

## **Statutory Licensing Sub-Committee**

**26<sup>th</sup> April 2019**

### **Consideration of a Temporary Events Notice**

#### **Ordinary Decision**

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### **Report of Ian Thompson, Corporate Director of Regeneration and Local Services**

### **Councillor Brian Stephens, Cabinet Portfolio Holder for Neighbourhoods and Local Partnerships**

#### **Electoral division(s) affected:**

Consett North

#### **Purpose of the Report**

- 1 The Sub-Committee is asked to consider an objection notice served by Durham County Council's Environmental Health Team, in response to a temporary event notice (TEN) given under part 5 of the Licensing Act 2003 by Gillian Thompson relating to Consett Rugby Club, Amethyst Park, Medomsley Road, Consett DH8 6LU.
- 2 A plan showing the location of the premises is attached at Appendix 2.

#### **Executive summary**

- 3 The TEN is for a club presentation and dinner dance to take place on 4<sup>th</sup> and 5<sup>th</sup> May 2019 within the clubhouse and community marquee.
- 4 An objection was received by the Environmental Health Department on the basis the event will undermine the licensing objectives, namely the prevention of public nuisance.

#### **Recommendation(s)**

- 5 Members of the Sub-Committee are requested to consider whether to allow the event to proceed or to prohibit the event.
- 6 The Sub-Committee is recommended to give appropriate weight to:
  - (a) The licensing objectives;
  - (b) The representations (including supporting information) presented by all parties;

- (c) The Durham County Council Statement of Licensing Policy. The relevant parts of the policy are attached at Appendix 6;
- (d) The Guidance issued to local authorities under Section 182 of the Licensing Act 2003 (as amended April 2018). The relevant parts of the guidance are attached at Appendix 7

## Background

### 7 Background information

Premises User	<b>Gillian Thompson</b>	
Type of Application: <b>Temporary Event Notice</b>	Nature of premises: <b>Rugby Club</b>	Nature of event: <b>Consett rugby club presentation and dinner dance</b>
Location of event: <b>Clubhouse and community marquee</b>	Date of event: <b>4<sup>th</sup> and 5<sup>th</sup> May 2019</b>	Time of event: <b>18:30 to 01:00</b>

### Details of the notice

- 8 On 10<sup>th</sup> April 2019, the premises user, Gillian Thompson, served a temporary event notice for Consett Rugby Club. A copy of this notice is attached as Appendix 3.
- 9 The licensable activities the premises user intends to carry out under the TEN are:
  - The sale by retail of alcohol (on the premises only)
  - The supply of alcohol (on the premises only)
  - The provision of regulated entertainment
  - The provision of late-night refreshment
- 10 Consett Rugby Club currently holds a premises licence issued under the Licensing Act 2003. The permitted licensable activities and times are as follows:

<b>Licensable Activities</b>	<b>Days and Times</b>
<p>Sale by Retail of Alcohol (for consumption on and off the premises)</p> <p>Films, indoors sporting events and boxing or wrestling entertainment (Indoors only)</p>	<p>Monday to Sunday 10:00 – 00:00  Outdoors – 10:00 – 22:00  Up to 12 occasions per year (indoors and outdoors) 08:00 – 00:00, authorities to be informed no later than four weeks prior of the event</p> <p>Monday to Sunday 07:00 – 00:00</p>
<p>Live music (indoors and outdoors)</p>	<p>Monday to Sunday 11:00 – 23:00  Outdoors – 11:00 – 22:00  Up to 12 occasions per year (indoors and outdoors) :00 – 00:00, authorities to be informed no later than four weeks prior of the event</p>
<p>Recorded music, performance of dance and anything of a similar description (indoors and outdoors)</p> <p>Late night refreshment (indoors)</p>	<p>Monday to Sunday 07:00 – 00:15  Outdoors (recorded music) – 11:00 – 22:00</p> <p>Monday to Sunday 23:00 – 00:15</p>
<p>Opening Hours</p>	<p>Monday to Sunday 07:00 – 00:30</p>

11 A copy of the premises licence is attached as Appendix 4.

## **The Objection**

- 12 On 15<sup>th</sup> April 2019, the Licensing Authority received an objection notice from Environmental Health on the grounds of the prevention of public nuisance. This is attached as Appendix 5.
- 13 On 10<sup>th</sup> April 2019, Durham Constabulary confirmed that they had no comments to make in relation to the TEN.

## **The Parties**

- 14 The Parties to the hearing will be:
  - Gillian Thompson (premises user)
  - Ted Murphy, Senior Environmental Health Officer (Responsible Authority)

## **Options**

- 15 Members are requested to consider whether:
  - (a) to allow the event to proceed and subsequently issue a notice of decision to the premises user and Environmental Health or;
  - (b) to allow the event to proceed and attach any conditions from the existing premises licence Members consider appropriate or;
  - (c) to prohibit the event and subsequently issue a counter notice / prescribed form of notice and give reasons to all parties

## **Main implications**

### *Consultation*

- 16 Environmental Health and Durham Constabulary were consulted on the temporary events notice and had three working days to respond with any objections.

See Appendix 1

## **Conclusion**

- 17 The Sub-Committee is asked to consider an objection notice served by Environmental Health in response to a temporary event notice and determine whether to allow the event to proceed or to prohibit the event.

