



**FOR CHAIR AND MEMBERS OF THE
LICENSING SUB COMMITTEE 23 MAY 2017**

REPRESENTATIONS IN RESPECT OF A TEMPORARY EVENT NOTICE

Applicant:	Craig Skelton
Premises:	Joseph Pease, Tubwell Row, Darlington DL1 1PD
Requested Licensable Activities	Requested Hours
Sale of alcohol (for consumption on the premises)	From 11:00hrs 28 May to 04:00hrs on 29 May 2017
Regulated Entertainment	From 11:00hrs 28 May to 04:00hrs on 29 May 2017

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 12 May 2017 the applicant gave a Temporary Event Notice in respect of a proposed event in The Joseph Pease in accordance with Section 100 of the Licensing Act 2003 including payment of the prescribed fee. In the notice the Applicant described the nature of the premises as:

“Wet Led Pub”

The applicant described the nature of the event as follows:

“Disco/Karaoke”

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

The Authority have received an objection notice from Durham Constabulary. The representation has been summarised below and is reproduced in full at **Appendix 1b** to this report.

THE REPRESENTATION

On the 15 May 2017 Durham Constabulary submitted an objection notice on the basis that to permit the event would undermine the crime prevention objective.

“We object under The Crime and Disorder objective, Durham Constabulary are not in a position to support the application due to incidents that have occurred at the premise”.

Durham Constabulary are objecting to the Temporary Event Notice for 28th May-29th May under the licencing objective Prevention of crime and disorder. The premises user Craig Lee SKELTON was spoken to and advised that he already had one extra hour for the period he wanted which would take the sale of alcohol hours to 3am and closure of premises 3:30am, however he would not accept this so the police wish the committee to consider the following points.

1. Under part three of the application the premises user Craig Lee SKELTON has applied for the TEN's notice to take effect from 11:00 on 28th May 2017 to 04:00 on 29th May 2017, and by doing so has dis-applied the conditions which currently apply to the premises licence for this period.
2. The premises user Craig Lee SKELTON is also the DPS at the premises, however he has only held this role since 25th April 2017. From speaking with Craig SKELTON around this TEN's application it would appear he is not aware of all the incidents, prior to his arrival which evidence the amount of crime and disorder at the premises and the police concerns.
3. Due to the amount of incidents at the premises which undermined the crime and disorder objective and evidence that the premises is not promoting the licencing objectives, Durham Constabulary for several months have been working with the PLH, Punch Taverns and the past DPS's. Exhibit CD/1 is a copy of an email from

Joseph Pease

- Punch Taverns requesting the police contact Punch prior to approaching the tenants/operators of the premises.
4. Exhibits MM/1 and MM/2 document a visit and discussion around the premises.
 5. MM/3 is an update of a visit to the premises following the report of several incidents over what was the August Bank holiday
 6. MM/4 email sent to Punch Taverns re concerns around the amount of incidents at the premises
 7. MM/5 documents meeting with police and Punch Taverns, when following an investigation a door supervisor had been captured on CCTV assaulting a male. This male had been arrested following the initial incident report to the police that this male had assaulted door staff, when CCTV showed he hadn't
 8. MM/6 Email sent to Punch Taverns with an update in relation to MM/5 and also request from Durham Constabulary for improvements in the CCTV.
 9. MM/7 documents a visit to the premises whereby a female had wrote a letter of apology to a member of bar staff having assaulted her. Durham police have no record of the incident and Craig Skelton stated he didn't know about it. Craig Skelton asked about extending his current licence and was told the police would object due to the amount of incidents.
 10. CD/2 – CD/11 incidents for the past 3 months
 11. CD/2 Public Order
 12. CD/3 Public Order
 13. CD/4 Public Order
 14. CD/5 Sexual offence
 15. CD/6 Theft
 16. CD/7 Harassment
 17. CD/8 Theft
 18. CD/9 Concern
 19. CD/10 Violence against the person
 20. CD/11 Violence against the person

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

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.

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.

Durham Constabulary will provide evidence of recent incidents connected to the premises.

MEMBERS' OPTIONS

Members may consider the following options:

- Allow the licensable activities to go ahead as stated in the notice.
- Allow the licensable activities to go ahead with conditions attached as per The Joseph Pease Premises Licence.
- 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:

Ian Williams
Director of Economic Growth

For admin use only:

Date of Sub Committee: MAY 2017

Sub Committee Decision:

GRANT/REFUSE

Reasons:



TEMPORARY EVENT NOTICE

Licensing, Town Hall, Feethams, Darlington. DL1 5QT Telephone: 01325 405888
 Web site: <http://www.darlington.gov.uk> Email: licensing@darlington.gov.uk

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.

