

Statutory Licensing Sub-Committee

5th November 2019

Consideration of a Temporary Event Notice

Ordinary Decision



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 Constabulary, in response to a temporary event notice (TEN) given under part 5 of the Licensing Act 2003 by Mr James Edward McDonald relating to The Union / K2, 7-9 Front Street, Consett, Co Durham DH8 5AF.
- 2 A plan showing the location of the premises is attached at Appendix 2.

Executive summary

- 3 The TEN is for the sale by retail of alcohol, regulated entertainment and the provision of late night refreshment on Sunday 10th November 2019 – Timings 02:00 hrs until 03:00 hrs for the bar downstairs and the nightclub upstairs.
- 4 An objection was received by Durham Constabulary on the basis the event will undermine the licensing objectives, namely the prevention of crime and disorder, public safety, the prevention of public nuisance, and the protection of children from harm.

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	Mr James Edward McDonald	
Type of Application: Temporary Event Notice	Nature of Premises: Bar and Nightclub	Nature of Event: Extension of hours
Location of event: The Union / K2	Date of event: 10th November 2019	Time of event: 02:00hrs – 03:00 hrs

8 The licensable activities requested are as follows:

- The sale by retail of alcohol (on and off the premises)
- The provision of regulated entertainment
- The provision of late night refreshment

Details of the notice

9 On 25th October 2019, the premises user, Mr McDonald served a temporary event notice for The Union / K2, Consett. A copy of this notice is attached as Appendix 3.

- The licensable activities the premises user intends to carry out under the TEN are; the sale by retail of alcohol, regulated entertainment and the provision of late night refreshment.
- The Union / K2 currently hold a premises licence issued under the Licensing Act 2003. The permitted licensable activities and times are as follows:

Films, Indoor Sporting Events, Live & Recorded Music, Performance of Dance, Other Entertainment similar to Live or Recorded Music or Dance Performance – All Indoors

Monday to Sunday 11:00 hrs until 02:30 hrs

Late Night Refreshment (Indoors)

Monday to Sunday 23:00 hrs – 02:30 hrs

Sale by retail of alcohol (on and off sales)

Monday to Sunday 11:00hrs until 02:00hrs

Non standard timings: British summer time – in relation to the morning on which summertime begins references to the permitted hours ending at 02:00 hrs in the morning will be substituted by references to 03:00 hrs in the morning. New Years Eve – permitted hours are extended from the end of permitted hours on New Years Eve to the start of permitted hours the following day.

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

The Objection

- 10 On 31st October 2019, the Licensing Authority received an objection notice from Durham Constabulary on the grounds of the prevention of crime and disorder, public safety, the prevention of public nuisance, and the protection of children from harm. This is attached as Appendix 5.
- 11 Within the consultation period the licensing authority did not receive a response from Environmental Health.

The Parties

- 12 The Parties to the hearing will be:
 - Mr James McDonald (premises user)
 - Sgt Caroline Dickenson, Durham Constabulary (Responsible Authority)

Options

- 13 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 Durham Constabulary or;
 - (b) To allow the event to proceed and attach any conditions from the existing premises licence Members consider appropriate or;

To prohibit the event and subsequently issue a counter notice /
prescribed form of notice and give reasons to all parties

Main implications

Consultation

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

See Appendix 1.

Conclusion

- 15 The Sub-Committee is asked to consider an objection notice served by Durham Constabulary 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 2019-2024
- Guidance issued under Section 182 of the Licensing Act 2003 (as amended April 2018)

