

**FOR CHAIR AND MEMBERS OF THE
LICENSING SUB COMMITTEE 13 MAY 2016**

REPRESENTATIONS IN RESPECT OF A TEMPORARY EVENT NOTICE

Applicant:	ALEX TODD
Premises:	Boja Event Clarks Yard Darlington DL3 7QH
Requested Licensable Activities	Requested Hours
Sale of alcohol (for consumption on the premises)	From 13:00hrs 29 May to midnight on 30 May 2016
Regulated Entertainment	From 13:00hrs 29 May to midnight on 30 May 2016

Notification to Responsible Authorities

The Applicant has served notice of this application to the following:

Chief Constable:
The Licensing Authority
Environmental Health (Public Safety and Public Nuisance)

LEGISLATION:

The Licensing Act 2003 requires the Licensing Authority to carry out its functions with a view to promoting the four Licensing Objectives:

- The Prevention of Crime and Disorder
- Public Safety
- The Prevention of Public Nuisance
- The Protection of Children from Harm

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 gives notice to the licensing authority of the event.

THE NOTICE / DESCRIPTION OF PREMISES

On 29 April 2016 the applicant gave a Temporary Event Notice in respect of a proposed event Clarks Yard in accordance with Section 100 of the Licensing Act 2003. In the notice the Applicant described the nature of the premises as:

“Clarks Yard is a winding court yard without any road, which acts as a small commercial area for small shops, owned by John Howard who has given us permission for these events. It has 2 main entrances which lead onto Darlington's high streets.”

The applicant described the nature of the event as follows:

“Inspired by Barcelona street parties and fiesta’s, Boja is a music and art event show casing local musical and creative talent. There will be lots of street decoration down the yard, food vendors, 2 small bars, cash points etc and a DJ box”

Section 100, subsection 7(b) states that “*The temporary event notice— must be accompanied by the prescribed fee.*” The prescribed fee was not paid until 3 May 2016 and so the Notice was not duly made until payment was received.

A copy of the application is attached at Appendix 1a to this report

The Notice does not make it clear whether the food vendors will remain onsite until midnight and there has been no mention of late night refreshment made within the Temporary Event Notice.

The 2003 Act does not permit conditions to be applied to Temporary Event Notices unless there is a premise licence in force, in which case the conditions which apply to the Premise Licence can be added to the Temporary Event Notice.

The applicant also gave a further Temporary Event Notice for the same day and at the same timings for the use of the adjacent yard known as Buxton’s Yard. The applicant did not submit a payment for this Notice and the Licensing Section would therefore consider that Notice not to be duly made

The Authority have received objection notices from Durham Constabulary and Environmental Health. The representations have been summarised below and are reproduced in full at **Appendix 1b** to this report.

THE REPRESENTATIONS

On the 5 May 2016 Durham Constabulary submitted an objection notice on the basis that to permit the event to proceed the crime prevention objective would be undermined. In summary he is concerned that the Notice does not contain sufficient information to enable the police to make an informed opinion of how well the event will be managed. The applicant submitted an Event Plan to the Police and this has been taken into consideration within the objection notice

On the 6 May 2016, the Environmental Health Manager submitted an objection notice based on the grounds of the Prevention of Public Nuisance in that the event would cause disturbance to businesses and local residents to an unacceptable degree and Public Safety due to the lack of safe egress in an emergency.

Where an objection notice is given in respect of a temporary event notice, the local authority must hold a hearing to consider the objection notice.

THE GUIDANCE

Members are referred to Section 7 of the Secretary of State’s Guidance which has been reproduced at **Appendix 1c**

THE LICENSING POLICY

Members are referred to the following relevant section of the Council’s Licensing Policy which are reproduced at **Appendix 1d**

ADDITIONAL INFORMATION

A map showing the location of the premises will be produced at Committee for Members' attention.

A copy of the Event Plan submitted to Environmental Health and Durham Police will also be available

MEMBERS' OPTIONS

Members may consider the following options:

- Allow the licensable activities to go ahead as stated in the notice.
- Refuse the event on the grounds that to permit it would undermine the licensing objectives and issue a counter notice.

Members are reminded that any aggrieved party (i.e. Applicant or Other Person) may appeal any decision of the Licensing Sub Committee to the Magistrates' Courts.