## **Background papers**

- Durham County Council's Statement of Licensing Policy

- Guidance issued under Section 182 of the Licensing Act 2003 (as amended April 2018)

**Other useful documents**

- None

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**Contact:** Helen Johnson

Tel: 03000 265101

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## **Appendix 1: Implications**

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### **Consultation**

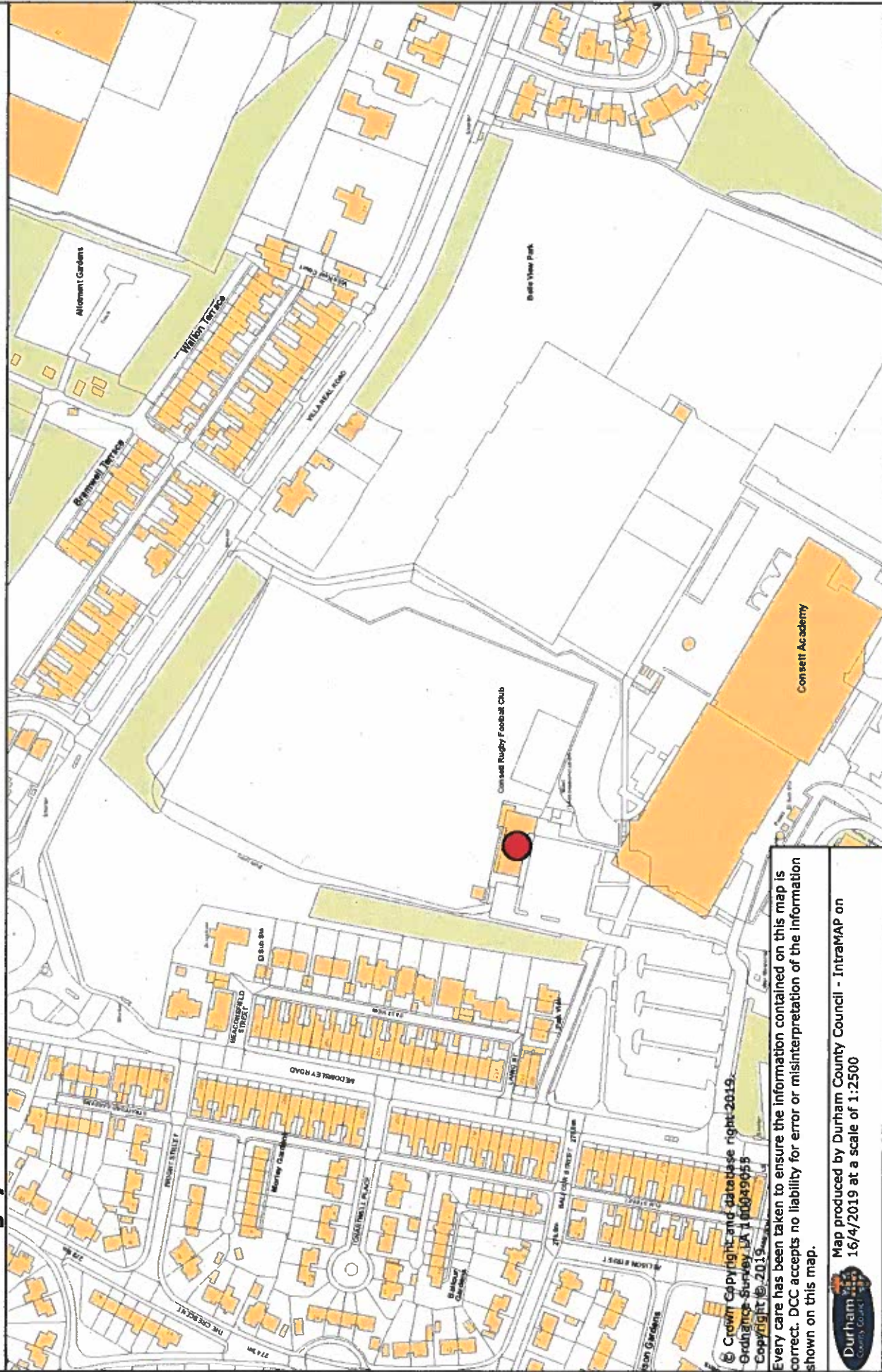
The temporary events notice was served on the Licensing Authority and copied to Durham Constabulary and Environmental Health where they had three working days to consider the notice and raise any objection.

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## **Appendix 2: Location Plan**

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# Consett Rugby Club



© Crown Copyright and database right 2019.  
 Ordnance Survey UK 100049055  
 Copyright © 2019  
 Every care has been taken to ensure the information contained on this map is correct. DCC accepts no liability for error or misinterpretation of the information shown on this map.

Map produced by Durham County Council - IntraMAP on  
 16/4/2019 at a scale of 1:2500





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## **Appendix 3: Temporary Event Notice**

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\* required information

**Section 1 of 9**

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

System reference

Not Currently In Use

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

Your reference

Consett Rugby Club

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

Are you an agent acting on behalf of the applicant?

Yes  No

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

**Applicant Details**

\* First name

Gillian

\* Family name

thompson

\* E-mail

Main telephone number

Include country code.

Other telephone number

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

Are you:

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

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

**Applicant Business**

Is your business registered in the UK with Companies House?

Yes  No

Note: completing the Applicant Business section is optional in this form.

Registration number

Business name

CONSETT RUGBY CLUB

If your business is registered, use its registered name.

VAT number

Put "none" if you are not registered for VAT.

Legal status

Charity or Association

Continued from previous page...

**Correspondence Address**

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

- Yes                       No

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

Building number or name	Amethyst Park
Street	Medomsley Rd,
District	consett
City or town	
County or administrative area	durham
Postcode	dh86lu
Country	United Kingdom

**Additional Contact Details**

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

- Yes                       No

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

E-mail	
Telephone number	
Other telephone number	

**Section 3 of 9**

**THE PREMISES**

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

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

\* Does the premises have an address?

- Yes                       No

Continued from previous page...

**Address**

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

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

Yes                       No

* Building number or name	<input type="text" value="Amethyst Park"/>
* Street	<input type="text" value="Medomsley Rd,"/>
District	<input type="text" value="consett"/>
* City or town	<input type="text" value="consett"/>
County or administrative area	<input type="text" value="durham"/>
* Postcode	<input type="text" value="DH8 6LU"/>
* Country	<input type="text" value="United Kingdom"/>

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

Neither       Premises licence       Club premises certificate

\* Premises licence number     

**Location Details**

\* Provide further details about the location of the event

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

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

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



Continued from previous page...

