

# Statutory Licensing Sub-Committee

14<sup>th</sup> February 2013

## Consideration of a Temporary Event Notice



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

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**Name of Premises User:** Kelly Holness

#### 1. Summary

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 relating to:

The Market Vaults  
Back Silver Street  
Durham  
DH1 3RA

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

Officers are unable to determine this matter due to an objection notice being received from Durham Constabulary on the basis that the event will undermine the licensing objective, the Prevention of Crime and Disorder.

#### 2. Details of the Notice

On 31<sup>st</sup> January 2013, the premises user, Kelly Holness served a Temporary Event Notice for The Market Vaults, Durham. A copy of this notice is attached as Appendix 2.

The licensable activities that the premises user intends to carry out under the TEN are set out in the table below:

Licensable Activities	Date and Time
Sale by Retail of Alcohol The Provision of Late Night Refreshment	14 <sup>th</sup> February 2013 19:00 – 03:00 hrs. on each day

The Market Vaults public house currently holds a premises licence issued under the Licensing Act 2003. For Members' information, the permitted licensable activities and times are as follows:

Licensable Activities	Days and Times
Sale by Retail of Alcohol (for consumption on and off the premises)	Mon: 19:00-02:00 hrs Tues to Thurs: 19:00-01:00hrs Fri & Sat: 19:00-02:00 hrs Sun: 19:00-01:00 hrs
Films and Live Music (Indoors only)	Mon to Sun: 11:00-01:30 hrs
Recorded Music (Indoors only)	Mon: 19:00-02:30 hrs Tues to Thurs: 19:00-01:30hrs Fri & Sat: 19:00-02:30 hrs Sun: 19:00-01:30 hrs
Performances of Dance/Dancing (Indoors only)	Mon to Thurs: 11:00-01:30 hrs Fri & Sat: 11:00-02:30 hrs Sun: 11:00-01:30 hrs
Entertainment Similar to Live Music, Recorded Music or Performance of Dance (Indoors only)	Mon to Sun: 11:00-01:30 hrs
Late Night Refreshment (Indoors only)	Mon: 23:00-02:30 hrs Tues to Thurs: 23:00-01:30hrs Fri & Sat: 23:00-02:30 hrs Sun: 23:00-01:30 hrs
All activities:	On Bank Holidays, Saints Days, Christmas Eve & Boxing Day: Until 02:30 hrs. New Years Eve: 11:00-24:00 hrs. New Years Day: 00:00-to end of permitted hours.
Opening Hours	Mon: 11:00-02:30 hrs Tues to Thurs: 11:00-01:30 hrs Fri & Sat: 11:00-02:30 hrs Sun: 11:00-01:30 hrs On Bank Holidays, Saints Days, Christmas Eve & Boxing Day: 11:00-02:30 hrs. New Years Eve: 11:00-24:00 hrs. New Years Day: 00:00-to end of permitted opening hours.

A copy of the Premises Licence is attached at Appendix 3.

### **3. The Objection**

On 5<sup>th</sup> February 2013, the Licensing Authority received an objection notice from Durham Constabulary on the grounds of the Prevention of Crime & Disorder stating that their records indicate 32 incidents at the premises.

A copy of the objection is attached as Appendix 4.

### **4. The Parties**

The Parties to the hearing will be:

- Kelly Holness (premises user)
- Sgt Tim Robson, Durham Constabulary

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

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

- 5.0 - The Prevention of Crime and Disorder

Relevant information is attached at Appendix 5.

### **6. Section 182 Guidance**

The Sub-Committee's attention is drawn to the Guidance issued under section 182 of the Licensing Act 2003 and in particular

- 2.1 Licensing objectives – Crime and Disorder
- 7.0 Temporary Event Notices

### **7. For Decision**

Members are requested to consider whether to allow the event to proceed and subsequently issue a notice of decision to the premises user and Durham Constabulary.

Members may also impose one or more of the Premises Licence conditions on the Temporary Event Notice if they consider it appropriate for the promotion of the licensing objectives.

Alternatively, Members may wish to prohibit the event and subsequently issue a Counter Notice / Prescribed form of Notice and give reasons to both parties.

