

Statutory Licensing Sub-Committee

27th September 2018

Consideration of a Temporary Event Notice



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

Name of Premises User: Mr Christian Burns

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 Merry Monk
30 Market Place
Bishop Auckland
DL14 7NP

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 objectives namely, the Prevention of Crime and Disorder and the Prevention of Public Nuisance.

2. Details of the Notice

On 14th September 2018, the premises user, Mr Christian Burns, served a Temporary Event Notice for The Merry Monk. A copy of this notice is attached as Appendix 1.

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 (on the premises) The Provision of Regulated Entertainment	30 th September 2018 - 01:30 hrs until 04:00 hrs

For Members' information: The TEN has been applied to extend the hours of the premises which will include a late bar and DJ driven music.

The Merry Monk currently holds a premises licence issued under the Licensing Act 2003. The permitted licensable activities and times are as follows:

Licensable Activities	Days and Times
<p data-bbox="197 271 729 376">Sale by Retail of Alcohol (for consumption on and off the premises)</p> <p data-bbox="197 674 729 853">The Provision of Regulated Entertainment (Live Music, Recorded Music, Performance of Dance, and Anything similar) – (Indoors only)</p>	<p data-bbox="751 271 1311 600">Monday to Wednesday: 09:00 - 23:00 hrs Thursday to Saturday: 09:00 – 01:30 hrs Sunday 12:00 – 01:30 New Year's Eve: 09:00 (12:00 if Sunday) - 00:00 New Year's Day: 00:00 - to end of permitted hours for alcohol</p> <p data-bbox="751 674 1311 1111">Monday to Thursday: 11:00 - 01:00 hrs Friday and Saturday: 11:00 – 02:00 hrs Sunday 12:00 – 00:30 New Year's Eve: 11:00 (12:00 if Sunday) - 00:00 New Year's Day: 00:00 - to end of permitted hours for entertainment Sundays preceding a Bank Holiday other than Easter Sunday: 12:00 – 02:00 hrs</p>
<p data-bbox="197 1189 416 1223">Opening Hours</p>	<p data-bbox="751 1189 1311 1559">Monday to Wednesday: 09:00 - 23:20 hrs Thursday to Saturday: 09:00 – 01:50 hrs Sunday 12:00 – 01:50 New Year's Eve: 09:00 (12:00 if Sunday) - 00:00 New Year's Day: 00:00 - to twenty minutes after permitted hours for alcohol</p>

A copy of the Premises Licence is attached at Appendix 2.

3. The Objection

On 17th September 2018, the Licensing Authority received an objection notice from Durham Constabulary on the grounds of the Prevention of Crime and Disorder and Prevention of Public Nuisance licensing objective. This is attached as Appendix 3.

On 19th September 2018, Environmental Health confirmed that they had no comments to make in relation to the Temporary Event Notice.

4. The Parties

The Parties to the hearing will be:

- Mr Christian Burns (premises user)
- Durham Constabulary (responsible authority)

5. Durham County Council Statement of Licensing Policy

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

- 7.0 - The Prevention of Crime and Disorder
- 9.0 – The Prevention of Public Nuisance

Relevant information is attached at Appendix 4.

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 – 2.6 Crime and Disorder
- 2.15 – 2.21 Public Nuisance
- 7.0 Temporary Event Notices

Relevant information is attached at Appendix 5.

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.

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 2017)

Contact: Helen Johnson

Tel: 03000 265101

Email: helen.johnson2@durham.gov.uk

Appendix 1
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.

1. The personal details of premises user (Please read note 1)	
1. Your name	
Title	Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other (please state)
Surname	Christian
Forenames	burns
2. Previous names (Please enter details of any previous names or maiden names, if applicable. Please continue on a separate sheet if necessary)	
Title	Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other (please state)
Surname	
Forenames	
3. Your date of birth	
4. Your place of birth	
5. National Insurance Number	
6. Your current address (We will use this address to correspond with you unless you complete the separate correspondence box below)	
Merry monk 30 market place Bishop auckland	
Post town bishop auckland	Postcode dl14 7np
7. Other contact details	
Telephone numbers Daytime	
Evening (optional)	
Mobile (optional)	
Fax number (optional)	
E-Mail address (if available)	

8. Alternative address for correspondence (If you complete the details below, we will use this address to correspond with you)

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Post town	Postcode
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9. Alternative contact details (if applicable)

Telephone numbers: Daytime	
Evening (optional)	
Mobile (optional)	
Fax number (optional)	
E-Mail address (if available)	

10. 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)

The merry monk 30 market place Bishop auckland
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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	WV/PRE0102/05
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)

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

PUBLIC BAR

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

Late bar on a Saturday night

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8. 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	YES <input 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 (Please read note 7)	<input type="checkbox"/> YES	
The provision of late night refreshment	<input type="checkbox"/>	
Are you giving a late temporary event notice? (Please read note 8)	<input type="checkbox"/>	
Please state the dates on which you intend to use these premises for licensable activities. (Please read note 9)		
sat 29.09.18 through to sun 30.09.2018		
Please state the times during the event period that you propose to carry on licensable activities (please give times in 24 hour clock). (Please read note 10)		
1:30 TILL 4.00		
Please state the maximum number of people at any one time that you intend to allow to be present at the premises during the times when you intend to carry on licensable activities, including any staff, organisers or performers. (Please read note 11)		
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If the licensable activities will include the sale or supply of alcohol, please state whether these will be for consumption on or off the premises, or both (please tick as appropriate). (Please read note 12)	On the premises only	ON <input type="checkbox"/>
	Off the premises only	<input type="checkbox"/>
	Both	<input type="checkbox"/>

