



## Statutory Licensing Sub-Committee

**Date** Tuesday 9 April 2013  
**Time** 10.00 am  
**Venue** Council Chamber, Council Offices, Spennymoor

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### Business

#### Part A

1. Apologies for Absence
2. Substitute Members
3. Declarations of Interest (if any)
4. Application for the Grant of a Premises Licence - Chester-le-Street Fake Festival, Riverside Park, Chester-le-Street (Pages 1 - 56)
5. Such other business as, in the opinion of the Chairman of the meeting, is of sufficient urgency to warrant consideration

**Colette Longbottom**  
Head of Legal and Democratic Services

County Hall  
Durham

28 March 2013

To: **The Members of the Statutory Licensing Sub-Committee**

Councillors B Alderson, B Arthur, D Brown, B Graham and J Shiell

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**Contact:** Jill Errington

**Tel:** 03000 269703

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Statutory Licensing Sub-Committee (1)

9<sup>th</sup> April 2013

Application for the grant of a Premises Licence



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

**Name and Address of Premises:** Chester le Street Fake Festival  
Riverside Park, Chester le Street.

**1. Summary**

The Sub-Committee is asked to consider and determine the application for the grant of a premises licence received from:

Mr Jeremy Dearden Lee  
Chester le Street Fake Festival  
Riverside Park  
Chester le Street  
Co Durham

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

**2. Details of the Application**

An application for the grant of a premises licence was received by the Licensing Authority on 8th February 2013. A copy of the application is attached as Appendix 2.

The details of the application are as follows:

Opening hours	Saturday 12.00 – 00.00
Live Music (indoors)	Saturday 12.00 – 00.00
Recorded Music (indoors)	Saturday 12.00 – 00:00
Provision of facilities for making music (indoors)	Saturday 12.00 – 00.00
Late night refreshment (outdoors)	Saturday 23.00 – 00.00
Supply of alcohol (on the premises)	Saturday 12.00 – 23.45

The applicant has proposed steps which they intend to take in order to promote the four licensing objectives, which are outlined within the application form. The application has been advertised in accordance with regulations.

### **3. Representations**

The Licensing Authority received two representations, one from a Responsible Authority, namely from Durham Constabulary and another from Direct of Public Health.

The representations relate to all four licensing objectives, namely:

- The Prevention of Crime and Disorder
- The Protection of Children from Harm

A copy of the representations from Durham Constabulary and Direct of Public Health are attached as Appendix 3.

### **4. Mediation**

The applicant has successfully mediated with Durham Constabulary and the Director of Public Health and has agreed a list of additional conditions. The applicant provided an operational plan and references on behalf of Fake Festivals Ltd for their perusal.

Under Regulation 9 of the Licensing Act 2003 (Hearings) Regulations 2005, Durham Constabulary and Public Health gave notice to the authority that a hearing was unnecessary and should be dispensed with, provided that any licence granted would include the additional conditions in addition to those detailed in the original application. Copies of the signed mediation documents are attached as Appendix 4.

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

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

- 5.0 - Prevention of Crime and Disorder
- 8.0 – Protection Children from Harm

Attached as Appendix 5.

### **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 – 2.7 Crime and Disorder
- 2.25 – 2.35 Protecting Children from Harm

Attached as Appendix 6.

## 7. For Decision

The Sub-Committee is asked to determine the application in light of the above having regard to the application and the representations received.

### Background Papers:

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

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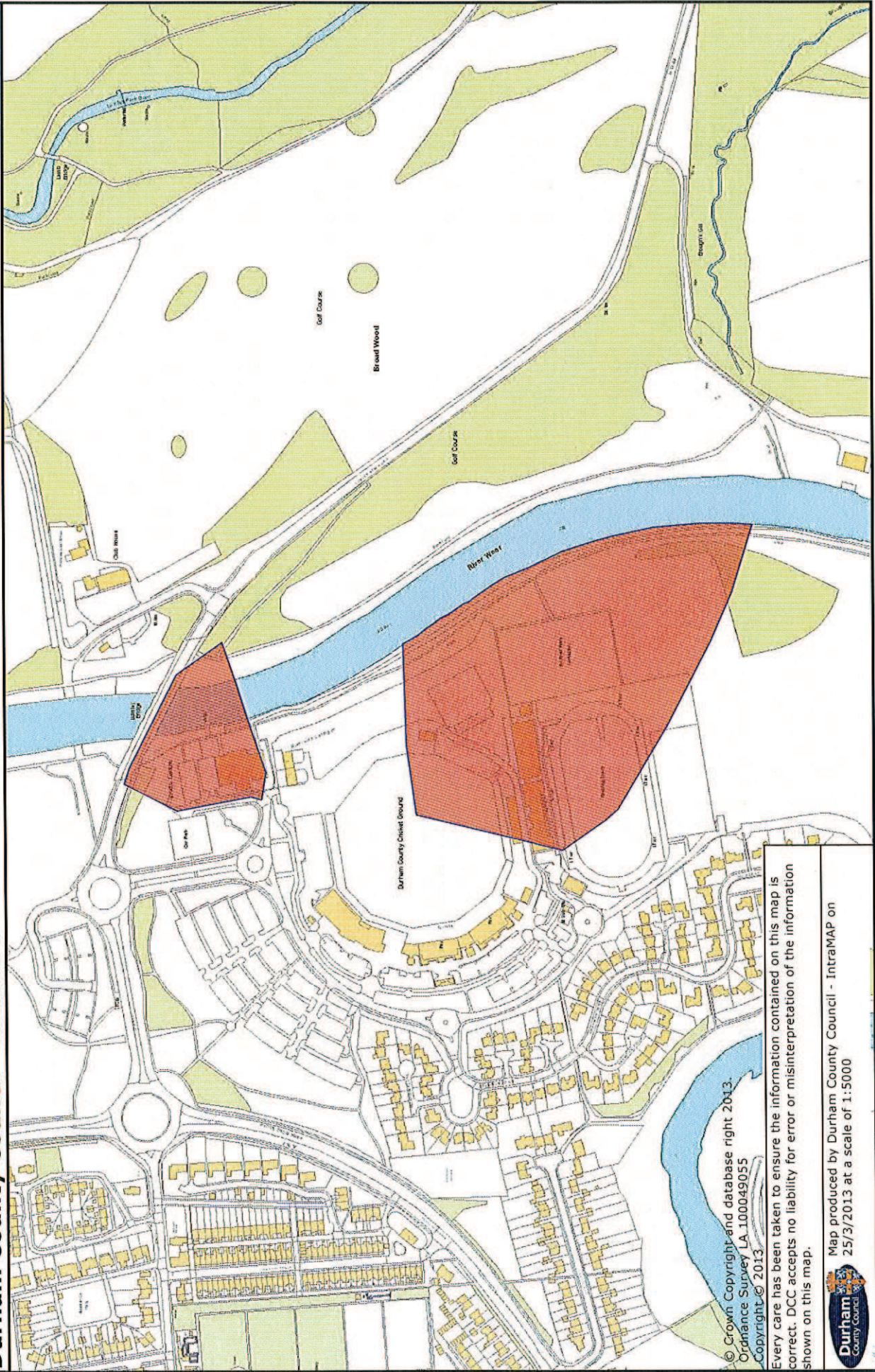
<b>Contact:</b> Karen Monaghan	<b>Tel:</b> 03000 265104
	<b>Email:</b> <a href="mailto:karen.monaghan@durham.gov.uk">karen.monaghan@durham.gov.uk</a>

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**APPENDIX 1 – PLAN LOCATION**



# Durham County Council - IntraMAP



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 25/3/2013 at a scale of 1:5000



**APPENDIX 2 - PREMISES APPLICATION**



# FAKE FESTIVALS®

www.fakefestivals.co.uk

Re: Premises Licence Application for 'Chester Le Street Fake Festival'

Dear Sir / Madam

Please find enclosed an application for an annual premises license for a music event contained inside a marquee.