Other useful documents

- None

Contact: Karen Robson

Tel: 03000 265104

Appendix 1: Implications

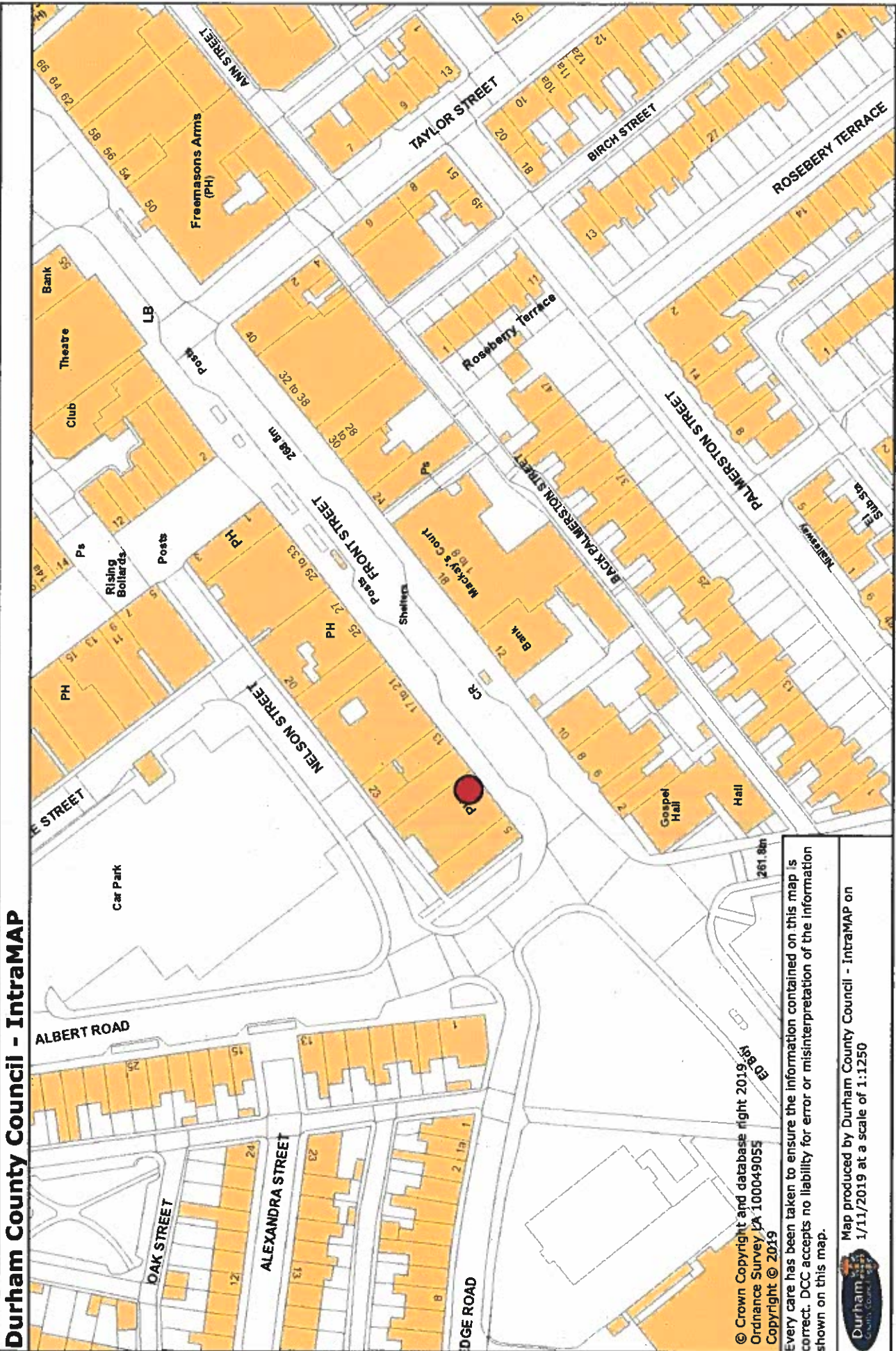
Legal Implications

Consultation

The temporary event notice was served on the Licensing Authority and copied to Durham Constabulary and Environmental Health whereby there was a consultation period of three working days to consider the notice and raise any objection.

Appendix 2: Location Plan

Durham County Council - IntraMAP



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Ordnance Survey EA 100049055
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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
1/11/2019 at a scale of 1:1250



Appendix 3: Temporary Event Notice

Form updated 06/04/17

**DURHAM COUNTY COUNCIL, Licensing Services, PO Box 817,
Durham, DH1 9HZ**

Temporary Event Notice

Before completing this notice, please read the guidance notes at the end of the notice. If you are completing this notice by hand, please write legibly in block capitals. In all cases, ensure that your answers are inside the boxes and written in black ink or typed. Use additional sheets if necessary. You should keep a copy of the completed notice for your records. You must send at least one copy of this notice to the licensing authority and additional copies must be sent to the chief officer of police and the local authority exercising environmental health functions for the area in which the premises are situated. The licensing authority will give to you written acknowledgement of the receipt of the notice.

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

1. The personal details of premises user (Please read note 1)	
1. Your name	
Title	Mr <input checked="" type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other (please state)
Surname	McDonnell
Forenames	James Edward
2. Previous names (Please enter details of any previous names or maiden names, if applicable. Please continue on a separate sheet if necessary)	
Title	Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other (please state)
Surname	
Forenames	
3. Your date of birth	Day
4. Your place of birth	
5. National Insurance Number	
6. Your current address (We will use this address to correspond with you unless you complete the separate correspondence box below)	
Post town	Post code
7. Other contact details	
Telephone numbers	
Daytime	
Evening (optional)	
Mobile (optional)	
Fax number (optional)	
E-Mail address (if available)	
8. Alternative address for correspondence (If you complete the details below, we will use this address to correspond with you)	

K2 / The Union
7-9 Front St

Post town Consett

Postcode DH8 5NF

2 Alternative contact details (if applicable)

Telephone numbers
Daytime

Evening (optional)

Mobile (optional)

Fax number (optional)

E-Mail address
(if available)

2. The premises

Please give the address of the premises where you intend to carry on the licensable activities or, if it has no address, give a detailed description (including the Ordnance Survey references)
(Please read note 2)

K2 / The Union
7-9 Front St
Consett DH8 5NF

Does a premises licence or club premises certificate have effect in relation to the premises (or any part of the premises)? If so, please enter the licence or certificate number below.

Premises licence number

DW 15P120045

Club premises certificate number

If you intend to use only part of the premises at this address or intend to restrict the area to which this notice applies, please give a description and details below. (Please read note 3)

Please describe the nature of the premises below. (Please read note 4)

Dancers Bar
upstairs night club

Please describe the nature of the event below. (Please read note 5)

Extension of Hours
02.00 - 03.00 Sun 10 Nov 19

3. The licensable activities

Please state the licensable activities that you intend to carry on at the premises (please tick all licensable activities you intend to carry on) (Please read note 6)

The sale by retail of alcohol



The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club



The provision of regulated entertainment (Please read note 7)



The provision of late night refreshment



Are you giving a late temporary event notice? (Please read note 8)



Please state the dates on which you intend to use these premises for licensable activities. (Please read note 9)

Saturday 10 Nov 19

Please state the times during the event period that you propose to carry on licensable activities (please give times in 24 hour clock). (Please read note 10)

02:00 - 05:00

Please state the maximum number of people at any one time that you intend to allow to be present at the premises during the times when you intend to carry on licensable activities, including any staff, organisers or performers. (Please read note 11)

400

If the licensable activities will include the sale or supply of alcohol, please state whether these will be for consumption on or off the premises, or both (please tick as appropriate) (Please read note 12)

On the premises only



Off the premises only



Both



Please state if the licensable activities will include the provision of relevant entertainment. If so, please state the times during the event period that you propose to provide relevant entertainment (including, but not limited to, live dancing and pole dancing) (Please see note 13)

No

2. Personal licence holders (Please read note 14)	
Do you currently hold a valid personal licence? (Please tick)	Yes <input type="checkbox"/> No <input type="checkbox"/>
If 'Yes' please provide the details of your personal licence below	
Issuing licensing authority	
Licence number	
Date of issue	
Any further relevant details	


3. Previous temporary event notices you have given (Please read note 15 and tick the boxes that apply to you)	
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 <input checked="" type="checkbox"/> No <input type="checkbox"/>
If answering yes, please state the number of temporary event notices (including the number of late temporary event notices, if any) you have given for events in that same calendar year	2
Have you already given a temporary event notice for the same premises in which the event period	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
a) ends 24 hours or less before, or	
b) begins 24 hours or less after the event period proposed in this notice?	