<p>Please state if the licensable activities will include the provision of relevant entertainment. If so, please state the times during the event period that you propose to provide relevant entertainment (including, but not limited to lap dancing and pole dancing). (Please see note 13)</p> <p>DJ DRIVEN MUSIC 1:30 TILL 4.00</p>
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4. Personal Licence Holders (Please read note 14)		
Do you currently hold a valid personal licence? (Please tick)	Yes YES <input type="checkbox"/>	No NO <input type="checkbox"/>
If "Yes" please provide the details of your personal licence below.		
Issuing licensing authority	WVDC	
Licence number	PER 0078	
Date of issue	25.10.05	
Any further relevant details		

5. Previous temporary event notices you have given (Please read note 15 and tick the boxes that apply to you)		
Have you previously given a temporary event notice in respect of any premises for events falling in the same calendar year as the event for which you are now giving this temporary event notice?	Yes <input type="checkbox"/>	No 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		
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 type="checkbox"/>

6. Associates and business colleagues (Please read note 16 and tick the boxes that apply to you)		
Has any associate of yours given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?	Yes <input type="checkbox"/>	No NO <input 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 NO <input 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 NO <input type="checkbox"/>
If answering yes, please state the total number of temporary event notices (including the number of late temporary event notices, if any) your business colleague(s) have given for events in the same calendar year.		

<p>Has any person with whom you are in business carrying on licensable activities already given a temporary event notice for the same premises in which the event period:</p> <p>a) ends 24 hours or less before; or</p> <p>b) begins 24 hours or less after the event period proposed in this notice?</p>	<p>Yes</p> <input type="checkbox"/>	<p>No</p> <input type="checkbox"/> NO
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7. Checklist (Please read note 17)	
I have: (Please tick the appropriate boxes, where applicable)	
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 18)
It is a condition of this temporary event notice that where the relevant licensable activities described in Section 3 above include the sale or supply of alcohol that all such supplies are made by or under the authority of the premises user.

9. Declarations (Please read note 19)	
<p>The information contained in this form is correct to the best of my knowledge and belief.</p> <p>I understand that it is an offence:</p> <p>(i) to knowingly or recklessly make a false statement in or in connection with this temporary event notice and that a person is liable on summary conviction for such an offence to a fine of any amount; and</p> <p>(ii) to permit an unauthorised licensable activity to be carried on at any place and that a person is liable on summary conviction for any such offence to a fine of any amount, or to imprisonment for a term not exceeding six months, or to both.</p>	
Signature	
Date	
Name of Person signing	CHRISTIAN BURNS

For completion by the licensing authority

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

Appendix 2

Merry Monk Premises Licence



LICENSING ACT 2003 PREMISES LICENCE

Premises Licence Number
Granted
Issued

WV/PRE0102/05
24 November 2005
07 December 2016

Part 1 – Premises details

Postal address of premises, or if none, ordnance survey map reference or description	Issuing Authority
<p>THE MERRY MONK 30 MARKET PLACE BISHOP AUCLAND DL14 7NP</p>	<p>DURHAM COUNTY COUNCIL ADULT AND HEALTH SERVICES LICENSING SERVICES PO BOX 617 DURHAM DH1 9HZ</p>
<p>Telephone number: 01388 663201</p>	

<p>Where the licence is time limited the dates N/A</p>
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<p>Licensable activities authorised by this licence Live Music Recorded Music Performance of Dance Other Entertainment Similar to Live or Rec Music or Dance Performance Sale by retail of alcohol</p>
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Opening Hours of the Premises															
<table style="width: 100%; border-collapse: collapse;"> <tr><td>Mon</td><td>09:00-23:20</td></tr> <tr><td>Tue</td><td>09:00-23:20</td></tr> <tr><td>Wed</td><td>09:00-23:20</td></tr> <tr><td>Thu</td><td>09:00-01:50</td></tr> <tr><td>Fri</td><td>09:00-01:50</td></tr> <tr><td>Sat</td><td>09:00-01:50</td></tr> <tr><td>Sun</td><td>12:00-01:50</td></tr> </table>	Mon	09:00-23:20	Tue	09:00-23:20	Wed	09:00-23:20	Thu	09:00-01:50	Fri	09:00-01:50	Sat	09:00-01:50	Sun	12:00-01:50	<p>Non-standard/seasonal timings New Years Eve: 09:00 (12:00 if Sunday) - 00:00 New Years Day: 00:00 - to twenty minutes after permitted hours for alcohol.</p>
Mon	09:00-23:20														
Tue	09:00-23:20														
Wed	09:00-23:20														
Thu	09:00-01:50														
Fri	09:00-01:50														
Sat	09:00-01:50														
Sun	12:00-01:50														

