

# Statutory Licensing Sub-Committee

3rd May 2013

## Consideration of Temporary Event Notices



---

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

---

**Name of Premises User:** Angela High

#### 1. Summary

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

Montgomerys  
103 Front Street  
Stanley, Co Durham. DH9 0TB

A plan showing the location of the premises is attached at Appendix 1.

Officers are unable to determine this matter due to objection notices being received from Durham Constabulary on the basis that the events will undermine the licensing objectives, the Prevention of Public Nuisance and the Prevention of Crime and Disorder.

#### 2. Details of the Notice

On 29th April 2013, the premises user, Angela High served on the licensing authority a Temporary Event Notice for Montgomerys, 103 Front Street, Stanley. Copies of the notice is attached as Appendix 2.

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

Licensable Activities (Indoors)	Date and Time
Sale by Retail of Alcohol and The Provision of Regulated Entertainment Event: Circus Theme Night	09:00 hrs on Saturday 25 <sup>th</sup> May 2013 until 03:30 on Sunday 26 <sup>th</sup> May 2013

Montgomery's public house currently holds a premises licence issued under the Licensing Act 2003. A copy of this premises licence is attached at Appendix 3 for Members' information.

### **3. The Objection**

On 30<sup>th</sup> April 2013, the Licensing Authority received an objection notice from Durham Constabulary on the grounds of the Prevention of Crime and Disorder.

Durham Constabulary consider it appropriate that all conditions currently attached to Montgomerys' premises licence are also attached to the TEN, for the promotion of the licensing objectives. A copy of the objection is attached as Appendix 4.

### **4. Mediation**

During the consultation period, the premises user confirmed her agreement to the conditions from the premises licence being attached to the TEN.

Copies of the signed mediation documents confirming this are attached at Appendix 5.

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

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

- 5.0 - The Prevention of Crime and Disorder

Relevant information is attached at Appendix 6.

### **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

- 2.1 Licensing objectives – Crime and Disorder
- 7.0 Temporary Event Notices

### **7. For Decision**

Members are asked to consider Durham Constabulary's objection to the TEN, in the light of the mediation with the premises user and allow the event to proceed, with the premises licence conditions being imposed for the duration of the event.