Contact Officer: Julie Richings Ext 6391

Ian Williams
Director of Economic Growth

For admin use only:

Date of Sub Committee: 13 MAY 2016

Sub Committee Decision:

GRANT/REFUSE

Reasons:



TEMPORARY EVENT NOTICE



Licensing, Town Hall, Faethams, Darlington. DL1 5QT Telephone: 01325 388562 Fax: (01325) 388555
 Web site: <http://www.darlington.gov.uk> Email: licensing@darlington.gov.uk

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. 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 at the above address with the fee and additional copies to must be sent to:

Chief Officer of Police, Police HQ, St Cuthbert's Way, Darlington, DL1 5LB
 Email: licensing.south@durham.pnn.police.uk

and to

Pollution Control - Darlington Borough Council Environmental Health Manager, The Town Hall, Darlington, DL1 5QT
 Email: environmental.health@darlington.gov.uk

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 event at the premises described below.

1. The personal details of premise user (Please read note 1)

1. Title Mr Mrs Miss Ms Other (please state)

Surname

Forenames

2. Previous names (Please enter details of any previous names or maiden names, if applicable. Please continue on a separate sheets if necessary)

Title Mr Mrs Miss Ms Other (please state)

Surname

Forenames

3. Your date of birth Day Month Year

4. Your place of birth

5. National Insurance Number

6. Your current address (we will use this address to correspond with you unless you complete the separate correspondence box below)

Post Town Postcode

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

Inspired by Barcelona street parties and fiesta's, Boja is a music and art event show casing local musical and creative talent. There will be lots of street decoration down the yard, food vendors, 2 small bars, cash points etc and a DJ box.

3. The Licensable Activities

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

- The sale by retail of alcohol
- The supply of alcohol by or on behalf of a club, or to the order of, a member of the club
- The provision of regulated entertainment
- The provision of late night refreshment
- Are you giving a late temporary event notice (please read note 7)

Please state the date and times during the event period that you propose to carry on licensable activities (please give times in 24 hour clock) (Please read note 9)

From 13:00 On May 29th - Until May 30th 00:00

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)

499

- 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 read note 11)
- On the premises only
 - Off the premises only
 - Both

4. Personal Licence Holders (please read note 12)

Do you currently hold a valid personal licence Yes No

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

Issuing Authority

Licence Number

Date of Issue

Date of Expiry

Any further relevant details

5. Previous Temporary Event Notices you have given. (Please read note 13 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 No

If answering yes, please state the number of temporary event notices (including the number of late temporary events notices, if any) you have given for events in the same calendar year

1

Have you already given a temporary event notice for the same premises in which the event period Yes No

- a) ends 24 hours of less before; or
- b) begins 24 hours of less after

the event period proposed in this notice

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 connection with this temporary event notice and that a person is liable on conviction for such an offence to a fine up to 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 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

Name of Person Signing

10. Acknowledgement (Please read note 18)

I acknowledge receipt of this temporary event notice

Signature

Date

Name of Officer Signing

REPRESENTATIONS IN RESPECT OF TEMPORARY EVENT NOTICE

Representor: Durham Constabulary **Appendix (1bi)**
Comments: Based on the Prevention of Crime and Disorder, Public Safety
and Protection of Children from Harm.

The police are objecting to the TENS application submitted for Clarks Yard for an event to be held from 13:00 hrs on May 29th until 00:00hrs on May 30th and also the TENS application submitted for Buxton's Yard again to be held from 13:00hrs on May 29th until 00:00hrs on May 30th.

Both TENS have been submitted by the same person Alex TODD and are identical other than location however the TENS for Buxton's Yard has not yet been paid for but has been received by the police.

The police objections are under crime and disorder, Public safety and protection of children from harm.

The event is described on the application forms as being inspired by Barcelona street parties and fiesta's. With this event being a music and art event showcasing local musical and creative talent, with lots of street decoration down the yards, food vendors, 2 small bars, cash points etc. and a DJ Box.

Due to the organiser not contacting the police to discuss his applications I am basing my objection on the information I have from the event plan submitted by the organiser.