### **Background Papers:**

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

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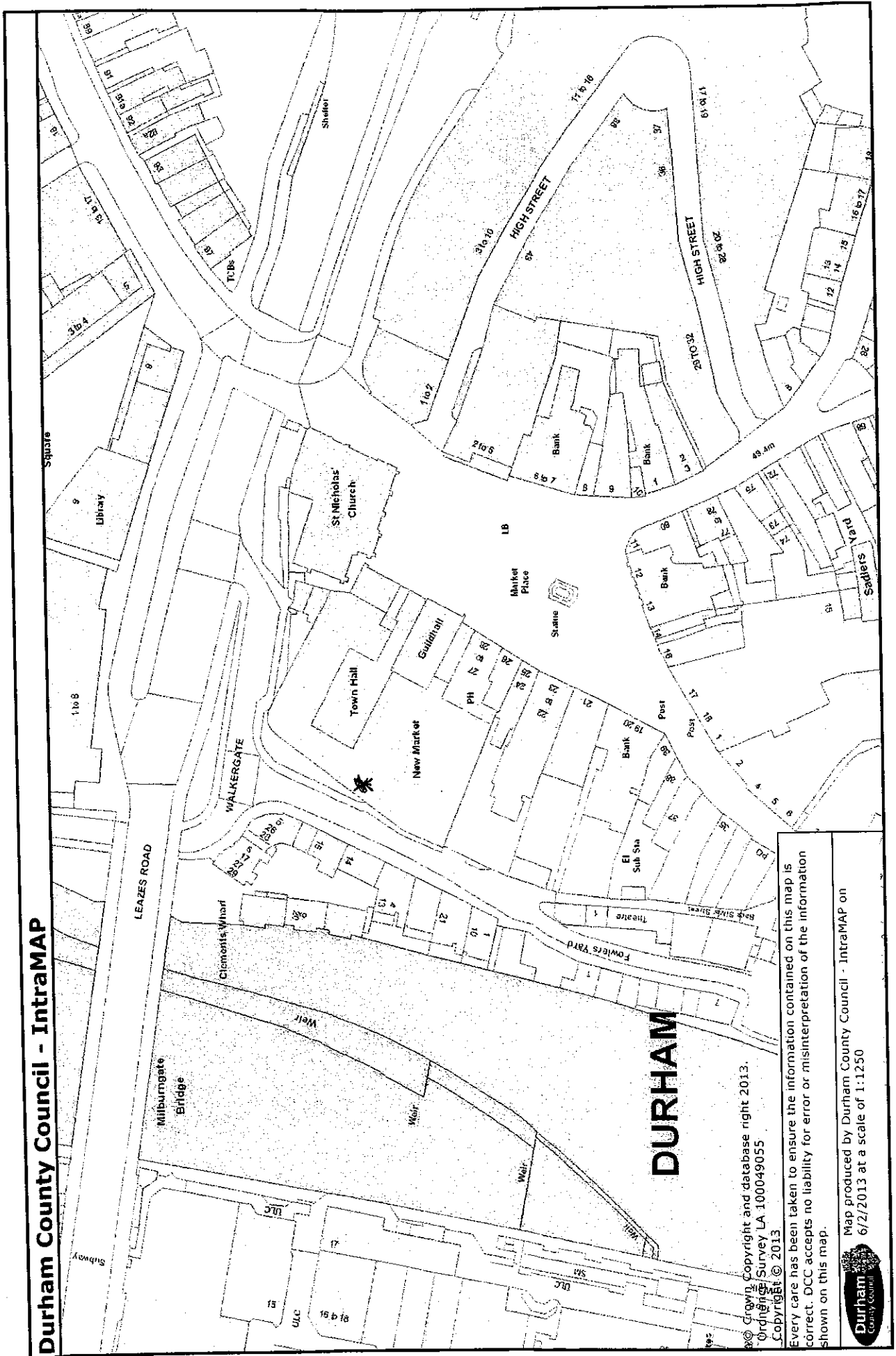
**Contact: Karen Monaghan**

**Tel: 03000 265104**

**Email: [Karen.monaghan@durham.gov.uk](mailto:Karen.monaghan@durham.gov.uk)**

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## **APPENDIX 1 – LOCATION PLAN**



**APPENDIX 2 – TEMPORARY EVENT NOTICE**

**DURHAM COUNTY COUNCIL, Licensing Services,  
PO Box 617, Durham, DH1 9HZ**

**Temporary Event Notice**

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

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

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



8. Alternative address for correspondence (If you complete the details below, we will use this address to correspond with you)	
Market vaults Barr Silver Street Durham	
Post town	Postcode DH1 3EA
9. Alternative contact details (if applicable)	
Telephone numbers: Daytime	
Evening (optional)	
Mobile (optional)	
Fax number (optional)	
E-Mail address (if available)	