The event which in 2013 is due to be held on Saturday August 3rd afternoon/evening and will be held **inside** a marquee on Riverside Park, Chester Le Street, County Durham. There is to be a licensed bar within the marquee and food stalls situated outside the marquee in a secured fenced off area only accessible from the marquee. No food or drink is allowed to be brought into the event. The event is secured by SIA Security Staff and the acts are all professional Tribute Bands along with local bands. The finish time of the festival is before midnight to respect the local residents who live nearby. The festival is aimed at the 'locals' to enjoy a day out together and socialise with friends and families. We have held over 60 Festivals to date and parking has never been an issue as people tend to walk down to a local event but the Rugby Club has sufficient parking space for the size of our events. There is a map enclosed showing the layout of our premises.

The bar staff are trained in requesting formal ID from those purchasing alcohol from the bar and we operate the 'Drink Aware' posters at the point of sale and the security staff check formal ID at the entrance to the marquee. All drinks are served in polycarbonate disposable glasses (plastic)

As the event is held inside a marquee with a fenced area for the food and entertainment stands, the waste produced is contained within this area. No food or drink is allowed to be taken outside the marquee or fenced area so this limits the area where rubbish can be left. We run a strict cleanliness policy with our staff who go around the area tidying up and putting all rubbish in a sealed bin liner. These are then placed in a waste skip.

We run numerous Festivals like this every summer in local areas to give local people something to do together in their local village and also to allow young up and coming musicians to showcase their talent locally. We currently hold 19 festivals a year from the North of England to the South and details can be found on [REDACTED]

An operational plan including fire risk assessment, event risk assessment has been produced and it is in total over 50 pages. Therefore too large to print and include within these documents. If you would like to receive a copy please email [REDACTED] and request the document to be emailed.

More information on Fake Festivals Ltd, along with references and how we operate is enclosed for you to read through. Please do not hesitate to contact relevant departments in other local authorities where we hold identical Fake Festivals to check our record.

Yours sincerely

[REDACTED]  
Jez Lee

*\* I have enclosed a copy of the 'operational plan'  
a references for your information*

*Regards  
Jez*

Fake Festivals Ltd.  
International: + 44 [REDACTED]

[REDACTED]  
Registered in England & Wales No 5627895. VAT Reg No 853 0482 33.



## FAKE FESTIVALS LTD

### Company background:

Fake Festivals have been in operation since 2007 and have held festivals in locations such as: Howden, Goole, Sandall Park (Doncaster), Wheatley Hills (Doncaster), Haxey, Belton, Gunthorpe (Notts), Long Bennington, Ollerton, Retford, Winterton, Otley, West Bridgford, Farnborough, Scunthorpe, Tynemouth, Ashby De La Zouch, Barnsley, Rotherham. Every Fake Festival is exactly the same wherever they are held apart from the bands performing at the festivals as they are made up from local bands and three tribute bands. The layout, operational procedures and team behind each festival is exactly the same wherever they are held.

Fake Festivals have successfully **franchised & licensed** the business and this now allows Fake Festivals to be enjoyed by local people all over the UK.

### What is a Fake Festival?

The idea of a Fake Festival is to bring a small music event held inside a marquee into the heart of the community allowing local people to enjoy a fun day out on their local park or sports field listening to some local musicians and socialising with friends and family.

The concept is duplicated every weekend from May – September in various locations within the UK. Jez and his team along with his franchisees put the events on every weekend for local people to enjoy right on their doorstep.

The Festivals are held inside a marquee which can hold 1000 + people depending on the size of the marquee which is governed by the ticket sales. If sales are good then we simply add another section to the marquee to make it bigger and if sales are poor we reduce the size of the marquee to ensure we keep the right atmosphere (always ensuring safe capacity, see fire risk assessment). There is an outside fenced area attached to the side of the marquee (heras fencing) which contains the food concessions which attend every festival. Also inside the fenced area are the toilets (disabled and urinals & single units) along with tables and chairs for people to sit and enjoy a bite to eat and a drink.

Inside the marquee is the stage and lighting for the bands to perform on. As the event is a local event for local people there are 5 local bands that perform on the stage before the professional tribute bands take to the stage. At the other end of the marquee is the licensed bar which is run and operated by Fake Festivals staff.

The entire event is secured by registered SIA doormen who are present at every single Fake Festival on the tour, the number of SIA registered security is 1 per 100 + 1. Fake Festivals use Emsec Security who has worked closely with Jez since he started Fake Festivals back in 2007.

There are two types of tickets, Over 18 and Under 18. Each type is a different colour.

Tickets are exchanged at the entrance of the marquee (festival) for wristbands. They are given either an over 18 or under 18 wristband which are different colours. Security ID those persons who look 25 or under. If someone can't prove they are over 18 but have asked for an over 18 ticket they are issued with an Under 18 wristband. This is a policy we use at every festival we operate. We also operate a strict no drugs policy and anyone seen or caught with drugs is removed from site and reported to the local authority and dealt with accordingly.

Only those with an over 18 wristband can purchase an alcoholic drink from the bar and the Fake Festivals bar staff can ask for formal identification of anyone they think look 25 or under. This is the policy we operate for all our Fake Festivals for the past 4 years.

Everything we serve at the bar is in polycarbonate plastic glasses

The Festivals only operate for one day (Saturday) and they start at approx 12.30pm and finish before midnight. The entertainment is inside the marquee so anyone outside can't see what is going on inside.

As the Festival is marketed and promoted as a local event for local people we expect local people to walk down to their local park with family and friends. As there is a licensed bar anyone who is coming for the day tend to arrive in taxis or get a lift with a friend or member of a family. There are of course those who do arrive in cars but not as many as probably anticipated.

We operate a strict cleanliness policy where our members of staff constantly go around picking up litter from the premises. As the premise is the marquee and fenced area (where the food stands etc are) the majority of the litter is contained in the marquee and fenced area. This area is constantly tidied throughout the day and rubbish is bagged and tied and skipped. Obviously there are those who drop litter on their way into the park/field and we tidy this up after the event also. The park/field is left as we found it.

No food or drink is allowed to be brought inside the marquee (bags are checked) and also no food or drink is allowed to be taken outside the marquee. Therefore we keep the surrounding park/field area tidy as all litter is dropped insides the premises which we tidy.

We set up the festival on the Friday before the Saturday of the event; the marquee is secured by a night security guard on the Friday night and also on the Saturday night when the event is finished. The site is totally cleared on the Sunday.

The 2013 Tour starts on May 4<sup>th</sup> in Tynemouth and finishes in September it covers areas from the North of England to the South during these months. On the tour we operate into various local authorities where we hold premises licenses for the Festivals. Please find a list below of local authorities where we hold premises licenses for Fake Festivals. As mentioned in the above information, every Fake Festival we hold is exactly the same in layout and procedures and therefore the proposed Fake Festival would be a duplicate of all the others we have held. **Please feel free to contact any of the below local authorities to check our track record.**

- North Lincs: HAXEY FAKE FESTIVAL, WINTERTON FAKE FESTIVAL, BELTON FAKE FESTIVAL, SCUNTHORPE FAKE FESTIVAL
- Bassetlaw: RETFORD FAKE FESTIVAL
- Newark & Sherwood: NEWARK FAKE FESTIVAL
- Doncaster: SANDALL PARK FAKE FESTIVAL, WHEATLEY FAKE FESTIVAL, THORNE FAKE FESTIVAL
- East Riding: BROUGH FAKE FESTIVAL
- North West Leicestershire: ASHBY DE LA ZOUCH FAKE FESTIVAL
- North Tyneside Council: TYNEMOUTH FAKE FESTIVAL
- Barnsley Borough Council: BARNESLEY FAKE FESTIVAL
- Craven District Council: SKIPTON FAKE FESTIVAL

Here are some reference email & numbers also:

**Anita Johnson** – Doncaster Community Parks Officer [REDACTED]

**PC Martin Garfitt** – North Lincs Licensing PC – [REDACTED]

**Don Crabtree** – Sandall Park Committe (Sandall Park Fake Festival) [REDACTED]

Thank you

[REDACTED]  
Jez Lee

Fake Festivals Managing Director

**LICENSING**  
Application for a premises licence to be granted  
under the Licensing Act 2003

by 8/3

**PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST**

Before completing this form please read the guidance notes at the end of the form.  
If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.  
You may wish to keep a copy of the completed form for your records.

