

# Licensing Act 2003 Sub Committee Agenda



9.30 am Wednesday, 7  
July 2021  
Council Chamber, Town  
Hall, Darlington

**Members and Members of the Public are welcome to  
attend this Meeting.**

1. Election of Chair
2. Introductions/Attendance at Meeting
3. Declarations of Interest
4. Police and Environmental Health Representations made to a Temporary Event Notice –  
Report of Group Director of Services  
(Pages 3 - 26)
5. EXCLUSION OF THE PUBLIC AND PRESS –  
To consider the exclusion of the Public and Press :-

**RECOMMENDED** – That pursuant to Sections 100A(4) and (5) of the Local Government Act 1972, the public be excluded from the meeting during the consideration of the ensuing items on the grounds that they involve the likely disclosure of exempt information as defined in exclusion paragraphs 1 and 7 of Part 1 of Schedule 12A of the Act



**Luke Swinhoe**  
**Assistant Director Law and Governance**

**Tuesday, 29 June 2021**

**Town Hall**  
**Darlington.**

**Membership**

Councillors Dulston, B Jones and Snedker

If you need this information in a different language or format or you have any other queries on this agenda please contact Allison Hill, Democratic Officer, during normal office hours 8.30 a.m. to 4.45 p.m. Mondays to Thursdays and 8.30 a.m. to 4.15 p.m. Fridays Email: [allison.hill@darlington.gov.uk](mailto:allison.hill@darlington.gov.uk) or telephone 01325 405997

## LICENSING ACT 2003 SUB-COMMITTEE 7 JULY 2021

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### POLICE AND ENVIRONMENTAL HEALTH REPRESENTATIONS MADE TO A TEMPORARY EVENT NOTICE (TEN)

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#### **Purpose of the Report**

1. The purpose of this report is to invite Members to consider representations made by Police and Environmental Health in relation to a TEN application.

#### **Background**

2. This application was properly made by Neil Winterbottom on the 23 June 2021 for an event to take place from Thursday 21 July until Sunday 25 July on land close to Darlington Farmers Market, Humbleton, Darlington (**Appendix 1**). The intended licensable activities are for the sale by retail of alcohol (on premises only) and the provision of regulated entertainment. The event described is to be a mix of DJ's and 'Bands' with children/family entertainment on Saturday and Sunday afternoon.
3. A TEN 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 for a premises licence. Instead, a person wishing to hold an event where such activities are proposed to be carried on (the "premises user") gives notice to the licensing authority of the event. The maximum number of people at an event authorised by a TEN is 499.
4. Events authorised under a TEN will not always be in a building with a formal address and can take place, for example, in public parks and plots within larger areas of land. In all cases, the premises user should provide a clear description of the area in which they propose to carry on licensable activities, including whether the premises are, for example, an open field or a beer tent. A TEN may be given in respect of premises which already have a premises licence or club premises certificate to cover licensable activities not permitted by the existing authorisation.
5. The location for this event is in a rural area close to Darlington Farmers Market with access from a roundabout on the A68 West Auckland Road (**Appendix 2**).

#### **Representations**

6. If a licensing authority receives an objection notice from the police or Environmental Health and the application for a TEN is not withdrawn, it must hold a hearing to consider the objection unless all parties agree that this is unnecessary.

7. The licensing committee may decide to allow the licensable activities to go ahead as stated in the notice or alternatively, it can decide that the event would undermine the licensing objectives and should not take place.
8. Following an application for a TEN, the police and Environmental Health have three working days from when they are given the notice to object on the basis of the four licensing objectives which are:
  - the prevention of crime and disorder
  - public safety
  - the prevention of public nuisance and
  - the protection of children from harm
9. Representations were properly received from the Police in relation to all four licensing objectives (**Appendix 3**). Representations were also made by Environmental Health under the prevention of public nuisance objective (**Appendix 4**). On the 29 June 2021, Neil Winterbottom was contacted in relation to these representations and he indicated he would not be withdrawing this application.

## **Decision**

10. Members are requested to consider this application and decide if the event can take place. Officers from the police and Environmental Health along with the applicant have been invited to attend this hearing and provide further information as required. Members are reminded that where a TEN is refused there is a right of appeal to magistrates within 21 days of that decision.

