



Statutory Licensing Sub-Committee

Date Tuesday 21 May 2024
Time 1.30 pm
Venue Council Chamber, County Hall, Durham

Business

Part A

Items which are open to the Public and Press

1. Apologies for Absence
2. Substitute Members
3. Minutes of the meetings held on 22 June 2023, 13 July 2023 and 31 July 2023 (Pages 3 - 28)
4. Declarations of Interest
5. Application for the Grant of a Premises Licence - The Beehive, Salter's Lane, Fishburn, Stockton on Tees, TS21 4AS (Pages 29 - 94)
6. Such other business as, in the opinion of the Chair of the meeting, is of sufficient urgency to warrant consideration

Helen Bradley

Director of Legal and Democratic Services

County Hall
Durham
13 May 2024

To: **The Members of the Statutory Licensing Sub-Committee**

Councillors R Adcock-Forster, C Hampson, C Hunt, I McLean
and M Wilson

Contact: Jill Hogg

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DURHAM COUNTY COUNCIL

At a Meeting of **Statutory Licensing Sub-Committee** held in Committee Room 1A , County Hall, Durham on **Thursday 22 June 2023 at 9.30 am**

Present:

Councillor C Hampson (Chair)

Members of the Committee:

Councillors J Blakey (Substitute), L Brown and L Mavin

Also Present:

S Buston (County Council Solicitor)
H Johnson (Licensing Team Leader)
J Adamson (Applicant)
R Taylor (Applicant's Solicitor)
J Woodliffe (Hardwick Hall)
J Finlayson (Sedgefield Town Council)
J Bowles (Other Person)
A Webb (Other Person)
J McKenna (Other Person)
K McHugh (Environmental Health)
K Tranter (Environmental Health)

1 Apologies for Absence

An apology for absence was received from Councillor M Wilson.

2 Substitute Members

Councillor J Blakey was present as substitute Member.

3 Declarations of Interest

There were no declarations of interest.

Prior to hearing the applications, the Chair advised that Item 4 and Item 5 on the agenda, Applications to Vary Premises Licences for Hardwick Hall Hotel and Hardwick Live Festival, Sedgefield would be considered together.

4 Applications to Vary Premises Licences - Hardwick Hall Hotel, and Hardwick Live Festival Sedgefield, TS21 2EH

The Chair welcomed everyone to the meeting and introductions were made.

Mr McKenna requested an adjournment of the meeting due to the number of late submission and was concerned that the Sub-Committee did not have sufficient time to take on board the new information. The Sub-Committee confirmed that they had sufficient time to consider the additional information which Mr McKenna accepted and withdrew his request for adjournment.

The Council's Solicitor outlined the procedure for the hearing. It was noted that four Sub-Committee Members were present to hear the application, however only three Members were required to make the decision.

The Licensing Team Leader presented the reports of the Corporate Director of Neighbourhoods and Climate Change, to determine variations to premises licences application in respect of Hardwick Hall Hotel and Hardwick Live Festival, Sedgefield TS21 2EH. A copy of the application, location plan and additional information had been circulated to all parties together with details of the representations received (for copy see file of minutes).

It was highlighted during the consultation period that the public notices may not be compliant with regulations which was followed up by Licensing Officers visiting the premises. The consultation period was restarted to ensure the public notices were correctly displayed for 28 days in accordance with the Licensing Act regulations. The Licensing Team Leader confirmed that the advertisement regulations were complied with for both applications.

Referring to the Hardwick Live Festival application, the Licensing Team Leader advised that the application requested the following:

- To vary the licence to allow the annual Hardwick Festival to operate over a three-day period (Friday, Saturday and Sunday) as opposed to a two-day event as permitted currently;
- To vary the hours for Sale of Alcohol (on and off sales) and the Provision of Regulated Entertainment indoors and outdoors to the following:

Friday: 15:00 until 23:00 hrs

Saturday: 10:00 until 23:00 hrs

Sunday: 10:00 until 23:00 hrs

- To remove the activity Provision of Late Night Refreshment from the licence;
- To replace the site licence plan currently attached to the licence, to clearly identify and define the boundary of the licensed area;
- To update the operating schedule to vary some conditions and add additional conditions;
- To replace the existing noise management plan attached to the licence.

During the consultation period, the Licensing Authority received thirteen representations from Other Persons opposing the application.

It was noted that responses were received from the Durham Safeguarding Children Partnership, the County Durham and Darlington Fire and Rescue Service, the Public Health Department, the Planning Department and Durham Constabulary confirming they had no comments to make in relation to the application.

Referring to the Hardwick Hall Hotel application, the Licensing Team Leader highlighted that Responsible Authorities were not able to provide enforcement actions for the current license due to contradictory conditions which needed to be updated.

The application requested the following:

- To vary the site licence plan to clearly identify and define the boundary of the licensed area;
- Update the operating schedule to remove erroneous which are now either obsolete or superfluous;
- Update the operating schedule to add additional conditions;
- To remove all current licence annexes relating to Marquees;
- To permit the provision of regulated entertainment across the whole site, within the area outlined in red on the site licence plan;
- To replace the existing noise management plan attached to the Licence;
- To add the showing of Films Monday to Sunday 09:00 – 23:00 hrs indoors and outdoors;

- To add the performance of Plays Monday to Sunday 09:00 – 23:00 hrs indoors and outdoors.

During the consultation period, the Licensing Authority received fourteen representations opposing the application from Other Persons.

A response was received from the Nuisance Action Team Leader in the Council's Environmental Health Department (Responsible Authority) outlining his position and expressing his support for the proposed variation.

It was noted that responses were received from the Durham Safeguarding Children Partnership, the Public Health Department, the Planning Department, Durham Constabulary, the County Durham and Darlington Fire and Rescue Service and the Environmental Health Department confirming they had no comments to make in relation to the application.

The Applicant proposed additional conditions and steps they intend to take in order to promote the licensing objectives, which included the addition of the following conditions:

- A new noise plan (ref 201/NMP/V03/2023) be put in place in the form attached and would replace the Plan dated 2008;
- A maximum number of 9 outdoor music events shall be allowed in any one calendar year where the music noise level arising shall not exceed the background noise level by more than 15dB(A)(15mins) at any noise sensitive receptor;
- The attached noise management Plan (ref 201/NMP/V03/2023) shall be adhered to at all times, exempting Hardwick Live events. The noise management plan shall be reviewed annually and following a request made by the licensing authority. Any changes would be agreed with the local authorities environmental health team prior to implementation;
- Notification of the date of outdoor music events falling into the above condition shall be made via Hardwick Halls website a minimum of 28 days prior to the event;
- No music arising from the site shall be audible within any noise sensitive receptor, with windows open in a typical manner for ventilation, other than for the above 9 outdoor music events or at all between the hours of 23:00 hrs and 09:00 hrs.

All parties were given the opportunity to ask questions of the Licensing Team Leader.

Mr Taylor, Applicant's Solicitor clarified that Licensing and Environmental Health had asked for the hotel license variation to be put forward to impose a maximum limit of twelve days a year where music could be played. He highlighted that at the moment there were no limits to the number of days and no requirement for music to be inaudible after 11.00pm. The Licensing Team Leader confirmed that the variation would provide a limit to the number of days and enforceable conditions.

Mrs Bowles, Other Person was invited to address the Sub-Committee. She advised that the intrusive noise disturbance of Hardwick events had greatly affected residents lives over the years with many residents experiencing physical and mental health issues. Residents have had their private gardens and property violated by people leaving the events and were unable to sit and enjoy their garden in the summer because of the noise disturbance with events, weddings and fireworks and stressed that people should not have to leave their home to get some peace. It was noted that Kings Coronation event did not cause any disturbance and she questioned why some events caused a disturbance and some did not. Mrs Bowles added that she would ring reception when issues arose and had spoken to Mr Woodliffe at Hardwick Hotel on a number of occasions in relation to providing directions back to the village, however nothing had been done. She asked that the impact on residents be considered, in particular those who had health conditions.

All parties were given the opportunity to ask questions of Mrs Bowles.

The Applicant confirmed that there would be no fireworks at weddings anymore and fireworks would only be used on Bonfire Night and at the end of Hardwick Live.

Mr Taylor noted that there was no noise disturbance during the Kings Coronation events. He referred to Mrs Bowles comment regarding clear protection for residents and read the Environmental Health Departments Nuisance Action Team Leader's supplementary representation where he stated that 'he supported application as a whole as it would provide a better level of protection' therefore, to grant the license would provide a better level of protection which Mrs Bowles accepted would be an improvement, however she could not accept holding any events that would cause noise disturbance and objected to the increase to 12 events plus weddings and the addition of showing films.

Councillor Finlayson, Sedgefield Town Council was invited to address the Sub-Committee.

He felt there had been a good level of engagement in relation to the proposals and read out representation from Sedgefield Town Council dated 12 June 2023 which was agreed before the additional representations had been received and some of the issues had been satisfactorily addressed.

Sedgefield Town Council wanted to represent the views of residents as well as support local businesses, many of which benefit from the increased footfall. Concerns had been raised by residents and a balance had to be struck to protect the rights of residents against the risk of crime and disorder.

He referred to the Hardwick Hall Hotel application and highlighted three elements of concern:-

- Recorded music being played until 12.30am seemed disproportionately late and should be no later than 11.00pm as the noise levels impacted many households;
- Late Night Refreshment should be limited to 11.00pm. It was noted that this had since been removed from the application;
- There was concern over events beyond the 9 events listed and it was not clear if all outdoor and marquee events fell within this and how that could impact noise monitoring. It was requested that the noise management plan be supplemented with specific information in relation to frequency of monitoring the 9 events.

Councillor Finlayson asked that a specific telephone number be provided for residents with regards to complaints and that noise monitoring within the whole boundary be in place for the smaller events which included amplified music or address systems.

The 3-day Hardwick Live variation was noted and they were pleased that there would be no sound checks prior to 10.00am, however requested a further 3 conditions be added to the license:-

- That Sedgefield Town Council be notified of events a month in advance and a contact number for residents in case of issues with the level noise;
- The noise management plan provide specific information on the frequency of noise monitoring at the 4 locations stated;
- The noise management plan includes monitoring the volume of noise from the event compères.

Councillor Finlayson concluded that Sedgefield Town Council were not opposed to Hardwick Hall events, however it was important that events were run with the right controls and was important that late night drinking by large numbers of people be limited to minimise the impact of crime and disorder.

All parties were given the opportunity to ask questions of Councillor Finlayson.

Mr Taylor noted the decision to object to the application was made at a Town Council meeting on the 24 April which Councillor Finlayson was not present and read the minutes from that meeting. Mr Taylor asked if Councillor Finlayson accepted that there was no proposal to extend the hours of the Hardwick Live event and the Guidance stated the Police were main source of advice in relation to crime and disorder and the Police had not objected to the application which Councillor Finlayson accepted.

Mr Taylor then referred to the hotel license and the noise management plan which stated that no music noise from the site should be audible other than the 9 outdoor music events between 09:00 – 23:00 hours. He noted that if the application was granted, music must be inaudible at the receptors and if music was audible then it would be a criminal offence.

Councillor Finlayson noted that the noise management plan stated that music should be inaudible, however was concerned that there was no detail in relation to how this would be monitored and wanted the noise management plan to be in effect for all events.

Mrs Bowles added that she was at the Town Council meeting and recalled that the Police supported objections regarding concerns relating to leaving times and potential problems.

Mr Webb, Other Person was invited to address the Sub-Committee. He advised that his property was one of the designated noise receptor points which was approximately 600 meters North of Hardwick Hall. He referred to the noise readings from the equipment that the Nuisance Action Team placed inside his property which exceeded what was considered to be acceptable outside background noise levels. Mr Webb indicated that Hardwick Hall staff were aware when the Nuisance Action Team were on site taking readings, therefore noise levels were controlled.

Mr Webb referred to an email from Sarah Clement Dawson dated 1 September 2020 which stated *'to allow for "Hardwick Live" a maximum of 3 consecutive days per calendar year shall be allowed whereby the permissible music noise levels (MNL) for the duration of the event shall not exceed 65dB(A) over a 15 minute period and 65dB(Z) in 63Hz and 125Hz octave bands at the nearest noise sensitive receptors'*.

Mr Webb highlighted that the Licensing Committee determine applications, however the 3-day event was being discussed in 2020.

Referring to a Freedom of Information request, Mr Webb highlighted that the information showed an agreement between Durham County Council and the Applicant in relation to income received for car parking at East Park. He felt that the Council were being rewarded, so they were allowing it to happen.

Mr Webb went through a number of charts and figures and suggested that the noise levels were incorrect, and the noise management plan may not be adequate to ensure compliance with the POP Code. He felt the background noise levels were higher than the recommended level.

Mr Webb also took issue with the professionalism of Blue Sky Acoustics, stressing that it appeared that the noise monitoring equipment was not certified for calibration when it was last used and that their measurements for certain locations were inaccurate.

Mr Webb added that the discrepancy between Environmental Health and Blue Sky Acoustics readings and measurements from Blue Sky Acoustics were unacceptable. He understood that the Applicant had a business to run and residents were not wanting the business to close, however residents were being affected by the disturbance. He suggested that Environmental Health nominate certain properties to monitor noise levels which would provide consistent readings.

All parties were given the opportunity to ask questions of Mr Webb.

The Licensing Team Leader clarified that the email from Sarah Clement Dawson was with regards to a previous application which was withdrawn during the pandemic and after conversations with the Applicant and his Solicitor, Licensing Team and Environmental Health which explained the contradictory out-of-date noise management plan.

Mr Taylor advised that Durham County Councils Licensing Policy required Applicants to liaise with Responsible Authorities before an application was submitted which included conversations regarding conditions. He added that the current license had no limit on the number of events or the volume which music could be played and the only way to guarantee better protection and enforcement would be for the application to be granted.

Mr McKenna, Other Person was invited to address the Sub-Committee. He confirmed that there had been more alterations to the applications, which had eased some of his concerns.

He referred to the noise management plan stating other than the 9/12 events, there would be no audible noise at the noise sensitive points which would be acceptable if it covered every event and the whole site. Mr McKenna still objected to the showing of films and plays and increase of site boundary as he feared the Applicant was intending to expand entertainment events and activities. He asked that the noise management plan be clear and covered all outdoor activities on the site and be inaudible at properties other than the 9/12 events. It was felt that the increase in events would mean more occasions where people would walk through private gardens and traffic congestion on roads which caused major issues.

Mr McKenna suggested that the Sub-Committee limit the site boundary to the current licensed area and include the area already licenced for Hardwick Live. He explained that the current licence for the hotel was for the area on the south lawn and the north wedding marquee area and suggested that the Hardwick Live area be included in the new boundary for the hotel licence with no further curtilage to the north car park area to minimise the growth activity.

The Applicant clarified that the increased area to the North of the hotel would be for parking and not entertainment.

Mr McKenna advised he would withdraw his objection for films and plays if it was guaranteed that no amplified sound would be generated, and the noise management plan condition include all music events and activities be inaudible. He added that there had been no events, other than Hardwick Live that had been managed successfully by the Hardwick Team to produce no intrusive sound to his home.

