

Statutory Licensing Sub-Committee

20th February 2020

Consideration of a Temporary Event Notice

Ordinary Decision



Report of Geoff Paul, Interim Director of Regeneration and Local Services

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

Electoral division(s) affected:

Elvet and Gilesgate

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 Michael Wathen relating to Players Bar, Unit 3, Walkergate, Durham DH1 1SQ.
- 2 A plan showing the location of the premises is attached at Appendix 2.

Executive summary

- 3 The TEN is for an extension of the permitted hours to allow the sale of alcohol, the provision of regulated entertainment and the provision of late night refreshment from 02.00 hours until 06:00 hours on 23rd February 2020.
- 4 An objection was received by Sergeant Dean Haythornthwaite of Durham Constabulary on the basis the event will undermine the licensing objectives, namely the Prevention of Public Nuisance.

Recommendation(s)

- 5 Members of the Sub-Committee are requested to consider whether to allow the event to proceed or to prohibit the event.
- 6 The Sub-Committee is recommended to give appropriate weight to:
 - (a) The licensing objectives;

- (b) The representations (including supporting information) presented by all parties;
- (c) The Durham County Council Statement of Licensing Policy. The relevant parts of the policy are attached at Appendix 7;
- (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 8

Background

7 Background information

Premises User	Michael Wathen	
Type of Application: Temporary Event Notice	Nature of premises: Nightclub	Nature of event: Showing a late night sporting event
Location of event: Players Bar, Unit 3, Walkergate, Durham DH1 1SQ	Date of event: 23rd February 2020	Time of event: 02:00 to 06:00 hrs

Details of the notice

- 8 On 10th February 2020, the premises user, Mr Michael Wathen, served a Temporary Event Notice for Players Bar, Unit 3, Walkergate, Durham. A copy of this notice is attached as Appendix 3.
- 9 The licensable activities the premises user intends to carry out under the TEN are:
 - The Sale by Retail of Alcohol (on the premises only)
 - The Provision of Regulated Entertainment
 - The Provision of Late-Night Refreshment
- 10 Players Bar currently holds a premises licence issued under the Licensing Act 2003. The permitted licensable activities and times are as follows:

Licensable Activities	Days and Times
<p>Sale by Retail of Alcohol (for consumption on and off the premises)</p> <p>Films, live music, recorded music, performance of dance and anything of a similar description (indoors only)</p> <p>Late Night Refreshment (indoors only)</p>	<p>Monday to Sunday: 10:00 to 02:00 hrs.</p> <p>From 10:00hrs on New Year's Eve until 02:00hrs on 2nd January.</p> <p>Extension until 03:00hrs on the morning British Summertime begins</p> <p>Monday to Sunday: 10:00 to 02:30 hrs.</p> <p>From 10:00hrs on New Year's Eve until 02:30hrs on 2nd January.</p> <p>Extension until 03:30hrs on the morning British Summertime begins</p> <p>Monday to Sunday: 23:00 to 02:30 hrs.</p> <p>From 23:00hrs on New Year's Eve until 02:30hrs on 2nd January.</p> <p>Extension until 03:30hrs on the morning British Summertime begins</p>
Opening Hours	<p>Monday to Sunday: 10:00 to 02:30 hrs.</p> <p>From 10:00hrs on New Year's Eve until 02:30hrs on 2nd January.</p> <p>Extension until 03:30hrs on the morning British Summertime begins</p>

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

The Objection

12 On 12th February 2020, the Licensing Authority received an objection notice from Durham Constabulary on the grounds of the Prevention of Public Nuisance. This is attached as Appendix 5.

- 13 On 13th February 2020, the Environmental Health Authority confirmed that they had no comments to make in relation to the TEN. This is attached as Appendix 6.

The Parties

- 14 The Parties to the hearing will be:
- Mr Michael Wathen (premises user)
 - Sgt Dean Haythornthwaite, Durham Constabulary (Responsible Authority)

Options

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

Main implications

Consultation

- 16 Environmental Health and Durham Constabulary were consulted on the Temporary Event Notice and had three working days to respond with any objections.

See Appendix 1

Conclusion

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

Other useful documents

- None

Contact: Helen Johnson

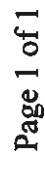
Tel: 03000 265101

Appendix 1: Implications

Consultation

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

Appendix 2: Location Plan



Appendix 3: Temporary Event Notice



* required information

Section 1 of 9

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

System reference

Not Currently In Use

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

Your reference

Players Durham, Fury 23.02.2020

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

Are you an agent acting on behalf of the applicant?