If the licensable activities will include the supply of alcohol, state whether the supplies will be for consumption on or off the premises, or both

(see also guidance on completing the form, note 12):

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

**Section 5 of 9**

**RELEVANT ENTERTAINMENT** (See also guidance on completing the form, note 13)

State if the licensable activities will include the provision of relevant entertainment. If so, state the times during the event period that you propose to provide relevant entertainment

6:30pm-1:00pm

**Section 6 of 9**

**PERSONAL LICENCE HOLDERS** (See also guidance on completing the form, note 14)

Do you currently hold a valid personal licence?  Yes  No

Provide the details of your personal licence below.

Issuing licensing authority

Licence number

Date of issue  /  /   
dd mm yyyy

Any further relevant details

**Section 7 of 9**

**PREVIOUS TEMPORARY EVENT NOTICES** (See also guidance on completing the form, note 15)

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

**Continued from previous page...**

Have you already given a temporary event notice for the same premises in which the event period:

- a) Ends 24 hours or less before; or  Yes  No
- b) Begins 24 hours or less after the event period proposed in this notice?

**Section 8 of 9**

**ASSOCIATES AND BUSINESS COLLEAGUES (See also guidance on completing the form, note 16)**

Has any associate of yours given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?

Yes  No

Has any associate of yours already given a temporary event notice for the same premises in which the event period:

- a) Ends 24 hours or less before; or  Yes  No
- b) Begins 24 hours or less after the event period proposed in this notice?

Has any person with whom you are in business carrying on licensable activities given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?

Yes  No

Has any person with whom you are in business carrying on licensable activities already given a temporary event notice for the same premises in which the event period:

- a) Ends 24 hours or less before; or  Yes  No
- b) Begins 24 hours or less after the event period proposed in this notice?

Continued from previous page...

**Section 9 of 9**

**CONDITION (See also guidance on completing the form, note 18)**

It is a condition of this temporary event notice that where the relevant licensable activities described in Sections 4 and 5 above include the supply of alcohol that all such supplies are made by or under the authority of the premises user.

**PAYMENT DETAILS**

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card.

This formality requires a fixed fee of £21

**ATTACHMENTS**

**AUTHORITY POSTAL ADDRESS**

**Address**

Building number or name	<input type="text"/>
Street	<input type="text"/>
District	<input type="text"/>
City or town	<input type="text"/>
County or administrative area	<input type="text"/>
Postcode	<input type="text"/>
Country	<input type="text" value="United Kingdom"/>

**DECLARATION (See also guidance on completing the form, note 19)**

- \* 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 summary conviction for such an offence to a fine of any amount; and
  - (ii) to permit an unauthorised licensable activity to be carried on at any place and that a person is liable on summary conviction for any such offence to a fine of any amount, or to imprisonment for a term not exceeding six (6) months, or to both.
- Ticking this box indicates you have read and understood the above declaration

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

* Full name	<input type="text"/>
* Capacity	<input type="text"/>
Date (dd/mm/yyyy)	<input type="text"/>



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## **Appendix 4: Premises Licence**

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## LICENSING ACT 2003 PREMISES LICENCE

**Premises Licence Number**  
**Granted**  
**Issued**

<b>DCCC/PLA0232</b>
<b>07 May 2015</b>
<b>24 May 2018</b>

**Part 1 – Premises details**

<b>Postal address of premises, or if none, ordnance survey map reference or description</b>	<b>Issuing Authority</b>
<p><b>CONSETT &amp; DISTRICT RUGBY FOOTBALL CLUB</b>            BELLE VUE PARK            MEDOMSLEY ROAD            CONSETT            DH8 6LX</p>	<p>DURHAM COUNTY COUNCIL            ADULT AND HEALTH SERVICES            LICENSING SERVICES            PO BOX 617            DURHAM            DH1 9HZ</p>
<p><b>Telephone number:</b></p>	

<p><b>Where the licence is time limited the dates</b>            N/A</p>
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<p><b>Licensable activities authorised by this licence</b></p> <ul style="list-style-type: none"> <li>Films</li> <li>Indoor Sporting Events</li> <li>Boxing or Wrestling Entertainment</li> <li>Live Music</li> <li>Recorded Music</li> <li>Performance of Dance</li> <li>Other Entertainment Similar to Live or Rec Music or Dance Performance</li> <li>Late Night Refreshment</li> <li>Sale by retail of alcohol</li> </ul>
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<b>Opening Hours of the Premises</b>		
Mon	07:00-00:30	<p><b>Non-standard/seasonal timings</b>            N/A</p>
Tue	07:00-00:30	
Wed	07:00-00:30	
Thu	07:00-00:30	
Fri	07:00-00:30	
Sat	07:00-00:30	
Sun	07:00-00:30	

<p><b>Where the licence authorises the sale by retail of alcohol whether these are on and/or off sales:</b>  <b>ON AND OFF ALCOHOL SALES</b></p>
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The times the licence authorises the carrying out of licensable activities (all in 24hr format)