It was noted that the majority of his proposals had been covered in the revised noise management plan, however he added that the complaints system was not fit for purpose. He requested that complaints be emailed and monitored during events to avoid frustration of not getting through via telephone which had been commonly experienced. Details should be accessible to residents who had made a complaint and records should be available historically for a minimum of 3 years. He requested that all complaints were responded to within a short, fixed period of time with the complainant receiving a clear outcome to the complaint. He had reservations that frequency of monitoring would not be adequate and that the level of staff would not be adequate to carry out the monitoring and recording that the plan required. Concerns were raised that no one was identified to keep a record of meetings with the public and take on board noise nuisance experienced. He suggested that record keeping be mandatory for any meetings regarding Hardwick Hall Hotel/Hardwick Live and forwarded to Licensing Enforcement Officers and the Environmental Health Nuisance Action Team to be retained for the public, whether they attended the meeting or not.

All parties were given the opportunity to ask questions of Mr McKenna.

The Licensing Team Leader clarified that in order for complaints to be recorded by Durham County Council, complaints would have to be received by the Noise Team. Mr McKenna referred to the noise management plan that stated that a noise complaint log would be kept by hotel staff and there was nothing in the plan regarding feedback to complainants and how complaints would be dealt with. The Licensing Team Leader suggested that in addition to logging complaints with the hotel, residents should report any noise complaints to the Environmental Health Department. The Senior Environmental Health Officer confirmed that any complaints should be logged with the team and they would monitor issues and have a historical record going forward. Mr McKenna noted the process and added that previously he had not needed to formally report complaints as he had good contact with the Hardwick Hall Team, however with the formal noise management plan in place, he felt it important to include that complaints should be responded to within a set timeframe and records be accessible for 3 years.

Mr Taylor, Applicant's Solicitor was invited to address the Sub-Committee. He highlighted that to grant both variation applications would reduce the number of music events and there would be conditions requiring music to be inaudible after 23:00 hours. It was noted that the Nuisance Action Team Leader's written representation stated that *'the variation applications would provide a better level of protection for residents than the current licences provided, even with the additional Hardwick Live event and that the current licenses were unenforceable. The current Hardwick Live licence was modern and fit for purpose and that the existing site license does not provide enforceable thresholds relating to outdoor events, no restriction on the number of events and an allowance for music noise to continue until 00.30 am. The existing site licence was un-enforceable, over complex and not related to current standards and required updating. We have requested that Hardwick Hall make a variation for some time to ensure that the licence was fit for purpose and had worked with them in 2021 to amend the licence, however the variation was withdrawn prior to the hearing. The existing site licence was of benefit to Hardwick Hall as there was little regulatory control currently. However, whilst residents raise concerns regarding the music levels from events, monitoring undertaken has not identified an exceedance of recognised parameters and the Hardwick Hall had generally been shown to be compliant with existing requirements and there was insufficient evidence to review the licence'*. Mr Taylor pointed out the Applicant was seeking to provide what the Responsible Authority was requesting.

Mr Taylor referred to the table showing the current site licence and the variation and advised that currently:-

- there was no noise threshold level that was enforceable. If the variation licence was granted, there would be a specific noise threshold level based on a recognised code of practice;
- there was no limit on the number of events with noise impact. If the variation licence was granted, there would be a total of 12 events which included 3 Hardwick Live events and 9 other events;
- music could be audible until 00:30am. If the variation licence was granted, the audible time would reduce to 23:00pm;
- the noise management plan was outdated with no background measurements and thresholds established. If the variation licence was granted, the noise management plan would be current based on actual monitoring evidence of background events;
- the licenced areas were confusing with differing finish times;
- there was no specific requirement for notification of events. If the variation licence was granted, there would be 28 days notice prior to an event.

It was noted that conditions would apply to the whole site, therefore noise levels were fix for all entertainment areas and noise receptors would be inaudible after 23:00 hours. It was reiterated that the application was made at the request of Environmental Health to vary the licensed plan and delete obsolete references and replace with an operating plan with enforceable conditions.

Mr Taylor referred to the new noise management plan and advised that outdoor events were subject to noise limits and limited to 9 outdoor event days per calendar year and the applicable noise limit was the background noise level plus 15 dB. In addition, no music noise arising from the site shall be audible within any noise sensitive receptors, with windows open, other than the 9 outdoor music event days between the hours of 09:00 and 23:00.

Mr Taylor believed there had been a misunderstanding and clarified that the Applicant was not seeking to do more multi day festival events. Events would have to be inaudible after 23.00 if the variation was granted and reiterated that there were no limits at all currently.

He referred to the previous consultation in 2021 which agreed the 2-day Hardwick Live Festival, 12 further outdoor events with a noise limit of plus 15dB over residual background level and up to 18 additional outdoor events with a noise limit of plus 5dB over residual background level which had now reduced to 9 further outdoor events and the additional 18 events had been

removed. The licensing conditions stated that outdoor wedding events would have to be inaudible with policies and procedures in place to ensure no noise disturbance and was noted that Hardwick Hall had never had a complaint in relation to outdoor wedding events over the last 5 years.

Mr Taylor highlighted that all the Responsible Authorities had responded during the consultation and confirmed they had no issues in relation to both applications and advised that Environmental Health felt that the variation would be a significant improvement over the previous hotel licence in terms of promoting the licencing objectives.

In relation to Hardwick Live, the application sought to vary the license to allow activities to take place over 3 days rather than 2 days and a minor change to the hours starting at 3:00pm on the Friday rather than 4:00pm. Late night refreshments had been removed, the site plan and noise management plan had been replaced and a condition for no sound checks before 10:00 am had been added.

Mr Taylor also highlighted that every Hardwick Live event had been monitored since 2015, and none of the events had exceeded the noise thresholds.

Mr Adamson, Applicant addressed the Sub-Committee and added that he aimed to be a good neighbour and was doing his best to limit noise disturbance. He accepted that in 2020/21 during the Covid pandemic they had outside events to keep the business running which were audible, however since then he had reduced noise levels from the hotel. He felt that the residents meeting in November 2022 went well and he had addressed issues and concerns and had worked with the Council to modernise the license and strike the right balance for everyone concerned, therefore was surprised at the number of objections to the applications. There had been 16 weddings during the year in the new wedding marquee and no complaints had been received. When booking weddings, he advised that there was a condition that wedding guests must use the resident DJ who was familiar with current noise regulations, and he no longer allowed live music or fireworks at any wedding event.

All parties were given the opportunity to ask questions of the Applicant and his Solicitor.

Mr McKenna highlighted an error in the Nuisance Action Team Leader representation where he stated there were currently no specific requirements with regards to notification of events which was incorrect.

He referred to Hardwick Hall's Entertainment Noise Control Action Plan dated February 2008 which read '*the Hotel will notify Sedgefield Borough Council, Sedgefield Town Council, Sedgefield Residents Forum, the Police and other local residents who have requested this information of the dates of planned events three months in advance of the event and will provide a schedule of events including weddings, listing the times of any band, DJ's and any other music*'.

Responding to a query from Mr Webb regarding the noise monitoring equipment, Mr Taylor explained that the noise management plan required staff to be trained to use the noise monitoring equipment, therefore if the application was granted, Blue Sky Acoustic would provide training to designated members of staff. Mr Buston, County Council Solicitor added that the Environmental Health Team would monitor the noise thresholds from residents properties.

With reference to films and plays, Councillor Finlayson mentioned that the noise management plan only referred to music and the amplified sound from films and plays would not always be musical. Mr Adamson advised that at the moment he had no intention of showing films and plays, however there may be an occasion where a charity event may want to show a film and was included to provide them with that option.

Mrs Bowles acknowledged that the County Council had requested the variation application and recognised that the application would be generally welcomed, however she could not accept why they have to hear some events and not others and asked if all events, excluding Hardwick Live could be inaudible. Mr Taylor referred to the POP code which stated event noise limits in rural areas should be background noise plus 15dB and Mr Adamson confirmed that they aimed for all events to be inaudible.

Responding to a question from Councillor J Blakey regarding the noise measuring equipment, Mr Woodliffe advised that Blue Sky Acoustics calibrate the equipment and produce documentation in advance of the events to provide assurance that equipment was calibrated. Mr Webb reiterated his previous comment that there were instances where the noise monitoring equipment was still being used after the calibration certificate had expired.

Councillor L Brown noted that Mrs Bowles had issues with people walking through private gardens and asked if Hardwick Hall had a dispersal policy. Mr Woodliffe confirmed that they had a traffic management plan for dispersal, security on site and signposted public footpaths, however areas were not fenced off. Mr Taylor added that Section 182 Guidance states that beyond the immediate area surrounding the premises, these were matters for the personal responsibility of individuals under the law. An individual who engages in anti-social behaviour was accountable in their own right.

Responding to a regarding monitoring, the Environmental Health Officer advised that only Hardwick Live was monitored, however if complaints were receive in relation to other events they would schedule monitoring for further events.

Mr McKenna asked that Hardwick Live be restricted to 3 days in August, complaints be directed to a specific person, records of complaints to be kept and accessible and responses provided to complainants.

All parties were given the opportunity to make a final statement.

At 12.00 pm, Councillors J Blakey, C Hampson and L Mavin **Resolved** to retire in private to determine the application. After re-convening at 12.35 pm the Chair delivered the Sub-Committee's decision. In reaching their decision the Sub-Committee considered the report, verbal and written representations from Other Persons, the Responsible Authority written representations and the verbal and written representations from the Applicant and his Solicitor. Members also took into account the Council's Statement of Licensing Policy and Section 182 Guidance issued by the Secretary of State.

Resolved:

That the applications to vary Premises Licences for Hardwick Hall Hotel and Hardwick Live Festival be granted, subject to conditions that were consistent with the operating schedule and the mandatory conditions set out in the Licensing Act 2003.

DURHAM COUNTY COUNCIL

At a Special Meeting of **Statutory Licensing Sub-Committee** held in Committee Room 2, County Hall, Durham on **Thursday 13 July 2023 at 9.30 am**

Present:

Councillor C Hampson (Chair)

Members of the Committee:

Councillors R Adcock-Forster, L Brown, C Hampson and M Wilson

Also Present:

H Johnson – Licensing Team Leader

C Hazell – Durham County Council Solicitor

Mr Rezaei - Applicant

1 Apologies for Absence

There were no apologies.

2 Substitute Members

There were no substitute Members.

3 Declarations of Interest

There were no declarations of interest.

4 Application for the grant of a Premises Licence - Falcon Service Station, Pelton, South Pelaw, Chester le Street, DH2 2LU

The Chair welcomed everyone to the meeting and introductions were made.

The Committee considered a report of the Licensing Team Leader regarding an application for the grant of a Premises Licence for Falcon Service Station, Pelton Lane, South Pelaw, Chester le Street, DH2 2LU (for copy of report, see file of minutes).

The Licensing Team Leader informed Members that Mr Rezaei had included a business plan to support his application that projected a forecast of the shop and fuel sales for the first 12 months of trade.

This demonstrated that the projected shop sales would be greater than the fuel sales to meet the licence criteria, as a premise licence could not be granted to a premises solely selling petrol. Members were advised that Mr Rezaei had mediated with Durham Constabulary and had met their additional conditions to the application relating to the increase in litter and Anti-Social behaviour as outlined in the report. It was noted that only one objection had been received to the application from Mr Knox, whose written objections relating were noted by the Committee.

Mr Rezaei explained that the business would not be viable if he relied on the sale of fuel alone as many drivers were switching to EV cars, reducing the need for fuel. He hoped the grant of a Premises Licence to sell alcohol would increase customers into the shop. The premises already benefitted from two electric vehicle charging points, and he hoped to install more in the future. He had included all relevant information in the application.

Cllr Brown queried whether Mr Rezaei planned to offer alcohol deliveries in the future to which he responded he did not.

At 9.40 am The Committee consisting of Cllr Hampson, Cllr Brown and Cllr Wilson resolved to retire to deliberate the application in private. After re-convening at 9.50 am the Chair delivered the Sub-Committees decision.

In reaching their decision the Sub-Committee considered the report of the Corporate Director of Neighbourhoods and Climate Change, responses from the responsible authorities listed in the report and Durham Constabulary. Members also considered the Councils Statement of Licensing Policy and Guidance issued under Section 182 of the Licensing Act 2003 (as amended December 2022).

Resolved:

Grant the licence subject to conditions that are consistent with the operating schedule accompanying the application and the mandatory conditions set out in the Licensing Act 2003.

DURHAM COUNTY COUNCIL

At a **Special meeting** of the **Statutory Licensing Sub-Committee** held in **Committee Room 2, County Hall, Durham** on **Monday 31 July 2023** at **9.30am**

Present:

Councillor C Hampson in the Chair

Members of the Sub-Committee:

Councillors J Howey, C Hunt and M Wilson

Also Present:

Ms S Grigor – Council’s Solicitor

Ms H Johnson – Licensing Team Leader

Applicants:

Mr D Laing (Joint Applicant)

Ms J Laing (Joint Applicant)

Mr R Laing (Joint Applicant)

Ms K Shepherd, Seasonal Events Organiser (on behalf of the Applicants)

Also in attendance:

Mr P Henry

Mrs I Lunan

Mr R Lunan

Ms P Renton

Mr M Banks, Shincliffe Parish Council

Ms A Callaghan, Shincliffe Parish Council

Mr R Ormerod, Shincliffe Parish Council

1 Apologies for Absence

Apologies were received from Councillor L Brown and Councillor I McLean.

2 Substitute Members

Councillor C Hunt was in attendance for Councillor I McLean.

3 Declarations of Interest (if any)

There were no declarations of interest.

4 Application for the Grant of a Premises Licence - East Grange Farm, High Shincliffe, Durham

The Chair welcomed attendees to the meeting and introductions were made. The Council's Solicitor explained that only three members were required to make the decision and the parties agreed that Councillor Hunt may withdraw from the meeting.

Councillor Hunt left the meeting.

The Council's Solicitor outlined the procedure for the meeting and the Licensing Team Leader presented the report of the Corporate Director of Neighbourhoods and Climate Change for the determination of an application for the grant of a premises licence for East Grange Farm, High Shincliffe, Durham, DH1 2TB (for copy of report see file of minutes).

The Licensing Team Leader explained that following mediation with the Weights and Measures Authority, additional conditions had been included in the operating schedule. During the consultation period, 80 objections and 18 representations in support of the application were received. In response to local residents' concerns, the application was amended to reduce the times for the sale of alcohol (for consumption on the premises) to Monday to Sunday 10:00 to 22:30 and the times for the provision of films (indoors and outdoors) to Friday and Saturday 12:00 to 21:00.

The Licensing Team Leader informed the Sub-Committee that 21 objections had been withdrawn, leaving 59 objections for consideration and she provided copies of a revised Appendix 6, with additional comments recently received from the Objectors, including comments relating to traffic and noise management. The Licensing Team Leader clarified that traffic management was not within the remit of licensing and that no live or regulated entertainment was requested, therefore no noise management plan was included with the application. During the consultation period, the Planning Authority provided comments for information only and no comments were received from the other responsible authorities. The Licensing Team Leader concluded by outlining the options available to the Sub-Committee.

The Chair invited questions from the parties in relation to the report.

Mr Lunan stated that he was aware of complaints made in respect of noise disturbance at previous events held by the Applicants and he asked how noise would be monitored, on and off site and how complaints regarding noise would be dealt with. The Licensing Team Leader responded that complaints regarding noise nuisance should be made to Environmental Health and she offered to provide the appropriate contact details to Mr Lunan, following the meeting.

