



TO THE MEMBERS OF THE  
**LICENSING SUB-COMMITTEE A**

You are hereby summoned to attend a meeting of the Licensing Sub-Committee A to be held on Thursday, 8 December 2022 at 10.30 am in the Council Chamber, Civic Offices, Gloucester Square, Woking, Surrey GU21 6YL.

The agenda for the meeting is set out below.

JULIE FISHER  
Chief Executive

## **AGENDA**

### **PART I - PRESS AND PUBLIC PRESENT**

1. Election of Chairman  
To elect a Chairman of the Sub-Committee for the remainder of the Municipal Year.
2. Appointment of Vice-Chairman  
To appoint a Vice-Chairman of the Sub-Committee for the remainder of the Municipal Year.
3. Minutes  
To approve the minutes of the meeting of the Licensing Sub-Committee A held on 16 September 2021 as published.
4. Declarations of Interest  
To receive declarations of disclosable pecuniary and other interests from Members in respect of any item to be considered at the meeting.
5. Urgent Business  
To consider any business that the Chairman rules may be dealt with under Section 100B(4) of the Local Government Act 1972.

### **Matters for Determination**

6. Notification of a Temporary Event - Komo Bar, 21-25 Commercial Way LSA22-001 (Pages 3 - 26)  
Reporting Person – Matthew Cobb

AGENDA ENDS

Date Published – 2 December 2022

For further information regarding this agenda and arrangements for the meeting, please contact Doug Davern on 01483 743018 or email [doug.davern@woking.gov.uk](mailto:doug.davern@woking.gov.uk)



**Mixed Sources**

Product group from well-managed forests and other controlled sources  
[www.fsc.org](http://www.fsc.org) Cert no. SA-COC-001794  
© 1996 Forest Stewardship Council

LICENSING SUB-COMMITTEE A – 8 DECEMBER 2022

## NOTIFICATION OF A TEMPORARY EVENT - KOMO BAR, 21-25 COMMERCIAL WAY, WOKING

### Executive Summary

This report considers a Temporary Event Notice for the above premises.

### Recommendations

The Committee is requested to:

**RESOLVE That** the report be considered, and the Notification be determined accordingly.

The Committee has the authority to determine the recommendation(s) set out above.

### Background Papers:

None.

### Reporting Person:

Matthew Cobb, Senior Licensing Officer  
Ext. 3650, E Mail: Matthew.Cobb@woking.gov.uk

### Contact Person:

Matthew Cobb, Senior Licensing Officer  
Ext. 3650, E Mail: Matthew.Cobb@woking.gov.uk

### Date Published:

2 December 2022



## Notification of a Temporary Event – Komo Bar, 21-25 Commercial Way, Woking

### 1.0 Summary of Proposal

<b>Type:</b>	Temporary Event Notice
<b>Site Address:</b>	KOMO 21-25 Commercial Way, Woking, Surrey GU21 6XR
<b>Applicant</b>	Mr Joseph David Lionel Pennefather
<b>Notification Ref:</b>	22/00333/TEN

### 2.0 Description of Premises

- 2.1 When a Premises Licence Application was applied for in August 2021, it made reference to a rebranding within the “Komo” chain, describing itself as a “high end cocktail bar.”
- 2.2 It further noted that since the rebranding on July 4<sup>th</sup> 2018, Live Music and the rather cramped environment of their old style has gone, moving to a more relaxed, customer driven environment.
- 2.3 The Woking branch of Komo was intended to be a mirror of the Guildford premises, with the addition of quality food.

