

Statutory Licensing Sub-Committee

5th September 2023

Consideration of a Temporary Event Notice

Ordinary Decision



Report of Alan Patrickson, Corporate Director of Neighbourhoods and Climate Change

Councillor John Shuttleworth, Cabinet Portfolio Holder for Rural Communities and Highways

Electoral division(s) affected:

Newton Aycliffe and Aycliffe Village

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 Steve Kimpton for Newton Aycliffe Navy Club, Bluebell Way, Newton Aycliffe, Co Durham DL5 7PW.
- 2 A plan showing the location of the premises is attached at Appendix 2.

Executive summary

- 3 The TEN is to request the use of the function room for a 18th birthday party. The event is to allow the sale and supply of alcohol for consumption on the premises and the provision of regulated entertainment from 19:00 hrs until 23:00 hrs on Saturday 30th September 2023.
- 4 An objection notice was received from PC Alan Newcombe of Durham Constabulary on the basis the event will undermine two of the licensing objectives, namely the Prevention of Crime and Disorder and Public Safety.

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 - Applicant	Mr Steve Kimpton	
Type of Application: Temporary Event Notice	Nature of premises: Workingmens club	Nature of event: Event in function room – 18th birthday party
Location of event: Newton Aycliffe Navy Club	Date of event: 30th September 2023	Time of event: 19:00 hrs until 23:00 hrs

- 8 The premises currently holds a premises licence number DCCC/PLA0775 and also a Club Premises Certificate number SBCDL16PRM0126 issued under the Licensing Act 2003. A copy of both licences are attached as Appendix 4, for information.

Details of the notice

- 9 On 23rd August 2023, the premises user, Mr Steve Kimpton served a Temporary Event Notice to request an event in the function room (18th birthday party) on 30th September 2023 from 19:00hrs until 23:00hrs. A copy of the notice is attached as Appendix 3.
- 10 The licensable activities the premises user intends to carry out under the TEN are:
- The Sale and Supply of Alcohol (consumption on the premises)
 - The Provision of Regulated Entertainment

Licensable Activities	Day and Times
Sale and Supply of Alcohol (on the premises) The Provision of Regulated Entertainment	Saturday 30 th September 2023 19:00 hrs – 23:00 hrs

The Objection

- 11 On 25th August 2023, the Licensing Authority received an objection notice from PC Alan Newcombe of Durham Constabulary on the grounds of the Prevention of Crime and Disorder and Public Safety. This is attached as Appendix 5.

The Parties

- 12 The Parties to the hearing will be:
- Mr Steve Kimpton (premises user)
 - PC Alan Newcombe, 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, Environmental Health 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

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

See Appendix 1

Conclusion

- 15 The Sub-Committee is asked to consider the 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: Karen Robson

Tel: 03000 265104

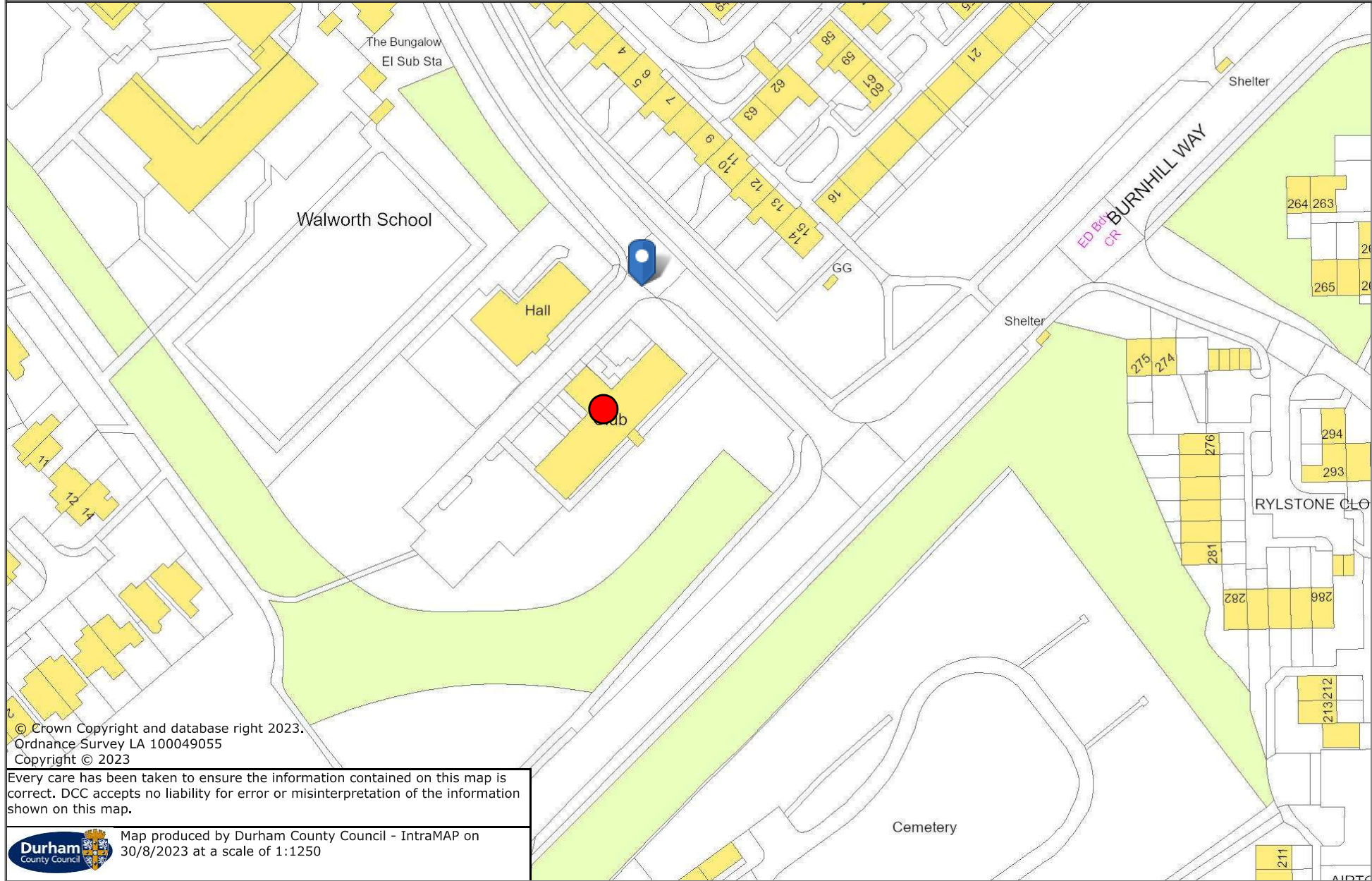
Appendix 1: Implications

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

Durham County Council - IntraMAP



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Ordnance Survey LA 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 30/8/2023 at a scale of 1:1250