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

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

<p>Live Music Indoors</p> <p>Mon 11:00-01:00 Tue 11:00-01:00 Wed 11:00-01:00 Thu 11:00-01:00 Fri 11:00-02:00 Sat 11:00-02:00 Sun 12:00-00:30</p>	<p>Further details N/A Non-standard/seasonal timings 12:00 - 02:00 Sundays preceding a Bank Holiday other than Easter Sunday New Years Eve: 11:00 (12:00 if Sunday) - 00:00 New Years Day: 00:00 - to end of permitted hours for entertainment</p>
<p>Recorded Music Indoors</p> <p>Mon 11:00-01:00 Tue 11:00-01:00 Wed 11:00-01:00 Thu 11:00-01:00 Fri 11:00-02:00 Sat 11:00-02:00 Sun 12:00-00:30</p>	<p>Further details N/A Non-standard/seasonal timings 12:00 - 02:00 Sundays preceding a Bank Holiday other than Easter Sunday New Years Eve: 11:00 (12:00 if Sunday) - 00:00 New Years Day: 00:00 - to end of permitted hours for entertainment</p>
<p>Performance of Dance Indoors</p> <p>Mon 11:00-01:00 Tue 11:00-01:00 Wed 11:00-01:00 Thu 11:00-01:00 Fri 11:00-02:00 Sat 11:00-02:00 Sun 12:00-00:30</p>	<p>Further details N/A Non-standard/seasonal timings 12:00 - 02:00 Sundays preceding a Bank Holiday other than Easter Sunday New Years Eve: 11:00 (12:00 if Sunday) - 00:00 New Years Day: 00:00 - to end of permitted hours for entertainment</p>
<p>Other Entertainment Similar to Live or Rec Music or Dance Performance Indoors</p> <p>Mon 11:00-01:00 Tue 11:00-01:00 Wed 11:00-01:00 Thu 11:00-01:00 Fri 11:00-02:00 Sat 11:00-02:00 Sun 12:00-00:30</p>	<p>Further details N/A Non-standard/seasonal timings 12:00 - 02:00 Sundays preceding a Bank Holiday other than Easter Sunday New Years Eve: 11:00 (12:00 if Sunday) - 00:00 New Years Day: 00:00 - to end of permitted hours for entertainment</p>
<p>Sale by retail of alcohol</p> <p>Mon 09:00-23:00 Tue 09:00-23:00 Wed 09:00-23:00 Thu 09:00-01:30 Fri 09:00-01:30 Sat 09:00-01:30 Sun 12:00-01:30</p>	<p>Further details Non-standard/seasonal timings New Years Eve: 09:00 (12:00 if Sunday) - 00:00 New Years Day: 00:00 - to end of permitted hours for alcohol.</p>

Part 2

Name, (Registered) address, telephone number and email (where relevant) of holder of premises licence	
C & S PROPERTIES (BA) LTD	
Registered number of holder, for example company number, charity number (where applicable)	
Company no:	7209788
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 CHRISTIAN JOHN BURNS

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
WV/PER0078/05 WEAR VALLEY

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.

This Premises Licence has been granted upon conversion under schedule 8 of the Licensing Act 2003 of the previous Justices' On Licence, and such rights and restrictions that applied to such Licence are hereby incorporated into this Premises Licence, subject to any express terms to the contrary hereinafter specified, and/or any restriction applying to a Premises Licence and/or any licensable activity.

Annex 2 – Conditions consistent with the premises Operating Schedule

General

1. The Council's proper officer accompanied by any such other person as he deems necessary, or a police officer, shall at all times have access to the licensed premises for the purposes of ensuring compliance with the conditions of the licence.

Prevention of Crime & Disorder

1. The Licensee, that is the person in whose name the Premises Licence is issued, must ensure that at all times when the premises are open for any licensable activity, there are sufficient, competent staff on duty at

the premises for the purpose of fulfilling the terms and conditions of the licence and for preventing crime and disorder.

2. Where there is a "Pub Watch" or similar scheme in operation in the area in which the premises are situated, the Licensee shall operate the scheme at all times.

3. The premise shall operate a digital CCTV system, to comply with Durham Constabulary Minimum Standards. Such system to be in operation at all times that the premise is open for licensable activities. Staff will be trained in the downloading of footage.

4. Regular staff training will be provided to cover responsible retailing of alcohol, drug awareness and other operating issues. Such training is to be documented and made available to the Police or Local Authority Licensing Officers on request.

5. The premises will provide one SIA registered door staff from 10.00 pm until close each Friday and two SIA registered door staff from 10.00 pm until close each Saturday. In addition the premises will provide a further SIA registered door person during busy periods at our discretion.

Public Safety

1. The maximum number of persons permitted on the premises at any one time must not exceed 280 persons.

2. The maximum number of persons permitted on the licensed premises must be indicated by a fixed notice bearing the words "Maximum Occupancy 280 persons" with letters and numbers not less than 20mm high, and be conspicuously sited in the premises.

3. The Licensee and Designated Premises Supervisor must ensure that there are effective management arrangements in place to enable them to know how many persons there are in the premises at all times when the premises are open for a licensable activity. The Licensee shall at all times operate a procedure which provides accurate information as to the number of persons present in the premises.

Overcrowding in such a manner as to endanger the safety of persons present or to cause undue interference with their comfort must not be allowed in any part of the premises.

4. Carpets, rugs, matting and other floor coverings shall be secured so as not to ruck up and cause obstruction. Mats over 13 mm in thickness shall be sunk to floor/ground level.

5. Where curtains are hung over doorways they shall be so arranged as to draw easily from the centre and to slide freely. They shall be so hung that they are clear of the floor/ground.

6. The nosings of stairs or steps used by the public shall be painted white or covered with white material to a depth of 50 mm.

7. While the public are present no door affording a means of exit shall be locked or fastened in such a way that it cannot be easily and immediately opened from the inside.

8. Where panic bolts are fitted they shall be painted a colour contrasting with the colour of the door and a notice "PUSH BAR TO OPEN" shall be conspicuously displayed on the door. In licensed premises where panic bolted doors are situated in dimly lit areas the panic bolts and the words "PUSH BAR TO OPEN" shall be painted in fluorescent paint.