☒ Yes

☐ No

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

Applicant Details

* First name

Michael

* Family name

Wathen

* E-mail

Main telephone number

Include country code.

Other telephone number

☐ Indicate here if the applicant would prefer not to be contacted by telephone

Is the applicant:

☒ Applying as a business or organisation, including as a sole trader

☐ Applying as an individual

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

Applicant Business

Is the applicant's business registered in the UK with Companies House?

☒ Yes

☐ No

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

Registration number

unknown

Business name

Innspired Leisure (Durham) LTD

If the applicant's business is registered, use its registered name.

VAT number

-

unknown

Put "none" if the applicant is not registered for VAT.

Legal status

Private Limited Company

Continued from previous page...

Applicant's position in the business

General Manager

Home country

United Kingdom

The country where the applicant's headquarters are.

Registered Address

Address registered with Companies House.

Building number or name

Players Bar

Street

Unit 3, Walkergate

District

City or town

Durham

County or administrative area

Postcode

DH1 1SQ

Country

United Kingdom

Agent Details

* First name

* Family name

* E-mail

Main telephone number

Include country code.

Other telephone number

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

Are you:

- ☒ An agent that is a business or organisation, including a sole trader
☐ A private individual acting as an agent

A sole trader is a business owned by one person without any special legal structure.

Agent Business

Is your business registered in the UK with Companies House?

☒ Yes ☐ No

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

Registration number

Business name

If your business is registered, use its registered name.

VAT number

-

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

Legal status

Private Limited Company

Continued from previous page...

Your position in the business

Home country

The country where the headquarters of your business is located.

Agent Registered Address

Address registered with Companies House.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Section 2 of 9

APPLICATION DETAILS (See also guidance on completing the form, general notes and note 1)

Have you had any previous or maiden names?

☐ Yes

☒ No

* Your date of birth

/ /
dd mm yyyy

Applicant must be 18 years of age or older

National Insurance number

This box need not be completed if you are an individual not liable to pay UK national insurance.

Place of birth

Correspondence Address

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

☒ Yes

☐ No

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

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Continued from previous page...

Additional Contact Details

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

☒ Yes ☐ No

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

E-mail

Telephone number

Other telephone number

Section 3 of 9

THE PREMISES

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

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

* Does the premises have an address?

☒ Yes ☐ No

Address

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

☒ Yes ☐ No

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

* Building number or name

* Street

District

* City or town

County or administrative area

* Postcode

* Country

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

☐ Neither ☒ Premises licence ☐ Club premises certificate

* Premises licence number

Location Details

* Provide further details about the location of the event

Players Bar, walkergate, Durham.

Continued from previous page...

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

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

Large capacity nightclub, providing live DJs and sales of alcohol and refreshments.

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

Players Bar will be Showing a late night sporting event. We will be allowing no more than 499 people in for the event event.

Section 4 of 9

LICENSABLE ACTIVITIES

State the licensable activities that you intend to carry on at the premises

(see also guidance on completing the form, 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
- ☒ The provision of late night refreshment
- ☐ The giving of a late temporary event notice

(See also guidance on completing the form, note 7).

Late notices can be given no later than 5 working days but no earlier than 9 working days before the event.

(See also guidance on completing the form, note 8).

Event Dates

There must be a period of at least 10 working days between the date you submit this form and the date of the earliest event when you will be using these premises for licensable activities.

State the dates on which you intend to use these premises for licensable activities

(see also guidance on completing the form, note 9)

Event start date

23	/	02	/	2020
dd		mm		yyyy

The maximum period for using premises for licensable activities under the authority of a temporary event notice is 168 hours or seven days.

Event end date

23	/	02	/	2020
dd		mm		yyyy

Continued from previous page...

State the times during the event period that you propose to carry on licensable activities (give times in 24 hour clock)

02.00-06.00

(see also guidance on completing the form, note 10)

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

499

Note that the maximum number of people cannot exceed 499.

(see also guidance on completing the form, note 11)

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

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

- ☒ On the premises only
☐ Off the premises only
☐ Both

Section 5 of 9

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

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

Live DJ: 02.00-06.00

Live Sports 02.00 - 06.00

Section 6 of 9

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

Do you currently hold a valid personal licence?