<p><b>Films Indoors</b></p> <p>Mon 07:00-00:00            Tue 07:00-00:00            Wed 07:00-00:00            Thu 07:00-00:00            Fri 07:00-00:00            Sat 07:00-00:00            Sun 07:00-00:00</p>	<p><b>Further details</b>            N/A</p> <p><b>Non-standard/seasonal timings</b>            N/A</p>
<p><b>Indoor Sporting Events</b></p> <p>Mon 07:00-00:00            Tue 07:00-00:00            Wed 07:00-00:00            Thu 07:00-00:00            Fri 07:00-00:00            Sat 07:00-00:00            Sun 07:00-00:00</p>	<p><b>Further details</b>            N/A</p> <p><b>Non-standard/seasonal timings</b>            N/A</p>
<p><b>Boxing or Wrestling</b></p> <p><b>Entertainment Indoors</b></p> <p>Mon 07:00-00:00            Tue 07:00-00:00            Wed 07:00-00:00            Thu 07:00-00:00            Fri 07:00-00:00            Sat 07:00-00:00            Sun 07:00-00:00</p>	<p><b>Further details</b>            N/A</p> <p><b>Non-standard/seasonal timings</b>            N/A</p>
<p><b>Live Music Indoors and Outdoors</b></p> <p>Mon 11:00-23:00            Tue 11:00-23:00            Wed 11:00-23:00            Thu 11:00-23:00            Fri 11:00-23:00            Sat 11:00-23:00            Sun 11:00-23:00</p>	<p><b>Further details</b>            Outdoors: 11:00 - 22:00</p> <p><b>Non-standard/seasonal timings</b>            Up to 12 occasions per year (Indoors &amp; Outdoors): 10:00 - 00:00.            Authorities to be informed no later than 4 weeks prior of the event date.</p>
<p><b>Recorded Music Indoors and Outdoors</b></p> <p>Mon 07:00-00:15            Tue 07:00-00:15            Wed 07:00-00:15            Thu 07:00-00:15            Fri 07:00-00:15            Sat 07:00-00:15            Sun 07:00-00:15</p>	<p><b>Further details</b>            Outdoors: 11:00 - 22:00</p> <p><b>Non-standard/seasonal timings</b>            N/A</p>
<p><b>Performance of Dance Indoors and Outdoors</b></p> <p>Mon 07:00-00:15            Tue 07:00-00:15</p>	<p><b>Further details</b>            N/A</p>

Wed 07:00-00:15 Thu 07:00-00:15 Fri 07:00-00:15 Sat 07:00-00:15 Sun 07:00-00:15	<b>Non-standard/seasonal timings</b> N/A
<b>Other Entertainment Similar to Live or Rec Music or Dance Performance Indoors and Outdoors</b> Mon 07:00-00:15 Tue 07:00-00:15 Wed 07:00-00:15 Thu 07:00-00:15 Fri 07:00-00:15 Sat 07:00-00:15 Sun 07:00-00:15	<b>Further details</b> N/A <b>Non-standard/seasonal timings</b> N/A
<b>Late Night Refreshment Indoors</b> Mon 23:00-00:15 Tue 23:00-00:15 Wed 23:00-00:15 Thu 23:00-00:15 Fri 23:00-00:15 Sat 23:00-00:15 Sun 23:00-00:15	<b>Further details</b> N/A <b>Non-standard/seasonal timings</b> N/A
<b>Sale by retail of alcohol</b> Mon 10:00-00:00 Tue 10:00-00:00 Wed 10:00-00:00 Thu 10:00-00:00 Fri 10:00-00:00 Sat 10:00-00:00 Sun 10:00-00:00	<b>Further details</b> N/A <b>Non-standard/seasonal timings</b> Outdoors: 10:00 - 22:00 Up to 12 occasions per year (Indoors & Outdoors): 08:00 - 00:00. Authorities to be informed no later than 4 weeks prior of the event date

Part 2

<b>Name, (Registered) address, telephone number and email (where relevant) of holder of premises licence</b>	
CONSETT & DISTRICT RUGBY FOOTBALL CLUB 45 ALBERT ROAD CONSETT DH8 5QU	
<b>Registered number of holder, for example company number, charity number (where applicable)</b>	
Company no:	N/A
Charity no:	N/A

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

MRS RACHEL JANE HEATHERINGTON

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

DCCPER3673  
DURHAM

**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 must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises -

(a) games or other activities which require or encourage, or are designed to require or encourage, individuals to -

- (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
- (ii) drink as much alcohol as possible (whether within a time limit or otherwise);

(b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;

(c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;

(d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;

(e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

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

The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol -

The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

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 either-

- (a) a holographic mark, or
- (b) an ultraviolet feature.

The responsible person must ensure that –

(a) where any of the following alcoholic drinks is sold or supplied for 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 -

- (i) beer or cider: ½ pint;
- (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
- (iii) still wine in a glass: 125 ml;

(b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and

(c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

#### **Minimum Price of Alcohol:**

1 A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

2 For the purposes of the condition:

- (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
- (b) "permitted price" is the price found by applying the formula –

$$P = D + (D \times V)$$

Where –

- (i) P is the permitted price,
- (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of alcohol, and
- (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence –

- (i) the holder of the premises licence,
- (ii) the designated premises supervisor (if any) in respect of such a licence, or
- (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

3 Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

4 (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a

day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

#### **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: 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).

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

#### **General**

The 4 objectives will be held in high regard and will strive to keep staff fully trained on all policies and procedures. All training records will be made available to officers when requested.

## **Prevention of Crime & Disorder**

Initial staff training to be carried out by the DPS to ensure no alcohol is sold to anyone underage and refresher training to be carried out every six months.

Training records to be kept for every member of staff and endorsed after every training session. The records will be made available to officers and responsible authorities when requested to do so.

No serving alcohol to any person who appears to be drunk.

CCTV will be provided in the form of a recordable system, capable of providing pictures of evidential quality in all lighting conditions.

Cameras shall encompass the inside and outside of all entrances and exits to the premises and rear yards, fire exits and all areas where the sale/supply of alcohol occurs.

Equipment must be maintained in good working order, be correctly times and date stamped. Recordings must be kept in date order, numbered sequentially and kept for a period of 28 days and handed to the police on demand.

The Premises Licence Holder must ensure at all times a DPS or appointed member of staff is capable and competent at downloading CCTV footage in recordable format, either disc, hard drive or memory stick to the police/local authority on demand.

The recording equipment and discs/memory sticks shall be kept in a secure environment under the control of the DPS or other responsible named individual.

An operational weekly log report must be maintained and endorsed by a signature, indicating the system has been checked and is compliant, in the event of any failings actions taken are to be recorded.

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

Glass containers/glasses are allowed on the enclosed balcony but no glass containers to be taken outdoors, all drinks will be decanted into plastic glasses.

## **Public Safety**

Fire exits and fire equipment clearly marked.

All staff must be aware of requirements regarding health and safety.

First aid facilities will be available.

An incident log will be kept at all times.

## **Prevention of Public Nuisance**

Doors and windows will be kept closed whilst live music is being played.

