

**Statutory Licensing Sub-Committee**

**25<sup>th</sup> June 2012**

**Consideration of a Temporary Event Notice**



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**Report of Terry Collins, Corporate Director, Neighbourhood Services**

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**Name and Address:** Mr David Ian Bartley, [REDACTED], [REDACTED]  
[REDACTED]

**1. Summary**

The Sub-Committee is asked to consider an objection notice served by the Chief Inspector of Durham Constabulary in response to a Temporary Event Notice (TEN) under Part 5 of the Licensing Act 2003 relating to:

Red Velvet  
29 Front Street  
Consett  
County Durham  
DH8 5AB

Officers are unable to determine this matter due to an objection notice being received from the Chief Inspector on the basis that the event will undermine all of the four licensing objectives, namely the Prevention of Crime and Disorder, Public Safety, the Prevention of Public Nuisance, Protection of Children from Harm.

**2. Details of the Notice**

On 11<sup>th</sup> June 2012, the premises user, David Bartley served a temporary event notice for Red Velvet, 29 Front Street, Consett. 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:

<b>Licensable Activities</b>	<b>Date and Time</b>
Sale by retail of alcohol (on the premises) and the provision of regulated entertainment	Saturday 30 June 2012 04:30 – 06:00

Red Velvet currently holds a premises licence issued under the Licensing Act 2003. The permitted licensable activities and times are as follows:

Plays (indoors)	<p>Monday to Wednesday - 18.00 to 02.00  Thursday - 18.00 to 03.30  Friday - 18.00 to 04.30  Saturday - 11.00 to 04.30  Sunday - 11.00 to 02.00</p> <p>Bank Holidays - permitted hours will begin in accordance with the day on which the bank holiday falls and ends at 04.30</p>
Films (indoors)	<p>Monday to Wednesday - 18.00 to 02.00  Thursday - 18.00 to 03.30  Friday - 18.00 to 04.30  Saturday - 11.00 to 04.30  Sunday - 11.00 to 02.00</p> <p>Bank Holidays - permitted hours will begin in accordance with the day on which the bank holiday falls and ends at 04.30</p>
Indoor Sporting Event	<p>Monday to Wednesday - 18.00 to 02.00  Thursday - 18.00 to 03.30  Friday - 18.00 to 04.30  Saturday - 11.00 to 04.30  Sunday - 11.00 to 02.00</p> <p>Bank Holidays - permitted hours will begin in accordance with the day on which the bank holiday falls and ends at 04.30</p>
Boxing or Wrestling Entertainment (indoors)	<p>Monday to Wednesday - 18.00 to 02.00  Thursday - 18.00 to 03.30  Friday - 18.00 to 04.30  Saturday - 11.00 to 04.30  Sunday - 11.00 to 02.00</p> <p>Bank Holidays - permitted hours will begin in accordance with the day on which the bank holiday falls and ends at 04.30</p>
Live Music (indoors)	<p>Monday to Wednesday - 18.00 to 02.00  Thursday - 18.00 to 03.30  Friday - 18.00 to 04.30  Saturday - 11.00 to 04.30  Sunday - 11.00 to 02.00</p>

	<p>Bank Holidays – permitted hours will begin in accordance with the day on which the bank holiday falls and ends at 04.30</p>
Recorded Music (indoors)	<p>Monday to Wednesday - 18.00 to 02.00  Thursday – 18.00 to 03.30  Friday – 18.00 to 04.30  Saturday – 11.00 to 04.30  Sunday – 11.00 to 02.00</p> <p>Bank Holidays – permitted hours will begin in accordance with the day on which the bank holiday falls and ends at 04.30</p>
Performance of Dance (indoors)	<p>Monday to Wednesday - 18.00 to 02.00  Thursday – 18.00 to 03.30  Friday – 18.00 to 04.30  Saturday – 11.00 to 04.30  Sunday – 11.00 to 02.00</p> <p>Bank Holidays – permitted hours will begin in accordance with the day on which the bank holiday falls and ends at 04.30</p>
Entertainment of a similar description to that falling within a performance of live and recorded music or performance of dance (indoors)	<p>Monday to Wednesday - 18.00 to 02.00  Thursday – 18.00 to 03.30  Friday – 18.00 to 04.30  Saturday – 11.00 to 04.30  Sunday – 11.00 to 02.00</p> <p>Bank Holidays – permitted hours will begin in accordance with the day on which the bank holiday falls and ends at 04.30</p>
Facilities for making music and dancing (indoors)	<p>Monday to Wednesday - 18.00 to 02.00  Thursday – 18.00 to 03.30  Friday – 18.00 to 04.30  Saturday – 11.00 to 04.30  Sunday – 11.00 to 02.00</p> <p>Bank Holidays – permitted hours will begin in accordance with the day on which the bank holiday falls and ends at 04.30</p>