The Licensing Team Leader stated that she was not aware of any complaints made in respect of the previous events and she highlighted that Environmental Health had made no comments during the consultation period and added that she would have expected that, had complaints been made, Environmental Health would have provided that information.

Mrs Lunan observed that the majority of the objections were from residents of High Shincliffe, who were those most likely to be directly impacted by the application activities, however the representations in support of the application were widespread and stretched as far as Darlington, Wolsingham and North Yorkshire. The Licensing Team Leader clarified that the vicinity test for interested parties was removed from the Licensing Act a number of years ago therefore any person wishing to make representation may do so.

The Chair then invited the Objectors to present their representations.

Mr Lunan presented his view that the activities requested in the application were inappropriate for a quiet residential area and he stated his objection related specifically to noise disturbance and the possibility of drinking to excess. He added that if the application were to be granted, it could lead to an extension of the activities in the future which would have an even greater impact on residents.

Mrs Lunan observed that the activities in the application were likely to require a substantial financial investment by the Applicants and her concern was granting the application could lead to an increasing number of events in the future, as the Applicants would seek to ensure their investment made a return. Mrs Lunan also raised concerns regarding the possibility of congestion on the busy roads in close proximity of the site location and she questioned how traffic would be monitored.

Also speaking in opposition to the application, Ms P Renton explained that she resided directly opposite the farm and that she had suffered noise and disturbance during previous events. She echoed the concerns that granting the application may lead to expansion of activities in the future and she pointed out that the events currently being undertaken already generated traffic and she was concerned as to the effect of further traffic in what was a quiet village.

Mr Henry expressed regret that he had been moved to object to the application, however, it was his view that the application lacked the detail required to demonstrate compliance with the licensing objectives. Mr Henry referred to his attendance at the Parish Council meeting at which he had asked if planning permission had been granted and he drew attention to paragraph 2.7 of Durham County Council's Statement of Licensing Policy.

Mr Henry stated the policy, 'Whilst there is a clear distinction between the licensing authority and planning authority, the licensing authority will expect applicants to demonstrate that their proposed use of a premises is lawful in planning terms.' He remarked that he had not been satisfied with the Planning Officer's response to his question that a change of use would be required and that he expected that would have been carried out prior to the licensing application. Mr Henry then referred to paragraph 5.8 of the Council's Statement of Licensing Policy which states that all applicants and existing licence holders are expected to achieve and adhere to any relevant planning permissions and that applicants are encouraged to secure any necessary planning permissions before applying for any licence. Mr Henry said, in his view, that in relation to the provision of films and the supply of alcohol, the policy had not been adhered to.

Mr Henry referred to a lack of particularity in the application in relation to the provision of films which the Applicants stated was merely 'a thought which required much more investigation' and, in his view, consideration and investigation should have been conducted prior to the application and, had that been done, it may have avoided some of the objections.

Mr Henry also highlighted that paragraph 5.2 of the Statement of Licensing Policy states the Council considers it extremely important that licensed premises behave as good neighbours and that licensees are encouraged to consult with local residents, businesses and local councillors prior to submitting an application for a new licence or variation of an existing licence to ensure the promotion of the licensing objectives and ensure that any issues that may arise in respect of the proposed operation of the premises can be addressed at the earliest possible stage. He expressed disappointment at the lack of consultation with residents prior to the application being made and he added that whilst the required public notices were placed on the site, they were placed where there was likely to be little footfall as there were no public footpaths at the locations. Furthermore, he had heard of the application, by coincidence, through a conversation with a neighbour.

Referring to the plans appended to the application, Mr Henry remarked that the plans lacked detail and failed to show access and egress, an escape route, the areas to be used for the licensable activity, the location where films would be shown, the height and location of any stage and the location of WCs and fire safety equipment.

Mr Henry referred the Sub-Committee to paragraph 5.5 of the Statement of Licensing Policy which states that 'All applicants are expected to consider the individual characteristics of the premises and locality when preparing their operating schedule, particularly when considering appropriate activities, hours and operating standards for the premises.'

Mr Henry explained that he was also objecting on the grounds of public safety and public nuisance and, in his view, the required detail had not been provided to demonstrate that policies had been met. He expressed concern at the maximum number of people on the site and public safety and security on the site, including what measures would be in place to prevent persons without tickets from entering the site. Mr Henry also referred to the lack of lighting of footpaths, space for car parking and traffic concerns including the potential for traffic congestion before and after films and he highlighted that the location of screens could be a distraction to drivers on the A177 road.

In relation to public nuisance, Mr Henry expressed surprise at the lack of a professional assessment and queried how Environmental Health could therefore have no concerns. He stated that as the farm is located on a hill, noise carries and whilst residents tolerate an acceptable level of noise, amplified noise would have a far greater impact. He highlighted that the residents had chosen to live in the quiet, rural area and the Applicants' proposal was unsuitable due to the level of noise, which, if granted, would have considerable impact and may lead to the expansion of activities in the future. He then referred the Sub-Committee to paragraph 7.3 of the Statement of Licensing Policy relating to the prevention of public nuisance which detailed the range of nuisances for which the Council will expect applicants to demonstrate that suitable and sufficient measures have been identified, implemented and maintained to prevent public nuisance. Mr Henry stressed that the policy states 'have been' as opposed to 'will be' and he commented that without a professional survey or advice, it was not possible to identify suitable measures required to reduce noise from the site.

Mr Henry concluded his submission stating that, as details of the appropriate assessments had not been provided in order to consider the full impact of issues such as increased traffic and noise and as the appropriate planning matters had not been addressed, he respectfully requested that the consideration of the application for the premises licence be adjourned pending the granting of planning permission.

The Chair then invited questions from the parties in relation to the representations from the Objectors.

The Licensing Team Leader clarified that Durham County Council's Statement of Licensing Policy outlined expectations; that planning and licensing are separate entities and there was no requirement for planning applications to be submitted prior to licensing applications and that was a decision for Applicants to make.

The Chair then invited the Applicants to present their submission.

Ms Shepherd, Seasonal Events Organiser, spoke on behalf of the Applicants and clarified that the application for the premises licence was to enable the Applicants to run their own bar at events and that the outdoor cinema experience was the only activity in addition to the events already in place. Ms Shepherd clarified that no complaints had been received in respect of previous events held at the farm and the Applicants were advised to apply for the premises licence prior to dealing with the planning issues. She confirmed that there were no plans to make the site permanent and all units used would be mobile units, including the bar, which would sell both alcohol and soft drinks. The start and finish times requested were to allow flexibility of timings due to issues caused by seasonality or adverse weather.

The Applicants' representative explained that the location plan appended to the report included a large proportion of the site and that had been necessary due to the use of mobile units and alternating the use of various fields on the site to allow for crop rotation.

Ms Shepherd confirmed that noise and traffic management plans had been submitted to the Parish Council, as they had requested and the Parish Council had subsequently withdrawn their objection. The distance from the location of the bar and music to the village was approximately 250 metres. Environmental Health and noise management intended to visit the site and monitor sound and would provide advice on monitoring sound levels and the procedure for handling complaints. In addition, the Applicants intended to invest in specialist equipment to monitor sound levels and would also seek independent expert advice.

Ms Shepherd also informed the Sub-Committee that the Planning Department had visited the site and the Applicants had been informed by phone, that due to the mobile nature of the site, planning permission was not required. However, the Applicants were in the process of completing the necessary paperwork and they expected to gain confirmation in writing that planning permission is not required.

In response to comments regarding a lack of support for the application locally, Ms Shepherd remarked that there was support for the application from residents of Shincliffe and she assured the Sub-Committee that the Applicants aim was to host social, family events which were not designed to encourage drinking to excess.

Regarding the lack of detail on the location and height of the mobile cinema screen, Ms Shepherd explained details were not known as plans were in the early stages, however, the Applicants were seeking advice from film companies on technical issues and options available.

The Applicant's representative made it clear that the Applicants had restricted the number of events as the farm was a working farm and events were limited to align with the farming activities and allow the farm to continue with business as usual.

In response to the comments regarding the lack of detail in the plans appended to the application, Ms Shepherd stated the plans had been acceptable to the Council for the purpose of the application and she pointed out that, as the facilities such as toilets and lighting were mobile, their location will vary. A ticketing system was introduced in response to learning from previous years when some queues had formed, therefore a ticket system was implemented, with tickets being released when there is space available to accommodate more vehicles.

With regard to the placement of the site notices, Ms Shepherd clarified that notices were placed as advised, on the perimeter of the site, however, when issues were brought to the Applicants' attention, additional signs were placed in locations where they were visible.

In conclusion, Ms Shepherd reiterated that the application would allow the Applicants to operate their own bar and to host four mobile cinema dates per year. Ms Shepherd highlighted that there was support from local residents and the former Rector of Shincliffe had sent the Applicants a message of support for the contribution they were making to the local community.

The Chair then invited questions from the parties.

Mrs Lunan questioned how the Applicants would be able to measure the level of congestion that the traffic to the cinema may cause. The Applicant's representative responded that the staggered ticketing system would be used to manage the flow of traffic.

Mrs Lunan then referred to the support for the application locally and suggested that one of the letters received in support may have been from a relative of the Applicants and the letter of support from the former Rector referred to the sunflower and Christmas tree events rather than the activities under consideration in the application.

Mr Henry commented that he had learned more from the submission from Ms Shepherd than from the application and this further illustrated his point that the application lacked detail which should have been available prior to the hearing, in order for the Sub-Committee to be fully appraised.

In response to a question from the Chair, Mr R Laing, Applicant, explained that the site could accommodate 120-150 cars with a staggered arrival at 10-minute intervals. Mrs J Laing, Applicant, added that this method had prevented queues from forming in previous years.

Ms Renton asked whether the Applicants intended to show films on a continuous loop and Ms Shepherd replied that films would not be shown multiple times. Mrs Renton also expressed her concern regarding pollution from idling car engines. Mrs Lunan remarked that it was unusual for outdoor cinemas to be located in quiet rural areas.

The parties were then given the opportunity to sum up and no further comments were made. At approximately 10.30am, the Sub-Committee (Councillors Howey, Hampson and Wilson) retired in private to consider the application. At approximately 10.55am the Sub-Committee reconvened and the Chair delivered the decision of the Sub-Committee. In reaching their decision the Sub-Committee considered the report of the Licensing Team Leader, the representations made by the Objectors and the Applicants. Members also took into account the Council's Statement of Licensing Policy and Section 182 Guidance issued by the Secretary of State.

The Sub-Committee **RESOLVED** to grant the application for the Premises Licence as amended, subject to the conditions consistent with the operating schedule and the mandatory conditions under the Licensing Act 2003. The Premises Licence was granted for the following:

Licensable Activities	Days & Hours
Supply of Alcohol (Consumption on the premises)	Monday to Sunday: 10:00 – 22:30 hrs
Films (Indoors and outdoors)	Friday and Saturday: 12:00 – 21:00 hrs (Maximum of 4 dates throughout May to September)
Open to the public	Monday to Sunday: 09:00 – 23:00 hrs

The premises licence shall be restricted to the following each year:

Sunflower event - August and September

Pumpkin Event – October

Christmas Tree Event - from the last two weekends in November through to Christmas Eve

The provision of films restricted to a maximum of 4 dates throughout May to September.

Persons shall only be allowed entry to the premises who have purchased a ticket to an event.

No events shall be held without a ticket system in place.

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Statutory Licensing Sub-Committee

21st May 2024

**Application for the grant of a
Premises Licence**

Ordinary Decision



**Report of Alan Patrickson, Corporate Director of Neighbourhoods
and Climate Change**

**Councillor John Shuttleworth, Cabinet Portfolio Holder for Rural
Communities and Highways**

Electoral division(s) affected:

Sedgefield

Purpose of the Report

- 1 The Sub-Committee is asked to consider and determine the application for the grant of a Premises Licence for The Beehive, Salter's Lane, Fishburn, Stockton on Tees, TS21 4AS. A plan showing the location of the premises is attached at Appendix 2.

Executive summary

- 2 The application requests the granting of a premises licence which was submitted to the Licensing Authority on 28th March 2024 by Winckworth Sherwood on behalf of SRJ Energy Ltd.
- 3 The application requests the following activity:
 - Sale by retail of alcohol (off the premises)
Monday to Sunday 06:00 hrs – 23:00 hrs
 - Opening hours - Monday to Sunday 06:00 hrs – 23:00 hrs
- 4 Following mediation with Durham County Council's Consumer Safety Manager from the Local Weights and Measures Authority, the applicant agreed to amend the condition proposed within the operating schedule of the application in relation to the training records to state "Training records will be retained at the premises for a minimum period of 12 months from the date of training".

- 5 During the consultation period, the Licensing Authority received seven representations opposing the application from other persons.

Responses were received from Durham County Council’s Public Health Department, Durham Safeguarding Children Partnership, Durham Constabulary and County Durham and Darlington Fire Safety Authority all confirming they had no comments to make regarding the application.

Recommendation(s)

- 6 The Sub-Committee is asked to determine the application with a view to promoting the licensing objectives.
- 7 The Sub-Committee is recommended to give appropriate weight to:
- (a) The steps that are appropriate to promote the licensing objectives;
 - (b) The representations (including supporting information) presented by all parties;
 - (c) The Durham County Council Statement of Licensing Policy. The relevant parts of the policy are attached at Appendix 5.
 - (d) The Guidance issued to local authorities under Section 182 of the Licensing Act 2003 (as amended December 2023). The relevant parts of the guidance are attached at Appendix 6.

Background

- 8 Background information

Applicant	SRJ Energy Ltd	
Type of Application: New Premises Licence	Date received: 28th March 2024	Consultation ended: 25th April 2024

Details of the application

- 9 An application for the grant of a premises licence was received by the Licensing Authority on 28th March 2024. A copy of the application is attached at Appendix 3.
- 10 The application is deemed by the Licensing Authority to be correctly served and advertised in accordance with the Licensing Act regulations.
- 11 The applicant has proposed steps that they intend to take in order to promote the four licensing objectives, which are outlined within the application’s operating schedule.

12 The activities requested are as follows:

Requested Licensable Activities and Times
Sale by retail of Alcohol (off the Premises)
Monday to Sunday 06:00 hrs – 23:00 hrs
Opening hours
Monday to Sunday 06:00 hrs – 23:00 hrs

The Representations

13 During the consultation period, the Licensing Authority received seven representations opposing the application from:

- M Barker (Other Person)
- Mr S Batey (Other Person)
- C Leonard (Other Person)
- Councillor Lines (Other Person)
- Ms A Roper (Other Person)
- N Ware (Other Person)
- Fishburn Parish Council (Other Persons)

14 The Licensing Authority deemed the representations to be relevant and relate to the following licensing objectives:

- The Prevention Crime and Disorder
- Public Safety
- The Prevention of Public Nuisance
- The Protection of Children from Harm

A copy of the representations are attached at Appendix 4.

15 Responses were received from the following Responsible Authorities confirming that they had no comments to make in relation to the application:

- Durham County Council's Public Health Department
- Durham Safeguarding Children Partnership

- Durham Constabulary
- County Durham and Darlington Fire Safety Authority

The Parties

16 The parties to the hearing will be:

- Winckwood Sherwood (Applicant's agent)
- SRJ Energy Ltd (Applicant)
- M Barker (Other Person)
- Mr S Batey (Other Person)
- C Leonard (Other Person)
- Councillor Lines (Other Person)
- Ms A Roper (Other Person)
- N Ware (Other Person)
- Fishburn Parish Council (Other Persons)

Options

17 There are a number of options open to the Sub-Committee:

- (a) Grant the licence subject to conditions that are consistent with the operating schedule accompanying the application and the mandatory conditions set out in the Licensing Act 2003;
- (b) Grant the licence subject to modified conditions to that of the operating schedule where the committee considers it appropriate for the promotion of the licensing objectives and the mandatory conditions set out in the Licensing Act 2003;
- (c) To exclude from the scope of the licence any of the licensable activities to which the application relates;
- (d) To refuse to specify a person on the licence as the Designated Premises Supervisor;
- (e) To reject the application.