Contact officer Colin Dobson x 5988

**Dave Winstanley**  
**Group Director of Services**

## **Background Papers**

Licensing Act 2003  
Section 182 Guidance to the Licensing Act (2018)  
Darlington Borough Council Licensing Policy

Appendix 1 -TEN application  
Appendix 2 - Picture of proposed location  
Appendix 3 - Representations from Police  
Appendix 4 - Representations from Environmental Health



## 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](mailto: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](mailto:ahru@durham.pnn.police.uk) and to**

**Darlington Borough Council Environmental Health, Town Hall, Darlington, DL1 5QT**  
**Email: [environmentalhealth@darlington.gov.uk](mailto:environmentalhealth@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 type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other (please state)		
Surname	WINTERBOTTOM		
Forenames	NEIL		
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	Month
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)			
[Redacted Address]			
Post town		Postcode	
[Redacted Post town]		[Redacted Postcode]	
7. Other contact details			
Telephone numbers			
Daytime			
Evening (optional)			
Mobile (optional)	[Redacted Mobile]		
Fax number (optional)			
E-Mail address (if available)	[Redacted E-Mail]		

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)	

<b>2. The premises</b>	
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)	
DARLINGTON FARMERS AUCTION MARKET Humbleton, Darlington DL2 2XX	
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	
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)	
FIRST FIELD ON THE LEFT (INFRONT OF THE HOUSE) AS YOU ENTER THE SITE PLEASE SEE ATTACHED MAP	
Please describe the nature of the premises below. (Please read note 4)	
FARMERS AUCTION MARKET	
Please describe the nature of the event below. (Please read note 5)	
SMALL BOUTIQUE OUTDOOR FESTIVAL (LOST TIME FESTIVAL) <a href="https://www.facebook.com/losttimefestival">https://www.facebook.com/losttimefestival</a> This application is for the field marked in red on the map attached in the email, which will host a small 8m stage and a bar serving area	

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		X
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)		X
The provision of late night refreshment		<input type="checkbox"/>
Are you giving a late temporary event notice? (Please read note 8)		<input type="checkbox"/>
Please state the dates on which you intend to use these premises for licensable activities. (Please read note 9)		
Thursday 21 <sup>st</sup> – Sunday 25 <sup>th</sup> July		
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)		
Thursday 18.00 – 23.00 Friday 14.00 – 23.00 Saturday & Sunday 12.00 – 23.00		
Please state the maximum number of people at any one time that you intend to allow to be present at the premises during the times when you intend to carry on licensable activities, including any staff, organisers or performers. (Please read note 11)		499
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	X
	Off the premises only	<input type="checkbox"/>
	Both	

<p>Please state if the licensable activities will include the provision of relevant entertainment. If so, please state the times during the event period that you propose to provide relevant entertainment (including, but not limited to lap dancing and pole dancing). (Please see note 13)</p> <p>Dj's and Bands Saturday and Sunday afternoon will be childrens / family entertainment Exact schedule of events is still to be confirmed but will be sent across as soon as everything is confirmed once the license is granted</p>
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4. Personal licence holders (Please read note 14)		
Do you currently hold a valid personal licence? (Please tick)	Yes X	No <input type="checkbox"/>
If "Yes" please provide the details of your personal licence below.		
Issuing licensing authority	MIDDLESBROUGH	
Licence number	mbro/pl0492/022768	
Date of issue	01/2007	
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 X	No <input type="checkbox"/>
If answering yes, please state the number of temporary event notices (including the number of late temporary event notices, if any) you have given for events in that same calendar year	2	
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 X