Firstly on the plan from 14:00hrs – 00:00 hrs the running order of guests all appear to be DJ's/Music sets there is no mention of any art events to showcase the creative talent. From this I would draw the conclusion that this event is purely a music event, quote from Sound Navigations website who are doing a two hour set - Not for the faint hearted, we bring to you the House/Techno dance-music event you have all anticipated: Sound Navigation! Check us out for more info

On this plan under part 6 – Security they have stated an alcohol policy and state no alcohol will be allowed to be brought onto or taken from the site and any alcohol found will be confiscated. There is no explanation as to how this will be implemented and from experience, searching of people and confiscation of items can lead to disorder.

They have also stated there is a low risk of violence, drugs, crowd trouble and terrorism, again there is no explanation as to how they have come to grade these risk as low especially as there hasn't been an event of this kind before in Darlington. They do however grade the risk of people being intoxicated and risk of people being victims of thefts as medium, which itself is a concern for me that they are expecting people to be intoxicated and being victims of crime more so than being violent. This risk assessments itself under minds the crime and disorder.

They have also stated on the plan that the event will operate a no re-admittance policy which will encourage people to stay for the full day and possibly drink to excess.

BOJA – CLARKS YARD

Should there be any emergency situations within the yards the entrance points are from Highrow and Skinnergate with both being pedestrians areas meaning access for all emergency services is restricted during the day onto Skinnergate and at all times onto High row which can impact on the safety of the public.

As far as I am aware organiser isn't a personal licence holder and although he stated there will be a challenge 21 system in place there is no mention around how he will deal with drunkenness, drugs, violence, refusal of entry, ejection from the event and how he will promote the licencing objectives. Although he has mentioned SIA registered staff again he hasn't stated how many personal there will be.

From looking at the plan submitted the Entry and exit points are from the Skinnergate entrance with the emergency exit leading onto High Row. This emergency exit is less than 1 meter wide so should there be an emergency situation I feel the safety of the public would impacted upon as if the yard was at the maximum capacity of 499 as stated on the application this exit point would not be sufficient. Also should there be some disorder within the Yard due to the layout there is a possibility members of the public not involved could become injured and there is no mention on the plan how and where people would be ejected from the event. The organiser has also stated the number of public attending the event will be 499 so if this is the case he has failed to take into account the numbers of staff, performers, security etc. working at the event so should he sell 499 tickets he will be over capacity meaning some people who have bought tickets will not be allowed entry which could lead to disorder.

As this is a day time event on a bank holiday Sunday running into the evening there is a risk that children although not being admitted into the event could be witness to behaviour likely to cause them harassment, alarm and distress.

In summary the organiser is wanting to run two events at the same time both with a capacity of 499 so in total 998, to date he has only submitted an event plan for Clarks Yard and on this he hasn't sufficiently demonstrated to the police how these events are not going to undermined the licencing objectives.

Representor: Environmental Health Manager (Appendix 1bii)
Comments: Based on the Public Safety and the Prevention of Public Nuisance

1. With regard to the Protection of Public Safety-Clarks Yard narrows significantly at one end and in the case of an emergency, should the entrance to the yard at Skinnergate be blocked, there would be insufficient space to evacuate 499 people from the yard. The opinion was sought of the Councils Principal Building Control Officer who advised the following:

"I called and measured the exit width onto High Row this being 1.06m. Using the guidance available for "fire safety risk assessment of open air events and venues" the exit width would for an event of this nature in this location, only suitable for a maximum of up to 160 persons.

The area to be occupied by obstructions imported into the venue area would need to be determined as would the actual footprint of the event area when determining the safe maximum occupancy for the event, so as to avoid crushing during normal circulation at an event."

BOJA – CLARKS YARD

2. With regard to the Prevention of Public Nuisance-The event is to consist of Amplified music and speech and in my opinion this will cause disturbance to business and residents in the area to an unacceptable degree. No information has been provided in the form of a Noise Management Plan or other noise controls which would limit the disturbance.
3. In addition, the Council who are the owners of the land proposed to be used in conjunction with both of these Notices does not consider the land suitable for use as a venue for a musical event. I have been told by the Traffic Manager that that the Highways Authority will not be providing permission for the use of Clarkes Yard for a music event as the means of escape is not appropriate.