#### **Background Papers:**

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

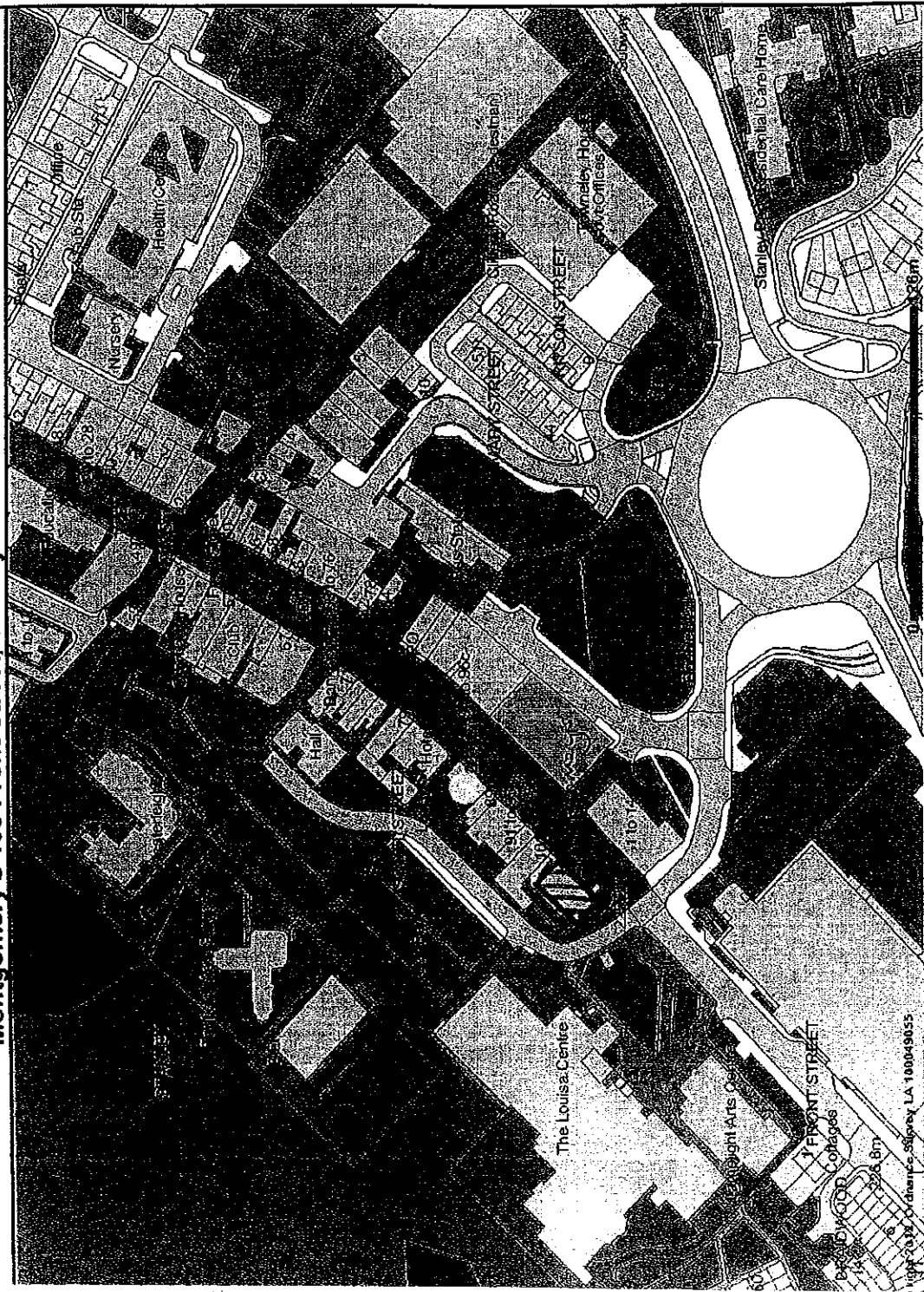
---

**Contact: Karen Monaghan      Tel: 03000 265104**  
**Email: Karen.monaghan@durham.gov.uk**

---

## **APPENDIX 1 – LOCATION PLAN**

**Montgomery's 103 Front Street, Stanley**



Scale 1: 2500

## **APPENDIX 2 - TEMPORARY EVENT NOTICE**

TEN 81541

LICENSING

## 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 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.

1. The personal details of premises user (Please read note 1)	
1. Your name	
Title	Mr <input type="checkbox"/> Mrs <input checked="" type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other (please state)
Surname	HIGH.
Forenames	ANGELA.
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 checked="" type="checkbox"/> Ms <input type="checkbox"/> Other (please state)
Surname	[REDACTED]
Forenames	[REDACTED]
3. Your date of birth	
[REDACTED]	
4. Your place of birth	
[REDACTED]	
5. National Insurance Number	
[REDACTED]	
6. Your current address (We will use this address to correspond with you unless you complete the separate correspondence box below)	
[REDACTED]	
Post town	[REDACTED]
Post code	[REDACTED]
7. Other contact details	
Telephone numbers Daytime	[REDACTED]
Evening (optional)	[REDACTED]
Mobile (optional)	[REDACTED]
Fax number (optional)	[REDACTED]
E-Mail Address (if available)	[REDACTED]
8. Alternative address for correspondence (If you complete the details below, we will use this address to correspond with you)	
[REDACTED]	

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)	

<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)	
MONTGOMERY'S 103 FRONT STREET. STANLEY. CO. DURHAM DH9 0TB.	
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	DWT 5PROO55.
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)	
PUBLIC HOUSE / NIGHTCLUB.	
Please describe the nature of the event below. (Please read note 5)	
CIRCUS THEME NIGHT.	

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)		
25th / 26th MAY 2013.		
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)		
09.00 25th MAY 2013 TO 03.30 26th MAY 2013.		
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)		
300		
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 type="checkbox"/>	<input type="checkbox"/>
If "Yes" please provide the details of your personal licence below.		
Issuing licensing authority		
Licence number	PA. 0371.	
Date of issue		
Date of expiry	12.05.2016.	
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 checked="" type="checkbox"/>	No <input 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 read note 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		
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 type="checkbox"/>	No <input checked="" 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.		
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. Checklist (Please read note 15)	
I shall (Please mark 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"/>

<b>8. Condition (Please read note 16)</b>
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.