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 X
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 X
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 X
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:	Yes <input type="checkbox"/>	No X



a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice?		
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7. Checklist (Please read note 17)	
I have: (Please tick the appropriate boxes, where applicable)	
Sent at least one copy of this notice to the licensing authority for the area in which the premises are situated	<input type="checkbox"/>
Sent a copy of this notice to the chief officer of police for the area in which the premises are situated	<input type="checkbox"/>
Sent a copy of this notice to the local authority exercising environmental health functions for the area in which the premises are situated	<input type="checkbox"/>
If the premises are situated in one or more licensing authority areas, sent at least one copy of this notice to each additional licensing authority	<input type="checkbox"/>
If the premises are situated in one or more police areas, sent a copy of this notice to each additional chief officer of police	<input type="checkbox"/>
If the premises are situated in one or more local authority areas, sent a copy of this notice to each additional local authority exercising environmental health functions	<input type="checkbox"/>
Made or enclosed payment of the fee for the application	<input type="checkbox"/>
Signed the declaration in Section 9 below	<input type="checkbox"/>

8. Condition (Please read note 18)
It is a condition of this temporary event notice that where the relevant licensable activities described in Section 3 above include the sale or supply of alcohol that all such supplies are made by or under the authority of the premises user.

9. Declarations (Please read note 19)	
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	<i>Neil Winterbottom</i>
Date	22/06/21
Name of Person signing	Neil Winterbottom

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	

## Notes for Guidance

### General

In these notes, a person who gives a temporary event notice is called a “premises user”.

The police and local authority exercising environmental health functions may intervene on the grounds of any of the four licensing objectives (the prevention of crime and disorder, public safety, the prevention of public nuisance, and the protection of children from harm) to prevent the occurrence of an event at which permitted temporary activities are to take place or to agree a modification of the arrangements for such an event. However, the licensing authority will intervene of its own volition in the cases described below.

First, it will issue a counter notice if there is an objection to a late temporary event notice (see note 8 below).

Secondly, it may issue a notice in relation to its decision to impose conditions on a temporary event notice (see note 2 below).

Thirdly, it will issue a counter notice if the first, second, third and fifth of the limits set out below would be exceeded. If any of the limits below are breached or if a counter notice has been issued, any licensable activities taking place would be unauthorised and the premises user would be liable to prosecution. The limitations apply to:

- the number of times a person may give a temporary event notice (50 times per year for a personal licence holder and 5 times per year for other people);
- the number of times a person may give a late temporary event notice (10 times per year for a personal licence holder and 2 times per year for other people);
- the number of times a temporary event notice may be given in respect of any particular premises (15 times in a calendar year);
- the length of time a temporary event may last for these purposes (168 hours or 7 days);
- the maximum aggregate duration of the periods covered by temporary event notices at any individual premises (21 days per calendar year); and
- the scale of the event in terms of the maximum number of people attending at any one time (a maximum of 499).

For the purposes of determining the overall limits of 50 temporary event notices per personal licence holder (in a calendar year) and of 5 for a non-personal licence holder (in a calendar year), temporary event notices given by an associate or a person who is in business with a premises user (and that business involves carrying on licensable activities) count towards those totals. The limits applying to late temporary event notices are included within the overall limits applying to the total number of temporary event notices. Note 16 below sets out the definition of an “associate”.

When permitted temporary activities take place, a premises user must ensure that either:

- a copy of the temporary event notice is prominently displayed at the premises; or
- the temporary event notice is kept at the premises either in his own custody or in the custody of a person present and working at the premises and whom he has nominated for that purpose.

Where the temporary event notice is in the custody of a nominated person, a notice specifying that fact and the position held by that person must be displayed prominently at the premises.

Where the temporary event notice or a notice specifying the nominated person is not displayed, a constable or an authorised person (for example, a licensing officer, fire officer or environmental health officer) may require the premises user to produce the temporary event notice for examination. Similarly, where the nominated person has the temporary event notice in his custody, a constable or authorised person may require that person to produce it for examination. Failure to produce the temporary event notice without reasonable excuse would be an offence.