2. The premises	
Please give the address of the premises where you intend to carry on the licensable activities or, if it has no address, give a detailed description (including the Ordnance Survey references) (Please read note 2)	
Market vaults Barr Silver Street Durham DH1 3EA	
Does a premises licence or club premises certificate have effect in relation to the premises (or any part of the premises)? If so, please enter the licence or certificate number below.	
Premises licence number	LAPRE 10910724
Club premises certificate number	
If you intend to use only part of the premises at this address or intend to restrict the area to which this notice applies, please give a description and details below. (Please read note 3)	
Please describe the nature of the premises below. (Please read note 4)	
nightclub	
Please describe the nature of the event below. (Please read note 5)	
valentines event	



3. The licensable activities	
Please state the licensable activities that you intend to carry on at the premises (please tick all licensable activities you intend to carry on). (Please read note 6)	
The sale by retail of alcohol	<input checked="" type="checkbox"/>
The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club	<input type="checkbox"/>
The provision of regulated entertainment	<input checked="" type="checkbox"/>
The provision of late night refreshment	<input checked="" type="checkbox"/>
Are you giving a late temporary event notice? (Please read note 7)	<input type="checkbox"/>
Please state the dates on which you intend to use these premises for licensable activities. (Please read note 8)	
14/02/13 - 15/02/13	
Please state the times during the event period that you propose to carry on licensable activities (please give times in 24 hour clock). (Please read note 9)	
19.00 - 03.00	
Please state the maximum number of people at any one time that you intend to allow to be present at the premises during the times when you intend to carry on licensable activities, including any staff, organisers or performers. (Please read note 10)	
450	
If the licensable activities will include the supply of alcohol, please state whether the supplies will be for consumption on or off the premises, or both (please tick as appropriate). (Please read note 11)	On the premises only <input checked="" type="checkbox"/>
	Off the premises only <input type="checkbox"/>
	Both <input type="checkbox"/>

4. Personal licence holders (Please read note 13)

Do you currently hold a valid personal licence?  
(Please tick)  Yes  No

If "Yes" please provide the details of your personal licence below

Issuing licensing authority	Durham County Council
Licence number	DCCPE220169
Date of issue	25/07/11
Date of expiry	25/07/12
Any further relevant details	

5. Previous temporary event notices you have given for events in the same premises (Please read note 14 and tick the boxes that apply to you)

Have you previously given a temporary event notice in respect of any premises for events falling in the same calendar year as the event for which you are now giving this temporary event notice?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
If answering yes, please state the number of temporary event notices (including the number of late temporary event notices, if any) you have given for events in that same calendar year	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 b) begins 24 hours or less after the event period proposed in this notice?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>

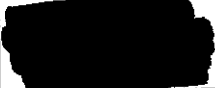
6. Associates and business colleagues (Please read note 14 and tick the boxes that apply to you)

Has any associate of yours given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?	Yes <input checked="" type="checkbox"/>	No <input checked="" type="checkbox"/>
If answering yes, please state the total number of temporary event notices (including the number of late temporary event notices, if any) your associate(s) have given for events in the same calendar year.		
Has any associate of yours already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Has any person with whom you are in business carrying on licensable activities given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>

If answering yes, please state the total number of temporary event notices (including the number of late temporary event notices, if any) your business colleague(s) have given for events in the same calendar year.		
Has any person with whom you are in business carrying on licensable activities already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>

7. Checklist (Please read note 15)	
I have: (Please tick the appropriate boxes)	
Sent at least one copy of this notice to the licensing authority for the area in which the premises are situated	<input type="checkbox"/>
Sent a copy of this notice to the chief officer of police for the area in which the premises are situated	<input type="checkbox"/>
Sent a copy of this notice to the local authority exercising environmental health functions for the area in which the premises are situated	<input type="checkbox"/>
If the premises are situated in one or more licensing authority areas, sent at least one copy of this notice to each additional licensing authority	<input type="checkbox"/>
If the premises are situated in one or more police areas, sent a copy of this notice to each additional chief officer of police	<input type="checkbox"/>
If the premises are situated in one or more local authority areas, sent a copy of this notice to each additional local authority exercising environmental health functions	<input type="checkbox"/>
Made or enclosed payment of the fee for the application	<input type="checkbox"/>
Signed the declaration in Section 9 below	<input type="checkbox"/>

8. Condition (Please read note 16)
It is a condition of this temporary event notice that where the relevant licensable activities described in Section 3 above include the supply of alcohol that all such supplies are made by or under the authority of the premises user.