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

Darlington Borough Council Environmental Health, Town Hall, Darlington, DL1 5QT
Email: ehlicensing@darlington.gov.uk

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 checked="" type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other (please state)		
Surname	SKELTON		
Forenames	CRAIG LEE		
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	Day 13	Month 01	Year 1979
4. Your place of birth	SCUNTHORPE		
5. National Insurance Number	JS 59 51 92 A		
6. Your current address (We will use this address to correspond with you unless you complete the separate correspondence box below)			
45-49 THE JOSEPH PEASE, TUBWELL ROW,			
Post town	DARLINGTON		Postcode DL1 1PD
7. Other contact details			
Telephone numbers Daytime	07701 037431		
Evening (optional)			
Mobile (optional)			
Fax number (optional)			
E-Mail address (if available)	craigskelton1@outlook.com		

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

2. The premises	
Please give the address of the premises where you intend to carry on the licensable activities or, if it has no address, give a detailed description (including the Ordnance Survey references) (Please read note 2)	
THE JOSEPH PEASE, 45-49 TUBWAL ROW, DARLINGTON DL1 1PD	
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	DL17/00004/VARDPS
Club premises certificate number	
If you intend to use only part of the premises at this address or intend to restrict the area to which this notice applies, please give a description and details below. (Please read note 3)	
Please describe the nature of the premises below. (Please read note 4)	
WET LED PUB	
Please describe the nature of the event below. (Please read note 5)	
DISCO/KARAOKE	

3. The licensable activities	
Please state the licensable activities that you intend to carry on at the premises (please tick all licensable activities you intend to carry on). (Please read note 6)	
The sale by retail of alcohol	<input checked="" type="checkbox"/>
The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club	<input type="checkbox"/>
The provision of regulated entertainment (Please read note 7)	<input checked="" type="checkbox"/>
The provision of late night refreshment	<input checked="" type="checkbox"/>
Are you giving a late temporary event notice? (Please read note 8)	<input type="checkbox"/>
Please state the dates on which you intend to use these premises for licensable activities. (Please read note 9)	
28 MAY 2017 - 29 MAY 2017	
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)	
11.00 - 28 MAY 2017 TO 04.00 - 29 MAY 2017	
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)	
100	
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 <input checked="" type="checkbox"/>
	Off the premises only <input type="checkbox"/>
	Both <input type="checkbox"/>
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)	


4. Personal licence holders (Please read note 14)		
Do you currently hold a valid personal licence? (Please tick)	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
If "Yes" please provide the details of your personal licence below.		
Issuing licensing authority	DARLINGTON BOROUGH COUNCIL	
Licence number	15/00882	
Date of issue	04/06/2015	
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 <input checked="" 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 checked="" 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 <input checked="" type="checkbox"/>
If answering yes, please state the total number of temporary event notices (including the number of late temporary event notices, if any) your associate(s) have given for events in the same calendar year.		
Has any associate of yours already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Has any person with whom you are in business carrying on licensable activities given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
If answering yes, please state the total number of temporary event notices (including the number of late temporary event notices, if any) your business colleague(s) have given for events in the same calendar year.		
Has any person with whom you are in business carrying on licensable activities already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>

7. Checklist (Please read note 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 checked="" type="checkbox"/>
Sent a copy of this notice to the chief officer of police for the area in which the premises are situated	<input checked="" 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 checked="" 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 checked="" type="checkbox"/>
Signed the declaration in Section 9 below	<input checked="" 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)	
The information contained in this form is correct to the best of my knowledge and belief.	
I understand that it is an offence:	
(i) to knowingly or recklessly make a false statement in or in connection with this temporary event notice and that a person is liable on summary conviction for such an offence to a fine of any amount; and	
(ii) to permit an unauthorised licensable activity to be carried on at any place and that a person is liable on summary conviction for any such offence to a fine of any amount, or to imprisonment for a term not exceeding six months, or to both.	
Signature	
Date	12-05-17
Name of Person signing	CRAK, LEE SKELTON

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 1b

REPRESENTATIONS IN RESPECT OF TEMPORARY EVENT NOTICE

Representor: Durham Constabulary **Appendix (1bi)**
Comments: Based on the Prevention of Crime and Disorder.

**GUIDANCE ISSUED UNDER SECTION 182 OF THE LICENSING ACT 2003
(REVISED April 2017)**

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

Joseph Pease

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

Town Hall, Feethams, Darlington. DL1 5QT

Tel: (01325) 405888

<http://www.darlington.gov.uk>

PART A

Licensing Act 2003 Premises Licence

Joseph Pease

Premises Licence Number	DL17/00633/VARDPS
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PART 1 – PREMISES DETAILS

Premises Details:	Joseph Pease 45-49 Tubwell Row, Darlington, DL1 1PD
Telephone number:	01325 462369