It should also be noted that the following, among other things, are offences under the Licensing Act 2003:

- the sale or supply of alcohol to children under 18 years of age (subject to an unlimited fine on conviction);
- allowing the sale of alcohol to children under 18 ( subject to an unlimited fine on conviction);
- knowingly allowing the consumption of alcohol on the premises by a person aged under 18 (subject to an unlimited fine, on conviction );
- allowing disorderly behaviour on the premises (subject to a fine not exceeding level 3 on the standard scale, on conviction);
- the sale of alcohol to a person who is drunk (subject to a fine not exceeding level 3 on the standard scale, on conviction);
- obtaining alcohol for a person who is drunk (subject to a fine not exceeding level 3 on the standard scale, on conviction);
- knowingly allowing a person aged under 18 to make any sale or supply of alcohol unless the sale or supply has been specifically approved by the premises user or any individual aged 18 or over who has been authorised for this purpose by the premises user (subject to a fine not exceeding level 1 on the standard scale, on conviction); and
- knowingly keeping or allowing to be kept on the premises any smuggled goods which have been imported without payment of duty or which have otherwise been unlawfully imported (subject to a fine not exceeding level 3 on the standard scale, on conviction).

In addition, where the premises are to be used primarily or exclusively for the sale or supply of alcohol for consumption on the premises, it is an offence to allow children under 16 to be present when the premises are open for that purpose unless they are accompanied by an adult. In the case of any premises at which sales or supplies of alcohol are taking place at all, it is an offence for a child under 16 to be present there between the hours of midnight and 5am unless accompanied by an adult. In both instances, the penalty on conviction is a fine not exceeding level 3 on the standard scale, currently £1,000.

#### Note 1

A temporary event notice may only be given by an individual and not, for example, by an organisation or club or business. The individual giving the notice is the proposed “premises user”. Within businesses, clubs or organisations, one individual will therefore need to be identified as the proposed premises user.

If you include an e-mail address in section 1(7) or 1(9), the licensing authority may send to this the acknowledgement of receipt of your notice or any notice or counter notice it is required to give under sections 104A, 106A or 107 of the Licensing Act 2003.

#### Note 2

For the purposes of the Licensing Act 2003, “premises” means any place. Premises will therefore not always be a building with a formal address and postcode. Premises can include, for example, public parks, recreation grounds and private land.

If a premises licence or club premises certificate has effect in relation to the premises (or any part of the premises) which you want to use to carry on licensable activities, it is possible that any conditions which apply to the licence or certificate may be imposed on the temporary event notice if certain pre-conditions are met. These pre-conditions are that the police or the local authority exercising environmental health functions object to the notice and the licensing authority decides:

- not to give a counter notice under section 105 of the Licensing Act 2003;
- the conditions apply to the licence or certificate; and
- the imposition of the conditions on the notice would not be inconsistent with the carrying on of the licensable activities under the notice.

#### Note 3

A temporary event notice can be given for part of a building, such as a single room or a plot within a larger area of land. You should provide a clear description of the area in which you propose to carry on licensable activities. This is important as any licensable activities conducted outside the area of the premises protected by the authority of this temporary event notice would be unlawful and could lead to prosecution.

In addition, when holding the proposed event, the premises user would need to be able to restrict the number of people on the premises at any one time when licensable activities are taking place to less than 500. If more than 499 are on the premises when licensable activities are being carried on, the licensable activities would be unlawful and the premises user would be liable to prosecution. The maximum figure of 499 includes, for example, staff, organisers, stewards and performers.

#### Note 4

A description of the nature of the premises assists the chief officer of police and local authority exercising environmental health functions in deciding if any issues relating to the licensing objectives are likely to arise. You should state clearly that the premises to be used are, for example, a public house, a restaurant, an open field, a village hall or a beer tent.

#### Note 5

A description of the nature of the event similarly assists the chief officer of police and local authority exercising environmental health functions in making a decision as to whether or not to make an objection. You should state clearly that the event taking place at the premises would be, for example, a wedding with a pay bar, the supply of beer at a particular farmers' market, a discotheque, the performance of a string quartet, a folk group or a rock band.

#### Note 6

The licensable activities are:

- the sale by retail of alcohol;
- the supply of alcohol by or on behalf of a club to, or to the order of, a member of a club;
- the provision of regulated entertainment; and
- the provision of late night refreshment.

#### Note 7

Regulated entertainment, subject to specified conditions and exemptions, includes:

- (a) a performance of a play;
- (b) an exhibition of a film;
- (c) an indoor sporting event;
- (d) a boxing or wrestling entertainment;
- (e) a performance of live music;
- (f) any playing of recorded music;
- (g) a performance of dance; and
- (h) entertainment of a similar description to that falling within (e), (f) or (g).