<b>9. Declarations (Please read note 17)</b>	
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	25 / 04 / 2013
Name of Person signing	ANGELA HIGH

For completion by the licensing authority

<b>10. Acknowledgement (Please read note 18)</b>	
I acknowledge receipt of this temporary event notice.	
Signature	On behalf of the licensing authority
Date	
Name of Officer signing	

## **APPENDIX 3 – MONTGOMERYS PREMISES LICENCE**



## LICENSING ACT 2003 PREMISES LICENCE

**Premises Licence number**  
**Granted**  
**Issued**

<b>DWTSPR0055</b>
<b>24 NOVEMBER 2005</b>
<b>27 APRIL 2012</b>

**Part 1 – Premises details**

<b>Postal address of premises, or if none, ordnance survey map reference or description</b>	<b>Issuing Authority</b>
<b>MONTGOMERYS</b> 103 FRONT STREET	DURHAM COUNTY COUNCIL EHCP LICENSING SERVICES PO BOX 617 DURHAM DH1 9HZ
<b>Post town: STANLEY</b>	<b>Postcode: DH9 0TB</b>
<b>Telephone number: 01207 233218</b>	

<b>Where the licence is time limited the dates</b> NOT APPLICABLE
--

<b>Licensable activities authorised by this licence</b> Exhibition of a Film Performance of Live music Playing of Recorded music Performance of dance Entertainment of a similar description to that falling within a performance of live music, playing of recorded music or a performance of dance Provision of facilities for making music Provision of facilities for dancing Entertainment of a similar description to that falling within entertainment provision/facilities for making music or dancing Sale by retail of alcohol
---

<b>The opening hours of the premises (all times in 24hr format)</b>		
Monday	09:00 – 02:30	<b>Non standard/seasonal timings:</b>  None
Tuesday	09:00 – 02:30	
Wednesday	09:00 – 02:30	
Thursday	09:00 – 02:30	
Friday	09:00 – 02:30	
Saturday	09:00 – 02:30	
Sunday	09:00 – 02:30	

**Where the licence authorises the sale by retail of alcohol whether these are on and/or off sales**

On and Off sales

**The times the licence authorises the carrying out of licensable activities (all in 24hr format)**

**Films**

Indoors only

Monday	09:00 – 02:00	Further details:
Tuesday	09:00 – 02:00	
Wednesday	09:00 – 02:00	Non standard/seasonal timings:
Thursday	09:00 – 02:00	
Friday	09:00 – 02:00	None
Saturday	09:00 – 02:00	
Sunday	09:00 – 02:00	

**Live music**

Indoors only

Monday	11:00 – 02:00	Further details:
Tuesday	11:00 – 02:00	
Wednesday	11:00 – 02:00	Non standard/seasonal timings:
Thursday	11:00 – 02:00	
Friday	11:00 – 02:00	Sunday before Bank Holiday (including Easter Sunday) 14:00 – 02:00
Saturday	11:00 – 02:00	Good Friday 11:00 – 02:00
Sunday	14:00 – 00:30	Christmas Day 11:00 – 02:00
		Bank Holiday Mondays 11:00 – 02:00
		New Years Eve 11:00 – 24:00
		New Years Day 00:00 – 23:00

**Recorded music**

Indoors only

Monday	09:00 – 02:00	Further details:
Tuesday	09:00 – 02:00	
Wednesday	09:00 – 02:00	Non standard/seasonal timings:
Thursday	09:00 – 02:00	
Friday	09:00 – 02:00	None
Saturday	09:00 – 02:00	
Sunday	09:00 – 02:00	

**Performances of dance**

Indoors only

Monday	11:00 – 02:00	Further details:
Tuesday	11:00 – 02:00	
Wednesday	11:00 – 02:00	Non standard/seasonal timings:
Thursday	11:00 – 02:00	
Friday	11:00 – 02:00	Sunday before Bank Holiday (including Easter Sunday) 14:00 – 02:00
Saturday	11:00 – 02:00	Good Friday 11:00 – 02:00
Sunday	14:00 – 00:30	Christmas Day 11:00 – 02:00
		Bank Holiday Mondays 11:00 – 02:00
		New Years Eve 11:00 – 24:00
		New Years Day 00:00 – 23:00

**Entertainment of a similar description to that falling within a performance of live music, playing of recorded music or a performance of dance**