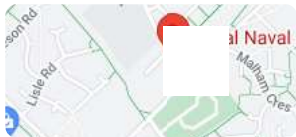
Burnhill Way



Newton Aycliffe, England
Google Street View
Oct 2022 See more dates

Google

Image capture: Oct 2022 © 2023 Google





Newton Aycliffe, England
Google Street View
Oct 2022 [See more dates](#)

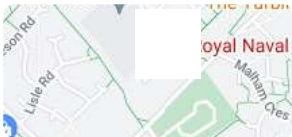




Newton Aycliffe, England
 Google Street View
 Oct 2022 See more dates

Google

Image capture: Oct 2022 © 2023 Google



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

Your reference 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

* Family name

* E-mail

Main telephone number

Other telephone number

Include country code.

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

Are you:

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

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

Applicant Business

Is your business registered in the UK with Companies House? Yes No

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

Is your business registered outside the UK? Yes No

Business name

If your business is registered, use its registered name.

VAT number

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

Legal status

Continued from previous page...

Your position in the business

Home country

The country where the headquarters of your business is located.

Business Address

If you have one, this should be your official address - that is an address required of you by law for receiving communications.

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

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?

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

Yes No

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?

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

Yes No

* Building number or name

* 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

* Club premises certificate number

Location Details

* Provide further details about the location of the event

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 [\(see also guidance on completing the form, note 3\)](#)

Party will be restricted to the Function Room during the event

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

Social Club

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

18th Birthday Party - After risk assessment and the fact that attendees are wheelchair bound with their carer's and we feel that TEN's would be feasible for this event restricted to the Function Room at the Newton Aycliffe Navy Club.

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 / /
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 / /
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)

[\(see also guidance on completing the form, note 10\)](#)

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

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

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

Section 7 of 9

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

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

- Yes
- No

Continued from previous page...

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?

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

Continued from previous page...

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

ATTACHMENTS

AUTHORITY POSTAL ADDRESS

Address

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

DECLARATION [\(See also guidance on completing the form, note 19\)](#)

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

Continued from previous page...

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)

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.

Appendix 4: Premises Licence and Club Premises Certificate



LICENSING ACT 2003 PREMISES LICENCE

Premises Licence Number
Granted
Issued

DCCC/PLA0775
02 June 2023
02 June 2023

Part 1 – Premises details

Postal address of premises, or if none, ordnance survey map reference or description	Issuing Authority
NEWTON AYCLIFFE NAVY CLUB BLUEBELL WAY NEWTON AYCLIFFE DL5 7PW	DURHAM COUNTY COUNCIL NEIGHBOURHOODS AND CLIMATE CHANGE COMMUNITY PROTECTION LICENSING SERVICES PO BOX 617 DURHAM DH1 9HZ
Telephone number: 01325 311522	

Where the licence is time limited the dates N/A

Licensable activities authorised by this licence Live Music Recorded Music Sale by retail of alcohol
--

Opening Hours of the Premises		
Mon	12:00-23:00	Non-standard/seasonal timings New Year's Eve until 00:30
Tue	12:00-23:00	
Wed	12:00-23:00	
Thu	12:00-23:00	
Fri	12:00-23:00	
Sat	12:00-23:00	
Sun	12:00-23:00	

Where the licence authorises the sale by retail of alcohol whether these are on and/or off sales: ON ALCOHOL SUPPLIES ONLY
--

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

Live Music Indoors	Further details
Sat 19:00-23:00	N/A
Sun 14:00-18:00	Non-standard/seasonal timings New Year's Eve Until 00:30
Sun 19:00-23:00	

Recorded Music Indoors Sat 19:00-23:00 Sun 14:00-18:00 Sun 19:00-23:00	Further details N/A Non-standard/seasonal timings New Year's Eve until 00:30
Sale by retail of alcohol Mon 12:00-23:00 Tue 12:00-23:00 Wed 12:00-23:00 Thu 12:00-23:00 Fri 12:00-23:00 Sat 12:00-23:00 Sun 12:00-23:00	Further details N/A Non-standard/seasonal timings New Year's Eve until 00:30

Part 2

Name, (Registered) address, telephone number and email (where relevant) of holder of premises licence	
NEWTON AYCLIFFE NAVY CLUB BLUEBELL WAY NEWTON AYCLIFFE DL5 7PW	
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 ROBERT DRYSDALE

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.

Annex 2 – Conditions consistent with the premises Operating Schedule

General

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

Staff training to include the risk from proxy sales.

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

The Prevention of Crime & Disorder

The premises shall maintain an incident book, which shall detail any incidents that may occur on the premises and any action taken.

This shall be made available to the Police and authorised officers of the local authority upon request.

A CCTV system will be installed and in operation at all times the premises are being used for licensable activities. I

t must be operated by properly trained staff. All public areas will be covered, including entrances, exits and outside area.

CCTV recordings will be retained for a minimum of 28 days.

The CCTV system will be fitted with an emergency power supply in case of a power failure.

The premises will ensure that at least one trained member of staff is available to operate the CCTV system at all times the premises is open.

Any images requested by an authorised officer shall be provided within 7 days of the request.

A minimum of two SIA registered door staff will be on duty at the premises from 19:00hrs until close for every private function/ event.

The need for further door staff will be risk assessed for each function/ event.

Public Safety

Premises is fully fire alarmed and certified and all emergency exits are signed, illuminated and clear of obstruction always.

All equipment is PAT tested and checked.

The operator and designated premises supervisor shall conduct a risk assessment for the general operation of the premises and in the case of individual bespoke events/ functions.

It will cover all areas of the premises including outside areas.

The Prevention of Public Nuisance

All bar staff are trained to ensure where drinks are to be consumed in the outdoor area of the premises i.e., beer garden that they are decanted into a plastic vessel.

A notice must be displayed at all entrance and exit points asking patrons to leave quietly.

The Protection of Children from Harm

Safeguards are to be in place to see that alcohol is not served to or purchased on behalf of underage children.