9. Unless confirmed in writing by the council that it is not required, all exits in sight of the public shall be clearly and conspicuously indicated as such at all times when the public are present by EXIT signs which conform to BS5499. Part 1 1990 and BS5378 Parts 1 and 3 incorporating the approved "Running Man" pictograph. These exit signs shall also be illuminated by emergency lighting points set above or behind the signs.

10. Unless confirmed in writing by the council that it is not required, fire exit signs shall be illuminated by emergency lighting points set above or behind the signs.

11. No chairs seats or obstruction of any kind shall be placed or allowed to remain in any gangway.

12. Seats and gang ways in the licensed premises shall be so arranged as to allow free and ready access direct to the exits.

13. All stairs and steps comprising parts of the means of escape in case of fire shall be maintained in good repair and with non- slippery even surfaces.

14. In areas within the licensed premises where there is normally no fixed seating, any specially provided seating for an indoor concert should be so arranged and fixed in position that it cannot be moved easily by an audience in a state of excitement.

15. No tables, chairs or other obstructions shall be placed either in front of any exit or on the access route to any exit.

16. All parts of the licensed premises to which the public have access and all external exit ways should be provided with emergency lighting capable of providing sufficient illumination for the public to leave the licensed premises safely.

17. The emergency lighting should be designed, installed, protected, maintained and operated so as not to be affected adversely by other electrical or gas equipment.

18. The emergency lighting may be supplied from the same source as the normal lighting but should be brought into operation immediately and automatically in the event of failure of the normal supply to the emergency lighting.
19. It should be the duty of the person in charge of the licensed premises at any time to satisfy a representative of the licensing authority that the emergency lighting is capable of maintaining the level of illumination required for at least one hour.
20. Although emergency lighting should be provided in all parts of the licensed premises to which the public are admitted, it is not envisaged that emergency lighting should be provided in each individual w.c. compartment. However emergency lighting should be provided in toilet accommodation which exceeds 8m² in gross area or smaller than 8m² where no provision for borrowed light has been made.
21. All emergency lighting installations which conform to British standard 5266 should be subject to the servicing, testing and inspection specified in that standard.
22. All exit routes and directional signs indicating the exits from any part of the licensed premises to which the public are admitted should (unless they are self-luminous fire safety signs) be illuminated by means of the normal lighting and the emergency lighting at all times when the public are on the licensed premises.
23. Where emergency lighting is provided by means of liquefied petroleum gas the cylinders shall be sited externally in an adequately ventilated compartment constructed of non-combustible materials and securely locked against unauthorised access. The gas shall be led to the lighting points by rigid metal pipework.
24. If the emergency lighting system is of the fixed automatic type (ie. the system is actuated by a failure of the main lighting circuits), the system shall be tested before each performance by switching off the main lighting and ensuring that the emergency lighting comes into operation automatically.
25. If the emergency lighting system is of the fixed non-automatic type it shall be lighted before the public is admitted and shall be in operation during the whole of the time that the public are on the licensed premises.
26. Any fixed emergency lighting system shall be tested or examined whenever so required by the Fire Authority and by a competent person at regular intervals not exceeding six months and the results of such tests shall be recorded in a Fire Safety Log Book.
27. Any hand lamps used for emergency lighting shall be maintained in efficient working order and checked prior to any performance, the results to be entered into the Fire Safety Log Book. The batteries shall be replaced at intervals not exceeding six months and such replacements shall likewise be recorded.
28. Any fixed emergency lighting system shall be tested on an annual basis by a suitably qualified person who shall issue an Emergency Lighting certificate setting out the condition of the system.
29. The licensee shall forward the certificate to the Council's "Proper Officer" within fourteen days of its issue.
30. All new emergency lighting installations shall comply with the appropriate provisions, including the certification, testing and servicing provisions of British Standard 5266. This requirement also applies when licensed premises are rewired or installations are substantially altered.
31. Fire appliances and equipment for the protection of the licensed premises shall be provided and sited to the council's satisfaction. All portable extinguishers shall be examined at least once annually and tested by a competent person, in accordance with the relevant British Standard. The date of such a test shall be clearly marked on the extinguisher or on stout tabs attached thereto, and a certificate setting out the condition of the appliances shall be forwarded to the council's "Proper Officer" within fourteen days of its issue. All hose reels shall be tested at least once annually to ensure that they are in good working order and will produce a satisfactory jet of water. The date of such test shall be clearly marked on the hose reels or on a stout tab attached thereto.
32. Where fitted, any fire alarm system shall be maintained in efficient working order and shall be tested or examined wherever so required by the appropriate authority. In addition it shall be tested weekly using a different call point for each successive test to ensure that it operates satisfactorily. The results of such tests shall be recorded in the Fire Safety Log Book. Further, any fire alarm system shall be inspected on an annual basis by a suitably qualified person who shall issue a fire alarm certificate setting out the condition of the system. The fire alarm certificate shall be forwarded to the council's proper officer within fourteen days of its issue.
33. On those occasions where disabled or handicapped persons are present on the licensed premises, special arrangements as may be necessary in the circumstances shall be made, so as to enable all persons to leave the licensed premises safely in the event of a fire.
34. All persons employed in the licensed premises or having a supervisory role during any performance or entertainment shall be given instructions and training in what to do in the event of a fire.
35. The licensee shall ensure that at no time shall there be allowed on or in any part of the licensed premises to which the public, performers, or staff have access any source of illumination which depends on a naked flame of light whether as part of the entertainment or not unless prior written consent has been given by the council.