4. Associates and business colleagues (Please read note 16 and tick the boxes that apply to you)	
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 <input type="checkbox"/> No <input checked="" type="checkbox"/>
If answering yes, please state the total number of temporary event notices (including the number of late temporary event notices, if any) your associate(s) have given for events in the same calendar year	
Has any associate of yours already given a temporary event notice for the same premises in which the event period	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
a) ends 24 hours or less before, or	
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 <input type="checkbox"/> No <input checked="" type="checkbox"/>
If answering yes, please state the total number of temporary event notices (including the number of late temporary event notices, if any) your business colleague(s) have given for events in the same calendar year	

<p>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</p> <p>a) ends 24 hours or less before; or</p> <p>b) begins 24 hours or less after the event period proposed in this notice?</p>	<p>Yes <input type="checkbox"/></p> <p>No <input checked="" type="checkbox"/></p>
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<p>7. Checklist (Please read note 17)</p> <p>I have: (Please tick the appropriate boxes, where applicable)</p>	
Sent at least one copy of this notice to the licensing authority for the area in which the premises are situated	<input checked="" type="checkbox"/>
Sent a copy of this notice to the chief officer of police for the area in which the premises are situated	<input checked="" type="checkbox"/>
Sent a copy of this notice to the local authority exercising environmental health functions for the area in which the premises are situated	<input checked="" type="checkbox"/>
If the premises are situated in one or more licensing authority areas, sent at least one copy of this notice to each additional licensing authority	<input checked="" type="checkbox"/>
If the premises are situated in one or more police areas, sent a copy of this notice to each additional chief officer of police	<input checked="" type="checkbox"/>
If the premises are situated in one or more local authority areas, sent a copy of this notice to each additional local authority exercising environmental health functions	<input checked="" type="checkbox"/>
Made or enclosed payment of the fee for the application	<input checked="" type="checkbox"/>
Signed the declaration in Section 9 below	

<p>8. Condition (Please read note 18)</p> <p>It is a condition of this temporary event notice that where the relevant licensable activities described in Section 3 above include the sale or supply of alcohol that all such supplies are made by or under the authority of the premises user.</p>

<p>9. Declaration (Please read note 19)</p> <p>The information provided in this form is correct to the best of my knowledge and belief</p> <p>I understand that it is an offence:</p> <p>(i) to knowingly or recklessly make a false statement in or 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</p> <p>(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 months, or to both</p>	
Signature	
Date	25.10.19
Name of Person signing	J. McDowell

For completion by the licensing authority

10 Acknowledgement (Please read note 20)	
I acknowledge receipt of this temporary event notice.	
Signature	
	On behalf of the licensing authority
Date	
Name of Officer signing	

Appendix 4: Current Premises Licence



LICENSING ACT 2003 PREMISES LICENCE

Premises Licence Number
Granted
Issued

DWTSPR0045
24 November 2005
25 July 2019

Part 1 – Premises details

Postal address of premises, or if none, Ordnance Survey map reference or description	Issuing Authority
UNION / K2 7-9 FRONT STREET CONSETT DH8 5AF	DURHAM COUNTY COUNCIL REGENERATION & LOCAL SERVICES LICENSING SERVICES PO BOX 617 DURHAM DH1 9HZ
Telephone number:	

Where the licence is time limited the dates
N/A

Licensable activities authorised by this licence

Films
Indoor Sporting Events
Live Music
Recorded Music
Performance of Dance
Other Entertainment Similar to Live or Rec Music or Dance Performance
Late Night Refreshment
Sale by retail of alcohol

Opening Hours of the Premises

		Non-standard/seasonal timings
Mon	11:00-02:30	British Summer Time - In relation to the morning on which summertime begins references to the permitted hours ending at 02:00 in the morning will be substituted by references to 03:00 in the morning. New Years Eve - Permitted hours are extended from the end of permitted hours on New Years Eve to the start of permitted hours the following day.
Tue	11:00-02:30	
Wed	11:00-02:30	
Thu	11:00-02:30	
Fri	11:00-02:30	
Sat	11:00-02:30	
Sun	11:00-02:30	

Where the licence authorises the sale by retail of alcohol whether these are on and/or off sales:
ON AND OFF ALCOHOL SALES

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

Films Indoors Mon 11:00-02:30 Tue 11:00-02:30 Wed 11:00-02:30 Thu 11:00-02:30 Fri 11:00-02:30 Sat 11:00-02:30 Sun 11:00-02:30	Further details N/A Non-standard/seasonal timings British Summer Time - In relation to the morning on which summertime begins references to the permitted hours ending at 02:00 in the morning will be substituted by references to 03:00 in the morning. New Years Eve - Permitted hours are extended from the end of permitted hours on New Years Eve to the start of permitted hours the following day.
Indoor Sporting Events Mon 11:00-02:30 Tue 11:00-02:30 Wed 11:00-02:30 Thu 11:00-02:30 Fri 11:00-02:30 Sat 11:00-02:30 Sun 11:00-02:30	Further details N/A Non-standard/seasonal timings British Summer Time - In relation to the morning on which summertime begins references to the permitted hours ending at 02:00 in the morning will be substituted by references to 03:00 in the morning. New Years Eve - Permitted hours are extended from the end of permitted hours on New Years Eve to the start of permitted hours the following day.
Live Music Indoors Mon 11:00-02:30 Tue 11:00-02:30 Wed 11:00-02:30 Thu 11:00-02:30 Fri 11:00-02:30 Sat 11:00-02:30 Sun 11:00-02:30	Further details N/A Non-standard/seasonal timings British Summer Time - In relation to the morning on which summertime begins references to the permitted hours ending at 02:00 in the morning will be substituted by references to 03:00 in the morning. New Years Eve - Permitted hours are extended from the end of permitted hours on New Years Eve to the start of permitted hours the following day.
Recorded Music Indoors Mon 11:00-02:30 Tue 11:00-02:30 Wed 11:00-02:30 Thu 11:00-02:30 Fri 11:00-02:30 Sat 11:00-02:30 Sun 11:00-02:30	Further details N/A Non-standard/seasonal timings British Summer Time - In relation to the morning on which summertime begins references to the permitted hours ending at 02:00 in the morning will be substituted by references to 03:00 in the morning. New Years Eve - Permitted hours are extended from the end of permitted hours on New Years Eve to the start of permitted hours the following day.
Performance of Dance Indoors Mon 11:00-02:30 Tue 11:00-02:30 Wed 11:00-02:30 Thu 11:00-02:30 Fri 11:00-02:30 Sat 11:00-02:30 Sun 11:00-02:30	Further details N/A Non-standard/seasonal timings British Summer Time - In relation to the morning on which summertime begins references to the permitted hours ending at 02:00 in the morning will be substituted by references to 03:00 in the morning. New Years Eve - Permitted hours are extended from the end of permitted hours on New Years Eve to the start of permitted hours the following day.

