

# NON-CONFIDENTIAL



## Borough of Tamworth

LICENSING ACT 2003

### ***NOTICE OF HEARING***

25 April 2016

#### **Applications for: Temporary Event Notices**

On the **Friday, 29th April, 2016** at **10.00 am** in **Council Chamber - Marmion House**

**Membership:** Councillor Tina Clements, Councillor Michael Oates and Councillor Roy Rogers

*Decisions will only be taken when all three Councillors are in attendance at the hearing. In the event of one Member being unable to attend, another member of the full Licensing Committee will substitute their place. If a substitution does take place, all parties will be informed of the change at the beginning of the hearing*

#### **SCHEDULE**

- 1 Appointment of Chair**
- 2 Apologies**
- 3 Declarations of Interest**
- 4 To Consider An Objection Notice Given By Staffordshire Police For Two Standard Temporary Event Notices Made By Luke Timpany In Respect Of Vanity, 79 – 80 Bolebridge Street, Tamworth, B79 7PD For Events On 2 May 2016 And 30 May 2016 Under The Licensing Act 2003 (Pages 1 - 40)**  
(The Report of the Corporate Director for Growth, Assets and Environment)
- 5 Exclusion Of The Press And Public**  
That members of the press and public be now excluded from the meeting on the grounds that the business involves the likely disclosure of exempt information as defined in Paragraph 7 of Part 1 of Schedule 12A to the Local Government Act 1972 (as amended)
- 6 Consideration Of An Objection Notice Given By Staffordshire Police To A Standard Temporary Event Notice Made By David Oliver In Respect Of Oliver's, 19 Lower Gungate, Tamworth, B79 7AT For An Event From 02.00 To 03.30 Hours On Sunday 01 May 2016 And From 01.00 To 03.30 Hours On Monday 02 May 2016 Under The Licensing Act 2003 (Pages 41 - 80)**  
(The Report of the Corporate Director for Growth, Assets and Environment)

**DOCUMENTS ENCLOSED *Please read carefully***

Report of the Licensing Authority including any representations received

Procedure to be followed at the Hearing

Information on your rights at the Hearing

Reply form for you to fill in and send back to the Licensing Authority

*(Please complete and return, the information given is a requirement of the Licensing Act 2003)*

## **CONTACT**

Licensing Department: ☎01827 709445 📧 publicprotection@tamworth.gov.uk

Democratic Services: ☎01827 709265 📧 committees@tamworth.gov.uk

[www.tamworth.gov.uk](http://www.tamworth.gov.uk)

**Please note:- That hearings may be recorded.**

**That hearings may be cancelled at short notice.**

## LICENSING SUB COMMITTEE

29 April 2016

### REPORT OF THE CORPORATE DIRECTOR (GROWTH, ASSETS & ENVIRONMENT)

To consider an objection notice given by Staffordshire Police for two standard temporary event notices made by Luke Timpany in respect of Vanity 79 – 80 Bolebridge Street Tamworth B79 7PD for events on 2 May 2016 and 30 May 2016 under the Licensing Act 2003.

#### EXEMPT INFORMATION

Not applicable

#### PURPOSE

For the Licensing Sub-Committee to consider an Objection Notice given by the Staffordshire Police under Section 104 of the Licensing Act 2003, in respect of two Temporary Event Notices (TENS).

#### RECOMMENDATIONS

The Licensing Sub Committee must, having regard to the section 104 Objection Notice (attached as Appendix 4), take one of the following steps as it considers appropriate for the promotion of the licensing objectives:

- (a) Allow the licensable activities to go ahead as stated in the Temporary Event Notices (Appendix 2 & 3);
- (b) Impose one or more of the existing licence conditions from the Premises Licence on the Temporary Event Notices (insofar as such conditions are not inconsistent with the event) if it considers that this is appropriate. A copy of the Premises Licence is given at Appendix 5; or
- (c) Uphold the objection notice and issue a counter notice under Section 105 of the Licensing Act 2003 which will mean that the events cannot take place.

There is no prescribed form for a section 105 counter notice. An example counter notice is given at Appendix 6.

There is a prescribed form under section 106A for imposing conditions from the Premises Licence onto the TEN. This prescribed form is given at Appendix 7.

## **EXECUTIVE SUMMARY**

The Chief Officer of Police has powers to object to a TEN where he is satisfied that allowing the premises to be used in accordance with the TEN would undermine the licensing objectives. Only the Police or local authority exercising environmental health functions can object to a TEN - no other responsible authority or other person may object to this type of notification.

The TENS under consideration have been made in respect of Vanity, 79-80 Bolebridge Street, Tamworth, Staffordshire, B79 7PD. The first TEN relates to an extension of hours on Monday 2 May 2016 from 02:00 hours to 04:15 hours. The second TEN relates to an extension of hours on Monday 30 May 2016 from 02:00 hours to 04:15 hours. The nature of the event for which the notifications have been received is described as "to celebrate the Bank Holiday".

The decision whether or not to allow the temporary events to take place has not been made under Officer's delegated powers because the Licensing Act requires that the decision be made at a licensing hearing.

The Licensing Sub-Committee must determine each of the TENS with a view to promoting the licensing objectives referred to in the Objection Notice:

- The prevention of crime and disorder;
- The prevention of public nuisance.

In making its decision, the Licensing Sub-Committee must follow the Licensing Authority's own licensing policy and have regard to the national guidance. In particular, the Sub-committee should have due regard to paragraph 1.17 of the Home Office Guidance which states that each application must be considered on its own merits and Chapter 7 which specifically relates to TENS.

## **RESOURCE IMPLICATIONS**

If the decision of the Licensing Sub Committee is appealed against there will be a financial resource implication.