### 3.0 Details of Temporary Event Notice

- 3.1 To licence the premises for

- Saturday 10<sup>th</sup> December 2022
  - Sale by retail of Alcohol 14:00 – 18:00
  - Late Night Refreshment 14:00 – 18:00
  - Provision of Regulated Entertainment 14:00 to 18:00, a live music band, specifically a “tribute act.”
- Thursday 15<sup>th</sup> December 2022
  - Sale by retail of Alcohol 20:30 – 23:00
  - Late Night Refreshment 20:30 – 23:00
  - Provision of Regulated Entertainment 23:30 to 23:00, a live music band, specifically a “duo performance”
- It should be noted that the Late Night Refreshment applied for is irrelevant, as late night refreshment would only be a licensable activity if it took place between the hours of 23:00 and 05:00. This event does not so the LNR does not apply.

- 3.2 A copy of the Notification is attached as Appendix 1.

## **Notification of a Temporary Event – Komo Bar, 21-25 Commercial Way, Woking**

### **4.0 Revised Guidance Issued Under Section 182 of the Licensing Act 2003**

- 4.1 The Police or Environmental Health Authority (“relevant persons” for the purposes of TENs) may intervene to prevent such an event taking place by sending an objection to the Licensing Authority, which the Licensing Authority must consider on the basis of the statutory licensing objectives and decide whether the event should go ahead.
- 4.2 A relevant person may also intervene by agreeing a modification of the proposed arrangements directly with the TEN user.
- 4.3 If a relevant person sends an objection, this may result in the Licensing Authority imposing conditions on a TEN but only where the venue at which the event is to be held has an existing Premises Licence or Club Premises Certificate.
- 4.4 When giving a TEN, the premises user should consider the promotion of the four licensing objectives. The Licensing Authority may only otherwise intervene if the statutory permitted limits on TENs would be exceeded.
- 4.5 The Police and EHA have a period of three working days from when they are given the notice to object to it on the basis of any of the four licensing objectives.
- 4.6 A TEN may be granted in respect of premises which already have a Premises Licence or Club Premises Certificate to cover licensable activities not permitted by the existing authorisation.
- 4.7 If the Licensing Authority receives an objection notice from the police or EHA that is not withdrawn, it must (in the case of a standard TEN only) hold a hearing to consider the objection (unless all parties agree that this is unnecessary).
- 4.8 The Licensing Sub-Committee may decide to allow the licensable activities to go ahead as stated in the notice.
- 4.9 If the notice is in connection with licensable activities at a licensed premises, the licensing authority may also impose one or more of the existing licence conditions on the TEN (insofar as such conditions are not inconsistent with the event) if it considers that this is appropriate for the promotion of the licensing objectives.
- 4.10 If the Authority decides to impose conditions, it must give notice to the premises user which includes a statement of conditions (a “notice (statement of conditions)”) and provide a copy to each relevant party.
- 4.11 Alternatively, it can decide that the event would undermine the licensing objectives and should not take place.
- 4.12 In this case, the Licensing Authority must give a counter notice.
- 4.13 Such cases might arise because of concerns about the scale, location, timing of the event or concerns about public nuisance even where the statutory limits on numbers are being observed.
- 4.14 As noted above, the Police or EHA (as “relevant persons”) may contact the premises user to discuss their objections and try to come to an agreement which will allow the proposed licensable activities to proceed.
- 4.15 The TEN can be modified (for example, by changing the details of the parts of the premises that are to be used for the event, the description of the nature of the intended activities or their duration). The other relevant person has to agree for the modification to be made.

## **Notification of a Temporary Event – Komo Bar, 21-25 Commercial Way, Woking**

4.16 The 2003 Act provides that only the licensing authority can impose conditions to a TEN from the existing conditions on the Premises Licence or Club Premises Certificate at the venue. The Licensing Authority can only do so:

- if the Police or the EHA have objected to the TEN;
- if that objection has not been withdrawn;
- if there is a licence or certificate in relation to at least a part of the premises in respect of which the TEN is given;
- and if the Licensing Authority considers it appropriate for the promotion of the licensing objectives to impose one or more conditions.