9. Declarations (Please read note 17)	
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 or in connection with this temporary event notice and that a person is liable on summary conviction for such an offence to a fine not exceeding level 5 on the standard scale; 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 not exceeding £20,000, or to imprisonment for a term not exceeding six months, or to both.	
Signature	
Date	28/01/13

Name of Person signing	[REDACTED]
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For completion by the licensing authority

10. Acknowledgement (Please read note 18)	
I acknowledge receipt of this temporary event notice.	
Signature	On behalf of the licensing authority
Date	
Name of Officer signing	

## **APPENDIX 3 – PREMISES LICENCE**



## LICENSING ACT 2003 PREMISES LICENCE

**Premises Licence number**  
**Granted**  
**Issued**

LAPRE/10/0187
25/03/2010
04/03/2011

**Part 1 – Premises details**

<b>Postal address of premises, or if none, ordnance survey map reference or description</b>	<b>Issuing Authority</b>
Market Vaults Rear Of Market Hall Back Silver Street Durham DH1 3RA	DURHAM COUNTY COUNCIL Unit 1 Damson Way Dragonville Industrial Estate Durham DH1 2YN
<b>Post town:</b> Durham	<b>Postcode:</b> DH1 3RA
<b>Telephone number:</b> 0191 3867700	

**Where the licence is time limited the dates**

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**Licensable activities authorised by this licence**

Sale of Alcohol  
 Films  
 Live Music  
 Recorded Music  
 Performances of Dance  
 Anything of a similar description  
 Dancing  
 Entertainment of similar description  
 Late night refreshment

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

Monday	11:00 – 02:30
Tuesday	11:00 – 01:30
Wednesday	11:00 – 01:30
Thursday	11:00 – 01:30
Friday	11:00 – 02:30
Saturday	11:00 – 02:30
Sunday	11:00 – 01:30

**Non standard/seasonal timings:**

The Sale of alcohol (for consumption both on and off the premises), provision of regulated entertainment and provision of late night refreshment from commencement of standard hours on 31st December to the termination of standard hours on the 1st January.

In respect of Bank Holidays falling on a Monday, and where Burns Night, Valentines Day, St. David's Day, St. Patrick's Day, St. George's Day, Christmas Eve and Boxing Day do not fall on a Thursday, Friday or Saturday, the sale of alcohol shall be permitted until 02:00, with the provision of entertainment ceasing at 02:30 and the premises closing at 02:30.

**Where the licence authorises supplies of alcohol whether these are on and/or off supplies**

Alcohol is supplied for consumption both on and off the Premises

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

**Films**

Indoors only

Monday	11:00 – 01:30	Further details:
Tuesday	11:00 – 01:30	None
Wednesday	11:00 – 01:30	
Thursday	11:00 – 01:30	Non standard/seasonal timings:
Friday	11:00 – 01:30	In respect of Bank Holidays falling on a Monday, and where Burns
Saturday	11:00 – 01:30	Night, Valentines Day, St. David's Day, St. Patrick's Day, St. George's
Sunday	11:00 – 01:30	Day, Christmas Eve and Boxing Day do not fall on a Thursday, Friday
		or Saturday, the sale of alcohol shall be permitted until 02:00, with the
		provision of entertainment ceasing at 02:30 and the premises closing
		at 02:30.

**Live music**

Indoors only

Monday	11:00 – 01:30	Further details:
Tuesday	11:00 – 01:30	None
Wednesday	11:00 – 01:30	
Thursday	11:00 – 01:30	Non standard/seasonal timings:
Friday	11:00 – 01:30	In respect of Bank Holidays falling on a Monday, and where Burns
Saturday	11:00 – 01:30	Night, Valentines Day, St. David's Day, St. Patrick's Day, St. George's
Sunday	11:00 – 01:30	Day, Christmas Eve and Boxing Day do not fall on a Thursday, Friday
		or Saturday, the sale of alcohol shall be permitted until 02:00, with the
		provision of entertainment ceasing at 02:30 and the premises closing
		at 02:30.