Other Entertainment Similar to Live or Rec Music or Dance Performance Indoors Mon 11:00-02:30 Tue 11:00-02:30 Wed 11:00-02:30 Thu 11:00-02:30 Fri 11:00-02:30 Sat 11:00-02:30 Sun 11:00-02:30	Further details N/A Non-standard/seasonal timings British Summer Time - In relation to the morning on which summertime begins references to the permitted hours ending at 02:00 in the morning will be substituted by references to 03:00 in the morning. New Years Eve - Permitted hours are extended from the end of permitted hours on New Years Eve to the start of permitted hours the following day.
Late Night Refreshment Indoors Mon 23:00-02:30 Tue 23:00-02:30 Wed 23:00-02:30 Thu 23:00-02:30 Fri 23:00-02:30 Sat 23:00-02:30 Sun 23:00-02:30	Further details N/A Non-standard/seasonal timings British Summer Time - In relation to the morning on which summertime begins references to the permitted hours ending at 02:00 in the morning will be substituted by references to 03:00 in the morning. New Years Eve - Permitted hours are extended from the end of permitted hours on New Years Eve to the start of permitted hours the following day.
Sale by retail of alcohol Mon 11:00-02:00 Tue 11:00-02:00 Wed 11:00-02:00 Thu 11:00-02:00 Fri 11:00-02:00 Sat 11:00-02:00 Sun 11:00-02:00	Further details Non-standard/seasonal timings British Summer Time - In relation to the morning on which summertime begins references to the permitted hours ending at 02:00 in the morning will be substituted by references to 03:00 in the morning. New Years Eve - Permitted hours are extended from the end of permitted hours on New Years Eve to the start of permitted hours the following day.

Part 2

Name, (Registered) address, telephone number and email (where relevant) of holder of premises licence	
MR JAMES EDWARD MCDONALD	
Registered number of holder, for example company number, charity number (where applicable)	
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

MR BARRON EDWARD MCDONALD

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

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

Consideration has been given to the impact of any extended hours resulting from a later Sunday opening and is included in the objectives below.

At all times when the premises are open to the public for any licensable activity. There are sufficient competent staff on duty for the purpose of fulfilling the terms and conditions of the licence and for preventing crime and disorder.

We will hold the 4 objectives in high regard and will strive to keep staff fully trained on all of our policies and procedures. All training records will be made available to officers when requested.

Prevention of Crime & Disorder

The provision of music, dancing and regulated entertainment will cease at 02:30 hrs, allowing those previously dancing to high energy music thirty minutes to calm, with the provision of more subtle music. The DJ or Compare, will request that patrons, at the close of the premises, leave in a quiet and orderly manner.

Door staff and bar staff will be monitored by the DPS and personal licence holders to ensure that both persons on the premises and entering are not in any way drunk.

Disorderly or quarrelsome persons will be asked to leave the premises and bar staff will ensure that alcohol is not served to persons who appear to be drunk.

The impact of patrons leaving this premises, and their conduct on the premises, will be monitored by the DPS and staff to ensure that they are of good conduct.

The DPS will have access to a Pubwatch link radio to ensure that effective intelligence is passed between neighbouring premises regarding disorderly, violent or drunken persons.

The DPS will inform the police and deal positively with any person found using or possessing controlled drugs/substances.

CCTV is installed at the premises. The system is regularly maintained and provides continuous recording facilities for each camera to a good standard of clarity. CCTV system to meet requirements outlined in the assessment conducted by PC Neil Fawcett.

Initial staff training to be carried out by DPS or approved member of staff to ensure no alcohol is sold to anyone underage and refresher training to be carried out every 6 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 of alcohol to any person that 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 particularly facial recognition.

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. Cameras on entrances must have facial recognition.

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 daily 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.

Door Supervisor requirements for downstairs bar and main door:-

22:00 hours at least 1 door supervisor

23:00 hours at least 2 door supervisors

Door Supervisor requirements for upstairs bar:-

23:45 hours at least 1 door supervisor

00:00 hours at least 2 door supervisors

00:30 hours at least 3 door supervisors

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. The premises are to register with and conform with all data protection requirements. All identification, passport or photocard driving licence, to be checked of anyone appearing under the age of 21 and anyone under 18 not allowed entry into the premises.

Public Safety

Any children in the premises during the day will be accompanied by an adult in an area set aside from the bar and that area will be a no smoking zone.

Exit doors will remain unlocked whilst the premises open and the fire alarm will obliterate the music sound equipment.

The rear doors to the premises (Nile Street) will only be used for emergency purposes after 22:30 hrs. The premises capacity will be 280 per floor.

Notices detailing actions to be taken in the event of fire including how to summon the fire brigade are prominently displayed.

Fire fighting equipment is provided in the premises in accordance with the reasonable requirements of the fire authority.

Fire escape routes are identified by adequate signage. Walk through metal detector arch also installed. Fire exits and fire equipment clearly marked.

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

The impact of patrons leaving this premises, and their conduct on the premises, will be monitored by the DPS and staff to ensure that they are of good conduct.

Should persons be identified as being unruly, they will be asked to leave the premises.

The DPS will have access to a Pubwatch link radio to ensure that effective intelligence is passed between neighbouring premises regarding disorderly, violent or drunken persons.

Bottle bins will not be emptied after 22:30 hrs.

The premises have not received complaints relating to the noise from the extractors or air conditioning units. Consideration will always be given to the impact on the community and the noise produced. With this in mind, the DPS will be receptive to resident concerns and any observations from the Police and will work with in a positive manner to prevent unnecessary noise nuisance.

Provision of dancing is permitted in the premises during the times that regulated entertainment is provided. Dancing will be limited on both floors of the premises to the area near the DJ booth and is currently the case.

The DPS will undertake any suggestions or recommendations made by the Environmental Health officer to remedy any concerns highlighted.

Clear and legible notices are displayed at exits requesting patrons to leave the premises having regard to the needs of local residents. The only entrance and exit for members of the public is located on front street which faces other commercial properties and is directed away from residential properties.

Protection of Children from Harm

- 1) All previous means of addressing this objective will continue.
- 2) The applicant will take positive steps to ensure the safety of children on the premises.
- 3) Children will not be allowed in the premises between 6pm and close of business.
- 4) Children will not be allowed in the premises outside of specified times.
- 5) Children will not be allowed in the bar area.
- 6) As it is unlawful for any person under 18 years to consume alcohol, the DPS and staff will be observant to this and will remove any persons from the premises who are believed to be contravening licensing laws.
- 7) Children will not be allowed to use the pool table.
- 8) Children will not be allowed to use or accompany adults when operating the amusement with prize machines.
- 9) Gambling will not be allowed on the premises.
- 10) There will be no adult entertainment or entertainment of a sexual nature, and customers foul language, improper music lyrics or television programmes displayed, will not be of an adult nature at any time.
- 11) Between 11am and 6pm the music will not be loud and will only be background music.
- 12) To accommodate the request to allow children into the premises during the day, the lowered area away from the bar will be a no smoking area.
- 13) Between 11am and 6pm the area referred to in point 12 above will be marked as the children's area.
- 14) This area is situated near an air conditioning unit to ensure the provision of purified air to any children in that area.
- 15) Children will only be allowed into the premises if accompanied by a responsible adult over 18 years of age.
- 16) Identification will be sought to clarify in point 15 above that the responsible adult is over 18 years of age.
- 17) Children will not be left unaccompanied in the children's area.