A 'Challenge 25' age verification policy is operated which requires anyone looking under the age of 25 to produce photographic evidence of proof of age from a passport, driving licence or PASS accredited scheme before any alcohol is supplied.

The actions of staff operating the policy to be regularly monitored.

Children under the age of 18 will not be allowed entry to or remain in the bar areas after 19.00hrs

Where a sale of alcohol is refused if a person appears intoxicated or appears to be under 18, a refusal register / log to be updated.

The register to be made available to the police on request.

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

None

Annex 4 – Plans attached

Attached



**Signature of Authorised Officer
Head of Community Protection**



LICENSING ACT 2003 CLUB PREMISES CERTIFICATE

Club Premises Certificate Number

SBCDL16PRM0126

CLUB DETAILS

Name of club in whose name this certificate is granted and relevant postal address of club.	Issuing Authority
NEWTON AYCLIFFE NAVY CLUB COBBLERS HALL NEWTON AYCLIFFE COUNTY DURHAM DL5 7PW	SEDGEFIELD BOROUGH COUNCIL COUNCIL OFFICES GREEN LANE SPENNYMOOR COUNTY DURHAM DL16 6JQ 01388 816166
Post town: NEWTON AYCLIFFE	Postcode: DL5 7PW
Telephone number:	

If different from above the postal address of club premises to which this certificate relates, if any, or if none, ordnance survey map reference or description

Not applicable

Post town:

Postcode:

Telephone number:

Where the club premises certificate is time limited the dates

Licence not time limited

Qualifying club activities authorised by the certificate

EA Plays
EC Indoor Sporting Event
EF Recorded Music
EI Making Music
EJ Dancing
SAC Supply of alcohol to a member of a club

The times the certificate authorises the carrying out of qualifying club activities (24hr format)

Plays	Saturday	12:00	16:00
Indoor Sporting Event	Monday	12:00	23:00
	Tuesday	12:00	23:00
	Wednesday	12:00	23:00
	Thursday	12:00	23:00
	Friday	12:00	23:00
	Saturday	12:00	23:00
	Sunday	12:00	23:00
Recorded Music	Monday	12:00	23:00
	Tuesday	12:00	23:00
	Wednesday	12:00	23:00
	Thursday	12:00	23:00
	Friday	12:00	23:00
	Saturday	12:00	23:00
	Sunday	12:00	23:00
Dancing	Monday	12:00	23:00
	Tuesday	12:00	23:00
	Wednesday	12:00	23:00
	Thursday	12:00	23:00
	Friday	12:00	23:00
	Saturday	12:00	23:00
	Sunday	12:00	23:00
Supply of alcohol to a member of a club	Monday	12:00	23:00
	Tuesday	12:00	23:00
	Wednesday	12:00	23:00
	Thursday	12:00	23:00
	Friday	12:00	23:00
	Saturday	12:00	23:00
	Sunday	12:00	23:00
Seasonal variations for Live music, Recorded music, Dancing & Supply of alcohol	Christmas Day	12.00	14.00
	New Years Eve	12.00	00.30
Non standard timings for Live music, Recorded music, Dancing & Supply of alcohol	Bank Holidays	12.00	23.30

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

Monday	12:00	23:30
Tuesday	12:00	23:30
Wednesday	12:00	23:30
Thursday	12:00	23:30
Friday	12:00	23:30
Saturday	12:00	23:30
Sunday	12:00	23:30

Seasonal variations

Christmas Day	12.00	14.30
New Years Eve	12.00	01.00

Non standard timings

Bank Holidays	12.00	00.00
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Where the certificate authorises supplies of alcohol whether these are on and/ or off supplies

On & Off supplies

Annex 1 - Mandatory conditions

Embedded Restrictions

The Licence is granted on the condition that the restrictions contained within the enactments specified under Licensing Act 2003 Schedule 8 (6) are adhered to:

Restrictions relating to On Licence, Off Licence and clubs under 1964 Act are enclosed in Annex 4

0001 Mandatory conditions where licence authorises supply of alcohol

(1) Where a premises licence authorises the supply of alcohol, the licence must include the following conditions.

(2) The first condition is that no supply of alcohol may be made under the premises licence- (a) at a time when there is no designated premises supervisor in respect of the premises licence, or(b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.(3)

The second condition is that every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

0004 Prohibited conditions: plays

(1) In relation to a premises licence which authorises the performance of plays, no condition may be attached to the licence as to the nature of the plays which may be performed, or the manner of performing plays, under the licence.

(2) But subsection (1) does not prevent a licensing authority imposing, in accordance with section 18(2)(a) or (3)(b), 35(3)(b) or 52(3), any condition which it considers necessary on the grounds of public safety.

0005 The general conditions

(1) The general conditions which a club must satisfy if it is to be a qualifying club in relation to a qualifying club activity are the following.

(2) Condition 1 is that under the rules of the club persons may not- (a) be admitted to membership, or(b) be admitted, as candidates for membership, to any of the privileges of membership,without an interval of at least two days between their nomination or application for membership and their admission.

(3) Condition 2 is that under the rules of the club persons becoming members without prior nomination or application may not be admitted to the privileges of membership without an interval of at least two days between their becoming members and their admission.

(4) Condition 3 is that the club is established and conducted in good faith as a club (see section 63).

(5) Condition 4 is that the club has at least 25 members.

(6) Condition 5 is that alcohol is not supplied, or intended to be supplied, to members on the premises otherwise than by or on behalf of the club.

0006 Determining whether a club is established and conducted in good faith

(1) In determining for the purposes of condition 3 in subsection (4) of section 62 whether a club is established and conducted in good faith as a club, the matters to be taken into account are those specified in subsection (2).

(2) Those matters are- (a) any arrangements restricting the club's freedom of purchase of alcohol;(b) any provision in the rules, or arrangements, under which- (i) money or property of the club, or(ii) any gain arising from the carrying on of the club,is or may be applied otherwise than for the benefit of the club as a whole or for charitable, benevolent or political purposes;(c) the arrangements for giving members information about the finances of the club;(d) the books of account and other records kept to ensure the accuracy of that information;(e) the nature of the premises occupied by the club.(3) If a licensing authority decides for any purpose of this Act that a club does not satisfy condition 3 in subsection (4) of section 62, the authority must give the club notice of the decision and of the reasons for it.

0007 The additional conditions for the supply of alcohol

(1) The additional conditions which a club must satisfy if it is to be a qualifying club in relation to the supply of alcohol to members or guests are the following.

