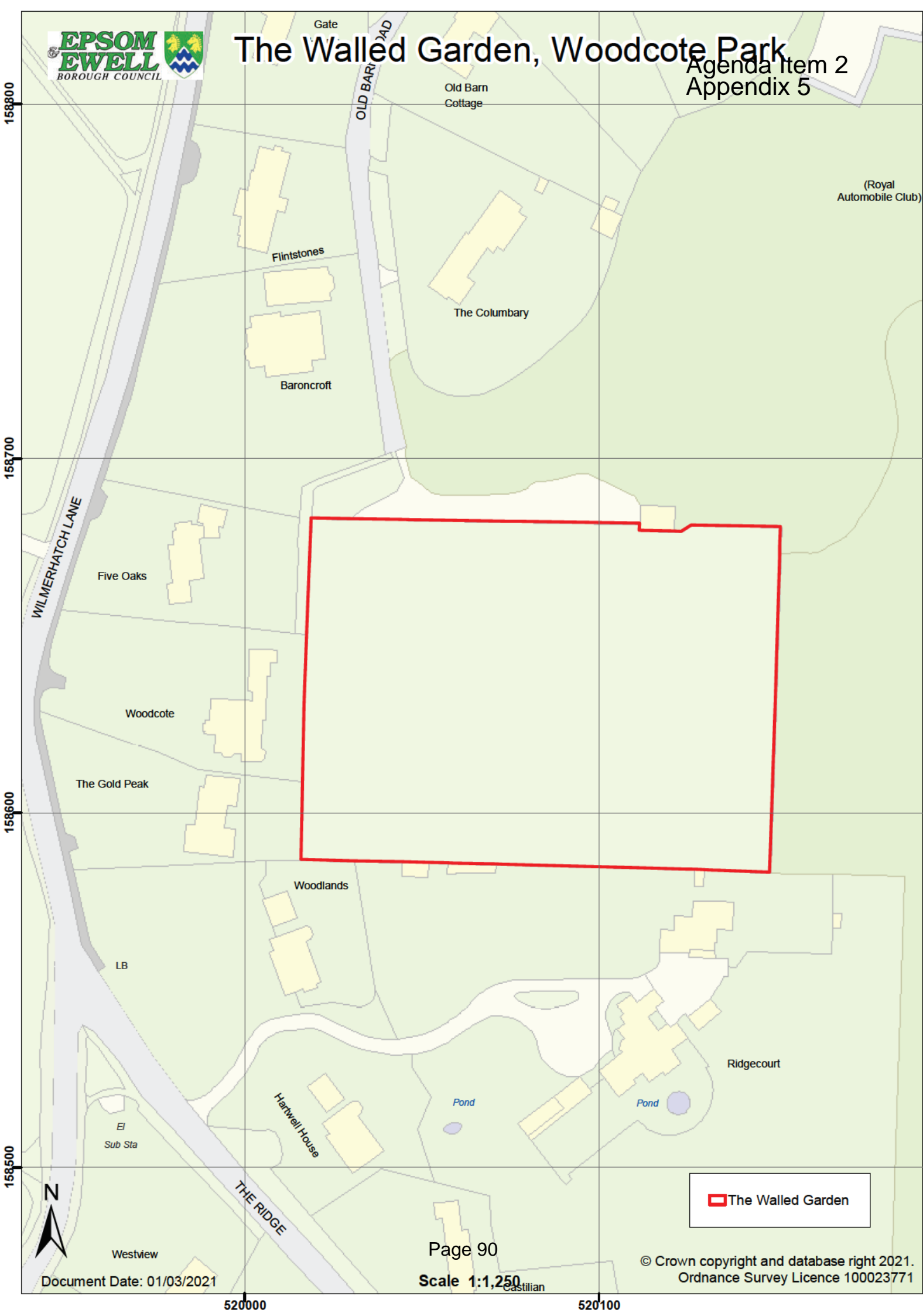
I further confirm that the Club will always be considerate towards our neighbours and that any incidents of noise levels disrupting our neighbours will be thoroughly investigated and addressed.

Please feel free to contact me directly, should you have any additional concerns.

Yours faithfully

Moses Solomon
Resident Manager
E: moses.solomon@royalautcmobileclub.co.uk
01372 229 201

Appendix 5:- Location Map covering the Walled Garden and surrounding area



Appendix 6:- Mandatory Conditions

Mandatory Condition: where licence authorities supply of alcohol

Where a premise licence authorises the supply of alcohol, the licence must include the following conditions

1. No supply of alcohol may be made under the premises licence
 - (a) at a time when there is not designated premises supervisor in respect of the premises licence, or
 - (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

Mandatory Condition: exhibition of films

1. Where a premises licence authorises the exhibition of films, the licence must include a condition requiring the admission of children to the exhibition of any film to be restricted in accordance with this section.
2. Where the film classification body is specified in the licence, unless subsection 3(b) applies, admission of children must be restricted in accordance with any recommendation made by that body.
3. Where:
 - (a) The film classification body is not specified in the licence, or
 - (b) The relevant licensing authority has notified the holder of the licence that this subsection applies to the film in question,Admission of children must be restricted in accordance with any recommendation made by that licensing authority.

Children means persons aged under 18; and Film classification body means the person or persons designated as the authority under section 4 of the Video Recordings Act 1984 (c.39) (authority to determine suitability of video works for classification)

Mandatory Condition: door supervision

1. Where a premises licence includes a condition that at specified times one or more individuals must be at the premises to carry out a security activity, the licence must include a condition that each such individual must be licensed by the Security Industry Authority.
2. But nothing requires a condition to be imposed in respect of:
 - (a) paragraph 8(3)(a) of Schedule 2 to the Private Security Industry Act 2001 (c.12) (premises with premises licences authorising plays or films), or
 - (b) any occasion mentioned in paragraph 8(b) or (c) of that Schedule (premises being used exclusively by club with club premises certificate, under a temporary event notice authorising plays or films or under a gaming licence),
any occasion within paragraph 8(3)(d) of that Schedule (occasions prescribed by regulations under that Act).

Security activity means an activity to which paragraph 2(1)(a) of that Schedule applies, and Paragraph 8(5) of that Schedule (interpretation of references to an occasion) applies as it applies in relation to paragraph 8 of that Schedule.

1. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—

(a) games or other activities which require or encourage, or are designed to require or encourage, individuals to—

(i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or

(ii) drink as much alcohol as possible (whether within a time limit or otherwise);

(b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;

(c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;

(d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;

(e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

2. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

3. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

(2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

(3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—

(a) a holographic mark, or

(b) an ultraviolet feature.

4. The responsible person must ensure that—

(a)where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—

(i)beer or cider: ½ pint;

(ii)gin, rum, vodka or whisky: 25 ml or 35 ml; and

(iii)still wine in a glass: 125 ml;

(b)these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and

(c)where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.”

The Licensing Act 2003 (Mandatory Conditions) Order 2014 came into force on 1 April 2014

1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
2. For the purposes of the condition set out in paragraph 1—
 - (a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
 - (b) “permitted price” is the price found by applying the formula—
$$P = D + (D \times V)$$
where—
 - (i) P is the permitted price,
 - (ii) D is the rate of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
 - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
 - (c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence—
 - (i) the holder of the premises licence,
 - (ii) the designated premises supervisor (if any) in respect of such a licence, or
 - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
 - (d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
 - (e) “value added tax” means value added tax charged in accordance with the Value Added Tax Act 1994.
3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
4. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day (“the first day”) would be different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

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