Darlington BC is the Highways Authority that issues road closure orders. Ken Major is the Traffic Manager who advises me that he did not received your enquiry about a road closure.

Therefore on this basis I would object to the TEN

**GUIDANCE ISSUED UNDER SECTION 182 OF THE LICENSING ACT 2003
(REVISED MARCH 2015)**

Purpose

- 1.7** This Guidance is provided to licensing authorities in relation to the carrying out of their functions under the 2003 Act. It also provides information to magistrates' courts hearing appeals against licensing decisions and has been made widely available for the benefit of those who run licensed premises, their legal advisers and the general public. It is a key medium for promoting best practice, ensuring consistent application of licensing powers across England and Wales and for promoting fairness, equal treatment and proportionality.
- 1.8** The police remain key enforcers of licensing law. This Guidance does not bind police officers who, within the parameters of their force orders and the law, remain operationally independent. However, this Guidance is provided to support and assist police officers in interpreting and implementing the 2003 Act in the promotion of the four licensing objectives.

Legal status

- 1.9** Section 4 of the 2003 Act provides that, in carrying out its functions, a licensing authority must 'have regard to' guidance issued by the Secretary of State under section 182. This Guidance is therefore binding on all licensing authorities to that extent. However, this Guidance cannot anticipate every possible scenario or set of circumstances that may arise and, as long as licensing authorities have properly understood this Guidance, they may depart from it if they have good reason to do so and can provide full reasons. Departure from this Guidance could give rise to an appeal or judicial review, and the reasons given will then be a key consideration for the courts when considering the lawfulness and merits of any decision taken.
- 1.10** Nothing in this Guidance should be taken as indicating that any requirement of licensing law or any other law may be overridden (including the obligations placed on any public authorities under human rights legislation). This Guidance does not in any way replace the statutory provisions of the 2003 Act or add to its scope and licensing authorities should note that interpretation of the 2003 Act is a matter for the courts. Licensing authorities and others using this Guidance must take their own professional and legal advice about its implementation.

Public safety

- 2.6** Licence holders have a responsibility to ensure the safety of those using their premises, as a part of their duties under the 2003 Act. This concerns the safety of people using the relevant premises rather than public health which is addressed in other legislation. Physical safety includes the prevention of accidents and injuries and other immediate harms that can result from alcohol consumption such as unconsciousness or alcohol poisoning. Conditions relating to public safety may also promote the crime and disorder objective as noted above. There will of course be occasions when a public safety condition could incidentally benefit a person's health more generally, but it should not be the purpose of the condition as this would be

BOJA – CLARKS YARD

outside the licensing authority's powers (be ultra vires) under the 2003 Act. Conditions should not be imposed on a premises licence or club premises certificate which relate to cleanliness or hygiene.

- 2.7** A number of matters should be considered in relation to public safety. These may include:
- Fire safety;
 - Ensuring appropriate access for emergency services such as ambulances;
 - Good communication with local authorities and emergency services, for example communications networks with the police and signing up for local incident alerts (see paragraph 2.4 above);
 - Ensuring the presence of trained first aiders on the premises and appropriate first aid kits;
 - Ensuring the safety of people when leaving the premises (for example, through the provision of information on late-night transportation);
 - Ensuring appropriate and frequent waste disposal, particularly of glass bottles;
 - Ensuring appropriate limits on the maximum capacity of the premises (see paragraphs 2.11-2.12, and Chapter 10; and
 - Considering the use of CCTV in and around the premises (as noted in paragraph 2.3 above, this may also assist with promoting the crime and disorder objective).
- 2.8** The measures that are appropriate to promote public safety will vary between premises and the matters listed above may not apply in all cases. As set out in Chapter 8 (8.33- 8.41), applicants should consider when making their application which steps it is appropriate to take to promote the public safety objective and demonstrate how they achieve that.

Public nuisance

- 2.14** 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.
- 2.18** 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.

Temporary Event Notice

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).
- 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.

Who can give a temporary event notice?

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.

7.27 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.**

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. 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.

Applying conditions to a Temporary Event Notice

- 7.37 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.

STANDARD TENS

1. A standard Temporary Event Notice (TEN) needs to be submitted when an individual wishes to use a premises, which does not have a Premises Licence for an event lasting not more than 168 hours and to which the maximum number of people attending will be less than 500.