<p>Entertainment of a similar description to that falling within entertainment facilities for making music or dancing (indoors)</p>	<p>Monday to Wednesday - 18.00 to 02.00  Thursday – 18.00 to 03.30  Friday – 18.00 to 04.30  Saturday – 11.00 to 04.30  Sunday – 11.00 to 02.00</p> <p>Bank Holidays – permitted hours will begin in accordance with the day on which the bank holiday falls and ends at 04.30</p>
<p>Late Night Refreshment (indoors)</p>	<p>Monday to Wednesday – 23.00 to 02.00  Thursday – 23.00 to 03.30  Friday – 23.00 to 04.30  Saturday – 23.00 to 04.30  Sunday – 23.00 to 02.00</p> <p>Bank Holidays – permitted hours will begin in accordance with the day on which the bank holiday falls and ends at 04.30</p>
<p>Sale of alcohol (on and off premises)</p>	<p>Monday to Wednesday - 18.00 to 02.00  Thursday – 18.00 to 03.30  Friday – 18.00 to 04.30  Saturday – 11.00 to 04.30  Sunday – 11.00 to 02.00</p> <p>Bank Holidays – permitted hours will begin in accordance with the day on which the bank holiday falls and ends at 04.30</p>
<p>Opening hours of premises</p>	<p>Monday to Wednesday - 11.00 to 02.30  Thursday – 11.00 to 04.00  Friday – 11.00 to 05.00  Saturday – 11.00 to 05.00  Sunday – 11.00 to 02.30</p> <p>Bank Holidays – permitted hours will begin in accordance with the day on which the bank holiday falls and ends at 05.00</p>

On the 24<sup>th</sup> April 2012, the Licensing Sub Committee granted a Sexual Entertainment Venue licence under Schedule 3 or the Local Government (Miscellaneous Provisions) Act 1982 in respect of this premises.

### **3. The Objection**

On 11 June 2012, the Licensing Authority received an objection notice from the Police which stated the temporary event notice would undermine the four licensing objectives and request that all the conditions attached to the existing premises licence be imposed during the time the event was in force in accordance with the temporary event notice on 30<sup>th</sup> June 2012.

This is attached as Appendix 2.

### **4. The Parties**

The Parties to the hearing will be:

- Mr David Ian Bartley (premises user)
- Sgt Tim Robson (Durham Constabulary)

### **5. Durham County Council Statement of Licensing Policy**

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

- 5.0 The Prevention of Crime and Disorder
- 6.0 Public Safety
- 7.0 The Prevention of Public Nuisance
- 8.0 The Protection of Children from Harm

### **6. Section 182 Guidance**

The Sub-Committee's attention is drawn to the relevant parts of the Guidance issued under section 182 of the Licensing Act 2003 as follows:

- 2.1 The Prevention of Crime and Disorder
- 2.17 Public Safety
- 2.33 Public Nuisance
- 2.41 Protection of Children from Harm
- 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 Chief Inspector of Durham Constabulary.

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

**Background Papers:**

- Durham County Council's Statement of Licensing Policy
- Guidance issued under section 182 of the Licensing Act 2003

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**Contact: Karen Monaghan**

**Tel: 03000 265104**

**Email: [karen.monaghan@durham.gov.uk](mailto:karen.monaghan@durham.gov.uk)**

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## **APPENDIX 1 – TEMPORARY EVENT NOTICE**



Post town	Post code
<b>9. Alternative contact details (if applicable)</b>	
Telephone numbers: Daytime	
Evening (optional)	
Mobile (optional)	
Fax number (optional)	
E-Mail Address (if available)	

<b>2. The premises</b>	
Please give the address of the premises where you intend to carry on the licensable activities or if it has no address give a detailed description (including the Ordnance Survey references) (Please read note 2)	
Red velvet 29 Front Street Consett Durham, DH8 5AB	
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	DWTSPR0073
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)	
N/A	
Please describe the nature of the premises below. (Please read note 4)	
Town centre gentlemen's club	
Please describe the nature of the event below. (Please read note 5)	
The provision of regulated entertainment and sale of alcohol by retail	

**3. The licensable activities**

Please state the licensable activities that you intend to carry on at the premises (please mark an "X" next to the 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	<input checked="" type="checkbox"/>	
The provision of late night refreshment	<input type="checkbox"/>	
Are you giving a late temporary event notice? (Please read note 7)	<input type="checkbox"/>	
Please state the dates on which you intend to use these premises for licensable activities. (Please read note 8)		
30/6/12		
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 9)		
04:30 - 06:00		
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 10)	60	
If the licensable activities will include the supply of alcohol, please state whether the supplies will be for consumption on or off the premises, or both (please mark an "X" next to the appropriate box). (Please read note 11)	On the premises only	<input checked="" type="checkbox"/>
	Off the premises only	<input type="checkbox"/>
	Both	<input type="checkbox"/>

