



Statutory Licensing Sub-Committee

Date **Tuesday 6 September 2016**
Time **10.00 am**
Venue **Council Chamber, Council Offices, Spennymoor**

Business

Part A

1. Apologies for Absence
2. Substitute Members
3. Declarations of Interest (if any)
4. Minutes of the Meeting held on 7 and 21 June 2016 (Pages 1 - 24)
5. Application for the Grant of a Premises Licence - David of Durham Wine, 2 Roman Road, Brandon (Pages 25 - 90)
6. Such other business as, in the opinion of the Chairman of the meeting, is of sufficient urgency to warrant consideration

Colette Longbottom
Head of Legal and Democratic Services

County Hall
Durham
26 August 2016

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

Councillors B Glass, O Gunn, J Lee, J Maitland and P May

Contact: Jill Errington

Tel: 03000 269703

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DURHAM COUNTY COUNCIL

At a Meeting of **Statutory Licensing Sub-Committee** held in Council Chamber, Council Offices, Spennymoor on **Tuesday 7 June 2016 at 10.00 am**

Present:

Councillor J Hart (Chairman)

Members of the Committee:

Councillors B Graham and A Hopgood

Also Present:

Y Raine – Senior Licensing Officer

S Buston – Solicitor – Litigation

Westlea Foodstore

Mr S Mooney – Force Solicitor, Durham Constabulary

PCSO Haigh – Durham Constabulary

Sgt M Urwin – Durham Constabulary

Mr C Cooper – Local Weights and Measures Authority

Mr K Singh – Premises Licence Holder

Mr G Singh – Proposed DPS

Mr A Vedhara – Messrs Singhs' representative

Hill Island Brewery

Mr D Hall – Senior Environmental Health Officer

Mr M Griffin - applicant

1 Apologies for Absence

Apologies for absence were received from Councillors Carr and Hampson.

2 Substitute Members

There were no substitute Members.

3 Declarations of Interest

There were no declarations of interest.

4 Minutes

The Minutes of the meeting held on 20 April 2016 were agreed as a correct record and were signed by the Chairman.

5 Application to Vary a Premises Licence to Specify an Individual as Designated Premises Supervisor - Westlea Foodstore, 4 West Grove, Seaham

Consideration was given to the report of the Senior Licensing Officer regarding an application to vary the Premises Licence for Westlea Foodstore, 4 West Grove, Seaham, to specify an individual as the Designated Premises Supervisor (for copy see file of Minutes).

A copy of the application and supporting documents had been circulated to Members, together with representations received from Durham Constabulary. The Sub-Committee was informed that since the report had been prepared additional comments had been received from the Police which had been sent to all parties.

Mr S Mooney, Force Solicitor, Durham Constabulary addressed the Sub-Committee advising that over the years Westlea Foodstore had been managed by a number of different people and had regularly been linked to underage sales. The premises had failed 3 test purchases and had become a magnet for children because of poor management.

Mr G Singh had held the position of DPS since 25 April 2016 and was also DPS of G and M Convenience Store. On a visit to the premises it was found that there was no refusals register, no evidence of staff training or training records, and the CCTV had not been working for 3 months. These were within the responsibility of the DPS.

It was very concerning that a male who was employed at the premises was a suspected over-stayer and was awaiting removal from the UK. This was a very serious matter.

A further test purchase had been carried out in the spotlight of these proceedings, yet had failed and alcohol had been sold to a young person. Taking all these matters into account he believed that the circumstances were exceptional and asked Members to refuse the application.

PCSO Haigh referred to the additional bundle of evidence submitted by the Police and confirmed that on 4 May 2016 a visit was made to G and M Convenience Store, at which Mr G Singh was Premises Licence Holder and DPS, to assess the management of the premises and the adherence to conditions. This was part of checks carried out with regard to the application to vary the DPS at Westlea Foodstore. During the visit a number of issues were highlighted with regard to the adherence to Annex 3 conditions added to the Premises Licence at a review hearing in 2011.

PCSO Haigh took Members through his witness statement which confirmed that there was no refusals register, training or training records and that the CCTV system was not working and had not been for 3 months according to the male who was serving during the visit.

The statement also provided details of the checks carried out on the male shop assistant who was arrested on 5 May 2016 for the offence of 'knowingly remaining beyond the time limited by leave'. When arrested he had asked for Mr G Singh to be notified. On 6 May 2016 the Police received confirmation that the male was awaiting removal from the UK.

PCSO Haigh then gave details of the failed test purchase on 17 May 2016 at Westlea Foodstore and noted that Mr G Singh was the DPS of the premises at the time.

He concluded that the role of DPS was a position of responsibility and accountability and should not be taken lightly. Mr G Singh had shown a lack of robust management and leadership at G and M Convenience Store.

Mr Vedhara the representative of Mr K Singh and Mr G Singh, asked if the Police were aware of the break-in, during which the CCTV hard drive had been stolen together with the till drawer where the refusal slips were kept, the lottery system and cigarettes.

The meeting adjourned to allow the Police to obtain details of the burglary.

After re-convening Sgt Urwin explained that on checking the Police system, on 8 May 2016 criminal damage had been caused by a youth kicking the external door of the rear yard. This was disputed by Mr Singh who advised that it was during a burglary on 26 April 2016 that he lost all his stock. Further checks by Sgt Urwin with the Crime Record Unit confirmed that the burglary had taken place, however of the list of items reported stolen there was no mention of a till or refusals slips.

Councillor Hopgood asked if a refusals register and training records had been provided since the visit to the premises. Mr Mooney confirmed that none had been produced and he would have expected Mr Singh to provide these documents before the hearing.

Mr Vedhara addressed the Sub-Committee on behalf of Mr K Singh and Mr G Singh as a friend. He advised that he had stepped in to represent them because they were worried that they may be misunderstood during the hearing. Mr G Singh advised that he had worked in a store for 15 years and was confident with the written word. He had been worried that he would be misunderstood because he was nervous at these proceedings.

Mr Vedhara referred to the male serving in the shop during the Police visit and advised that he had only worked there 3 days so would not have been aware that the CCTV had been out of operation for 3 months. He believed he would also have said anything to keep himself out of trouble.

With regard to Mr G Singh's suitability as DPS he advised that he had held the position since 2011. Mr K Singh had recently purchased the premises as his first business and would apply to be DPS following his CRB check. His good friend Mr G Singh had offered to carry out the role in the meantime.

Mr G Singh believed that these were unfortunate circumstances and put it down to the stress of financial loss and that he was now being served with a review application in respect of his own premises. Mr Singh was only in the role of DPS at Westlea Foodstore on a temporary basis.

Mr Mooney asked Mr Singh about the suspected over-stayer. Mr Singh responded that he needed more staff after the burglary and the male had walked into the shop asking for work. He had provided a driving licence and National Insurance details and had said that he had an application with the Home Office for a visa. Mr Singh had asked to see the male's passport who advised that he would bring it to the store the following week. Mr Singh produced a copy of the driving licence and national insurance details for Members.

Upon further questioning from Mr Mooney, Mr Singh advised that the male had received training while he was waiting for his passport to be produced. When the male was arrested he had asked for Mr Singh to be notified because he had been in the shop at the time of the sale.

Councillor Hart noted that the address on the driving licence was in Norwich and was told that the male had recently moved.

Mr Mooney asked what steps Mr Singh had taken to uphold the licensing objectives since the visit on 4 May 2016 and the failed test purchase.

Mr Singh advised that he had given staff full training in Challenge 25. Mrs Kennedy, the member of staff who had failed the test purchase, confirmed that she had received training and had signed the training record. He had not brought the training record to the hearing.

Following a question from Mr Mooney about the refusals register, Mr Singh explained that G and M Convenience Store had an EPOS till system which produced refusal slips. These were then retained in the till and this system had been in operation since 2015. The slips were in the till when it had been stolen. An EPOS till system had been ordered for Westlea Foodstore.

Councillor Hart asked Mr K Singh why he felt that Mr G Singh could be DPS at both stores given the historical problem at Westlea Foodstore. Mr G Singh replied that he was carrying out the role only until Mr K Singh was in a position to make application himself.

Councillor Hart asked why the CCTV was not immediately rectified, given the current scrutiny of the premises and the fact that the Police considered that the exceptional circumstances warranted a request for refusal of the application.

Mr Singh advised that he had lost everything in the burglary and the CCTV would cost a lot of money when he already had doors and shutters to replace.

Upon further questioning from Councillor Hart about the test purchase and whether he felt he had failed in giving his staff adequate training especially as it had occurred so close to the hearing, Mr Singh advised that he had now asked staff to

be very careful and that he had not had good luck with the burglary and the suspected over-stayer.

Questions were then asked by Members of Mr Singh's employment of the suspected over-stayer. Mr Singh explained that the male had walked into the shop asking for work and had advised that he had experience working in off-licences. He had trusted him and needed staff. When he was arrested Mr Singh had only been absent from the store for about 20 minutes.

Upon further questioning it was established that the day before the arrest Mr Singh had been in Birmingham most of the day. Mr Singh confirmed that the male had been working in the shop that day but at a time when the premises was quiet. Alcohol sales usually took place after 5pm.

Mr Vedhara advised that they had not produced documents because the Solicitor who had represented both Mr Singhs at the last hearing had not asked for any information from them up to the Friday before the hearing. Mistakes had been made by Mr Singh but he believed that these could be rectified.

All parties were invited to sum up.

Mr Mooney stated that whilst it was unusual it was relevant to refer to another store in this case. Mr Singh had been in breach of conditions of his Premises Licence for G and M Convenience Store. The CCTV system had not been working for 3 months and this was supported by the fact that it was still not in operation. There were no training records and a refusals register was not used. Mr Singh had advised that the refusals slips were kept in the till which he had said had been stolen yet there was no record of this. Mr Singh had employed a male without carrying out checks, and then left them in a responsible position of selling alcohol.

Mr G Singh had been DPS at Westlea Foodstore since April 2016. Reference had been made to bad luck but in his view this was poor and inefficient management. Steps could have been taken to improve management of the premises but had not been. The Police submitted that the circumstances were exceptional and asked that the application be refused.

Mr G Singh was sorry and humbly requested the Sub-Committee to give him a chance and he would do everything he could to rectify his mistakes.

At 11.40am the Sub-Committee retired to deliberate the application in private. After re-convening at 11.55am the Chairman delivered the Sub-Committee's decision.

In reaching the decision the Sub-Committee had considered the report of the Senior Licensing Officer, the verbal and written representations of the applicant, the proposed DPS and responsible authority, Durham Constabulary. Members also considered the Council's Statement of Licensing Policy and Section 182 Guidance issued by the Secretary of State.

Resolved:

That the application to vary the Premises Licence to specify an individual as Designated Premises Supervisor, be refused.

6 Application for Review of a Premises Licence - Westlea Foodstore, 4 West Grove, Seaham

In view of the Sub-Committee's decision to refuse the application to vary the Premises Licence to specify Mr G Singh as DPS, Mr K Singh, the Premises Licence Holder requested an adjournment of the review hearing to seek legal advice.