**Recorded music**

Indoors only

Monday	19:00 – 02:30	Further details:
Tuesday	19:00 – 01:30	None
Wednesday	19:00 – 01:30	
Thursday	19:00 – 01:30	Non standard/seasonal timings:
Friday	19:00 – 02:30	In respect of Bank Holidays falling on a Monday, and where Burns
Saturday	19:00 – 02:30	Night, Valentines Day, St. David's Day, St. Patrick's Day, St. George's
Sunday	19:00 – 01:30	Day, Christmas Eve and Boxing Day do not fall on a Thursday, Friday
		or Saturday, the sale of alcohol shall be permitted until 02:00, with the
		provision of entertainment ceasing at 02:30 and the premises closing
		at 02:30.

**Performances of dance**



**Indoors only**

Monday	11:00 – 01:30	Further details:
Tuesday	11:00 – 01:30	None
Wednesday	11:00 – 01:30	
Thursday	11:00 – 01:30	Non standard/seasonal timings:
Friday	11:00 – 02:30	In respect of Bank Holidays falling on a Monday, and where Burns
Saturday	11:00 – 02:30	Night, Valentines Day, St. David's Day, St. Patrick's Day, St. George's
Sunday	11:00 – 01:30	Day, Christmas Eve and Boxing Day do not fall on a Thursday, Friday
		or Saturday, the sale of alcohol shall be permitted until 02:00, with the
		provision of entertainment ceasing at 02:30 and the premises closing
		at 02:30.

**Dancing**

**Indoors only**

Monday	11:00 – 01:30	Further details:
Tuesday	11:00 – 01:30	None
Wednesday	11:00 – 01:30	
Thursday	11:00 – 01:30	Non standard/seasonal timings:
Friday	11:00 – 02:30	In respect of Bank Holidays falling on a Monday, and where Burns
Saturday	11:00 – 02:30	Night, Valentines Day, St. David's Day, St. Patrick's Day, St. George's
Sunday	11:00 – 01:30	Day, Christmas Eve and Boxing Day do not fall on a Thursday, Friday
		or Saturday, the sale of alcohol shall be permitted until 02:00, with the
		provision of entertainment ceasing at 02:30 and the premises closing
		at 02:30.

**Anything of a similar description**

**Indoors only**

Monday	11:00 – 01:30	Further details:
Tuesday	11:00 – 01:30	None
Wednesday	11:00 – 01:30	
Thursday	11:00 – 01:30	Non standard/seasonal timings:
Friday	11:00 – 01:30	In respect of Bank Holidays falling on a Monday, and where Burns
Saturday	11:00 – 01:30	Night, Valentines Day, St. David's Day, St. Patrick's Day, St.
Sunday	11:00 – 01:30	George's Day, Christmas Eve and Boxing Day do not fall on a
		Thursday, Friday or Saturday, the provision of entertainment is
		permitted to 02:30.

**Entertainment of a similar description**

**Indoors only**

Monday	11:00 – 01:30	Further details:
Tuesday	11:00 – 01:30	None
Wednesday	11:00 – 01:30	
Thursday	11:00 – 01:30	Non standard/seasonal timings:
Friday	11:00 – 01:30	In respect of Bank Holidays falling on a Monday, and where Burns
Saturday	11:00 – 01:30	Night, Valentines Day, St. David's Day, St. Patrick's Day, St. George's
Sunday	11:00 – 01:30	Day, Christmas Eve and Boxing Day do not fall on a Thursday, Friday
		or Saturday, the provision of entertainment shall be permitted until
		02:30.

**Late night refreshment**

Indoors only

Monday	23:00 – 02:30	Further details:
Tuesday	23:00 – 01:30	None
Wednesday	23:00 – 01:30	
Thursday	23:00 – 01:30	Non standard/seasonal timings:
Friday	23:00 – 02:30	None
Saturday	23:00 – 02:30	
Sunday	23:00 – 01:30	

**Sale of alcohol**

On and off sales

Monday	19:00 – 02:00	Further details:
Tuesday	19:00 – 01:00	None
Wednesday	19:00 – 01:00	
Thursday	19:00 – 01:00	Non standard/seasonal timings:
Friday	19:00 – 02:00	In respect of Bank Holidays falling on a Monday, and where Burns
Saturday	19:00 – 02:00	Night, Valentines Day, St. David's Day, St. Patrick's Day, St. George's
Sunday	19:00 – 01:00	Day, Christmas Eve and Boxing Day do not fall on a Thursday, Friday
		or Saturday, the sale of alcohol shall be permitted until 02:00.