Licence effective from:	19 April 2017	Duration of Licence:	Indefinite
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Authorised Licensable Activities:	Authorised Hours
Retail sale of alcohol (for consumption ON AND OFF the premises)	09:30 - 02:00 Monday to Saturday 11:00 - 02:00 Sunday
Regulated Entertainment: Live music, Recorded music, Provision of Facilities for Entertainment similar to Making Music or Dancing Performance of Dance, Entertainment Similar to Live or Recorded Music or Performance of Dance; Provision of Facilities for Making Music, Provision of Facilities for Dancing	09:30 - 02:00 Monday to Saturday 11:00 - 02:00 Sunday

Premises Opening Hours:	09:30 - 02:30 Monday to Saturday 11:00 - 02:30 Sunday
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<p>Non-standard/seasonal timings:</p> <p>The Sale of Alcohol, Recorded Music, Live Music and Provision of Facilities for Entertainment similar to Making Music or Dancing will be extended by one extra hour every Friday to Monday for each May Bank Holiday and every August Bank Holiday weekend, Every Thursday to Monday for the Easter Bank Holiday weekend, Christmas Eve and Boxing Day.</p> <p>The Sale of Alcohol, Recorded Music, Live Music and Provision of Facilities for Entertainment similar to Making Music or Dancing maybe provided from the end of the specified times on any day which is New Year's Eve to the beginning of the start times on the following day (New Year's Day)</p> <p>The premise will close 30 minutes after the end of the non-standard/seasonal timings.</p>
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PART 2

Premises Licence Holder:	Punch Taverns Plc, Jubilee House, Second Avenue, Burton On Trent, Staffordshire, DE1 2WF
Telephone Number:	01283 501600
Registered Company No:	03752645

Designated Premises Supervisor:	Craig Skelton
Personal Licence No:	DL15/00882/PERSON
Issuing Authority:	Darlington Borough Council

Annex 1 Mandatory Conditions:

1. Every Supply of alcohol under the premises licence must be made by or authorised by a person who holds a personal licence.
2. No supply of alcohol may be made under the premises licence:-
 - (a) at a time when there is no Designated Premises Supervisor in respect of the premises licence or
 - (b) at a time when the designated Premises Supervisor does not hold a personal licence or his personal licence is suspended.
- 3.(1) 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.
 - (2) 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).
4. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
5. (1) 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.
 - (2) 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.
 - (3) 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.
6. 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
7. 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.
8. For the purposes of the condition set out at 8 —
- a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979(6);
- b) “permitted price” is the price found by applying the formula—
- $$P = D + (D \times V) \text{ where—}$$
- 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 the 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) “value added tax” means value added tax charged in accordance with the Value Added Tax Act 1994.
9. Any person acting in the capacity of a Door Supervisor must be registered in accordance with the requirements of the Security Industry Authority.

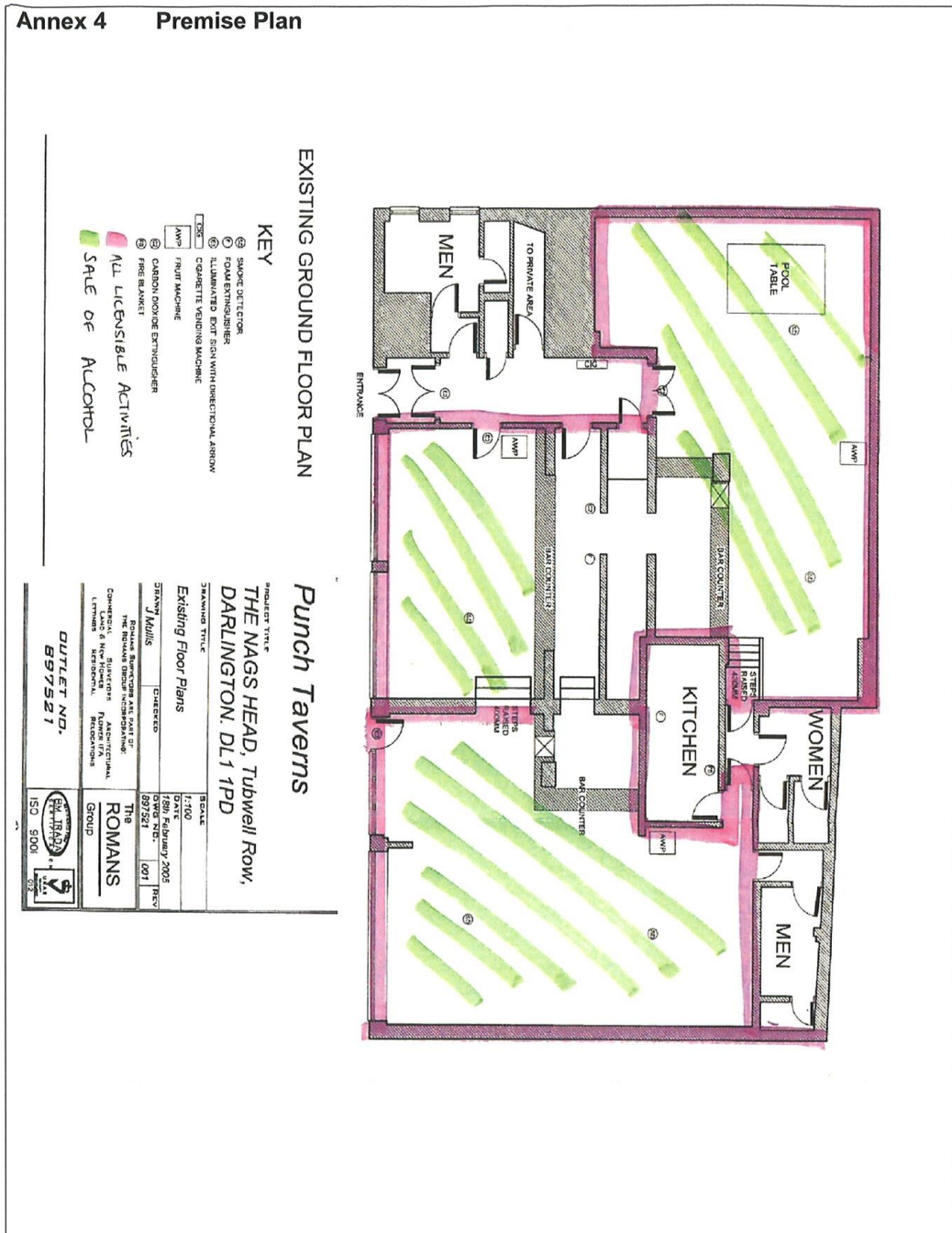
Annex 2 Conditions consistent with the Operating Schedule and/or converted from the Original Licence(s):