36. The licensee shall be responsible for making arrangements to ensure that information of any outbreak of fire, however slight, shall be at once communicated to the Fire Authority and to the Police.

37. All persons responsible for, employed in connection with performances shall take all due precautions for the prevention of any accident and shall abstain from any act whatever which tends to cause fire and is not necessary for performances.

38. The electrical installations must comply with any applicable rules and regulations affecting the use of electricity for the time being in force. All electrical installations shall be inspected on an annual basis by one of the following: (a) A chartered electrical engineer, (b) A member of the Electrical Contractors Association, (c) An approved contractor enrolled with the National Inspection Council for Electrical Installation Contracting, (d) The local electricity company, or (e) A contractor approved by the council, either appointed for by or on behalf of the licensee of the licensed premises who shall issue an electrical certificate stating the condition of the installation which shall be forwarded to the council's proper officer by or on behalf of the Licensee annually. The licensee shall ensure that, at the place of entertainment, electrical sockets or outlets for use with temporary or portable equipment, are of the type protected by a Residual Current Device (RCD) having a 30mA tripping circuit.

39. An adequate number of sanitary appliances in accordance with the council's standards shall be available free of charge to all persons lawfully on the licensed premises. The sanitary appliances will be maintained in good working order and at all times be kept clean and hygienic.

40. All parts of the licensed premises including fixtures and fittings shall be kept clean and in a good state of repair to the satisfaction of the council.

41. The means of ventilating shall be adequate and maintained at all times and kept clean and hygienic to the satisfaction of the council.

42. The licensee shall ensure that all speakers and like equipment are secured in such a way as to be safe from toppling, falling or dislodgement.

43. The licensee shall maintain good order in the licensed premises.

44. Nothing shall be done, recited, sung, exhibited or performed, and no dancing shall be permitted which is licentious, indecent, profane or is likely to cause a breach of the peace.

45. No unlawful gaming or betting shall be allowed on the said licensed premises.

46. No exhibition, demonstration or performance of hypnotism shall

be given on any person at the licensed premises except with the express consent of the council and in accordance with any conditions attached to such consent. Application for consent shall be made, and a detailed description of the proposed exhibition furnished to the council's proper officer not less than twenty eight days before the day on which the exhibition is to be given and notice of such application shall be given to the Chief Officer of Police.

47. Adequate and suitable accommodation shall be provided in which entertainers may dress or undertake a change of clothing. All dressing rooms shall be adequately lighted and ventilated.

48. No foam, smoke or any other noxious substance which impairs or could impair the, sight, hearing or smell of persons in the licensed premises or which could injure such persons or which could damage the health of such person whether temporary or permanently shall be used or permitted to be used in the licensed premises without the written permission of the council.

49. The licensee, shall be fully and totally responsible for the carrying out of each and every one of these terms and conditions, and for the safety of persons and employees on the licensed premises in the event of fire or panic.

50. Prior to the carrying out of any refurbishment or alteration to the licensed premises the licensee must obtain the written permission of the council.

Prevention of Public Nuisance

1. The Licensee shall ensure that the exit of persons from the premises at the termination of licensable activities and at the closure of the premises is properly supervised.

2. The Music Noise Level (MNL) shall not at any noise sensitive premises exceed the background noise level by more than 5 dB(A) over a 5 minute period measured at 1 metre from the façade of any noise sensitive premises for events held between the hours of 09:00 hrs and 23:00 hrs.

3. For events continuing or held between 23:00 hrs. and 02:00 hrs. the music noise shall not be audible within noise sensitive premises with windows open in a typical manner for ventilation.

4. The background noise level for the premises has been established at 34 dB(A), 5 mins. at Market Place, Bishop Auckland and 32 dB(A), 5 mins. at Wear Chare/Batts Terrace, Bishop Auckland, during the period 23:00 hrs – 09:00 hrs.

5. The Licensee shall ensure that the promoter, sound system supplier and all individual sound engineers are informed of the sound control limits.

6. The Licensee shall be responsible for ensuring that the sound control limits are adhered to at all times during events and during any rehearsal or sound check for an event.
7. The Licensee shall be responsible for advertising and operating an attended complaint telephone number through which noise complaints can be channelled and responded to throughout the duration of an event.

Definitions Relating to Noise:

Music Noise Level (MNL): The LAeq of the music noise measured at a particular location.

Noise-sensitive Premises: Includes premises used for residential purposes, hospitals or similar institutions, education establishments (when in use), or places of worship (during recognised times and days of worship) or any premises used for any other purposes likely to be affected by the Music Noise.

Background Noise Level: The prevailing sound level at a location, measured in terms of the LA90,T, on an equivalent day and at an equivalent time when no entertainment or sound checks are taking place.

Protection of Children from Harm

1. The premise will operate a Challenge 25 policy at all times the premise is open for the sale of alcohol. A refusals register will be maintained and made available for inspection upon request of the Police or Local Authority Licensing Officers.
2. No children to be allowed on the premises.

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

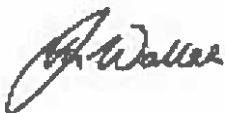
Statutory Licensing Committee - 13 April 2010

In the light of and pursuant to the mediated agreement the Sub- Committee grant the review requested with the imposition of the following conditions on the Premises Licence in addition to any currently existing:
That the DPS be removed.

That a revised Operating Schedule is agreed with the chief officer of police within a period of three months. The licence is suspended for three months or until a DPS and new Premises Licence Holder have been appointed who are both deemed acceptable to the chief officer of police.