<b>4. Personal licence holders. (Please read note 12)</b>		
Do you currently hold a valid personal licence? (Please mark an "X" in the box that applies to you)	Yes	No
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
If "Yes" please provide the details of your personal licence below.		
Issuing licensing authority	Durham County Council	
Licence number	DCCPER 3632	
Date of issue	8/11/2010	
Date of expiry	8/11/2020	
Any further relevant details		

<b>5. Previous temporary event notices you have given. (Please read note 13)</b>
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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? (Please mark an "X" in the box that applies to you)	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
If answering yes, please 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 b) begins 24 hours or less after the event period proposed in this notice? (Please mark an "X" in the box that applies to you)	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>

<b>6. Associates and business colleagues (Please read item 12)</b>		
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? (Please mark an "X" in the box that applies to you)	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
If answering yes, please state the total number of temporary event notices your associate(s) have given for events in the same calendar year	Yes <input type="checkbox"/>	No <input type="checkbox"/>
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? (Please mark an "X" in the box that applies to you)	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? (Please mark an "X" in the box that applies to you)	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
If answering yes, please state the total number of temporary event notices your business colleague(s) have given for events in the same calendar year.	1	
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? (Please mark an "X" in the box that applies to you)	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>

<b>7. Distribution (Please read item 12)</b>	
<b>(Please mark an "X" in the box with an "X")</b>	
Send at least one copy of this notice to the licensing authority for the area in which the premises are situated	<input type="checkbox"/>
Send a copy of this notice to the chief officer of police for the area in which the premises are situated	<input type="checkbox"/>
Send 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, send 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, send 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, send a copy of this notice to each additional local authority exercising environmental health functions	<input type="checkbox"/>
Make or enclose payment of the fee for the application	<input type="checkbox"/>
Sign the declaration in Section 9 below	<input type="checkbox"/>

**8 Condition (Please read note 16)**

It is a condition of this temporary event notice that where the relevant licensable activities described in Section 3 above include the supply of alcohol that all such supplies are made by or under the authority of the premises user.

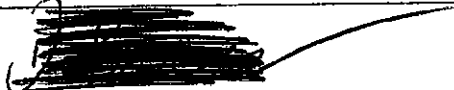
**9 Declarations (Please read note 17)**

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.

Signature	
Date	8/6/12
Name of Person signing	David Bastley

For completion by the licensing authority

**10 Acknowledgement (Please read note 18)**

I acknowledge receipt of this temporary event notice.

Signature	On behalf of the licensing authority
Date	
Name of Officer signing	

Durham County Council  
Official Receipt

Date : 08/08/2012  
Time : 02:21:34PM  
Fund : 45 - Licensing  
Acc Ref : 011035720335MB00084  
Method : 01 - Over Counter Cash  
Amount : £ 42.00  
Card Charge: £  
Cashier : 114  
Receipt No : DHC001003996  
Balance : NOT AVAILABLE

*EU.2*

County Hall  
Durham  
DH1 5UL

Tel: 0300 123 7070  
[www.durham.gov.uk](http://www.durham.gov.uk)

Please retain this receipt  
for your records

**APPENDIX 2 – DURHAM CONSTABULARY OBJECTION**

NOT PROTECTIVELY MARKED

**Alcohol Harm Reduction Unit  
Durham Constabulary  
Annand House  
Meadowfield**

**Tel. No.: (0191) 3752308  
Fax No.: (0191) 3752303  
Web Site: [www.durham.police.co.uk](http://www.durham.police.co.uk)  
E-mail: [AHRU@durham.pnn.police.uk](mailto:AHRU@durham.pnn.police.uk)  
Your Ref:  
Our Ref: TEN/2794**

12 June, 2012

**This matter is being dealt with by Sgt Tim Robson  
Tel 0845 60 60 365 ext 6632351 or direct 0191 3752351**

Dear Sir/Madam

**TEMPORARY EVENT NOTICE – OBJECTION**

**Applicant: David Ian Bartley  
Premises: Red Velvet, 29 Front Street, Consett  
Event – Date and Time: 30<sup>th</sup> June 2012 ( 0430 – 0600 )  
Date Notice Received: 11.06.2012**

With reference to the above application, the Police object on the grounds that this notice would undermine the crime prevention objective. The reasons for the Police objection are as follows:- The police object to the application received for Red Velvet as it would undermine all the licensable objectives. It is the belief of the police that should a notice be given then it would overrule all the conditions imposed on the premise licence.

The police would withdraw their objection if during the time that the temporary event notice was in force then all the conditions consistent with the operating schedule will apply.

Yours faithfully

Insp Colin Dobson

NOT PROTECTIVELY MARKED

Licensing Officer  
Durham County Council  
Annand House  
Meadowfield  
Durham  
DH7 8RS

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