

Statutory Licensing Sub-Committee

12th September 2012

Consideration of a Temporary Event Notice



Report of Terry Collins, Corporate Director, Neighbourhood Services

Name and Address of Premises User: Joyce Rowbotham, The Crown, Mickleton, Barnard Castle. DL12 0JZ

1. Summary

The Sub-Committee is asked to consider an objection notice served by Lyndsey Cairns, Senior Public Protection Officer, Pollution Control, Durham County Council, in response to a Temporary Event Notice (TEN) given under Part 5 of the Licensing Act 2003 relating to:

Rear garden area
The Crown
Mickleton
Barnard Castle
County Durham
DH12 0JZ

Officers are unable to determine this matter due to an objection notice being received from the Senior Public Protection Officer on the basis that the event will undermine the licensing objective, the Prevention of Public Nuisance.

2. Details of the Notice

On 29th August 2012, the premises user, Joyce Rowbotham served a Temporary Event Notice for The Crown, Mickleton, Barnard Castle. A copy of this notice is attached as Appendix 1.

The licensable activities that the premises user intends to carry out under the TEN are set out in the table below:

Licensable Activities	Date and Time
Sale by Retail of Alcohol (for consumption on the premises) and The Provision of Regulated Entertainment	Saturday, 15th September 2012 19:00 – 24:00 hrs.

The premises user has indicated that the following measures will be taken in order to limit potential noise nuisance:

- Background music only to be played from 1900 hrs to 2100 hrs
- Recorded music to be played from 2100 hrs to 2300 hrs
- Speakers will be positioned around the marquee to reduce noise breakout
- All residents will be duly informed of the event taking place and the steps taken to control noise breakout
- Mediation is in progress with the parish council and any aggrieved parties

The Crown public house currently holds a premises licence issued under the Licensing Act 2003, but this licence only authorises licensable activities indoors and does not relate to the rear garden area where this event is proposed to take place. For Members' information, the permitted licensable activities and times are as follows:

Licensable Activities	Days and Times
Sale by Retail of Alcohol (for consumption on and off the premises) Live Music (Indoors only) Recorded Music (Indoors only)	All activities: Monday to Saturday: 11:00–00:30 hrs. Sunday: 12:00-23:30 hrs. An additional hour on Bank Holiday Weekends, Christmas Eve, Boxing Day. New Years Eve: 11:00-24:00 hrs. New Years Day: 00:00-00:30 hrs.
Opening Hours	Monday to Saturday: 11:00–01:00 hrs. Sunday: 12:00-24:00 hrs. An additional hour on Bank Holiday Weekends, Christmas Eve, Boxing Day. New Years Eve: 11:00-24:00 hrs. New Years Day: 00:00-00:30 hrs.

3. The Objection

On 31st August 2012, the Licensing Authority received an objection notice from Pollution Control on the grounds of the Prevention of Public Nuisance as the department had received a number of complaints of noise nuisance from residents following two outdoor events held recently at the premises.

A copy of the objection is attached as Appendix 2.

4. The Parties

The Parties to the hearing will be:

- Joyce Rowbotham (premises user)
- Lyndsey Cairns, Senior Public Protection Officer (Durham County Council)

5. Durham County Council Statement of Licensing Policy

The Sub-Committee's attention is drawn to the following relevant part of the Policy:

- 7.0 - The Prevention of Public Nuisance

Relevant information is attached at Appendix 3.

6. Section 182 Guidance

The Sub-Committee's attention is drawn to the Guidance issued under section 182 of the Licensing Act 2003 and in particular

- 2.33 Licensing objectives – Public Nuisance
- 7.0 Temporary Event Notices

7. For Decision

Members are requested to consider whether to allow the event to proceed and subsequently issue a notice of decision to the premises user and the Senior Public Protection Officer for Durham County Council.

Alternatively, Members may wish to prohibit the event and subsequently issue a Counter Notice / Prescribed form of Notice and give reasons to both parties.