I/We Fake Festivals Limited

*(Insert name(s) of applicant)*

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

**Part 1 – Premises Details**

Postal address of premises or, if none, ordnance survey map reference or description CHESTER LE STREET FAKE FESTIVAL RIVERSIDE PARK CHESTER LE STREET			
Post town	COUNTY DURHAM	Post code	

Telephone number at premises (if any)	N/A
Non-domestic rateable value of premises	£0

**Part 2 - Applicant Details**

Please state whether you are applying for a premises licence as  
Please tick yes

- a) an individual or individuals \*  please complete section (A)
- b) a person other than an individual \*
  - i. as a limited company  please complete section (B)
  - ii. as a partnership  please complete section (B)
  - iii. as an unincorporated association or  please complete section (B)
  - iv. other (for example a statutory corporation)  please complete section (B)
- c) a recognised club  please complete section (B)
- d) a charity  please complete section (B)

- e) the proprietor of an educational establishment  please complete section (B)
- f) a health service body  please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital  please complete section (B)
- h) the chief officer of police of a police force in England and Wales  please complete section (B)

\* If you are applying as a person described in (a) or (b) please confirm:

Please tick yes

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or
- I am making the application pursuant to a
  - statutory function or
  - a function discharged by virtue of Her Majesty's prerogative

**(A) INDIVIDUAL APPLICANTS (fill in as applicable)**

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
I am 18 years old or over					<input type="checkbox"/> Please tick yes
Current postal address if different from premises address					
Post Town				Postcode	
Daytime contact telephone number					
E-mail address (optional)					



**SECOND INDIVIDUAL APPLICANT (if applicable)**

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
I am 18 years old or over					<input type="checkbox"/> Please tick yes

Current postal address if different from premises address			
Post Town		Postcode	
Daytime contact telephone number			
E-mail address (optional)			

**(B) OTHER APPLICANTS**

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

Name Fake Festivals Limited
Address 
Registered number (where applicable) 5627895
Description of applicant (for example, partnership, company, unincorporated association etc.) Limited Company
Telephone number (if any) 01427 754202
E-mail address (optional) 

**Part 3 Operating Schedule**

When do you want the premises licence to start?

Day	Month	Year
0	1	0
1	2	0
2	0	1
3		

If you wish the licence to be valid only for a limited period, when do you want it to end?

Day	Month	Year



Please give a general description of the premises (please read guidance note1)

The premise is the marquee and fenced area (diagram enclosed) situated at RIVERSIDE PARK, CHESTER LE STREET, COUNTY DURHAM (See map enclosed). For the proposed music festival the license would apply to the marquee and fenced food garden area where it is positioned on the park. The position of the marquee will be shown on the enclosed map however the license needs to apply to the field shown on the enclosed map in the highlighted areas in case the position of the marquee needs to be moved on the weekend of setting up the festival due to ground conditions (weather). The position shown on the diagram will be the main position and any other position will only be in the area shown on the diagram. The reason for allowing movement is in case of wet ground where we need to re-position the marquee to a more suitable spot. The movement will only be slight and will still be on the playing field and will be in the area shown on the diagram. Access for emergency vehicles will not be affected. For the festival there will be a marquee complete with fire exits erected on the field which will house the stage and the performing bands along with the audience. The entertainment is inside the marquee so only those inside the marquee can see what is happening. At the back of the marquee is the licensed bar where people can talk and socialise. There is a fenced area outside the marquee which contains the toilets, food stands, various stalls along with the tables and chairs for people to enjoy drinks and a bite to eat in the sunshine.

Entry into the festival (marquee) is by tickets which are exchanged for wristbands at the door by security. There are two coloured tickets, one for over 18 year olds and another colour for Under 18 year olds. These tickets are exchanged at the door of the marquee for wristbands which are the same colour as the tickets. SIA registered security employed at 1 per 100 + 1 will check for anyone who looks 25 or under and will ask for identification before allowing anyone who looks 25 or under an over 18 wristband. Anyone under 16 must be accompanied by a paying adult. Bar staff will ask for ID of anyone who looks 25 or under at point of serving regardless of the colour of their entry wristband. They will only serve alcohol to those wearing an over 18 coloured wristbands. The consumption of alcohol is only permitted inside the marquee and fenced food garden area (the premises) and no food or drink is allowed to be taken in or out of the premises. All bags are checked upon entry to the festival to ensure no alcohol or food is being brought in.

Registered First Aiders are located on site in a designated First Aid area inside the marquee. All food stands used in the fenced food garden area are regular Fake Festival food stands and Fake Festivals hold a copy of health and safety and hygiene certificates in their file. They are registered with their appropriate local authority.

THE FESTIVAL DATE FOR 2013 IS SATURDAY AUGUST 3RD. – The festival times are 12.30pm – 11.45pm finish.

The completed application times are 12:00 – 00:00 but the festival times are 12.30pm – 11.45pm as we always finish the festival before midnight.

Fake Festivals Ltd will inform licensing of the new date within 3 months every year

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.

What licensable activities do you intend to carry on from the premises?

(Please see sections 1 and 14 of the Licensing Act 2003 and Schedules 1 and 2 to the Licensing Act 2003)

**Provision of regulated entertainment**

**Please tick yes**

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)

**Provision of entertainment facilities:**

- i) making music (if ticking yes, fill in box I)
- j) dancing (if ticking yes, fill in box J)
- k) entertainment of a similar description to that falling within (i) or (j) (if ticking yes, fill in box K)

**Provision of late night refreshment** (if ticking yes, fill in box L)

**Supply of alcohol** (if ticking yes, fill in box M)

**In all cases complete boxes N, O and P**

**A**

<b>Plays</b> Standard days and timings (please read guidance note 6)			<b>Will the performance of a play take place indoors or outdoors or both – please tick</b> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b>Please give further details here</b> (please read guidance note 3)		
Mon					
Tue					
Wed			<b>State any seasonal variations for performing plays</b> (please read guidance note 4)		
Thur					
Fri			<b>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list</b> (please read guidance note 5)		
Sat					
Sun					

**B**

<b>Films</b> Standard days and timings (please read guidance note 6)			<b><u>Will the exhibition of films take place indoors or outdoors or both – please tick</u></b> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b><u>Please give further details here</u></b> (please read guidance note 3)		
Mon					
Tue			<b><u>State any seasonal variations for the exhibition of films</u></b> (please read guidance note 4)		
Wed					
Thur					
Fri			<b><u>Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list</u></b> (please read guidance note 5)		
Sat					
Sun					

**C**

<b>Indoor sporting events</b> Standard days and timings (please read guidance note 6)			<b><u>Please give further details</u></b> (please read guidance note 3)
Day	Start	Finish	
Mon			<b><u>State any seasonal variations for indoor sporting events</u></b> (please read guidance note 4)
Tue			
Wed			
Thur			<b><u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u></b> (please read guidance note 5)
Fri			
Sat			
Sun			

**D**

<b>Boxing or wrestling entertainments</b> Standard days and timings (please read guidance note 6)			<b><u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u></b> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b><u>Please give further details here</u></b> (please read guidance note 3)		
Mon					
Tue					
Wed			<b><u>State any seasonal variations for boxing or wrestling entertainment</u></b> (please read guidance note 4)		
Thur					
Fri			<b><u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</u></b> (please read guidance note 5)		
Sat					
Sun					