## **LEGAL/RISK IMPLICATIONS BACKGROUND**

There is no provision for appeal against addition of conditions (under Section 106A) to a temporary event notice.

There is a right of appeal against the decision made by the Licensing Sub-Committee to give a counter notice under Section 105 (the premises user may appeal against that decision). Where the licensing authority decides not to give a counter notice, the Police may appeal against this decision. Any such appeal must be made to the Magistrates' court within 21 days beginning with the day on which the appellant was notified by the licensing authority of the decision appealed against.

There is an exception to these rights of appeal. No appeal may be brought later than five working days before the day on which the event period specified in the temporary event notice begins.

## **SUSTAINABILITY IMPLICATIONS**

A visibly effective licensing service links into the Corporate Strategies of Living a Quality Life; Growing Strong and Delivering Quality Services in Tamworth. Furthermore, measures to promote fair trading, reduce crime and disorder enhances the attraction of Tamworth as a place to visit and run a business.

## **BACKGROUND INFORMATION**

Temporary Event Notices are used by premises users for the temporary carrying on of licensed activities at premises which are not authorised by premises licences or club premises certificates. These events do not have to be authorised as such by the licensing authority. Instead the premises user notifies the event to the licensing authority, the Police and local authority exercising the Environmental Health functions. If the notification is duly made the licensing authority is required to issue an acknowledgement of the notification.

The premises for which the TENS have been given is known as Vanity, 79-80 Bolebridge Street, Tamworth, Staffordshire, B79 7PD, is shown on the location plan at Appendix 1.

A redacted copy of the Temporary Event Notices made by the premises user, Mr Luke Timpany, for the events in question are given in Appendix 2 and Appendix 3. The premises user requested the temporary event notice for the following activities:

- The sale by retail of alcohol for consumption both on and off the premises.
- The provision of regulated entertainment.

The date and time of the proposed events are from 02:00 hours to 04:15 hours on Monday 2 May 2016 and from 02:00 hours to 04:15 hours on Monday 30 May 2016. The premises already benefits from a permanent Premises Licence and Mr Luke Timpany is the premises licence holder. Mr Timpany is also the designated premises supervisor named on the premises licence. A redacted copy of the premises licence issued on 19 October 2012 is given in Appendix 5.

The premises licence already allows the supply of alcohol and regulated entertainment from

- Sunday to Wednesday - 12.00 to 02.00
- Thursday – 12.00 to 03.00
- Friday to Saturday- 12.00 to 04.00

The opening hours for the premises are

- Sunday to Wednesday - 12.00 to 02.00
- Thursday – 12.00 to 03.00
- Friday to Saturday 12.00 to 04.00

The TENs would essentially provide an extension to these hours for licensable activities. However, it is important to note that the conditions listed in Annex 2 of the premises licence (Appendix 5) are not automatically applied when a TEN is in effect for a premise which already holds a premises licence. The person giving the Temporary Event Notice has indicated that all conditions of the premises licence will

be adhered to during these extended hours.”

In general, only the Police or local authority exercising the Environmental Health functions may intervene to prevent such an event from taking place or to agree to a modification of the arrangements. On this occasion an Objection Notice was received on 20 April 2016 from the Police stipulating that they object to the two temporary event notices .A copy of this Objection Notice is enclosed at Appendix 4.

The Police may withdraw their objection notice at any stage before the hearing is held or dispensed with if the premises user agrees to modify the proposal to address their concerns. The licensing authority will then be sent a copy of the modified notice by the Police as proof of the agreement, but they can subsequently withdraw it. A hearing will not be necessary if the Objection Notice is withdrawn.

On this occasion the Objection Notice has not been withdrawn.

The Sub-committee must consider the Objection Notice (Appendix 4), confining its deliberations to the crime prevention and public nuisance objectives. The Sub Committee must determine whether to:

- (a) Allow the licensable activities to go ahead as stated in each of the Temporary Event Notices. If this option is selected the premises user and relevant person submitting the Objection Notice will need to be notified of the reasons for the decision;
- (b) Impose one or more of the existing licence conditions from the Premises Licence on the Temporary Event Notices (insofar as such conditions are not inconsistent with the event) if it considers that this is appropriate. A copy of the Premises Licence providing a pool of potential conditions for this TEN is given at Appendix 5. If this option is chosen a notice under section 106A will need to be served on the premises user together with a Statement of Conditions. A copy of this prescribed notice and statement of conditions template is given in Appendix 7; or
- (c) Uphold the objection notice and issue a counter notice under Section 105 of the Licensing Act 2003 which will mean that the event cannot take place. There is no prescribed form for a section 105 counter notice. An example counter notice is given at Appendix 6.

### **Local policy considerations**

A copy of Tamworth Borough Council’s Statement of Licensing Policy 2015 -2020 can be found and downloaded from the following web address:

[http://www.tamworth.gov.uk/sites/default/files/environment\\_docs/Licensing\\_Policy2015\\_2020.doc](http://www.tamworth.gov.uk/sites/default/files/environment_docs/Licensing_Policy2015_2020.doc)

Section 3 of the policy covers TENS, applications, hearings and determinations. Sections 8 and 9 cover the licensing objectives and in particular the prevention of crime and disorder and the public nuisance objectives.

### **National Guidance**

A copy of the Home Office Amended Guidance Issued under Section 182 of the Licensing Act 2003 (March 2015) can be found and downloaded from the following

web address:

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/418114/182-Guidance2015.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/418114/182-Guidance2015.pdf)

Chapter 2 of the Guidance covers the Licensing objectives, Chapter 7 covers TENS, and Chapter 9 covers Determining applications.