The Chairman asked Mr C Cooper of the Local Weights and Measures Authority, the applicant, for his views. Mr Cooper considered that the hearing should still proceed because of the continuing problems with the premises. He was aware that the DPS could be replaced again but he was not confident that those who continued to work on the premises would take the necessary steps to ensure that the business was managed in the proper manner.

Mr Mooney of Durham Constabulary supported the Local Weights and Measures Authority stating that the Licence holder had not put forward any substantial grounds for adjourning the hearing.

The Sub-Committee retired to consider the request for an adjournment at 12.10pm. After re-convening at 12.15pm the Chairman advised that the Sub-Committee had decided to grant the request for an adjournment with the hearing to be re-convened at the earliest possible date.

Resolved:

That consideration of the application for a review of the Premises Licence be adjourned.

7 Application for the Grant of a Premises Licence - Hill Island Brewery, Unit 7, Fowler's Yard, Durham

Consideration was given to the report of the Senior Licensing Officer regarding an application for the grant of a Premises Licence in respect of Hill Island Brewery, Unit 7, Fowler's Yard, Durham (for copy see file of Minutes).

Mr S Buston, Solicitor – Litigation advised that the Police had not formally objected to the application but had requested a number of conditions to be added to the licence. Mr Griffin had volunteered certain conditions for consideration by the Sub-Committee.

Mr D Hall, Senior Environmental Health Officer addressed the Sub-Committee. He advised that the premises did not have any sanitary facilities but could be open 7 days a week. It was not acceptable to expect members of the public to use the public toilets at Fowler's Yard.

Councillor Hart asked if the updated internal plan supplied by the applicant was acceptable to Environmental Health. Mr Hall confirmed that if the revised layout complied with Building Control requirements Environmental Health would have no objections.

The applicant indicated that he would have no objections to the actions proposed by Environmental Health being incorporated into the Premises Licence.

Mr Griffin, the applicant was invited to address the Sub-Committee. He advised that he had been trading for nearly 14 years supplying beer to local free houses, however these were now becoming sparse. He was now selling beer from a market stall. He had been operating with Temporary Event Notices but these only allowed 21 days per year. He did not want to run the premises as a pub 24/7.

Following questions from Councillor Hart, Mr Griffin explained that the premises would be open 2pm to 11pm on Friday and Saturday and may open on a Sunday lunchtime with a quiz night during the week. Beer would continue to be brewed on the premises so the majority of time would be used for manufacturing. Mr Griffin also confirmed that he would carry out all those actions Environmental Health deemed necessary.

Councillor Hopgood referred to the amended floor plan and asked how access would be gained to the upper floor as the stairs were to be removed. Mr Griffin advised that he would gain access to the upper floor using the outside staircase but this area was for storage use only with no public access.

Councillor Graham referred to the recommendation of the Fire Officer that the maximum occupancy of the building should be no more than 40 persons and Mr Griffin confirmed that he would comply with this limit.

Mr Griffin asked if the conditions could be granted for on-sales only during the works to allow off-site sales. Mr Griffin was advised that this would not be possible and was encouraged to have ongoing dialogue with the relevant authorities during the construction period.

At 1.10pm the Sub-Committee retired to deliberate the application in private. After re-convening at 1.25pm the Chairman delivered the Sub-Committee's decision.

In reaching the decision the Sub-Committee had considered the verbal and written representations of the applicant and Environmental Health, the written comments of the Fire Officer and the additional conditions suggested by the Police. Members had also taken into account the Council's Statement of Licensing Policy and Section 182 Guidance issued by the Secretary of State.

Resolved:

That the application be granted subject to the following conditions:-

General - all four licensing objectives

- a) The premises will be managed in line with the four licensing objectives and government legislation.
- b) Written protocols will be in place detailing policies, procedures, roles and responsibilities in the effective implementation and management of the licensing objectives. This documentation to be held on-site and to be made available upon request.
- c) All staff should undertake an accredited age-related sales training course, including 'proxy sales', before they start employment and should undertake in-house refresher training every six months. Accredited training should be renewed every two years and any new staff should undergo accredited training before commencing duties. Temporary staff should be given facilitated training before commencing duties. Facilitated training should be document and held on-site.
- d) Authorised staff, employed by Durham Constabulary, shall have free access to all parts of the licensed premises, at all reasonable times, for the purpose of inspection to ensure compliance with the terms and conditions of the premises licence and to ensure the promotion of the licensing objectives.
- e) All staff training records will be signed and held on-site and made available to the relevant authorities upon request.
- f) The premises may be required to employ door staff at the reasonable request of Durham Constabulary where concerns are identified and/or when the premises are used as a vertical drinking establishment where little or no seating is provided. Durham Constabulary can agree, in consultation with the Premises Licence Holder, the number of staff required at these times. Any such door staff shall be licensed by the Security Industry Authority and wear a visible licence badge issued by the SIA.
- g) The Premises Licence Holder must maintain a register of any such door staff, showing the name, date of birth, residential address and licence number. The register shall also show the date and time each member of door staff started duty and finished their duty and details of any incident that occurs during that period of duty.
- h) The register must be kept at the licensed premises and be readily available for inspection during licensed hours, by responsible authorities, at reasonable request.
- i) The premises will provide written evidence of the maximum capacity (including staff) for the premises and this written evidence will be

displayed at all entrances and exits. This capacity will be confirmed and set by County Durham & Darlington Fire & Rescue Authority.

- j) Live music will cease at 23:00 hours, except for New Years' Day when it shall cease at 01:00 hours. All windows and doors will be kept closed after 22:00 hours, apart from doors used for entrance and egress.
- k) A Personal Licence Holder and/or the Designated Premises Supervisor will be present on the premises:
 - i) After 22:00 hours when licensing activities are taking place
 - ii) At all times the premises are a 'vertical drinking establishment' where little or no seating is provided

The prevention of crime and disorder

- l) Visual inspection and personal interaction with customers will enable staff to determine if a customer is fit to be sold alcohol. If staff believe a person to be intoxicated with drink or drugs they will be refused.
- m) CCTV will be installed and maintained to Home Office standards and recordings stored for a minimum of 28 days. The system will incorporate a batter back-up system to enable continuous recording in case of any blackout or failure. The premises will ensure that at least one trained member of staff is available to operate the system at all times the premises are open. Such staff will download any images requested by an authorised officer at reasonable request.
- n) Notices will be clearly displayed at the entrance and around the premises, stating CCTV is in operation.
- o) An operational weekly log report must be maintained and endorsed by a signature, indicating the system has been checked and is compliant. In the event of any failings, any actions taken are to be recorded.
- p) The premises will provide suitable devices (USB or discs) for the storage of downloaded images and these devices will be securely stored. These devices will be made available to relevant authorities on reasonable request.

Public safety

- q) Where PubWatch exists, the premises will be an active member and will attend meetings and join activities.
- r) The premises shall maintain an incident book and record/report all instances of disorder both inside and directly outside the premises. This documentation shall be held on-site and made available to the relevant authorities on reasonable request.

Sanitary accommodation provision

- s) Two self-contained toilets are required with a wash hand basin for each toilet. Basins to be provided with hot and cold running water or water at a suitable temperature (instantaneous water heater).
- t) Toilet doors to be fitted with self-closers and mechanical extract ventilation to the external air (this will remove the need for the sanitary accommodation to have lobbies).
- u) Internal surfaces to be impervious easily cleaned.
- v) The dimensions of the toilets to conform to current building regulations.

Health & Safety

- w) If the bar is to be in the basement and the main drinking area is on the ground floor there are obvious implications as regards slips from people carrying glasses of beer up the staircase. The treads would need to be covered in an appropriate non-slip surface covering.
- x) Mezzanine floor barrier to be fitted with a lower kick plate. This is to prevent items rolling off on to the floor below.
- y) Positioning of the furniture on the ground floor should be such that it helps to discourage people leaning over, standing and drinking at the barrier to minimise risk of items being dropped on to persons below.

Food Safety

- z) The bar is to be provided with a wash hand basin with hot and cold running water. All surfaces to be impervious easily cleaned.
- aa) A sink to be provided to the food room with hot and cold running water. A larger Belfast style sink is advisable to enable effective cleaning of equipment.
- bb) Existing concrete floor if level and sealed with a good quality floor paint to enable effective cleaning would be acceptable in the food room (brewing and bar area). An effective and resistant floorcovering to the food areas ie 'altro' style non-slip floor covering.
- cc) Walls/ceiling surfaces to be impervious easily cleaned.

The prevention of public nuisance

- dd) The Designated Premises Supervisor (DPS) shall actively work with local Beat Officers/PCSOs in the reporting of any incidents connected to the premises.
- ee) No alcohol will be consumed in any of the areas directly outside of the premises unless covered by a Temporary Event Notice.

The protection of children from harm

- ff) Challenge 25 shall be enforced. A refusals register shall be held within the premises and all refusals will be logged along with any behaviour associated with the refusal. All staff will be trained in its use. The refusals register will be made available to relevant authorities upon request.
- gg) Persons known to be, or suspected of buying alcohol on behalf of children will be refused and reported to the Police. The premises will work with the Police to minimise the risk of proxy provision/proxy sales (alcohol purchased or obtained by young people by relatives or older friends).
- hh) The premises shall display poster regarding Challenge 25 and proxy sales.
- ii) Children under the age of 16 years must be accompanied by an adult at all times whilst inside the premises and must leave the premises by 22:00 hours.
- jj) Children aged between 16 and 18 years must leave the premises by 23:00 hours.
- kk) Staff will be trained before making sales of alcohol in their responsibilities under the Licensing Act 2003. All staff, responsible for selling age restricted goods, to be trained to implement the age verification policy. Staff training shall include the risk from proxy sales. Training records for staff shall be maintained and refresher training to be provided annually.

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DURHAM COUNTY COUNCIL

At a Meeting of **Statutory Licensing Sub-Committee** held in Council Chamber, Council Offices, Spennymoor on **Tuesday 21 June 2016 at 10.00 am**

Present:

Councillor B Glass (Chairman)

Members of the Committee:

Councillors A Batey, J Lee and P May

Also Present:

Ms S Grigor – Solicitor, Durham County Council
Ms M Hamilton – Trainee Solicitor, Durham County Council
Ms K Robson – Senior Licensing Officer
Mr A Bimbi – On Behalf of the Applicant
Ms A Evans – Other Persons, Crossgate Community Partnership
Ms L Brown - Other Persons, Crossgate Community Partnership
Mr A Doig - Other Persons, Crossgate Community Partnership
Mr B McKeown - Other Persons, Crossgate Community Partnership
Mr P McDermor – Senior Fire Safety Officer, Responsible Authority

1 Apologies for Absence

Apologies for absence had been received from Councillor O Gunn.

2 Substitute Members

There were no substitute Members.

3 Declarations of Interest

There were no declaration of interest.

4 Minutes

The minutes of the meetings held on 13 January 2016, 15 March 2016, 6 April 2016 and 26 April 2016 were agreed as a correct record and were signed by the Chairman.

5 Application for the Grant of a Premises Licence - The Basement Bar, 28 Neville Street, Durham

Consideration was given to the report of the Senior Licensing Officer regarding an application for a Premises Licence in respect of The Basement Bar, 29 Neville Street, Durham (for copy of report, see file of minutes).