Main implications

Legal Implications

- 18 The Committee should be aware of a number of stated cases which have appeared before the Administrative Court and are binding on the Licensing Authority.

See Appendix 1.

Consultation

- 19 The premises licence application was subject to a 28-day consultation.

See Appendix 1

Conclusion

- 20 The Sub-Committee is asked to determine the application for the grant of a premises licence in light of the representations received.

Background papers

- Durham County Council's Statement of Licensing Policy
- Guidance issued under Section 182 of the Licensing Act 2003 (as amended December 2023)

Other useful documents

- None

Contact: Helen Johnson

Tel: 03000 265101

Appendix 1: Implications

Legal Implications

The case of Daniel Thwaites Plc v Wirral Borough Magistrates' Court (Case No: CO/5533/2006) at the High Court of Justice Queen's Bench Division Administrative Court on 6 May 2008, [2008] EWHC 838 (Admin), 2008 WL 1968943, Before the Honourable Mrs Justice Black.

In this case it was summed up that:

A licensing authority must have regard to guidance issued by the Secretary of State under section 182. Licensing authorities may depart from it if they have reason to do so but will need to give full reasons for their actions.

Furthermore the Thwaites case established that only conditions should be attached to a licence with a view to promoting the Licensing objectives and that 'real evidence' must be presented to support the reason for imposing these conditions.

This judgement is further supported in the case of The Queen on the Application of Bristol Council v Bristol Magistrates' Court, CO/6920/2008 High Court of Justice Queen's Bench Division the Administrative Court, 24 February 2009, [2009] EWHC 625 (Admin) 2009 WL648859 in which it was said:

'Licensing authorities should only impose conditions which are necessary and proportionate for the promotion for licensing objectives'.

In addition to this, it was stated that any condition attached to the licence should be an enforceable condition.

Consultation

The premises licence application was subject to a 28-day consultation in accordance with the Licensing Act 2003 and its regulations.

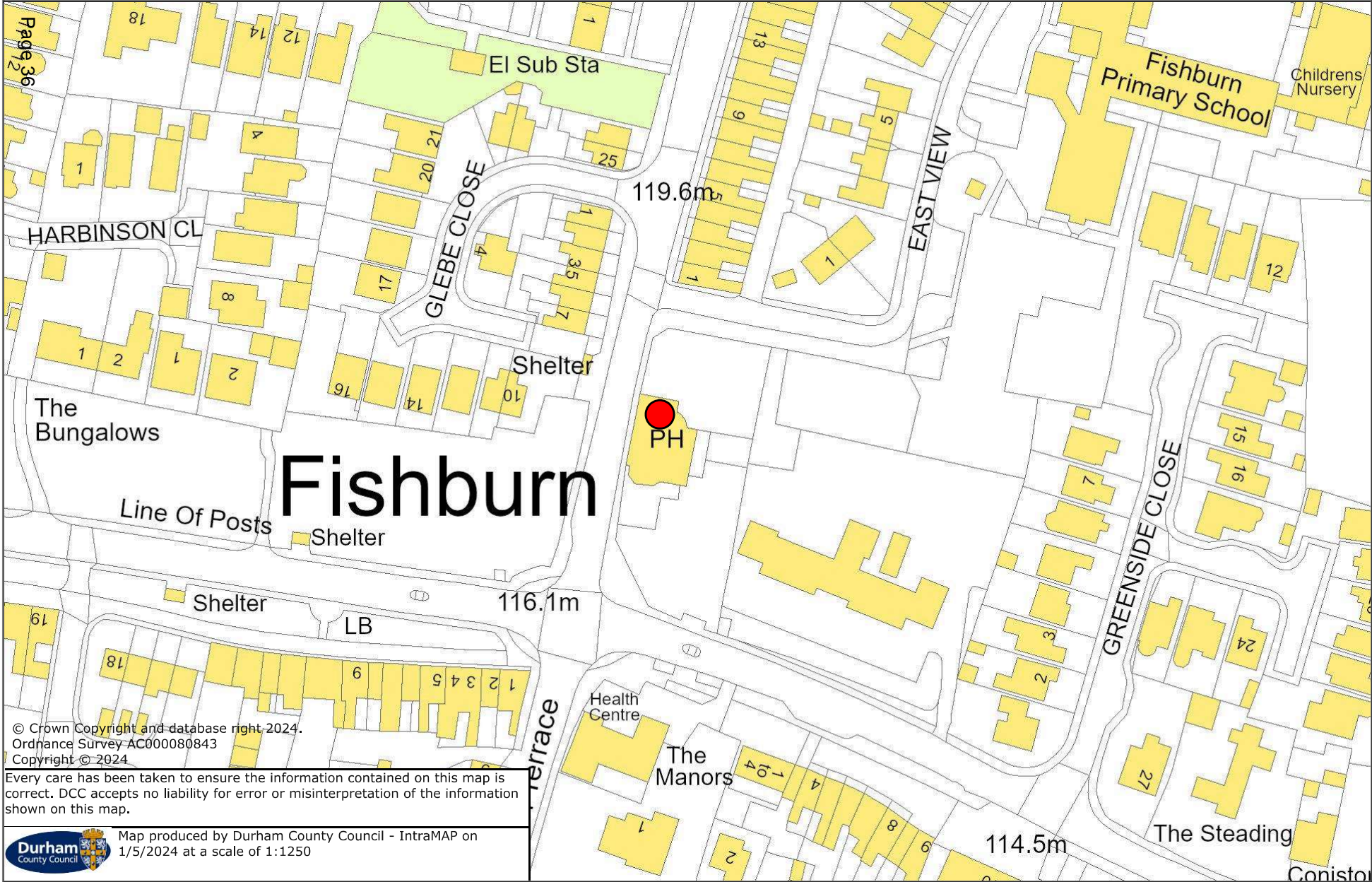
The Responsible Authorities were consulted on the application.

The notice of application was displayed on the premises for a period of 28 days.

Notice of the application was published in a newspaper which was circulated within the vicinity of the premises.

In addition, details of the application were available to view on the Council's website throughout the 28 day consultation period.

Appendix 2: Location Plan

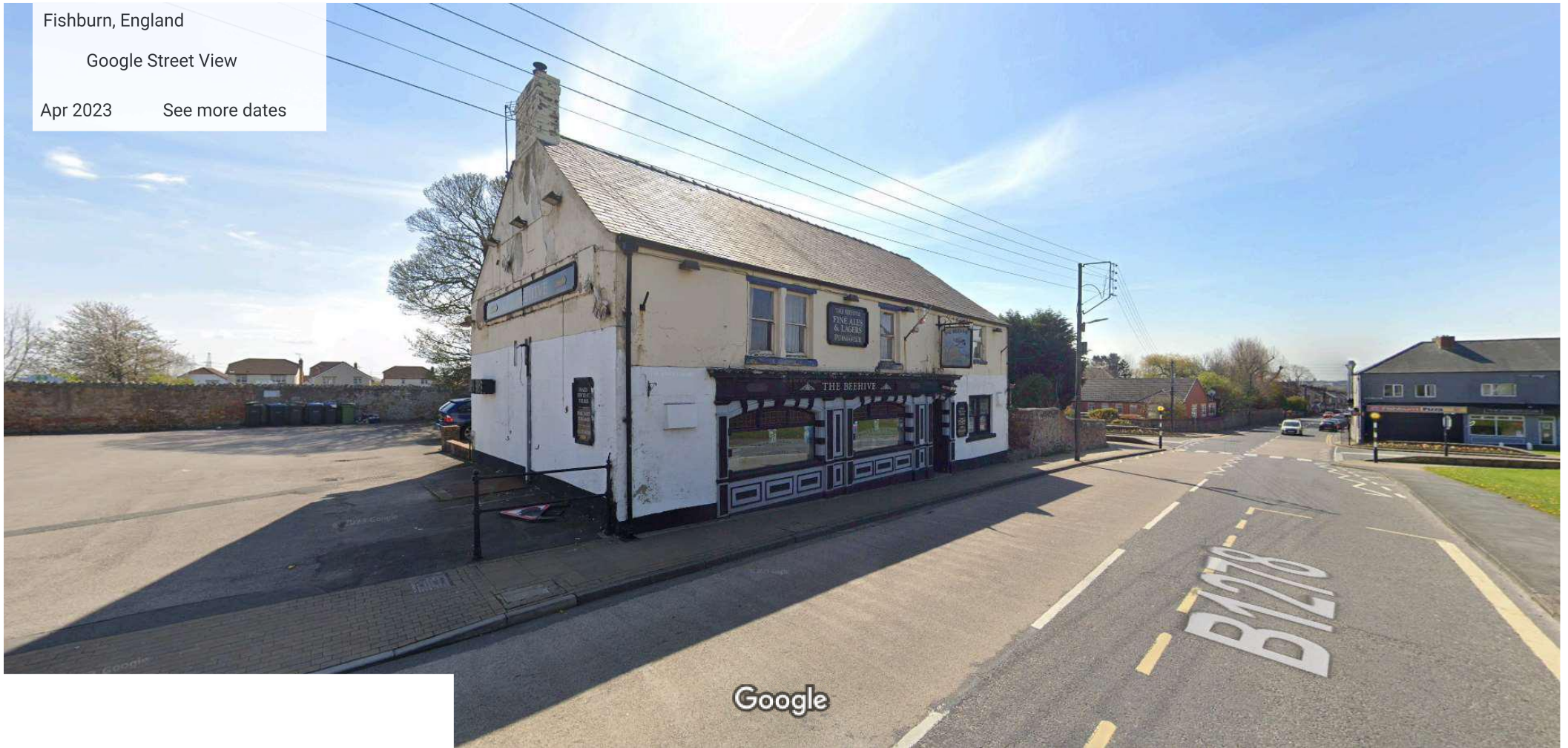


Fishburn, England

Google Street View

Apr 2023

[See more dates](#)



Fishburn, England

Google Street View

Apr 2023

[See more dates](#)



Fishburn, England

Google Street View

Apr 2023

[See more dates](#)



Appendix 3: Premises Licence Application



* required information

Section 1 of 21

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference This is the unique reference for this application generated by the system.

Your reference You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant?

- Yes No

Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

Applicant Details

* First name

* Family name

* E-mail

Main telephone number Include country code.

Other telephone number

Indicate here if the applicant would prefer not to be contacted by telephone

Is the applicant:

- Applying as a business or organisation, including as a sole trader
- Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means the applicant is applying so the applicant can be employed, or for some other personal reason, such as following a hobby.

Applicant Business

Is the applicant's business registered in the UK with Companies House? Yes No

Note: completing the Applicant Business section is optional in this form.

Registration number

Business name

VAT number

Legal status

If the applicant's business is registered, use its registered name.

Put "none" if the applicant is not registered for VAT.

Continued from previous page...

Applicant's position in the business

Home country

The country where the applicant's headquarters are.

Registered Address

Address registered with Companies House.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Agent Details

* First name

* Family name

* E-mail

Main telephone number

Include country code.

Other telephone number

Indicate here if you would prefer not to be contacted by telephone

Are you:

An agent that is a business or organisation, including a sole trader

A sole trader is a business owned by one person without any special legal structure.

A private individual acting as an agent

Agent Business

Is your business registered in the UK with Companies House? Yes No

Note: completing the Applicant Business section is optional in this form.

Registration number

Business name

If your business is registered, use its registered name.

VAT number

Put "none" if you are not registered for VAT.

Legal status

Continued from previous page...

Your position in the business

Home country

The country where the headquarters of your business is located.

Agent Registered Address

Address registered with Companies House.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Section 2 of 21

PREMISES DETAILS

I/we, as named in section 1, apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in section 2 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003.

Premises Address

Are you able to provide a postal address, OS map reference or description of the premises?

- Address OS map reference Description

Postal Address Of Premises

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Further Details

Telephone number

Non-domestic rateable value of premises (£)

Section 3 of 21

APPLICATION DETAILS

In what capacity are you applying for the premises licence?

- An individual or individuals
- A limited company / limited liability partnership
- A partnership (other than limited liability)
- An unincorporated association
- Other (for example a statutory corporation)
- A recognised club
- A charity
- The proprietor of an educational establishment
- A health service body
- A person who is registered under part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales
- A person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 in respect of the carrying on of a regulated activity (within the meaning of that Part) in an independent hospital in England
- The chief officer of police of a police force in England and Wales

Confirm The Following

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities
- I am making the application pursuant to a statutory function
- I am making the application pursuant to a function discharged by virtue of His Majesty's prerogative

Section 4 of 21

NON INDIVIDUAL APPLICANTS

Provide name and registered address of applicant in full. Where appropriate give any registered number. In the case of a partnership or other joint venture (other than a body corporate), give the name and address of each party concerned.

Non Individual Applicant's Name

Name

Details

Registered number (where applicable)

Description of applicant (for example partnership, company, unincorporated association etc)

Continued from previous page...

company

Address

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Contact Details

E-mail

Telephone number

Other telephone number

* Date of birth / /
dd mm yyyy

* Nationality

[Documents that demonstrate entitlement to work in the UK](#)

Section 5 of 21

OPERATING SCHEDULE

When do you want the premises licence to start? / /
dd mm yyyy

If you wish the licence to be valid only for a limited period, when do you want it to end / /
dd mm yyyy

Provide a general description of the premises

For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off- supplies you must include a description of where the place will be and its proximity to the premises.

A convenience store located on Salter's Lane, Fishburn, Stockton on Tees, TS21 4AS.

Continued from previous page...

If 5,000 or more people are expected to attend the premises at any one time, state the number expected to attend

Section 6 of 21

PROVISION OF PLAYS

[See guidance on regulated entertainment](#)

Will you be providing plays?

- Yes No

Section 7 of 21

PROVISION OF FILMS

[See guidance on regulated entertainment](#)

Will you be providing films?

- Yes No

Section 8 of 21

PROVISION OF INDOOR SPORTING EVENTS

[See guidance on regulated entertainment](#)

Will you be providing indoor sporting events?

- Yes No

Section 9 of 21

PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

[See guidance on regulated entertainment](#)

Will you be providing boxing or wrestling entertainments?

- Yes No

Section 10 of 21

PROVISION OF LIVE MUSIC

[See guidance on regulated entertainment](#)

Will you be providing live music?

- Yes No

Section 11 of 21

PROVISION OF RECORDED MUSIC

[See guidance on regulated entertainment](#)

Will you be providing recorded music?

- Yes No

Section 12 of 21

PROVISION OF PERFORMANCES OF DANCE

[See guidance on regulated entertainment](#)

Will you be providing performances of dance?

Continued from previous page...

Section 13 of 21

PROVISION OF ANYTHING OF A SIMILAR DESCRIPTION TO LIVE MUSIC, RECORDED MUSIC OR PERFORMANCES OF DANCE

[See guidance on regulated entertainment](#)

Will you be providing anything similar to live music, recorded music or performances of dance?