Background Papers:

- Durham County Council's Statement of Licensing Policy
- Guidance issued under section 182 of the Licensing Act 2003 (as amended April 2012)

Contact: Yvonne Raine

Tel: 03000 265256

Email: yvonne.raine@durham.gov.uk

APPENDIX 1 – TEMPORARY EVENT NOTICE



* required information

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You can save the form at any time and resume it later. You do not need to be logged in when you resume.

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

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

Are you an agent acting on behalf of the applicant?

Yes No

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

Applicant Details

* First name

* Family name

* E-mail

Main telephone number Include country code.

Other telephone number

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

Are you:

Applying as a business or organisation, including as a sole trader

Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means you are applying so you can be employed, or for some other personal reason, such as following a hobby.

Applicant Business

* Is your business registered in the UK with Companies House? Yes No

* Is your business registered outside the UK? Yes No

* 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.

Business Address

If you have one, this should be your official address - that is an address required of you by law for receiving communications.

* Building number or name

* Street

District

* City or town

County or administrative area

* Postcode

* Country

The information given here will be saved and will be pre-filled in future forms.

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

Have you had any previous or maiden names?

Yes No

Enter details of any previous names or maiden names

First name

Family name

* Your date of birth / /

Applicant must be 18 years of age or older

National Insurance number

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

Place of birth

Continued from previous page...

Address

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

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

Yes No

* Building number or name

* Street

District

* City or town

County or administrative area

* Postcode

* Country

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

Neither Premises licence Club premises certificate

* Premises licence number

Location Details

* Provide further details about the location of the event

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

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

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

Continued from previous page...

Correspondence Address

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

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

Yes No

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Additional Contact Details

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

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

Yes No

E-mail

Telephone number

Other telephone number

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THE PREMISES

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

Give the address of the premises where you intend to carry on the licensable activities or if it has no address give a detailed description (including the Ordnance Survey references). (See also guidance on completing the form, note 2)

* Does the premises have an address?

Yes No

Continued from previous page...

Mediation is in progress with the parish council and any aggrieved parties.
The sale of alcohol will continue until 00:00

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LICENSABLE ACTIVITIES

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

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

(see also guidance on completing the form, note 7)

State the dates on which you intend to use these premises for licensable activities
(see also guidance on completing the form, note 8)

15th September 2012

The maximum period for using premises for licensable activities under the authority of a temporary event notice is 96 hours (four days).

State the times during the event period that you propose to carry on licensable activities (give times in 24 hour clock)
(see also guidance on completing the form, note 9)

1900 - 0000

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

180

Note that the maximum number of people cannot exceed 499.

If the licensable activities will include the supply of alcohol, state whether the supplies will be for consumption on or off the premises, or both
(see also guidance on completing the form, note 11):

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

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PERSONAL LICENCE HOLDERS (See also guidance on completing the form, note 12)

Continued from previous page...

Do you currently hold a valid personal licence? Yes No

Provide the details of your personal licence below.

Issuing licensing authority

Licence number

Date of issue / /
dd mm yyyy

Date of expiry / /
dd mm yyyy

Any further relevant details

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PREVIOUS TEMPORARY EVENT NOTICES (See also guidance on completing the form, note 13)

Have you previously given a temporary event notice in respect of any premises for events falling in the same calendar year as the event for which you are now giving this temporary event notice? Yes No

State the number of temporary event notices 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 Yes No

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

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ASSOCIATES AND BUSINESS COLLEAGUES (See also guidance on completing the form, note 14)

Continued from previous page...

Has any associate of yours given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice? Yes No

Has any associate of yours already given a temporary event notice for the same premises in which the event period:
a) Ends 24 hours or less before; or
b) Begins 24 hours or less after the event period proposed in this notice? Yes No

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

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

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CONDITION

It is a condition of this temporary event notice that where the relevant licensable activities described in Section 4 above include the supply of alcohol that all such supplies are made by or under the authority of the premises user.
(See also guidance on completing the form, note 16)

PAYMENT DETAILS

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card.
This formality requires a fixed fee of £21

ATTACHMENTS

AUTHORITY POSTAL ADDRESS

Continued from previous page...