In terms of specific regulated entertainments please note that:

- Plays: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500.
- Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
- Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
- Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
- Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
- Live music: no licence permission is required for:
  - a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
  - a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
  - a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
  - a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
  - a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
- Recorded Music: no licence permission is required for:
  - any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
  - any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
  - any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.
- Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:

- any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
- any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
- any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
- any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.

If you are uncertain whether or not the activities that you propose are licensable, you should contact your licensing authority for further advice.

#### Note 8

Late notices can be given no later than 5 working days but no earlier than 9 working days before the event in relation to which the notice is given. A late notice given later than 5 working days before the event to which it relates will be returned as void and the activities described in it will not be authorised.

The number of late notices that can be given in any one calendar year is limited to 10 for personal licence holders and 2 for non-personal licence holders. These count towards the total number of temporary event notices (i.e. 50 temporary event notices per year for personal licence holders and 5 temporary event notices for non-personal licence holders).

If there is an objection from either the police or local authority exercising environmental health functions, the event will not go ahead and a counter notice will be issued.

#### Note 9

The maximum period for using premises for licensable activities under the authority of a temporary event notice is 168 hours or seven days.

#### Note 10

You should state here the times during the event period, for example 48 hours, when you intend to carry on licensable activities. For example, you may not intend to carry on licensable activities throughout the entire 48 hour event period, and may intend to sell alcohol between 8.00 hrs and 23.00 hrs on each of the two days.

#### Note 11

No more than 499 may be on the premises for a temporary event at any one time when licensable activities are being carried on. If you intend to have more than 499 attending the event, you should obtain a premises licence for the event. Your licensing authority should be able to advise you. The maximum figure of 499 includes not only the audience, spectators or consumers but also, for example, staff, organisers, stewards and performers who will be present on the premises.

#### Note 12

If you indicate that alcohol will be supplied only for consumption on the premises, you would be required to ensure that no person leaves the premises with alcohol supplied there. If such a supply takes place, the premises user may be liable to prosecution for carrying on an unauthorised licensable activity. Similarly, if the premises user gives notice that only supplies of alcohol for consumption off the premises will take place, he/she must ensure that alcohol supplied is not consumed on the premises. The premises user is free to give notice that he/she intends to carry on both types of supplies. For this purpose, the supply of alcohol includes both of the first two licensable activities listed in note 6 above.

#### Note 13

Relevant entertainment is defined in the Local Government (Miscellaneous Provisions) Act 1982 (“the 1982 Act”) as *any live performance or any live display of nudity which is of such a nature that, ignoring financial gain, it must reasonably be assumed to be provided solely or principally for the purpose of sexually stimulating any member of the audience (whether by verbal or other means)*. Relevant entertainment therefore includes, but is not limited to, lap dancing and pole dancing.

The 1982 Act requires premises which provide relevant entertainment to be licensed under that Act for this purpose. Premises at which there have not been more than eleven occasions on which such entertainment has been provided within a period of 12 months, no such occasion has lasted for more than 24 hours and there has been a period of at least one month between each such occasion are exempt from the requirement to obtain a licence under the 1982 Act. Such premises are likely instead to require an authorisation under the Licensing Act 2003 to be used for such activities as these are a licensable activity (the provision of regulated entertainment — see note 6 above). A temporary event notice may be given for this purpose.

#### Note 14

The holder of a valid personal licence issued under the Licensing Act 2003 may give up to 50 temporary event notices in any calendar year subject to the other limitations in the 2003 Act. A proposed premises user who holds such a licence should give the details requested.

#### Note 15

As stated under Note 14, a personal licence holder (issued under the Licensing Act 2003) may give up to 50 temporary event notices (including 10 late notices) in any calendar year. An individual who does not hold a personal licence may only give 5 temporary event notices (including 2 late notices) in England and Wales in any calendar year. A calendar year is the period between 1st January to 31st December inclusive in any year.

If an event straddles two calendar years, it will count against the limits on temporary event notices (15 for each premises, 21 days for each premises, 50 per personal licence holder and 5 for non-holders) for each year. However, only one notice needs to be given.