- Yes No

Section 14 of 21

LATE NIGHT REFRESHMENT

Will you be providing late night refreshment?

- Yes No

Section 15 of 21

SUPPLY OF ALCOHOL

Will you be selling or supplying alcohol?

- Yes No

Standard Days And Timings

MONDAY

Start

End

Start

End

Give timings in 24 hour clock.
(e.g., 16:00) and only give details for the days
of the week when you intend the premises
to be used for the activity.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

Continued from previous page...

SUNDAY

Start

End

Start

End

Will the sale of alcohol be for consumption:

- On the premises Off the premises Both

If the sale of alcohol is for consumption on the premises select on, if the sale of alcohol is for consumption away from the premises select off. If the sale of alcohol is for consumption on the premises and away from the premises select both.

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non-standard timings. Where the premises will be used for the supply of alcohol at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

State the name and details of the individual whom you wish to specify on the licence as premises supervisor

Name

First name

Family name

Date of birth / /
dd mm yyyy

Continued from previous page...

Enter the contact's address

Building number or name	<input type="text"/>
Street	<input type="text"/>
District	<input type="text"/>
City or town	<input type="text"/>
County or administrative area	<input type="text"/>
Postcode	<input type="text"/>
Country	<input type="text"/>
Personal Licence number (if known)	<input type="text"/>
Issuing licensing authority (if known)	<input type="text"/>

PROPOSED DESIGNATED PREMISES SUPERVISOR CONSENT

How will the consent form of the proposed designated premises supervisor be supplied to the authority?

- Electronically, by the proposed designated premises supervisor
- As an attachment to this application

Reference number for consent form (if known)

If the consent form is already submitted, ask the proposed designated premises supervisor for its 'system reference' or 'your reference'.

Section 16 of 21

ADULT ENTERTAINMENT

Highlight any adult entertainment or services, activities, or other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children

Give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups etc gambling machines etc.

NA

Section 17 of 21

HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

MONDAY

Start

End

Start

End

Give timings in 24 hour clock. (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

Continued from previous page...

TUESDAY

Start End

Start End

WEDNESDAY

Start End

Start End

THURSDAY

Start End

Start End

FRIDAY

Start End

Start End

SATURDAY

Start End

Start End

SUNDAY

Start End

Start End

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non standard timings. Where you intend to use the premises to be open to the members and guests at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

Section 18 of 21

LICENSING OBJECTIVES

Describe the steps you intend to take to promote the four licensing objectives:

Page 50
a) General – all four licensing objectives (b,c,d,e)

Continued from previous page...

List here steps you will take to promote all four licensing objectives together.

b) The prevention of crime and disorder

1. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Police Licensing Team.
2. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises and will include the external area immediately outside the premises entrance.
3. All recordings shall be stored for a minimum period of 28 days with date and time stamping.
4. Viewing of recordings shall be made available subject to data protection legislation and as soon as is reasonably practicable upon the request of Police or authorised officer throughout the entire 28-day period.
5. A staff member from the premises who is conversant with the operation of the CCTV system shall be contactable at all times when the premises is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
6. An incident log shall be kept at the premises and made available on request to an authorised officer of the Council or the Police. It must be completed within 24 hours of the incident and will record the following:
 - a) all incidents of crime and disorder occurring at the premises all crimes reported to the premises
 - b) any incidents of disorder
 - c) any visit by a relevant authority or emergency service.The log shall be retained at the premises or at the offices of the licence holder for a minimum period of 12 months.
7. There shall be no self-service of spirits except for spirit mixtures.

c) Public safety

There will at all times be adequate levels of staff maintained at the premises. Such staff levels will be disclosed, on request, to the licensing authority and police.

d) The prevention of public nuisance

1. Adequate waste receptacles for use by customers shall be provided in and immediately outside the premises.
2. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.

e) The protection of children from harm

1. The premises licence holder will ensure that an age verification policy will apply to the premises whereby all cashiers will be trained to ask any customer attempting to purchase alcohol, who appears to be under the age of 25 years (or older if the licence holder so elects) to produce, before being sold alcohol, identification being a passport or photocard driving licence bearing a holographic mark or other form or method of identification that complies with any mandatory condition that may apply to this licence.

Continued from previous page...

2. All staff whose responsibilities include the retail sale of alcohol shall receive training on induction and every 6 months thereafter on:
 - a) the terms, conditions and restrictions of the premises licence;
 - b) the prevention of unlawful sales of alcohol, and the likely consequence of making an unlawful sale, which shall include:
 - i. the operation of the "Challenge 25" scheme;
 - ii. types of acceptable ID;
 - iii. the method of recording challenges;
 - iv. refusing sales of alcohol to persons who appear to be drunk; and
 - v. preventing proxy sales.
3. Refresher training must be completed and documented at intervals of no more than 6 months.
4. Training records will be retained at the premises or at the offices of the licence holder for a minimum period of 12 months from the date of training.
5. Signage informing customers of the age verification policy adopted at the premises will be prominently displayed at the point of sale and at any night pay window.
6. A written delegation of authority record will be kept at the premises whereby non personal licence holders are authorised to make sales on behalf of a personal licence holder.
7. A record shall be kept detailing all refused sales of alcohol. The record should include the date and time of the refused sale and the name of the member of staff who refused the sale. The record shall be available for inspection at the premises by the police or an authorised officer of the Council at all times whilst the premises is open. The record shall be retained at the premises or at the offices of the licence holder for a minimum period of 12 months.
8. All sales tills shall prompt the cashier making a sale of alcohol to verify that the customer is aged 18 or over.

Section 19 of 21

NOTES ON DEMONSTRATING ENTITLEMENT TO WORK IN THE UK

Continued from previous page...

Entitlement to work/immigration status for individual applicants and applications from partnerships which are not limited liability partnerships:

A licence may not be held by an individual or an individual in a partnership who is resident in the UK who:

- does not have the right to live and work in the UK; or
- is subject to a condition preventing him or her from doing work relating to the carrying on of a licensable activity.

Any premises licence issued in respect of an application made on or after 6 April 2017 will become invalid if the holder ceases to be entitled to work in the UK.

Applicants must demonstrate that they have an entitlement to work in the UK and are not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity. They do this in one of two ways: 1) by providing with this application copies or scanned copies of the documents listed below (which do not need to be certified), or 2) by providing their 'share code' to enable the licensing authority to carry out a check using the Home Office online right to work checking service (see below).

Documents which demonstrate entitlement to work in the UK

- An expired or current passport showing the holder, or a person named in the passport as the child of the holder, is a British citizen or a citizen of the UK and Colonies having the right of abode in the UK [please see note below about which sections of the passport to copy].
- An expired or current passport or national identity card showing the holder, or a person named in the passport as the child of the holder, is a national of a European Economic Area country or Switzerland.
- A Registration Certificate or document certifying permanent residence issued by the Home Office to a national of a European Economic Area country or Switzerland.
- A Permanent Residence Card issued by the Home Office to the family member of a national of a European Economic Area country or Switzerland.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder indicating that the person named is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK.
- A **current** passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK.
- A **current** Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the UK, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A certificate of registration or naturalisation as a British citizen, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.

Continued from previous page...

- A **current** passport endorsed to show that the holder is allowed to stay in the UK and is currently allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder which indicates that the named person can currently stay in the UK and is allowed to work relation to the carrying on of a licensable activity.
- A **current** Residence Card issued by the Home Office to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights or residence.
- A **current** Immigration Status Document containing a photograph issued by the Home Office to the holder with an endorsement indicating that the named person may stay in the UK, and is allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A Certificate of Application, **less than 6 months old**, issued by the Home Office under regulation 18(3) or 20(2) of the Immigration (European Economic Area) Regulations 2016, to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence.
- Reasonable evidence that the person has an outstanding application to vary their permission to be in the UK with the Home Office such as the Home Office acknowledgement letter or proof of postage evidence, or reasonable evidence that the person has an appeal or administrative review pending on an immigration decision, such as an appeal or administrative review reference number.
- Reasonable evidence that a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence in exercising treaty rights in the UK including:-
 - evidence of the applicant's own identity – such as a passport,
 - evidence of their relationship with the European Economic Area family member – e.g. a marriage certificate, civil partnership certificate or birth certificate, and
 - evidence that the European Economic Area national has a right of permanent residence in the UK or is one of the following if they have been in the UK for more than 3 months:
 - (i) working e.g. employment contract, wage slips, letter from the employer,
 - (ii) self-employed e.g. contracts, invoices, or audited accounts with a bank,
 - (iii) studying e.g. letter from the school, college or university and evidence of sufficient funds; or
 - (iv) self-sufficient e.g. bank statements.

Family members of European Economic Area nationals who are studying or financially independent must also provide evidence that the European Economic Area national and any family members hold comprehensive sickness insurance in the UK. This can include a private medical insurance policy, an EHIC card or an S1, S2 or S3 form.

Original documents must not be sent to licensing authorities. If the document copied is a passport, a copy of the following pages should be provided:-

- (i) any page containing the holder's personal details including nationality;
- (ii) any page containing the holder's photograph;
- (iii) any page containing the holder's signature;
- (iv) any page containing the date of expiry; and
- (v) any page containing information indicating the holder has permission to enter or remain in the UK and is permitted to work.

Continued from previous page...

If the document is not a passport, a copy of the whole document should be provided.

Your right to work will be checked as part of your licensing application and this could involve us checking your immigration status with the Home Office. We may otherwise share information with the Home Office. Your licence application will not be determined until you have complied with this guidance.

Home Office online right to work checking service

As an alternative to providing a copy of the documents listed above, applicants may demonstrate their right to work by allowing the licensing authority to carry out a check with the Home Office online right to work checking service.

To demonstrate their right to work via the Home Office online right to work checking service, applicants should include in this application their 9-digit share code (provided to them upon accessing the service at <https://www.gov.uk/prove-right-to-work>) which, along with the applicant's date of birth (provided within this application), will allow the licensing authority to carry out the check.

In order to establish the applicant's right to work, the check will need to indicate that the applicant is allowed to work in the United Kingdom and is not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity.

An online check will not be possible in all circumstances because not all applicants will have an immigration status that can be checked online. The Home Office online right to work checking service sets out what information and/or documentation applicants will need in order to access the service. Applicants who are unable to obtain a share code from the service should submit copy documents as set out above.

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NOTES ON REGULATED ENTERTAINMENT

Continued from previous page...

In terms of specific **regulated entertainments** please note that:

- Plays: no licence is required for performances between 08:00 and 23.00 on any day, provided that the audience does not exceed 500.
- Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
- Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
- Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
- Live music: no licence permission is required for:
 - o a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
 - o a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - o a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
 - o a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - o a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
- Recorded Music: no licence permission is required for:
 - o any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - o any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - o any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.

Continued from previous page...

- Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
- Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
 - o any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
 - o any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
 - o any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
 - o any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.

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PAYMENT DETAILS

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card.

Premises Licence Fees are determined by the non-domestic rateable value of the premises.

To find out a premises non domestic rateable value go to the Valuation Office Agency site at http://www.voa.gov.uk/business_rates/index.htm

Premises licence fees can be calculated by visiting the Department for Culture Media and Sport website at http://www.culture.gov.uk/what_we_do/alcohol_and_entertainment/3193.aspx

There is an exemption from the payment of fees in relation to the provision of regulated entertainment at church halls, chapel halls or premises of a similar nature, village halls, parish or community halls, or other premises of a similar nature. The costs associated with these licences will be met by central Government. If, however, the licence also authorises the use of the premises for the supply of alcohol or the provision of late night refreshment, a fee will be required.

Schools and sixth form colleges are exempt from the fees associated with the authorisation of regulated entertainment where the entertainment is provided by and at the school or college and for the purposes of the school or college.

If you operate a large event you are subject to ADDITIONAL fees based upon the number in attendance at any one time.

Details of these additional fees can be found on the website http://www.culture.gov.uk/what_we_do/alcohol_and_entertainment/4040.aspx

* Fee amount (£)

100.00

ATTACHMENTS

AUTHORITY POSTAL ADDRESS

Address

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

United Kingdom

DECLARATION

Continued from previous page...

[Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership]. I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my * licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15). The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, if appropriate (please see note 15)

Ticking this box indicates you have read and understood the above declaration

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

* Full name

* Capacity

Date (dd/mm/yyyy)

Once you're finished you need to do the following:

1. Save this form to your computer by clicking file/save as...
2. Go back to <https://www.gov.uk/apply-for-a-licence/premises-licence/county-durham/apply-1> to upload this file and continue with your application.

Don't forget to make sure you have all your supporting documentation to hand.

IT IS AN OFFENCE LIABLE TO SUMMARY CONVICTION TO A FINE OF ANY AMOUNT UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED

Appendix 4: Representations and Mediation

From: M Barker
Sent: 24 April 2024 22:45
To: AHS Licensing
Subject: Licensing Act applications

I would like it recorded that I object to the application for the grant of a premises licence for SRJ Energy Ltd at The Beehive, Slaters Lane, Fishburn, TS21 4AS

This property is directly beside a primary school and the entrance to the shop is on the main walking route to school. It is totally inappropriate for alcohol to be sold on premises where children can be influenced on a daily basis. Alcohol, cigarettes and vapes should not be sold as children go to and from school. These children will see this as normal everyday products of life, when we should be teaching them about a healthy lifestyle. Fishburn has sufficient access to alcohol and already has difficulties with anti social behaviour from teenagers due to alcohol. This licence will only make matters worse and put more stress on local public and police services. I cannot stress enough my objection on the grounds of safeguarding the children, to this premises having a licence to sell alcohol.

Please refuse this application.

Regards

M Barker
St Bede Avenue
Fishburn
TS21 4BN

From: S Batty
Sent: 09 April 2024 17:25
To: AHS Licensing
Subject: SRJ ENERGY - The Beehive TS21 4AS

Good evening

I am a resident on Regent Terrace and object the the application to sell alcohol from 0600-2300, let alone allow another shop to open in such a small village.

We have the established 'corner shop' and the 'Working Mens Club' on Regent terrace both selling alcohol under different selling laws. We also have the COOP shop licensed to sell alcohol. In my opinion 3 establishments seeking alcohol all within half a mile (approx).

My biggest objection to this is the fact that the premises mentioned in the application is almost next door to a Primary School and these young people should not have to experience potential drunks, see fights and possible selling of drugs along with other potential laws being broken attending and leaving school.

In summary, I totally disagree with an Alcohol license being granted.

S Batey
Regent Terrace.

GREENSIDE CLOSE
FISHBURN
CO. DURHAM
TS21 4HD.

17. 4. 24.

DEAR SIR OR MADAM,

I AM WRITING TO REGISTER MY OBJECTION TO THE APPLICATION FOR A PREMISES LICENCE BY SRT ENERGY LTD FOR THE FORMER BEEHIVE PUBLIC HOUSE, SALTERS LANE, FISHBURN TS21-4AS. THE BASIS FOR THIS OPPOSITION IS THAT GRANTING A LICENCE FOR THESE PREMISES WILL NOT PROMOTE THE LICENSING OBJECTIVES, PARTICULARLY THE PROTECTION OF CHILDREN FROM HARM.