4.17 This decision is one for the Licensing Authority alone, regardless of the premises user's views or willingness to accept conditions. The conditions must be notified to the premises user on the form prescribed by regulation

### **5.0 Representations**

5.1 The Environmental Health Department have submitted an objection following concerns over noise issues.

5.2 The objection is attached as Appendix 2.

### **6.0 Explanation**

6.1 The Sub-Committee is obliged to determine this application in light of an objection from the Environmental Health Officer with a view to promoting the Prevention of Public Nuisance Licensing Objective.

6.2 The Sub-Committee may not uphold the Environmental Health Officers objection to the TENS on the grounds of any other Licensing Objective.

6.3 In making its decision, the Sub-Committee is also obliged to have regard to the National Guidance and the Council's own Licensing Policy in that it can only: -

- a) Prevent the TEN from going ahead by upholding the Environmental Health Officer's objection, or
- b) Add conditions to the TEN that are already on the Premises Licence conditions. The Sub-Committee may not add to or amend these conditions.

### **7.0 Premises Licence**

7.1 As indicated above in sections 4.9 and 6.3(b) of this report, the premises that this Temporary Event Notice is taking place on does hold a Premises Licence.

7.2 Consequently any conditions that the Licensing Sub-Committee feel would be applicable in resolving the issue and concerns raised by the Environmental Health Officer would have to come from the conditions of that Premises Licence.

7.3 The Conditions of the KOMO Premises Licence are therefore attached as Appendix 3.

### **8.0 Premises Noise History**

8.1 The Premises Licence for KOMO was initially applied for in June 2021.

## **Notification of a Temporary Event – Komo Bar, 21-25 Commercial Way, Woking**

- 8.2 As part of the consultation process for the new Premises Licence, the potential for noise nuisance was identified by Environmental Health officers, who raised their concerns with the applicant: Director of 'Komo Woking Ltd,' Mr Simon Lillie.
- 8.3 On the 10 August 2021 Mr Lillie agreed to add several conditions, specifically Conditions 17 to 23, as seen in Appendix 3.
- 8.4 It should be noted that these conditions that the Premises Licence Holder agreed to all relate to noise nuisance, and an attempt to prevent it.
- 8.5 It is evident from the Environmental Health Officers objection to the current TEN that the operation of the premises has resulted in noise nuisance to local residents.
- 8.6 Ensuing discussions between Environmental Health and the Applicant have identified that the Condition relating to the Noise Limiter was never met. This is evidenced in Appendix 4.
- 8.7 In essence, it appears that despite having agreed to the condition aimed at preventing noise nuisance the premises has been operating for the last seven months (we believe the premises, despite having been licenced from August 2021, only opened in April 2022) whilst failing to comply with one of its conditions.
- 8.8 If this is the case then it is potentially a Licensing Act S.136 Offence which would be in situations where a person commits an offence if they carry on or attempts to carry on a licensable activity on or from any premises otherwise than under and in accordance with an licence.

### **9.0 Summary**

- 9.1 The Sub-Committee is asked to determine the application in one of the following ways, having regard to the promotion of the Licensing Objectives.
- a) Uphold the Environmental Health Officer's objections and to refuse the event going ahead.
- b) Permit the event to go ahead as specified in the notices in Appendix 1.
- c) Permit the event to go ahead with conditions (which must be from Appendix 3)

### **10.0 Implications**

#### Finance and Risk

- 10.1 There are no significant financial implications.
- 10.2 The risks to the Council associated with determining an application are:
- Failure to undertake its statutory responsibilities within required timescales;
  - Making a decision that may be challenged by the applicant via an appeal to the Magistrates Court with the possible consequence of costs being awarded against the Council; and
  - Making a decision that compromises Community Safety.

#### Equalities and Human Resources

- 10.3 None.

## **Notification of a Temporary Event – Komo Bar, 21-25 Commercial Way, Woking**

### Legal

10.4 The Licensing Authority must act to promote the four Licensing Objectives which are:

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance
- The protection of children from harm

10.5 The Licensing Authority must have regard to its statement of Licensing Policy and the guidance issued by the Secretary of State in carrying out its functions.