**E**

<b>Live music</b> Standard days and timings (please read guidance note 6)			<b>Will the performance of live music take place indoors or outdoors or both – please tick</b> (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b>Please give further details here</b> (please read guidance note 3) There will be amplified music playing inside the marquee.		
Mon					
Tue			<b>State any seasonal variations for the performance of live music</b> (please read guidance note 4)		
Wed					
Thur			<b>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list</b> (please read guidance note 5)		
Fri					
Sat	12:00	00:00			
Sun					

**F**

Recorded music Standard days and timings (please read guidance note 6)			Will the playing of recorded music take place <u>indoors or outdoors or both</u> – please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			<b><u>Please give further details here</u></b> (please read guidance note 3) There will be recorded background music playing in between band through an Ipod through the PA system	Both	<input type="checkbox"/>
Tue					
Wed			<b><u>State any seasonal variations for the playing of recorded music</u></b> (please read guidance note 4)		
Thur					
Fri			<b><u>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list</u></b> (please read guidance note 5)		
Sat	12:00				
		00:00			
Sun					

**G**

<b>Performances of dance</b> Standard days and timings (please read guidance note 6)			<b><u>Will the performance of dance take place indoors or outdoors or both – please tick</u></b> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b><u>Please give further details here</u></b> (please read guidance note 3)		
Mon					
Tue			<b><u>State any seasonal variations for the performance of dance</u></b> (please read guidance note 4)		
Wed					
Thur			<b><u>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</u></b> (please read guidance note 5)		
Fri					
Sat					
Sun					

H

<p>Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)</p>			<p><u>Please give a description of the type of entertainment you will be providing</u></p>		
Day	Start	Finish	<p><u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 2)</p>	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<p><u>Please give further details here</u> (please read guidance note 3)</p>		
Wed					
Thur			<p><u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 4)</p>		
Fri					
Sat			<p><u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u> (please read guidance note 5)</p>		
Sun					

<b>Provision of facilities for making music</b> Standard days and timings (please read guidance note 6)			<b><u>Please give a description of the facilities for making music you will be providing</u></b>	
			<b><u>Will the facilities for making music be indoors or outdoors or both – please tick</u></b> (please read guidance note 2)	
Day	Start	Finish	Indoors	<input checked="" type="checkbox"/>
			Outdoors	<input type="checkbox"/>
			Both	<input type="checkbox"/>
Mon			<b><u>Please give further details here</u></b> (please read guidance note 3) There will be a stage for the bands to perform on.	
Tue				
Wed			<b><u>State any seasonal variations for the provision of facilities for making music</u></b> (please read guidance note 4)	
Thur				
Fri			<b><u>Non standard timings. Where you intend to use the premises for provision of facilities for making music at different times to those listed in the column on the left, please list</u></b> (please read guidance note 5)	
Sat	12:00			
		00:00		
Sun				

J

<b>Provision of facilities for dancing</b> Standard days and timings (please read guidance note 6)			<u>Will the facilities for dancing be indoors or outdoors or both – please tick</u> (see guidance note 2)	Indoors <input type="checkbox"/>
				Outdoors <input type="checkbox"/>
				Both <input type="checkbox"/>
			<u>Please give a description of the facilities for dancing you will be providing</u>	
Day	Start	Finish		
Mon			<u>Please give further details here</u> (please read guidance note 3)	
Tue				
Wed			<u>State any seasonal variations for providing dancing facilities</u> (please read guidance note 4)	
Thur				
Fri			<u>Non standard timings. Where you intend to use the premises for the provision of facilities for dancing entertainment at different times to those listed in the column on the left, please list</u> (please read guidance note 5)	
Sat				
Sun				



**K**

<b>Provision of facilities for entertainment of a similar description to that falling within i or j</b> Standard days and timings (please read guidance note 6)			<b><u>Please give a description of the type of entertainment facility you will be providing</u></b>		
Day	Start	Finish	<b><u>Will the entertainment facility be indoors or outdoors or both – please tick</u></b> (please read guidance note 2)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<b><u>Please give further details here</u></b> (please read guidance note 3)		
Wed					
Thur			<b><u>State any seasonal variations for the provision of facilities for entertainment of a similar description to that falling within i or j</u></b> (please read guidance note 4)		
Fri					
Sat			<b><u>Non standard timings. Where you intend to use the premises for the provision of facilities for entertainment of a similar description to that falling within i or j at different times to those listed in the column on the left, please list</u></b> (please read guidance note 5)		
Sun					

L

<b>Late night refreshment</b> Standard days and timings (please read guidance note 6)			<b>Will the provision of late night refreshment take place indoors or outdoors or both – please tick</b> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input checked="" type="checkbox"/>
				Both	<input type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b><u>Please give further details here</u></b> (please read guidance note 3) There will be a selection of local food concessions serving food outdoors. The food concessions will hold relevant licenses with their local authority.		
Mon					
Tue			<b><u>State any seasonal variations for the provision of late night refreshment</u></b> (please read guidance note 4)		
Wed					
Thur			<b><u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</u></b> (please read guidance note 5)		
Fri					
Sat	23:00	00:00			
Sun					

**M**

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 6)			<b>Will the supply of alcohol be for consumption (Please tick box)</b> (please read guidance note 7)	On the premises	<input checked="" type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>		<b>State any seasonal variations for the supply of alcohol</b> (please read guidance note 4)	
Mon					
Tue					
Wed					
Thur					
Fri					
Sat	12:00	23:45			
Sun			<b>Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list</b> (please read guidance note 5)		

State the name and details of the individual whom you wish to specify on the licence as premises supervisor

<b>Name</b> Jeremy Lee
<b>Address</b> [REDACTED]
<b>Postcode</b> [REDACTED]
<b>Personal Licence number (if known)</b> [REDACTED]
<b>Issuing licensing authority (if known)</b> [REDACTED]

**N**

**Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8)**  
 N/A

**O**

<b>Hours premises are open to the public</b> Standard days and timings (please read guidance note 6)			<b><u>State any seasonal variations</u></b> (please read guidance note 4)
Day	Start	Finish	
Mon			
Tue			
Wed			
Thur			
Fri			
Sat	12:00	00:00	
Sun			

**P** Describe the steps you intend to take to promote the four licensing objectives:

**a) General – all four licensing objectives (b,c,d,e) (please read guidance note 9)**

Alcohol will only be served in plastic glasses and bottles. Proof of age will be asked at point of serving. Alcohol will not be allowed to be taken outside the marquee and the fenced food garden area. Entry into the festival will be controlled tickets exchanged for coloured wristbands which will be checked by SIA registered security. Two types of wristbands, one colour for over 18 and another colour for under 18. Security will check ID of anyone who looks 25 and under. If they cannot prove their age by any of the following forms of identification, which are compliant with the following then they will be issued an under 18 coloured wristband.

- The card has a verifiable means of accreditation for the information held upon it. (i.e. issued by Central or Local Government, recommended by Home Office or ACPO, supported by Government e.g. Photo Driving Licence; Passport; PASS card)
- The information on the card provides the date of birth of the holder
- The card provides information to identify the holder both by name and photograph
- The card can be authenticated beyond reasonable doubt to avoid acceptance of fake/fraudulent identification.

Alcohol will only be served to those with an Over 18 coloured wristband.

Qualified first aiders will be present on site. All rubbish will be collected during the festival and bagged and skipped on site. No alcohol or food will be allowed to be brought into the festival (marquee), all bags will be checked by security.

**b) The prevention of crime and disorder**

SIA registered security staff will be employed to monitor the event both inside and outside. They will check the entry wristbands and check for ID of those who look 25 and under. They will be employed at 1 per 100 + 1. They will be in radio contact with one another and with the head of site operations. They will have a site meeting before the start of the festival to run through security checks and emergency procedures.