FISHBURN PRIMARY SCHOOL LIES 20 YARDS FROM THE BEEHIVE PUBLIC HOUSE. IT WOULD BE DETRIMENTAL TO THE WELFARE OF THE CHILDREN WHO ATTEND THE PRIMARY SCHOOL. WE SHOULD NOT BE ENCOURAGING THE SALE OF ALCOHOL, CIGARETTES AND VAPES IN SUCH CLOSE PROXIMITY OF A PRIMARY SCHOOL.

THIS SENDS A HARMFUL AND UNHEALTHY MESSAGE TO VERY YOUNG CHILDREN AT AN IMPRESSIONABLE AGE.

PUBLIC SAFETY IS ALSO A MAJOR CONCERN.

THE MAIN ROAD THAT RUNS ALONGSIDE THE BEEHIVE IS BUSY AND VERY CONGESTED, WHEN CHILDREN ARE ARRIVING AND LEAVING SCHOOL. RE-PURPOSING THE BEEHIVE WOULD ADD TO THIS TRAFFIC NIGHTMARE.

I WOULD ALSO URGE THE COMMITTEE TO CONSIDER THE 280 SIGNATURES AND 40 EMAILS THE COUNCIL PREVIOUSLY RECEIVED FROM THE RESIDENTS OF FISHBURN VILLAGE OBJECTING TO THE CHANGE OF BUSINESS.

IN VIEW OF THE ABOVE, I WOULD URGE THE LICENSING AUTHORITY TO REFUSE THE APPLICATION.

YOURS FAITHFULLY.

C Leonard

From: Cllr C Lines
Sent: 25 April 2024 16:28
To: AHS Licensing
Subject: Licensing Act applications - The Beehive, Salters Lane, Fishburn, TS21 4AS

Good afternoon,

I am writing in relation to the application by SRJ Energy Limited for a license for the sale of alcohol (off the premises) on the site of The Beehive in Fishburn, from Monday to Sunday, and from 6:00am to 11:00pm. While I would certainly like that building to be in use, and the home of a successful business, there are important local factors that should be taken into consideration when deciding whether to award this license.

Several residents and Fishburn Parish Council have expressed their objections to this application to me, and I have my own concerns, which relate to all four licensing objectives:

- The Prevention of Crime and Disorder
- Public Safety
- The Prevention of Public Nuisance
- The Protection of Children from Harm.

Anyone who has visited the site, will know that it is very close to Fishburn Primary School. If granted as applied for, the license would allow for the sale of alcohol at times when young, impressionable children will be going to, or leaving, the school. While it is unlikely that children of that age will attempt to buy alcohol, there is the potential for them to be influenced in the long term by the possibility of access to it in such a prominent, familiar location.

The ready availability of alcohol to buy in an accessible location has the potential to lead to issues relating to crime, and therefore public safety. Similarly, the ability for customers to purchase alcohol from so early in the morning until late in the evening, could lead to elements of anti-social behaviour in a part of Fishburn that is close to the homes of residents. Furthermore, once it is widely known that alcohol can be bought between those hours, there is a danger that people will drive to the premises, which is on a stretch of road that is already plagued by highway safety issues.

In conclusion, I am opposed to the license being granted as outlined in the application. Should the committee be minded to approve it, I hope that in doing so, they take into account the concerns that I have expressed, which are shared by many residents and the parish council, and as a result reduce the hours between which the applicant can sell alcohol.

Kind regards,

C Lines.

**Cllr C Lines,
Durham County Council.**

From: A Roper
Sent: 14 April 2024 17:18
To: AHS Licensing

I am lodging my complaint with regards to the application for an alcohol licence for THE BEEHIVE, SALTERS LANE, FISHBURN. I have reasons to believe an establishment cannot sell alcohol within 50 yards of a school during the day. Considering the opening hours are early till late in the day, and young school children are passing the front door of said establishment I believe it leaves a bad impression on such young children. Then there is the fact it could cause a lot of safety problems due to increasing traffic with said establishment being on a crossing area. We already have a working mens club plus 2 shops that sell alcohol, I really feel it is unnecessary for a fourth within such a small community. With a school round the corner and bungalows across the road where our older community live is it absolutely necessary to have more alcohol sold within the village where it could cause a lot of nuisance along with crime.

Your faithfully

Mrs A Roper

From:
Sent: 22 April 2024 14:54
To: AHS Licensing
Subject: the beehive, salters lane, fishburn

I wish to object to the granting of an alcohol licence to the above premises on the following grounds. When the Beehive was a public house there were many disturbances and acts of vandalism at the crossroads adjacent to the building. At a time of a record number of underage drinkers with the associated acts of disorder these problems will just reoccur. The Miners Memorial on the Village Green opposite the Beehive being once again a target. If this licence is granted it will mean that there will be three premises within a 150 yard radius of the crossroads (the Co op and the Fishburn Convenience Store being the other two). Since the population of the village was only 2,384 at the time of the 2021 census surely a third shop selling alcohol is the last thing needed. And who could possibly want to purchase alcohol at 6 o'clock in the morning?

Many children, and their parents, pass the front of the building every day on their way to and from the school which is literally round the corner. Should they be exposed to the sight of people carrying alcohol from the shop?

Yours sincerely

N Ware

From:
Sent: 25 April 2024 12:23
To: AHS Licensing
Subject: objection licensing of the beehive

Good morning, please find enclosed Fishburn Parish Councils objections.

We already have two shops that sell alcohol and cigarettes along with vapes, this will only add to public disorder especially given the times the premises are to be open from . It is quoted at 06.00 to 22.00 . This could lead to a potential rise in public disorder, domestic violence , potentially health and safety issues. The other shops close earlier than what is proposed for the beehive site. An over provision of selling alcohol and vapes and cigarettes needs to be considered against alcohol related health data. We are a SMALL VILLAGE and not a town despite what your paperwork states.

We have evidence already from our shops of the continuance of shop lifting from certain villagers so why add to the mix. Police have been called on numerous times to the Coop .

The fact that the premises are adjacent to our primary school and given the times of opening ,how can public safety be secured as well as protecting young people from harm . These are young children and do not need to be influenced regarding alcohol,cigarettes or vapes.

You will no doubt state that the beehive were licensed premises. The difference being alcohol was consumed on the premises and opening and closing times times did not effect the school's timetable.

Despite your health and safety official advising there are no issues regarding health and safety ,we beg to differ as it will be increasingly more difficult to pull away from the schools junction onto the main road. The main road has , and *still is dogged with* evidence of a fatality and serious collisions.

How can approving this licence protect and improve people's health when they will be selling cigarettes, vapes and alcohol.

There are bungalows along from the beehive, how are the elderly expected to rest when this shop will be open until 11 pm on a night , the lights from the premises will be clear for everyone to see and public disorder could potentially frighten the elderly. There will be noise constantly through the day and evening from the premises by means of customers, wagons, vans, cars, alarm bells , the list is endless.

There is a potential for more crimes to be committed and more public disorder as a result of the sale of alcohol .

Surely as it stand there is enough criminal, antisocial behaviour without throwing more into the mix.

Our village deserves to be listened too and for this not to be swept under the carpet.

Licensing is meant to play a key role in both preventing and controlling alcohol related crime and our children and villagers deserve this.

Kind regards

Fishburn Parish Council

S Dowson

Chairman
Fishburn Youth and Community Centre

Butterwick Road

Fishburn

TS21 4ED

From: Tina Vlahovic
Sent: Friday, April 12, 2024 4:19 PM
To: Tracey Johnson
Cc: Andrew Sanders ; Robert Botkai
Subject: :RE: New Premises Licence Application - The Beehive, Salters Lane, Fishburn, Stockton-on Tees, TS21 4AS

Good Afternoon Tracey

Our client agrees to amend the training records condition to the following:

- Training records will be retained at the premises for a minimum period of 12 months from the date of training.

Could you please advise if this agreeable.

Kind Regards

Tina

Tina Vlahovic (She/Her)
Licensing Assistant

Winckworth
Sherwood



www.wslaw.co.uk
[Our Privacy Notice](#)

From: Tracey Johnson
Sent: Friday, 12 April 2024 13:40:21 (UTC+00:00) Dublin, Edinburgh, Lisbon, London
To: Andrew Sanders
Subject: FW: New Premises Licence Application - The Beehive, Salters Lane, Fishburn, Stockton-on Tees, TS21 4AS

Good afternoon

In relation to the above application could I possibly request that the training records are held at the premises rather than at the head office of the licence holder? The main reason being if we were to carry out an inspection of the premises training records would be one of the areas we'd like to see and if they aren't on the premises, that can delay progress.

Thank you for taking the time to consider our request.

Kind regards,

Tracey Johnson
Consumer Safety Manager
Community Protection
Neighbourhoods and Climate Change

Follow us on Twitter [@durhamcouncil](#)
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Appendix 5: Statement of Licensing Policy

7.1 The Prevention of Crime and Disorder - Licensed premises, especially those offering late night / early morning entertainment, alcohol and refreshment can, if not properly managed, become a source of public nuisance, generating crime and disorder problems. **The council expects** all licensed premises to be properly managed at all times to prevent this from happening and will focus attention on standards of management practice at licensed premises when carrying out its administrative and enforcement functions.

The council encourages, and will look positively on, the provision by licensees of comprehensive and documented staff training. Documented staff training conducted in respect of:

- Preventing underage sales
- Minimising drunkenness
- Managing and resolving conflict
- Emergency procedures
- Compliance with the licence conditions
- Relevant obligations and offences under the Licensing Act, particularly those associated with the sale of alcohol
- Identification and refusal of underage sales
- Use of accredited training courses and recognised industry qualifications (e.g. BII)

The council expects every holder of a premises licence, club premises certificate or temporary event notice to be responsible for minimising the impact of crime, disorder and anti-social behaviour by their patrons both on and within the immediate vicinity of their premises, including for example on the pavement, in a beer garden, a marquee, in a smoking shelter etc.

The **council expects** all applicants to demonstrate, in their operating schedules, that suitable and sufficient measures, ranging from the design and layout of the premises through to the daily operation of the business, have been identified and will be implemented and maintained with the intention of preventing crime and disorder.

The council recommends that procedures to deal with drunken customers, violence and anti-social behaviour, in and outside premises, and the provision of closed-circuit television in certain premises should be considered by applicants, licencees and event organisers when addressing this issue.

The council encourages personal licence holders to actively participate in established "Pubwatch" schemes, where issues relating to crime and disorder can be addressed. **The council encourages** involvement in the "Best Bar None" initiative which enables premises to demonstrate good safe operating procedures. Such schemes have been very successful in reducing the negative impact of alcohol across a range of circumstances.

The council recognises and promotes effective and responsible management of all licensed and authorised premises through competent, efficient and regular instruction, recorded training, supervision of staff and the adoption of good practice,

such as 'Challenge 25'. These are amongst the most important control measures for the achievement of all Licensing Objectives.

The council will take a positive view of anyone who invests in appropriate training, and nationally accredited qualifications tailored to the licensing sector. Training records should be kept available for inspection by relevant enforcement agencies as a matter of good practice.

It is important that qualified and competent people are present who can discuss any problems or matters of concern arising from the licensable activities at or near to the premises with officers from DCC Licensing Services and Police.

The council also considers it to be good practice if the DPS or premises licence holder is present in the licensed area of the premises:

- Between 22:00 hours and closing time, when the premises is one that regularly opens after midnight for both regulated entertainment and the sale or supply of alcohol for consumption on the premises
- At all times when the premises are a "vertical drinking establishment" where little or no seating is provided
- At times where there is a substantial increase in customers i.e. for televised major sporting events etc.

Maximum occupancy: When its discretion is invoked, the council will only impose a maximum number of people that can attend premises or an event where there is a clear and justifiable need in respect of that premises or event. Any such decision will be based on the nature and style of the operation.

The council will consider information provided by the applicant and any other body (the Council's Building Control Section, Environmental Health Section and the Durham and Darlington Fire and Rescue Service) before setting a maximum number. Applicants will be expected to detail the arrangements that would be put in place e.g. provision of door staff to ensure that the permitted number of people attending the premises or event will not be exceeded.

Security: Whenever security operatives/door supervisors are employed at licensed premises to carry out security functions they must be licensed by the Security Industry Authority (SIA). If a licensee directly employs security operatives, they will need to be licensed by the SIA as a supervisor/manager. The numbers of licensed door supervisors, both male and female, required at any premises will be dependent upon the nature of the activities licensed and the characteristics and capacity of the establishment as well as the hours of trading.

Toughened/Safety Glass: Licensed venues that provide the sale or supply of alcohol for consumption on the premises should consider the introduction of toughened/safety glass. This policy expectation applies especially to any premises associated with a higher risk for potential crime and disorder. This will be particularly

relevant for high-volume vertical drinking establishments and those premises open beyond midnight in areas where there is a high concentration of venues.

The council and several of its partners have signed a collective new pledge as part of an ongoing campaign to eradicate single use plastics. The agreement commits all signatories to significantly reduce, and work towards ultimately removing, the use of unnecessary single use plastics from their operations. If alternatives to normal glass are used, the use of suitable alternatives, including non-single use plastics, is encouraged.

Drugs/Knives/Weapons: The council will expect licensees to take all reasonable steps to prevent the presence of drugs on licensed premises and to take appropriate steps to prevent drugs changing hands or consumed within the premises to prevent tragedies and harm because of drug misuse.

The council will expect licensees to be familiar with the Home Office Drug Strategy booklet entitled Safer Clubbing (ISBN 1840827807) or other subsequent editions. The council also expects that licence holders will also take steps to prevent the presence of knives and other weapons on their premises and that a log be kept of all drug, knife and weapon incidents. Licence holders should also consider arranging training for their staff on drugs, knives and weapons and to have policies for dealing with the possession of drugs, knives and weapons and the supply of drugs.

In addition to the information provided above, **Table 1 in Appendix VI** provides recommendations, suggestions and examples for how to prevent the specific crime/disorder outlined. This table is not exhaustive, and every applicant must consider the specific situation, location and circumstances associated with their premises, activities, clientele and workforce when identifying hazards, assessing risks and identifying controls.

7.2 Public Safety - The Act covers a wide range of premises that require licensing. Each of these types of premises presents a mixture of risks, with many common to most premises, and others unique to specific operations. It is essential that applicants acknowledge these risks and that premises are constructed or adapted and operated to safeguard occupants and people in the immediate vicinity who may be affected by the premises and activities taking place therein.

Applicants are advised to seek advice on such matters from the council's occupational health and safety team, Health and Safety Executive, Durham Constabulary and the Durham and Darlington Fire and Rescue Service. They should incorporate any recommendations from these responsible authorities in their Operating Schedule before submitting their applications. Matters for consideration include:

- First Aid
- Public security
- Event control
- Polycarbonate Glass
- Fire Safety
- Electrical safety
- Building safety
- Transport
- Drink driving issues
- Occupancy levels

In addition to the information provided above, **Table 2 in Appendix VI** provides recommendations, suggestions and examples of how to prevent the specific dangers outlined. This table is not exhaustive, and every applicant must consider the specific situation, location and circumstances associated with their premises, activities, clientele and workforce when identifying hazards, assessing risks and identifying controls.

7.3 Prevention of Public Nuisance - Licensed premises, especially those operating late at night and in the early hours of the morning, can cause a range of nuisances impacting on people living, working or sleeping near the premises.

The concerns relate, amongst other things, to litter, light pollution, noxious odours and noise nuisance resulting from music, human voices, ventilation equipment and vehicles. The **council will expect** applicants to demonstrate that suitable and sufficient measures have been identified, and will be implemented and maintained, with the intention of preventing public nuisance relevant to the individual style, location and characteristics of the premises and events.