**Part 2****Name, (registered) address, telephone number and email (where relevant) of holder of premises licence**

Mr D Collins

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

Telephone Number : [REDACTED]

**Registered number of holder, for example company number, charity number (where applicable)**

Company no: NOT APPLICABLE

Charity no: NOT APPLICABLE

**Name, address and telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol**

Gillaine Catherine Collins

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

Telephone Number : Not Known

## **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 shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).

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

The premises licence holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol: -

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 a holographic mark.

The responsible person shall ensure that:-

(a) Where any of the following alcoholic drinks is sold or supplied for sale or 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:-

1. Beer or cider - ½ pint;
2. Gin, rum, vodka or whisky - 25ml or 35ml; and
3. Still wine in a glass - 125ml; and

(b) Customers are made aware of the availability of these measures.

The admission of children to the exhibition of any film must be restricted in accordance with the film classification body specified in the licence or in accordance with any recommendation made by the licensing authority.

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

Being the runner up in the bar category for the Durham Best Bar None scheme all licensing objectives are taken seriously and met to the highest possible standard.

All areas listed below (and more areas) are covered in staff induction/training, we train our staff in all areas.

Posters are displayed informing/warning public about crime and disorder.

Use of comfort factors/capacity management/use of Phoenix Security staff during peak/busy times.

Bus, train and taxi information displayed/available.

Safe waiting place for public.

Policies and procedures regarding public safety - staff role, our duty of care etc. in order to keep public safe at all times.

Regular risk assessments carried out.

Use of lollipops when customers leave premises to reduce noise.

Visible signs asking to respect our neighbours.

Door staff continually monitoring doors and surrounding areas.

Use of reputable taxi companies who do not sound horns late at night.

Monitoring of sound coming from venue.

Speakers moved to reduce noise risk.

No person under 18 is allowed on the premises however signs are prominently displayed advertising our challenge 21 policy.

Staff wear challenge 21 badges, we have an identification request log book too.

Strict staff training programme regarding under age drinking.

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### **Annex 3 – Conditions attached after a Hearing by the Licensing Authority**

#### Statutory Licensing Committee - 11<sup>th</sup> May 2010

That a noise limiting device be fitted and set to a level agreed with the Environmental Health Department.

That any speakers shall be retained within the premises and not positioned near doors and windows.

CCTV to be fitted to Police Standards and meet Data Protection Act requirements. Recorded images to be stored for a minimum of seven days and must be made available to the police when requested.

Two door supervisors to be employed between 20:00 and close of business on Friday and Saturday and at any other time at the direction of the police.

Bottle bins shall not be emptied between the hours of 19:30 and 08:00.

An additional set of doors to be installed to create a lobby and until such are installed on every Monday the Market entrance to the premises is to be used as the main entrance and exit from the premises.

No music to be played on Mondays after 02:00 on a Tuesday.

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### **Annex 4 – Plans**

Attached

## **APPENDIX 4 – POLICE OBJECTION**

## Karen Monaghan

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**From:** Jim Lincoln [jim.lincoln@durham.pnn.police.uk]  
**Sent:** 05 February 2013 10:37  
**To:** Yvonne Raine; Karen Monaghan  
**Cc:** Tim Robson; Colin Dobson  
**Subject:** market vaults [PROTECT]

### PROTECT

Karen / Yvonne,

With reference to the TEN for the Market Vaults, Back Silver Street, Durham City for 14<sup>th</sup> Feb 2013 ( 1900 – 0300 ).

We are **Objecting** to this TEN on the **Grounds of the Prevention of Crime & Disorder.**

Durham Constabulary have recorded during 2012, 32 incidents at this premise. The majority of which are crime & disorder related and occurred after midnight.

We have informed the application of our objection and have requested that we mediate to a 0200 hrs finish.

I have asked the applicant ( Kelly Holmes ) that if she agrees, she replies in writing to ourselves and the Council Licensing.