- ☒ Yes ☐ No

Provide the details of your personal licence below.

Issuing licensing authority

Northumberland County Council

Licence number

NPL629

Date of issue

/ /
dd mm yyyy

Any further relevant details

Continued from previous page...

Section 7 of 9

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

Have you previously given a temporary event notice in respect of any premises for events falling in the same calendar year as the event for which you are now giving this temporary event notice?

☒ Yes

☐ No

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

1

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

a) Ends 24 hours or less before; or

☐ Yes

☒ No

b) Begins 24 hours or less after the event period proposed in this notice?

Section 8 of 9

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

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

☐ Yes

☒ No

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

a) Ends 24 hours or less before; or

☐ Yes

☒ No

b) Begins 24 hours or less after the event period proposed in this notice?

Continued from previous page...

Has any person with whom you are in business carrying on licensable activities given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice? ☐ Yes ☒ No

Has any person with whom you are in business carrying on licensable activities already given a temporary event notice for the same premises in which the event period: ☐ Yes ☒ No

a) Ends 24 hours or less before; or

b) Begins 24 hours or less after the event period proposed in this notice?

Section 9 of 9

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

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

PAYMENT DETAILS

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

This formality requires a fixed fee of £21

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

- * The information contained in this form is correct to the best of my knowledge and belief
- * I understand that it is an offence:
 - * (i) to knowingly or recklessly make a false statement in connection with this temporary event notice and that a person is liable on summary conviction for such an offence to a fine of any amount; and
 - (ii) to permit an unauthorised licensable activity to be carried on at any place and that a person is liable on summary conviction for any such offence to a fine of any amount, or to imprisonment for a term not exceeding six (6) months, or to both.
- ☒ Ticking this box indicates you have read and understood the above declaration

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

* Full name

* Capacity

* Date / /
dd mm yyyy

Continued from previous page...

Add another signatory

Once you're finished you need to do the following:

1. Save this form to your computer by clicking file/save as...

2. Go back to <https://www.gov.uk/apply-for-a-licence/temporary-event-notice/county-durham/apply-1> to upload this file and continue with your application.

Don't forget to make sure you have all your supporting documentation to hand.

OFFICE USE ONLY

Applicant reference number

Fee paid

Payment provider reference

ELMS Payment Reference

Payment status

Payment authorisation code

Payment authorisation date

Date and time submitted

Approval deadline

Error message

Is Digitally signed

☐

1 2 3 4 5 6 7 8 9 Next >

Appendix 4: Premises Licence



LICENSING ACT 2003 PREMISES LICENCE

Premises Licence Number
Granted
Issued

DCCC/PLA0436

19 June 2018

30 August 2018

Part 1 – Premises details

Postal address of premises, or if none, ordnance survey map reference or description	Issuing Authority
PLAYERS UNIT 3 FREEMANS PLACE DURHAM DH1 1SQ	DURHAM COUNTY COUNCIL ADULT AND HEALTH 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
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	10:00-02:30	From 10:00 hrs on New Years Eve until 02:30 hrs on 2nd January. Extension until 03:30 hrs on the morning British Summertime begins.
Tue	10:00-02:30	
Wed	10:00-02:30	
Thu	10:00-02:30	
Fri	10:00-02:30	
Sat	10:00-02:30	
Sun	10:00-02:30	