The management of the premises have informed bar staff that if any person whom they believe to be under the age of 18 years attempts to purchase alcohol they should be asked to provide identification to prove their age. This shall consist of either passport or photo card driving licence.

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 - ie 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)

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

Guidance for the Protection of Young People aged under 18 who attends events in Licensed Premises.

The Protection of Children from Harm is one of the four licensing objectives that underpin the Licensing Act 2003. As such any events aimed at attracting attendance by young people under 18, even though alcohol may not be available at the event, could involve some risk.

Mixed age events (where alcohol is available for sale to persons over 18 and those under 18 may also be in attendance at the event) significantly increase this potential risk.

Clear management plans should be in place demonstrating how the licence holder intends to control and mitigate the potential harm to individuals under 18 years of age attending these events, irrespective of whether alcohol is available or not.

Whilst every event should be assessed on its own merits the Licensing Authority, Police and Local Safeguarding Children's Board strongly recommend that a code of conduct/policy for these events is adopted to ensure that the four Licensing Objectives are complied with, in particular the Protection of Children from Harm. Measures expected to be considered include;

Under 18 Only Events

- 1) 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 Premises Licence Holders or Designated Premise Supervisor, as they would be held accountable should the event undermine any of the licensing objectives.
- 2) The premises to be covered by colour, digital CCTV which meets the requirements and expectations of the Licensing Authority, and Police. The equipment to record whilst the event is being held on the premise, all recordings to be retained for a minimum period of 28 days and to be made available upon request to the Police or Licensing Authority within a period of 7 days.
- 3) 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.
- 4) Ensure efficient entry and dispersal procedures are in place so that young people are not left in a vulnerable position outside of the premises.
- 5) Where there is normally a bar, ensuring that alcohol is not on display and is locked away.
- 6) 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.
- 7) Searches on entry, to include all bags, to prevent alcohol and other illegal substances being brought onto the premises.
- 8) Where alcohol is seized from persons aged under 18, the details to be recorded in a register.
- 9) 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.
- 10) 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.
- 11) Toilet checks being carried out at regular intervals and records of such checks retained.
- 12) First aid provision to be available at the premises.
- 13) Ensure a policy is in place to prevent under aged persons leaving and returning to the premises in order to consume alcohol outside.
- 14) Events should have a terminal hour of no later than 11.00pm.
- 15) 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:

- 1) All patrons to be given a secure wristband of different colours, differentiating over 18's from under 18's.
- 2) Only one alcoholic drink to be purchased at any one time by an individual aged over 18 years of age.
- 3) 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.
- 4) 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.
- 5) All drinks to be served in plastic or polycarbonate glasses.

It must be stressed that the above measures are not considered to be an exhausted list and licensees are encouraged to discuss the management of any such events in detail with the responsible authorities as part of their risk management process.

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



LICENSING ACT 2003 PREMISES LICENCE SUMMARY

Premises Licence Number
Granted
Issued

DWTSPR0045
24 November 2005
25 July 2019

Part 1 – Premises details

Postal address of premises, or if none, ordnance survey map reference or description	Issuing Authority
UNION / K2 7-9 FRONT STREET CONSETT DH8 5AF	DURHAM COUNTY COUNCIL REGENERATION & LOCAL SERVICES LICENSING SERVICES PO BOX 617 DURHAM DH1 9HZ
Telephone number: 01207 503483	

Where the licence is time limited the dates
N/A

Licensable activities authorised by this licence

Films
Indoor Sporting Events
Live Music
Recorded Music
Performance of Dance
Other Entertainment Similar to Live or Rec Music or Dance Performance
Late Night Refreshment
Sale by retail of alcohol

The opening hours of the premises (all times in 24hr format)

Mon	11:00-02:30	Non-standard/seasonal timings British Summer Time - In relation to the morning on which summertime begins references to the permitted hours ending at 02:00 in the morning will be substituted by references to 03:00 in the morning. New Years Eve - Permitted hours are extended from the end of permitted hours on New Years Eve to the start of permitted hours the following day.
Tue	11:00-02:30	
Wed	11:00-02:30	
Thu	11:00-02:30	
Fri	11:00-02:30	
Sat	11:00-02:30	
Sun	11:00-02:30	

Where the licence authorises the sale by retail of alcohol whether these are on and/or off sales
ON AND OFF ALCOHOL SALES

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

Films Indoors Mon 11:00-02:30 Tue 11:00-02:30 Wed 11:00-02:30 Thu 11:00-02:30 Fri 11:00-02:30 Sat 11:00-02:30 Sun 11:00-02:30	Further details N/A Non-standard/seasonal timings British Summer Time - In relation to the morning on which summertime begins references to the permitted hours ending at 02:00 in the morning will be substituted by references to 03:00 in the morning. New Years Eve - Permitted hours are extended from the end of permitted hours on New Years Eve to the start of permitted hours the following day.
Indoor Sporting Events Mon 11:00-02:30 Tue 11:00-02:30 Wed 11:00-02:30 Thu 11:00-02:30 Fri 11:00-02:30 Sat 11:00-02:30 Sun 11:00-02:30	Further details N/A Non-standard/seasonal timings British Summer Time - In relation to the morning on which summertime begins references to the permitted hours ending at 02:00 in the morning will be substituted by references to 03:00 in the morning. New Years Eve - Permitted hours are extended from the end of permitted hours on New Years Eve to the start of permitted hours the following day.
Live Music Indoors Mon 11:00-02:30 Tue 11:00-02:30 Wed 11:00-02:30 Thu 11:00-02:30 Fri 11:00-02:30 Sat 11:00-02:30 Sun 11:00-02:30	Further details N/A Non-standard/seasonal timings British Summer Time - In relation to the morning on which summertime begins references to the permitted hours ending at 02:00 in the morning will be substituted by references to 03:00 in the morning. New Years Eve - Permitted hours are extended from the end of permitted hours on New Years Eve to the start of permitted hours the following day.
Recorded Music Indoors Mon 11:00-02:30 Tue 11:00-02:30 Wed 11:00-02:30 Thu 11:00-02:30 Fri 11:00-02:30 Sat 11:00-02:30 Sun 11:00-02:30	Further details N/A Non-standard/seasonal timings British Summer Time - In relation to the morning on which summertime begins references to the permitted hours ending at 02:00 in the morning will be substituted by references to 03:00 in the morning. New Years Eve - Permitted hours are extended from the end of permitted hours on New Years Eve to the start of permitted hours the following day.
Performance of Dance Indoors Mon 11:00-02:30 Tue 11:00-02:30 Wed 11:00-02:30 Thu 11:00-02:30 Fri 11:00-02:30 Sat 11:00-02:30 Sun 11:00-02:30	Further details N/A Non-standard/seasonal timings British Summer Time - In relation to the morning on which summertime begins references to the permitted hours ending at 02:00 in the morning will be substituted by references to 03:00 in the morning. New Years Eve - Permitted hours are extended from the end of permitted hours on New Years Eve to the start of permitted hours the following day.

