



DARLINGTON

Borough Council

Special Urgent Licensing Act 2003 Sub Committee Agenda

9.30 am, Wednesday, 27 December 2023

Council Chamber, Town Hall, Darlington DL1 5QT

Members of the Public are welcome to attend this Meeting.

1. Election of Chair for the purpose of the meeting
2. Introductions/Attendance at Meeting
3. Declarations of Interest
4. Application for Temporary Event Notice (TEN) – Report of the Group Director for Services (Pages 3 - 44)

REASON FOR URGENCY: To consider an objection from the Police to a Temporary Event Notice (TEN) within appropriate timescales.

Luke Swinhoe
Assistant Director Law and Governance

Thursday, 21 December 2023

**Town Hall
Darlington.**

Membership

Councillors Kane, Lawley and Robinson.

If you need this information in a different language or format or you have any other queries on this agenda please contact Paul Dalton, Democratic and Elections 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: paul.dalton@darlington.gov.uk or telephone 01325 405805

FOR CHAIR AND MEMBERS
OF THE LICENSING SUB COMMITTEE
27 DECEMBER 2023

APPLICATION FOR TEMPORARY EVENT NOTICE (TEN)

Applicant:	LEWIS METCALFE	Ref No: DL23/011629/TEMP
Premises:	THE OLD DUN COW 6 POST HOUSE WYND DARLINGTON DL3 7LU	
Requested Licensable Activities	SALE OF ALCOHOL FOR CONSUMPTION ON PREMISES; PROVISION OF REGULATED ENTERTAINMENT	
Requested Hours:	23:30 - 04:00, SUNDAY 31 DECEMBER 2023 TO MONDAY 1 JANUARY 2024	
Event times	23:30 - 04:00	

Notification to Responsible Authorities: 12 DECEMBER 2023

Police
Environmental Health

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 Licensing Authority must also have regard to its Licensing Policy and any guidance issued by the Secretary of State. The Licensing Authority may depart from its own Policy or the Secretary of State's Guidance if it has good cause but must be able to give full reasons for such a departure.

TEMPORARY EVENT NOTICE (TEN)

The system of permitted temporary activities is intended to be a light touch process where notice is given by the premises user that they intend to carry out specified activities. The Police and Environmental Health Team have three working days to object to the notice on the basis of any of the above four licensing objectives.

DESCRIPTION OF PREMISES

The applicant has described the premises as:

'Public House'.

The nature of the event is described as:

'Disco and paying bar for New Years Eve closing at 2.30am.'

CURRENT PREMISES LICENCE

The Old Dun Cow currently has a premises licence for the sale of alcohol and provision of regulated entertainment with a number of conditions attached. This licence along with the conditions is attached at **Appendix 1**. Licensable activities can take place each Sunday between 11.00 and 23.30. There is no provision on this licence for hours to be extended on New Years Eve, which is on a Sunday this year.

APPLICATION

On the 12 December 2023 an application was properly made by the applicant Lewis Metcalfe from The Old Dun Cow, Darlington in accordance with Section 100 of the Licensing Act 2003, for the sale by retail of alcohol on the premises, and the provision of regulated entertainment (**Appendix 2**). Police and Environmental Health were consulted as required by the Act.

THE REPRESENTATIONS

On the 14 December 2023, the Licensing Department received representations from Durham Constabulary that holding this event would undermine the crime and disorder, public safety and public nuisance objectives of the Licensing Act.

In summary, the police state that New Year's Eve is one of the most challenging nights of the year for all the emergency services and is synonymous with high levels of intoxication, along with drink fuelled violence. They would argue that any lengthening of the licencing hours over this period would add greatly to the potential for crime and disorder in the town centre.

The Old Dun Cow has several conditions attached to its licence, which provide some confidence that the premises are upholding the licensing objectives. Allowing a TEN would permit the premises to operate without a requirement for conditions, most worryingly no requirement for door staff or CCTV. These representations are reproduced in full at **Appendix 3**.

On the 19 December 2023 the applicant responded by offering to amend the times from 4am to 2am and offer all the conditions of their licence, including door staff.

As this offer is not legally binding since there is no authority to impose those conditions, police maintained their objection.

Relevant information from Darlington Borough Councils Licensing Policy is at **Appendix 4**.

Relevant information from Section 182 Guidance to the Licensing Act 2003 is at **Appendix 5**.

ROLE OF THE LICENSING AUTHORITY

If the licensing authority receives an objection notice from the police or environmental health it must hold a hearing to consider the objection unless all parties agree that this is unnecessary. The licensing committee may decide to allow the activities to go ahead as stated in the notice.

As this is a notice in connection with activities at a licensed premises, the licensing authority may impose one or more of the existing licence conditions on the TEN (provided such conditions are consistent with the event) if it considers this appropriate for the promotion of the licensing objectives. If the authority decides to impose conditions, it must provide the premises user with a 'statement of conditions' and provide a copy to each relevant party.

The Licensing Act only allows the licensing authority to impose conditions on a TEN from the existing conditions on the premises licence, regardless of the premises user's views or willingness to accept conditions.