(2) Additional condition 1 is that (so far as not managed by the club in general meeting or otherwise by the general body of members) the purchase of alcohol for the club, and the supply of alcohol by the club, are managed by a committee whose members- (a) are members of the club;(b) have attained the age of 18

years; and(c) are elected by the members of the club. This subsection is subject to section 65 (which makes special provision for industrial and provident societies, friendly societies etc.). (3) Additional condition 2 is that no arrangements are, or are intended to be, made for any person to receive at the expense of the club any commission, percentage or similar payment on, or with reference to, purchases of alcohol by the club. (4) Additional condition 3 is that no arrangements are, or are intended to be, made for any person directly or indirectly to derive any pecuniary benefit from the supply of alcohol by or on behalf of the club to members or guests, apart from- (a) any benefit accruing to the club as a whole, or(b) any benefit which a person derives indirectly by reason of the supply giving rise or contributing to a general gain from the carrying on of the club.

0008 Industrial and provident societies, friendly societies etc.

(1) Subsection (2) applies in relation to any club which is- (a) a registered society, within the meaning of the Industrial and Provident Societies Act 1965 (c.12)(see section 74(1) of that Act),(b) a registered society, within the meaning of the Friendly Societies Act 1974 (c.46) (see section 111(1) of that Act), or(c) a registered friendly society, within the meaning of the Friendly Societies Act 1992 (c.40) (see section 116 of that Act).(2) Any such club is to be taken for the purposes of this Act to satisfy additional condition 1 in subsection (2) of section 64 if and to the extent that- (a) the purchase of alcohol for the club, and(b) the supply of alcohol by the club,are under the control of the members or of a committee appointed by the members.

(3) References in this Act, other than this section, to- (a) subsection (2) of section 64, or(b) additional condition 1 in that subsection,are references to it as read with subsection (1) of this section.

(4) Subject to subsection (5), this Act applies in relation to an incorporated friendly society as it applies in relation to a club, and accordingly- (a) the premises of the society are to be treated as the premises of a club,(b) the members of the society are to be treated as the members of the club, and(c) anything done by or on behalf of the society is to be treated as done by or on behalf of the club.(5) In determining for the purposes of section 61 whether an incorporated friendly society is a qualifying club in relation to a qualifying club activity, the society is to be taken to satisfy the following conditions- (a) condition 3 in subsection (4) of section 62,(b) condition 5 in subsection (6) of that section,(c) the additional conditions in section 64.(6) In this section 'incorporated friendly society' has the same meaning as in the Friendly Societies Act 1992 (see section 116 of that Act).

0018 Where off sales are permitted

The supply of alcohol for consumption off the premises must:

1. only be made at a time when the premises are open for the purposes of supplying alcohol, in accordance with this club premises certificate, to members of the club for consumption on the premises
2. be in a sealed container
3. only be made to a member of the club in person

Annex 2 - Conditions consistent with the Club operating Schedule

The Club will adhere to Club Rules and objectives, which are to provide a place where members and their bona fide guests can take part in social intercourse and rational recreation in a safe and comfortable environment.

The club is a member of the local pub watch scheme.

Members must conduct themselves in a responsible manner both inside and outside the club. Persons exhibiting inappropriate behaviour will be suspended or expelled from the Club.

The safety of members is paramount. The Club will comply with Fire and Health and safety Regulations and guidelines.

Suitable access will be provided for disabled members.

The maximum capacity of the function room shall not exceed 100 persons. Any examples of misbehaviour will be dealt with immediately.

Excessively loud music will not be permitted. Windows will be kept closed in the function room.

Club members are aware that they must leave the Club and respect persons living in nearby housing.

Children on the premises must be accompanied by a responsible adult and will only be permitted access to the function room and beer garden.

Signage will be posted that children must be accompanied when visiting the toilet.

Any young adult applying for membership of the Club must provide proof of age.

Annex 3 - Conditions attached after a hearing by the licensing authority
None

Annex 4 – Embedded Restrictions

EMBEDDED RESTRICTIONS ON LICENCE

S.59, 60, 63, 67A, 68, 70, 74, 76, LICENSING ACT 1964 PERMITTED HOURS“

Alcohol shall not be sold or supplied except during permitted hours. In this condition, permitted hours means:

On weekdays, other than Christmas Day, Good Friday or New Year's Eve, 11 a.m. to 11 p.m.

On Sundays, other than Christmas Day or New Year's Eve, 12 noon to 10.30 p.m.

On Good Friday, 12 noon to 10.30 p.m.

On Christmas Day, 12 noon to 3 p.m. and 7 p.m. to 10.30 p.m.

On New Year's Eve, except on a Sunday, 10 a.m. to 11 p.m.

On New Year's Eve on a Sunday, 12 noon to 10.30 p.m.

On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December).

The above restrictions do not prohibit:

a. the consumption of the alcohol on the premises during the first twenty minutes after the above hours;

b. the taking of the alcohol from the premises, (unless the alcohol is supplied or taken in an open vessel), during the first twenty minutes after the above hours;

c. the consumption of the alcohol on the premises by persons taking meals there during the first thirty minutes after the above hours, if the alcohol was supplied for consumption ancillary to those meals;

consumption of the alcohol on the premises by, or,

d. the taking, sale or supply of alcohol to any person residing in the licensed premises;

e. the ordering of alcohol to be consumed off the premises, or the dispatch by the vendor of the alcohol so ordered;

f. the sale of alcohol to a trader or club for the purposes of the trade or club;

g. the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces;

h. the taking of alcohol from the premises by a person residing there; or

i. the supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of alcohol by persons so supplied; or

j. the supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence, or the consumption of liquor so supplied, if the liquor is supplied at the expense of their employer or of the person carrying on or in charge of the business on the premises”

If a restriction Order is in place under S67A of the '64 Act the restricted hours should be imposed.

S68 LICENSING ACT 1964

Permitted Hours - On Licence with Supper Hours Certificate

Permitted Hours condition as above needs stating together with

“Alcohol may be sold or supplied [for one hour following the hours set out above and] [on Christmas Day, between 3 p.m. and 7 p.m.] to persons taking table meals in the premises in a part of the premises usually set apart for the service of such persons and for consumption by such a person in that part of the premises as an ancillary to his meal. For other purposes or in other parts of the premises the hours set out above shall continue to apply.