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 10:00-02:30 Tue 10:00-02:30 Wed 10:00-02:30 Thu 10:00-02:30 Fri 10:00-02:30 Sat 10:00-02:30 Sun 10:00-02:30	Further details Non-standard/seasonal timings From 10:00 hrs on New Years Eve until 02:30 hrs on 2nd January Extension until 03:30 hrs on the morning British Summertime begins.
Live Music Indoors Mon 10:00-02:30 Tue 10:00-02:30 Wed 10:00-02:30 Thu 10:00-02:30 Fri 10:00-02:30 Sat 10:00-02:30 Sun 10:00-02:30	Further details Non-standard/seasonal timings From 10:00 hrs on New Years Eve until 02:30 hrs on 2nd January. Extension until 03:30 hrs on the morning British Summertime begins.
Recorded Music Indoors Mon 10:00-02:30 Tue 10:00-02:30 Wed 10:00-02:30 Thu 10:00-02:30 Fri 10:00-02:30 Sat 10:00-02:30 Sun 10:00-02:30	Further details Non-standard/seasonal timings From 10:00 hrs on New Years Eve until 02:30 hrs on 2nd January. Extension until 03:30 hrs on the morning British Summertime begins.
Performance of Dance Indoors Mon 10:00-02:30 Tue 10:00-02:30 Wed 10:00-02:30 Thu 10:00-02:30 Fri 10:00-02:30 Sat 10:00-02:30 Sun 10:00-02:30	Further details Non-standard/seasonal timings From 10:00 hrs on New Years Eve until 02:30 hrs on 2nd January. Extension until 03:30 hrs on the morning British Summertime begins.
Other Entertainment Similar to Live or Rec Music or Dance Performance Indoors Mon 10:00-02:30 Tue 10:00-02:30 Wed 10:00-02:30 Thu 10:00-02:30 Fri 10:00-02:30 Sat 10:00-02:30 Sun 10:00-02:30	Further details Non-standard/seasonal timings From 10:00 hrs on New Years Eve until 02:30 hrs on 2nd January. Extension until 03:30 hrs on the morning British Summertime begins.

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 Non-standard/seasonal timings From 23:00 hrs on New Years Eve until 02:30 hrs on 2nd January. Extension until 03:30 hrs on the morning British Summertime begins.
Sale by retail of alcohol Mon 10:00-02:00 Tue 10:00-02:00 Wed 10:00-02:00 Thu 10:00-02:00 Fri 10:00-02:00 Sat 10:00-02:00 Sun 10:00-02:00	Further details Non-standard/seasonal timings From 10:00 hrs on New Years Eve until 02:00 hrs on 2nd January. Extension until 03:00 hrs on the morning British Summertime begins.

Part 2

Name, (Registered) address, telephone number and email (where relevant) of holder of premises licence	
INNSPIRED LEISURE (DURHAM) LIMITED 2ND FLOOR, ALDERMAN FENWICK HOUSE 98-100 PILGRIM STREET NEWCASTLE UPON TYNE NE1 6SQ	
Registered number of holder, for example company number, charity number (where applicable)	
Company no:	
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 GORDON CODONA

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 00CMPER860 SUNDERLAND

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

None

Prevention of Crime & Disorder

None

Public Safety

None

Prevention of Public Nuisance

None

Protection of Children from Harm

None

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

Statutory Licensing Sub-Committee 19th June 2018

Prevention of Crime and Disorder

The licence holder shall ensure that at all times when the premises are open for any licensable activity, there are sufficient competent staff on duty at the premises for the purpose of fulfilling the terms and conditions of the licence.

The licence holder shall provide at the premises radio communication equipment to be operated in conjunction and in liaison with the local authority CCTV control room, while such a scheme is in operation. Any radio communication system provided under this condition shall:-

- i) Be capable of sending and receiving messages to and from the local police and other licenses, designated premises supervisors, door supervisors, managers and club operators incorporated into any joint and mutually beneficial scheme operating in the area.
- ii) Be maintained in good working order at all times when the premises are being used for a licensable activity.
- iii) Be activated, made available to and monitored by the Designated Premises Supervisor or a responsible member of staff at all times when the premises are being used for a licensable activity.
- iv) The premises will retain a note of who has responsibility for and control of the above radio. Such records shall be retained for not less than 28 days and made available to the Authorities for inspection upon reasonable request.

The Designated Premises Supervisors or other responsible person, appointed by the DPS from time to time, having responsibility for monitoring radio communication system provided under the provisions of this condition shall comply with any reasonable instructions or directions received through the system from the Police.

The designated premises supervisor or other responsible person, appointed by the DPS from time to time, shall use the radio communication system provided under the provisions of this condition to notify and report any incident of crime and disorder to the police as soon as practically possible, in accordance with agreed protocols.

The Licence holder and designated premises supervisor shall conduct a risk assessment for the general operation of the premises and in the case of individual bespoke events shall:-

- i) At all times, deemed necessary by the said risk assessment, ensure an appropriate number of Door Supervisors (as defined in the Private Security Industry Act 2001) are on duty at a ratio of not less 1 per 100 customers.

Such risk assessments shall be made available to the police as soon as practicable upon receipt of a formal written request.

The licence holder and designated premises supervisor shall ensure that where physical searching of patrons is to be undertaken, there is sufficient number of appropriately trained staff to carry out which searches regardless of whether patrons are male and female.