A copy of the application and supporting documents had been circulated, together with a list of additional conditions agreed with Durham Constabulary and representations from an 'other person'.

Mr Bimbi, who was speaking on behalf of the applicant, indicated that the premises were located at 29 Neville Street and not 28 as indicated in the report.

The Senior Licensing Officer indicated that no representations had been received from the Fire Authority and Durham Constabulary had mediated additional conditions with the applicant, details of which could be found at Appendix 3 of the report.

The Chairman sought clarification on which police officer had been involved in the mediation. The Senior Licensing Officer confirmed that the officer was PCSO M Haigh.

Mr McKeown, speaking on behalf of Crossgate Community Partnership indicated that the Fish Tank was also owned by Mr Bimbi and the police had approved the extension of that site in principle. The police were now supporting a further application for a second nightclub on the site and there were now more residents in the vicinity.

Mr Doig, speaking on behalf of Crossgate Community Partnership asked if any of the panel had visited the site in question. The Chairman responded that he visited the site at 10.45 pm last night to get a feel of the area.

Mr Doig then referred to the Applicants agent Mr T Robson and asked if the panel were aware of his previous occupation and if he was going to be in attendance.

The Senior Licensing Officer advised all parties that he was currently out of the country and would not be in attendance.

The Chairman responded that they were aware that he was a retired Police Officer who worked in the Alcohol Harm Reduction Unit at Durham Constabulary. He indicated that he was a retired Police Officer and knew Mr T Robson and indicated that he was happy to withdraw from the meeting.

All parties confirmed their agreement for the Chairman to continue to sit as Chairman of the meeting.

Mr Bimbi indicated that he had brought in Mr Robson due to his training but did not feel that he was required to attend the meeting but Mr Robson had indicated that he would change his holiday if his attendance was required.

Mr Bimbi then indicated that The Basement was a new premise with no history which was beneath ground level with no windows. He had been very open with everyone about the application and had liaised with responsible authorities and residents.

The purpose of the premises was to operate as a bar with food and it had never been suggested that it was a restaurant as indicated in the minutes of the Crossgate Community Partnership and he asked for revocation of the minutes. He referred to the green bin which was kept 5 metres away from the premises and was used by the Fish and Chip shop. The bin had been there for 60 years and Environmental Health had not raised any issues with the bin.

The problems with the bin had been of a contractual nature and he had no disputes with residents. The waste from these premises would be minimal as it was not a food premise and he would manage the disposal of refuse.

Reference was made to residents objecting to the application but none had been received. The operating schedule addressed any concerns and went beyond the normal requirements.

The only representation received was from Crossgate Community Partnership.

He went on to say that Durham City Centre had bars and restaurants and Saddler Street which had bars and restaurants had no kerbs. He had agreed that the sound level would be set at a level so as not to cause a nuisance. The premise was at basement level which would prevent noise breakout. Drinking alcohol in the streets was not illegal in the City Centre but he was happy for no drinks to be taken outside except for off sales.

The measures in place would not undermine Crime and Disorder and he had worked closely with Mr Robson of TJR Licensing Ltd to ensure the premises would be a safe establishment. He had a policy and training package in place and was a safe establishment and no representations had been received from Responsible Authorities.

The premises would be an individual establishment and Environmental Health had not raised any objection as there would be no transfer of food as any food would be prepared and served from behind the bar.

This was a new application and he would object to any condition making it non-transferable and they had produced a policy and procedure manual which was not part of the operating schedule but was his guarantee (a copy of the manual was provided for the panel to peruse).

TJR Licensing Ltd would conduct full training which was above and beyond the licensing requirements and he asked that the licence be granted.

The Chairman sought clarification on how they would regulate the numbers so that they were not over capacity.

Mr Bimbi responded that the door supervisors and bar staff would regulate the capacity. The door supervisor would have a clicker and they would have a limit of 90 to ensure that they don't go over the capacity. They would also have cameras at the door.

The Chairman sought clarification on the evacuation process. Mr Bimbi responded that staff would be trained to usher patrons out using the two exits. The Fire Officer was happy with the staircases both of which were wider than other premises. The main entrance was one run of stairs and the proposed security company were very competent in the evacuation of premises.

The Chairman referred to smoking and was this going to be a problem for residents.

Mr Bimbi responded that they would have notices on display to ensure that the noise was kept to a minimum and the Fish and Chip shop was open until 3.00 am and no complaints had been received with regard to noise.

The Chairman responded that the Fish and Chip shop was different as customers left the premises and did not stand outside.

Mr Bimbi referred to the Fish Tank which had not attracted complaints but the area was predominantly commercial with the exception of some student accommodation and they were usually in the premises.

The Chairman sought clarification on the primary purpose of the premises. Mr Bimbi indicated that it was a bar which would serve light bite food which they could produce from behind the bar. If the sale of food was successful then they would install a kitchen and a dumbwaiter.

Councillor Batey referred to the exits for the premises which were a concern and the frequency of patrons going in and out of the premises. Was there going to be a facility on the wall for the disposal of cigarettes. She had looked at the circulated photographs that showed cars parked outside and the path was very narrow.

Mr Bimbi responded that they would install boxes on the wall for cigarettes but the building still required a lot of work.

Councillor May raised concerns at the amount of people that would be congregating outside the premises and sought clarification why the licence was required from 9.00 am.

Mr Bimbi indicated that they may produce breakfasts and if successful they may install a kitchen.

Concerns were raised by 'Other Persons' that they were receiving mixed messages that the premises were not going to be food led then it is going to be food led.

Mr McKeown indicated that he lived in Neville Street and referred to four bins which were controlled by Mr Bimbi. The issue of the bins had been raised in a previous licensing meeting and they had been assured that the problems with the bins would be resolved. The width of the footpath was narrow and the bins on the pavement were affecting the movement of people and nothing had been done since the licensing meeting in 2008.

Mr Bimbi indicated that he only had one bin but he would take responsibility for the bins. The bin shown in the photograph did not belong to him and he was not aware of any issues with the bins.

Mr McKeown then referred to the premises and his concerns with regard to the evacuation of the premises in the event of a fire as the building housed two nightclubs and a Fish and Chip shop which would have to be evacuated simultaneously. There was also a junction in the stairs which could cause major problems.

Mr Bimbi indicated that the Fire Officer was happy with the proposals.

Councillor Batey sought clarification if one bin would be adequate.

Mr Bimbi responded that the bin was only for the takeaway and the rubbish for the Basement Bar would be bagged and collected at 7.00 am on a morning which was the system used by several premises including the Fish Tank.

Ms Evans speaking on behalf of Crossgate Community Partnership referred to the Licensing Act 2003 and the four licensing objectives which were all relevant to this application. Their submission dealt with three of the four licensing objectives.

She then referred to the prevention of crime and disorder which would increase as people would congregate on the pavement outside which is narrow and does not promote but encourages crime and disorder which would be increased when joined by patrons from the Fish Tank.

There was a concern for public safety due to the number of residential properties in the area and if it was congested outside people would be forced onto the road as there was no space on the pavement.

She went on to talk about public nuisance as patrons would come and leave in a party mood which would create noise as well as refuse left outside especially cigarette ends. Did they have a procedure for emptying and sweeping up litter?

They were concerned that the premise was a dwelling but was now three businesses who shared the same exit. They referred to the opening hours and indicated that there was no justification for the premises to be open late.

They would ask that the application be refused but if agreed they would ask that the outside of the premises be not used for smoking and the premises be open no later than 12.00 midnight.

Mr Bimbi responded that the premises had Fire and Evacuation Training in the manual and he already employed someone to pick up cigarette butts twice a week which was sufficient.

The Council's Solicitor asked Mr Bimbi for his comments on revising the opening hours. Mr Bimbi responded that there was a demand for the opening hours as submitted.

Councillor May was concerned at the number of people who could be outside and the litter and asked if they would be prepared to clean up outside. Mr Bimbi indicated that they cleaned rubbish up daily last thing before they closed but they had a designated man to clean up the area twice a week.

In summing up, Mr Bimbi indicated that he had worked closely with authorities especially the Fire Authority and would look at installing a mist system into the premises which would ensure that a fire could not take hold.

Ms Brown indicated that she was disappointed that a representative from the Fire Authority was not in attendance and no correspondence had been received. The Senior Licensing Officer advised Members that they would only receive correspondence if there was an issue with the application.

Mr McKeown referred to the safety of the premises in the event of a fire and raised concerns that no modelling of the two premises been evacuated simultaneously had been done.

At this point, Mr Doig left the meeting.

The meeting adjourned at 11.00 am to enable a representative from the Fire Authority to attend the meeting.

The meeting re-convened at 11.30 am and Mr McDermott, Senior Fire Safety Officer, County Durham and Darlington Fire and Rescue Service joined the meeting.

The Senior Fire Safety Officer indicated that the premises have three floors with two staircases and the middle floor was a Fish and Chip Shop and the Fish Tank was located on the top floor.

A lot of excavation works were required to the lower floor and the proposal was for a single stair case to the premises and a new staircase to the rear which would link to the Fish Tank. The first set of stairs to the Fish Tank was independent to the Fish Tank.

He referred to fires in the Fish and Chip shop which were rare and equipment was fitted with a double isolation unit which would switch off the chip pan. Each level would have a one hour floor and 30 minute fire doors. There was a lot of staff in the Fish and Chip shop and there was no risk as it was a separate unit and no staff would be sleeping at the premises.

The Chairman referred to the staircase from the basement which would have a dog's leg. The Fire Officer responded that the stairs were wider than the minimum requirement and a dog leg was used as a breather. They looked for the width of the stars rather than straight stairs.

Ms Brown sought clarification if staircases should be enclosed. The Fire Officer responded that this was not a condition as they were already separated by a Fire Door.

The Chairman referred to talks about installing a mist system. The Fire Officer responded that they had discussed the installation of a mist system and if there were more than 60 people in a room then there should be more than one exit route as it was about time. This room would have two exits and the fire would be controlled as it would be seen. A mist system is expensive but very good but was not a requirement as the numbers would not require a mist system and two escape routes.

The Chairman asked if they were happy with the fire prevention proposals. The Fire Officer responded that the application met all the requirements.

Ms Evans sought clarification on where the second exit leads to and if it was shared. The Fire Officer confirmed that it led out to Neville Street which was shared by three but the numbers were small.

Ms Evans then went on to ask if there was a major fire could they all get out through one door.

The Fire Officer responded that there was a fire alarm system for the whole building so all would be evacuated. In practise if the fire alarm went off the room would be split as people would leave by the nearest exit which staff would help carry out.

Mr Bimbi advised that staff would initially receive two week training then this would be followed up monthly.

The Fire Officer indicated that the premises would receive a second inspection a year later but any changes or complaints or request for advice would require a further inspection and they would question staff. Mr Bimbi suggested that this could be done after six months.

The Fire Officer indicated that the premises would not open until inspections had been conducted.

Mr McKeown referred to the recent Fish and Chip shop fire at Langley Moor and asked the Fire Officer to describe the damage caused by the fire.

Mr McKeown then indicated that the premises would also consist of a night club and Fish and Chop Shop, the footpath outside was narrow and four bins which were not used responsibly which also blocked the already narrow path.