A TEN in the prescribed form must be given to the Licensing Authority along with the prescribed fee at least 10 working days before the event. As this is such a short period of time the Council will expect that far greater notice is always given unless there is good reason not to do so. A copy of the notice must also be sent, by the applicant, to two of the Responsible Authorities, namely the Police and Environmental Health, who must respond within 2 working days of receipt.

The Licensing Authority will acknowledge receipt of the notice and will await any comments from the two Responsible Authorities. Any Representations will need to demonstrate that the measures are 'appropriate' to uphold the licensing objectives. This is a change from the previous requirement that measures be 'necessary' to promote the licensing objectives. If either Responsible Authority objects to the event and a negotiated agreement cannot be reached the Licensing Authority will hold a hearing to consider the matter.

If the Licensing Authority accepts the objections it will issue a counter notice and the event cannot proceed. This notice must be issued at least 24 hours before the event was due to take place and the Applicant may appeal to the Magistrates Courts. Similarly if the Licensing Authority decides not to accept the objections the Police and/or Environmental Health also have the right of appeal to the Magistrates Courts.

A personal licence holder may apply for a maximum of 50 TENS in any calendar year (but see below re Late TENS). Non licence holders may apply for 5 TENS in any calendar year and the same premises must not have more than 15 TENS (covering no more than 21 days in total) in any calendar year.

**LICENSING ACT 2003
NOTIFICATION OF HEARING
(Regulations 6 and 7)**

Date of Notification: 10 May 2016

Type of Hearing: Temporary Event Notice Objection

Premises: Boja

Hearing Details: 13:30 hours Friday 13 May 2016

Location: Darlington Borough Council,
Town Hall, Darlington,
DL1 5QT

Copy of notice sent to	Alex Todd Chief Constable – Durham Constabulary Environmental Health Manager	(Applicant) (Responsible Authority) (Responsible Authority)
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Attendance: All parties may attend this hearing. You may find it useful to be accompanied by your legal representative(s) or any other person who may be able to assist you. Please complete the attached form at **Appendix 2a** and return to the Licensing Section **no later than 12 noon on Thursday 12 May 2016**

Non-attendance: If you notify the Licensing Authority that you will not be attending this hearing and that you will not be legally represented in your absence, the hearing may proceed in your absence. If you do not notify your non-attendance and then do not attend this hearing the Licensing Sub Committee will decide whether it is in the public interest to adjourn the hearing to enable you to attend or whether to hold the hearing in your absence. If the hearing does proceed in your absence your representations will still be considered.

Procedure at the Hearing: You will find attached, at **Appendix 2b**, the procedure that will be followed at the Hearing. The Hearing will take place in public unless it is deemed in the public interest to exclude the public or any party to the Hearing from all or part of the Hearing. If a party is excluded from the Hearing (s)he will be able to provide written information to cover any verbal representations (s)he may have made if (s)he had not been so excluded. The Hearing will take the form of a discussion and each party will be permitted an equal period of time to provide information, make comment and express their views.

Withdrawal of Representations: Anyone wishing to withdraw representations should do so as soon as possible. Although this can be done at the Hearing, you are requested, where possible, to give at least 24 hours' notice as it may no longer be necessary for the Hearing to proceed.

Outcome of Hearing: A decision will be made at the end of the hearing, although this may take some time.

**LICENSING**

Town Hall, Feethams, Darlington DL1 5QT

☎ 01325 405 888

☎ 01325 405983

✉ licensing@darlington.gov.uk

DX 69280 Darlington 6

Web site: <http://www.darlington.gov.uk>**NOTICE OF ATTENDANCE**

Please complete the following notice in block capitals and return to the address detailed below:

DATE OF HEARING: 13 May 2016

NAME OF PREMISES: Boja

YOUR NAME: _____

I WILL* I WILL NOT* BE ATTENDING THE HEARINGI WILL* I WILL NOT* LEGALLY REPRESENTED

NAME OF LEGAL REPRESENTATIVE (IF APPROPRIATE):

I DO* I DO NOT CONSIDER A HEARING TO BE NECESSARY

(*delete as appropriate)