For the purposes of determining the overall limits of 50 temporary event notices per personal licence holder (in a calendar year) and of 5 for a non-personal licence holder (in a calendar year), temporary event notices given by an associate or a person who is in business with a premises user (and that business involves carrying on licensable activities) count towards those totals. Note 16 below sets out the definition of an “associate”.

If a temporary event notice has been given for the same premises, by the same premises user, and would have effect within 24 hours before the start of the event period under the current proposal or within 24 hours after the end of that period, the temporary event notice given would be void and any licensable activities carried on under it would therefore be unlicensed.

For the purposes of determining whether or not the required gap of 24 hours is upheld, temporary event notices given by an associate or a person who is in business with a premises user (and that business involves carrying on licensable activities) count as if they had been given by the premises user. Note 16 below sets out the definition of an “associate”.

#### Note 16

An “associate” of the proposed premises user is:

- a. the spouse or civil partner of that person;
- b. a child, parent, grandchild, grandparent, brother or sister of that person;
- c. an agent or employee of that person; or
- d. the spouse or civil partner of a person within (b) or (c).

For these purposes, a person living with another as that person’s husband or wife is to be treated as that person’s spouse.



Note 17

It is a requirement that you send at least one copy of this notice to the licensing authority at least ten working days (or five working days for a late notice) before the commencement of the proposed licensable activities. The authority will give you written acknowledgement of the receipt of the notice. This will be important proof that you gave the notice and when you gave it for the purposes of the Act. Some premises may be situated in two licensing authority areas, for example, where a building or field straddles the local authority boundary. Where this is the case, at least one copy of the notice must be sent to each of the licensing authorities identified, together with the appropriate fee in each case. In such circumstances, you will receive acknowledgements from all the relevant licensing authorities.

One copy must be sent to each of the chief officer of police and the local authority exercising environmental health functions for the area in which the premises is situated at least ten working days for a standard notice (or five working days for a late notice) before the commencement of the proposed licensable activities. Where the premises are situated in two police areas or environmental health areas, a further copy will need to be sent to the further police force and local authority exercising environmental health functions.

Note 18

Under the Licensing Act 2003, all temporary event notices are given subject to a mandatory condition requiring that where the licensable activities involve the supply of alcohol, all such supplies must be made by or under the authority of the named premises user. If there is a breach of this condition, the premises user and the individual making the supply in question would be liable to prosecution. For this purpose, the supply of alcohol includes both of the first two licensable activities listed in note 6 above.