Indoors only

Monday	09:00 – 02:00	Further details:
Tuesday	09:00 – 02:00	
Wednesday	09:00 – 02:00	Non standard/seasonal timings:
Thursday	09:00 – 02:00	
Friday	09:00 – 02:00	None
Saturday	09:00 – 02:00	
Sunday	09:00 – 02:00	

**Provision of facilities for making music**

Indoors only

Monday	11:00 – 02:00	Further details:
Tuesday	11:00 – 02:00	
Wednesday	11:00 – 02:00	Non standard/seasonal timings:
Thursday	11:00 – 02:00	
Friday	11:00 – 02:00	Sunday before Bank Holiday (including Easter Sunday) 14:00 – 02:00
Saturday	11:00 – 02:00	Good Friday 11:00 – 02:00
Sunday	14:00 – 00:30	Christmas Day 11:00 – 02:00
		Bank Holiday Mondays 11:00 – 02:00
		New Years Eve 11:00 – 24:00
		New Years Day 00:00 – 23:00

**Provision of facilities for dancing**

Indoors only

Monday	11:00 – 02:00	Further details:
Tuesday	11:00 – 02:00	
Wednesday	11:00 – 02:00	Non standard/seasonal timings:
Thursday	11:00 – 02:00	
Friday	11:00 – 02:00	Sunday before Bank Holiday (including Easter Sunday) 14:00 – 02:00
Saturday	11:00 – 02:00	Good Friday 11:00 – 02:00
Sunday	14:00 – 00:30	Christmas Day 11:00 – 02:00
		Bank Holiday Mondays 11:00 – 02:00
		New Years Eve 11:00 – 24:00
		New Years Day 00:00 – 23:00

**Entertainment of a similar description to that falling within entertainment provision/facilities for making music or dancing**

Indoors only

Monday	11:00 – 02:00	Further details:
Tuesday	11:00 – 02:00	
Wednesday	11:00 – 02:00	Non standard/seasonal timings:
Thursday	11:00 – 02:00	
Friday	11:00 – 02:00	Sunday before Bank Holiday (including Easter Sunday) 14:00 – 02:00
Saturday	11:00 – 02:00	Good Friday 11:00 – 02:00
Sunday	14:00 – 00:30	Christmas Day 11:00 – 02:00
		Bank Holiday Mondays 11:00 – 02:00
		New Years Eve 11:00 – 24:00
		New Years Day 00:00 – 23:00

**Sale by retail of alcohol**

On and off sales

Monday	09:00 – 02:00	Further details:
Tuesday	09:00 – 02:00	
Wednesday	09:00 – 02:00	Non standard/seasonal timings:
Thursday	09:00 – 02:00	
Friday	09:00 – 02:00	None
Saturday	09:00 – 02:00	
Sunday	09:00 – 02:00	

**Part 2****Name, (registered) address, telephone number and email (where relevant) of holder of premises licence**

PAUL MONTGOMERY

**Registered number of holder, for example company number, charity number (where applicable)**

Company no: NOT APPLICABLE

Charity no: NOT APPLICABLE

**Name, address and telephone number of designated premises supervisor where the premises licence authorises for the sale by retail of alcohol**

ANGELA HIGH

**Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the sale by retail of alcohol**

LICENCE NUMBER: PA0371  
ISSUED BY: DURHAM COUNTY COUNCIL

**Annex 1 – Mandatory conditions**

No supply of alcohol may be made at a time when no designated premises supervisor has been specified in the licence or at a time when the designated premises supervisor does not hold a personal licence or his or her licence has been suspended. Every supply of alcohol under this premises licence must be made or authorised by a person who holds a personal licence.

The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).

The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.

The premises licence holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol: -

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

The responsible person shall ensure that:-

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

1. Beer or cider - ½ pint;
2. Gin, rum, vodka or whisky - 25ml or 35ml; and
3. Still wine in a glass - 125ml; and

(b) Customers are made aware of the availability of these measures.

Mandatory condition: exhibition of films

(1) Where a premises licence authorises the exhibition of films, the licence must include a condition requiring the admission of children to the exhibition of any film to be restricted in accordance with this section.

(2) Where the film classification body is specified in the licence, unless subsection (3)(b) applies, admission of children must be restricted in accordance with any recommendation made by that body.

(3) Where—

- (a) the film classification body is not specified in the licence, or
- (b) the relevant licensing authority has notified the holder of the licence that this subsection applies to the film in question, admission of children must be restricted in accordance with any recommendation made by that licensing authority.