**c) Public safety**

SIA registered security staff will be present at the festival to ensure public safety. They will be able to remove people from the event if required. They will liaise with the head of site operations on any issues and they will be briefed on the evacuation process. Qualified first aiders will be on site and there will be a designated first aid post. Access to the venue (marquee) will be kept clear for all emergency services to access. Emergency services numbers will be held on the main entrance gate. Fire exits will be kept clear and emergency lighting installed inside the marquee. Lighting will be present outside the marquee also.

**d) The prevention of public nuisance**

No food or alcohol will be allowed to be taken outside the marquee or out of the secured fenced food garden area. This will eliminate any persons drinking alcohol outside of the secured area and also eliminate the distribution of rubbish in public places other than inside the marquee. Large rubbish bins will be provided for all types of rubbish to be disposed of inside the marquee and fenced food garden area. The rubbish will be bagged and tied and put in a skip ready for pick up on the Monday after the festival. SIA registered security will control the public inside the festival and also control the perimeter of the marquee, field and any car parking area. Persons will be asked to leave quietly with security positioned at regular intervals reminding people to respect the neighbours as they leave (if required).

**e) The protection of children from harm**

No alcohol will be served to anyone under 18. The bar staff will be briefed on asking for ID of anyone who looks 25 and under. Proof of Age posters will be displayed behind the bar. SIA registered security will ID anyone who looks 25 and under at the door and issue an appropriate coloured wristband (one colour for under 18 and another colour for over 18). Children under the age of 16 must be accompanied by a paid adult who must be present at the festival. Young children will be issued a wristband with parents telephone number written on so they can be contacted if required.


**Please tick yes**

- I have made or enclosed payment of the fee
- I have enclosed the plan of the premises
- I have sent copies of this application and the plan to responsible authorities and others where applicable
- I have enclosed the consent form completed by the individual I wish to be premises supervisor, if applicable
- I understand that I must now advertise my application
- I understand that if I do not comply with the above requirements my application will be rejected

**IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION**

**Part 4 – Signatures** (please read guidance note 10)

**Signature of applicant or applicant's solicitor or other duly authorised agent** (See guidance note 11). **If signing on behalf of the applicant please state in what capacity.**

Signature	
Date	FEBRUARY 5 <sup>TH</sup> 2013
Capacity	MANAGING DIRECTOR.

**For joint applications signature of 2<sup>nd</sup> applicant or 2<sup>nd</sup> applicant's solicitor or other authorised agent.** (please read guidance note 12). **If signing on behalf of the applicant please state in what capacity.**

Signature	
Date	
Capacity	



**Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 13)**

<b>Post town</b>		<b>Post code</b>	
<b>Telephone number (if any)</b>			
<b>If you would prefer us to correspond with you by e-mail your e-mail address (optional)</b>			

**Notes for Guidance**

1. Describe the premises. For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies you must include a description of where the place will be and its proximity to the premises.
2. Where taking place in a building or other structure please tick as appropriate. Indoors may include a tent.
3. For example the type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
4. For example (but not exclusively), where the activity will occur on additional days during the summer months.
5. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
6. Please give timings in 24 hour clock (e.g. 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.
7. If you wish people to be able to consume alcohol on the premises please tick on, if you wish people to be able to purchase alcohol to consume away from the premises please tick off. If you wish people to be able to do both please tick both.
8. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups, the presence of gaming machines.
9. Please list here steps you will take to promote all four licensing objectives together.
10. The application form must be signed.
11. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
12. Where there is more than one applicant, both applicants or their respective agents must sign the application form.
13. This is the address which we shall use to correspond with you about this application.



To see all the details that are visible on the screen, use the Print link next to the map.

# CHESTER-LE STREET FAKE FESTIVAL



SECURED FENCED AREA  
CONTAINS FOOD TRAILERS  
TABLES/CHAIRS + TOILETS

FAKE FESTIVAL MARQUEE  
(CONTAINS STAGE, LICENSED BAR)

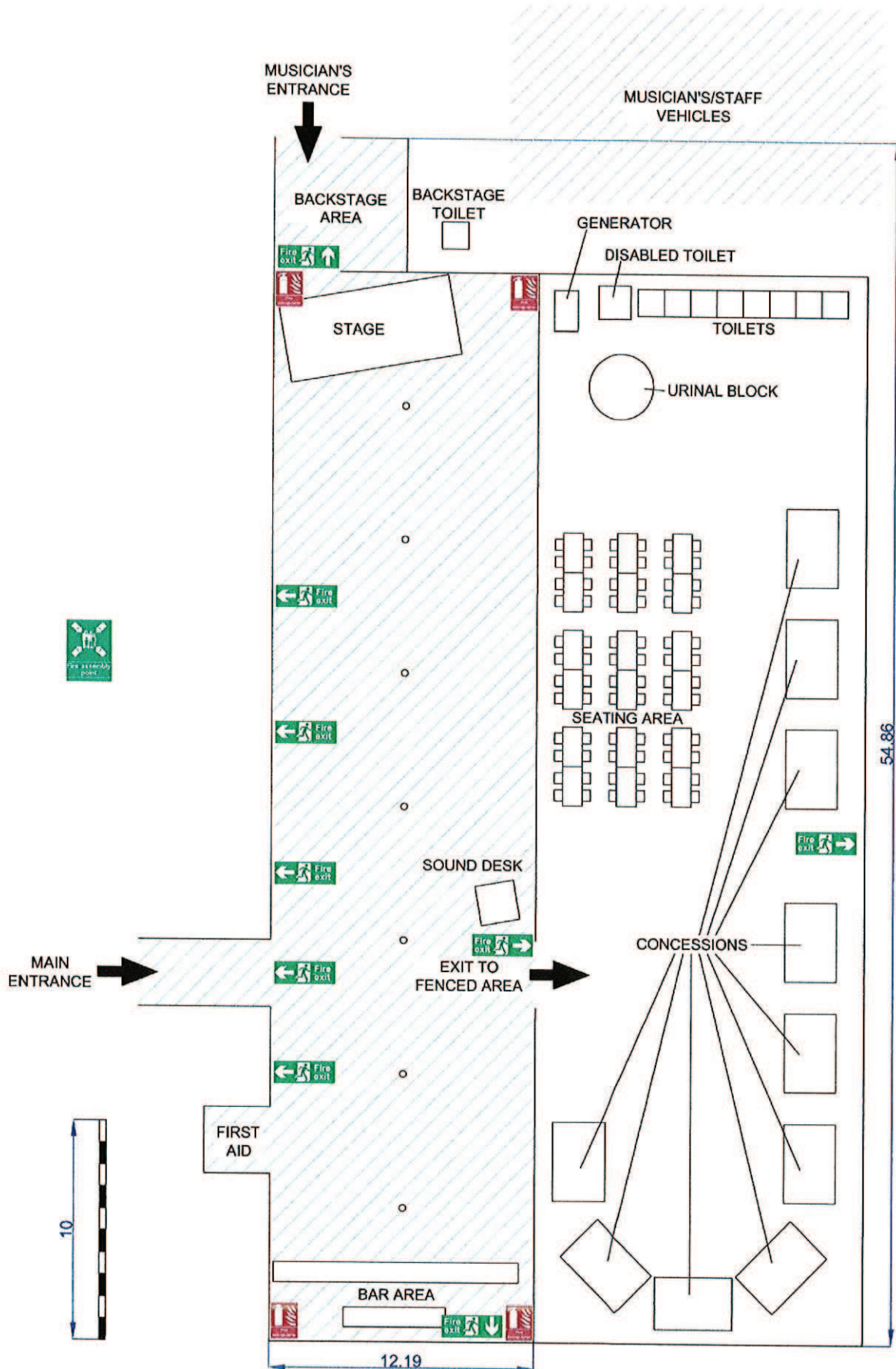
THE DASHED AREA INDICATES WHERE  
WE COULD MOVE THE MARQUEE IF THE  
AREA INDICATED ON THE MAP IS NOT  
SUITABLE ON THE DAY OF SETTING UP  
DUE TO WEATHER + CONDITION OF LAND.