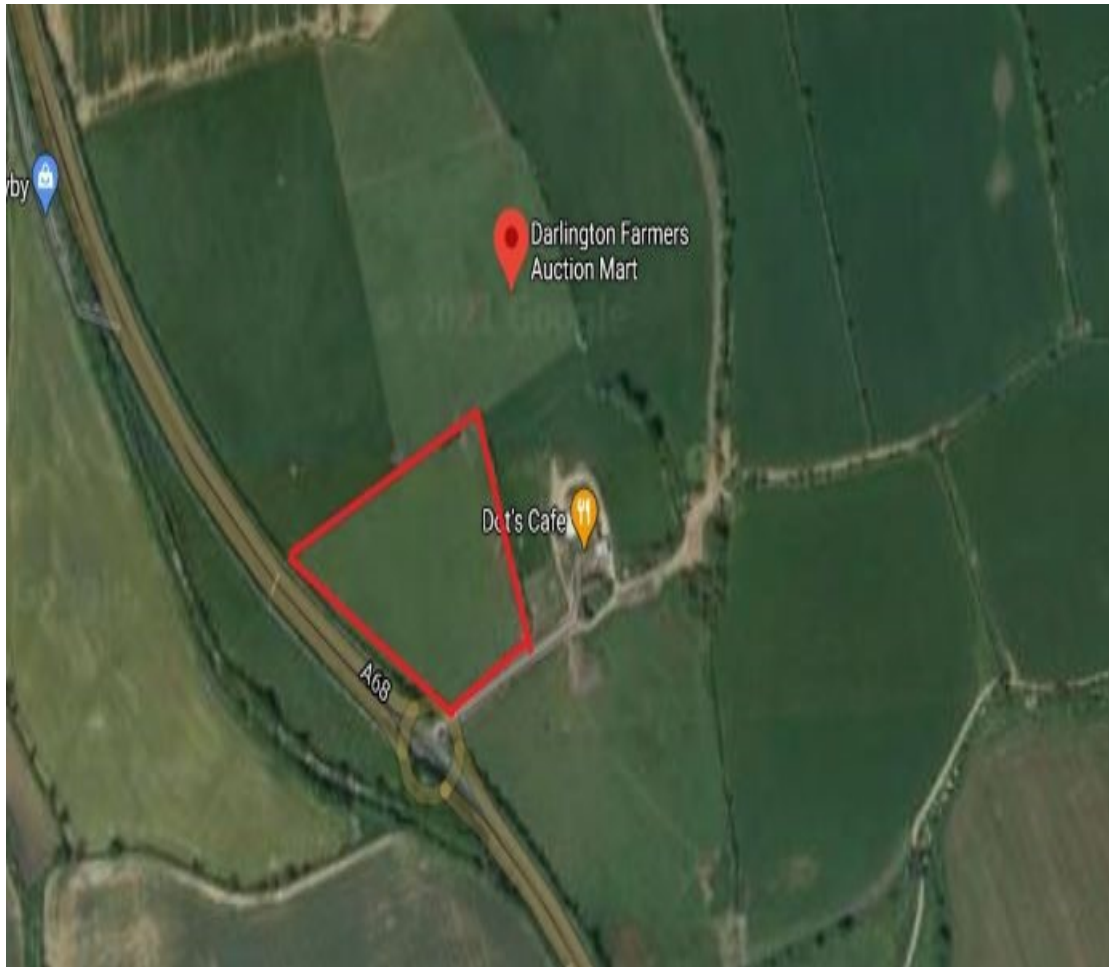
Note 19

It is an offence knowingly or recklessly to make a false statement in, or in connection with, a temporary event notice. (A person is to be treated as making a false statement if he produces, furnishes, signs or otherwise makes use of a document that contains a false statement.) To do so could result in prosecution and an unlimited fine.

Note 20

You should not complete section 10 of the notice, which is for use by the licensing authority. It may complete this section as one means of giving you written acknowledgement of its receipt of the notice.

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To whom it may concern

Durham Constabulary wish to object to the attached Temporary Event Notice on the grounds that to grant it would undermine the crime and disorder, public Nuisance, public safety and protection of children from harm objectives

This notice would allow up to 499 people to attend a music event in a field on the outskirts of Darlington, whereby the applicant is wanting the sale of alcohol and the provision of regulated entertainment from Thursday 21st July 2021 to Sunday 24th July 2021 with the hours for each day being Thursday 18.00 – 23.00, Friday 14.00 – 23.00 and Saturday & Sunday 12.00 – 23.00.

When consideration is made around any applications received I will liaise with the neighbourhood policing teams who have responsibility for policing the area where the event will be held and also Sgt Morgan who is the operational and contingency planning sergeant. One of Sgt Morgan's roles is to review events on behalf of Durham Constabulary, providing a report as to the public safety and security of these events, and also to represent the force on the Safety Advisory Groups.

The points below have been raised as concern to Durham Constabulary around the granting of the Temporary event Notice.

- There is no information to suggest that this planned event has been through the Safety Advisory Group, or whether there has been consideration for this to take place, given the scale of the proposed event being up to 499 people over 4 days consisting of daytime and night-time events and what measures are in place to limit the numbers to 499.
- There is no information documented anywhere on the application in terms of what risk assessments have been made, are intended to be made, or how the safety of those attending and the wider public has been considered with any proposals for mitigation of harm. The applicant has in fact stated on the application exact schedule of events is still to be confirmed but will be sent across as soon as everything is confirmed once the license is granted.
- There is no documentation as to the security of the event, and the wider public. No considerations are evidenced about SIA staff at the site, or whether there is going to be any kind of entry/exit/control measure to restrict the wider flow of people, or mitigation of non-authorised alcohol or drugs misuse

- There is no evidence documented as to what measures will be put in place as to minimise any noise and anti-social behaviour issues, or any complaints procedure against the event/organiser and how these would be dealt with.