(4) In this section—

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

Mandatory condition: door supervision

(1) Where a premises licence includes a condition that at specified times one or more individuals must be at the premises to carry out a security activity, the licence must include a condition that each such individual must be licensed by the Security Industry Authority.

(2) But nothing in subsection (1) requires such a condition to be imposed—

(a) in respect of premises within paragraph 8(3)(a) of Schedule 2 to the Private Security Industry Act 2001 (c. 12) (premises with premises licences authorising plays or films), or

(b) in respect of premises in relation to—

(i) any occasion mentioned in paragraph 8(3)(b) or (c) of that Schedule (premises being used exclusively by club with club premises certificate, under a temporary event notice authorising plays or films or under a gaming licence), or

(ii) any occasion within paragraph 8(3)(d) of that Schedule (occasions prescribed by regulations under that Act).

(3) For the purposes of this section—

(a) "security activity" means an activity to which paragraph 2(1)(a) of that Schedule applies, and

(b) paragraph 8(5) of that Schedule (interpretation of references to an occasion) applies as it applies in relation to paragraph 8 of that Schedule.



**Mandatory condition: embedded restrictions**

This Premises Licence has been granted upon conversion under schedule 8 of the Licensing Act 2003 of the previous Justices' On Licence, and such rights and restrictions that applied to such Licence are hereby incorporated into this Premises Licence, subject to any express terms to the contrary hereinafter specified, and/or any restriction applying to a Premises Licence and/or any licensable activity.

**Annex 2 – Conditions consistent with the premises Operating Schedule**

Carried over from Public Entertainment Licence

Total capacity not to exceed 500 persons

Lower Floor - 400 persons

Upper Floor - 100 persons

**Annex 3 – Conditions attached after a hearing by the licensing authority**

None

**Annex 4 – Plans**

Attached



**Signature of Authorised Officer  
Head of Environment, Health and Consumer Protection**

**APPENDIX 4 – DURHAM CONSTABULARY'S  
OBJECTION**

**Karen Monaghan**

---

**From:** Jim Lincoln [REDACTED]  
**Sent:** 30 April 2013 11:09  
**To:** Karen Monaghan; Yvonne Raine  
**Subject:** FW: Message from KMBT\_C451 [NOT PROTECTIVELY MARKED]  
**Attachments:** SSOQ13043009500.pdf

**NOT PROTECTIVELY MARKED**

Karen / Yvonne,

With reference to the recent TEN application for Montgomery's, Front Street, Stanley for 25<sup>th</sup> May 2013 ( 0900 – 0330 )

Durham Constabulary would **OBJECT** to this application on the grounds of The Prevention of Crime & Disorder.

As in previous TEN's for Montgomery's, we've mediated with the applicant ( Angela High ) see attachment.

This is to allow the conditions that are present on their Premise Licence to run during the times of the TEN

*Licence Support Officer - Jim Lincoln  
Durham Constabulary  
Alcohol Harm Reduction Unit  
John Street North  
Meadowfield  
Co Durham  
DH7 8RS  
[jim.lincoln@durham.pnn.police.uk](mailto:jim.lincoln@durham.pnn.police.uk)  
6614981 ( internal )  
0191 3752351 ( external )*



**NOT PROTECTIVELY MARKED**

DURHAM CONSTABULARY - Protecting Neighbourhoods, Tackling Criminals, Solving Problems..Around the Clock

NEIGHBOURHOOD POLICING: Use your postcode to get access to local news and events from your Neighbourhood Policing Team, at <https://www.durham.police.uk>

This email carries a disclaimer, a copy of which may be read at <https://www.durham.police.uk/Pages/E-Mail-Disclaimer.aspx>

## **APPENDIX 5 – MEDIATION DOCUMENT**

LICENSING ACT 2003

TO: The County Council of Durham as the Licensing Authority.

Application for Temporary Event Notice

Premises: Montgomerys

Applicant: Angela High

Responsible Authority: Durham Constabulary

Date of application: 29 / 4 / 2013

Date of Event: 25 / 5 / 2013 (0900-0330)

We being the Applicant and Responsible Authority pursuant to Regulation 9 of The Licensing Act 2003 (Hearings) Regulations 2005 give notice to the Authority that we consider a hearing to be unnecessary and request that the Authority dispenses with such provided that any licence granted includes the following provisions or conditions in addition to any already put forward in the original application:

Additional Conditions agreed:

- 1) All conditions that are present on the current premise licence will apply for the full duration of the TEN.