1. This licence is subject to all embedded conditions/restrictions inherent in the Licensing Act 1964 save those relating to hours which have been amended by virtue of this application.
2. Children will only be permitted on the premises when they are accompanied by an adult if they are dining or attending a private function.
3. There shall be no adult entertainment featuring nudity on the premises.
4. The maximum number of persons allowed to be present in the Front Bar at any one time when regulated entertainment which consists of Performance of Dance, entertainment similar to live or recorded music or performance of dance, provision of facilities for making music or provision of facilities for dancing, shall not exceed 60 persons.
5. Noise from the licensed premises shall not give rise to levels of 5db(A) or more above the Background noise level, measured in accordance with BS4142, at the nearest affected residential premises.
6. A digital CCTV system complying with Durham Constabulary’s Minimum Standards for Licensed Premises will be installed and in operation at all times the premises are being used for licensable activities. It must be operated by properly trained staff.
The system shall as a minimum cover the public entrance (to facial recognition standard), in addition to any points of sale and other areas where the public have access, with particular regard to those areas which may not be visible from the bar area. Recordings must be kept secure where they cannot be tampered with and retained for a period of no less than 31 days. Recordings must be available (within 14 days) to the Licensing Authority or Durham Constabulary when the request for them is made pursuant to the Data Protection Act 1998.
7. The premise shall operate Challenge 21, with a policy in place in accordance with the statutory mandatory conditions providing for such. As part of such a scheme a register of refusals will be maintained and kept up to date. This register will be available for immediate inspection by the Local Authority or Durham Constabulary upon request.
8. On Friday’s from 21:00 and Saturday’s from 20:00, there shall be 1 SIA registered door staff on duty at the premises whilst regulated entertainment is taking place and no more than 100 persons are present. There shall be a further 1 SIA registered door staff on duty where there are more than 100 customers present.

9. The premise will maintain an incident book which will be made available to the Police or an authorised officer of the Local Authority upon request.
10. Staff training will be provided to all new staff and refresher training given a minimum of quarterly, covering such issues as the Challenge 21 Scheme, Refusals Register, Incident Book and general licensing issues. Such training will be recorded in a register. The register will be made available to the Police or an authorised officer of the Local Authority upon request.

Annex 3 Conditions attached after Licensing Authority Hearing:

None



In accordance with the application to Vary the Designated Premises Supervisor

P. M.
.....
Authorised Officer

Date of Issue: 25 April 2017

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

Date of Notification: 19 May 2017

Type of Hearing: Temporary Event Notice Objection

Premises: The Joseph Pease

Hearing Details: 10:30 hours Tuesday 23 May 2017

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

Copy of notice sent to Craig Skelton (Applicant)
Chief Constable – Durham Constabulary (Responsible Authority)

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 Monday 22 May 2017**

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: 23 May 2017

NAME OF PREMISES: The Joseph Pease

YOUR NAME: _____

I WILL* I WILL NOT* BE ATTENDING THE HEARING

I 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:

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.

Joseph Pease

[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.