In relation to public safety the location of the event is a rural location on a main A class road, with a 70mph speed limit, reducing to 50 about 200m east of the entrance roundabout. There is a short stretch of footpath, after which there is just a grass verge. Durham Constabulary concerns are:

- No event management or traffic management plan submitted, or consultation prior to submission of TEN, to enable an assessment of the event to be made.
- Potential for vehicles dropping off and collecting to park up on the A68 or at the caravan showroom
- Potential for members of the public to walk along the A68 and other roads (Burtree Lane etc.), many of whom will be under the influence of alcohol
- Potentially 499 people attending each event, with some afternoon events too, which may see additional traffic flow at the location and potential congestion at the roundabout
- No public transport option to access site
- Rural location- what is in place to prevent persons taking short cuts across fields
- Emergency / Evacuation plan- how will emergency services access the site

During the consultation period the applicant has been contacted in relation to the TEN and asked to provide further details of what the schedule of events are going to and to provide the event management and traffic management plans for the proposed event for Durham Constabulary to review.

The applicant has provided the below schedule and has provided an Event Management Plan which is for another event they held at Redcar Ruby Club.

Thursday 22nd - comedy bingo & Krowd Karaoke

Friday 23rd DJ

Saturday 24th Day time party boppers (childrens entertainment)

Saturday 24th Evening DJ

Sunday 25th Darlington Gay night c/w drag queens

The information provided has not alleviated Durham Constabulary concerns around the event, as we are still unable assess the event security, traffic management and safety arrangements for the event planned in a field on the outskirts of Darlington.

The schedule of events do not provide adequate information to ensure the licencing objectives will be upheld in particular the protection of children from harm as the times requested of Friday 14.00 – 23.00 and Saturday & Sunday 12.00 – 23.00, would suggest this event aimed at all ages and the applicant has stated Saturday and Sunday afternoon will be children's / family entertainment, however information provided for Friday states DJ and no information around the family entertainment. This event is taking place in the Summer school holidays so the potential for children to attend may be increased, there is no breakdown of the times of the events or any mention as to what time children will be allowed on the site.

Due to the number of concerns around the event in relation to public safety, the potential for crime and disorder, public nuisance and protection of children from harm Durham Constabulary cannot support this application.

Thankyou

Caroline

Sgt 484 Caroline Dickenson

Licensed Economy Team Sgt

Safeguarding Neighbourhoods Command

Durham Constabulary

01325 742782 or 0191 3752351

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From: Emma Jane Gallafant <EmmaJane.Gallafant@darlington.gov.uk>

Sent: 25 June 2021 15:47

To: Licensing <Licensing@darlington.gov.uk>

Subject: Darlington Farmers Auction, Humbleton Farm, West Auckland Road; Burtree, DL2 2XX -  
Temporary Event Notice

Temporary Event Notice

Sale of alcohol

From 21.07.2021 to 24.07.2021

Hours For Each Day

I have reviewed this application on behalf of Environmental Health. We would object to the application in its current form for the following reasons:-

The application form mentions an outdoor festival with an 8 metre stage and DJ's and bands. Very little information has been provided to help us make an informed decision as to whether the licensing objective for 'the prevention of public nuisance' can be achieved and maintained for the duration of the event:

- o Further information is needed about: the type of regulated entertainment, whether it includes amplified music or sound, positioning of facilities e.g. speakers, DJ booth etc in relation to the local area, what controls will be in place to prevent this noise being heard at non associated properties and how complaints (if received) will be investigated and actioned.

- o A COVID risk assessment will need to be completed for the event. This link will assist further: <https://www.hse.gov.uk/coronavirus/working-safely/risk-assessment.htm>

- o It is also strongly advised that further advice be sought from PESAG (The Public Event and Safety Advisory Group). This link will provide further information:  
<https://www.darlington.gov.uk/your-council/events/safety-advisory-group/>

Regards

Emma-Jane Gallafant

Environmental Health Officer (Commercial)

Environmental Health

Darlington Borough Council

Room 401

Town Hall

Feethams

Darlington

DL1 5QT

Direct Line:01325 406428/ Internal:6428

Email:EmmaJane.Gallafant@darlington.gov.uk