When the Home Office Guidance was amended in April 2012 greater weight was given to Police representations. Paragraph 9.12 states:

“In their role as a responsible authority, the Police are an essential source of advice and information on the impact and potential impact of licensable activities, particularly on the crime and disorder objective. The police have a key role in managing the night-time economy and should have good working relationships with those operating in their local area. The police should be the licensing authority’s main source of advice on matters relating to the promotion of the crime and disorder licensing objective, but may also be able to make relevant representations with regards to the other licensing objectives if they have evidence to support such representations. The licensing authority should accept all reasonable and proportionate representations made by the police unless the authority has evidence that to do so would not be appropriate for the promotion of the licensing objectives. However, it remains incumbent on the police to ensure that their representations can withstand the scrutiny to which they would be subject at a hearing.”

The Licensing Sub Committee must deviate from the national guidance and Tamworth Borough Council’s own licensing policy if the facts of the case demand it in the interests of the promotion of the licensing objectives. If the Licensing Sub Committee does depart from the guidance and Tamworth Borough Council’s policy it must be able to provide full reasons.

The Licensing Sub-Committee is required to determine each of the Temporary event notices and is expected to record in full the reasons for any decision that they make.

## **REPORT AUTHOR**

*If Members would like further information or clarification prior to the meeting please contact Colin John.*

*Telephone: 01827 709429.*

*Email: colin-john@tamworth.gov.uk*

## **LIST OF BACKGROUND PAPERS**

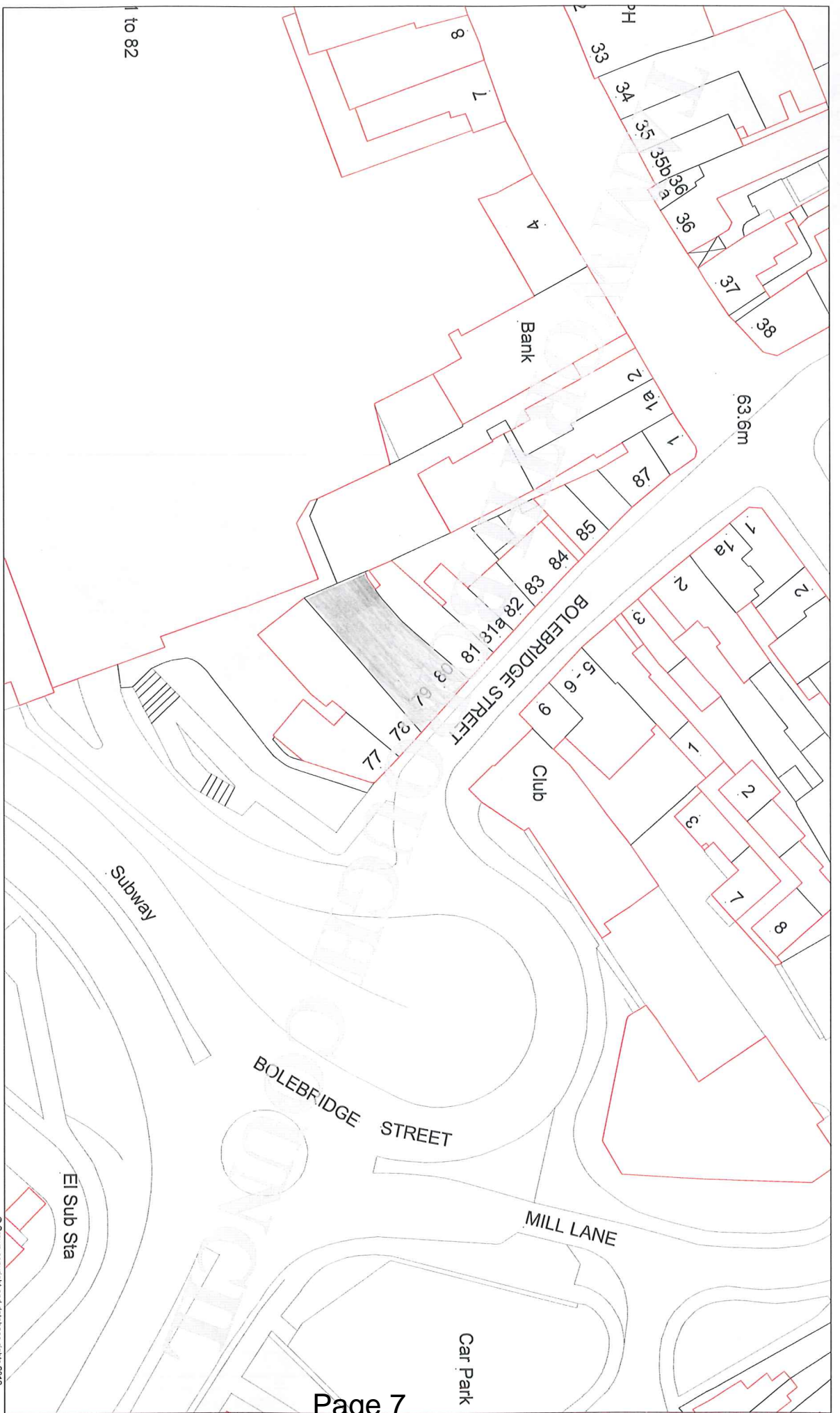
Tamworth Borough Council Licensing Policy, 2015-2020.

Home Office Guidance (March 2015) Issued under Section 182 of the Licensing Act 2003.