The above restrictions do not prohibit:

a. the consumption of the alcohol on the premises during the first twenty minutes after the above hours;

b. the taking of the alcohol from the premises, (unless the alcohol is supplied or taken in an open vessel), during the first twenty minutes after the above hours;

- c. the consumption of the alcohol on the premises by persons taking meals there during the first thirty minutes after the above hours, if the alcohol was supplied for consumption ancillary to those meals;
- d. consumption of the alcohol on the premises by, or, the taking, sale or supply of alcohol to any person residing in the licensed premises;
- e. the ordering of alcohol to be consumed off the premises, or the dispatch by the vendor of the alcohol so ordered;
- f. the sale of alcohol to a trader or club for the purposes of the trade or club;
- g. the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces;
- h. the taking of alcohol from the premises by a person residing there; or
- i. the supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of alcohol by persons so supplied; or
- j. the supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence, or the consumption of liquor so supplied, if the liquor is supplied at the expense of their employer or of the person carrying on or in charge of the business on the premises.

"S.70 LICENSING ACT 1964 PERMITTED HOURS - ON LICENCE WITH EXTENDED HOURS ORDER - SUPPER HOURS CERTIFICATE

"Alcohol may be sold or supplied until 1 a.m. in the morning following weekdays and 12.30 a.m. in the morning following Sundays to persons taking table meals in the premises in a part of the premises usually set apart for the service of such persons and for consumption by that person in that part of the premises as an ancillary to his meal. The alcohol must be sold or supplied at a time before;

- a. the provision of entertainment by persons present and performing or
- b. the provision of substantial refreshment, has ended

For other purposes or in other parts of the premises the hours set out above shall continue to apply.

This condition does not authorize any sale or supply to any person admitted to the premises either after midnight or less than half an hour before the entertainment is due to end, except in accordance with [the supper hours] condition.

The above restrictions do not prohibit:

- a. the consumption of the alcohol on the premises during the first twenty minutes after the above hours;
- b. the taking of the alcohol from the premises, (unless the alcohol is supplied or taken in an open vessel), during the first twenty minutes after the above hours;
- c. the consumption of the alcohol on the premises by persons taking meals there during the first thirty minutes after the above hours, if the alcohol was supplied for consumption ancillary to those meals;
- d. consumption of the alcohol on the premises by, or, the taking, sale or supply of alcohol to any person residing in the licensed premises;
- e. the ordering of alcohol to be consumed off the premises, or the dispatch by the vendor of the alcohol so ordered;
- f. the sale of alcohol to a trader or club for the purposes of the trade of club;
- g. the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces;
- h. the taking of alcohol from the premises by a person residing there; or
- i. the supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of alcohol by persons so supplied; or
- j. the supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence, or the consumption of liquor so supplied, if the liquor is supplied at the expense of their employer or of the person carrying on or in charge of the business on the premises."

S77 LICENSING ACT 1964 ON LICENCE WITH SPECIAL HOURS CERTIFICATE

“Alcohol shall not be sold or supplied except during permitted hours.

1. The permitted hours shall commence:-

- On days, other than Sundays, Christmas Day and Good Friday, at 10 a.m.
- On Sundays, Christmas Day and Good Friday at noon

(NB For New Years Eve permitted hours commence at 10 a.m. unless New Year's Eve falls on a Sunday when they shall commence at noon)

2. Subject to the following paragraphs, the permitted hours on weekdays shall extend until two o'clock the following morning [or, if an earlier hour is specified in the special hours certificate, that hour] except that –

a. the permitted hours shall end at midnight on any day on which music and dancing is not (or, in the case of casino premises, gaming facilities are not) provided after midnight; and

b. on any day that music and dancing end (or, in the case of casino premises, gaming ends) between midnight and two o'clock in the morning, the permitted hours shall end when the music and dancing end (or, as the case may be, when the gaming ends)

3. In relation to the morning on which summer time begins, paragraph (2) of this condition shall have effect with the substitution of references to three o'clock in the morning for references to two o'clock in the morning [or one hour following the hour actually specified in the certificate where the certificate currently requires closure between 1 a.m. and 2 a.m.]

4. Except as provided in (5) below the permitted hours on Sundays shall extend until thirty minutes past midnight in the following morning [or if an earlier hour is specified in the certificate, that hour] except that –

a. the permitted hours shall end at midnight on any Sunday on which music and dancing is not (or in the case of casino premises, gaming facilities are not) provided after midnight;

b. where music and dancing end (or, in the case of casino premises, gaming ends) between midnight on any Sunday and thirty minutes past midnight, the permitted hours on that Sunday shall end when the music and dancing end (or, as the case may be, when the gaming ends).

5. On Sundays immediately before bank holidays other than Easter Sunday, the permitted hours shall extend until 2 a.m. the following morning except that –

- a. the permitted hours shall end at midnight on any Sunday on which the music or dancing is not (or in the case of casino premises, gaming facilities are not) provided after midnight;
- b. where music and dancing end (or in the case of casino premises gaming ends) between midnight on any Sunday and 2 a.m., the permitted hours on that Sunday shall end when the music and dancing end (or, as the case may be, when the gaming ends).

6. On New Year's Eve the permitted hours shall extend through from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, to midnight on 31st December).

For casino premises:

7. The sale of alcohol must be ancillary to the use of the premises for gaming facilities and substantial refreshment.

For other premises

8. The sale of alcohol must be ancillary to the use of the premises for music and dancing and substantial refreshment.

The above restrictions do not prohibit:

- a. the consumption of the alcohol on the premises during the first twenty minutes after the above hours;

- b. the taking of the alcohol from the premises (unless the alcohol is supplied or taken in an open vessel) during the first twenty minutes after the above hours;
- c. the consumption of the alcohol on the premises by persons taking meals there during the first thirty minutes after the above hours, if the alcohol was supplied for consumption ancillary to those meals;
- d. consumption of the alcohol on the premises by, or, the taking, sale or supply of alcohol to any person residing in the licensed premises;
- e. the ordering of alcohol to be consumed off the premises, or the dispatch by the vendor of the alcohol so ordered;
- f. the sale of alcohol to a trader of club for the purposes of the trade or club;
- g. the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's navel, military or air forces;
- h. the taking of alcohol from the premises by a person residing there; or the supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of alcohol by persons so supplied; or
- i. the supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence, or the consumption of liquor so supplied, if the liquor is supplied at the expense of their employer or of the person carrying on or in charge of the business on the premises.