## **Protection of Children from Harm**

Safeguards will be in place to see that alcohol is not served to or purchased on behalf of under age children.

"Challenge 25" policy in place, which requires anyone looking under the age of 25 to produce photographic evidence of proof of age from a passport, driving licence or PASS accredited scheme before any alcohol is supplied. The actions of staff operating the policy will be regularly monitored.

All staff responsible for selling age restricted goods will be trained to implement the age verification policy.

Training records for staff will be maintained and refresher training will be provided annually.



Safeguards will be in place to try to ensure that alcohol is not purchased or obtained for young people by relatives or older friends (proxy provision) the applicant will work actively with the police to minimise this risk. Staff training will include the risk from proxy sales.

Where a sale of alcohol is refused if a person appears intoxicated or appears to be under 18, a refusal register will be updated. The register will be made available to the police on request.

The below guidance for the protection of young people aged under 18 who attend events in licensed premises will be adhered to when events of this nature take place.

### **Under 18 Only Events**

The Police Licensing Officer, Licensing Authority and Local Safeguarding Children's Board to be notified of any under 18 event at least 28 days in advance of the event. Such notification should be from the Premise Licence Holders or Designated Premise Supervisor, as they would be held accountable should the event undermine any of the licensing objectives.

The operator to ensure that the premises have sufficient numbers of SIA registered security staff and ensuring that they are employed in the following minimum ratio: 2 for the first 100 customers, one of which being female, 2 for the second 100 customers and 1 for every 100 customers thereafter. At least one member of security staff being employed as a floorwalker and constantly monitoring patrons for evidence of alcohol or drugs and also protecting patrons from unwanted attention or harassment.

Ensure efficient entry and dispersal procedures are in place so that young people are not left in a vulnerable position outside of the premises.

Where there is normally a bar, ensuring that alcohol is not on display and is locked away. Ensuring that there is at least 1 hour between the conclusion of the youth event and the venue opening for the commencement of any adult entertainment.

Searches on entry, to include all bags, to prevent alcohol and other illegal substances being brought onto the premises.

Where alcohol is seized from persons aged under 18, the details to be recorded in a register. Any prior marketing of the event (internet, flyers, posters etc.) to make it clear that no alcohol will be sold to under 18's, nobody who appears to be drunk will be allowed admission to the event and searches will take place to ensure that no alcohol is brought into the venue. Permissible ages for attendance at the event to be printed in prominent writing on any tickets issued for the event.

Ensure a policy is in place for dealing with under 18's who appear to be under the influence of drugs or alcohol which incorporates the level of duty of care expected to be provided.

Toilet checks being carried out at regular intervals and records of such checks retained.

Ensure a policy is in place to prevent under aged persons leaving and returning to the premises in order to consume alcohol outside.

Events should have a terminal hour of no later than 11.00pm.

An area should be designated as a safe space, whereby ill or intoxicated persons, including minors, can be taken to a place of safety for medical treatment or in the case of minors until reunited with a parent, guardian or responsible adult.

Additional Measures expected to be considered for Mixed Age Events

All patrons to be given a secure wristband of different colours, differentiating over 18's from under 18's.

Only one alcoholic drink to be purchased at any one time by an individual aged over 18 years of age.

At least 2 SIA registered security staff acting as floorwalkers to constantly monitor patrons aged under 18 years of age for evidence of alcohol or drugs and also to protect patrons from unwanted attention or harassment.

Children under 16 years of age should not be permitted to attend the event unless accompanied by a responsible adult. Each responsible adult should not be responsible for more than 4 such children.

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

None

**Annex 4 – Plans attached**

Attached



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

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## **Appendix 5: Environmental Health Objection Notice**

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**Helen Johnson - Licensing Team Leader (N'hoods)**

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**Subject:** FW: Temporary Event Notice objection

**From:** Ted Murphy

**Sent:** 15 April 2019 11:33

**To:**

**Cc:** Karen Robson

**Subject:** Temporary Event Notice objection

Hello,

With respect to Consett Rugby Club Temporary Event Notices 4<sup>th</sup> – 5<sup>th</sup> May and 18<sup>th</sup> - 19<sup>th</sup> May. There is a planning condition that restricts the use of the marquee after 10pm in the interests of noise and residential amenity. Therefore I object to both TEN's with respect to the licensing objective The Prevention of Public Nuisance.

**Ted Murphy**  
**Senior Environmental Health Officer**  
**Environment, Health & Consumer Protection**  
**Regeneration and Local Services**  
**Durham County Council**

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## **Appendix 6: Statement of Licensing Policy**

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## **DURHAM COUNTY COUNCIL STATEMENT OF LICENSING POLICY**

### **9.0 Prevention of Public Nuisance**

9.1 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.

9.2 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, location and characteristics of the premises and events.

9.3 If an external structure or area is to be used by customers, whether for consumption of alcohol or for 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.

9.4 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 often be required. Enquiries for such consents should be made to the Council's Highway's Section of the Regeneration and Economic Development Department. In predominantly commercial areas such as shopping centres the Licensing Authority, the use of tables and chairs outside may be allowed however, the Council will normally expect them to be removed before the premises close, and any resulting litter/ debris cleared away.

9.5 Applicants should give consideration to reducing potential noise nuisance by, for example (this list is not exhaustive):

- 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, double doors / lobbies to entrances, windows used for ventilation).
- 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.

9.6 The extent to which the above matters will need to be addressed will be dependent 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.

9.7 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.

9.8 Takeaways and fast-food outlets: The Licensing Authority expects takeaways and late night refreshment premises to take reasonable steps in clearing litter from outside their premises and along the pavement in either direction as necessary, whilst the premises are open and at the end of the working day. These premises should maintain clean, dirt or grease free frontages. Such premises should also provide notices displayed advising customers of the location of bins and patrons should use the bins any provided.