## **APPENDICES**

Appendix 1	Location plan
Appendix 2	Temporary Event Notification (redacted ) 2 May 2016
Appendix 3	Temporary Event Notification (redacted) 30 May 2016
Appendix 4	Police - Objection Notice
Appendix 5	Premises Licence Redacted
Appendix 6	Example Counter notice under Section 105
Appendix 7	Prescribed form under section 106A for imposing conditions from the Premises Licence / Club Premises Certificate onto the TEN





1 to 82

Bank

63.6m

BOLEBRIDGE STREET

Club

Subway

BOLEBRIDGE STREET

MILL LANE

El Sub Sta

Car Park

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Licensing, Public Protection  
 Assets & Environment  
 Tamworth Borough Council  
 Marmion House, Lichfield Street  
 Tamworth, Staffordshire  
 B79 7BZ  
 Telephone - 01827 709 445  
 Email - publicprotection@tamworth.gov.uk

### Temporary Event Notice

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. 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.

Depot Assets & Environment	
Date Received	18 APR 2016
Cheque Received	£42.00 HF
Job No.	156006
Officer	MF

1. The personal details of premises user (Please read note 1)			
<b>1. Your name</b>			
Title	Mr <input checked="" type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other (please state)		
Surname	TIMPANY		
Forenames	LUKE, JAMIE		
<b>2. Previous names (Please enter details of any previous names or maiden names, if applicable. Please continue on a separate sheet if necessary)</b>			
Title	Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other (please state)		
Surname	N/A		
Forenames	N/A		
<b>3. Your date of birth</b>		Day	Month Year
<b>4. Your place of birth</b>			
<b>5. National Insurance Number</b>			
<b>6. Your current address (We will use this address to correspond with you unless you complete the separate correspondence box below)</b>			
Post town		Postcode	
<b>7. Other contact details</b>			
Telephone numbers			
Daytime			
Evening (optional)			
Mobile (optional)			
Fax number (optional)			
E-Mail address (if available)			
<b>8. Alternative address for correspondence (If you complete the details below, we will use this address to correspond with you)</b>			
VANITY, LOWER FLOOR, 79-80 BOLEBRIDGE STREET, TAMWORTH, B79 7PD			
Post town BIRMINGHAM		Postcode B79 7PD	
<b>9. Alternative contact details (if applicable) N/A</b>			
Telephone numbers:			
Daytime			
Evening (optional)			
Mobile (optional)			
Fax number (optional)			
E-Mail address (if available)			

**2 The premises**

Please give the address of the premises where you intend to carry on the licensable activities or, if it has no address, give a detailed description (including the Ordnance Survey references) (Please read note 2)

VANITY, 79-80 BOLEBRIDGE STREET,  
TAMWORTH, B79 7PD

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	PREM /05/0153
-------------------------	---------------

Club premises certificate number	N/A
----------------------------------	-----

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)

N/A

Please describe the nature of the premises below. (Please read note 4)

THE VENUE IS A LATE LICENSED,  
VERTICAL DRINKING OUTLET

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

The event is to celebrate the Bank  
Holiday.

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	<input checked="" type="checkbox"/>	
The provision of late night refreshment	<input type="checkbox"/>	
Are you giving a late temporary event notice? (Please read note 7)	<input checked="" type="checkbox"/>	
Please state the dates on which you intend to use these premises for licensable activities. (Please read note 8)		
Monday 2nd MAY 2016		
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 9)		
MONDAY 2ND MAY 2016, 02:00 - 04:15		
Please state the maximum number of people at any one time that you intend to allow to be present at the premises during the times when you intend to carry on licensable activities, including any staff, organisers or performers. (Please read note 10)		200
If the licensable activities will include the supply of alcohol, please state whether the supplies will be for consumption on or off the premises, or both (please tick as appropriate). (Please read note 11)	On the premises only	<input type="checkbox"/>
	Off the premises only	<input type="checkbox"/>
	Both	<input checked="" 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. (please read note 12)

the event will include entertainment by the way of amplified music and performances of dance, with an accompaniment of live music by the way of saxophonist and percussionist

\*note all conditions of the premises license will be adhered to during these extended hours

4. Personal licence holders (Please read note 3)		
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	TAMWORTH BOROUGH COUNCIL	
Licence number Date of issue Date of expiry Any further relevant details	ISSUED	

5. Previous temporary event notices you have given (Please read note 4 and tick the boxes that apply to you)		
Have you previously given a temporary event notice in respect of any premises for events falling in the same calendar year as the event for which you are now giving this temporary event notice?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
If answering yes, please state the number of temporary event notices (including the number of late temporary event notices, if any) you have given for events in that same calendar year	THREE	
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 checked="" type="checkbox"/>	No <input type="checkbox"/>

6. Associates and business colleagues (Please read note 15 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 16)	
I have: (Please tick the appropriate boxes)	
Sent at least one copy of this notice to the licensing authority for the area in which the premises are situated	<input checked="" type="checkbox"/>
Sent a copy of this notice to the chief officer of police for the area in which the premises are situated	<input checked="" type="checkbox"/>
Sent a copy of this notice to the local authority exercising environmental health functions for the area in which the premises are situated	<input checked="" type="checkbox"/>
If the premises are situated in one or more licensing authority areas, sent at least one copy of this notice to each additional licensing authority	<input type="checkbox"/>
If the premises are situated in one or more police areas, sent a copy of this notice to each additional chief officer of police	<input type="checkbox"/>
If the premises are situated in one or more local authority areas, sent a copy of this notice to each additional local authority exercising environmental health functions	<input type="checkbox"/>
Made or enclosed payment of the fee for the application	<input checked="" type="checkbox"/>
Signed the declaration in Section 9 below	<input checked="" type="checkbox"/>

8. Condition (Please read note 17)
It is a condition of this temporary event notice that where the relevant licensable activities described in Section 3 above include the supply of alcohol that all such supplies are made by or under the authority of the premises user.