Other Entertainment Similar to Live or Rec Music or Dance Performance Indoors Mon 11:00-02:30 Tue 11:00-02:30 Wed 11:00-02:30 Thu 11:00-02:30 Fri 11:00-02:30 Sat 11:00-02:30 Sun 11:00-02:30	Further details N/A Non-standard/seasonal timings British Summer Time - In relation to the morning on which summertime begins references to the permitted hours ending at 02:00 in the morning will be substituted by references to 03:00 in the morning. New Years Eve - Permitted hours are extended from the end of permitted hours on New Years Eve to the start of permitted hours the following day.
Late Night Refreshment Indoors Mon 23:00-02:30 Tue 23:00-02:30 Wed 23:00-02:30 Thu 23:00-02:30 Fri 23:00-02:30 Sat 23:00-02:30 Sun 23:00-02:30	Further details N/A Non-standard/seasonal timings British Summer Time - In relation to the morning on which summertime begins references to the permitted hours ending at 02:00 in the morning will be substituted by references to 03:00 in the morning. New Years Eve - Permitted hours are extended from the end of permitted hours on New Years Eve to the start of permitted hours the following day.
Sale by retail of alcohol Mon 11:00-02:00 Tue 11:00-02:00 Wed 11:00-02:00 Thu 11:00-02:00 Fri 11:00-02:00 Sat 11:00-02:00 Sun 11:00-02:00	Further details Non-standard/seasonal timings British Summer Time - In relation to the morning on which summertime begins references to the permitted hours ending at 02:00 in the morning will be substituted by references to 03:00 in the morning. New Years Eve - Permitted hours are extended from the end of permitted hours on New Years Eve to the start of permitted hours the following day.

Part 2

Name, (Registered) address, telephone number and email (where relevant) of holder of premises licence	
MR JAMES EDWARD MCDONALD	

Registered number of holder, for example company number, charity number (where applicable)	
Company no:	N/A
Charity no:	N/A

Name of designated premises supervisor where the premises licence authorises the sale by retail of alcohol
MR BARRON EDWARD MCDONALD

State whether access to the premises by children is restricted or prohibited

ANY CHILDREN IN THE PREMISES DURING THE DAY WILL BE ACCOMPANIED BY AN ADULT IN AN AREA SET ASIDE FROM THE BAR AND THAT AREA WILL BE A NO SMOKING ZONE.

CHILDREN WILL NOT BE ALLOWED IN THE PREMISES BETWEEN 6PM AND CLOSE OF BUSINESS.

CHILDREN WILL NOT BE ALLOWED IN THE PREMISES OUTSIDE OF SPECIFIED TIMES.

CHILDREN WILL NOT BE ALLOWED IN THE BAR AREA.

CHILDREN WILL NOT BE ALLOWED TO USE THE POOL TABLE.

CHILDREN WILL NOT BE ALLOWED TO USE OR ACCOMPANY ADULTS WHEN OPERATING THE AMUSEMENT WITH PRIZE MACHINES.

CHILDREN WILL ONLY BE ALLOWED INTO THE PREMISES IF ACCOMPANIED BY A RESPONSIBLE ADULT OVER 18 YEARS OF AGE.

CHILDREN WILL NOT BE LEFT UNACCOMPANIED IN THE CHILDREN'S AREA.

Signature of Authorised Officer

Head of Environment, Health and Consumer Protection

Appendix 5: Objection – Durham Constabulary

From: Caroline Dickenson <
Sent: 31 October 2019 18:56
To: Kelly Watson - Licensing Assistant (N'hoods)
Subject: FW: TEN Application Received
Attachments: K2 The Union.pdf

From: Caroline Dickenson
Sent: 31 October 2019 18:55
To:
Cc:
< >
Subject: FW: TEN Application Received

To whom it may concern

Durham constabulary are objecting to the attached TEN under the prevention of crime and disorder, public nuisance, protection of children from harm and public safety objectives.

The applicant when describing the nature of the event has put

extension of hours 02:00-03:00 Sun 10 Nov19

When applying for a TEN the applicant is advised to read note 5 which states

A description of the nature of the event similarly assist the chief officer of police and local authority exercising environmental health function in making a decision as to whether or not to make an objection. You should state clearly what the event taking place at the premises would be, for example a wedding with a pay bar, the supply of beer at a particular farmers market. A discotheque, the performance of a string quartet, a folk group or a rock band

Due to the nature of the event not been described by applicant Durham Constabulary are objecting to this TEN under all of the licencing objections as we are unable to make an informed decision around it.

The conditions which apply to his current premises licence are not transferrable to this TEN's so between the hours of 02:00hrs to 03:00hrs they wouldn't be required to have any door supervisors, CCTV in operation etc. etc. and as we do not know from the application what the event is there is potential that this would undermine all the licencing objectives.

The applicant has asked for Both on and off sales for the consumption of alcohol which means that any person buying alcohol could leave the premises and consume it in the street until 3 am.

K2 is situated on Consett Front Street, this area in particular has a high density of late night drinking and refreshment establishments. Consett at the moment has a culture of late night drinking and it is believed that by allowing later hours around late night drinking establishments will effectively hold people on the street for longer and this will lead to an extended period where crime and disorder can take place.

Durham Constabulary also have concerns that the applicant is advertising the event on Facebook 29th October 2019 and describe it as

K2 nightclub presents – Ultrabeat's Ian Redman & MC Cover taking place on Sat 9 Nov at 23:00 – 03:30. They are selling early bird tickets £5 and standard tickets £10 which are available from K2 and Union or by messaging James McDonald or Luke TheRevolution Brown to arrange ticker drop offs.