REPORT ENDS



### Temporary Event Notice

Before completing this notice, please read the guidance notes at the end of the notice. If you are completing this notice by hand, please write legibly in block capitals. In all cases, ensure that your answers are inside the boxes and written in black ink or typed. Use additional sheets if necessary. You should keep a copy of the completed notice for your records. You must send at least one copy of this notice to the licensing authority and additional copies must be sent to the chief officer of police and the local authority exercising environmental health functions for the area in which the premises are situated. The licensing authority will give to you written acknowledgement of the receipt of the notice.

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

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

Post town	[REDACTED]	Postcode	[REDACTED]
9. Alternative contact details (if applicable)			
Telephone numbers:			
Daytime			
Evening (optional)			
Mobile (optional)			
Fax number (optional)			
E-Mail address (if available)			

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

Komo Woking  
 21-25 Commercial Way, Woking,  
 Surrey

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

Premises licence number	22/00023/PREMIS
Club premises certificate number	

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

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

Bar/Restaurant/Dance Club from 10pm

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

Live Music performance from 8.30pm-11pm, Band with no drums,

--

**3. The licensable activities**

Please state the licensable activities that you intend to carry on at the premises (please tick all licensable activities you intend to carry on). (Please read note 6)

The sale by retail of alcohol	<input checked="" type="checkbox"/>
The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club	<input type="checkbox"/>
The provision of regulated entertainment (Please read note 7)	<input checked="" type="checkbox"/>
The provision of late night refreshment	<input checked="" type="checkbox"/>
Are you giving a late temporary event notice? (Please read note 8)	<input type="checkbox"/>

Please state the dates on which you intend to use these premises for licensable activities. (Please read note 9)

Sat 10<sup>th</sup> Dec 2pm - 6pm

Please state the times during the event period that you propose to carry on licensable activities (please give times in 24-hour clock). (Please read note 10)

Sat 10<sup>th</sup> Dec 2pm - 6pm (TRIBUTE ACT) 14:00 - 18:00  
 Thursday 15<sup>th</sup> Dec 8:30pm - 11pm (DUO PERFORMANCE)  
 (20:30 - 23:00)

Please state the maximum number of people at any one time that you intend to allow to be present at the premises during the times when you intend to carry on licensable activities, including any staff, organisers or performers. (Please read note 11)

If the licensable activities will include the sale or supply of alcohol, please state whether these will be for consumption on or off the premises, or both (please tick as appropriate). (Please read note 12)	On the premises only	<input checked="" type="checkbox"/>
	Off the premises only	<input type="checkbox"/>
	Both	<input type="checkbox"/>

Please state if the licensable activities will include the provision of relevant entertainment. If so, please state the times during the event period that you propose to provide relevant entertainment (including, but not limited to lap dancing and pole dancing). (Please see note 13)

The premises will be running the same as usual just with live music.

4. Personal licence holders (Please read note 14)	
Do you currently hold a valid personal licence? (Please tick)	
Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	
If "Yes" please provide the details of your personal licence below.	
Issuing licensing authority	licensing team, Area 6, Zone A, Bernard Weatherill House, 8 Mint Walk, Croydon, CR0 1EA Croydon Council
Licence number	[REDACTED]
Date of issue	8/9/2020
Any further relevant details	

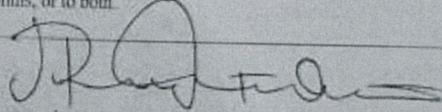
5. Previous temporary event notices you have given (Please read note 15 and tick the boxes that apply to you)	
Have you previously given a temporary event notice in respect of any premises for events falling in the same calendar year as the event for which you are now giving this temporary event notice?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
If answering yes, please state the number of temporary event notices (including the number of late temporary event notices, if any) you have given for events in that same calendar year	
Have you already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>