9. Declarations (Please read note 18)	
<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 not exceeding level 5 on the standard scale; 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 not exceeding £20,000, or to imprisonment for a term not exceeding six months, or to both.</p>	
Signature	
Date	FRIDAY 15TH APRIL 2016
Name of Person signing	MR LUKE JAMIE TIMPANY



For completion by the licensing authority

<b>10. Acknowledgement (Please read note 19)</b>	
I acknowledge receipt of this temporary event notice.	
Signature	On behalf of the licensing authority
Date	
Name of Officer signing	

## NOTES

### 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 7 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 (12 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 15 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



30/5



Licensing, Public Protection  
Assets & Environment  
Tamworth Borough Council  
Marmion House, Lichfield Street  
Tamworth, Staffordshire  
B79 7BZ

Telephone - 01827 709 445  
Email - publicprotection@tamworth.gov.uk

### Temporary Event Notice

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. 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.

Dept Assets & Environment	
Date	18 APR 2016
Ref	E42-00 HF
Ward	156007
T	MF

1. The personal details of premises user (Please read note 1)	
<b>1. Your name</b>	
Title	Mr <input checked="" type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other (please state)
Surname	TIMPANY
Forenames	LUKE, JAMIE
<b>2. Previous names (Please enter details of any previous names or maiden names, if applicable. Please continue on a separate sheet if necessary)</b>	
Title	Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other (please state)
Surname	N/A
Forenames	N/A
<b>3. Your date of birth</b>	Day: _____ Month: _____ Year: _____
<b>4. Your place of birth</b>	_____
<b>5. National Insurance Number</b>	_____
<b>6. Your current address (We will use this address to correspond with you unless you complete the separate correspondence box below)</b>	
_____	
_____	
Post town	Postcode
_____	_____
<b>7. Other contact details</b>	
Telephone numbers	_____
Daytime	
Evening (optional)	
Mobile (optional)	
Fax number (optional)	_____
E-Mail address (if available)	_____
<b>8. Alternative address for correspondence (If you complete the details below, we will use this address to correspond with you)</b>	
VANITY, LOWER FLOOR, 79-80 BOLEBRIDGE STREET, TAMWORTH, B79 7PD	
Post town	Postcode
BIRMINGHAM	B79 7PD
<b>9. Alternative contact details (if applicable) N/A</b>	
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)	
VANITY, 79-80 BOLEBRIDGE STREET, TAMWORTH, B79 7PD	
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	PREM /05/0153
Club premises certificate number	N/A
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)	
N/A	
Please describe the nature of the premises below. (Please read note 4)	
THE VENUE IS A LATE LICENSED, VERTICAL DRINKING OUTLET	
Please describe the nature of the event below. (Please read note 5)	
The event is to celebrate the Bank Holiday.	

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	<input checked="" type="checkbox"/>	
The provision of late night refreshment	<input type="checkbox"/>	
Are you giving a late temporary event notice? (Please read note 7)	<input checked="" type="checkbox"/>	
Please state the dates on which you intend to use these premises for licensable activities. (Please read note 8)		
<b>Monday 30TH MAY 2016</b>		
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 9)		
MONDAY 30TH MAY 2016, 02 00 - 04 15		
Please state the maximum number of people at any one time that you intend to allow to be present at the premises during the times when you intend to carry on licensable activities, including any staff, organisers or performers. (Please read note 10)		
	200	
If the licensable activities will include the supply of alcohol, please state whether the supplies will be for consumption on or off the premises, or both (please tick as appropriate). (Please read note 11)	On the premises only	<input type="checkbox"/>
	Off the premises only	<input type="checkbox"/>
	Both	<input checked="" 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. (please read note 12)

the event will include entertainment by the way of amplified music and performances of dance, with an accompaniment of live music by the way of saxophonist and percussionist

\*note all conditions of the premises license will be adhered to during these extended hours

4. Personal licence holders (Please read note 13)		
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	TAMWORTH BOROUGH COUNCIL	
Licence number Date of issue Date of expiry Any further relevant details		

5. Previous temporary event notices you have given (Please read note 14 and tick the boxes that apply to you)		
Have you previously given a temporary event notice in respect of any premises for events falling in the same calendar year as the event for which you are now giving this temporary event notice?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
If answering yes, please state the number of temporary event notices (including the number of late temporary event notices, if any) you have given for events in that same calendar year	FOUR	
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 checked="" type="checkbox"/>	No <input type="checkbox"/>

6. Associates and business colleagues (Please read note 15 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 14)	
I have: (Please tick the appropriate boxes)	
Sent at least one copy of this notice to the licensing authority for the area in which the premises are situated	<input checked="" type="checkbox"/>
Sent a copy of this notice to the chief officer of police for the area in which the premises are situated	<input checked="" type="checkbox"/>
Sent a copy of this notice to the local authority exercising environmental health functions for the area in which the premises are situated	<input checked="" type="checkbox"/>
If the premises are situated in one or more licensing authority areas, sent at least one copy of this notice to each additional licensing authority	<input type="checkbox"/>
If the premises are situated in one or more police areas, sent a copy of this notice to each additional chief officer of police	<input type="checkbox"/>
If the premises are situated in one or more local authority areas, sent a copy of this notice to each additional local authority exercising environmental health functions	<input type="checkbox"/>
Made or enclosed payment of the fee for the application	<input checked="" type="checkbox"/>
Signed the declaration in Section 9 below	<input checked="" type="checkbox"/>

8. Condition (Please read note 17)
It is a condition of this temporary event notice that where the relevant licensable activities described in Section 3 above include the supply of alcohol that all such supplies are made by or under the authority of the premises user.