If you wish to be accompanied by any other person please provide details of their name and an outline of what they wish to say and how this will assist you:

Name

Details

Please return to: Mrs P Ross
 Licensing, Parking, Trading Standards & CCTV Manager
 Darlington Borough Council
 Town Hall
 Feethams
 DARLINGTON
 DL1 5QT

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LICENSING SUB COMMITTEES

FULL HEARING PROCEDURE FOR APPLICATIONS FOR PREMISES LICENCES/CLUB PREMISES CERTIFICATES WHERE RELEVANT REPRESENTATIONS HAVE BEEN RECEIVED

1. The Chair will welcome all parties who are present and introduce the Members. The Chair will explain to the parties at the beginning of a hearing the procedure that it is proposed to follow. The hearing will take the form of a discussion. Cross-examination will not be permitted without the consent of the Chair.

Any Members who know the Applicant or any of the objectors will declare this fact and not take part in the hearing of the application. This is in addition to the declaration of any personal or prejudicial interest.

(NB The Secretariat will endeavour to ensure that Ward Members and Members that are personally known to the Applicant are not included on the Sub Committee).

All hearings will usually be in public. The Sub-Committee may, however, exclude the public from all or part of a hearing where it considers that the public interest in so doing outweighs the public interest in the hearing, or that part of the hearing, taking place in public.

The Licensing Manager will outline the application.

2. **The Representor's Case**

NB: Where representations come from "Other Persons", i.e. local residents or businesses or representatives of such groups, the Sub-Committee will expect that wherever possible a spokesperson be elected to speak on behalf of the group. This person will make the application. At the conclusion of the application the Chair will ask the group if there is any information which is additional to the application made by the spokesperson and if so will permit this information to be given.

- [1] The Representor or his/her representative will give their reasons for objecting to the application.
- [2] The Representor or his/her representative will then call any witnesses and/or give reasons for his/her objection.
- [3] The Applicant or his/her representative may then question the Representor [if he/she has given evidence] and any witnesses.
- [4] The Chair or any member of the Licensing Sub Committee, through the Chair, may ask questions of the Objector and any witnesses.

If several objections have been received and the Representors have not agreed to present their objection jointly, this procedure will normally be repeated for each individual Representor

3. **The Applicant's Case**

- [1] The Applicant or his/her representative presents his/her application for a licence
- [2] The Applicant or his/her representative will then call any witnesses and/or give evidence in support of his/her application.
- [3] The Representors may then question the Applicant if he/she has given evidence and any witnesses.
- [4] The Chair or any Member of the Licensing Sub-Committee through the Chair will ask questions of the Applicant and any witnesses.

[5] The Applicant or his/her representative will then be given a final opportunity of asking any further questions of any witnesses to clear up any points raised in the earlier questioning.

4. The Applicant will be asked by the Chair of the Sub-Committee whether, in the light of the information heard in relation to the application, (s)he wishes to amend the application, as when they retire, Members will consider only the information before them at that time.

If the Applicant wishes to amend the application or indicates that (s)he is prepared for Members to consider an amended application if they are minded to refuse the original application, the Objectors will be given the opportunity to comment on the amended application.

5. Closing Statement or Summary

[1] **By or on behalf of the Representors** - The Representors may summarise any points they wish to make and comment briefly on the Applicant's replies to questions. They cannot introduce new issues.

[2] **By or on behalf of the Applicant** - The Applicant will be invited to summarise any points they wish to make and comment briefly on the Representors' replies to questions. They cannot introduce new issues.

6. Conclusion

All decisions will be made in private

If Members, when considering the application, are minded to grant on a different basis than that requested, the Applicant, the Responsible Authorities and Interested Parties will be asked for their views, which will be taken into consideration.

The Legal Officer will repeat, in summary form, any legal advice given to Members when the public is re-admitted.

If the Licensing Sub-Committee has excluded the public, once a decision has been reached the press and public will be re-admitted to the meeting together with the Applicant, Responsible Authorities and Other Persons. At this stage, the Chair will announce the Sub-Committee's decision, will give reasons for the decision and advise all parties of rights of appeal. The decision will subsequently be formally notified to the Applicant(s), Responsible Authorities and Other Persons in writing, including their rights of appeal as soon as possible after the Hearing.