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## **Appendix 7: Section 182 Guidance**

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## **Public nuisance**

- 2.15 The 2003 Act enables licensing authorities and responsible authorities, through representations, to consider what constitutes public nuisance and what is appropriate to prevent it in terms of conditions attached to specific premises licences and club premises certificates. It is therefore important that in considering the promotion of this licensing objective, licensing authorities and responsible authorities focus on the effect of the licensable activities at the specific premises on persons living and working (including those carrying on business) in the area around the premises which may be disproportionate and unreasonable. The issues will mainly concern noise nuisance, light pollution, noxious smells and litter.
- 2.16 Public nuisance is given a statutory meaning in many pieces of legislation. It is however not narrowly defined in the 2003 Act and retains its broad common law meaning. It may include in appropriate circumstances the reduction of the living and working amenity and environment of other persons living and working in the area of the licensed premises. Public nuisance may also arise as a result of the adverse effects of artificial light, dust, odour and insects or where its effect is prejudicial to health.
- 2.17 Conditions relating to noise nuisance will usually concern steps appropriate to control the levels of noise emanating from premises. This might be achieved by a simple measure such as ensuring that doors and windows are kept closed after a particular time, or persons are not permitted in garden areas of the premises after a certain time. More sophisticated measures like the installation of acoustic curtains or rubber speaker mounts to mitigate sound escape from the premises may be appropriate. However, conditions in relation to live or recorded music may not be enforceable in circumstances where the entertainment activity itself is not licensable (see chapter 16). Any conditions appropriate to promote the prevention of public nuisance should be tailored to the type, nature and characteristics of the specific premises and its licensable activities. Licensing authorities should avoid inappropriate or disproportionate measures that could deter events that are valuable to the community, such as live music. Noise limiters, for example, are expensive to purchase and install and are likely to be a considerable burden for smaller venues.
- 2.18 As with all conditions, those relating to noise nuisance may not be appropriate in certain circumstances where provisions in other legislation adequately protect those living in the area of the premises. But as stated earlier in this Guidance, the approach of licensing authorities and responsible authorities should be one of prevention and when their powers are engaged, licensing authorities should be aware of the fact that other legislation may not adequately cover concerns raised in relevant representations and additional conditions may be appropriate.

- 2.19 Where applications have given rise to representations, any appropriate conditions should normally focus on the most sensitive periods. For example, the most sensitive period for people being disturbed by unreasonably loud music is at night and into the early morning when residents in adjacent properties may be attempting to go to sleep or are sleeping. This is why there is still a need for a licence for performances of live music between 11 pm and 8 am. In certain circumstances, conditions relating to noise emanating from the premises may also be appropriate to address any disturbance anticipated as customers enter and leave.
- 2.20 Measures to control light pollution will also require careful thought. Bright lighting outside premises which is considered appropriate to prevent crime and disorder may itself give rise to light pollution for some neighbours. Applicants, licensing authorities and responsible authorities will need to balance these issues.
- 2.21 Beyond the immediate area surrounding the premises, these are matters for the personal responsibility of individuals under the law. An individual who engages in anti-social behaviour is accountable in their own right. However, it would be perfectly reasonable for a licensing authority to impose a condition, following relevant representations, that requires the licence holder or club to place signs at the exits from the building encouraging patrons to be quiet until they leave the area, or that, if they wish to smoke, to do so at designated places on the premises instead of outside, and to respect the rights of people living nearby to a peaceful night.

## **7. Temporary Event Notices (TENs)**

7.1 This Chapter covers the arrangements in Part 5 of the 2003 Act for the temporary carrying on of licensable activities which are not authorised by a premises licence or club premises certificate.

### **General**

7.2 The system of permitted temporary activities is intended as a light touch process, and as such, the carrying on of licensable activities does not have to be authorised by the licensing authority on an application. Instead, a person wishing to hold an event at which such activities are proposed to be carried on (the “premises user”) gives notice to the licensing authority of the event (a “temporary event notice” or “TEN”).

7.3 The TEN must be given to the licensing authority in the form prescribed in regulations made under the 2003 Act. The form requires the user to describe key aspects of the proposed event, including the general nature of the premises and the event, the licensable activities intended to be carried on at the proposed event, including whether they will include any relevant entertainment as defined in Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 (i.e. displays of nudity designed to sexually stimulate any member of the audience including, but not limited to, lap dancing and pole dancing). Under the 2003 Act ‘premises’ can mean any place. Events authorised under a TEN will therefore not always be in a building with a formal address and can take place, for example, in public parks and plots within larger areas of land. In all cases, the premises user should provide a clear description of the area in which they propose to carry on licensable activities, including whether the premises are, for example, an open field or a beer tent. Local authorities and “relevant persons” (see below) may wish to make enquiries where appropriate to satisfy themselves of the exact location for where a TEN is being given.

7.4 Unless it is sent electronically, it must be sent to the relevant licensing authority, to the police and “local authority exercising environmental health functions” (“EHA”) at least ten working days before the event. A premises user may also give a limited number of “late TENs” to the licensing authority less than 10 working days before the event to which they relate, although certain restrictions apply (see paragraphs 7.12-7.14). “Working day” under the 2003 Act means any day other than a Saturday, Sunday, Christmas Day, Good Friday or Bank Holiday. For limited purposes in relation to a TEN, the 2003 Act defines a “day” as a period of 24 hours beginning at midnight.

7.5 If a TEN is sent electronically via GOV.UK or the licensing authority’s own facility, the licensing authority must notify the police and EHA as soon as possible and no later than the first working day after the TEN is given.

7.6 The police or EHA (“relev Revised Guidance issued under section 182 of the Licensing Act 2003 result in the licensing authority imposing conditions on a TEN but only where the venue at which the event is to be held has an existing premises

licence or club premises certificate. When giving a TEN, the premises user should consider the promotion of the four licensing objectives. The licensing authority may only otherwise intervene if the statutory permitted limits on TENs would be exceeded (see paragraphs 7.15-7.22).

7.7 A TEN does not relieve the premises user from any requirements under planning law for appropriate planning permission where it is required. Standard and late temporary event notices

7.8 There are two types of TEN: a standard TEN and a late TEN. These are subject to different processes: a standard notice is given no later than ten working days before the event to which it relates; and a late notice is given not before nine and not later than five working days before the event.