9. Declarations (Please read note 18)	
<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 not exceeding level 5 on the standard scale; 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 not exceeding £20,000, or to imprisonment for a term not exceeding six months, or to both.</p>	
Signature	
Date	FRIDAY 15TH APRIL 2016
Name of Person signing	MR LUKE JAMIE TIMPANY



For completion by the licensing authority

<b>18. Acknowledgment (Please read note 19)</b>	
I acknowledge receipt of this temporary event notice.	
Signature	On behalf of the licensing authority
Date	
Name of Officer signing	

## NOTES

### 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 7 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 (12 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 15 below sets out the definition of an "associate".

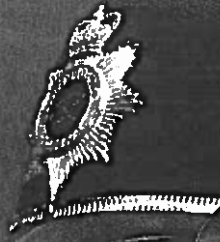
When permitted temporary activities take place, a premises user must ensure that either:

- a copy of the temporary event notice is prominently displayed at the





Keeping our communities  
safe and reassured



Licensing Department  
Tamworth Borough Council  
Marmion House  
Lichfield Street  
Tamworth  
B79 7BZ

Contact: Neil Winter  
Direct Line: 01785 234732  
Fax:  
Our Ref:  
Your Ref:  
Date: 20 April 2016

Dear Sirs

Re: Temporary Event Notices – Vanity

On 15 April 2016 Staffordshire Police received two temporary event notices from Vanity, 79A Bolebridge Street, Tamworth, B79 7PD. They requested increased hours for licensable activity from 02.00 to 04.15 hours on Monday 2nd May 2016 and from 02.00 to 04.15 hours on Monday 30<sup>th</sup> May 2016.

The temporary event notices request licensable activity for a maximum of 200 persons, and Staffordshire Police have concerns at the potential impact of 200 persons leaving the venue at 04.15 hours.

This venue has numerous incidents of crime and disorder attributable to it, and gives Staffordshire Police considerable cause for concern.

For the reasons outlined above, Staffordshire Police object to the granting of both temporary event notices on the grounds of the prevention of crime and disorder and public nuisance.

Yours faithfully

Neil Winter 22875  
Licensing Officer

Southern Licensing Unit  
Horninglow Street  
Burton on Trent  
DE14 1PA

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## LICENSING ACT 2003 Premises Licence

### Vanity

#### Part One – Premises Details

Postal address of premises, or if none, ordnance survey map reference or description

**Vanity, 79/80 Ground Floor, Bolebridge Street,**

Post Town **Tamworth**

Post Code **B79 7PD**

Telephone number **Not Known**

Where the licence is time limited the dates

**This licence is not time limited.**

Licensable activities authorised by the licence

**Films  
Live Music  
Recorded Music  
Performances of Dance  
Provision of Regulated Entertainment of a Similar Description to Live Music, Recorded Music or  
Performances of Dance  
Late Night Refreshment  
Supply of Alcohol (On Sales)**

**Premises licence number PREM /05/0153**

The times the licence authorises the carrying out of licensable activities

**Films**  
**Live Music**  
**Recorded Music**  
**Performances of Dance**  
**Provision of Regulated Entertainment of a Similar Description to Live Music, Recorded Music or Performances of Dance**

Indoors		Capacity = 200
	<b>From</b>	<b>To</b>
<b>Sunday</b>	12:00	02:00
<b>Monday</b>	12:00	02:00
<b>Tuesday</b>	12:00	02:00
<b>Wednesday</b>	12:00	02:00
<b>Thursday</b>	12:00	03:00
<b>Friday</b>	12:00	04:00
<b>Saturday</b>	12:00	04:00
<b>Non Standard Timings</b>		
None		

The times the licence authorises the carrying out of licensable activities

**Late Night Refreshment**

Indoors		Capacity = 200
	<b>From</b>	<b>To</b>
<b>Sunday</b>	23:00	02:00
<b>Monday</b>	23:00	02:00
<b>Tuesday</b>	23:00	02:00
<b>Wednesday</b>	23:00	02:00
<b>Thursday</b>	23:00	02:00
<b>Friday</b>	23:00	02:00
<b>Saturday</b>	23:00	02:00
<b>Non Standard Timings</b>		
None		

The times the licence authorises the carrying out of licensable activities

**Supply of Alcohol (On Sales)**

Indoors		Capacity = 200
	<b>From</b>	<b>To</b>
<b>Sunday</b>	12:00	02:00
<b>Monday</b>	12:00	02:00
<b>Tuesday</b>	12:00	02:00
<b>Wednesday</b>	12:00	02:00
<b>Thursday</b>	12:00	03:00
<b>Friday</b>	12:00	04:00
<b>Saturday</b>	12:00	04:00
<b>Non Standard Timings</b>		
None		

**Premises licence number PREM /05/0153**

**The Opening Hours of the Premises**

		Capacity = 200
	<b>From</b>	<b>To</b>
<b>Sunday</b>	12:00	02:00
<b>Monday</b>	12:00	02:00
<b>Tuesday</b>	12:00	02:00
<b>Wednesday</b>	12:00	02:00
<b>Thursday</b>	12:00	03:00
<b>Friday</b>	12:00	04:00
<b>Saturday</b>	12:00	04:00

**Non Standard Timings**

**None**

Where the licence authorises supplies of alcohol whether these are on and/or off supplies

**On supplies only.**

**Part Two**

Name, (registered) address, telephone number(s) and email (where relevant) of holder of premises licence

**Mr Luke James Timpany**

Registered number of holder, for example company number, charity number (where applicable)

**Not applicable.**

Name, address, and telephone number(s) of designated premises supervisor where the premises licence authorises the supply of alcohol

**Mr Luke James Timpany**

Personal Licence Number and Issuing Authority of Personal Licence held by Designated Premises Supervisor where the premises authorises the supply of alcohol

**Licence number –  
Tamworth Borough Council  
Marmion House, Lichfield Street, Tamworth B79 7BZ  
Telephone – 01827 709709**

Dated this 19th October 2012

Director – Assets & Environment

Countersigned: \_\_\_\_\_

Address to which all communication should be sent:

**Licensing, Public Protection, Assets & Environment,  
Tamworth Borough Council, Marmion House, Lichfield Street, Tamworth, B79 7BZ  
Tel 01827 709445 or Fax 01827 709434**



## Annex 1 - Mandatory Conditions

### 1 Mandatory conditions where licence authorises supply of alcohol (Section 19)

- (1) Where a premises licence authorises the supply of alcohol, the licence must include the following conditions:
- (2) The first condition is that 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) The second condition is that every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
- (4) 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.
- (5) 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 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.
- (6) 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).
- (7) The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.
- (8) (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.