The Fire Officer explained that in the event of a fire patrons would go down the hill rather than up. Bins should not obstruct an escape route and not positioned where there could be an arson attack. The bins should be up against a wall but not placed in front of doors and windows. A lock could be placed on the bin even though it was located on a pathway.

He went on to talk about the training of staff to help people get out of the building.

The Chairman indicated that in his experience patrons would leave the area once evacuated.

At this point the Fire Officer left the meeting.

Ms Evans indicated that she was still concerned about the cumulative impact of three premises in the one building and the arrangements for refuse were not adequate. The building was not suitable for three premises and they were concerned about the noise and local residents deserved better.

At 12.05 pm the Sub-Committee retired to deliberate the application in private. After re-convening at 12.25 pm the Chair delivered the Sub-Committee's decision. In reaching their decision Members had taken into account the written and verbal representations of the applicant and the written and verbal representations of other persons. The Sub-Committee also took into account information provided by the Fire Safety Officer, together with Section 182 Guidance issued by the Secretary of State and the Council's Licensing Policy.

Resolved:

That the application for a Premises Licence be granted as follows:

Activities	Days & Hours
Sale of Alcohol (on and off sales)	09.00-01.30hrs Monday to Saturday 09.00-01.00 hrs Sunday
Provision of Films (indoors only)	09.00-02.00hrs Monday to Saturday 09.00-00.00 Sunday
Provision of Live Music (indoors only)	09.00-23.30 hrs Monday to Saturday 09.00-23.00hrs Sunday
Provision of Recorded Music (indoors only)	09.00-02.00hrs Monday to Saturday 09.00-01.30 hrs Sunday
Provision of Performances of Dance (indoors only)	09.00-02.00 Monday to Saturday 09.00-01.30hrs Sunday
Late night Refreshment (indoors only)	23.00-02.00hrs Monday to Saturday

Opening Hours	<p>23.00-01.30hrs Sunday</p> <p>09.00-02.00hrs Monday to Saturday</p> <p>09.00-01.30 hrs Sunday</p> <p>Non Standard Timing: The premises may remain open for the provision of Licensable Activities from the terminal hours for those activities on New Years Eve though to the commencement time for those activities on New Year's Day</p>
---------------	--

The mediated conditions are as follows:-

General

Written protocols will be in place detailing Policies, Procedures, Roles and Responsibilities in the effective implementation and management of the licensing objectives. This documentation will be held 'on site' and made available to Responsible Authorities on reasonable request (Section 6.5 promoting excellent standards of management-DDC Statement of Policy).

Authorised staff employed by Durham Police shall have free access to all parts of the licensed premises, at all reasonable time, for the purpose of inspection to ensure compliance with the terms and conditions of the premises licence and to ensure the promotion of the licensing objectives.

All staff training records will be signed, held 'on site' and made available to Responsible Authorities on reasonable request (Section 6.5 & 10.7).

The premises will provide written evidence of the maximum capacity for the premises and this will be displayed at all entrances and exits. This capacity will be confirmed and set by County Durham and Darlington Fire and Rescue Authority.

Basement 29 will be run as a 'stand-alone' premises and will not allow, direct access to and from the Fish Tank premises, situated on the first floor of the building, by customers frequenting either premises.

The Prevention of Crime and Disorder

The system CCTV will incorporate a 'Battery Back-up' system to enable 24hr continuous recording in case of any power blackout /failure.

A monitor displaying all CCTV cameras will be positioned at the entrance of the building, to allow the member of door staff on duty at the main entrance to view images, of all internal areas, that allow access to members of the public.

Notices will be clearly displayed at the entrance and around the premise stating CCTV is in operation.

The premises will provide suitable devices (USB or discs) for the storage of downloaded images and these devices will be securely stored. These devices will be made available to Responsible Authorities on reasonable request and USB devices returned when used.

Public Safety

Where a Pub watch exists, the premise will be an active member and will attend meetings and join activities.

The premise will maintain an incident book and record/report all instances of disorder both inside and directly outside the premise. This documentation will be held 'on-site' and made available to Responsible Authorities on reasonable request.

The Prevention of Public Nuisance

The Designated Premise Supervisor (DPS) will actively work with local Beat Officers/PCSO's in the reporting of any incidents connected to the premise (Section 7.2, 9.5 & 9.6).

A noise limiting device will be fitted and set to a level agreed by Durham County Council Environmental Health Department. This device will be fitted and the level before the premises opens to members of the public. This device may incorporate the setting of a volume control at a level specified by an authorised Environmental Protection officer.

The PLH shall ensure that any patrons smoking outside the premises do so in an orderly manner and are supervised by staff so as to ensure that there is no public nuisance, obstruction of the public highway.

No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 22.00 hours and 08.00 hours on the following day.

No collection of waste or recycling materials (including bottles) from the premises shall take place between 22.00 and 08.00 on the following day.

Durham Constabulary also require confirmation, before the premises open to members of the public, via an inspection, that all staff training (initial staff) and written policies and procedures are in place and that all conditions written into the Premises Licence have been adhered to in relation to the noise limiter.

The committee also requires the applicant to submit a copy of the operating policy to the Licensing authority. The committee would like the applicant to maintain an open dialogue with Environmental Health and the Highways department in relation

to waste disposal. In the same way the applicant is requested to keep an open dialogue with the Resident's Association.

The applicant is also to make arrangement to empty the cigarette receptacle each morning outside the premises.

In addition the following conditions were agreed with the Local Safeguarding Childrens Board and should be added to the conditions of the licence.

Minimise the risk of proxy sales-The applicant will work with the police to minimise the risk of proxy provision/proxy sales. This is alcohol purchased or obtained for young people by relatives or older friends).

Training of staff-All staff responsible for selling age restricted goods to be trained to implement the age verification policy. Staff training to include the risk from proxy sales. Training records for staff to be maintained and refresher training to be provided annually.

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Statutory Licensing Sub-Committee

6th September 2016

Application for the Grant of a Premises Licence



Report of Oliver Sherratt, Interim Corporate Director, Neighbourhood Services

Name and Address of Premises: David of Durham Wine, 2 Roman Road,
Brandon, Durham, DH7 8UF

1. Summary

The Sub-Committee is asked to consider and determine the application for the grant of a premises licence received from:

Mr David Tindale
2 Roman Road
Brandon
Durham DH7 8UF

A plan showing the location of the premises is attached at Appendix 1.

2. Details of the Application

An application for the grant of a premises licence was received by the Licensing Authority on 15th July 2016. A copy of the application is attached as Appendix 2.

The application is deemed by the Licensing Authority to be correctly served.

The application is in respect of the following licensable activities and for the hours detailed:

Activities	Days & Hours Requested
Sale of Alcohol (off sales)	Monday to Sunday 00:00 to 24:00 hrs

The applicant has proposed the steps that they intend to take in order to promote the four licensing objectives, which are outlined within the application form.

3. The Representations

The Licensing Authority received seven letters of representation, one from Durham Constabulary, and six from 'other persons', namely Pat Manson &

Derrick Robinson, Paul Hutchinson, Mr R Bowes, Mr & Mrs Kitching, Ms W Duery, Mrs Jefferson.

The representations relates to the following licensing objectives:

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

A copy of the representations are attached as Appendix 3.

4. Parties

The Parties to the hearing will be:

- Mr David Tindale (Applicant)
- Mr Martin Haigh - Durham Constabulary
- Ms Manson & Mr Robinson (Other persons)
- Mr P Hutchinson (Other person)
- Mr R Bowes (Other person)
- Mr & Mrs Kitching (other persons)
- Ms W Duery (other person)
- Mrs Jefferson (other person)
-

5. Durham County Council Statement of Licensing Policy

The Sub-Committee's attention is drawn to the following relevant parts of the Policy:

- 7.0 The Prevention of Crime and Disorder
- 8.0 Public Safety
- 9.0 Prevention of Public Nuisance
- 10. The Protection of Children from Harm
- Appendix B - Framework Licensing Hours

Relevant information is attached as Appendix 4.

6. Section 182 Guidance

The Sub-Committee's attention is drawn to the relevant parts of the Guidance issued under section 182 of the Licensing Act 2003 as follows:

- 2.1 – 2.5 Prevention of Crime and Disorder
- 2.6 - 2.13 Public Safety
- 2.14 - 2.20 Public Nuisance
- 2.25 – 2.35 Protection of Children from Harm

Relevant information is attached as Appendix 5.

7. For Decision

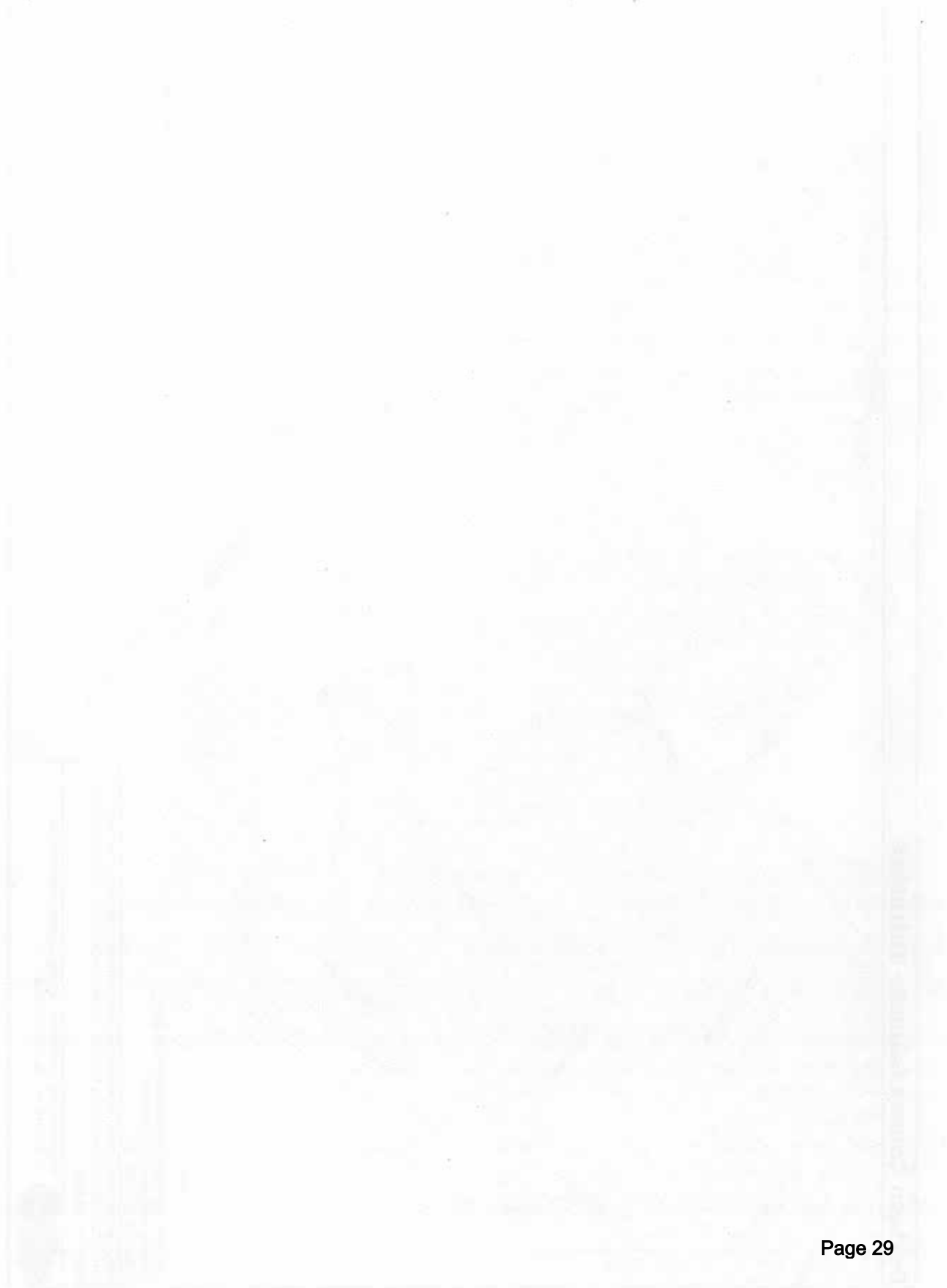
The Sub-Committee is asked to determine the application in light of the representations received.