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

Has any person with whom you are in business carrying on licensable activities already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
--	---------------------------------	---

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

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

9. Declarations (Please read note 19)	
The information contained in this form is correct to the best of my knowledge and belief.	
I understand that it is an offence: (i) to knowingly or recklessly make a false statement in or in connection with this temporary event notice and that a person is liable on summary conviction for such an offence to a fine of any amount; and (ii) to permit an unauthorised licensable activity to be carried on at any place and that a person is liable on summary conviction for any such offence to a fine of any amount, or to imprisonment for a term not exceeding six months, or to both.	
Signature	
Date	22/11/22
Name of Person signing	Joe Penfather

For completion by the licensing authority

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

## Notes for Guidance

### General

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

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

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

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

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

- the number of times a person may give a temporary event notice (50 times per year for a personal licence holder and 5 times per year for other people);
- the number of times a person may give a late temporary event notice (10 times per year for a personal licence holder and 2 times per year for other people);
- the number of times a temporary event notice may be given in respect of any particular premises (15 times or, for event periods occurring wholly or partly in 2022 or 2023, 20 times a calendar year);
- the length of time a temporary event may last for these purposes (168 hours or 7 days);
- the maximum aggregate duration of the periods covered by temporary event notices at any individual premises (21 days or, for event periods (or any part of those periods) occurring in 2022 or 2023, 26 days per calendar year); and
- the scale of the event in terms of the maximum number of people attending at any one time (a maximum of 499).

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

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

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

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

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

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

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

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

#### Note 1

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

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

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

In terms of specific regulated entertainments please note that:

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



## Appendix2 – Environmental health representation

**From:** Liz Liesicke <[Liz.Liesicke@woking.gov.uk](mailto:Liz.Liesicke@woking.gov.uk)>  
**Sent:** 28 November 2022 11:49  
**To:** Derrick Laing <[Derrick.Laing@woking.gov.uk](mailto:Derrick.Laing@woking.gov.uk)>  
**Cc:** Ash <[ash@komo.co.uk](mailto:ash@komo.co.uk)>; Joe Pennefather <[jp@komo.co.uk](mailto:jp@komo.co.uk)>  
**Subject:** FW: Komo, 21 -25, Commercial Way, Woking - Noise  
**Importance:** High

Hi Derrick

Please accept the email below as representation on behalf of EH.

Ash from Komo phoned me in response to this email. He is intending to contact you with further details relating to the proposed events for our consideration.

Please let me know if you require anything further at this stage and advise what happens next from a licensing standpoint.

Kind regards

Liz

**Liz Liesicke | Senior Environmental Health Officer | Neighbourhood Services**

---

**Note: working days; Monday, Tuesday, Wednesday.**

Woking Borough Council, Civic Office, Gloucester Square, Woking, Surrey GU21 6YL

**Phone:** 01483 743353 | **Fax:** 01483 750585 | **Web:** [www.woking.gov.uk](http://www.woking.gov.uk)

For general enquiries, please call Woking Borough Council's main switchboard on 01483 755855

**From:** Liz Liesicke  
**Sent:** 28 November 2022 10:46  
**To:** Ashley Westen <[ash@komo.co.uk](mailto:ash@komo.co.uk)>; Joe Pennefather <[jp@komo.co.uk](mailto:jp@komo.co.uk)>  
**Cc:** Derrick Laing <[Derrick.Laing@woking.gov.uk](mailto:Derrick.Laing@woking.gov.uk)>  
**Subject:** FW: Komo, 21 -25, Commercial Way, Woking - Noise  
**Importance:** High

Good morning,

Environmental Health have been consulted re your TENS application for live music at the above premises for the hours specified on 10<sup>th</sup> and 15<sup>th</sup> December 2022.

This has coincided with diared information being received last week regarding noise heard in the residential flats above the premises and the impact this is having.