"Alcohol may be sold or supplied:

On weekdays, other than Christmas Day, Good Friday or New Years Eve from 10am to 12 pm

On Sundays, other than Christmas Day or New Years Eve, and on Good Friday; 12noon to 11.30 pm

On Christmas Day; 12 noon to 11.30pm; For residential licences only from 12 noon to 10.30 with a break of four hours beginning at 3pm.

On New Years Eve, except on a Sunday, 10am to midnight;

On New Years Eve on a Sunday, 12 noon to 11.30pm

On New Years Eve from the end of permitted hours on New Years Eve to the Start of permitted hours on the following day (or if there are no permitted hours on the following day, midnight on the 31st December)

The above restrictions do not prohibit;

- a. the consumption of the alcohol on the premises during the first twenty minutes after the above hours;
- b. the taking of the alcohol from the premises, (unless the alcohol is supplied or taken in an open vessel,) during the first twenty minutes after the above hours;
- c. the consumption of the alcohol on the premises by persons taking meals there by during the first thirty minutes after the above hours, if the alcohol was supplied for consumption ancillary to those meals;
- d. consumption of the alcohol on the premises by, or, the taking, sale or supply of alcohol to any person residing in the licensed premises.

Suitable non-alcoholic beverages including drinking water shall equally be available for consumption with or otherwise as an ancillary to meals served in the licensed premises.

Restaurant licences The premises must be bona fide used for the purpose of habitually providing the customary main meal at midday or in the evening, or both, for the accommodation of persons frequenting the premises.

Residential and restaurant licences

The premises must be bona fide used for the purpose of:

- a. habitually providing the customary main meal at midday or in the evening, or both, for the accommodation of persons frequenting the premises.
- b. habitually providing for reward board and lodging including breakfast and at least one of the other customary main meals.

S. 168, 171, 201 LICENSING ACT 1964 ON-LICENCE - NO CHILDREN'S CERTIFICATE

'No person under 14 shall be in the bar of the licensed premises during the permitted hours unless one of the following applies:

1. He is the child of the holder of the premises licence.
2. He resides in the premises, but is not employed there.
3. He is in the bar solely for the purpose of passing to and from some part of the premises, which is not a bar, and to or from which there is no other convenient means of access or egress.
4. The bar is in premises constructed, fitted and intended to be used bona fide for any purpose to which the holding of the licence is ancillary.

In this condition "bar" includes any place exclusively or mainly used for the consumption of intoxicating liquor. But an area is not a bar when it is usual for it to be, and it is, set apart for the service of table meals and alcohol is only sold or supplied to persons as an ancillary to their table meals"

S.168, 168A, 171, 201, SCH 12A LICENSING ACT 1964 ON-LICENSES PREMISES WITH CHILDREN'S CERTIFICATES

"No person under fourteen shall be in the bar of the premises during the permitted hours unless one of the following applies:

1. He is the child of the holder of the premises licence.
2. He resides in the premises, but is not employed there.
3. He is in the bar solely for the purpose of passing to or from some part of the premises, which is not a bar, and to or from which there is no other convenient means of access or egress.
4. The bar is in premises constructed, fitted and which the holding of the licence is ancillary.
5. a. He is in an area shown on the plan attached to the licence
5. b. Meals and non-alcoholic beverages are available for sale for consumption in that area.
5. c. He is in the company of a person aged 18 or over.
5. d. He is there:
 - i. prior to 9pm
 - ii. between 9pm and 9.30pm where he or the said person is consuming a meal purchased before 9pm.

In this condition "bar" includes any place exclusively or mainly used for the consumption of intoxicating liquor. But an area is not a bar when it is usual for it to be, and it is, set apart for the service of table meals and alcohol is only sold or supplied to persons as an ancillary to their table meals."

Embedded Restrictions CLUB premises

S. 59, 60, 63, 67A, 68, 70, 74, 76, 78 LA 1964 PERMITTED HOURS

"Alcohol shall not be sold or supplied except during permitted hours.

In this condition, permitted hours means:

On weekdays, other than Christmas Day, Good Friday or New Years Eve, 11am to 11pm

On Sundays, other than Christmas Day or New Years Eve, 12 noon to 10.30pm

On Good Friday, 12 noon to 10.30 pm

On New Years Eve, except on a Sunday, 10 am to 10.30 pm

On New Years Eve on a Sunday, 12 noon to 10.30pm

On New Years Eve from the end of permitted hours to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December).

On Christmas Day as provide by the rules of the Club and notified in writing by the Chairman or Secretary of the club to the Chief Executive of the justices for the petty sessions area in which the premises are.

The said hours shall:

- i. not exceed six and a half hours;
- ii. not begin earlier than 12 noon
- iii. not end later than 10.30 pm
- iv. provide for a break of at least 2 hours, including 3pm to 5pm.

v. not extend for more than three and a half hours after 5pm

The above restrictions do not prohibit the supply to, or consumption by, any person of alcohol in any premises where they are residing.

The above restrictions do not prohibit;

- a. the consumption of the alcohol on the premises during the first twenty minutes after the above hours;
- b. the taking of the alcohol from the premises, (unless the alcohol is supplied or taken in an open vessel,) during the first twenty minutes after the above hours;
- c. the consumption of the alcohol on the premises by persons taking meals there during the first thirty minutes after the above hours, if the alcohol was supplied for consumption ancillary to those meals
- d. consumption of the alcohol on the premises by, or, the taking, sale or supply of alcohol to any person residing in the licensed premises
- e. the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
- f. the sale of alcohol to a trader or club for the purposes of the trade or club
- g. the sale or supply of alcohol to any canteen or mess, being a canteen in which the supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces;
- h. the taking of alcohol from the premises by a person residing there; or
- i. the supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of alcohol by persons so supplied; or
- j. the supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence, or the consumption of liquor so supplied, if the liquor is supplied at the expense of their employer or of the person carrying on or in charge of the business on the premises"

EMBEDDED RESTRICTIONS - LICENSING S. 60, 63, 86, ACT 1964 PERMITTED HOURS (OFF-LICENSES AND OFF-SALES DEPARTMENTS OF ON-LICENSED PREMISES)

"Alcohol shall not be sold or supplied except during permitted hours.