Annex 4 – Plans attached

Attached



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



LICENSING ACT 2003 PREMISES LICENCE SUMMARY

Premises Licence Number
Granted
Issued

WV/PRE0102/05
24 November 2005
07 December 2016

Part 1 – Premises details

Postal address of premises, or if none, ordnance survey map reference or description	Issuing Authority
THE MERRY MONK 30 MARKET PLACE BISHOP AUCKLAND DL14 7NP	DURHAM COUNTY COUNCIL ADULT AND HEALTH SERVICES LICENSING SERVICES PO BOX 617 DURHAM DH1 9HZ
Telephone number: 01388 663201	

Where the licence is time limited the dates
N/A

Licensable activities authorised by this licence

Live Music
 Recorded Music
 Performance of Dance
 Other Entertainment Similar to Live or Rec Music or Dance Performance
 Sale by retail of alcohol

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

Mon	09:00-23:20	Non-standard/seasonal timings New Years Eve: 09:00 (12:00 if Sunday) - 00:00 New Years Day: 00:00 - to twenty minutes after permitted hours for alcohol.
Tue	09:00-23:20	
Wed	09:00-23:20	
Thu	09:00-01:50	
Fri	09:00-01:50	
Sat	09:00-01:50	
Sun	12:00-01:50	

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

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

<p>Live Music Indoors</p> <p>Mon 11:00-01:00 Tue 11:00-01:00 Wed 11:00-01:00 Thu 11:00-01:00 Fri 11:00-02:00 Sat 11:00-02:00 Sun 12:00-00:30</p>	<p>Further details N/A Non-standard/seasonal timings 12:00 - 02:00 Sundays preceding a Bank Holiday other than Easter Sunday New Years Eve: 11:00 (12:00 if Sunday) - 00:00 New Years Day: 00:00 - to end of permitted hours for entertainment</p>
<p>Recorded Music Indoors</p> <p>Mon 11:00-01:00 Tue 11:00-01:00 Wed 11:00-01:00 Thu 11:00-01:00 Fri 11:00-02:00 Sat 11:00-02:00 Sun 12:00-00:30</p>	<p>Further details N/A Non-standard/seasonal timings 12:00 - 02:00 Sundays preceding a Bank Holiday other than Easter Sunday New Years Eve: 11:00 (12:00 if Sunday) - 00:00 New Years Day: 00:00 - to end of permitted hours for entertainment</p>
<p>Performance of Dance Indoors</p> <p>Mon 11:00-01:00 Tue 11:00-01:00 Wed 11:00-01:00 Thu 11:00-01:00 Fri 11:00-02:00 Sat 11:00-02:00 Sun 12:00-00:30</p>	<p>Further details N/A Non-standard/seasonal timings 12:00 - 02:00 Sundays preceding a Bank Holiday other than Easter Sunday New Years Eve: 11:00 (12:00 if Sunday) - 00:00 New Years Day: 00:00 - to end of permitted hours for entertainment</p>
<p>Other Entertainment Similar to Live or Rec Music or Dance Performance Indoors</p> <p>Mon 11:00-01:00 Tue 11:00-01:00 Wed 11:00-01:00 Thu 11:00-01:00 Fri 11:00-02:00 Sat 11:00-02:00 Sun 12:00-00:30</p>	<p>Further details N/A Non-standard/seasonal timings 12:00 - 02:00 Sundays preceding a Bank Holiday other than Easter Sunday New Years Eve: 11:00 (12:00 if Sunday) - 00:00 New Years Day: 00:00 - to end of permitted hours for entertainment</p>
<p>Sale by retail of alcohol</p> <p>Mon 09:00-23:00 Tue 09:00-23:00 Wed 09:00-23:00 Thu 09:00-01:30 Fri 09:00-01:30 Sat 09:00-01:30 Sun 12:00-01:30</p>	<p>Further details Non-standard/seasonal timings New Years Eve: 09:00 (12:00 if Sunday)- 00:00 New Years Day: 00:00 - to end of permitted hours for alcohol.</p>

Part 2

Name, (Registered) address, telephone number and email (where relevant) of holder of premises licence	
C & S PROPERTIES (BA) LTD	

Registered number of holder, for example company number, charity number (where applicable) Company no: 7209788 Charity no: N/A

Name of designated premises supervisor where the premises licence authorises the sale by retail of alcohol MR CHRISTIAN JOHN BURNS
--

State whether access to the premises by children is restricted or prohibited NO CHILDREN TO BE ALLOWED ON THE PREMISES.



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

Appendix 3

Objection from Durham Constabulary

Yvonne Raine

From: Daniel Darnton on behalf of Alcohol
Harm Reduction Unit <ahru@durham.pnn.police.uk>
Sent: 17 September 2018 10:40
To: AHS Licensing; EHCP
Subject: RE: LICENSING ACT 2003 - APPLICATIONS RECEIVED - TENS
Attachments: Merry Monk Market Place BA TEN 29-9-18 to 30-09-18.pdf

Good Morning,

Reference: Merry Monk, Bishop Auckland

Durham Constabulary would like to object to the below Temporary Events Notice as we believe that allowing the premises to be used in accordance with the notice would undermine a licensing objective namely; The Prevention of Crime and Disorder as well Public Nuisance, the grounds are explained below, this is notice of our objection.

Durham Constabulary have been informed that on Monday 20th August 2018 a warning letter was issued by the local authority to the applicant relating to the sale of alcohol after hours defined in the premises license.