The transmission of noise was considered when the Premises application was originally received. The licence was subsequently granted subject to conditions. Key to the decision not to submit a representation against the application at that time was the accompanying noise report which demonstrated that residents above the premises would not be affected by noise if its recommendations were carried in full. Live music was not included on the original premises application and it can therefore be assumed that this was not considered when the noise report was obtained.

Details of complaints received since the premises started trading have been shared with you so far as is possible, and you have encouraged residents to contact you directly to inform and so assist you in managing noise within the premises.

To date, information requested to demonstrate that the licence conditions have been fully met remains outstanding and complaints are continuing.

It is noted that the nature of the premises is given as a Club on the application form as opposed to cocktail bar which was previously referred to.

The TENS refers to live music which is assumed to be amplified live music as it is understood that acoustic live music at the times specified would not require to be licensed, although confirmation of the licensing position should be obtained from the Licensing Officer.

As a TENS permits the public entertainment to take place free of any of the usual licence conditions which are in place, having regard to the noise report and current position, it is considered that this would impact detrimentally on residential accommodation in the same block and based on the position given, representation against the TENS for amplified live music is submitted on behalf of Environmental Health under the Prevention of Public Nuisance licensing objective.

I can be contacted as below if there are any queries.

Regards

Liz

**Liz Liesicke | Senior Environmental Health Officer | Neighbourhood Services**

---

**Note: working days; Monday, Tuesday, Wednesday.**

Woking Borough Council, Civic Office, Gloucester Square, Woking, Surrey GU21 6YL

**Phone:** 01483 743353 | **Fax:** 01483 750585 | **Web:** [www.woking.gov.uk](http://www.woking.gov.uk)

For general enquiries, please call Woking Borough Council's main switchboard on 01483 755855

## **Appendix 3 – KOMO Premises Licence Conditions**

### **General – all four licensing objectives**

1. The Management Team will be thoroughly trained, reviewed and retrained to make sure they fully understand their role and responsibilities.
2. We promote reasonable drinking by operating table service only. We have limited discount drinks and customers can book limited time slots on their table.
3. We have a zero tolerance of, drug or alcohol misuse, unsociable behaviour, discrimination of any form and promote a safe and fun environment for our customers. Signs will be displayed at the front door

### **The prevention of crime and disorder**

4. A thorough and working CCTV system will be in operation 24 hours a day
5. SIA certified door staff to be employed, a minimum of two every Friday and Saturday evening and bank holiday Sunday evenings. Strong and robust door policy.
6. Any crime seen or suspected will be reported accordingly
7. Entry to the venue to stop at 2200 Monday to Wednesday and midnight Thursday to Sunday.
8. Challenge 25 in operation staff to be trained and retrained
9. There will be specific training for managing the outside area.
10. Pub Watch scheme will be set up and maintained.

### **Public safety**

11. No overcrowding, clickers to be used Friday and Saturday nights
12. Thorough staff training and retraining on terrorism, fire and bomb threats evacuation procedures
13. H&S training and suspicious behaviour (policies). Cleanliness and attention to details at all times.
14. Food standards and hazard analysis training and review including any accidents

### **The prevention of public nuisance**

15. Noise risk assessment to be carried out and reviewed annually
16. Music limits set and controlled/monitored/reviewed. Quiet neighbourhood signs at exit

17. Patrons to be reminded of the nature of surrounding premises and behaviour outside the premises to be monitored accordingly.
18. Amplification systems for music and voice to be played through a noise limiting device at all times. The noise limiting device to be located in a lockable cabinet separate from the volume control, and set at a level determined by and to the satisfaction of Environmental Health to ensure that no noise nuisance is caused. The operational panel of the noise limiter shall be secured, and the keys held by the licence holder or authorised manager only. The noise limiter shall not be altered without prior agreement of the Environmental Health Officer.
19. There shall be no consumption of food or drinks in the external areas of the premises after 23:00 hours. After 23:00 hours the external areas shall be available only for the use of smokers until 00.30hours.
20. All doors and windows shall be kept closed, other than for access and egress, after 23:00 hours.
21. All loudspeakers to be isolated from the building structure. For fixed speakers, this should be achieved using neoprene fixings for all speaker mountings. For free standing speakers, these should be sited on a suitable isolating material.
22. No amplified music to be played in the external area.
23. The existing separating wall between the proposed ground floor bar and adjacent ground floor restaurant to be upgraded in accordance with the recommendations contained in Noise report reference 16883-NIA-01 - RevA so the noise level in the ground floor restaurant meets the NR 25 criterion as a minimum.