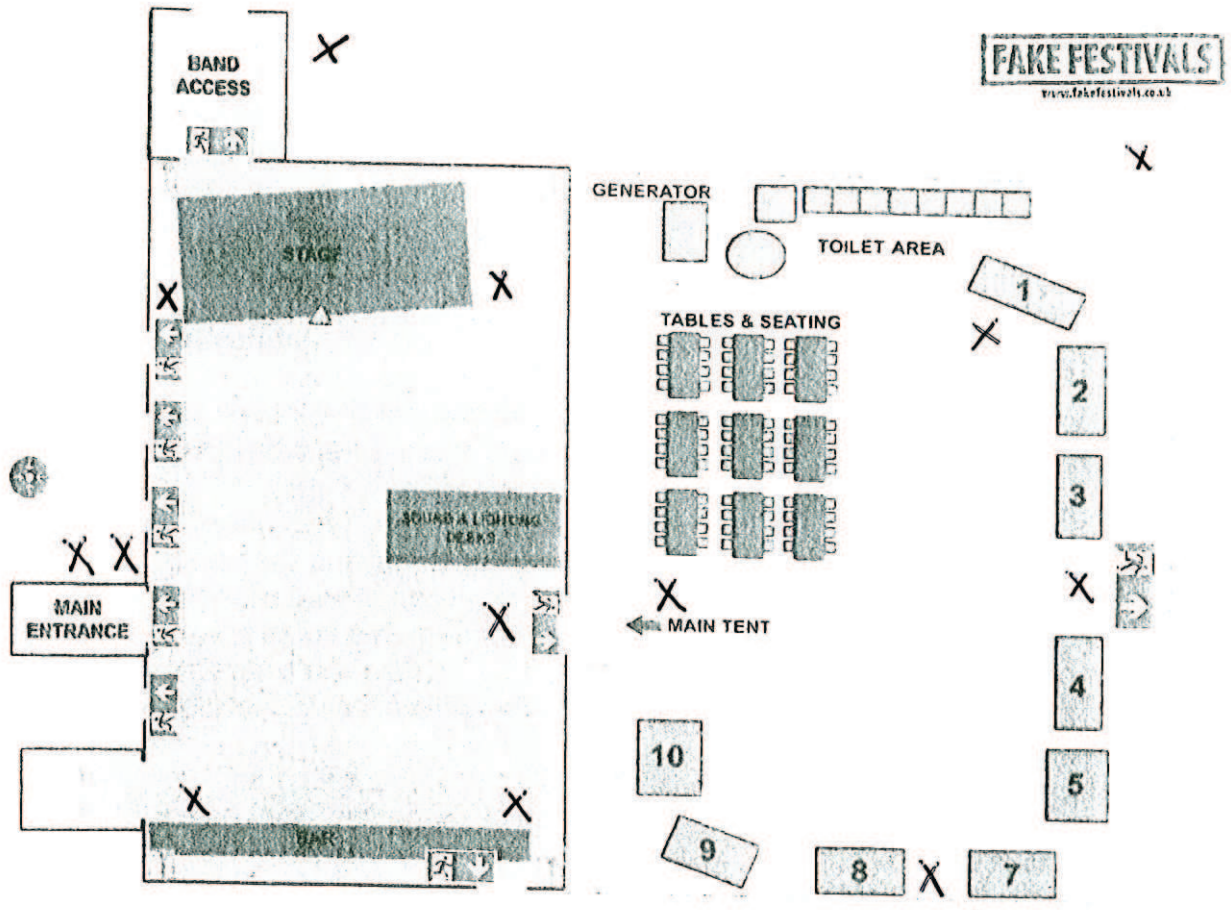


# FAKE FESTIVALS®

www.fakefestivals.co.uk

## Marquee Layout Including Overall Dimensions





X = Security

## **APPENDIX 3 - REPRESENTATIONS**

**Karen Monaghan**

---

**From:** Tim Robson ([REDACTED])  
**Sent:** 06 March 2013 15:37  
**To:** Karen Monaghan; Yvonne Raine  
**Cc:** Michelle Williamson; Jim Lincoln  
**Subject:** Fake Festival - Chester -le st [NOT PROTECTIVELY MARKED]

**NOT PROTECTIVELY MARKED**

Ladies

We are in receipt of an application for Chester Le Street riverside which is quite detailed. The event titled the Fake Festival raises concerns for the police in that it may undermine the prevention of crime and disorder and the protection of children from Harm. Children gaining access to alcohol, proxy sales and that of drunkenness need to be addressed closer within the operating schedule.

With this in mind the police wish to make a representation on the grounds that the application in its current state would undermine the prevention of crime and disorder and the protection of children from harm.

Regards  
Tim

Sgt 1590 Tim Robson

Alcohol Harm Reduction Unit

Annand House

John Street North

Meadowfield

Durham

DH7 8RS

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

**NOT PROTECTIVELY MARKED**

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

**From:** Anna Lynch  
**Sent:** 07 March 2013 15:19  
**To:** Carol Graham - Licensing Assistant (N'hoods)  
**Cc:** Kirsty Gail Wilkinson  
**Subject:** Licensing - New premises licence application - Riverside Park, Chester le Street

Dear Carol,

Public Health would like to submit a representation in respect of a premises license application by Fake Festival's Limited.

We are concerned that application in its current form undermines the following licensing objectives:

Protection of Children from Harm

- There is no consideration of supply of alcohol from adults to under 18s
- There is no consideration of the protection of children from the behaviours displayed by adults when they are under the influence of alcohol
- There is no consideration of parents being drunk in charge of children under 7.

Prevention of Crime and Disorder

- There is no consideration of people (including young people) pre-loading prior to going to the event
- There is no consideration of ensuring that they will not serve to people who are drunk

Regards

Anna

Anna Lynch  
Director of Public Health, County Durham  
Durham County Council  
County Hall  
Durham  
DH1 5UJ

**From:** Carol Graham - Licensing Assistant (N'hoods)  
**Sent:** Monday, February 18, 2013 10:23 AM  
**Cc:** Helen Johnson - Licensing Team Leader (N'hoods); Yvonne Raine; Karen Monaghan; Andrea Jones - Licensing Enforcement Officer (N'hoods); Ann Armitage; Brian Hall; Garry Keay; John Ingham - Licensing Enforcement Officer

## **APPENDIX 4 – MEDIATION AGREEMENTS**



**LICENSING ACT 2003**

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

**Application for New Premise License**

**Premises:** Fake festivals

**Applicant:** Jeremy Lee

**Responsible Authority:** Public Health

**Date of application:** 12<sup>th</sup> February 2013

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:

As overleaf

NOT PROTECTIVELY MARKED

**A ) General**

The organiser will have a policy for the disposal of alcohol which has been seized during the event.

The organiser will inform the local hospitals and ambulance service the date and time of the event.

**B ) The Prevention of crime & disorder**

Serving person who appear to be drunk

- Entry to the event will be declined to anyone who appears to be drunk.
- The organisers will have a policy on serving to drunks which includes the support bar staff will receive from management and security to feel confident in refusing to serve someone.
- Bar staff will be briefed prior to the commencement of the event
- Refusal register will be endorsed

Door supervisors to be employed to a ratio of 1 per 75. Shift times for door supervisors in strategic locations will be 12:30-23:59 hours. See attached map for locations.

An operational daily log must be kept documenting door supervisors information. This is to include full name, date of birth, full badge number, contact phone number, security companies name and start and finish times.

Every person entering the event will be checked by metal detector wands for the prevention of knives and other metal objects being taken into the event.

**E ) The Protection of Children from Harm**

A proof of age policy in place for people under 25 years of age via the Challenge 25 scheme.

The only forms of identification we will accept are a passport, a photo driving licence and 'PASS' hologram I.D. – i.e. ID4U

A refusal register will be kept and endorsed after every sale refused, this is to include over 18's purchasing alcohol and passing it to under 18's (proxy sales) and the refusal of persons who appear to be drunk. This information will be passed directly to the police.