Durham Constabulary are amazed that the applicant has gone to such lengths to describe the event on Facebook however on the application they provide no details around the event.

Thankyou

Caroline
SGT 484 Dickenson
Licencing Unit
Durham police

Appendix 6: Statement of Licensing Policy 2019-2024

7.0 Promoting the four licensing objectives

7.1 The Prevention of Crime and Disorder - Licensed premises, especially those offering late night / early morning entertainment, alcohol and refreshment can, if not properly managed, become a source of public nuisance, generating crime and disorder problems. **The council expects** all licensed premises to be properly managed at all times to prevent this from happening and will focus attention on standards of management practice at licensed premises when carrying out its administrative and enforcement functions.

The council encourages, and will look positively on, the provision by licensees of comprehensive and documented staff training. Documented staff training conducted in respect of:

- Preventing underage sales
- Minimising drunkenness
- Managing and resolving conflict
- Emergency procedures
- Compliance with the licence conditions
- Relevant obligations and offences under the Licensing Act, particularly those associated with the sale of alcohol
- Identification and refusal of underage sales
- Use of accredited training courses and recognised industry qualifications (e.g. BII)

The council expects every holder of a premises licence, club premises certificate or temporary event notice to be responsible for minimising the impact of crime, disorder and anti-social behaviour by their patrons both on and within the immediate vicinity of their premises, including for example on the pavement, in a beer garden, a marquee, in a smoking shelter etc.

The council expects all applicants to 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.

The council recommends that 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 should be considered by applicants, licencees and event organisers when addressing this issue.

The council encourages personal licence holders to actively participate in established "Pubwatch" schemes, where issues relating to crime and disorder can be addressed. **The council encourages** involvement in the "Best Bar None" initiative which enables premises to demonstrate good safe operating procedures. Such schemes have been very successful in reducing the negative impact of alcohol across a range of circumstances.

The council recognises and promotes effective and responsible management of all licensed and authorised premises through competent, efficient and regular instruction, recorded training, supervision of staff and the adoption of good practice, such as 'Challenge 25'. These are amongst the most important control measures for the achievement of all Licensing Objectives.

The council will take a positive view of anyone who invests in appropriate training, and nationally accredited qualifications tailored to the licensing sector. Training records should be kept available for inspection by relevant enforcement agencies as a matter of good practice.

It is important that qualified and competent people are present who can discuss any problems or matters of concern arising from the licensable activities at or near to the premises with officers from DCC Licensing Services and Police.

The council also 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 are 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.

Maximum occupancy: When its discretion is invoked, the council will only impose a maximum number of people that can attend premises or an event where there is a clear and justifiable need in respect of that premises or event. Any such decision will be based on the nature and style of the operation.

The council will consider information provided by the applicant and any other body (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.

Security: 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. The numbers of licensed door supervisors, both male and female, required at any premises will be dependent upon the nature of the activities licensed and the characteristics and capacity of the establishment as well as the hours of trading.

Toughened/Safety Glass: Licensed venues that provide the sale or supply of alcohol for consumption on the premises should consider the introduction of

toughened/safety glass. This policy expectation applies especially to any premises associated with a higher risk for potential crime and disorder. This will be particularly relevant for high-volume vertical drinking establishments and those premises open beyond midnight in areas where there is a high concentration of venues.

The council and several of its partners have signed a collective new pledge as part of an ongoing campaign to eradicate single use plastics. The agreement commits all signatories to significantly reduce, and work towards ultimately removing, the use of unnecessary single use plastics from their operations. If alternatives to normal glass are used, the use of suitable alternatives, including non-single use plastics, is encouraged.

Drugs/Knives/Weapons: The council will expect licensees to take all reasonable steps to prevent the presence of drugs on licensed premises and to take appropriate steps to prevent drugs changing hands or consumed within the premises to prevent tragedies and harm because of drug misuse.

The council will expect licensees to be familiar with the Home Office Drug Strategy booklet entitled Safer Clubbing (ISBN 1840827807) or other subsequent editions. The council also expects that licence holders will also take steps to prevent the presence of knives and other weapons on their premises and that a log be kept of all drug, knife and weapon incidents. Licence holders should also consider arranging training for their staff on drugs, knives and weapons and to have policies for dealing with the possession of drugs, knives and weapons and the supply of drugs.

In addition to the information provided above, **Table 1 in Appendix VI** provides recommendations, suggestions and examples for how to prevent the specific crime/disorder outlined. This table is not exhaustive, and every applicant must consider the specific situation, location and circumstances associated with their premises, activities, clientele and workforce when identifying hazards, assessing risks and identifying controls.

- 7.2 Public Safety** - The Act covers a wide range of premises that require licensing. Each of these types of premises presents a mixture of risks, with many common to most premises, and others unique to specific operations. It is essential that applicants acknowledge these risks and that premises are constructed or adapted and operated to safeguard occupants and people in the immediate vicinity who may be affected by the premises and activities taking place therein.

Applicants are advised to seek advice on such matters from the council's occupational health and safety team, Health and Safety Executive, Durham Constabulary and the Durham and Darlington Fire and Rescue Service. They should incorporate any recommendations from these responsible authorities in their Operating Schedule before submitting their applications. Matters for consideration include:

- First Aid
- Public security

- Event control
- Polycarbonate Glass
- Fire Safety
- Electrical safety
- Building safety
- Transport
- Drink driving issues
- Occupancy levels

In addition to the information provided above, **Table 2 in Appendix VI** provides recommendations, suggestions and examples of how to prevent the specific dangers outlined. This table is not exhaustive, and every applicant must consider the specific situation, location and circumstances associated with their premises, activities, clientele and workforce when identifying hazards, assessing risks and identifying controls.

7.3 Prevention of Public Nuisance - 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 near the premises.

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 **council 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.

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 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 or appropriate signage requesting customers to consider residents and monitoring of such areas by staff.

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 authorisations will often be required from the Highways Authority. Enquiries concerning such consents should be made to the Council's Highway's Section (see Appendix III). In predominantly commercial areas, such as shopping centres, 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.

Applicants should consider 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 council 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

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.

Applicants are advised to seek advice from Durham County Council's Environmental Health team and incorporate any recommendations in their operating schedule before submitting their applications.

Takeaways and fast-food outlets - The council 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 display notices advising customers of the location of bins and patrons should be encouraged to use the bins made available.