Durham County Council have informed Durham Constabulary that the applicant did not co-operate with their officers request for CCTV and the council had to resort to contacting the premises license holder to facilitate this.

The premises is again under investigation by Durham County Council for breaching their current license namely serving after hours on/around 9th September, there is viable evidence that an offence has been committed.

It is the concerns of the Constabulary that a 4am license for up to 285 people would be excessive and would cause an increased demand on services as well contributing to noise nuisance via 'DJ driven music' and public nuisance in the area as a result of the increased foot fall at that hour, which will lead to an increased risk of disorderly behaviour.

On behalf of Licensing Sergeant Caroline Dickenson.

CC – Environmental Health
Durham County Council (Relevant Authority)

Harm Reduction Unit
Meadowfield Office tel 101 ext 75 2351
Darlington Office tel 101 ext 74 2782



Durham Constabulary
Altogether Better Policing

Appendix 4
Statement of Licensing Policy

7.0 The Prevention of Crime and Disorder

7.1 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.

7.2 As a matter of policy, the Licensing Authority will require 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 or in a smoking shelter.

7.3 The Licensing Authority recommends that all 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 should be considered by applicants, licencees and event organisers when addressing this issue.

7.4 The Licensing Authority encourages Personal Licence holders to 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. Such schemes have been very successful in reducing the negative impact of alcohol across a range of circumstances.

7.5 The Licensing Authority recognises and promotes effective and responsible management of all licensed and authorised premises through competent and efficient and regular instruction, recorded training, supervision of staff and the adoption of good practice, such as 'Challenge 25'. These are considered 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.

7.6 The application for premises licence 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.

7.7 Someone should always be present on premises or at an event during times when licensable activities are taking place who can discuss any problems or issues arising from the licensable activities offered on the premises with officers from Licensing Authority and Police. 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.

7.8 The Licensing Authority 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 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

7.9 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.

7.10 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.

7.11 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 do to prevent crime and disorder in its area and to consider crime and disorder in its decision making process.

7.12 Toughened/Safety Glass Policy: 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 to those premises that would be considered as carrying a higher risk for potential crime and disorder. In particular it is expected in premises considered to be high volume vertical drinking establishments and those premises open beyond midnight in areas where there is a high concentration of venues (but not premises in those areas that are viewed as low risk in this context).

7.13 Drugs/Knives/Weapons: The Licensing Authority 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 within the premises in order to prevent tragedies as a result of drug misuse. The Licensing Authority will expect

licensees to be familiar with the Home Office Drug Strategy booklet entitled Safer Clubbing (ISBN 1840827807) or other subsequent editions. The Licensing Authority 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.

9.0 Prevention of Public Nuisance

9.1 Licensed premises, especially those operating late at night and in the early hours of the morning, can cause a range of nuisances impacting on people living, working or sleeping in the vicinity of the premises.

9.2 The concerns relate, amongst other things, to litter, light pollution, noxious odours and noise nuisance resulting from music, human voices, ventilation equipment and vehicles. The Licensing Authority will expect applicants to demonstrate that suitable and sufficient measures have been identified, and will be implemented and maintained, with the intention of preventing public nuisance relevant to the individual style, location and characteristics of the premises and events.

9.3 If an external structure or area is to be used by customers, whether for consumption of alcohol or for smoking, the applicant will be expected to offer measures designed to minimise its impact on local residents in respect of both public nuisance and crime and disorder. These measures may include a restriction on hours that areas / structures will be used, appropriate signage requesting customers to consider local residents and monitoring of such areas by staff.

9.4 The placement of tables and chairs outside of licensed premises may give rise to public nuisance including noise and litter. When tables and chairs are situated on the public highway relevant consents will often be required. Enquiries for such consents should be made to the Council's Highway's Section of the Regeneration and Economic Development Department. In predominantly commercial areas such as shopping centres the Licensing Authority, the use of tables and chairs outside may be allowed however, the Council will normally expect them to be removed before the premises close, and any resulting litter/ debris cleared away.

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

- Assessment of likely noise levels in the premises.
- Assessment of likely noise levels if outdoor drinking is allowed.
- The sound insulation the building would provide (e.g. double glazing, double doors / lobbies to entrances, windows used for ventilation).
- The distance and direction to the nearest noise sensitive premises.
- Likely noise sources outside of the premises (e.g. emptying bottle bins, taxis, unruly customers leaving the premises).
- Dispersal of patrons – where necessary the Licensing Authority will expect a dispersal policy for patrons at the end of the evening. The policy will specify

such issues as alterations to the style and volume of music played, public address announcements and use of appropriate signage at exits.

- Ways to limit noise / disorder from patrons leaving the premises.

9.6 The extent to which the above matters will need to be addressed will be dependent on the nature of the area where the premises are situated, the type of premises concerned, the licensable activities to be provided, operational procedures and the needs of the local community.

9.7 Applicants are advised to seek advice from Durham County Councils Environmental Health Team and incorporate any recommendations in their Operating Schedule before submitting their applications.

Appendix 5
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 nuisance

2.15 The 2003 Act enables licensing authorities and responsible authorities, through representations, to consider what constitutes public nuisance and what is appropriate to prevent it in terms of conditions attached to specific premises licences and club premises certificates. It is therefore important that in considering the promotion of this licensing objective, licensing authorities and responsible authorities focus on the effect of the licensable activities at the specific premises on persons living and working (including those carrying on business) in the area around the premises which may be disproportionate and unreasonable. The issues will mainly concern noise nuisance, light pollution, noxious smells and litter.