Background Papers:

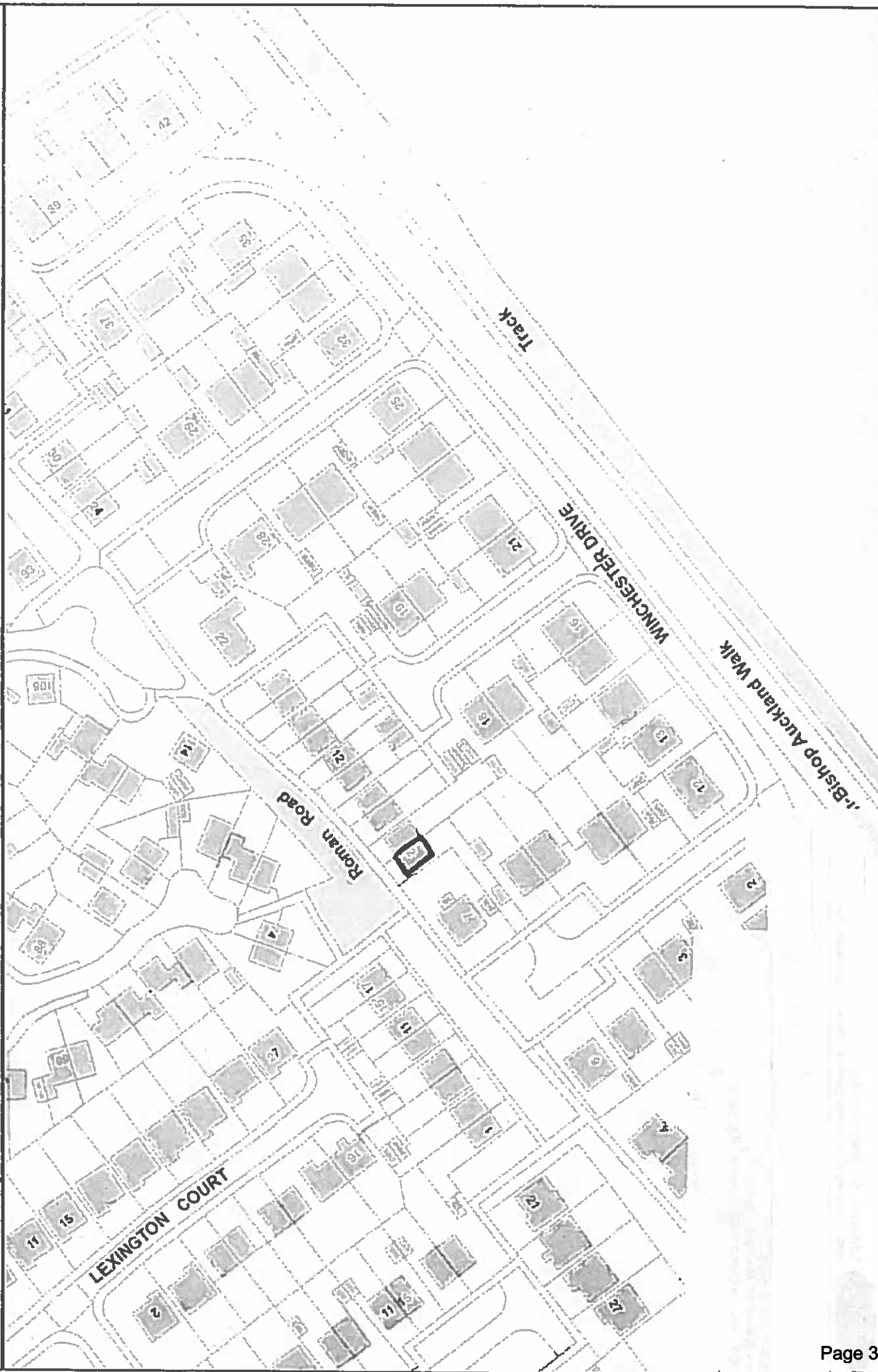
- Durham County Council's Statement of Licensing Policy
- Guidance issued under section 182 of the Licensing Act 2003 (as amended March 2015)

Contact: Karen Robson	Tel: 03000 265104
	Email: karen.robson2@durham.gov.uk

APPENDIX 1 – LOCATION PLAN







APPENDIX 2 – APPLICATION FORM

15/07/16

046002

03 12/8



County Durham
Application for a premises licence
Licensing Act 2003

For help contact
licensing@durham.gov.uk
Telephone: 03000 261016

required information

Section 1 of 19

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 you would prefer not to be contacted by telephone

Are you:

☒ 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 you are applying so you can be employed, or for some other personal reason, such as following a hobby.

Applicant Business

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

* Is your business registered outside the UK? ☐ Yes ☒ No

* 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. *

Business Address

If you have one, this should be your official address - that is an address required of you by law for receiving communications.

* Building number or name

* Street

District

* City or town

County or administrative area

* Postcode

* Country

Section 2 of 19

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 19**APPLICATION DETAILS**

In what capacity are you applying for the premises licence?

- ☒ An individual or individuals
- ☐ A limited company
- ☐ A partnership
- ☐ An unincorporated association
- ☐ 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
- ☐ Other (for example a statutory corporation)

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 Her Majesty's prerogative

Section 4 of 19**INDIVIDUAL APPLICANT DETAILS****Applicant Name**

Is the name the same as (or similar to) the details given in section one?

☒ Yes

☐ No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

First name

David

Family name

Tindale

Is the applicant 18 years of age or older?

☒ Yes

☐ No

Continued from previous page...

Applicant Postal Address

Is the address the same as (or similar to) the address given in section one?

☒ Yes

☐ No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

Building number or name	<input type="text" value="2"/>
Street	<input type="text" value="Roman Road"/>
District	<input type="text"/>
City or town	<input type="text" value="Durham"/>
County or administrative area	<input type="text"/>
Postcode	<input type="text" value="DH78UF"/>
Country	<input type="text" value="United Kingdom"/>

Applicant Contact Details

Are the contact details the same as (or similar to) those given in section one?

☒ Yes

☐ No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

E-mail	<input type="text"/>
Telephone number	<input type="text"/>
Other telephone number	<input type="text"/>

[Add another applicant](#)

Section 5 of 19

OPERATING SCHEDULE

When do you want the premises licence to start?

<input type="text" value="01"/>	/	<input type="text" value="09"/>	/	<input type="text" value="2016"/>
dd		mm		yyyy

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

<input type="text"/>	/	<input type="text"/>	/	<input type="text"/>
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.

The premises is a conventional two floor semi-detached residential house with a detached garage. The premises is situated in a suburban residential estate west of Durham city centre in the village of Brandon. Sales of alcohol are made online and fulfilled through postal service.

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

0

Section 6 of 19

PROVISION OF PLAYS

Will you be providing plays?

☐ Yes

☒ No

Section 7 of 19

PROVISION OF FILMS

Will you be providing films?

☐ Yes

☒ No

Section 8 of 19

PROVISION OF INDOOR SPORTING EVENTS

Will you be providing indoor sporting events?

☐ Yes

☒ No

Section 9 of 19

PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

Will you be providing boxing or wrestling entertainments?

☐ Yes

☒ No

Section 10 of 19

PROVISION OF LIVE MUSIC

Will you be providing live music?

☐ Yes

☒ No

Section 11 of 19

PROVISION OF RECORDED MUSIC

Will you be providing recorded music?

☐ Yes

☒ No

Section 12 of 19

PROVISION OF PERFORMANCES OF DANCE

Will you be providing performances of dance?

☐ Yes

☒ No

Section 13 of 19

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

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

☐ Yes

☒ No

Continued from previous page...

Section 14 of 19

LATE NIGHT REFRESHMENT

Will you be providing late night refreshment?

☐ Yes

☒ No

Section 15 of 19

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

SUNDAY

Start

End

Start

End

Continued from previous page...

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.

n/a

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.

n/a

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

Name

First name

David

Family name

Tindale

Enter the contact's address

Building number or name

2

Street

Roman Road

District

Brandon

City or town

Durham

County or administrative area

Durham

Postcode

DH78UF

Country

United Kingdom

Personal Licence number
(if known)

Issuing licensing authority
(if known)

Continued from previous page...

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 19

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.

n/a

Section 17 of 19

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.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

Continued from previous page...

Training and implementation of underage ID checks.

A log book or recording system shall be kept upon the premises in which shall be entered particulars of inspections made; those required to be made by statute, and information compiled to comply with any public safety condition attached to the premises licence that requires the recording of such information. The log book shall be kept available for inspection when required by persons authorised by the Licensing Act 2003 or associated legislation.

All parts of the premises and all fittings and apparatus therein, door fastenings and notices, lighting, heating, electrical, air condition, sanitary accommodation and other installations, will be maintained at all times in good order and in a safe condition.

d) The prevention of public nuisance

The public are not invited to visit the premises nor purchase alcohol directly from the premises. All off-sales are made through the company website and fulfilled by postal services.

Deliveries of goods necessary for the operation of the business will be carried out at such a time or in such a manner as to no disturb the surrounding residential area, prevent nuisance and disturbance to nearby residents.

The Licensee will ensure that staff who arrive early morning or depart late at night (ex. for unpacking, pricing newly delivered goods) when the business has ceased trading conduct themselves in such a manner to avoid causing disturbance to nearby residents.

e) The protection of children from harm

Company website will display WSTA distance selling regulations in relation to age-restriction.

Age verification is mandatory at time of sale and conducted through www.shopify.co.uk age restriction of sales check-point service. A log of refused sales will be kept.

Section 19 of 19

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

DECLARATION

I/we understand it is an offence, liable on conviction to a fine up to level 5 on the standard scale, under section 158 of the licensing act 2003, to make a false statement in or in connection with this application.

☒ 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?"

Continued from previous page...

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.

n/a

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.

n/a

Section 18 of 19

LICENSING OBJECTIVES

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

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

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

Compliance by DPS and training of involved persons in the business to be carried out with regard to:

No selling of alcohol to underage people.