**The protection of children from harm**

24. No unaccompanied U18's at any time. No children sat after 18.00 and must all be vacated by 19.30
25. Zero tolerance for antisocial behaviour around children
26. There will be no gaming machines on site
27. There will be no Adult Entertainment on site

## Appendix 4 – Noise Limiter issues

**From:** Liz Liesicke

**Sent:** 29 November 2022 10:50

**To:** Ashley Westen <[ash@komo.co.uk](mailto:ash@komo.co.uk)>

**Cc:** Joe Pennefather <[jp@komo.co.uk](mailto:jp@komo.co.uk)>; Ian Tomes <[lan.Tomes@woking.gov.uk](mailto:lan.Tomes@woking.gov.uk)>; Mat Prestwich <[REDACTED]>; Daryll Westen <[REDACTED]>; Derrick Laing <[Derrick.Laing@woking.gov.uk](mailto:Derrick.Laing@woking.gov.uk)>

**Subject:** FW: Komo, 21 -25, Commercial Way, Woking - Noise

Dear Ashley

Further to the representation and our phone conversation, the current position is that the volume at which amplified music is being played is attracting complaints and it is considered that a TENS to permit playing of live amplified music without controls in place will lead to excessive noise within the flats which would be unacceptable up to 23.00hours when residents wish to relax in their own homes.

The representation would be withdrawn if the current TENS application was amended to include the live music event during the afternoon on 10<sup>th</sup> December only. This is at a time when people tend to be busy and less likely to be impacted by noise. This event would also provide an opportunity for actual noise levels to be assessed.

Going forward, with regard to conditions attached to the premises licence, you have advised that the noise limits for windows closed of 91dB(A) and for windows open 85dB(A) as given under para 7.0 Noise management Plan of the noise report submitted with your Premises application and on which the mitigation measures were based, are too low for your business needs.

It is however necessary to establish what levels, including at different frequencies, can be played without impacting on the flats in the same block and on adjacent businesses when the vacant premises become occupied. You may wish to consult an acoustic consultant to advise on additional mitigation measures which would permit higher volume levels to be played.

**It has not been demonstrated that the noise limiter has been installed and set up to the satisfaction of Environmental Health, as required under the licence conditions.**

I agreed to allow Komo time to try and correct the noise settings using feedback from complaints received and direct contact from residents of Middle Walk. As complaints continue, it has been necessary to also investigate for statutory noise nuisance as advised previously.

I would like to arrange another date to determine acceptable settings and controls for the noise limiter but this would only be meaningful if there is agreement for music to be played to reflect actual levels played which can then be adjusted as necessary and for the document to be provided with details of the noise limiter used, its installation, set up and control.

A visit for noise assessment is dependent on gaining access to the flat to assess the noise levels and availability of officers to assist.

I will wait to hear from you further.

Regards

Liz

**Liz Liesicke | Senior Environmental Health Officer | Neighbourhood Services**

---

**Note: working days; Monday, Tuesday, Wednesday.**

Woking Borough Council, Civic Office, Gloucester Square, Woking, Surrey GU21 6YL

**Phone:** 01483 743353 | **Fax:** 01483 750585 | **Web:** [www.woking.gov.uk](http://www.woking.gov.uk)

For general enquiries, please call Woking Borough Council's main switchboard on 01483 755855