- (9) 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.

**2 Mandatory condition: exhibition of films (Section 20)**

- (1) Where a premises licence authorises the exhibition of films, the licence must include a condition requiring the admission of children to the exhibition of any film to be restricted in accordance with this section.
- (2) Where the film classification body is specified in the licence, unless subsection (3)(b) applies, admission of children must be restricted in accordance with any recommendation made by that body.
- (3) Where-
  - (a) the film classification body is not specified in the licence, or
  - (b) the relevant licensing authority has notified the holder of the licence that this subsection applies to the film in question,admission of children must be restricted in accordance with any recommendation made by that licensing authority.
- (4) In this section-
  - "children" means persons aged under 18; and
  - "film classification body" means the person or persons designated as the authority under section 4 of the Video Recordings Act 1984 (c.39) (authority to determine suitability of video works for classification).

**3 Mandatory condition: door supervision (Section 21)**

- (1) Where a premises licence includes a condition that at specified times one or more individuals must be at the premises to carry out a security activity, the licence must include a condition that each such individual must be
  - (a) be authorised to carry out that activity by a licence granted under the Private Security Industry Act 2001; or
  - (b) be entitled to carry out that activity by virtue of Section 4 of that Act.
- (2) But nothing in subsection (1) requires such a condition to be imposed-
  - (a) in respect of premises within paragraph 8(3)(a) of Schedule 2 to the Private Security Industry Act 2001 (c.12) (premises with premises licences authorising plays or films), or
  - (b) in respect of premises in relation to-
    - (i) any occasion mentioned in paragraph 8(3)(b) or (c) of that Schedule (premises being used exclusively by club with club premises certificate, under a temporary event notice authorising plays or films or under a gaming licence), or
    - (ii) any occasion within paragraph 8(3)(d) of that Schedule (occasions prescribed by regulations under that Act).
- (3) For the purposes of this section- (a) "security activity" means an activity to which paragraph 2(1)(a) of that Schedule applies, and which is licensable conduct for the purposes of that Act (see section 3 (2) of that Act) (b) paragraph 8(5) of that Schedule (interpretation of references to an occasion) applies as it applies in relation to paragraph 8 of that Schedule.

## Annex 2 - Conditions Consistent with the Operating Schedule

- 1 The restrictions on the hours for the supply of alcohol do not prohibit:
  - a) during the first 20 minutes after the above hours, the taking of the alcohol from the premises unless the alcohol is supplied or taken in an open vessel;
  - b) consumption of the alcohol on the premises by, or, the taking, sale or supply of alcohol to any person residing in the licensed premises;
  - c) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
  - d) the sale of alcohol to a trader or club for the purposes of the trade or club;
  - e) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces;
  - f) the taking of alcohol from the premises by a person residing there; or
  - g) the supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of alcohol by persons so supplied; or
  - h) the supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence, or the consumption of liquor so supplied, if the liquor is supplied at the expense of their employer or of the person carrying on or in charge of the business on the premises.
  
- 2 Not more than the following number of persons shall be permitted to be on the premises at any one time:

**200 persons**

### **Conditions Applicable to all Licensing Objectives**

- 3 No alcohol shall be served before 12:00 hours.
- 4 All licensable activities shall take place indoors.
- 5 Details of sale of age restricted goods shall be clearly displayed in the premises.

### **The Prevention of Crime and Disorder**

- 6 CCTV shall be installed internally and externally and operated in accordance with the digital specification and directions of the Chief Constable.
- 7 The CCTV system shall operate internally to cover all internal areas where licensable activities take place.
- 8 The time and date of the CCTV system will be set to the correct time relating to BST/GMT.
- 9 A competent person trained in the use of and operation of the CCTV system will be in attendance at the premises at all times that licensable activities take place and be able to fully operate the CCTV system, to be able to down load in a recognised format any information requested by the Police