Maintaining Public safety

Prevention of public nuisance

prevention of crime and disorder

b) The prevention of crime and disorder

no alcohol is to be sold for consumption at the premises and customers are not invited to visit the premises at any time.
Custom will not be sought by means of personal solicitation outside or in the vicinity of the premises.

c) Public safety

The public are not invited to visit the premises nor purchase alcohol directly from the premises. All off-sales are made through the company website and fulfilled by postal services,
Custom will not be sought by means of personal solicitation outside or in the vicinity of the premises.
Well trained staff adherence to environmental health requirements.

Continued from previous page...

* 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 ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

OFFICE USE ONLY

Applicant reference number

Fee paid

Payment provider reference

ELMS Payment Reference

Payment status

Payment authorisation code

Payment authorisation date

Date and time submitted

Approval deadline

Error message

Is Digitally signed ☐

< Previous 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 Next >



required information

Section 1 of 3

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

Not Currently In Use

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

Your reference

David of Durham Wine

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

David

* Family name

Tindale

* 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:

☒ 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 you are applying so you can be employed, or for some other personal reason, such as following a hobby.

Applicant Business

* Is your business registered in the UK with Companies House?

☐ Yes

☒ No

* Is your business registered outside the UK?

☐ Yes

☒ No

* Business name

David of Durham Wine

If your business is registered, use its registered name.

* VAT number

-

none

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

* Legal status

Sole Trader

Continued from previous page...

* Your position in the business

Home country

The country where the headquarters of your business is located.

Business Address

If you have one, this should be your official address - that is an address required of you by law for receiving communications.

* Building number or name

* Street

District

* City or town

County or administrative area

* Postcode

* Country

Section 2 of 3

CONSENT

Name Of Proposed Premises Supervisor

* First name

* Family name

Address Of Proposed Premises Supervisor

* Building number or name

* Street

District

* City or town

County or administrative area

Postcode

* Country

I hereby confirm that I give my consent to be specified as the designated premises supervisor in relation to the following application, and any premises licence to be granted or varied in respect of this application concerning the supply of alcohol at the premises

* Type of application

For instance 'Application for a premises licence' or 'Variation of a premises licence'

Is the application or variation that this consent is being submitted in connection with being supplied electronically to the authority

☐ Yes

☐ No

☒ Don't know

Continued from previous page...

Reference number of
electronic application (if
known)

If the application or variation form is already
submitted, ask its applicant for the form's
'system reference' or 'your reference'.

Premises Licence Holder

* Name

Address Of Premises

* Building number or name

* Street

District

* City or town

County or administrative area

Postcode

Premises

Premise licence number

* Name of premises

I also confirm that I am applying for, intend to apply for or currently hold a personal licence, details of which I set out below

Personal licence number

Personal licence issuing
authority name

Address Of Personal Licence Issuing Authority

Building number or name

Street

District

City or town

County or administrative area

Postcode

Contact Details Of Personal Licence Issuing Authority

Telephone number

Section 3 of 3

DECLARATION

Continued from previous page...

I/we understand it is an offence, liable on conviction to a fine up to level 5 on the standard scale, under section 158 of the licensing act 2003, to make a false statement in or in connection with this application.

☐ 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

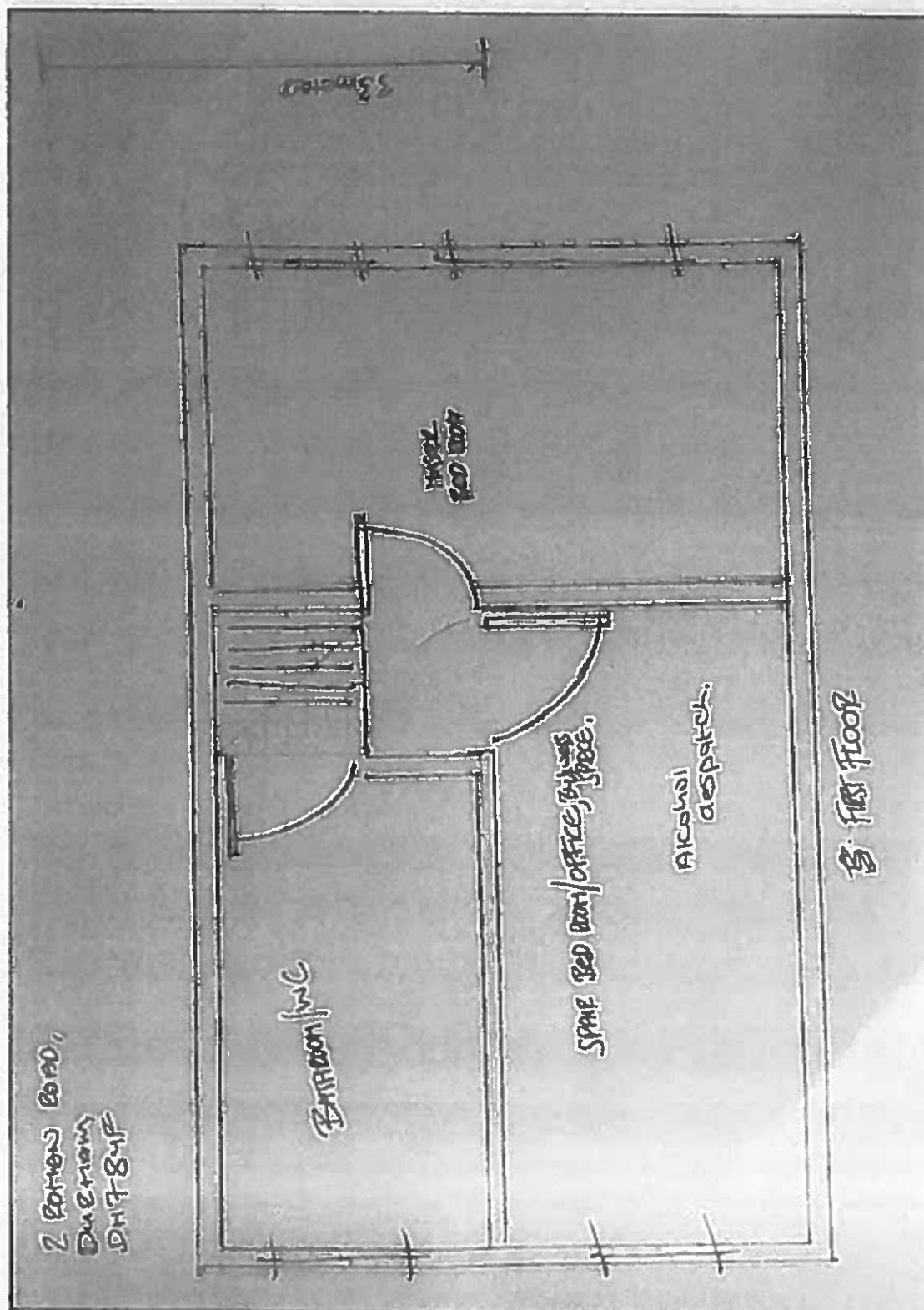
Date (dd/mm/yyyy)

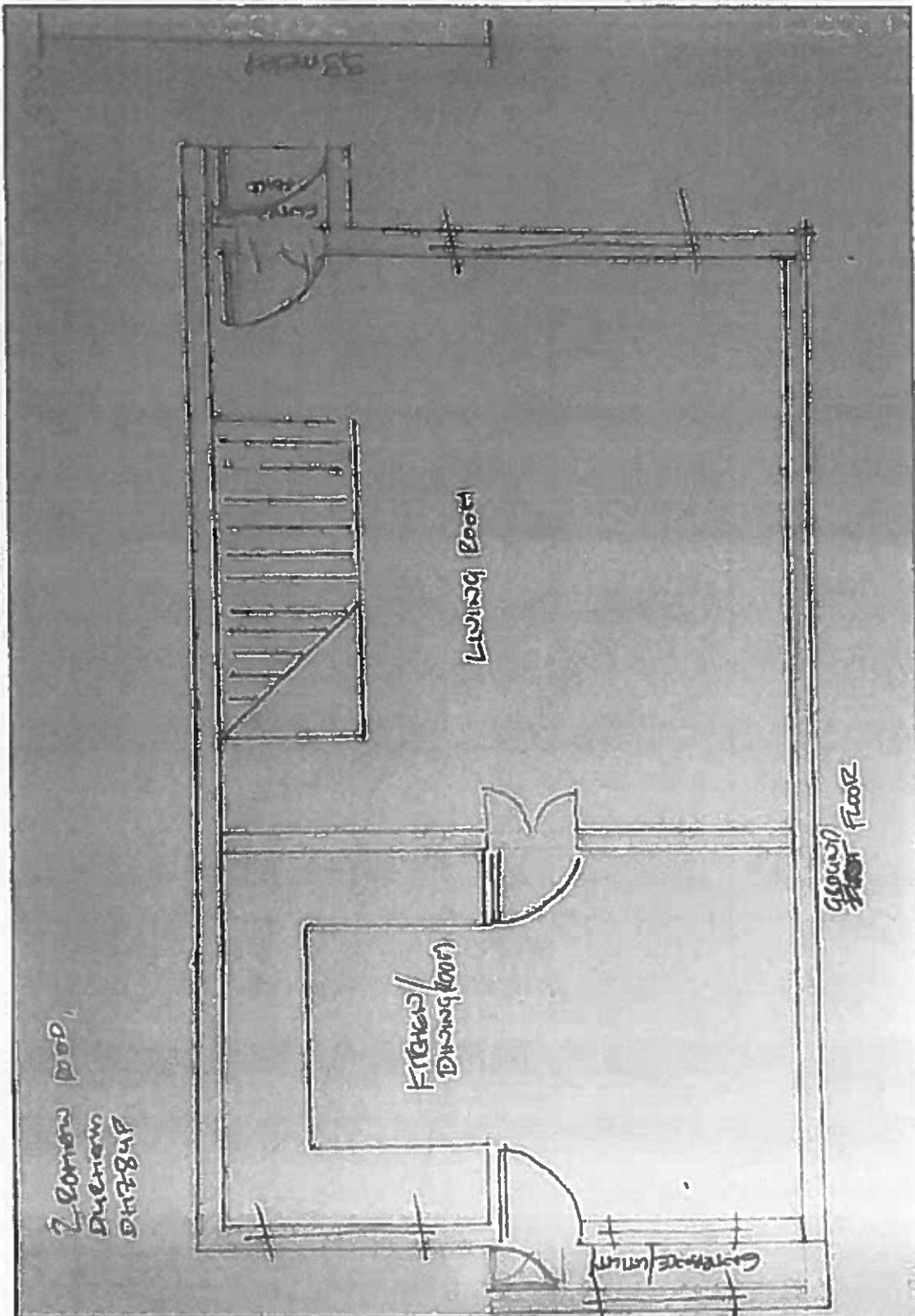
[Add another signatory](#)