If an external structure or area is to be used by customers, whether for consumption of alcohol or for smoking, the **applicant will be expected** to offer measures designed to minimise its impact on residents in respect of both public nuisance and crime and disorder. These measures may include a restriction on hours that areas / structures will be used or appropriate signage requesting customers to consider residents and monitoring of such areas by staff.

The placement of tables and chairs outside of licensed premises may give rise to public nuisance including noise and litter. When tables and chairs are situated on the public highway, relevant authorisations will often be required from the Highways Authority. Enquiries concerning such consents should be made to the Council's Highway's Section (see Appendix III). In predominantly commercial areas, such as shopping centres, the use of tables and chairs outside may be allowed however, the **council will normally expect** them to be removed before the premises close, and any resulting litter/debris cleared away.

Applicants should consider reducing potential noise nuisance by, for example (this list is not exhaustive):

- Assessment of likely noise levels in the premises
- Assessment of likely noise levels if outdoor drinking is allowed
- The sound insulation the building would provide (e.g. double glazing, double doors / lobbies to entrances, windows used for ventilation)
- The distance and direction to the nearest noise sensitive premises.
- Likely noise sources outside of the premises (e.g. emptying bottle bins, taxis, unruly customers leaving the premises)
- Dispersal of patrons – where necessary the council will expect a dispersal policy for patrons at the end of the evening. The policy will specify such issues as alterations to the style and volume of music played, public address announcements and use of appropriate signage at exits
- Ways to limit noise / disorder from patrons leaving the premises

The extent to which the above matters will need to be addressed will be dependent on the nature of the area where the premises are situated, the type of premises concerned, the licensable activities to be provided, operational procedures and the needs of the local community.

Applicants are advised to seek advice from Durham County Council's Environmental Health team and incorporate any recommendations in their operating schedule before submitting their applications.

Takeaways and fast-food outlets - The council expects takeaways and late-night refreshment premises to take reasonable steps in clearing litter from outside their premises and along the pavement in either direction as necessary, whilst the premises are open and at the end of the working day. These premises should maintain clean, dirt or grease free frontages. Such premises should also display notices advising customers of the location of bins and patrons should be encouraged to use the bins made available.

Important note: The council considers that it will be inappropriate to grant a premises licence permitting the sale of alcohol at premises which are principally used for selling hot food for consumption off the premises (“takeaway” premises).

Takeaway premises are often open late at night and in the early hours of the morning. They can be associated with disorder as people under the influence of alcohol may congregate outside takeaways after leaving or in some cases having been ejected from late-night licensed premises.

Takeaways operate within the night time economy but without the same framework around them, e.g. pubwatch, use of security staff etc. In addition, alcohol sold from takeaways could readily be consumed in public spaces and may not be subject to the same controls associated with other types of licensed premises.

From a health perspective, obesity levels are rising nationally and locally; without action the health of the population will continue to suffer. Responsible licensees can support the ‘Working toward a healthy weight in County Durham’ goals and the council would see the following steps as a contribution to reducing health harms and health inequalities:

- Menu to display calories per portion information for all food offers.
- Menu to offer at least one clear and stated, 'healthy option' and to be priced competitively.
- Menu to display recommended daily calorie limits for adults (For women the recommended limit is 2,000 calories a day for men it's 2,500).
- Menu to offer smaller / half portions.
- Salt and pepper available upon request rather than always on the table

In addition to the information provided above, **Table 3 in Appendix IV** provides recommendations, suggestions and examples of how to prevent the specific nuisance type outlined. This table is not exhaustive, and every applicant must consider the specific situation, location and circumstances associated with their premises, activities, clientele and workforce when identifying hazards, assessing risks and identifying controls.

7.4 Protection of Children from Harm - the protection of children from harm includes the protection of children from moral, psychological and physical harm. This includes not only protecting children from the harms associated directly with alcohol consumption but also wider harms such as exposure to strong language and sexual expletives (for example, in the context of exposure to certain films or adult entertainment). The Secretary of State's Guidance to the Licensing Act 2003 also makes clear that the authority must also consider the need to protect children from sexual exploitation when undertaking licensing functions.

While the Act does not prohibit children from having free access to any licensed premises, the council recognises that limitations may have to be considered where it appears necessary to protect children from physical, moral or psychological harm and the effects of alcohol on parenting. Applicants must be clear in their operating schedules about the activities and times at which the events would take place to help determine when it is not appropriate for children to enter the premises.

Consideration should also be given to the proximity of premises to schools and youth clubs so that applicants take appropriate steps to ensure that advertising relating to their premises or relating to events at their premises, is not displayed at a time when children are likely to be near the premises.

The council will expect applicants, when preparing an operating schedule or club operating schedule, to set out the steps to be taken to protect children from harm when on the premises. **The council will also expect** any licence holder who wishes to hold events for children to provide it, and the Police, with a detailed risk assessment of that event including how the event will be managed, staffing levels for the event and how any child will be prevented from being exposed to any harm.

The council will give considerable weight to representations about child protection matters particularly from the Local Safeguarding Children's Board who act as the responsible authority under the Act for matters relating to child protection. In addition to the responsible authority whose functions relate directly to child protection, the Director of Public Health may also have access to relevant evidence to inform such representations.

These representations may include, amongst other things, the use of health data about the harms that alcohol can cause to underage drinkers. Where a responsible authority, or other person, presents evidence to the council, linking specific premises with harms to children (such as ambulance data or emergency department attendances by persons under 18 years old with alcohol-related illnesses or injuries), this evidence will be considered. The council will also consider what action is appropriate to ensure this licensing objective is effectively enforced.

In relation to applications for the grant of a licence in areas where evidence is presented, on high levels of alcohol-related harms in persons aged under 18, the council will also consider what conditions may be appropriate to ensure that this objective is promoted effectively.

The council will judge the merits of each separate application before deciding whether to impose conditions limiting the access of children to individual premises where it is necessary to prevent physical, moral or psychological harm.

The council will expect all licence holders or premises, that wish to allow children on to their premises, to ensure that access is restricted where appropriate. This could include ensuring that all children are accompanied and that they do not have access to, or sight of, alcohol. **The council will consider** the following when dealing with a licence application where children may have limited access:

- Limitations on the hours when children may be present.
- Limitations or exclusion when certain activities are taking place.
- Requirements for an accompanying adult to be present.
- Full exclusion of people under 18 from the premises when certain licensable activities are taking place (e.g. entertainment of a sexual nature).
- Limitations on the parts of premises to which children might be given access.
- Any other limitations appropriate to the application and according with the four licensing objectives.

The council recommends that retailers of alcohol ensure that their staff are properly trained in all aspects of responsible retailing, including the sale of alcohol and age restricted sales. The Council fully endorses and promotes knowledge of and adherence to Challenge 25 within the retail business sector.

Further advice and information on age restricted sales and training can be found by contacting Durham County Council's Trading Standards service at trading.standards@durham.gov.uk

The council will work closely with the Police and the Council's Trading Standards service to ensure the appropriate enforcement of the law, especially relating to the sale and supply of alcohol to children. We know alcohol is harmful to the health of children and young people whose minds and bodies are still developing.

Alcohol must not be served to persons under the age of 18, except in limited circumstances allowed by the law, and then only after verifying a person's proof of age e.g. 16 and 17-year-olds may drink beer, wine or cider with a table meal in relevant premises, where accompanied by an adult aged 18 years or over. The currently accepted verifications for proof of age are a passport, a photo card driving licence or a proof of age scheme such as Challenge 25.

The council is aware of a young person's vulnerability to alcohol and events, which are aimed at children under the age of 18 years on licensed premises, will not be supported by the council unless the applicant can demonstrate that all safeguards for children have been addressed (such as the removal of alcohol advertising).

The council, Durham Constabulary Harm Reduction Unit and the Local Safeguarding Children Board have produced a "good practice guide" for an event catering for under-18's and mixed events of under and over 18's. This guide is highly recommended by the council and should be adhered to by licence holders and event organisers. The guide is reproduced in Appendix I.

Recorded staff training programs, the use of a refusals register, in-store signage and limited access to alcoholic drink can all reduce the likelihood of illegal sales and proxy sales and are encouraged by the council.

Access to Cinemas: The 2003 Act requires that any premises showing films must ensure that children are not able to view age restricted films (as classified by the British Board of Film Classification). **The council will expect** any licence holder or applicant who intends to show films to outline suitably robust measures on how they will protect children from exposure to this potential harm. The authority may impose suitable conditions if it believes it is required for the promotion of the four licensing objectives.

The Act provides that it is mandatory for Licensing Authorities to include a condition in all premises licences and club certificates authorising the exhibition of film, for the admission of children to the exhibition of any film to be restricted in accordance with the recommendations given to films either by the British Board of Film Classification or by the council itself.

Should the council need to adopt its own system of film classification the information regarding such classifications will be published on the council's website.

Children and Public Entertainment: Many children go to see and/or take part in entertainment arranged especially for them. For example, children's film shows and dance or drama school productions, and additional arrangements may be required to safeguard them while at the premises. Where many children are likely to be present on any licensed premises, for example a children's pantomime, disco/rave or similar event, the authority expects all children to be supervised by an appropriate number of adults and to ensure that the venues put measures in place to prevent any child being exposed to harm.

Where entertainment requiring a licence is specifically presented for children, the council will normally expect the presence of at least one member of staff from the Licensed premises for every 50 children present to ensure their safety and protection from harm and to control their access and egress from the premises. The council will require those caring for or supervising children to have undergone an appropriate criminal record check with the Disclosure and Barring Service.

Venue operators may also apply their own admissions policy to their premises. If a venue has carried out a risk assessment that deems it appropriate to exclude children or young persons from their premises, then that is a matter for them.

The council will expect all venue operators to risk assess their venues accordingly against the nature of the licensable activities they intend to carry out. This could include, for example, allowing accompanied children into a premise up until a certain time and then excluding them for the rest of the time the premises are open.

Regarding this licensing objective, the council considers Durham County Council Safeguarding Children Board to be the competent authority for matters relating to the protection of children from harm. A protocol exists between Durham Local Safeguarding Children Board and Durham Constabulary. All safeguarding concerns identified because of premises, personal applications and all variations to licences are covered by this protocol.

Applicants are advised to seek advice from the Local Safeguarding Children Board and incorporate any recommendations in their Operating Schedule before submitting their applications.

The council strongly recommends that events, involving persons under the age of 18 years and persons over 18 years, do not take place unless there are sufficient and robust control measures in place. Experience has shown that mixed age events are extremely difficult to control and manage and they have led to persons under the age of 18 being exposed to alcohol and entertainment late into the night.

It is the council's view that mixed age events should not take place within the late-night economy, particularly at venues that are alcohol and entertainment-led and which are operating late at night. It is the council's view that these mixed aged events can have an adverse impact on a young persons wellbeing as well exposing them to unacceptable levels of harms associated with the night time economy.

In addition to the information above, **Table 4 in Appendix VI** provides recommendations, suggestions and examples of how to protect children from each of the dangers outlined. This table is not exhaustive, and every applicant must consider the specific situation, location and circumstances associated with their premises, activities, cliental and workforce when identifying hazards, assessing risks and identifying controls.

Appendix II Framework Hours: recommended terminal hours for the sale of alcohol and the provision of late-night refreshment for different types of premises

Category of Premises	Weekdays*	Weekends*	Bank Holidays*
Premises licensed for the sale or supply of alcohol for consumption on or off the premises e.g. pubs, social clubs and nightclubs	07.00 to 00.00	07.00 to 01.00	Good Friday Plus 1 Hour. For all other bank holidays, an additional hour be added to the terminal hour of the day preceding the bank holiday (i.e. if the Monday is the bank holiday, the Sunday is normal trading plus 1 hour)
Premises licensed for the sale of alcohol for consumption off the premises only e.g. off licences, supermarkets and garages	07.00 to 23.30	07.00 to 00.30	Good Friday Plus 1 Hour. For all other bank holidays, an additional hour be added to the terminal hour of the day preceding the bank holiday (i.e. if the Monday is the bank holiday, the Sunday is normal trading plus 1 hour)
Premises with licences not including the sale or supply of alcohol (community centres, village halls)	07.00 to 00.00	07.00 to 01.00	Good Friday Plus 1 Hour. For all other bank holidays, an additional hour be added to the terminal hour of the day preceding the bank holiday (i.e. if the Monday is the bank holiday, the Sunday is normal trading plus 1 hour)
Premises licensed primarily for late night refreshment e.g. takeaways	01.00	02.00	Good Friday Plus 1 Hour. For all other bank holidays, an additional hour be added to the terminal hour of the day preceding the bank holiday (i.e. if the Monday is the bank holiday, the Sunday is normal trading plus 1 hour)

* **NOTE:** For the purposes of this matrix, weekdays mean Monday to Thursday; Weekends include Friday night into Saturday Morning, Saturday night into Sunday morning and Sunday night into Monday morning; and Bank Holidays means Sunday night into Monday morning and Monday night into Tuesday morning.

Appendix 6: Section 182 Guidance

Crime and disorder

- 2.1 Licensing authorities should look to the police as the main source of advice on crime and disorder. They should also seek to involve the local Community Safety Partnership (CSP).
- 2.2 In the exercise of their functions, licensing authorities should seek to co-operate with the Security Industry Authority (“SIA”) as far as possible and consider adding relevant conditions to licences where appropriate. The SIA also plays an important role in preventing crime and disorder by ensuring that door supervisors are properly licensed and, in partnership with police and other agencies, that security companies are not being used as fronts for serious and organised criminal activity. This may include making specific enquiries or visiting premises through intelligence led operations in conjunction with the police, local authorities and other partner agencies. Similarly, the provision of requirements for door supervision may be appropriate to ensure that people who are drunk, drug dealers or people carrying firearms do not enter the premises and ensuring that the police are kept informed.
- 2.3 Conditions should be targeted on deterrence and preventing crime and disorder including the prevention of illegal working in licensed premises (see paragraph 10.10). For example, where there is good reason to suppose that disorder may take place, the presence of closed-circuit television (CCTV) cameras both inside and immediately outside the premises can actively deter disorder, nuisance, anti-social behaviour and crime generally. Some licence holders may wish to have cameras on their premises for the prevention of crime directed against the business itself, its staff, or its customers. But any condition may require a broader approach, and it may be appropriate to ensure that the precise location of cameras is set out on plans to ensure that certain areas are properly covered and there is no subsequent dispute over the terms of the condition.
- 2.4 The inclusion of radio links and ring-round phone systems should be considered an appropriate condition for public houses, bars and nightclubs operating in city and town centre leisure areas with a high density of licensed premises. These systems allow managers of licensed premises to communicate instantly with the police and facilitate a rapid response to any disorder which may be endangering the customers and staff on the premises.
- 2.5 Conditions relating to the management competency of designated premises supervisors should not normally be attached to premises licences. It will normally be the responsibility of the premises licence holder as an employer, and not the licensing authority, to ensure that the managers appointed at the premises are competent and appropriately trained. The designated premises supervisor is the key person who will usually be responsible for the day to day management of the premises by the premises licence holder, including the prevention of disorder. A condition of this kind may only be justified as appropriate in rare circumstances where it can be demonstrated that, in the circumstances associated with particular premises, poor management competency could give rise to issues of crime and disorder and public safety.