### **Standard temporary event notices**

7.9 "Ten working days" (and other periods of days which apply to other requirements in relation to TENs) exclude the day the notice is received and the first day of the event.

7.10 The police and EHA have a period of three working days from when they are given the notice to object to it on the basis of any of the four licensing objectives.

7.11 Although ten clear working days is the minimum possible notice that may be given, licensing authorities should publicise their preferences in terms of advance notice and encourage premises users to provide the earliest possible notice of events planned by them. Licensing authorities should also consider publicising a preferred maximum time in advance of an event by when TENs should ideally be given to them.

### **Late temporary event notices**

7.12 Late TENs are intended to assist premises users who are required for reasons outside their control to, for example, change the venue for an event at short notice. However, late TENs may, of course, be given in any circumstances providing the limits specified at paragraph 7.15 are not exceeded.

7.13 Late TENs can be given up to five working days but no earlier than nine working days before the event is due to take place and, unless given electronically to the licensing authority, must also be sent by the premises user to the police and EHA. A late TEN given less than five days before the event to which it relates will be returned as void and the activities to which it relates will not be authorised.

7.14 A key difference between standard and late TENs is the process following an objection notice from the police or EHA. Where an objection notice is received in relation to a standard TEN the licensing authority must hold a hearing to consider the objection, unless all parties agree that a hearing is unnecessary. If the police, EHA or both give an objection to a late TEN, the notice will not be valid and the event will not go ahead as there is no scope for a hearing or the application of any existing licence conditions.

## **Limitations**

7.15 A number of limitations are imposed on the use of TENs by the 2003 Act:

- the number of times a premises user may give a TEN is 50 times in a calendar year for a personal licence holder and five times in a calendar year for other people;
- the number of times a premises user may give a late TEN is limited to 10 times in a calendar year for a personal licence holder and twice for other people. Late TENs count towards the total number of permitted TENs (i.e. the limit of five TENs a year for non-personal licence holders and 50 TENs for personal licence holders). A notice that is given less than ten working days before the event to which it relates, when the premises user has already given the permitted number of late TENs in that calendar year, will be returned as void and the activities described in it will not be authorised.
- the number of times a TEN may be given for any particular premises is 15 times in a calendar year;
- the maximum duration of an event authorised by a TEN is 168 hours (seven days);
- the maximum total duration of the events authorised by TENs in relation to individual premises is 21 days in a calendar year;
- the maximum number of people attending at any one time is 499; and
- the minimum period between events authorised under separate TENs in relation to the same premises (not including withdrawn TENs) by the same premises user is 24 hours.

7.16 Any associate, relative or business partner of the premises user is considered to be the same premises user in relation to these restrictions. The 2003 Act defines an associate, in relation to the premises user, as being:

- the spouse or civil partner of that person;
- a child, parent, grandchild, grandparent, brother or sister of that person;
- an agent or employee of that person; or
- the spouse or civil partner of a person listed in either of the two preceding bullet points.

7.17 A person living with another person as their husband or wife, is treated for these purposes as their spouse. 'Civil partner' has its meaning in the Civil Partnership Act 2004.

7.18 A TEN that is given may be subsequently withdrawn by the TEN user by giving the licensing authority a notice to that effect no later than 24 hours before the beginning of the event period specified in the TEN. Otherwise, the TEN will be included within the limits of TENs allowed in a given calendar year, even if the event does not go ahead.

7.19 Once these limits have been reached, the licensing authority should issue a counter notice (permitted limits) if any more are given. Proposed activities that exceed these limits will require a premises licence or club premises certificate.

7.20 TENs may be given in respect of premises which already have a premises licence or club premises certificate to cover licensable activities not permitted by the existing authorisation.

7.21 In determining whether the maximum total duration of the periods covered by TENs at any individual premises has exceeded 21 days, an event beginning before midnight and continuing into the next day would count as two days towards the 21-day limitation.

7.22 There is nothing in the 2003 Act to prevent notification of multiple events at the same time, provided the first event is at least ten working days away (or five working days away in the case of a late TEN). For example, an individual personal licence holder wishing to exhibit and sell beer at a series of farmers' markets may wish to give several notices simultaneously. However, this would only be possible where the limits are not exceeded in the case of each notice. Where the events are due to take place in different licensing authority (and police) areas, the respective licensing authorities and relevant persons would each need to be notified accordingly.

#### **Who can give a temporary event notice? Personal licence holders**

7.23 A personal licence holder can give a TEN at any premises on up to 50 occasions in a calendar year. This limit is inclusive of any late TENs given in the same year. The use of each TEN must of course observe the limits described above, including the limit of 15 TENs in respect of each premises in a calendar year. Non-personal licence holders

7.24 The 2003 Act provides that any individual aged 18 or over may give a TEN to authorise the carrying on of all licensable activities under the Licensing Act 2003, whether or not that individual holds a personal licence. Such an individual will not, therefore, have met the requirements that apply to a personal licence holder under Part 6 of the 2003 Act. Where alcohol is not intended to be sold, this should not matter. However, many events will involve a combination of licensable activities and the 2003 Act limits the number of notices that may be given by any non-personal licence holder to five occasions in a calendar year (inclusive of any late TENs in the same year). In every other respect, the Guidance and information set out in the paragraphs above applies. Role of the licensing authority

7.25 The licensing authority must check that the limitations set down in Part 5 of the 2003 Act are being observed and intervene if they are not (see paragraph 7.15). For example, a TEN would be void unless there is a minimum of 24 hours between events notified by the same premises user, or an associate or someone who is in business with the relevant premises user in respect of the same premises. This is to prevent evasion of the seven day (or 168 hour) limit on such events and the need to obtain a full premises licence or club premises certificate for more major or permanent events. In addition, for these purposes, a TEN is treated as being from the same premises user if it is given by an associate.