The Licensing Committee can decide that the event would undermine the licensing objectives and should not take place. In this case, the licensing authority must issue a counter notice.

The applicant and police have been invited to attend this hearing.

MEMBERS' OPTIONS

Members may consider the following options and must make its determination at the conclusion of this hearing:

1. Allow the event to go ahead – with or without conditions
2. Serve a Counter Notice to prevent the event going ahead.

Members are reminded that an aggrieved party may appeal any decision of the Licensing Sub Committee to the Magistrates' Courts.

Dave Winstanley
Director of Group Services

Contact Officer: Colin Dobson
X 5988

For admin use only:
Sub Committee Decision:

GRANT ALL/PART OF APPLICATION/REJECT ALL/PART OF APPLICATION/ PLACE CONDITIONS
Reasons:

Appendix 1 – Premises Licence

Appendix 2 – Application for TEN

Appendix 3 – Response Police

Appendix 4 – DBC Policy extract

Appendix 5 – Relevant Section 182 guidance

Appendix 1



Licensing Act 2003 – Part A

PREMISES LICENCE – LAPREM00322

Premise Details:	The Old Dun Cow 6 Post House Wynd DARLINGTON DL3 7LU
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Date Granted:	9 March 2023	Duration of Licence:	Not Time Limited
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Licensable Activities

Activity	Days of Week	Open	Close
Sale of Alcohol for consumption both on and off the Premises	Monday to Wednesday	11:00	00:00
	Thursday to Saturday	11:00	01:00
	Sunday	11:00	23:30
Live Music, Recorded Music, Provision of facilities for Dancing, Provision of facilities similar to dancing	Monday and Wednesday	11:00	00:00
	Thursday to Saturday	11:00	01:00
	Sunday	12:00	00:30
Opening Hours	Every Day	08:00	01:30

Non Standard Times
N/A

Premises Licence Holder:	LJM Pub Company LTD 5 - 7 Post House Wynd DARLINGTON DL3 7LU
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Details of designated premises supervisor where the premises licence authorises for the supply of alcohol

Name:	Mr Steven James Tait
Licence Number:	DL16/01314/PERSON
Licensing 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 7 —

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. Where the permitted price given by Paragraph (b) of paragraph 8 would (apart from the paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

- (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day (“the first day”) would be different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax.
 - (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.
10. Any person acting in the capacity of a Door Supervisor must be registered in accordance with the requirements of the Security Industry Authority.

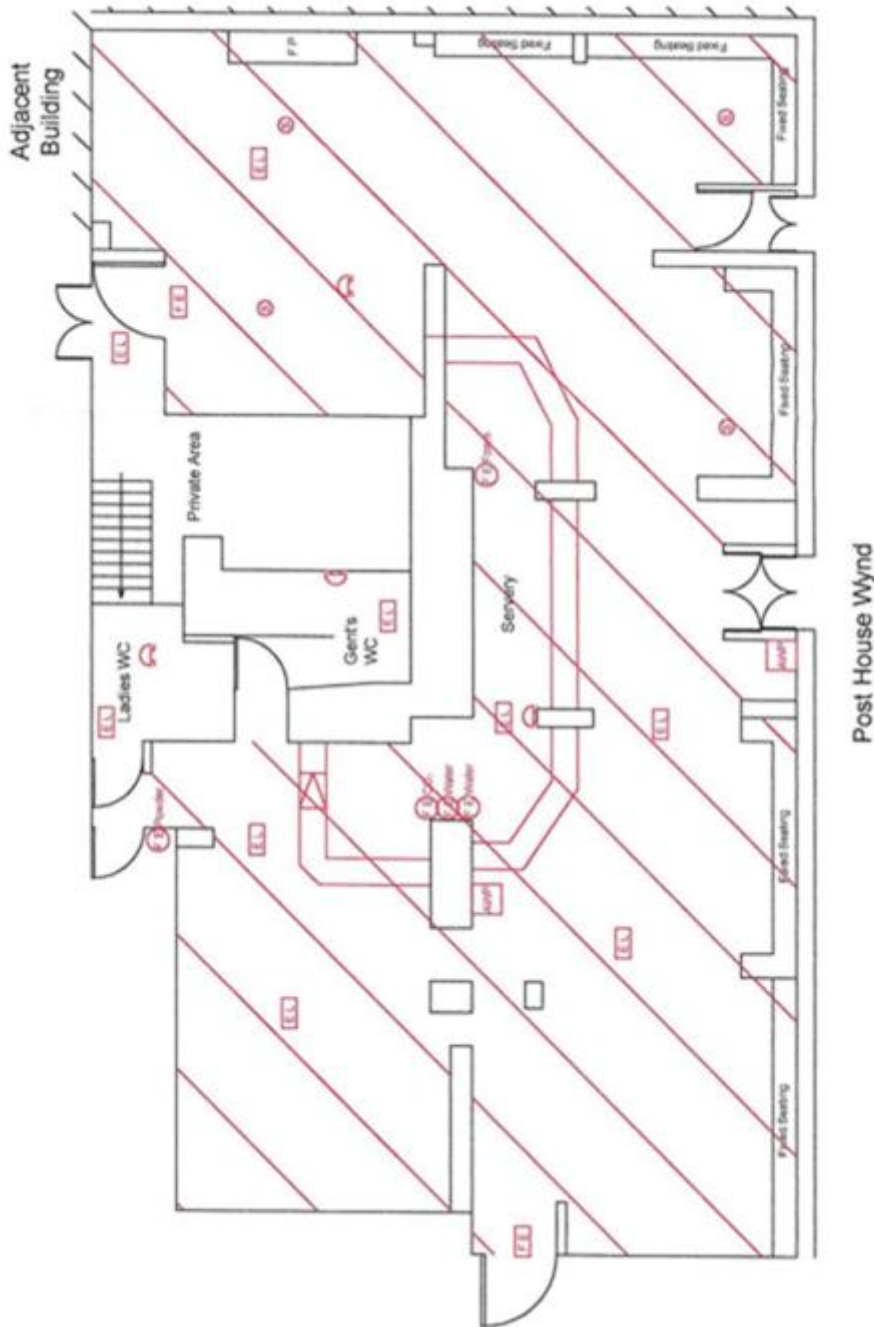
Annex 2 – Conditions consistent with the operating schedule