For the prevention of proxy sales the following will apply

- Security to actively look for adults supplying alcohol to under 18s

NOT PROTECTIVELY MARKED

NOT PROTECTIVELY MARKED

- Security to eject and pass details on to the Police for anyone found to be supplying alcohol to under 18s
- Notices to highlight the actions above to people
- Only one alcoholic drink to be served per person at any one time. In a group every person wanting an alcoholic drink must show over 18 wrist band to bar staff.

Wristbands to be fitted by security staff at main door once ID is seen for persons over 18. If a wristband is found to be tampered with all persons in the party will be removed from the event and refusal register will be endorsed.

Local off-licences and supermarkets will be written to directly and notified of the event and the times and asked to be extra vigilant in relation to under age sales before, during and after the event.


All youths under 18 years old must be accompanied by an adult.

All children under the age of 10 will be off site by 9pm

Signs to remind people that it is a criminal offence to be drunk in charge of a child under the age of 7 in a public place

Reminder to bands when being briefed that bad language, promotion of alcohol/drugs/gambling is strictly prohibited

The organiser will not display any advertising for alcohol when children under the age of 18 are on the premises.

I  agree to have all the above conditions added to my licence application.

Signature 

Date - *17th 2013*

Signed:  *cy*

Date: *15/3/13*

NOT PROTECTIVELY MARKED

NOT PROTECTIVELY MARKED

**LICENSING ACT 2003**

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

**Application for New Premise License**

**Premises:** Fake festivals

**Applicant:** Jeremy Lee

**Responsible Authority:** Durham Constabulary

**Date of application:** 12<sup>th</sup> February 2013

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:

As overleaf

NOT PROTECTIVELY MARKED

NOT PROTECTIVELY MARKED

**A ) General**

The organiser will have a policy for the disposal of alcohol which has been seized during the event.

The organiser will inform the local hospitals and ambulance service the date and time of the event.

**B ) The Prevention of crime & disorder**

Serving person who appear to be drunk

- Entry to the event will be declined to anyone who appears to be drunk.
- The organisers will have a policy on serving to drunks which includes the support bar staff will receive from management and security to feel confident in refusing to serve someone.
- Bar staff will be briefed prior to the commencement of the event
- Refusal register will be endorsed

Door supervisors to be employed to a ratio of 1 per 75. Shift times for door supervisors in strategic locations will be 12:30-23:59 hours. See attached map for locations.

An operational daily log must be kept documenting door supervisors information. This is to include full name, date of birth, full badge number, contact phone number, security companies name and start and finish times.

Every person entering the event will be checked by metal detector wands for the prevention of knives and other metal objects being taken into the event.

**E ) The Protection of Children from Harm**

A proof of age policy in place for people under 25 years of age via the Challenge 25 scheme.

The only forms of identification we will accept are a passport, a photo driving licence and 'PASS' hologram I.D. - i.e. ID4U

A refusal register will be kept and endorsed after every sale refused, this is to include over 18's purchasing alcohol and passing it to under 18's (proxy sales) and the refusal of persons who appear to be drunk. This information will be passed directly to the police.

For the prevention of proxy sales the following will apply

- Security to actively look for adults supplying alcohol to under 18s

NOT PROTECTIVELY MARKED

- Security to eject and pass details on to the Police for anyone found to be supplying alcohol to under 18s
- Notices to highlight the actions above to people
- Only one alcoholic drink to be served per person at any one time. In a group every person wanting an alcoholic drink must show over 18 wrist band to bar staff.

Wristbands to be fitted by security staff at main door once ID is seen for persons over 18. If a wristband is found to be tampered with all persons in the party will be removed from the event and refusal register will be endorsed.

Local off-licences and supermarkets will be written to directly and notified of the event and the times and asked to be extra vigilant in relation to under age sales before, during and after the event.


All youths under 18 years old must be accompanied by an adult.

All children under the age of 10 will be off site by 9pm

Signs to remind people that it is a criminal offence to be drunk in charge of a child under the age of 7 in a public place

Reminder to bands when being briefed that bad language, promotion of alcohol/drugs/gambling is strictly prohibited

The organiser will not display any advertising for alcohol when children under the age of 18 are on the premises.

I  agree to have all the above conditions added to my licence application.

Signature - 

Date - *MW 12th 2013*

Signed: 

Date: *MW 12/3/13*

NOT PROTECTIVELY MARKED

**APPENDIX 5 – STATEMENT OF LICENSING POLICY**

## **Durham County Council 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.

6.2

and the Durham and Darlington Fire and Rescue Service, and incorporate any recommendations in their Operating Schedule before submitting their applications.

## **8.0 Protection of Children from Harm**

8.1 While the Act does not prohibit children from having free access to any licensed premises, the Licensing Authority recognises that limitations may have to be considered where it appears necessary to protect children from physical, moral or psychological harm.

8.2 The Act makes it an offence for any child under the age of 16 who is not accompanied by an adult from being present:

- at any time on pub premises, or other premises being used exclusively or primarily for the supply of alcohol for consumption on those premises; or
- between the hours of midnight and 05:00 hours on restaurant premises or other premises that supply alcohol for consumption on the premises
- the Licensing Authority will judge the merits of each separate application before deciding whether to impose conditions limiting the access of children to individual premises where it is necessary to prevent physical, moral or psychological harm.

8.3 The Licensing Authority may consider the following when dealing with a Licence application where children may have limited access:

- Limitations on the hours when children may be present.
- Limitations on under 18s
- Limitations or exclusion when certain activities are taking place.
- Requirements for an accompanying adult to be present.
- Full exclusion of people under 18 from the premises when certain licensable activities are taking place (e.g. entertainment of a sexual nature).
- Limitations on the parts of premises to which children might be given access.
- Any other limitations appropriate to the application and according with the four Licensing Objectives.

8.4 The Licensing Authority will work closely with the Police and the Council's Trading Standards Service to ensure the appropriate enforcement of the law, especially relating to the sale and supply of alcohol to children. Alcohol must not be served to persons under the age of 18, except in limited circumstances allowed by the law, and then only after verifying a person's proof of age e.g. 16 and 17 year-olds may drink beer, wine or cider with a table meal in relevant premises, where accompanied by an adult aged 18 years or over. The currently accepted verifications for proof of age are a passport, a photo card driving licence or a proof of age scheme such as Challenge 25

Events which are aimed at children under the age of 18 years on licensed premises will not be looked on favourably by the licensing authority unless the

applicant can demonstrate that all safeguards for children have been addressed such as the removal of alcohol advertising.

8.5 Recorded staff training programmes, the use of a refusals register, in-store signage and limited access to alcoholic drink can all reduce the likelihood of illegal sales.

8.6 The Licensing Authority commends the use of the 'Portman Group' Code of Practice on the naming, packaging and the promotion of alcoholic drinks in all licensed premises.

### ***Access to Cinemas***

8.7 In the case of premises which are used for film exhibitions, applicants should include in the Operating Schedule arrangements for restricting access only to those children who meet the required age limit, in line with any certificate granted by the British Board of Film Classification or, in specific cases, a certificate given to the film by the Local Authority.

8.8 The Act provides that it is mandatory for Licensing Authorities to include a condition in all Premises Licences and club certificates authorising the exhibition of film, for the admission of children to the exhibition of any film to be restricted in accordance with the recommendations given to films either by the British Board of Film Classification or by the Licensing Authority itself.

8.9 Should the Licensing Authority need to adopt its own system of film classification the information regarding such classifications will be published on the Local Authority's website.

### ***Children and Public Entertainment***

8.10 Many children go to see and / or take part in an entertainment arranged especially for them. For example, children's film shows and dance or drama school productions, and additional arrangements may be required to safeguard them while at the premises.

8.11 Where entertainment requiring a Licence is specifically presented for children, the Licensing Authority will normally expect the presence of at least one member of staff from the Licensed premises for every 50 children present to ensure their safety and protection from harm and to control their access and egress from the premises. The Council will require those caring for or supervising children to have undergone an appropriate Criminal Record check with the Criminal Records Bureau.