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

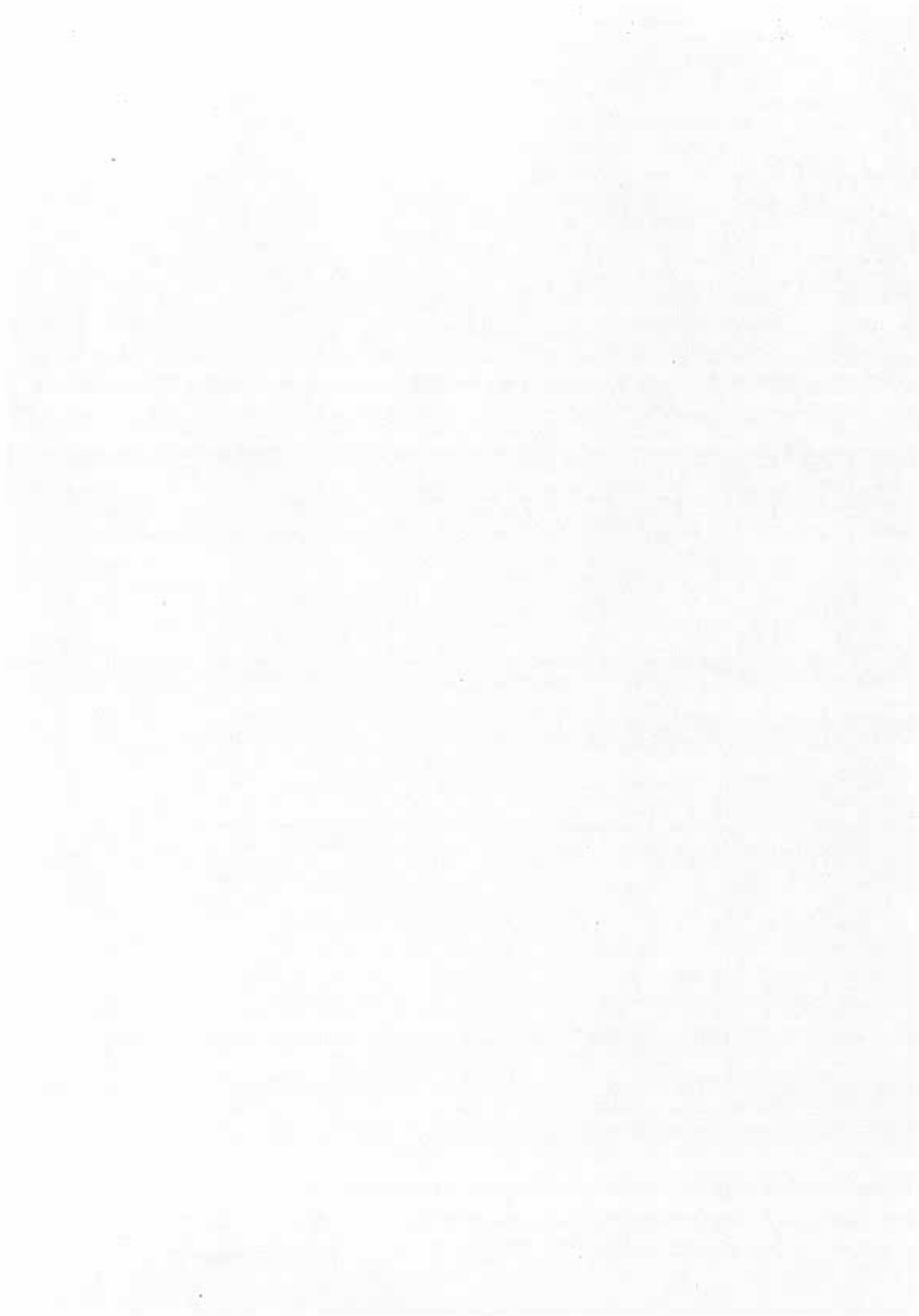
1. Save this form to your computer by clicking file/save as...
2. Go back to <https://www.gov.uk/apply-for-a-licence/premises-licence/county-durham/change-7> to upload this file and continue with your application.

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





APPENDIX 3 – REPRESENTATIONS



REPRESENTATION FROM DURHAM CONSTABULARY

PROTECT



GROUND FOR REPRESENTATIONS

1. Durham Constabulary has, as a Relevant Authority, received the Premises Licence (PL) application for David of Durham Wine, 2 Roman Road, Brandon, Co Durham, DH7 8UF. This application is for the sale of alcohol (off sales only) from a conventional two floor semi-detached residential house with a detached garage. The premises will be situated in a residential estate in the village of Brandon. Sales of alcohol will be made online and delivered through the postal service
2. Durham Constabulary has objected to this application on the grounds of the Prevention of Crime & Dis-order, the Prevention of Public Nuisance and the Protection of Children from Harm
3. Durham Constabulary has concerns regarding the accessibility of the business by children and the training staff will receive in underage sales. There are also concerns as to the nature of the business, specifically the request to supply alcohol 24hours a day when the proposed business plan is to only deliver alcohol via the postal system and the impact this will have on the local community
4. With regard to underage sales, the applicant has stated within the PL application that 'Age Verification' is mandatory at time of sale and conducted through www.shopify.co.uk age restriction at sales check-point service. Closer inspection of this service by Durham Constabulary has highlighted that www.shopify.co.uk offer only an 'Age Selection Form' that is added to the websites front page and this is a simple 'pop up box' asking if the person accessing the site is 18years old. www.shopify.co.uk clearly state that 'age verification is not the best way to prevent visitors from browsing your websites as there's nothing preventing them lying about their age'. (Section 6.11, 10.3, 10.15, 17.4)
5. The applicant does refer within the Operating Schedule' to 'the training of involved persons in the business to be carried out with regard to no selling of alcohol to underage people' however Durham Constabulary would question as to why any staff employed would need training when all sales are made on-line
6. With regard to the licensing hours requested, Durham Constabulary would question the need for a 24hour licence at the premises. The applicant

PROTECT

PROTECT

clearly states, within the Operating Schedule, that all sales will be made via the postal system however Durham Constabulary have concerns that any local orders / sales could be delivered directly to customers as a 'Dial-a-Drink' service thus reducing costs incurred through using the postal service. The applicant is already advertising, via David of Durham Wine's website, for people to hold 'Wine Parties' whereby hosts pay £30 for a selection of wines that are delivered to their home for guests to sample. Durham Constabulary have further concerns that the application does not provide conditions that are robust enough to cover any licensable activities taking place outside of the framework hours (Appendix B, Section 12.7, 12.9, 12.11, 12.14)

7. With regard to the impact on the local community, the premises is situated in a residential area on Roman Road, Brandon, Co Durham. Street views of the premises acquired via a house search, indicate that vehicle access is via Winchester Drive. Winchester Drive has 6 detached/semi-detached one storey dwellings and is a cul-de-sac. Durham Constabulary has concerns with regard to access by postal/courier services to the premises and the impact vehicles will have when delivering and/or collecting goods on the local residents. Of equal concern, are the timings that any deliveries and/or collections will take place and how regular these deliveries and/or collections will be. The applicant has in some way addressed concerns regarding noise emanating from staff arriving or departing work within the Operating Schedule however the applicant does indicate that staff will be working from early morning until late at night which highlights the possible impact on residents. Durham Constabulary also has concerns as to where staff members will park any personal vehicles that they arrive to work in (Appendix B, Section 9.2, 9.6, 12.11, 12.12, 12.14)
8. Durham Constabulary has concerns regarding the lack of security measures the applicant has submitted as part of the Operating Schedule. The premises will take receipt and store quantities of alcohol which could increase the risk of the premises being subject to criminal activity (Thefts / Burglary) and therefore impact on the local community (Section 7.3, 7.11, 8.1, 8.2)
9. Durham Constabulary as a Responsible Authority will, where possible, mediate with an applicant to ensure that a robust and bespoke Operating Schedule is submitted with any Premises Licence application. Unfortunately, despite requests to do so, the applicant has failed to engage with Durham Constabulary to address our concerns.
10. Whilst it is for the Licensing Authority to determine the appropriate action to promote the licensing objectives, Durham Constabulary would respectfully request that the application for a Premises Licence at David of Durham Wines is refused

PROTECT

Martin Haigh

From: Martin Haigh
Sent: 08 August 2016 12:57
To:
Subject: Re: Premises Licence Application

Hi David

Would you please contact me as soon as possible with regard to the Premises Licence application for Durham Wine. Durham Constabulary have some concerns as to the nature of the business and how it will be managed / run.

Kind Regards
Martin

PCSO 7486 Martin Haigh
Harm Reduction Unit
Annand House
Johns Street North
Meadowfield
Durham
DH7 8RS

Martin Haigh

From: Martin Haigh
Sent: 11 August 2016 14:36
To: 'Karen Robson'
Subject: R&: David of Durham wine
Contacts: Karen Robson - Durham County Council

Dear Karen

Durham Constabulary would like to formally object to the Premises Licence application for David of Durham Wine, 2 Roman Road, Brandon, DH7 8UF due to concerns regarding one or more of the licensing objectives namely The Prevention of Crime & Disorder, Prevention of Public Nuisance and the Protection of Children from Harm.

Durham Constabulary has concerns regarding the accessibility of the business by children and the training, staff will receive in underage sales. There are also concerns as to the nature of the business, specifically the request to supply alcohol 24 hours a day when the proposed business plan is to only deliver alcohol via the postal system and the impact this will have on the local community.

Durham Constabulary have contacted the applicant via email and telephone to discuss the application but he has so far failed to respond.

Yours sincerely
Martin

PCSO 7486 Martin Haigh
Harm Reduction Unit
Annand House
Johns Street North
Meadowfield
Durham
DH7 8RS

Martin Haigh

From: Martin Haigh
Sent: 18 August 2016 13:36
To:
Cc: Michael Urwin
Subject: Re: David of Durham Wines