1. All staff shall be fully trained to perform their role. They will also be trained in the contents of the premise licence including times of operation, licensable activities and all conditions. Such training will be recorded in a register. The register will be made available to the Police or an authorised officer of the council upon request.
2. The premise shall operate the Challenge 25 scheme. As part of such a scheme a register of refusals shall be maintained and kept up to date. The register will be available for immediate inspection by police or authorised officers of the council.
3. The premise shall maintain an incident book, which shall be made available to the Police and authorised officers of the local authority upon request.
4. A CCTV system will be installed and in operation at all times the premises are being used for licensable activity. It must be operated by properly trained staff. All public areas will be covered, including entrances, exits and outside area.
5. Recording will be retained for a minimum of 28 days.
6. The premise will ensure that at least one trained member of staff is available to operate the system at all times the premise is open and download any images requested by an authorised officer and provided within 7 days.
7. No patrons shall be allowed to leave the premises whilst in the possession of any drinking vessel or open glass bottle. This condition shall not apply to patrons who have purchased beverages for consumption off the premises with the express consent to the designated premises supervisor or responsible person.
8. The premises will have a drugs policy in place.
9. A minimum of 1 SIA door supervisors shall be on duty at the entrance of the premises from 19.00 until close every Friday and Saturday. At all other times the provision of door staff will be risk assessed by management of the premises.
10. All windows in the premises will remain closed when regulated entertainment is taking place.
11. Children under the age of 16 will not be allowed entry to the premises unless they are accompanied by an adult.
12. Children under the age of 16 years will not be allowed entry to or to remain on the premises after 19:00.
13. For all pre-booked functions at the premises, the DPS shall assess whether a door supervisor is required.

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

None

Annex 4 – Plans



Issued in accordance with the application for the transfer of a premise licence

Authorised Officer

Date of Issue 24 March 2023

PREMISES LICENCE GUIDANCE

1. Your Premises Licence has been granted and is enclosed.
2. The annual fee is due on the anniversary of its grant, unless you are exempt (e.g. community premises). Please ensure that the annual fee is paid on time.
3. Your Premises Licence has been granted for an unlimited period of time and is subject to the conditions mentioned in the licence.
4. You must ensure that the Premises Licence, or a certified copy of it, is kept at the premises in the custody or under the control of yourself or a person ("the nominated person") who works at the premises and whom you have nominated in writing for these purposes. A person commits an offence if he or she fails, without reasonable excuse, to comply with these requirements. The maximum fine is £500 on conviction.
5. You must ensure that a Summary of the Premises Licence, or a certified copy of that Summary, is prominently displayed at the premises. If you have nominated a person ("the nominated person"), under 4 above, you must prominently display at the premises a notice specifying the position held at the premises by that person. A person commits an offence if he or she fails, without reasonable excuse, to comply with these requirements. The maximum fine is £500 on conviction.
6. A Police Constable or an Authorised Person may require the holder of the Premises Licence or the nominated person to produce the Premises Licence, or a certified copy of it, for examination. A person commits an offence if he or she fails, without reasonable excuse to comply with these requirements. The maximum fine is £500 on conviction.
7. Where a Premises Licence or Summary is lost, stolen, damaged or destroyed, the holder of the licence may apply to the Council for a copy of the licence or Summary. A fee of £10.50 is payable.
8. Subject to reinstatement in certain circumstances, a Premises Licence lapses if the holder the licence dies, becomes mentally incapable, becomes insolvent, or is dissolved.
9. Where the holder of a Premises Licence wishes to surrender their licence they may give the Council notice to that effect. The notice must be accompanied by the Premises Licence or, if that is not practicable, by a statement of the reasons for the failure to provide the licence. The Premises Licence lapses on receipt of the notice by the Council.
10. The holder of a Premises Licence must, as soon as reasonably practicable, notify the Council of any changes in:
 - Name and address
 - Name and address of the Designated Premises Supervisor (unless that Supervisor has already notified the Council)

The notice must be accompanied by the Premises Licence or, if that is not practicable, by a statement of the reasons for the failure to provide the licence. The Premises Licence lapses on receipt of the notice by the Council. A fee of £10.50 is payable.