Signed:..... [Redacted Signature] .....

Full Name ANGELA HIGH.

Signed:..... [Redacted Signature] .....

Full name MICHELLE WILLIAMSON

Date: 30/4/13

**APPENDIX 6 – STATEMENT OF  
LICENSING POLICY**

## 5.0 The Prevention of Crime and Disorder

5.1 Licensed premises, especially those offering late night / early morning entertainment, alcohol and refreshment may sometimes, if not properly managed, become a source of public nuisance, generating crime and disorder problems.

5.2 As a matter of Policy the Licensing Authority will require every holder of a Licence, Certificate or Permission to be responsible for minimising the impact of crime, disorder and anti-social behaviour by their patrons both on and within the vicinity of their premises, including for example on the pavement, in a beer garden or in a smoking shelter. The Licensing Authority suggests that applicants demonstrate in their Operating Schedules that suitable and sufficient measures, ranging from the design and layout of the premises through to the daily operation of the business have been identified and will be implemented and maintained with the intention of preventing crime and disorder. Procedures to deal with drunken customers, violence and anti social behaviour in and outside premises and the provision of closed circuit television in certain premises must be considered by applicants and licencees when addressing this issue. The Licensing Authority will also expect that Personal Licence holders will actively participate in established "Pubwatch" schemes where issues relating to crime and disorder can be addressed. The Licensing Authority support involvement in "Best Bar None" initiative which enables premises to demonstrate good safe operating procedures.

5.3 The Licensing Authority considers the effective and responsible management of the premises through competent and efficient and regular instruction, recorded training, supervision of staff and the adoption of good practice, such as 'Challenge 25', to be among the most important control measures for the achievement of all Licensing Objectives. The Licensing Authority will take a positive view of anyone who invests in appropriate training, and in particular nationally accredited qualifications tailored to the Licensing sector. Training records should be kept available for inspection by all enforcement agencies.

5.4 The application for premises selling alcohol must identify a Designated Premises Supervisor (DPS) who must also hold a Personal Licence. The DPS does not have to be present on the premises at all times when alcohol is being sold. However, the DPS and Premises Licence Holder remain responsible for the premises at all times. It is important that there is an accountable, responsible person present when alcohol is being sold or supplied to ensure, for example, that alcohol is not sold to persons who have had too much to drink, or to those under the age of 18 years, and so that the Licensing Authority and Police can discuss any problems or issues arising from the licensable activities offered on the premises. The Licensing Authority considers it to be good practice if the DPS or Premises Licence Holder is present in the licensed area of the premises:

- Between 22:00 hours and closing time, when the premises is one that regularly opens after midnight for both regulated entertainment and the sale or supply of alcohol for consumption on the premises.
- At all times when the premises is a “vertical drinking establishment” where little or no seating is provided.
- At times where there is a substantial increase in customers i.e. for televised major sporting events etc.

5.5 The Licensing Authority will only impose a maximum number of people that can attend a premises or an event where there is a clear and justifiable need in respect of that particular premises or event, any such decision will be based on the nature and style of the operation. The Licensing Authority will consider information provided by the applicant and any other body, in particular the Council’s Building Control Section, Environmental Health Section and the Durham and Darlington Fire and Rescue Service before setting a maximum number. Applicants will be expected to detail the arrangements that would be put in place e.g. provision of door staff to ensure that the permitted number of people attending the premises or event will not be exceeded.

5.6 Whenever security operatives/door supervisors are employed at licensed premises to carry out security functions they must be licensed by the Security Industry Authority (SIA). If a licensee directly employs security operatives they will need to be licensed by the SIA as a supervisor/manager.

5.7 The numbers of licensed door supervisors, both male and female, required at any premises will be dependant upon the nature of the activities licensed and the characteristics and capacity of the establishment and hours of trading.

5.8 In addition to the requirement of the Licensing Authority to promote the Licensing Objectives, the Council also has a duty under Section 17 of the Crime and Disorder Act 1998 to do all it reasonably can to prevent crime and disorder in its area and to consider crime and disorder in its decision making process.

## **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.