Door supervisors shall wear clothing of the same style, type and colour which may be appropriate to the nature of the venue, but which will ensure that they are clearly distinguished and identifiable as Door Supervisors having regard to the events and activities taking place at the licensed premises.

The Designated Premises supervisor or other responsible person, appointed by the DPS from time to time, shall ensure that on each day that Door Supervisors are engaged for duty at the premises that their details (names and licence numbers) are recorded in an appropriate form and kept at the premises. In conjunction with this record, the designated Premises Supervisor or other responsible person, appointed by the DPS from time to time, shall also keep a record of incidents. These records must be available for inspection by the Police or Authorised Officer at all times when the premises are open.

No persons carrying open or sealed glass bottles shall be admitted to the premises at any time that the premises are open for any licensable activity, save when they have been purchased at the premises.

No patrons shall be allowed to leave the premises whilst in the possession of any drinking vessel or open glass bottle, whether empty or containing any beverage except for consumption in the area immediately outside of the premises. This condition shall not apply to patrons who have purchased beverages for consumption of the premises with the express consent to the designated premises supervisor or responsible person so authorised to do so by the Designated Premises Supervisor.

There should be no sale of alcoholic drinks for consumption off the premises on New Year's Eve/New Year's Day or when an event is taking place, subject to notice in writing being given by the Licensee for the Licensing Authority (in conjunction with the Durham Constabulary) at least seven days prior to the respective day(s).

The Licensee shall not advertise, promote and sell or supply alcoholic drinks in such a way that is intended or likely to encourage persons to consume alcohol to an excessive extent.

A CCTV system shall be designed, installed and maintained in proper working order to the satisfaction of the Licensing Authority and in conjunction with the local Police. Such system shall:-

- i) Be operated by properly trained staff,
- ii) Be in operation at all times that the premises are being used for a licensable activity save for periods of maintenance or repair,
- iii) Ensure coverage of all entrances and exits to the licensed premises internally and externally,
- iv) Ensure coverage of such areas as may be required by the Licensing Authority and local Police,
- v) Provide continuous recording facilities for each camera to a good standard of clarity, save for periods of maintenance or repair. Such recording shall be retained for a period of 28 days, and shall be supplied to the Licensing Authority or Police on receipt of a request from the Authority for disclosure demonstrating an exemption to the first data protection principle as per the Data Protection Act 1998.

The premises will prepare a document detailing its entry procedures and policies – "the Entrance Policy". The Entrance Policy will be provided to Durham's Police Licensing section not less than 14 days prior to the first day of trading and a copy shall be lodged with the Licensing Authority. The premises shall operate in accordance with the same, any revisions to the policy shall be communicated to the police as soon as reasonably practicable.

Security will be appointed to manage security at the event. They are experienced and are part of the planning process.

A risk assessment will be in place which covers the risk of violence, aggression and the event of a major incident. This will be detailed within the event manual.

The licence holder and designated premises supervisor shall conduct a risk assessment for the general operation of the premise and in the case of individual bespoke events shall:-

- i) A minimum of 2 SIA door staff to start at 18:00hrs on a Saturday evening, rising to 4 SIA door staff by 22:00hrs.
- ii) A minimum of 2 SIA door staff to start at 18:00hrs on any Sunday evening preceding a Bank Holiday Monday, rising to 4 SIA door staff by 22:00hrs.
- iii) A minimum of 2 SIA door staff to start at 21:00hrs on a Friday evening.
- iv) A minimum of 2 SIA door staff to start at 21:00hrs on a Wednesday evening, rising to 4 SIA door staff by 22:00hrs.
- v) A minimum of 2 SIA door staff to start at 21:00hrs on any evening a 'Student Night' event is promoted at site.

The management of the premises will operate a two way radio system within the premises allowing communication between senior management on duty (assistant manager and above) and members of the door team.

Public Safety

The Designated Premises Supervisor shall ensure that there are effective management arrangements in place to enable him/her to know how many persons there are in the premises at times prescribed within the management's risk assessment.

Safety checks including checks of exit doors must be carried out before the admission of the public. These must correspond with the risk assessment and the conditions of the licence.

Firefighting equipment shall be provided in the licensed premises in accordance with the risk assessment and staff shall be suitably trained as necessary.