A person commits an offence if he or she fails, without reasonable excuse, to comply with these requirements. The maximum fine is £500 on conviction.

11. The holder of a Premises Licence may apply to the Council at any time for variation of the licence. Amongst other things, an application form will need to be completed, a fee will need to be paid and the application will need to be advertised and served on the Responsible Authorities. Please contact the Council for an application form and a guidance leaflet on how to apply for a variation. Please note that a Licence may not be varied to extend the period for which a licence has

effect, or to vary substantially the premises to which it relates – in those cases an application for a new Premises Licence will need to be made; please contact the Council for further details.

12. The holder of a Premises Licence may, if the licence authorises the supply of alcohol (or if it is intended to vary a licence so that it authorises the supply of alcohol), apply to vary the licence so as to specify the individual named in the application as the Designated Premises Supervisor. Amongst other things, an application form will need to be completed, a fee will need to be paid and the notice of the application must be given to the Police. It is possible for the applicant to ask for such a variation to have immediate effect on an interim basis. Please contact the Council for an application form and guidance leaflet on how to apply for a variation.
13. The Premises Licence may be transferred following an application made to the Council for a transfer of the Licence. Amongst other things, an application form will need to be completed, a fee will need to be paid and notice of the application must be given to the Police. It is possible for the applicant to ask for a transfer to have immediate effect on an interim basis. Please contact the Council for an application form and a guidance leaflet on how to apply for a transfer.
14. Where a Premises Licence has effect, and Interested Party or a Responsible Authority may apply to the Council for a review of the licence. You will be notified if an application is made to review your Premises Licence and you will have the opportunity to make representations about a review and to attend before the Council's Licensing Committee.
15. Your attention is drawn in particular to Part 7 of the Licensing Act 2003 which concerns offences under the Licensing Act 2003.

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Appendix 1



Licensing Act 2003 – Part A

PREMISES LICENCE – LAPREM00322

Premise Details:	The Old Dun Cow 6 Post House Wynd DARLINGTON DL3 7LU
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Date Granted:	9 March 2023	Duration of Licence:	Not Time Limited
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Licensable Activities

Activity	Days of Week	Open	Close
Sale of Alcohol for consumption both on and off the Premises	Monday to Wednesday	11:00	00:00
	Thursday to Saturday	11:00	01:00
	Sunday	11:00	23:30
Live Music, Recorded Music, Provision of facilities for Dancing, Provision of facilities similar to dancing	Monday and Wednesday	11:00	00:00
	Thursday to Saturday	11:00	01:00
	Sunday	12:00	00:30
Opening Hours	Every Day	08:00	01:30

Non Standard Times N/A

Premises Licence Holder:	LJM Pub Company LTD 5 - 7 Post House Wynd DARLINGTON DL3 7LU
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Details of designated premises supervisor where the premises licence authorises for the supply of alcohol	
Name:	Mr Steven James Tait
Licence Number:	DL16/01314/PERSON
Licensing Authority:	Darlington Borough Council

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 - (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.
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(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
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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 7 —

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.