Important note: The council considers that it will be inappropriate to grant a premises licence permitting the sale of alcohol at premises which are principally used for selling hot food for consumption off the premises ("takeaway" premises).

Takeaway premises are often open late at night and in the early hours of the morning. They can be associated with disorder as people under the influence of alcohol may congregate outside takeaways after leaving or in some cases having been ejected from late-night licensed premises.

Takeaways operate within the night time economy but without the same framework around them, e.g. pubwatch, use of security staff etc. In addition, alcohol sold from takeaways could readily be consumed in public spaces and may not be subject to the same controls associated with other types of licensed premises.

From a health perspective, obesity levels are rising nationally and locally; without action the health of the population will continue to suffer. Responsible licensees can support the 'Working toward a healthy weight in County Durham' goals and the council would see the following steps as a contribution to reducing health harms and health inequalities:

- Menu to display calories per portion information for all food offers.
- Menu to offer at least one clear and stated, 'healthy option' and to be priced competitively.
- Menu to display recommended daily calorie limits for adults (For women the recommended limit is 2,000 calories a day for men it's 2,500).
- Menu to offer smaller / half portions.
- Salt and pepper available upon request rather than always on the table

In addition to the information provided above, **Table 3 in Appendix IV** provides recommendations, suggestions and examples of how to prevent the specific nuisance type outlined. This table is not exhaustive, and every applicant must consider the specific situation, location and circumstances associated with their premises, activities, clientele and workforce when identifying hazards, assessing risks and identifying controls.

7.4 Protection of Children from Harm - 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 directly with alcohol consumption 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). The Secretary of State's Guidance to the Licensing Act 2003 also makes clear that the authority must also consider the need to protect children from sexual exploitation when undertaking licensing functions.

While the Act does not prohibit children from having free access to any licensed premises, the council recognises that limitations may have to be considered where it appears necessary to protect children from physical, moral or psychological harm and the effects of alcohol on parenting. 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.

The council will 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. **The council will also expect** any licence holder who wishes to hold events for children to provide it, and the Police, with a detailed risk assessment of that event including how the event will be managed, staffing levels for the event and how any child will be prevented from being exposed to any harm.

The council will give considerable weight to representations about child protection matters particularly from the Local Safeguarding Children's Board who act as the responsible authority under the Act for matters relating to child protection. In addition to the responsible authority whose functions relate directly

to child protection, the Director of Public Health may also have access to relevant evidence to inform such representations.

These representations may include, amongst other things, the use of health data about the harms that alcohol can cause to underage drinkers. Where a responsible authority, or other person, presents evidence to the council, linking specific premises with harms to children (such as ambulance data or emergency department attendances by persons under 18 years old with alcohol-related illnesses or injuries), this evidence will be considered. The council will also consider what action is appropriate to ensure this licensing objective is effectively enforced.

In relation to applications for the grant of a licence in areas where evidence is presented, on high levels of alcohol-related harms in persons aged under 18, the council will also consider what conditions may be appropriate to ensure that this objective is promoted effectively.

The council 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.

The council will expect all licence holders or premises, that wish to allow children on to their premises, to ensure that access is restricted where appropriate. This could include ensuring that all children are accompanied and that they do not have access to, or sight of, alcohol. **The council will 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 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.

The council recommends that retailers of alcohol ensure that their staff are properly trained in all aspects of responsible retailing, including the sale of alcohol and age restricted sales. The Council fully endorses and promotes knowledge of and adherence to Challenge 25 within the retail business sector.

Further advice and information on age restricted sales and training can be found by contacting Durham County Council's Trading Standards service at trading.standards@durham.gov.uk

The council 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. We know alcohol is harmful to the health of children and young people whose minds and bodies are still developing.

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.

The council is aware of a young person's vulnerability to alcohol and events, which are aimed at children under the age of 18 years on licensed premises, will not be supported by the council unless the applicant can demonstrate that all safeguards for children have been addressed (such as the removal of alcohol advertising).

The council, Durham Constabulary Harm Reduction Unit and the Local Safeguarding Children Board have produced a "good practice guide" for an event catering for under-18's and mixed events of under and over 18's. This guide is highly recommended by the council and should be adhered to by licence holders and event organisers. The guide is reproduced in Appendix I.

Recorded staff training programs, the use of a refusals register, in-store signage and limited access to alcoholic drink can all reduce the likelihood of illegal sales and proxy sales and are encouraged by the council.

Access to Cinemas: The 2003 Act requires that any premises showing films must ensure that children are not able to view age restricted films (as classified by the British Board of Film Classification). **The council will expect** any licence holder or applicant who intends to show films to outline suitably robust measures on how they will protect children from exposure to this potential harm. The authority may impose suitable conditions if it believes it is required for the promotion of the four licensing objectives.

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 council itself.

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

Children and Public Entertainment: Many children go to see and/or take part in 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. Where many children are likely to be present on any licensed premises, for example a children's pantomime, disco/rave or similar event, the authority expects all children to be supervised by an appropriate number of adults and to ensure that the venues put measures in place to prevent any child being exposed to harm.

Where entertainment requiring a licence is specifically presented for children, the council 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 Disclosure and Barring Service.

Venue operators may also apply their own admissions policy to their premises. If a venue has carried out a risk assessment that deems it appropriate to exclude children or young persons from their premises, then that is a matter for them.

The council will expect all venue operators to risk assess their venues accordingly against the nature of the licensable activities they intend to carry out. This could include, for example, allowing accompanied children into a premise up until a certain time and then excluding them for the rest of the time the premises are open.

Regarding this licensing objective, the council 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 because of premises, personal applications and all variations to licences are covered by this protocol.

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

The council strongly recommends that events, involving persons under the age of 18 years and persons over 18 years, do not take place unless there are sufficient and robust control measures in place. Experience has shown that mixed age events are extremely difficult to control and manage and they have led to persons under the age of 18 being exposed to alcohol and entertainment late into the night.

It is the council's view that mixed age events should not take place within the late-night economy, particularly at venues that are alcohol and entertainment-led and which are operating late at night. It is the council's view that these mixed aged events can have an adverse impact on a young persons wellbeing as well exposing them to unacceptable levels of harms associated with the night time economy.

In addition to the information above, **Table 4 in Appendix VI** provides recommendations, suggestions and examples of how to protect children from each of the dangers outlined. This table is not exhaustive, and every applicant must consider the specific situation, location and circumstances associated with their premises, activities, cliental and workforce when identifying hazards, assessing risks and identifying controls.

Appendix 7: Section 182 Guidance

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 ("relevant persons") may give 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.