At least one suitably trained first aider shall be on duty at all time that the public are present. Adequate and appropriate equipment and materials shall be provided for enabling first aid to be rendered to members of the public if they are injured or become ill whilst at the licensed premises.

Emergency lighting must be provided in accordance with BS5266 (current edition) or an equivalent standard approved by the Licensing Authority.

The maximum number of persons permitted on the premises at any one time shall not exceed a figure dictated by the premises 'Fire Risk Assessment' prepared and maintained in accordance with The Regulatory Reform (Fire Safety) Order 2005. The FRA shall be available for inspection at the premises.

Prevention of Public Nuisance

The lobby doors at the premises must be kept closed after the hour of 20:00 except for access and egress. Music played at the premises between 02:00 and 02:30 will gradually reduce in volume so as to create a 'wind down' period.

Lighting provided externally to promote advertising of the premises or activities associated with the premises shall not be of an intensity that would cause reasonable nuisance to neighbouring or adjoining properties. Suitable ventilation and extraction systems shall be provided to eliminate noxious odours. Such systems must be maintained on a regular basis.

No glass or material or bottles shall be deposited in any skip bin or other container of a like nature, located in the open air outside of the premises, between the hours of 22:00 and 08:00 and any such skip, bin or container shall not be removed from the premises between those hours.

Clear and legible notices shall be displayed at exits and other circulatory areas requesting patrons to leave the premises having regard to the needs of local residents, in particular emphasising the need to refrain from shouting.

Protection from Children from Harm

Appropriate signage will be displayed in the immediate vicinity of any gaming or age sensitive product with the premises advising as to the relevant age restrictions. Such sensitive products will be situated in a position where they may be observed by members of staff and/or the installed CCTV system.

All staff responsible for selling age restricted goods to be trained to implement the age verification policy. Staff trained to include the risk from proxy sales. Training records for staff to be maintained and refresher training to be provided annually.

The premises shall implement and operate a 'Challenge 25' policy. All members of staff at the premises including Door Supervisors shall seek "credible photographic proof of age evidence" from any persons who appears to be under the age of 18 years and who is seeking access to the premises or is seeking to purchase or consume alcohol on the premises. Such credible evidence, which shall include a photograph of the customer, will either be a passport, photographic driving licence, or Proof of Age card saying a "PASS" logo. Persons over the age 18 shall be permitted to purchase and consume alcohol.

Appendix 5: Durham Constabulary Objection Notice

Helen Johnson - Licensing Team Leader (N'hoods)

Subject: FW: OBJECTION: LICENSING TEN RECEIVED FOR PLAYERS BAR, UNIT 3, WALKERGATE, DURHAM

From: Alcohol Harm Reduction Unit <ahru@durham.pnn.police.uk>

Sent: 12 February 2020 16:09

To: AHS Licensing <Licensing@durham.gov.uk>

Cc: EHCP <ehcp@durham.gov.uk>; m.wathen

Subject: FW: OBJECTION: LICENSING TEN RECEIVED FOR PLAYERS BAR, UNIT 3, WALKERGATE, DURHAM

12/02/20

Please see the below objection from Durham Constabulary for the attached TEN

Thanks

Cara Bancroft

8454

Harm Reduction Unit

From: Dean Haythornthwaite

Sent: 12 February 2020 12:57

Subject: OBJECTION: LICENSING TEN RECEIVED FOR PLAYERS BAR, UNIT 3, WALKERGATE, DURHAM

Please see that this Objection gets to the applicant and the licensing authority.

Thanks

Dean

Durham Constabulary wish to object to the attached Temporary Event Notice on the grounds that to grant it would undermine the Public Nuisance objective.

This notice would allow up to 499 people to attend the event at the Players Bar in order to watch a televised early morning boxing match, Tyson Fury vs Deontay Wilder. The notice will, in effect, extend the licensing hours until 0600hrs. In reality the event will most likely end when the boxing match ends. The difficulty this poses is that we cannot say for certain when the fight, and therefore the event, will end. National press reports suggest a likely start time for the "ring walks" of about 4 to 5am and experience would suggest this will be accurate. It is impossible to say at this time how long the fight is likely to last, somewhere between a minute and 45 minutes. Based on all of this information it is likely that the event will conclude at some unknown time between 5 and 6 am. There is currently no provision within the City for the customers of this event after it finishes, the takeaways will all be closed and taxis will be very few and far between. This will leave up to 499 people, who have potentially been drinking all night, in the city with no obvious and accessible means of getting home all gathered in one place. Our concern is the

noise and associated nuisance the revellers will cause as they call and wait for taxis or walk through the city in search of transport.