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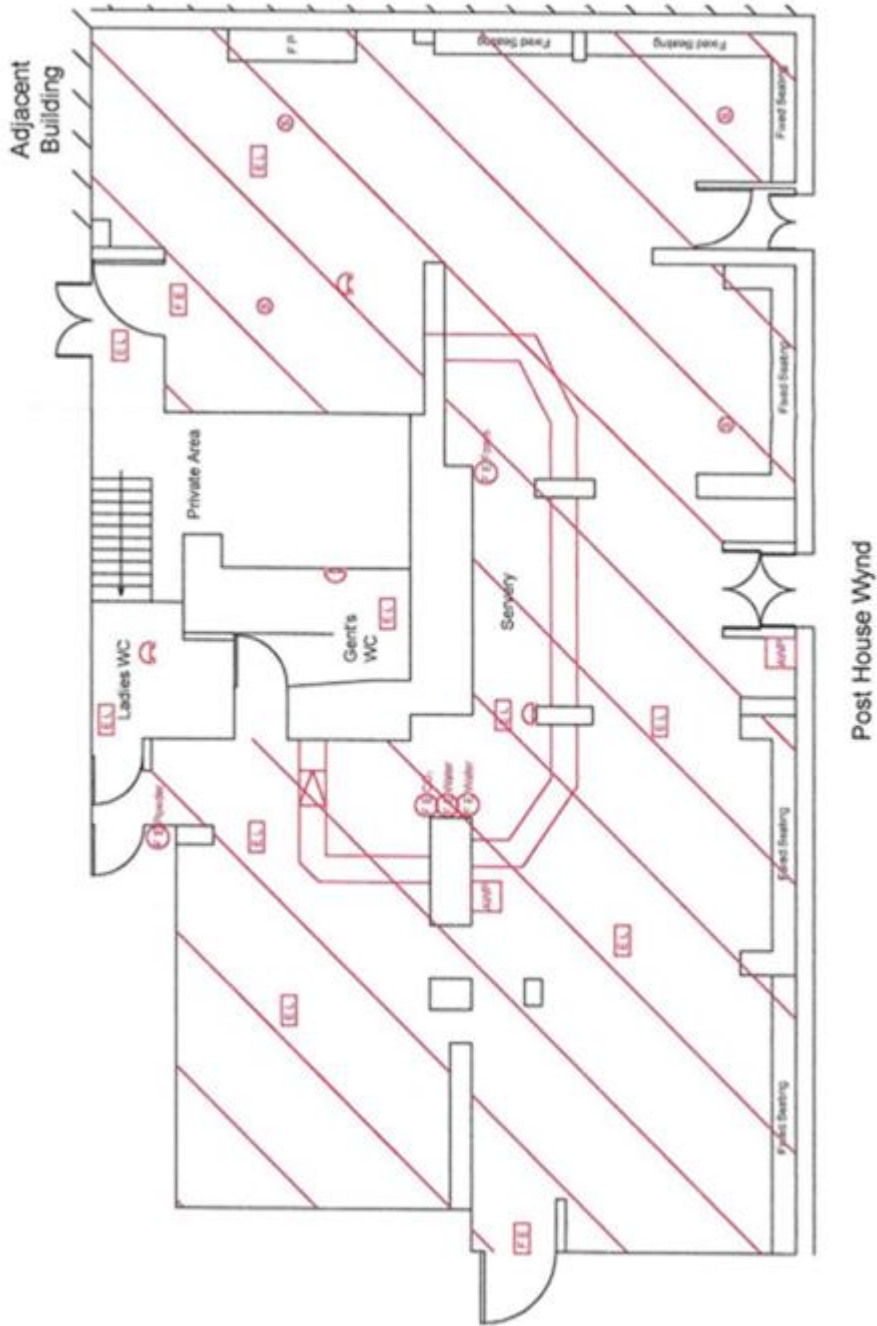
Annex 2 – Conditions consistent with the operating schedule

1. All staff shall be fully trained to perform their role. They will also be trained in the contents of the premise licence including times of operation, licensable activities and all conditions. Such training will be recorded in a register. The register will be made available to the Police or an authorised officer of the council upon request.
2. The premise shall operate the Challenge 25 scheme. As part of such a scheme a register of refusals shall be maintained and kept up to date. The register will be available for immediate inspection by police or authorised officers of the council.
3. The premise shall maintain an incident book, which shall be made available to the Police and authorised officers of the local authority upon request.
4. A CCTV system will be installed and in operation at all times the premises are being used for licensable activity. It must be operated by properly trained staff. All public areas will be covered, including entrances, exits and outside area.
5. Recording will be retained for a minimum of 28 days.
6. The premise will ensure that at least one trained member of staff is available to operate the system at all times the premise is open and download any images requested by an authorised officer and provided within 7 days.
7. No patrons shall be allowed to leave the premises whilst in the possession of any drinking vessel or open glass bottle. This condition shall not apply to patrons who have purchased beverages for consumption off the premises with the express consent to the designated premises supervisor or responsible person.
8. The premises will have a drugs policy in place.
9. A minimum of 1 SIA door supervisors shall be on duty at the entrance of the premises from 19.00 until close every Friday and Saturday. At all other times the provision of door staff will be risk assessed by management of the premises.
10. All windows in the premises will remain closed when regulated entertainment is taking place.
11. Children under the age of 16 will not be allowed entry to the premises unless they are accompanied by an adult.
12. Children under the age of 16 years will not be allowed entry to or to remain on the premises after 19:00.
13. For all pre-booked functions at the premises, the DPS shall assess whether a door supervisor is required.

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

None

Annex 4 – Plans



Issued in accordance with the application for the transfer of a premise licence

Authorised Officer

Date of Issue 24 March 2023

PREMISES LICENCE GUIDANCE

1. Your Premises Licence has been granted and is enclosed.
2. The annual fee is due on the anniversary of its grant, unless you are exempt (e.g. community premises). Please ensure that the annual fee is paid on time.
3. Your Premises Licence has been granted for an unlimited period of time and is subject to the conditions mentioned in the licence.
4. You must ensure that the Premises Licence, or a certified copy of it, is kept at the premises in the custody or under the control of yourself or a person (“the nominated person”) who works at the premises and whom you have nominated in writing for these purposes. A person commits an offence if he or she fails, without reasonable excuse, to comply with these requirements. The maximum fine is £500 on conviction.
5. You must ensure that a Summary of the Premises Licence, or a certified copy of that Summary, is prominently displayed at the premises. If you have nominated a person (“the nominated person”), under 4 above, you must prominently display at the premises a notice specifying the position held at the premises by that person. A person commits an offence if he or she fails, without reasonable excuse, to comply with these requirements. The maximum fine is £500 on conviction.
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7. Where a Premises Licence or Summary is lost, stolen, damaged or destroyed, the holder of the licence may apply to the Council for a copy of the licence or Summary. A fee of £10.50 is payable.
8. Subject to reinstatement in certain circumstances, a Premises Licence lapses if the holder the licence dies, becomes mentally incapable, becomes insolvent, or is dissolved.
9. Where the holder of a Premises Licence wishes to surrender their licence they may give the Council notice to that effect. The notice must be accompanied by the Premises Licence or, if that is not practicable, by a statement of the reasons for the failure to provide the licence. The Premises Licence lapses on receipt of the notice by the Council.
10. The holder of a Premises Licence must, as soon as reasonably practicable, notify the Council of any changes in:
 - Name and address
 - Name and address of the Designated Premises Supervisor (unless that Supervisor has already notified the Council)

The notice must be accompanied by the Premises Licence or, if that is not practicable, by a statement of the reasons for the failure to provide the licence. The Premises Licence lapses on receipt of the notice by the Council. A fee of £10.50 is payable.