8.12 With regard to this Licensing Objective, the Licensing Authority considers Durham County Council Safeguarding Children Board to be the competent authority for matters relating to the protection of children from harm. A protocol exists between Durham Local Safeguarding Children Board and Durham Constabulary. All safeguarding concerns identified as a result of

premises, personal applications and all variations to licences are covered by this protocol.

8.13 Applicants are advised to seek advice from the Local Safeguarding Children Board and incorporate any recommendations in their Operating Schedule before submitting their applications.

**APPENDIX 6 – SECTION 182 GUIDANCE**

## Section 182 Guidance – Relevant Licensing Objectives

### CRIME AND DISORDER

- 2.1 **Licensing authorities should look to the police as the main source of advice on crime and disorder.** They should also seek to involve the local Community Safety Partnership (CSP).
- 2.2 **In the exercise of their functions, licensing authorities should seek to co-operate with the Security Industry Authority (“SIA”) as far as possible** and consider adding relevant conditions to licences where appropriate. The SIA also plays an important role in preventing crime and disorder by ensuring that door supervisors are properly licensed and, in partnership with police and other agencies, that security companies are not being used as fronts for serious and organised criminal activity. This may include making specific enquiries or visiting premises through intelligence led operations in conjunction with the police, local authorities and other partner agencies. Similarly, the provision of requirements for door supervision may be appropriate to ensure that people who are drunk, drug dealers or people carrying firearms do not enter the premises and ensuring that the police are kept informed.
- 2.3 **Conditions should be targeted on deterrence and preventing crime and disorder.** For example, where there is good reason to suppose that disorder may take place, the presence of closed-circuit television (CCTV) cameras both inside and immediately outside the premises can actively deter disorder, nuisance, anti-social behaviour and crime generally. Some licence holders may wish to have cameras on their premises for the prevention of crime directed against the business itself, its staff, or its customers. But any condition may require a broader approach, and it may be appropriate to ensure that the precise location of cameras is set out on plans to ensure that certain areas are properly covered and there is no subsequent dispute over the terms of the condition.
- 2.4 **The inclusion of radio links and ring-round phone systems should be considered an appropriate condition for public houses, bars and nightclubs operating in city and town centre leisure areas with a high density of licensed premises.** These systems allow managers of licensed premises to communicate instantly with the police and facilitate a rapid response to any disorder which may be endangering the customers and staff on the premises.
- 2.5 **In the context of crime and disorder and public safety, the preservation of order on premises may give rise to genuine concerns about the ability of the management team with responsibility for the maintenance of order.** This may occur, for example, on premises where there are very large

numbers of people and alcohol is supplied for consumption, or in premises where there are public order problems.

**2.6 Conditions relating to the management competency of designated premises supervisors should not normally be attached to premises licences.** The designated premises supervisor is the key person who will usually be responsible for the day to day management of the premises by the premises licence holder, including the prevention of disorder. A condition of this kind may only be justified as appropriate in rare circumstances where it can be demonstrated that, in the circumstances associated with particular premises, poor management competency could give rise to issues of crime and disorder and public safety.

**2.7 It will normally be the responsibility of the premises licence holder as an employer, and not the licensing authority, to ensure that the managers appointed at the premises are competent** and appropriately trained. However, licensing authorities must ensure that they do not stray outside their powers and duties under the 2003 Act. This is important to ensure the portability of the personal licence and the offences set out in the 2003 Act and to ensure, for example, that the prevention of disorder is in sharp focus for all managers, licence holders and clubs.

## **PROTECTION OF CHILDREN FROM HARM**

**2.25 The protection of children from harm includes the protection of children from moral, psychological and physical harm.** This includes not only protecting children from the harms associated with alcohol but also wider harms such as exposure to strong language and sexual expletives (for example, in the context of exposure to certain films or adult entertainment).

**2.26 The Government believes that it is completely unacceptable to sell alcohol to children.** Conditions relating to the access of children where alcohol is sold and which are appropriate to protect them from harm should be carefully considered. Moreover, conditions restricting the access of children to premises should be strongly considered in circumstances where:

- adult entertainment is provided;
- a member or members of the current management have been convicted for serving alcohol to minors or with a reputation for allowing underage drinking (other than in the context of the exemption in the 2003 Act relating to 16 and 17 year olds consuming beer, wine and cider when accompanied by an adult during a table meal);
- it is known that unaccompanied children have been allowed access;
- there is a known association with drug taking or dealing; or
- in some cases, the premises are used exclusively or primarily for the sale of alcohol for consumption on the premises.

**2.27 It is also possible that activities, such as adult entertainment, may take place at certain times on premises but not at other times.** For example,



premises may operate as a café bar during the day providing meals for families but also provide entertainment with a sexual content after 8.00pm. It is not possible to give an exhaustive list of what amounts to entertainment or services of an adult or sexual nature. Applicants, responsible authorities and licensing authorities will need to consider this point carefully. This would broadly include topless bar staff, striptease, lap-, table- or pole-dancing, performances involving feigned violence or horrific incidents, feigned or actual sexual acts or fetishism, or entertainment involving strong and offensive language.

**2.28 Applicants must be clear in their operating schedules about the activities and times at which the events would take place to help determine when it is not appropriate for children to enter the premises.** Consideration should also be given to the proximity of premises to schools and youth clubs so that applicants take appropriate steps to ensure that advertising relating to their premises, or relating to events at their premises, is not displayed at a time when children are likely to be near the premises

2.29 Licensing authorities and responsible authorities should expect applicants, when preparing an operating schedule or club operating schedule, to set out the steps to be taken to protect children from harm when on the premises.

2.30 Conditions, where they are appropriate, should reflect the licensable activities taking place on the premises. In addition to the mandatory condition regarding age verification, other conditions relating to the protection of children from harm can include:

- restrictions on the hours when children may be present;
- restrictions or exclusions on the presence of children under certain ages when particular specified activities are taking place;
- restrictions on the parts of the premises to which children may have access;
- age restrictions (below 18);
- restrictions or exclusions when certain activities are taking place;
- requirements for an accompanying adult (including for example, a combination of requirements which provide that children under a particular age must be accompanied by an adult); and
- full exclusion of people under 18 from the premises when any licensable activities are taking place.

2.31 Please see also Chapter 10 for details about the Licensing Act 2003 (Mandatory Licensing Conditions Order) 2010.

**2.32 Licensing authorities should give considerable weight to representations about child protection matters.**

2.33 The 2003 Act provides that, where a premises licence or club premises certificate authorises the exhibition of a film, it must include a condition requiring the admission of children to films to be restricted in accordance with recommendations given either by a body designated under section



4 of the Video Recordings Act 1984 specified in the licence (the British Board of Film Classification is currently the only body which has been so designated) or by the licensing authority itself. Further details are given in Chapter 10.

- 2.34 Theatres may present a range of diverse activities and entertainment including, for example, variety shows incorporating adult entertainment. It is appropriate in these cases for a licensing authority to consider restricting the admission of children in such circumstances. Entertainments may also be presented at theatres specifically for children. It will be appropriate to consider whether a condition should be attached to a premises licence or club premises certificate which requires the presence of a sufficient number of adult staff on the premises to ensure the wellbeing of the children during any emergency.

#### **Offences relating to the sale and supply of alcohol to children**

2.35 **Licensing authorities are expected to maintain close contact with the police, young offenders' teams and trading standards officers** (who can carry out test purchases under section 154 of the 2003 Act) about the extent of unlawful sales and consumption of alcohol by minors and to be involved in the development of any strategies to control or prevent these unlawful activities and to pursue prosecutions. For example, where, as a matter of policy, warnings are given to retailers prior to any decision to prosecute in respect of an offence, it is important that each of the enforcement arms should be aware of the warnings each of them has given.

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