2.16 Public nuisance is given a statutory meaning in many pieces of legislation. It is however not narrowly defined in the 2003 Act and retains its broad common law meaning. It may include in appropriate circumstances the reduction of the living and working amenity and environment of other persons living and working in the area of the licensed premises. Public nuisance may also arise as a result of the adverse effects of artificial light, dust, odour and insects or where its effect is prejudicial to health.

2.17 Conditions relating to noise nuisance will usually concern steps appropriate to control the levels of noise emanating from premises. This might be achieved by a simple measure such as ensuring that doors and windows are kept closed after a particular time, or persons are not permitted in garden areas of the premises after a certain time. More sophisticated measures like the installation of acoustic curtains or rubber speaker mounts to mitigate sound escape from the premises may be appropriate. However, conditions in relation to live or recorded music may not be enforceable in circumstances where the entertainment activity itself is not licensable (see chapter 16). Any conditions appropriate to promote the prevention of public nuisance should be tailored to the type, nature and characteristics of the specific premises and its licensable activities. Licensing authorities should avoid inappropriate or disproportionate measures that could deter events that are valuable to the community, such as live music. Noise limiters, for example, are expensive to purchase and install and are likely to be a considerable burden for smaller venues.

2.18 As with all conditions, those relating to noise nuisance may not be appropriate in certain circumstances where provisions in other legislation adequately protect those living in the area of the premises. But as stated earlier in this Guidance, the approach of licensing authorities and responsible authorities should be one of prevention and when their powers are engaged, licensing authorities should be aware of the fact that other legislation may not adequately cover concerns raised in relevant representations and additional conditions may be appropriate.

2.19 Where applications have given rise to representations, any appropriate conditions should normally focus on the most sensitive periods. For example, the most sensitive period for people being disturbed by unreasonably loud music is at

night and into the early morning when residents in adjacent properties may be attempting to go to sleep or are sleeping. This is why there is still a need for a licence for performances of live music between 11 pm and 8 am. In certain circumstances, conditions relating to noise emanating from the premises may also be appropriate to address any disturbance anticipated as customers enter and leave.

2.20 Measures to control light pollution will also require careful thought. Bright lighting outside premises which is considered appropriate to prevent crime and disorder may itself give rise to light pollution for some neighbours. Applicants, licensing authorities and responsible authorities will need to balance these issues.

2.21 Beyond the immediate area surrounding the premises, these are matters for the personal responsibility of individuals under the law. An individual who engages in anti-social behaviour is accountable in their own right. However, it would be perfectly reasonable for a licensing authority to impose a condition, following relevant representations, that requires the licence holder or club to place signs at the exits from the building encouraging patrons to be quiet until they leave the area, or that, if they wish to smoke, to do so at designated places on the premises instead of outside, and to respect the rights of people living nearby to a peaceful night.

7. Temporary Event Notices (TENs)

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

General

- 7.2 The system of permitted temporary activities is intended as a light touch process, and as such, the carrying on of licensable activities does not have to be authorised by the licensing authority on an application. Instead, a person wishing to hold an event at which such activities are proposed to be carried on (the “premises user”) gives notice to the licensing authority of the event (a “temporary event notice” or “TEN”).
- 7.3 The TEN must be given to the licensing authority in the form prescribed in regulations made under the 2003 Act. The form requires the user to describe key aspects of the proposed event, including the general nature of the premises and the event, the licensable activities intended to be carried on at the proposed event, including whether they will include any relevant entertainment as defined in Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 (i.e. displays of nudity designed to sexually stimulate any member of the audience including, but not limited to, lap dancing and pole dancing). Under the 2003 Act ‘premises’ can mean any place. Events authorised under a TEN will therefore not always be in a building with a formal address and can take place, for example, in public parks and plots within larger areas of land. In all cases, the premises user should provide a clear description of the area in which they propose to carry on licensable activities, including whether the premises are, for example, an open field or a beer tent. Local authorities and “relevant persons” (see below) may wish to make enquiries where appropriate to satisfy themselves of the exact location for where a TEN is being given.
- 7.4 Unless it is sent electronically, it must be sent to the relevant licensing authority, to the police and “local authority exercising environmental health functions” (“EHA”) at least ten working days before the event. A premises user may also give a limited number of “late TENs” to the licensing authority less than 10 working days before the event to which they relate, although certain restrictions apply (see paragraphs 7.12-7.14). “Working day” under the 2003 Act means any day other than a Saturday, Sunday, Christmas Day, Good Friday or Bank Holiday. For limited purposes in relation to a TEN, the 2003 Act defines a “day” as a period of 24 hours beginning at midnight.
- 7.5 If a TEN is sent electronically via GOV.UK or the licensing authority’s own facility, the licensing authority must notify the police and EHA as soon as possible and no later than the first working day after the TEN is given.
- 7.6 The police or EHA (“relevant persons” for the purposes of TENs) may intervene to prevent such an event taking place by sending an objection to the licensing authority, which the licensing authority must consider on the basis of the statutory licensing objectives and decide whether the event should go ahead. A relevant person may also intervene by agreeing a modification of the proposed arrangements directly with the TENs user (see paragraph 7.36). If a relevant person sends an objection, this may

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 2014³.

³ For further guidance on the closure power under the 2014 Act, please refer to:
www.gov.uk/government/uploads/system/uploads/attachment_data/file/352562/ASB_Guidance_v8_July2014_final__2_.pdf