A person commits an offence if he or she fails, without reasonable excuse, to comply with these requirements. The maximum fine is £500 on conviction.

11. The holder of a Premises Licence may apply to the Council at any time for variation of the licence. Amongst other things, an application form will need to be completed, a fee will need to be paid and the application will need to be advertised and served on the Responsible Authorities. Please contact the Council for an application form and a guidance leaflet on how to apply for a variation. Please note that a Licence may not be varied to extend the period for which a licence has effect, or to vary substantially the premises to which it relates – in those cases an application for a new Premises Licence will need to be made; please contact the Council for further details.
12. The holder of a Premises Licence may, if the licence authorises the supply of alcohol (or if it is intended to vary a licence so that it authorises the supply of alcohol), apply to vary the licence so as to specify the individual named in the application as the Designated Premises Supervisor. Amongst other things, an application form will need to be completed, a fee will need to be paid and the notice of the application must be given to the Police. It is possible for the applicant to ask for such a variation to have immediate effect on an interim basis. Please contact the Council for an application form and guidance leaflet on how to apply for a variation.
13. The Premises Licence may be transferred following an application made to the Council for a transfer of the Licence. Amongst other things, an application form will need to be completed, a fee will need to be paid and notice of the application must be given to the Police. It is possible for the applicant to ask for a transfer to have immediate effect on an interim basis. Please contact the Council for an application form and a guidance leaflet on how to apply for a transfer.
14. Where a Premises Licence has effect, and Interested Party or a Responsible Authority may apply to the Council for a review of the licence. You will be notified if an application is made to review your Premises Licence and you will have the opportunity to make representations about a review and to attend before the Council's Licensing Committee.
15. Your attention is drawn in particular to Part 7 of the Licensing Act 2003 which concerns offences under the Licensing Act 2003.



DARLINGTON
Borough Council

Temporary Event Notice

Licensing
Town Hall, Darlington DL1 5QT
Email: licensing@darlington.gov.uk
Tel: 01325 405888

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 an electronic copy to the licensing authority licensing@darlington.gov.uk. They will provide copies to the relevant responsible authorities. If a paper application is submitted to the licensing authority, additional copies must be sent to the chief officer of police and the local authority exercising environmental health functions for the area in which the premises are situated. The licensing authority will give to you written acknowledgement of the receipt of the notice.

Chief Officer of Police, Police HQ, St Cuthbert's Way, Darlington, DL1 5LB

Darlington Borough Council Environmental Health, Town Hall, Darlington DL1 5QT

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	METCALFE		
Forenames	LEWIS		
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	Mor	Year
4. Your place of birth	DARLINGTON		
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]

Post town DARLINGTON	Postcode [REDACTED]
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7. Other contact details

Telephone numbers

Daytime [REDACTED]

Mobile (optional) [REDACTED]

Evening (optional) [REDACTED]

E-Mail address **LEWISMETCALFE@OUTLOOK.COM**

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

[REDACTED]

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

Telephone numbers:

Daytime

Evening (optional)

Mobile (optional)

Fax number (optional)

E-Mail address (if available)

[REDACTED]

[REDACTED]

[REDACTED]

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 OLD DUN COW
6 POST HOUSE WYND
DL3 7LU**

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	LAPREM00322
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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)

[REDACTED]

Please describe the nature of the premises below. (Please read note 4)	
PUBLIC HOUSE	
Please describe the nature of the event below. (Please read note 5)	
DISCO AND PAYING BAR FOR NEW YEARS EVE CLOSING AT 2:30AM	
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 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)	
31/12/23 TO 01/01/24	
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)	
23:30 TILL 4:00	
Please state the maximum number of people at any one time that you intend to allow to be present at the premises during the times when you intend to carry on licensable activities, including any staff, organisers or performers. (Please read note 11)	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)	
23:30 TILL 4:00 DISCO AND DANCING	
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 COUNCIL
Licence number	DL23/00163
Date of issue	08/02/2023
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 checked="" type="checkbox"/>	No <input type="checkbox"/>
If answering yes, please state the number of temporary event notices (including the number of late temporary event notices, if any) you have given for events in that same calendar year	1	
Have you already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>

6. Associates and business colleagues (Please read note 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 – if paper copy	<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 – if paper copy	<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"/>
Provided a contact number so payment for the application can be taken	<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)	
<p>The information contained in this form is correct to the best of my knowledge and belief. I understand that it is an offence:</p> <p>(i) to knowingly or recklessly make a false statement in or in connection with this temporary event notice and that a person is liable on summary conviction for such an offence to a fine of any amount; and</p> <p>(ii) to permit an unauthorised licensable activity to be carried on at any place and that a person is liable on summary conviction for any such offence to a fine of any amount, or to imprisonment for a term not exceeding six months, or to both.</p>	
Signature	
Date	10/12/23
Name of Person signing	LEWIS METCALFE

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	

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Appendix 3

To whom it may concern

Durham Constabulary are objecting to the Temporary event notice submitted for Sunday 31st December 2023 for 23:30hrs-04:00hrs under the prevention of crime and disorder, public Safety, and public nuisance objectives.

