

PRESCRIBED FORM OF NOTICE (CONDITIONS ON A TEMPORARY EVENT NOTICE)

The prescribed form for a notice (conditions on a temporary event notice) is as follows:

Warrington Borough Council, New Town House, Buttermarket Street, Warrington, WA1 2NH

Notice (Conditions on a Temporary Event Notice) – Permitted Temporary Activities

On 11th July 2014 the licensing authority received from you, Mr Liam Charles Carters a temporary event notice (“the notice”) in respect of proposed temporary licensable activities due to take place on 25th August 2014 at Level. 2 Rylands Street, Warrington. The licensing authority has received an objection under section 104(2) of the Licensing Act 2003 (“the Act”). The licensing authority has decided not to give you a counter notice under section 105 of the Act and instead is imposing one or more conditions on the notice in accordance with section 106A(2) of the Act.

The attached statement (“statement of conditions”) sets out the condition(s) which has/have been imposed on the notice.

The objection which applies is indicated by an “X” in the following table.

Objection	Insert “X” as applicable
A chief officer of police for any police area in which the premises are situated is satisfied that allowing the premises to be used in accordance with the notice would undermine a licensing objective.	X
A local authority exercising environmental health functions for the area in which the premises are situated is satisfied that allowing the premises to be used in accordance with the notice would undermine a licensing objective.	

On the 25th July 2014 a hearing was held by members of the Licensing Sub-Committee to determine the notice of temporary event.

The Licensing Sub-Committee considered carefully all of the written and verbal representations submitted by and on behalf of the applicant and Cheshire Constabulary.

The Committee is aware of its obligations under the Licensing Act 2003 and in particular the guidance issued under Section 182 of the Act together with the Council’s statement of licensing policy.


Having regard to the objection notice as submitted by Cheshire Constabulary, members of the Licensing Sub-Committee have resolved not to issue a Counter Notice under Section 105 of the Act as it did not consider it appropriate to do so however, members took into account that the applicant had stated he was happy for his current conditions, apart from the conditions relating to last entry, to be transferred if his notice was approved.

Therefore under Section 106a of the Act, the Sub-Committee determined to impose all of the conditions, apart from the condition relating to last entry, which ordinarily apply to the premises licence to the Temporary Event Notice.

A copy of this notice will be sent to the chief of police and the local authority exercising environmental health functions for the area in which the premises specified in the temporary event notice you gave is situated.

The Licensing Act 2003 does not make provision for you to appeal against this counter notice.

Under section 136 of the Licensing Act 2003, a person commits an offence if he carries on a licensable activity on or from any premises otherwise than under and in accordance with an authorisation; or if he knowingly allows a licensable activity to be so carried on. A person convicted of such an offence is liable to imprisonment for a term not exceeding six months or to a fine not exceeding £20,000, or to both.

SIGNATURE	 On behalf of the licensing authority	DATE	28/07/14
Name of Officer signing	Dave Watson Community Safety & Licensing Manager		



LICENSING ACT 2003

TEMPORARY EVENT NOTICE WITH ALCOHOL

LEVEL

TE2404

COMMENCES 25/08/2014

EXPIRES 25/08/2014

The following conditions will be attached to the TEN for the duration of the event:

ANNEX 1 - MANDATORY CONDITIONS

CONDITIONS REPRODUCING THE EFFECT OF CONDITIONS SUBJECT TO WHICH THE RELEVANT EXISTING LICENCE HAD EFFECT (PARAGRAPH 6(6) OF SCHEDULE 8 TO THE LICENSING ACT 2003).

Public Entertainment Licence - Permitted numbers

The maximum number of persons permitted to use the Premises at any one time shall not exceed for all purposes **325 Persons (1st Floor 103 persons, and Ground Floor 222 persons)** or such lesser number of persons as the Premises can with ample safety, accommodate having regard to the nature of the entertainment provided.

MANDATORY CONDITIONS UNDER THE LICENSING ACT 2003

Supply of Alcohol

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.

Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

Drinks Promotions

1. The responsible person shall take all reasonable steps to 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 in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children-
 - (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

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Dave Watson - Community Safety & Licensing Manager

- 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 (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);
- (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;
- (d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on-
- (i) the outcome of a race, competition or other event or process, or
 - (ii) the likelihood of anything occurring or not occurring;
- (e) 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.

The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).

Free Tap Water

The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.

Age Verification

1. The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.
2. 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 a holographic mark.

Measures

The responsible person shall 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; and
- (b) customers are made aware of the availability of these measures.

Permitted Price

1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
2. For the purposes of the condition set out in paragraph 1:-
 - (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 -
 $P = D + (D \times V)$
where -
 - (i) P is the permitted price
 - (ii) D is the rate 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;

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- (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence-
- (i) the holder of the premises licence
 - (ii) the designated premises supervisor (if any) in respect of such a licence, or
 - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
- (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
- (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994(7).

3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
4. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Door Supervision

All persons employed at the premises to carry out a security activity must be authorised to carry out that activity by a licence granted under the Private Security Industry Act 2001 or entitled to carry out that activity by virtue of section 4 of that Act.