Address

Building number or name	Durham County Council
Street	Environment, Health & Consumer Protection
District	Council Offices, Green Lane
City or town	Spennymoor, County Durham
County or administrative area	
Postcode	DL16 6JQ
Country	uk

DECLARATION

- * The information contained in this form is correct to the best of my knowledge and belief
 - * I understand that it is an offence:
 - * (i) to knowingly or recklessly make a false statement in connection with this temporary event notice and that a person is liable on conviction for such an offence to a fine up to level 5 on the standard scale; and
 - * (ii) to permit an unauthorised licensable activity to be carried on at any place and that a person is liable on conviction for any such offence to a fine not exceeding £20,000, or to imprisonment for a term not exceeding six months, or to both
- Ticking this box indicates you have read and understood the above declaration

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

* Full name	
* Capacity	
Date (dd/mm/yyyy)	

Add another signatory

APPENDIX 2 – POLLUTION CONTROL OBJECTION

From: Pollution Control
Sent: 31 August 2012 11:34
To: Carol Graham - Licensing Assistant (N'hoods); [REDACTED]
Cc: "The Crown at Mickleton"
Subject: RE: Licensing - TEN received

Hello Carol,

Further to the TEN application below the Pollution Control Team wish to object to the application under the licensing objective the prevention of public nuisance.

The premises have recently held two outdoor events in a marquee with regulated entertainment and complaints have been received by this department relating to noise disturbance from music at the events. The applicant has provided some detail in the application of measures which they state will be implemented to prevent noise breakout, however, there is still a high likelihood that public nuisance will be caused even if these measures were to be implemented.

Kind Regards
Lyndsey

**APPENDIX 3 – STATEMENT OF
LICENSING POLICY**

7.0 Prevention of Public Nuisance

7.1 Licensed premises, especially those operating late at night and in the early hours of the morning, can cause a range of nuisances impacting on people living, working or sleeping in the vicinity of the premises.

7.2 The concerns relate, amongst other things, to litter, light pollution, noxious odours and noise nuisance resulting from music, human voices, ventilation equipment and vehicles. The Licensing Authority will expect applicants to demonstrate that suitable and sufficient measures have been identified, and will be implemented and maintained, with the intention of preventing public nuisance relevant to the individual style and characteristics of the premises and events.

7.3 If an external structure or area is to be used by customers, whether for consumption of alcohol or smoking, the applicant will be expected to offer measures designed to minimise its impact on local residents in respect of both public nuisance and crime and disorder. These measures may include a restriction on hours that areas / structures will be used, appropriate signage requesting customers to consider local residents and monitoring of such areas by staff.

7.4 The placement of tables and chairs outside of licensed premises may give rise to public nuisance including noise and litter. When tables and chairs are situated on the public highway relevant consents will be required. Enquiries for consents should be directed to the Council's Licensing Team. In predominantly commercial areas such as shopping centres the Licensing Authority will normally allow the use of tables and chairs outside but will expect them to be removed before the premises close, and any resulting litter/debris cleared away.

7.5 Applicants should give consideration to reducing potential noise nuisance by, for example:

- Assessment of likely noise levels in the premises.
- Assessment of likely noise levels if outdoor drinking is allowed.
- The sound insulation the building would provide (e.g. double glazing, openable windows, double doors / lobbies to entrances).
- The distance and direction to the nearest noise sensitive premises.
- Likely noise sources outside of the premises (e.g. emptying bottle bins, taxis, unruly customers leaving the premises).

- Dispersal of patrons – where necessary the Licensing Authority will expect a dispersal policy for patrons at the end of the evening. The policy will specify such issues as alterations to the style and volume of music played, public address announcements and use of appropriate signage at exits.
- Ways to limit noise / disorder from patrons leaving the premises.

7.6 The extent to which the above matters will need to be addressed will be dependant on the nature of the area where the premises are situated, the type of premises concerned, the licensable activities to be provided, operational procedures and the needs of the local community.

7.7 Applicants are advised to seek advice from Durham County Councils Environmental Health Team and incorporate any recommendations in their Operating Schedule before submitting their applications.