The applicant has applied for 4am for the sale of alcohol and the provision of regulated entertainment under part 3 of the Temporary Event Notice, however under part 2 of the notice when asked to describe the nature of the event the applicant has stated Disco and paying bar for New Years Eve Closing at 2:30am. I am therefore basing this objection on the hours requested in part 3.

On New Years Eve, licensed premises by their very nature attract large groups of people some who consume alcohol to excess and by extending the hours that the patrons can consume alcohol, the propensity for drunkenness and alcohol fuelled violence will increase accordingly.

By allowing a premise to be open and sell alcohol until 4:00am patrons will consume more alcohol and the effects of excessive consumption will likely have an impact on the Crime and Disorder and Public Nuisance objectives

The consumption of alcohol lowers inhibitions and makes risk taking behaviour more likely and increases the likelihood of violence and disorder. Patrons are less likely to live within the footprint of the licensed economy and as such, do not show the same concern for the area resulting in public nuisance such as littering, street fouling and rowdiness.

In relation to public nuisance, I am aware of a complaint have already been raised in relation to excessive noise from this establishment.

In relation to preventing crime and disorder, New Year's Eve is one of the most challenging nights for all the emergency services. This date is synonymous with high levels of intoxications marred with drink fuelled violence. I would argue that any lengthening of the licencing hours over this period would add greatly to the potential for crime and disorder in the town centre.

I am also concerned around the availability of taxis at that time of the morning. Drunken people leaving the venue may well have to walk home due to the shortage of taxis as public transport will not be available.

The unavailability of taxis and public transport also raises the concerns over the safety of female patrons having to make their way home. At 4am there maybe nowhere to move to as a place of safety; No 40 will be closed and volunteers no longer present in the town centre.

The Old Dun Cow has several conditions attached to its licence which offer responsible authorities and patrons some confidence that the premises are upholding the licensing objectives and allow responsible authorities to challenge the premises when conditions are not being met.

When a premises is operating under a TEN Notice the conditions attached to the premises licence do not apply, most worryingly around the requirement for door staff and CCTV and the premises will effectively be condition free during the period of the notice.

Thankyou

Caroline

Sgt 484 Caroline Dickenson
Licensed Economy Team Sgt
Safeguarding Neighbourhoods Command
Durham Constabulary

Appendix 4

Darlington Borough Council policy

Temporary Events Notices (TEN)

Standard TEN

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.

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Section 182 Guidance

General

7.2 The system of permitted temporary activities is intended as a light touch process, and as such, the carrying on of licensable activities does not have to be authorised by the licensing authority on an application. Instead, a person wishing to hold an event at which such activities are proposed to be carried on (the “premises user”) gives notice to the licensing authority of the event (a “temporary event notice” or “TEN”).

7.3 The TEN must be given to the licensing authority in the form prescribed in regulations made under the 2003 Act. The form requires the user to describe key aspects of the proposed event, including the general nature of the premises and the event, the licensable activities intended to be carried on at the proposed event, including whether they will include any relevant entertainment as defined in Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 (i.e. displays of nudity designed to sexually stimulate any member of the audience including, but not limited to, lap dancing and pole dancing). Under the 2003 Act ‘premises’ can mean any place. **Events authorised under a TEN will therefore not always be in a building with a formal address and can take place, for example, in public parks and plots within larger areas of land. In all cases, the premises user should provide a clear description of the area in which they propose to carry on licensable activities, including whether the premises are, for example, an open field or a beer tent. Local authorities and “relevant persons” (see below) may wish to make enquiries where appropriate to satisfy themselves of the exact location for where a TEN is being given.**

7.4 Unless it is sent electronically, it must be sent to the relevant licensing authority, to the police and “local authority exercising environmental health functions” (“EHA”) at least ten working days before the event. A premises user may also give a limited number of “late TENs” to the licensing authority less than 10 working days before the event to which they relate, although certain restrictions apply (see paragraphs 7.12-7.14). “Working day” under the 2003 Act means any day other than a Saturday, Sunday,

Christmas Day, Good Friday or Bank Holiday. For limited purposes in relation to a TEN, the 2003 Act defines a “day” as a period of 24 hours beginning at midnight.

7.5 If a TEN is sent electronically via GOV.UK or the licensing authority’s own facility, the licensing authority must notify the police and EHA as soon as possible and no later than the first working day after the TEN is given.