In this condition, permitted hours means:

- a. On weekdays, other than Christmas Day, 8am to 11pm
- b. On Sundays, other than Christmas Day, 10 am to 10.30pm
- c. On Christmas Day, 12 noon to 3pm and 7 pm to 10.30pm
- d. On Good Friday, 8 am to 10.30 pm

The above restrictions do not prohibit:

- a. the taking of the alcohol from the premises, (unless the alcohol is supplied or taken in an open vessel,) during the first twenty minutes after the above hours;
- b. the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
- c. the sale of alcohol to a trader or club for the purposes of the trade or club;
- d. the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces."

S 164 Licensing Act 1964 Off-licence Consumption

"Alcohol shall not be sold in an open container or be consumed in, the licensed premises".

Appendix 5: Objection Notice from Durham Constabulary

From: Licensed Economy Team

Sent: 25 August 2023 15:10

To:

Cc: AHS Licensing

EHCP

Subject: [EXTERNAL]:OBJECTION RE: Licensing Act 2003 - TEN Application Received - Newton Aycliffe Navy Club, Bluebell Way, Newton Aycliffe - 30 Sept 2023

Good afternoon,

Durham Constabulary wish to object to this TEN application. An explanation of that objection is contained below.

This objection has also been sent to the applicant Mr Kimpton.

To whom it may concern

Subject: TEN for Newton Aycliffe Navy Club, Bluebell Way, Newton Aycliffe, DL5 7PW on Saturday 30th September 2023.

Durham Constabulary wish to object to the notice on the grounds of crime and disorder and public safety.

The applicant gives notice of licensable activities from 7pm until 11pm on Saturday 30th September 2023, namely the sale of alcohol, the sale of alcohol on or on behalf of a club and the provision of regulated entertainment.

The premises has operated under a club premises certificate for a number of years however since 2nd June 2023 the venue has a live premise licence after an application submitted to the licensing authority was granted, after the consultation period with responsible authorities concluded on 1st June 2023.

The premises licence application was prompted after a large-scale disturbance took place at the venue on Saturday 8th April 2023 that highlighted a number of licensing related issues. The event was a wedding booking and it appeared that licensing rules relating to the club certificate were likely breached. That is to say that guests were likely not signed in by club members. The disturbance resulted in police attendance, multiple arrests and an older lady and child requiring medical help. It is highly likely that the breaching of club certificate rules played a part in not preventing the disturbance, which seemed to have involved non-member patrons.

This incident prompted visits by police licensing and licensing enforcement that resulted in a premises licence application being submitted to allow for non-members to use the facilities for functions. This is a common practice across the club venues to allow additional revenue and prevent breaches of their club certificates.

A set of conditions were suggested by police and agreed by the applicant during the consultation period. The use of temporary event notices was suggested only as a bridge for non-members functions until the premises licence became live.

The premises licence has the agreed conditions that -

'A minimum of 2 SIA registered door staff will be on duty at the premises from 19:00hrs until close for every private function/ event. The need for further door staff will be risk assessed for each function/ event.'

This condition is there to prevent a repeat of the incident on 8th April where no door staff were present. The notice describes the nature of event as an 18th Birthday Party, . . . restricted to the Function Room during the event'. As the applicant has given notice of alcohol 'sales', then this is surely a function/event where their premises licence needs to be utilised.

Durham Constabulary feel that the use of a TEN in these circumstances is wholly inappropriate and that the whole point of the premises licence is to facilitate functions such as these. The use of the TEN supersedes the CPC and the premises licence, most worryingly the condition for door security is

also superseded. The premises function room will effectively be condition free for the duration of the notice. The events of 8th April highlighted failings of the committee and staff that day that seriously undermined the licensing objectives.

Is it not the case that the premises simply do not want to pay for door staff to fulfil the above premises licence condition that they agreed less than a month ago?

This is now the third notice submitted where the premises licence should have been utilised that has led to Durham Constabulary having no option but to object.

Whilst these comments mirror those made by PC Robertson on previous objections, the reasons for the objections remain exactly the same. This does not mean the event cannot go ahead. It can, but in line with the premises licence and the conditions on that licence.

Regards,

Alan Newcombe

PC 1291

Durham Constabulary

Licensing economy team

Annand House Meadowfield

Appendix 6: 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.

7.1 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.

Appendix 7: Section 182 Guidance

Crime and disorder

- 2.1 Licensing authorities should look to the police as the main source of advice on crime and disorder. They should also seek to involve the local Community Safety Partnership (CSP).
- 2.2 In the exercise of their functions, licensing authorities should seek to co-operate with the Security Industry Authority (“SIA”) as far as possible and consider adding relevant conditions to licences where appropriate. The SIA also plays an important role in preventing crime and disorder by ensuring that door supervisors are properly licensed and, in partnership with police and other agencies, that security companies are not being used as fronts for serious and organised criminal activity. This may include making specific enquiries or visiting premises through intelligence led operations in conjunction with the police, local authorities and other partner agencies. Similarly, the provision of requirements for door supervision may be appropriate to ensure that people who are drunk, drug dealers or people carrying firearms do not enter the premises and ensuring that the police are kept informed.
- 2.3 Conditions should be targeted on deterrence and preventing crime and disorder including the prevention of illegal working in licensed premises (see paragraph 10.10). For example, where there is good reason to suppose that disorder may take place, the presence of closed-circuit television (CCTV) cameras both inside and immediately outside the premises can actively deter disorder, nuisance, anti-social behaviour and crime generally. Some licence holders may wish to have cameras on their premises for the prevention of crime directed against the business itself, its staff, or its customers. But any condition may require a broader approach, and it may be appropriate to ensure that the precise location of cameras is set out on plans to ensure that certain areas are properly covered and there is no subsequent dispute over the terms of the condition.
- 2.4 The inclusion of radio links and ring-round phone systems should be considered an appropriate condition for public houses, bars and nightclubs operating in city and town centre leisure areas with a high density of licensed premises. These systems allow managers of licensed premises to communicate instantly with the police and facilitate a rapid response to any disorder which may be endangering the customers and staff on the premises.
- 2.5 Conditions relating to the management competency of designated premises supervisors should not normally be attached to premises licences. It will normally be the responsibility of the premises licence holder as an employer, and not the licensing authority, to ensure that the managers appointed at the premises are competent and appropriately trained. The designated premises supervisor is the key person who will usually be responsible for the day to day management of the premises by the premises licence holder, including the prevention of disorder. A condition of this kind may only be justified as appropriate in rare circumstances where it can be demonstrated that, in the circumstances associated with particular premises, poor management competency

could give rise to issues of crime and disorder and public safety.

