

Statutory Licensing Sub-Committee

25th June 2012

Consideration of a Temporary Event Notice



Report of Terry Collins, Corporate Director, Neighbourhood Services

Name and Address: Mr Luke Richards, [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:

Decades
Old Post Office Buildings
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 11th June 2012, the premises user, Luke Richards served a temporary event notice for Decades, 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:

Licensable Activities	Date and Time
Sale by retail of alcohol (on the premises) and the provision of regulated entertainment	Saturday 30 June 2012 03:00 – 05:00

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

Plays (indoors)	Monday to Sunday - 10.00 – 03.30 This activity may continue from the finish time on New Years Eve to the start time on New Years Day
Films (indoors)	Monday to Sunday - 10.00 – 03.30 This activity may continue from the finish time on New Years Eve to the start time on New Years Day
Indoor Sporting Event	Monday to Sunday - 10.00 – 03.30 This activity may continue from the finish time on New Years Eve to the start time on New Years Day
Boxing or Wrestling Entertainment (indoors)	Monday to Sunday - 10.00 – 03.30 This activity may continue from the finish time on New Years Eve to the start time on New Years Day
Live Music (indoors)	Monday to Sunday - 10.00 – 03.30 This activity may continue from the finish time on New Years Eve to the start time on New Years Day
Recorded Music (indoors)	Monday to Sunday - 10.00 – 03.30 This activity may continue from the finish time on New Years Eve to the start time on New Years Day
Performance of Dance (indoors)	Monday to Sunday - 10.00 – 03.30 This activity may continue from the finish time on New Years Eve to the start time on New Years Day
Entertainment of a similar description to that falling within a performance of live music, playing of recorded music or a performance of dance (indoors)	Monday to Sunday - 10.00 – 03.30 This activity may continue from the finish time on New Years Eve to the

	start time on New Years Day
Facilities for making music and dancing (indoors)	Monday to Sunday - 10.00 – 03.30 This activity may continue from the finish time on New Years Eve to the start time on New Years Day
Entertainment of a similar description to that falling within entertainment provision/facilities for making music or dancing (indoors)	Monday to Sunday - 10.00 – 03.30 This activity may continue from the finish time on New Years Eve to the start time on New Years Day
Late Night Refreshment (indoors)	Monday to Sunday - 23.00 – 03.30 This activity may continue from the finish time on New Years Eve to the start time on New Years Day
Sale of alcohol (on and off premises)	Monday to Sunday - 10.00 – 03.00 This activity may continue from the finish time on New Years Eve to the start time on New Years Day
Opening hours of premises	Monday to Sunday - 10.00 – 03.30 The premises may remain open from the finish time on New Year's Eve to the start time on New Year's Day

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 30th June 2012.

This is attached as Appendix 2.

4. The Parties

The Parties to the hearing will be:

- Mr Luke Richards (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

Contact: Karen Monaghan

Tel: 03000 265104

Email: karen.monaghan@durham.gov.uk

APPENDIX 1 – TEMPORARY EVENT NOTICE

Submitted by hand 8/6/12

REN80966

DURHAM COUNTY


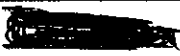

11 JUN 2012

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 fit inside the boxes and written or typed in black ink. 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.

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	Richardson		
Forenames	Luke		
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			Post code
7. Other contact details			
Telephone numbers			
Daytime			
Evening (optional)			
Mobile (optional)			
Fax number (optional)			
E-Mail Address (if available)			
8. Alternative address for correspondence (If you complete the details below, we will use this address to correspond with you)			

Post town	Post code
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)	
Decades Nightclub Old Post office building Front Street Consett, 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	DWTSPRO069
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 nightclub	
Please describe the nature of the event below. (Please read note 5)	
Sale of alcohol + regulated entertainment 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)		
03:00 - 05:00		
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)	999	
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"/>

4. Personal licence holders. (Please read note 12)		
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	Disham County Council	
Licence number	DCCPER3631	
Date of issue	8/11/2010	
Date of expiry	8/11/2020	
Any further relevant details		

5. Previous temporary event notices you have given. (Please read 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? (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"/>

6. Associates and business colleagues (Please refer to 14)		
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.	0	
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"/>

7. Other (Please refer to 15) (Put all "X"s in all the appropriate boxes with an "X")	
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.

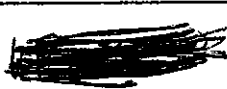
9. Declarations (Please read note 17)

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	Luke Richards

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

£21.00

County Hall
Durham
DH1 5UL

Tel: 0300 123 7070
www.durham.gov.uk

Please retain this receipt
for your records

APPENDIX 2 – DURHAM CONSTABULARY OBJECTION

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

**Tel. No.: (0191) 3752308
Fax No.: (0191) 3752303
Web Site: www.durham.police.co.uk
E-mail: AHRU@durham.pnn.police.uk
Your Ref:
Our Ref: TEN/2795**

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

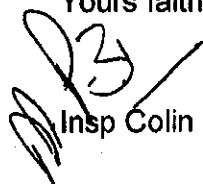
TEMPORARY EVENT NOTICE – OBJECTION

**Applicant: Luke Richards
Premises: Decades, Old Post office Building, Front Street, Consett
Event – Date and Time: 30th June 2012 (0300 – 0500)
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 Decades 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

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

This page is intentionally left blank