7.6 The police or EHA (“relevant persons” for the purposes of TENs) may intervene to prevent such an event taking place by sending an objection to the licensing authority, which the licensing authority must consider on the basis of the statutory licensing objectives and decide whether the event should go ahead. A relevant person may also intervene by agreeing a modification of the proposed arrangements directly with the TENs user (see paragraph 7.36). If a relevant person sends an objection, this may result in the licensing authority imposing conditions on a TEN but only where the venue at which the event is to be held has an existing premises licence or club premises certificate. When giving a TEN, the premises user should consider the promotion of the four licensing objectives. The licensing authority may only otherwise intervene if the statutory permitted limits on TENs would be exceeded (see paragraphs 7.15-7.22).

7.7 A TEN does not relieve the premises user from any requirements under planning law for appropriate planning permission where it is required.

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 (or appeals) in respect of late TENs and if objections are raised by the police or EHA in relation to a late TEN, the notice will be invalid and the event will not go ahead.

7.35 Such cases might arise because of concerns about the scale, location, timing of the event or concerns about public nuisance – even where the statutory limits on numbers are being observed. The premises user who signs the form is legally responsible for ensuring that the numbers present do not exceed the permitted limit at any one time. In cases where there is reason to doubt that the numbers will remain within the permitted limit the premises user should make clear what the nature of the event(s) is and how they will ensure that the permitted persons limit will not be exceeded. For example, where notices are being given for TENs simultaneously on adjacent plots of land it may be appropriate for door staff to be employed with counters. In each case it is important that licensing authorities and relevant persons can consider whether they believe that the premises user intends to exceed the 499 person limit, or will be unable to control or know whether the limit will be exceeded. Where the planned activities are likely to breach the statutory limits or undermine the licensing objectives, it is likely to be appropriate for the police or EHA to raise objections.

7.36 However, in most cases, where for example, alcohol is supplied away from licensed premises at a temporary bar under the control of a personal licence holder, (such as at weddings with a cash bar or small social or sporting events) this should not usually give rise to the use of these powers.

Regulated entertainment

Types of regulated entertainment

16.1 Schedule 1 to the 2003 Act sets out what activities are regarded as the provision of regulated entertainment and when they are licensable and those activities which are not and therefore exempt from the regulated entertainment regime. Changes to regulated entertainment took effect on 6 April 2015.

16.2 The descriptions of entertainment activities licensable under the 2003 Act are:

- a performance of a play;
- an exhibition of a film;
- an indoor sporting event;
- a boxing or wrestling entertainment;
- a performance of live music;
- any playing of recorded music;
- a performance of dance; and
- entertainment of a similar description to a performance of live music, any playing of recorded music or a performance of dance.

16.3 To be licensable, one or more of these activities needs to be provided for the purpose (at least partly) of entertaining an audience; has to be held on premises made available for the purpose of enabling that activity; and must also either:

- take place in the presence of a public audience, or
- be provided exclusively for the members of a club or for the club members and their guests, or
- where that activity takes place in private, be the subject of a charge made with a view to profit

General circumstances in which entertainment activities are licensable

16.10 An authorisation for regulated entertainment is always required for entertainment activities that take place before 08.00 or after 23.00, unless exempted under any other provision of the 2003 Act, as amended.

Audience

16.11 For the purposes of regulated entertainment, the term “audience” refers to any person for whose entertainment (at least in part) any licensable activities are provided. An audience member need not be, or want to be, entertained: what matters is that an audience is present and that the purpose of the licensable activity is (at least in part) intended to entertain any person present. The audience will not include performers, together with any person who contributes technical skills in substantial support of a

performer (for example, a sound engineer or stage technician), during any associated activities. This includes setting up before the entertainment, reasonable breaks (including intervals) between activities and packing up thereafter. Similarly, security staff and bar workers will not form part of the audience while undertaking their duties.

16.12 More than one entertainment activity (or for a single activity, more than one performance or event) can be held concurrently, provided that the audience for each such performance or event does not exceed the threshold at which such a performance or event becomes licensable. In some circumstances, there will be a clear distinction between performances or events; for example, their taking place in separate rooms or on separate floors. However, organisers will have to ensure that audiences do not grow or migrate, so that the audience exceeds the relevant limit for any one performance or event at any time. If there is the possibility of audience migration, it might be easier and more flexible to secure an appropriate authorisation.

Private events

16.13 Events held in private are not licensable unless those attending are charged for the entertainment with a view to making a profit (including raising money for charity). For example, where a party is held for friends in a private dwelling featuring amplified live music, if a charge or contribution is made solely to cover the costs of the entertainment, the activity is not regulated entertainment. Similarly, any charge made to the organiser of a private event by musicians, other performers, or their agents does not of itself make that entertainment licensable – it would only do so if the guests attending were themselves charged by the organiser for that entertainment with a view to achieving a profit. The fact that this might inadvertently result in the organiser making a profit would be irrelevant, as long as there had not been an intention to make a profit.

16.14 Schedule 1 to the 2003 Act also makes it clear that before entertainment is regarded as being provided for consideration, a charge has to be:

- made by or on behalf of a person concerned with the organisation or management of the entertainment; and
- paid by or on behalf of some or all of the persons for whom the entertainment is provided

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