Exhibition of films

The admission of children under the age of 18 to film exhibitions permitted under the terms of this licence shall be restricted in accordance with any recommendations made by the British Board of Film Classification, where the film has been classified by that Board.

ANNEX 2 - CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE

THE PREVENTION OF CRIME & DISORDER

Pubwatch

The premises licence holder or their representative shall be an active member of the local pubwatch radio scheme.

CCTV

An effective CCTV system shall be designed and installed in accordance with the Cheshire Constabulary's CCTV guidance document called 'CCTV in Licensed Premises - An Operational Requirement'. It must also include a colour monitor not less than 24" screen size clearly visible to customers showing them as they enter.

At least one Door Supervisor shall operate a "head camera". The quality and storage to comply with the Cheshire Constabulary Operational Requirement and the battery life and recording capacity shall be sufficient to last for at least 6 hours or one shift.

Designated Supervisors will need to demonstrate that their CCTV system complies with their Operational Requirements. A commissioning test must be carried out with the Licensing and CCTV Liaison Officers before completion and hand over of the system. The commissioning test will need to demonstrate the following:-

- recordings are fit for their intended purpose
- good quality images are presented to officers in a format that can be replayed on a standard computer

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- the supervisor has an understanding of the equipment/training
- management records are kept
- maintenance agreements and records are maintained
- Data Protection principles and signage are in place.

Containers

There shall be provided at the premises sufficient numbers of bottle bins of a type with a 'non-returnable' aperture, to prevent empty bottles being deposited around the interior of the venue. At least one such bin shall be located at each point of exit from the premises. The Designated Premises Supervisor or nominated member of staff shall ensure that all unattended empty bottles are disposed of into these bins and that, when full, they are emptied and the contents taken to an area to which the public has no access.

No person in possession of a drink in a sealed or unsealed container shall be allowed to enter the premises except for the purposes of delivery.

With the exception only of drinks which are available solely in glass bottles, the Premises Licence holder shall ensure that no drinks shall be sold from a bar or by staff service or otherwise, to be consumed in or on the premises, other than in a container made from non-splintering plastic, paper or shatterproof glass.

No drink shall be removed from the premises in an unsealed container.

Capacity Limits

There shall be an accurate and effective method of controlling the maximum number of persons allowed in each part of the premises (Door Supervisors / clickers etc) to allow the DPS to know the capacity at any time.

At all times when the premises are used for the purpose of the Licence, the Licence holder, DPS or duty manager who is responsible for the management of the premises shall at all times be aware of the number of persons on the premises and shall, if requested to do so, give that information to an authorised person.

Door Supervisors

Where any Door Supervisors are used at the premises they shall be registered with the Security Industry Authority.

Where any person is employed on or about the Premises as a Door Supervisor the Premises Licence holder shall maintain a register in a form approved by the Licensing Authority showing in respect of each period of duty of that person:-

- the name, date of birth, badge or licence number and residential address of that person;
- the time at which he commenced the period of duty, with a signed acknowledgement by that person;
- the time at which he finished the period of duty, with a signed acknowledgement by that person;
- any time during the period of duty when he was not on duty; and
- if that person is not an employee of the Premises Licence holder, the name of the person by whom that person is employed, or through whom the services of that person were engaged.

The register shall be of hardback construction with consecutive numbered pages.

The register shall be kept on the Premises at all times and shall be available for inspection by an authorised officer of the Licensing Authority or a Police Officer.

The Premises Licence holder shall keep a log of all incidents that occur on the Premises.

All Door Supervisors shall wear yellow or orange conspicuity jackets to a minimum standard as those supplied by the local Crime & Disorder Partnership.

Drugs Policy

Signed on behalf of the Licensing Authority by
Dave Watson - Community Safety & Licensing Manager



The Premises Licence holder shall put in place a drugs policy for the premises. The Premises Licence holder or other nominated person shall then ensure that this drugs policy is complied with at all times when the premises are open to the public.

Search, drugs, weapons and dispersal policy

The Premises Licence holder shall put in place a search, drugs, weapons and dispersal policy for the premises which shall be to the satisfaction of Cheshire Constabulary. The Premises Licence holder shall then ensure that these policies are complied with at all times when the premises are open for public entertainment. Conspicuous notices advising customers of the search policy shall be displayed at all entrances to the premises.

PREVENTION OF PUBLIC NUISANCE

Flyers

Where 'Flyers' are used there should be a policy to ensure that they do not create a littering problem.

THE PROTECTION OF CHILDREN FROM HARM

Person's under the age of 18 years

No person under the age of 18 years shall be permitted to enter or remain on the Premises after 20.00.

Proof of Age Schemes - Challenge 21

There shall be in place for the premises a written policy that employees challenge all persons purchasing alcohol who appear to be under 21 years of age. That policy shall require any person who appears to be under the age of 21 years to produce a recognised proof of age card accredited under the Proof of Age Standards Scheme (PASS) or if a proof of age card is not available a photo driving licence, passport or accredited student card.

Persons who appear to be under the age of 21 years shall be required to produce proof of age by way of a recognised proof of age card accredited under the Proof of Age Standards Scheme (PASS) or if a proof of age card is not available a photo driving licence, passport or accredited student card.

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