***Licence Support Officer - Jim Lincoln***  
***Durham Constabulary***  
***Alcohol Harm Reduction Unit***  
***John Street North***  
***Meadowfield***  
***Co Durham***  
***DH7 8RS***  
***[jim.lincoln@durham.pnn.police.uk](mailto:jim.lincoln@durham.pnn.police.uk)***  
***6614981 ( internal )***  
***0191 3752351 ( external )***

### PROTECT

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

NEIGHBOURHOOD POLICING: Use your postcode to get access to local news and events from your Neighbourhood Policing Team, at <https://www.durham.police.uk>

This email carries a disclaimer, a copy of which may be read at <https://www.durham.police.uk/Pages/E-Mail-Disclaimer.aspx>

## **APPENDIX 5 – PREVENTION OF CRIME AND DISORDER**

## 5.0 The Prevention of Crime and Disorder

5.1 Licensed premises, especially those offering late night / early morning entertainment, alcohol and refreshment may sometimes, if not properly managed, become a source of public nuisance, generating crime and disorder problems.

5.2 As a matter of Policy the Licensing Authority will require every holder of a Licence, Certificate or Permission to be responsible for minimising the impact of crime, disorder and anti-social behaviour by their patrons both on and within the vicinity of their premises, including for example on the pavement, in a beer garden or in a smoking shelter. The Licensing Authority suggests that applicants demonstrate in their Operating Schedules that suitable and sufficient measures, ranging from the design and layout of the premises through to the daily operation of the business have been identified and will be implemented and maintained with the intention of preventing crime and disorder. Procedures to deal with drunken customers, violence and anti social behaviour in and outside premises and the provision of closed circuit television in certain premises must be considered by applicants and licencees when addressing this issue. The Licensing Authority will also expect that Personal Licence holders will actively participate in established "Pubwatch" schemes where issues relating to crime and disorder can be addressed. The Licensing Authority support involvement in "Best Bar None" initiative which enables premises to demonstrate good safe operating procedures.

5.3 The Licensing Authority considers the effective and responsible management of the premises through competent and efficient and regular instruction, recorded training, supervision of staff and the adoption of good practice, such as 'Challenge 25', to be among the most important control measures for the achievement of all Licensing Objectives. The Licensing Authority will take a positive view of anyone who invests in appropriate training, and in particular nationally accredited qualifications tailored to the Licensing sector. Training records should be kept available for inspection by all enforcement agencies.

5.4 The application for premises selling alcohol must identify a Designated Premises Supervisor (DPS) who must also hold a Personal Licence. The DPS does not have to be present on the premises at all times when alcohol is being sold. However, the DPS and Premises Licence Holder remain responsible for the premises at all times. It is important that there is an accountable, responsible person present when alcohol is being sold or supplied to ensure, for example, that alcohol is not sold to persons who have had too much to drink, or to those under the age of 18 years, and so that the Licensing Authority and Police can discuss any problems or issues arising from the licensable activities offered on the premises. The Licensing Authority considers it to be good practice if the DPS or Premises Licence Holder is present in the licensed area of the premises:



- Between 22:00 hours and closing time, when the premises is one that regularly opens after midnight for both regulated entertainment and the sale or supply of alcohol for consumption on the premises.
- At all times when the premises is a "vertical drinking establishment" where little or no seating is provided.
- At times where there is a substantial increase in customers i.e. for televised major sporting events etc.

5.5 The Licensing Authority will only impose a maximum number of people that can attend a premises or an event where there is a clear and justifiable need in respect of that particular premises or event, any such decision will be based on the nature and style of the operation. The Licensing Authority will consider information provided by the applicant and any other body, in particular the Council's Building Control Section, Environmental Health Section and the Durham and Darlington Fire and Rescue Service before setting a maximum number. Applicants will be expected to detail the arrangements that would be put in place e.g. provision of door staff to ensure that the permitted number of people attending the premises or event will not be exceeded.

5.6 Whenever security operatives/door supervisors are employed at licensed premises to carry out security functions they must be licensed by the Security Industry Authority (SIA). If a licensee directly employs security operatives they will need to be licensed by the SIA as a supervisor/manager.

5.7 The numbers of licensed door supervisors, both male and female, required at any premises will be dependant upon the nature of the activities licensed and the characteristics and capacity of the establishment and hours of trading.

5.8 In addition to the requirement of the Licensing Authority to promote the Licensing Objectives, the Council also has a duty under Section 17 of the Crime and Disorder Act 1998 to do all it reasonably can to prevent crime and disorder in its area and to consider crime and disorder in its decision making process.