- 2.6 The prevention of crime includes the prevention of immigration crime including the prevention of illegal working in licensed premises. Licensing authorities should work with Home Office Immigration Enforcement, as well as the police, in respect of these matters. Licence conditions that are considered appropriate for the prevention of illegal working in licensed premises might include requiring a premises licence holder to undertake right to work checks on all staff employed at the licensed premises or requiring that evidence of a right to work check, either physical or digital (e.g. a copy of any document checked as part of a right to work check or a clear copy of the online right to work check) are retained at the licensed premises.

Public safety

- 2.7 Licence holders have a responsibility to ensure the safety of those using their premises, as a part of their duties under the 2003 Act. This concerns the safety of people using the relevant premises rather than public health which is addressed in other legislation. Physical safety includes the prevention of accidents and injuries and other immediate harms that can result from alcohol consumption such as unconsciousness or alcohol poisoning. Conditions relating to public safety may also promote the crime and disorder objective as noted above. There will of course be occasions when a public safety condition could incidentally benefit a person's health more generally, but it should not be the purpose of the condition as this would be outside the licensing authority's powers (be ultra vires) under the 2003 Act. Conditions should not be imposed on a premises licence or club premises certificate which relate to cleanliness or hygiene.
- 2.8 A number of matters should be considered in relation to public safety. These may include:
- Fire safety;
 - Ensuring appropriate access for emergency services such as ambulances;
 - Good communication with local authorities and emergency services, for example communications networks with the police and signing up for local incident alerts (see paragraph 2.4 above);
 - Ensuring the presence of trained first aiders on the premises and appropriate first aid kits;
 - Ensuring the safety of people when leaving the premises (for example, through the provision of information on late-night transportation);
 - Ensuring appropriate and frequent waste disposal, particularly of glass bottles;
 - Ensuring appropriate limits on the maximum capacity of the premises (see paragraphs 2.12-2.13, and Chapter 10; and
 - Considering the use of CCTV in and around the premises (as noted in paragraph 2.3 above, this may also assist with promoting the crime and disorder objective).
- 2.9 The measures that are appropriate to promote public safety will vary between premises and the matters listed above may not apply in all cases. As set out in Chapter 8 (8.38-8.46), applicants should consider when making their application which steps it is appropriate to take to promote the public safety objective and demonstrate how they achieve that.

- 2.10 Counter terrorism and public safety
- 2.11 Licensing committees may wish to give due consideration to appropriate counter-terrorism measures and advice when considering licence applications, for example at high profile or large premises or events or where there are factors which may increase attractiveness to attacks, and in particular when in receipt of relevant advice from police counter terrorist staff.
- 2.12 It is particularly relevant to consider conditions around health care provision in this regard. Any additional licensing conditions should be appropriate and proportionate to the venue as noted in para 1.16. We recommend that all licensing authorities pay particular attention to terrorist threats when making specific licence conditions in relation to security or health care provision at appropriate premises and events applying for a licence.
- 2.13 As noted in para 2.8 licensing authorities can recommend conditions where appropriate to do so, such as ensuring appropriate access for emergency services and vehicles such as ambulances; good communication with local authorities and emergency services, for example communications networks with the police and signing up for local incident alerts (see paragraph 2.4); and ensuring the presence of sufficient trained first aiders on the premises and appropriate first aid kits.
- 2.14 However, in some instances, licensing authorities may wish to tailor their approach, depending on the particular nature of the application, and go further when addressing concerns around possible terrorist or other such risks. We have provided an Annex to help inform and support licensing authorities in their decision making with regards to additional licence conditions for premises and events, that may benefit from further security planning and health care provision in the aftermath of a particular type of incident.

Ensuring safe departure of those using the premises

- 2.15 Licence holders should make provision to ensure that premises users safely leave their premises. Measures that may assist include:
- Providing information on the premises of local taxi companies who can provide safe transportation home; and
 - Ensuring adequate lighting outside the premises, particularly on paths leading to and from the premises and in car parks.

Maintenance and repair

- 2.16 Where there is a requirement in other legislation for premises open to the public or for employers to possess certificates attesting to the safety or satisfactory nature of certain equipment or fixtures on the premises, it would be inappropriate for a licensing condition to require possession of such a certificate. However, it would be permissible to require as a condition of a licence or certificate, if appropriate, checks on this equipment to be conducted at specified intervals and for evidence of these checks to be retained by the premises licence holder or club provided this does not duplicate or gold-plate a requirement in other legislation. Similarly, it would be permissible for licensing authorities, if they receive relevant representations from responsible authorities or any other persons, to attach conditions which require equipment of particular standards to

be maintained on the premises. Responsible authorities – such as health and safety authorities – should therefore make their expectations clear in this respect to enable prospective licence holders or clubs to prepare effective operating schedules and club operating schedules.

Safe capacities

- 2.17 “Safe capacities” should only be imposed where appropriate for the promotion of public safety or the prevention of disorder on the relevant premises. For example, if a capacity has been imposed through other legislation, it would be inappropriate to reproduce it in a premises licence. Indeed, it would also be wrong to lay down conditions which conflict with other legal requirements. However, if no safe capacity has been imposed through other legislation, a responsible authority may consider it appropriate for a new capacity to be attached to the premises which would apply at any material time when the licensable activities are taking place and make representations to that effect. For example, in certain circumstances, capacity limits may be appropriate in preventing disorder, as overcrowded venues can increase the risks of crowds becoming frustrated and hostile.
- 2.18 The permitted capacity is a limit on the number of persons who may be on the premises at any time, following a recommendation by the relevant fire and rescue authority under the Regulatory Reform (Fire Safety) Order 2005. For any application for a premises licence or club premises certificate for premises without an existing permitted capacity where the applicant wishes to take advantage of the special provisions set out in section 177 of the 2003 Act¹, the applicant should conduct their own risk assessment as to the appropriate capacity of the premises. They should send their recommendation to the fire and rescue authority which will consider it and decide what the “permitted capacity” of those premises should be.
- 2.19 Public safety may include the safety of performers appearing at any premises, but does not extend to the prevention of injury from participation in a boxing or wrestling entertainment.

Public nuisance

- 2.20 The 2003 Act enables licensing authorities and responsible authorities, through representations, to consider what constitutes public nuisance and what is appropriate to prevent it in terms of conditions attached to specific premises licences and club premises certificates. It is therefore important that in considering the promotion of this licensing objective, licensing authorities and responsible authorities focus on the effect of the licensable activities at the specific premises on persons living and working (including those carrying on business) in the area around the premises which may be disproportionate and unreasonable. The issues will mainly concern noise nuisance, light pollution, noxious smells and litter.
- 2.21 Public nuisance is given a statutory meaning in many pieces of legislation. It is however not narrowly defined in the 2003 Act and retains its broad common law meaning. It may include in appropriate circumstances the reduction of the living and working amenity and environment of other persons living and working in the area of the licensed premises.

¹ S 177 of the 2003 Act now only applies to performances of dance.

Public nuisance may also arise as a result of the adverse effects of artificial light, dust, odour and insects or where its effect is prejudicial to health.

- 2.22 Conditions relating to noise nuisance will usually concern steps appropriate to control the levels of noise emanating from premises. This might be achieved by a simple measure such as ensuring that doors and windows are kept closed after a particular time, or persons are not permitted in garden areas of the premises after a certain time. More sophisticated measures like the installation of acoustic curtains or rubber speaker mounts to mitigate sound escape from the premises may be appropriate. However, conditions in relation to live or recorded music may not be enforceable in circumstances where the entertainment activity itself is not licensable (see chapter 16). Any conditions appropriate to promote the prevention of public nuisance should be tailored to the type, nature and characteristics of the specific premises and its licensable activities. Licensing authorities should avoid inappropriate or disproportionate measures that could deter events that are valuable to the community, such as live music. Noise limiters, for example, are expensive to purchase and install and are likely to be a considerable burden for smaller venues.
- 2.23 As with all conditions, those relating to noise nuisance may not be appropriate in certain circumstances where provisions in other legislation adequately protect those living in the area of the premises. But as stated earlier in this Guidance, the approach of licensing authorities and responsible authorities should be one of prevention and when their powers are engaged, licensing authorities should be aware of the fact that other legislation may not adequately cover concerns raised in relevant representations and additional conditions may be appropriate.
- 2.24 Where applications have given rise to representations, any appropriate conditions should normally focus on the most sensitive periods. For example, the most sensitive period for people being disturbed by unreasonably loud music is at night and into the early morning when residents in adjacent properties may be attempting to go to sleep or are sleeping. This is why there is still a need for a licence for performances of live music between 11 pm and 8 am. In certain circumstances, conditions relating to noise emanating from the premises may also be appropriate to address any disturbance anticipated as customers enter and leave.
- 2.25 Measures to control light pollution will also require careful thought. Bright lighting outside premises which is considered appropriate to prevent crime and disorder may itself give rise to light pollution for some neighbours. Applicants, licensing authorities and responsible authorities will need to balance these issues.
- 2.26 Beyond the immediate area surrounding the premises, these are matters for the personal responsibility of individuals under the law. An individual who engages in anti-social behaviour is accountable in their own right. However, it would be perfectly reasonable for a licensing authority to impose a condition, following relevant representations, that requires the licence holder or club to place signs at the exits from the building encouraging patrons to be quiet until they leave the area, or that, if they wish to smoke, to do so at designated places on the premises instead of outside, and to respect the rights of people living nearby to a peaceful night.

Protection of children from harm

- 2.27 The protection of children from harm includes the protection of children from moral, psychological and physical harm. This includes not only protecting children from the harms associated directly with alcohol consumption but also wider harms such as exposure to strong language and sexual expletives (for example, in the context of exposure to certain films or adult entertainment). Licensing authorities must also consider the need to protect children from sexual exploitation when undertaking licensing functions.
- 2.28 The Government believes that it is completely unacceptable to sell alcohol to children. Conditions relating to the access of children where alcohol is sold and which are appropriate to protect them from harm should be carefully considered. Moreover, conditions restricting the access of children to premises should be strongly considered in circumstances where:
- adult entertainment is provided;
 - a member or members of the current management have been convicted for serving alcohol to minors or with a reputation for allowing underage drinking (other than in the context of the exemption in the 2003 Act relating to 16 and 17 year olds consuming beer, wine and cider when accompanied by an adult during a table meal);
 - it is known that unaccompanied children have been allowed access;
 - there is a known association with drug taking or dealing; or
 - in some cases, the premises are used exclusively or primarily for the sale of alcohol for consumption on the premises.
- 2.29 It is also possible that activities, such as adult entertainment, may take place at certain times on premises but not at other times. For example, premises may operate as a café bar during the day providing meals for families but also provide entertainment with a sexual content after 8.00pm. It is not possible to give an exhaustive list of what amounts to entertainment or services of an adult or sexual nature. Applicants, responsible authorities and licensing authorities will need to consider this point carefully. This would broadly include topless bar staff, striptease, lap-, table- or pole-dancing, performances involving feigned violence or horrific incidents, feigned or actual sexual acts or fetishism, or entertainment involving strong and offensive language.
- 2.30 Applicants must be clear in their operating schedules about the activities and times at which the events would take place to help determine when it is not appropriate for children to enter the premises. Consideration should also be given to the proximity of premises to schools and youth clubs so that applicants take appropriate steps to ensure that advertising relating to their premises, or relating to events at their premises, is not displayed at a time when children are likely to be near the premises.
- 2.31 Licensing authorities and responsible authorities should expect applicants, when preparing an operating schedule or club operating schedule, to set out the steps to be taken to protect children from harm when on the premises.
- 2.32 Conditions, where they are appropriate, should reflect the licensable activities taking place on the premises. In addition to the mandatory condition regarding age verification, other conditions relating to the protection of children from harm can include:
- restrictions on the hours when children may be present;

- restrictions or exclusions on the presence of children under certain ages when particular specified activities are taking place;
- restrictions on the parts of the premises to which children may have access;
- age restrictions (below 18);
- restrictions or exclusions when certain activities are taking place;
- requirements for an accompanying adult (including for example, a combination of requirements which provide that children under a particular age must be accompanied by an adult); and
- full exclusion of people under 18 from the premises when any licensable activities are taking place.

2.33 Please see also Chapter 10 for details about the Licensing Act 2003 (Mandatory Licensing Conditions) Order 2010.

2.34 Licensing authorities should give considerable weight to representations about child protection matters. In addition to the responsible authority whose functions relate directly to child protection, the Director of Public Health may also have access to relevant evidence to inform such representations. These representations may include, amongst other things, the use of health data about the harms that alcohol can cause to underage drinkers. Where a responsible authority, or other person, presents evidence to the licensing authority linking specific premises with harms to children (such as ambulance data or emergency department attendances by persons under 18 years old with alcohol-related illnesses or injuries) this evidence should be considered, and the licensing authority should also consider what action is appropriate to ensure this licensing objective is effectively enforced. In relation to applications for the grant of a licence in areas where evidence is presented on high levels of alcohol-related harms in persons aged under 18, it is recommended that the licensing authority considers what conditions may be appropriate to ensure that this objective is promoted effectively.

2.35 The 2003 Act provides that, where a premises licence or club premises certificate authorises the exhibition of a film, it must include a condition requiring the admission of children to films to be restricted in accordance with recommendations given either by a body designated under section 4 of the Video Recordings Act 1984 specified in the licence (the British Board of Film Classification is currently the only body which has been so designated) or by the licensing authority itself. Further details are given in Chapter 10.

2.36 Theatres may present a range of diverse activities and entertainment including, for example, variety shows incorporating adult entertainment. It is appropriate in these cases for a licensing authority to consider restricting the admission of children in such circumstances. Entertainments may also be presented at theatres specifically for children. It will be appropriate to consider whether a condition should be attached to a premises licence or club premises certificate which requires the presence of a sufficient number of adult staff on the premises to ensure the wellbeing of the children during any emergency.

Offences relating to the sale and supply of alcohol to children

2.37 Licensing authorities are expected to maintain close contact with the police, young offenders' teams and trading standards officers (who can carry out test purchases under

section 154 of the 2003 Act) about the extent of unlawful sales and consumption of alcohol by minors and to be involved in the development of any strategies to control or prevent these unlawful activities and to pursue prosecutions. Licensing authorities, alongside the police, are prosecuting authorities for the purposes of these offences, except for the offences under section 147A (persistently selling alcohol to children). Where, as a matter of policy, warnings are given to retailers prior to any decision to prosecute in respect of an offence, it is important that each of the enforcement arms should be aware of the warnings each of them has given.

Table of relevant offences under the 2003 Act

Section	Offence	Prosecuting Authority
Section 145	Unaccompanied children prohibited from certain premises	Police and/or Licensing Authority
Section 146	Sale of alcohol to children	Police, Licensing Authority and/or Local Weights and Measures Authority
Section 147	Allowing the sale of alcohol to children	Police, Licensing Authority and/or Local Weights and Measures Authority
Section 147A	Persistently selling alcohol to children	Police and/or Local Weights and Measures Authority
Section 149	Purchase of alcohol by or on behalf of children	Police and/or Licensing Authority
Section 150	Consumption of alcohol by children	Police and/or Licensing Authority
Section 151	Delivering alcohol to children	Police and/or Licensing Authority
Section 152	Sending a child to obtain alcohol	Police and/or Licensing Authority
Section 153	Prohibition of unsupervised sales by children	Police and/or Licensing Authority