- 10 A facility will be available for the Police to remove from the CCTV system a copy of any material relevant to any ongoing Police investigation.
- 11 Any material will be capable of being viewed on a standard DVD player.
- 12 Clear signage will be displayed at all entrances and exits to include fire exits indicating that CCTV is in operation.
- 13 All CCTV images will be retained for a period of not less than 31 days.
- 14 There will be an electronic till used at the premises which will record on a receipt the exact time and date of any transactions.
- 15 An incident register of all occurrences and ejections from the premises will be maintained at the premises and any details of public disorder will be recorded. The register will be produced and made available for inspection upon request by a responsible authority.
- 16 A detailed Customer Code of Conduct poster will be displayed at the entrance of the premises warning persons that if they act in an inappropriate manner they could be barred from the premises.
- 17 A detailed sale of age restricted products poster will be displayed at the entrance of the premises.
- 18 In the absence of the designated premises supervisor there will always be at least one member of staff on duty inside the premises who is over the age of 21 and the holder of a personal licence to sell alcohol. Such a person will be in charge and present at the premise on the written authority of the designated premises supervisor.
- 19 All persons involved in the sale of alcohol who are not the holder of a personal licence to sell alcohol shall receive initial and regular 6 monthly refresher training by the designated premises supervisor with regards to the law in relation to the sale of alcohol. Such training shall be recorded and up to date training records of all such persons shall be maintained at the premises and produced and made available for inspection upon request by a responsible authority.
- 20 Crime prevention literature will be displayed in the premises.
- 21 The premises shall be members of the Tamworth Pub Watch scheme (or similar) attend all meetings as posted by the scheme as far as is practicable, fully agree to any protocols in force by the scheme and operate the town centre radio when the premises are open for trade.
- 22 There shall be no "all inclusive" drinks promotions permitted on the premises.
- 23 Door supervision shall be provided in accordance with the Security Industry Authority guidelines and advice, including:
  - i) Door supervisors shall be on duty from not later than 21:00 hours until the close of business and all customers having departed the premises on a Thursday, Friday and Saturday night and any other nights when regulated entertainment is taking place. A ratio of door supervisors of 1:75 persons in accordance with SIA recommended guidelines.
  - ii) Door supervisors shall wear high visibility work jackets at all times, when working.
  - iii) A full record of door staff on duty and of any incidents occurring shall be kept by the designated premises supervisor or appointed deputy, and made available at all times for inspection, upon request, to representatives of the Responsible Authorities.

**Public Safety**

- 24 First aid boxes and equipment shall be available at all times on the premises.
- 25 No person shall be allowed to take any vessels containing alcoholic drinks from the premises and any designated outside seating area(s).
- 26 All vessels shall be removed from the public area(s) as soon as possible.
- 27 All fire system equipment, including fire resisting structures, shall be in place.
- 28 No further alcohol shall be sold to any customers who, in the opinion of trained bar staff, appear to have consumed an excessive amount of alcohol.

**The Prevention of Public Nuisance**

- 29 There shall be no external speakers used.
- 30 Noise limiting deterrents shall be installed in accordance with any requirements expressed by Tamworth Borough Council.
- 31 No noise shall be directed outside of the building.
- 32 All external doors shall be fitted with self closing mechanisms, except fire doors.
- 33 Cigarette butt receptacles shall be provided outside the premises for the use of customers.
- 34 Highways near to the premises shall be cleaned and swept as is appropriate.

**The Protection of Children from Harm**

- 35 There shall be no "adult" entertainment in the premises.
- 36 Any person under the age of 16 years shall be supervised by a responsible adult whilst on the premises.
- 37 No person under 18 years of age shall be allowed into the premises after 22:00 hours.
- 38 A Challenge 25 policy shall be adopted and enforced at the premises. All persons who appear to be under the age of 25 will be challenged for suitable identification to prove they are over the age of 18, prior to purchasing alcohol.
- 39 The only acceptable forms of ID that shall be accepted are:
  - A. Valid photo ID driving licence
  - B. Valid Passport
  - C. Valid PASS ID card.
- 40 Challenge 25 signs shall be displayed at the entrance to the premises and at the cash till/ payment area.
- 41 All refusals of sales shall be recorded in either a recognised Refusal of Sales register, or by means of an electronic recording system which will be maintained at the premises. The register or electronic record will be produced and made available for inspection upon request by a

responsible authority.

**Annex 3 - Conditions Attached after a Hearing by the Licensing Authority**

None.

**Annex 4 - Plans**

Please see attached plan, PREM /05/0153 (plan issue date 28 September 2011).



Licensing, Public Protection, Assets & Environment  
 Tamworth Borough Council  
 Marmion House  
 Lichfield Street  
 Tamworth  
 Staffordshire  
 B79 7BZ

Telephone - 01827 709 445

Fax - 01827 709 434

Email - publicprotection@tamworth.gov.uk

Counter Notice - Permitted Temporary Activities  
 Section 105 Licensing Act 2003

Reference:

On **Insert Date TEN** received the licensing authority received from you, **Name of Premises User**, a temporary event notice ("the notice") in respect of proposed temporary licensable activities due to take place on **Insert dates of event** at **Premises Name & Address**. The licensing authority is satisfied that if the activities were to take place the crime and disorder licensing objective would be undermined.

**A copy of this counter notice will be sent to the chief officer 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.**

**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	
Name of person Signing			
Designation of person signing			

**Notes:**

**Right of appeal against this Counter Notice**

If this counter notice has been served on you, you may appeal against this decision. Any such appeal must be made to the Magistrates' court within 21 days beginning with the day on which you were notified by the licensing authority of the decision appealed against.

No appeal may be brought later than five working days before the day on which the event period specified in the temporary event notice begins.





Licensing, Public Protection  
 Assets & Environment  
 Tamworth Borough Council  
 Marmion House, Lichfield Street  
 Tamworth, Staffordshire,  
 B79 7BZ  
 Telephone - 01827 709 445  
 Email - publicprotection@tamworth.gov.uk

## NOTICE (CONDITIONS ON A TEMPORARY EVENT NOTICE) – PERMITTED TEMPORARY ACTIVITIES

On *[insert date]* the licensing authority received from you, *[insert name]*, a temporary event notice (“the notice”) in respect of proposed temporary licensable activities due to take place on *[insert date]* at *[insert address or description of premises]*. 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.	
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.	

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.

<b>SIGNATURE</b>	On behalf of the licensing authority	<b>DATE</b>	
<b>Name of Officer signing</b>			

## Statement of conditions

The condition(s) is/are:

<b>SIGNATURE</b>		<b>DATE</b>	
	On behalf of the licensing authority		
<b>Name of Officer signing</b>			

By virtue of paragraph(s) 7 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

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