7.26 Where the application is not within the statutory parameters described earlier, the licensing authority will issue a counter notice to the premises user.

7.27 Where the TEN is in order, the relevant fee paid and the event falls within the prescribed limits, the licensing authority will record the notice in its register and send an acknowledgement to the premises user (which may be given electronically). The licensing authority must do so, no later than the end of the first working day following the day on which it was received (or by the end of the second working day if it was received on a non-working day), unless an objection notice is received beforehand from the police or EHA on the basis of any of the four licensing objectives (see paragraphs below).

7.28 If the licensing authority receives an objection notice from the police or EHA that is not withdrawn, it must (in the case of a standard TEN only) hold a hearing to consider the objection unless all parties agree that this is unnecessary. The licensing committee may decide to allow the licensable activities to go ahead as stated in the notice. If the notice is in connection with licensable activities at licensed premises, the licensing authority may also impose one or more of the existing licence conditions on the TEN (insofar as such conditions are not inconsistent with the event) if it considers that this is appropriate for the promotion of the licensing objectives. If the authority decides to impose conditions, it must give notice to the premises user which includes a statement of conditions (a "notice (statement of conditions)") and provide a copy to each relevant party. Alternatively, it can decide that the event would undermine the licensing objectives and should not take place. In this case, the licensing authority must give a counter notice.

7.29 Premises users are not required to be on the premises during the event authorised by the TEN, but they will remain liable to prosecution for certain offences that may be committed at the premises during the period covered by it. These include, for example, the offences of the sale of alcohol to a person who is drunk; persistently selling alcohol to children and allowing disorderly conduct on licensed premises.

7.30 In the case of an event authorised by a TEN, failure to adhere to the requirements of the 2003 Act, such as the limitation of no more than 499 being present at any one time, would mean that the event was unauthorised. In such circumstances, the premises user would be liable to prosecution.

7.31 Section 8 of the 2003 Act requires licensing authorities to keep a register containing certain matters, including a record of TENs received. Under Schedule 3 of the 2003 Act, the licensing authority must also keep a record of such matters including any notice of withdrawal of a TEN, any counter notice to a TEN given following an objection by a relevant person and any TEN received following modification. If requested to do so, a licensing authority must supply a person with a copy of the information contained in any entry in its register. Each licensing authority must also provide facilities for making the information contained in the entries in its register available for inspection by any person during office hours and without payment. Licensing authorities may wish to consider bringing TENs to the attention of local councillors and residents by making their register available online or

including relevant details of a TEN when it is received, along with notice of licence applications on the authority's website. There is no requirement to record all the personal information given on a TEN.

### **Police and environmental health intervention**

7.32 The system of permitted temporary activities gives police and EHAs the opportunity to consider whether they should object to a TEN on the basis of any of the licensing objectives.

7.33 If the police or EHA believe that allowing the premises to be used in accordance with the TEN will undermine the licensing objectives, they must give the premises user and the licensing authority an objection notice. The objection notice must be given within the period of three working days following the day on which they received the TEN.

7.34 Where a standard TEN was given, the licensing authority must consider the objection at a hearing before a counter notice can be issued. At the hearing, the police, EHA and the premises user may make representations to the licensing authority. Following the hearing, the licensing authority may decide to impose conditions which already apply to an existing premises licence or club premises certificate at the venue, or issue a counter notice to prevent the event going ahead. As noted above, there is no scope for hearings in respect of late TENs and if objections are raised by the police or EHA in relation to a late TEN, the notice will be invalid and the event will not go ahead.

7.35 Such cases might arise because of concerns about the scale, location, timing of the event or concerns about public nuisance – even where the statutory limits on numbers are being observed. The premises user who signs the form is legally responsible for ensuring that the numbers present do not exceed the permitted limit at any one time. In cases where there is reason to doubt that the numbers will remain within the permitted limit the premises user should make clear what the nature of the event(s) is and how they will ensure that the permitted persons limit will not be exceeded. For example, where notices are being given for TENs simultaneously on adjacent plots of land it may be appropriate for door staff to be employed with counters. In each case it is important that licensing authorities and relevant persons can consider whether they believe that the premises user intends to exceed the 499 person limit, or will be unable to control or know whether the limit will be exceeded. Where the planned activities are likely to breach the statutory limits or undermine the licensing objectives, it is likely to be appropriate for the police or EHA to raise objections.

7.36 However, in most cases, where for example, alcohol is supplied away from licensed premises at a temporary bar under the control of a personal licence holder, (such as at weddings with a cash bar or small social or sporting events) this should not usually give rise to the use of these powers.

### **Modification**



7.37 As noted above, the police or EHA (as “relevant persons”) may contact the premises user to discuss their objections and try to come to an agreement which will allow the proposed licensable activities to proceed. The TEN can be modified (for example, by changing the details of the parts of the premises that are to be used for the event, the description of the nature of the intended activities or their duration). The other relevant person has to agree for the modification to be made. There is no scope under the 2003 Act for the modification of a late TEN.

### **Applying conditions to a TEN**

7.38 The 2003 Act provides that only the licensing authority can impose conditions to a TEN from the existing conditions on the premises licence or club premises certificate at the venue. The licensing authority can only do so:

- if the police or the EHA have objected to the TEN;
- if that objection has not been withdrawn;
- if there is a licence or certificate in relation to at least a part of the premises in respect of which the TEN is given;
- and if the licensing authority considers it appropriate for the promotion of the licensing objectives to impose one or more conditions.

7.39 This decision is one for the licensing authority alone, regardless of the premises user’s views or willingness to accept conditions. The conditions must be notified to the premises user on the form prescribed by regulations.

### **Duty of premises users to keep and produce TENs**

7.40 Where a TEN is not prominently displayed at the premises, the police and licensing officers have the right under sections 109(5) and (6) of the 2003 Act to request the premises user (or relevant nominated person who has the TEN in their custody) to produce the TEN for examination. If the police do not intervene when a TEN is given, they will still be able to rely on their powers of closure under the Anti-social Behaviour, Crime and Policing Act 2014.