The Walkergate complex, which houses Players bar, have said they will extend the working hours of their existing security to cover the times of this event. Whilst we welcome this extra measure it is not sufficient to fully satisfy our concerns. The Walkergate complex is a pedestrianised complex and as such the customers of the event will seek to leave the complex immediately in order to find a way home. So whilst they can provide some extra support for the safe exit from the event, they cannot address our Public Nuisance concern. Pre-booked taxis are not the answer either. Firstly we cannot guarantee that people will do this and secondly given the fluid nature of the start and finish time, people cannot know what time to book for.

Durham Constabulary have a close working relationship with a number of residents groups and associations within the City, many of whom regularly express concern and distress at the noise caused by the patrons of the night-time economy as they move round the city, especially as time moves in to the early hours. It is a concern to Durham Constabulary that the granting of this notice would only make the situation worse for the residents based on the comments above.

Kind Regards

Dean Haythornthwaite
Sgt 2065
Licensing Unit
Durham Constabulary

Appendix 6: Comments from Environmental Health

Mary-Anne Hunter

From: Sarah Clement-Dawson
Sent: 13 February 2020 12:49
To: Mary-Anne Hunter
Subject: LICENSING TEN RECEIVED FOR PLAYERS BAR, UNIT 3, WALKERGATE, DURHAM SR 201335a CPA 100220

MEMO



To: Ms Mary-Anne Hunter
Licensing Services

From: Dr Sarah Clement-Dawson
Regeneration and Local Services

Date: 13.02.2020

Re: Licensing Application TEN - 23/02/20 02.00hrs - 06.00hrs
Players, Unit 3 Freemans Place Durham City DH1 1SQ

With reference to the above licensing application received on 10 February 2020.

I have assessed the application with reference to the public nuisance licensing objective. Please be advised Environmental Health has received three noise complaints in the last twelve months. The complaints have not been substantiated and as a result I have no representation to make on this occasion.

Sarah Clement-Dawson
Senior Development Assessment Officer
Development Assessment Team
Community Protection Service
Regeneration and Local Services
Durham County Council
Annand House
Meadowfield
Durham
DH7 8RS

Appendix 7: Statement of Licensing Policy

3.15 Temporary Event Notices – 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”). The Licensing Act 2003 enables certain organised events for less than 500 people to take place following notification to the Licensing Authority, the Police and Environmental Health

An event organiser who wishes to arrange a one-off event or extend the hours for licensable activities at a premises, may notify the council of the proposed event. The application (or notice) needs to be submitted to the Licensing Authority with the appropriate fee. The application must be submitted electronically via the gov.uk portal or via hardcopy. If submitted via hardcopy then it must also be sent to the Police and the council’s Environmental Health section for consideration.

A temporary event notice must be submitted to the authority at least ten clear working days before any event. This does not include the day of the application, the date the application is submitted, weekends or bank holidays. Failure to adhere to these timescales may invalidate the application.

An applicant who also holds a Personal Licence may apply to hold 50 events per year. An applicant who does not hold a Personal licence may only apply for 5 events.

Each Temporary Event may last for up to 168 hours and an individual premises may hold up to 15 events totaling 21 days. There must be a gap of 24 hours between the end of one temporary event and the start of another one.

If the Police or the Environmental Health team, make a representation regarding a temporary event notice then the Licensing Authority will arrange a hearing before the licensing sub-committee in the required timescales.

Applicants are encouraged to submit temporary event notices as far in advance as possible to allow issues to be worked out and for any required hearing to be held in good time before any proposed event. Although the statutory legal minimum time required for the notification of a temporary event to the Licensing Authority, Police and Environmental Health is 10 working days, or 5 working days for a late temporary event, it is essential that proper consideration of the proposed event is given.

Statutory guidance allows the Licensing Authority to publicise its preferred timescale for notification. Applicants are encouraged to submit notifications at least 4 weeks but not more than 12 weeks before an event where an existing premises licence is in operation. For applications where there is not a current premises licence, for example community events, 15 working days in advance of the event would be encouraged to allow for proper consideration of the event.

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.

Appendix 8: Section 182 Guidance

Public nuisance

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

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