- 2.6 The prevention of crime includes the prevention of immigration crime including the prevention of illegal working in licensed premises. Licensing authorities should work with Home Office Immigration Enforcement, as well as the police, in respect of these matters. Licence conditions that are considered appropriate for the prevention of illegal working in licensed premises might include requiring a premises licence holder to undertake right to work checks on all staff employed at the licensed premises or requiring that a copy of any document checked as part of a right to work check are retained at the licensed premises.

Public safety

- 2.7 Licence holders have a responsibility to ensure the safety of those using their premises, as a part of their duties under the 2003 Act. This concerns the safety of people using the relevant premises rather than public health which is addressed in other legislation. Physical safety includes the prevention of accidents and injuries and other immediate harms that can result from alcohol consumption such as unconsciousness or alcohol poisoning. Conditions relating to public safety may also promote the crime and disorder objective as noted above. There will of course be occasions when a public safety condition could incidentally benefit a person's health more generally, but it should not be the purpose of the condition as this would be outside the licensing authority's powers (be ultra vires) under the 2003 Act. Conditions should not be imposed on a premises licence or club premises certificate which relate to cleanliness or hygiene.
- 2.8 A number of matters should be considered in relation to public safety. These may include:
- Fire safety;
 - Ensuring appropriate access for emergency services such as ambulances;
 - Good communication with local authorities and emergency services, for example communications networks with the police and signing up for local incident alerts (see paragraph 2.4 above);
 - Ensuring the presence of trained first aiders on the premises and appropriate first aid kits;
 - Ensuring the safety of people when leaving the premises (for example, through the provision of information on late-night transportation);
 - Ensuring appropriate and frequent waste disposal, particularly of glass bottles;
 - Ensuring appropriate limits on the maximum capacity of the premises (see paragraphs 2.12-2.13, and Chapter 10; and
 - Considering the use of CCTV in and around the premises (as noted in paragraph 2.3 above, this may also assist with promoting the crime and disorder objective).
- 2.9 The measures that are appropriate to promote public safety will vary between premises and the matters listed above may not apply in all cases. As set out in Chapter 8 (8.38-8.46), applicants should consider when making their application which steps it is appropriate to take to promote the public safety objective and demonstrate how they achieve that.

Ensuring safe departure of those using the premises

2.10 Licence holders should make provision to ensure that premises users safely leave their premises. Measures that may assist include:

- Providing information on the premises of local taxi companies who can provide safe transportation home; and
- Ensuring adequate lighting outside the premises, particularly on paths leading to and from the premises and in car parks.

Maintenance and repair

2.11 Where there is a requirement in other legislation for premises open to the public or for employers to possess certificates attesting to the safety or satisfactory nature of certain equipment or fixtures on the premises, it would be inappropriate for a licensing condition to require possession of such a certificate. However, it would be permissible to require as a condition of a licence or certificate, if appropriate, checks on this equipment to be conducted at specified intervals and for evidence of these checks to be retained by the premises licence holder or club provided this does not duplicate or gold-plate a requirement in other legislation. Similarly, it would be permissible for licensing authorities, if they receive relevant representations from responsible authorities or any other persons, to attach conditions which require equipment of particular standards to be maintained on the premises. Responsible authorities – such as health and safety authorities – should therefore make their expectations clear in this respect to enable prospective licence holders or clubs to prepare effective operating schedules and club operating schedules.

Safe capacities

2.12 “Safe capacities” should only be imposed where appropriate for the promotion of public safety or the prevention of disorder on the relevant premises. For example, if a capacity has been imposed through other legislation, it would be inappropriate to reproduce it in a premises licence. Indeed, it would also be wrong to lay down conditions which conflict with other legal requirements. However, if no safe capacity has been imposed through other legislation, a responsible authority may consider it appropriate for a new capacity to be attached to the premises which would apply at any material time when the licensable activities are taking place and make representations to that effect. For example, in certain

circumstances, capacity limits may be appropriate in preventing disorder, as overcrowded venues can increase the risks of crowds becoming frustrated and hostile.

2.13 The permitted capacity is a limit on the number of persons who may be on the premises at any time, following a recommendation by the relevant fire and rescue authority under the Regulatory Reform (Fire Safety) Order 2005. For any application for a premises licence or club premises certificate for premises without an existing permitted capacity where the applicant wishes to take advantage of the special provisions set out in section 177 of the 2003 Act¹, the applicant should conduct their own risk assessment as to the those premises should be.

2.14 Public safety may include the safety of performers appearing at any premises, but does not extend to the prevention of injury from participation in a boxing or wrestling entertainment.

7. Temporary Event Notices (TENs)

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

General

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

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

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

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

7.6 The police or EHA (“relev Revised Guidance issued under section 182 of the Licensing Act 2003 result in the licensing authority imposing conditions on a TEN but only where the venue at which the event is to be held has an existing premises licence or club premises certificate. When giving a TEN, the premises user should consider the promotion of the four licensing objectives. The licensing authority may

only otherwise intervene if the statutory permitted limits on TENs would be exceeded (see paragraphs 7.15-7.22).

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

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

Standard temporary event notices

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

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

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

Late temporary event notices

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

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

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

Limitations

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

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

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

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

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

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

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

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

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

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

Who can give a temporary event notice? Personal licence holders

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

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

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

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

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

from the police or EHA on the basis of any of the four licensing objectives (see paragraphs below).

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

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

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

7.31 Section 8 of the 2003 Act requires licensing authorities to keep a register containing certain matters, including a record of TENs received. Under Schedule 3 of the 2003 Act, the licensing authority must also keep a record of such matters including any notice of withdrawal of a TEN, any counter notice to a TEN given following an objection by a relevant person and any TEN received following modification. If requested to do so, a licensing authority must supply a person with a copy of the information contained in any entry in its register. Each licensing authority must also provide facilities for making the information contained in the entries in its register available for inspection by any person during office hours and without payment. Licensing authorities may wish to consider bringing TENs to the attention of local councillors and residents by making their register available online or including relevant details of a TEN when it is received, along with notice of licence applications on the authority's website. There is no requirement to record all the personal information given on a TEN.

Police and environmental health intervention

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

7.33 If the police or EHA believe that allowing the premises to be used in accordance with the TEN will undermine the licensing objectives, they must give the premises

user and the licensing authority an objection notice. The objection notice must be given within the period of three working days following the day on which they received the TEN.

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

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

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

Modification

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

Applying conditions to a TEN

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

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

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

Duty of premises users to keep and produce TENS

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