Dear Mr Tindale

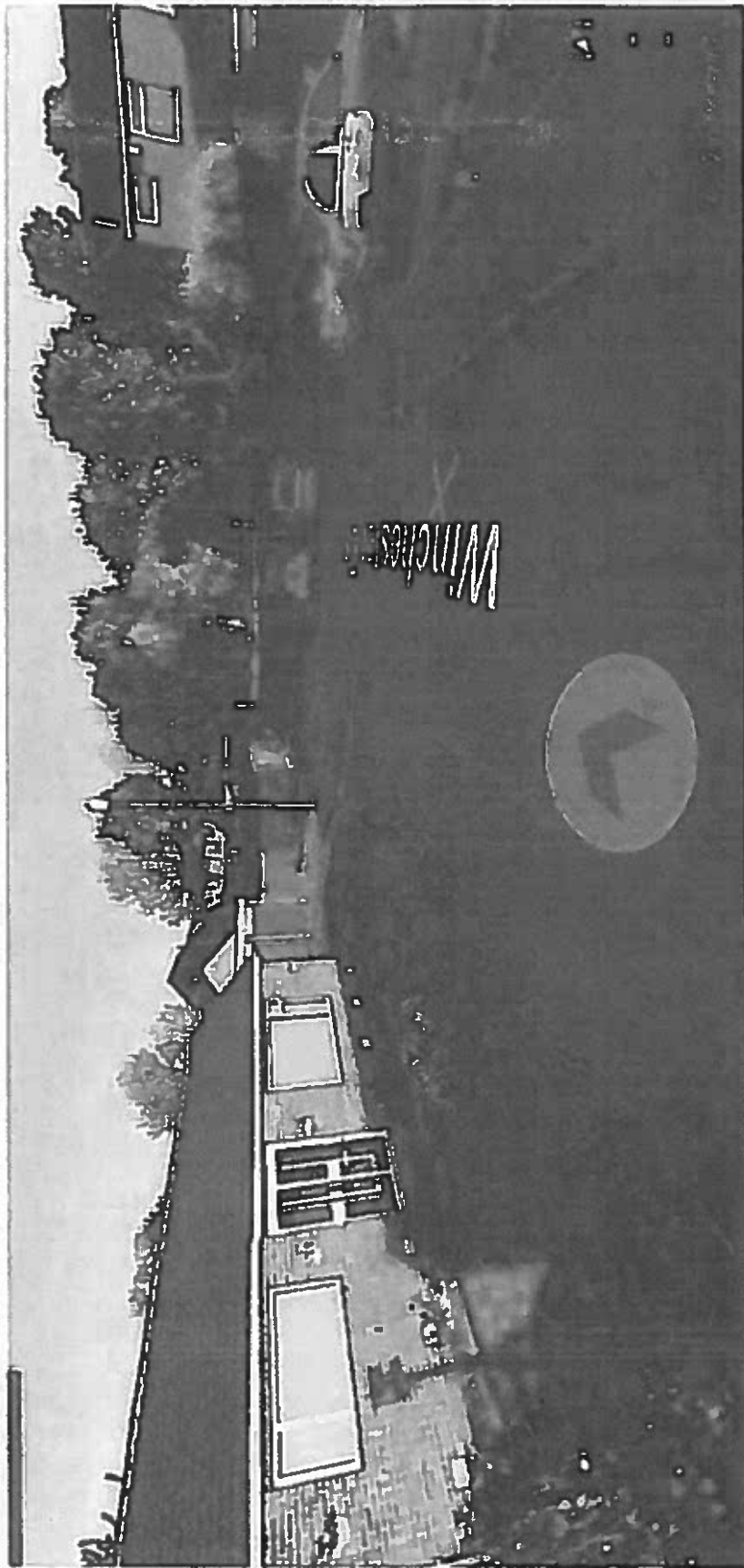
As you may have been made aware Durham Constabulary have objected to the new Premises Licence application for David of Durham Wines, 2 Roman Road, Brandon, Durham, DH7 8UF due to concerns regarding one or more of the licensing objectives namely The Prevention of Crime & Disorder, the Prevention of Public Nuisance and the Protection of Children from Harm.

Durham Constabulary has concerns regarding the accessibility of the business by children and the training, staff will receive in underage sales. There are also concerns as to the nature of the business, specifically the request to supply alcohol 24hours a day when the proposed business plan is to only deliver alcohol via the postal system and the impact this will have on the local community.

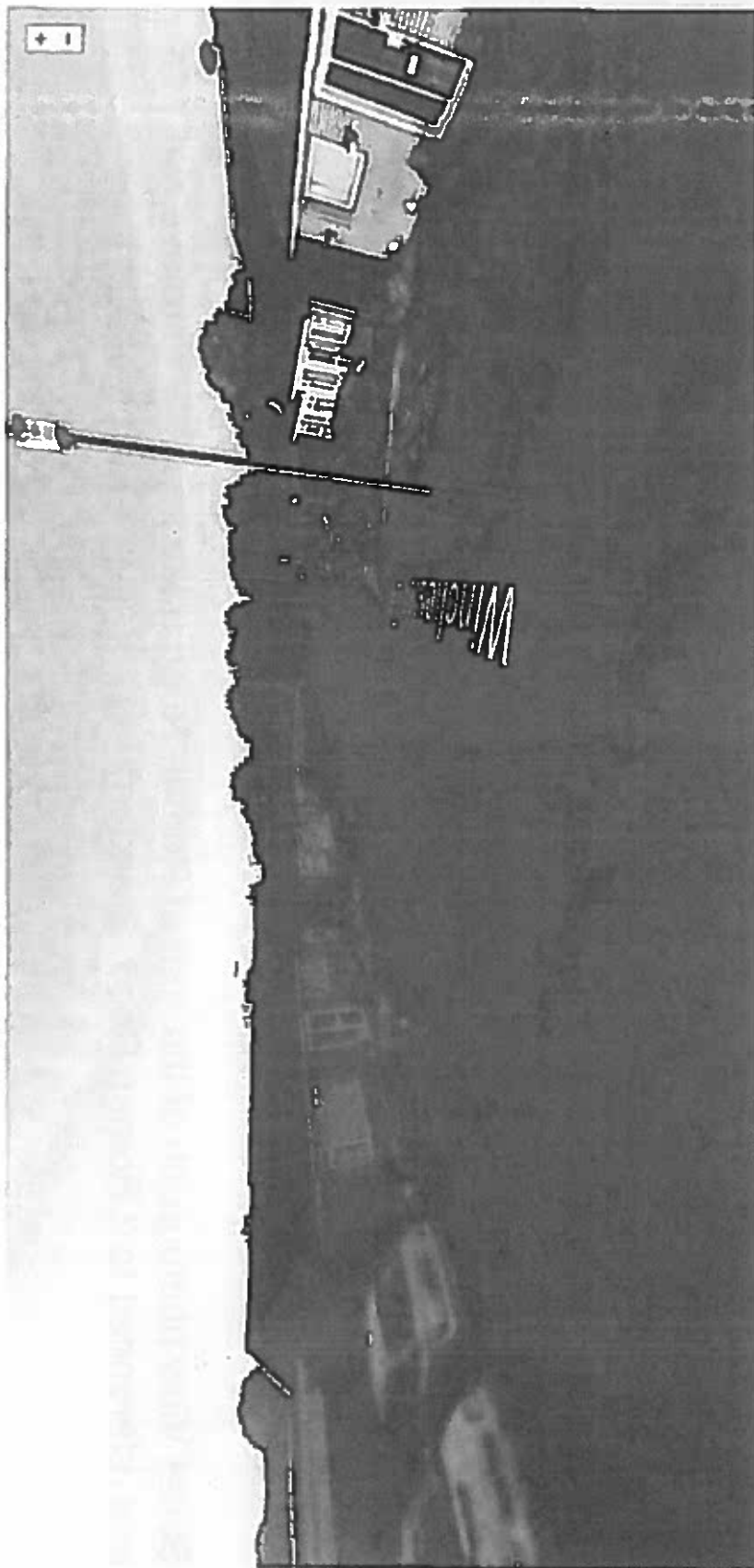
I would be willing to discuss your business plan and/or Durham Constabulary's concerns before the Durham County Council Sub-committee convenes on Tuesday 6 September. If you would like to discuss the application can you please contact me on the telephone numbers below or by email.

Yours sincerely
Martin

PCSO 7486 Martin Haigh
Harm Reduction Unit
Annand House
Johns Street North
Meadowfield
Durham
DH7 8RS



Street View photograph of the rear of Roman Road (taken from 'Rightmove' website and referenced to 2 Roman Road, Brandon)



Street View photograph of the rear of Roman Road (taken from 'Rightmove' website and referenced to 2 Roman Road, Brandon)

[Home \(../\)](#)

[About](#)

[\(../page7/\)](#)

[Wines](#)

[\(../page1/\)](#)

[Events](#)

[\(../page4/\)](#)

... "it's just like one of those parties, you know the type. You've either been to one or hosted one. You gather your friends together and let them sample what's on offer and maybe, just maybe your friends buy some of your goodies from you at the end of the night"....



[\(../\)](#)

From Sex in the City to Shiraz in the Sitting Room – Get Paid to Party

What's more fun than a Girls' Night In with good conversation and a few glasses of wine? Getting paid to do it.

Imagine all those times you've sat around with your friends, fixing the world, trying to fix men, the laughs and the stories. Now imagine that you made some money, too. Here at David Of Durham Wine Merchants, we want to make all your social events even more fun.

How? By letting us supply everything you need to host a blast of a Wine Party for your friends and family. Then, when they fall in love with the wines you serve, you share in any profits as a partner with us.

As soon as you buy a David Of Durham Party Starter Kit, we are in business together. You will have all you need to host your first party.

However, you could also combine this moneymaking opportunity with any other party, from beauty products to kitchen storage. After all, wine makes any event better and, in this case, profitable for you.

When you are the host of a David Of Durham party, you will receive **20%** of the **TOTAL** amount of each bottle of wine sold. But that's not all, you will also earn an ongoing **10%** for every purchase made after the party by each person who attended. **AND** you don't need a licence to do this.

Why?

Because you are not selling the wines directly, you are just hosting a wine party. You don't charge money to attend the party and we, as licensed Wine Merchants, handle the sales side. Your party guests simply log on to

www.davidofduhamwine.co.uk on a tablet or laptop (have one available) and place orders for the wines that they enjoyed the most. We take care of the sale, payment and delivery, you just sit back and collect your commission, as if you were a representative for a wine wholesaler.

How much can you make?

The sky is the limit. Here's how it works: Imagine it's your first wine party. You're having a get-together for 10 friends and decide to get your wines from David Of Durham. You only pay **£30 cost price** for the wines, which are delivered to your home before the event. As always, it's a brilliant night with tons of laughs and great wine. During the evening, your guests simply go online and order their favourites from our website. On average, each guest may spend around £15, so the sales for the evening total £150. Your 20% commission comes to £30. You have had a great night and your cost of the party is covered. However...

You have more parties or combine the idea with other social sales' gatherings. Your 10 guests realise it's better to stock up when they

have the chance, so they spend around £50 each. After covering the £30 cost price for the wine, you make £70 for enjoying yourself. Then later, two of your guests go in on a case of wine for £120 from David Of Durham and you receive a surprise cheque for £12 for doing nothing. And every time after that, you get commission on all sales from your party guests, no matter when the party happened. The wonderful thing about this idea is that most people will buy wine anyway. Why not buy it at cost and then get paid for drinking it and having fun with your friends? What have you got to lose? Nothing. So **CONTACT** us now to find out more and make some money from your next party.

[About](#)[Sales](#)[Get paid to party](#)[Events](#)[Home](#)[Contact](#)[My Wines](#)[\(www.twitter.com/](http://www.twitter.com/)

REPRESENTATIONS FROM 'OTHER PERSONS'

[REDACTED]

BRANDON, Durham, Co Durham
DH7 8UG

Telephone:
25 July 2016

Licensing Office
Annand House
Meadowfield, Durham

Dear Sirs

Objection of Licensing Application – Mr D Tindale, 2 Roman Road, Brandon,

My partner and I live at [REDACTED] Brandon at the top of a cul-de-sac of 10 bungalows. Our neighbours are elderly, some disabled, some use mobility scooters. My partner and I are 83 and 68 years of age.

No 2 Roman Road is to the side of our bungalow on a public footpath. The front of the property has no access by road. The vehicle access is on Winchester Drive. We share two fenced borders to the rear of the properties.

Mr Tindale's and our driveway/garage are next to each other with a pathway inbetween - (see enclosed map). This pathway is the access point to Mr Tindale's house for all alcohol deliveries and collections by couriers etc.

Prevention of Public Nuisance

To the front of our bungalow the bedroom window is three meters from the access point/path.

To the rear of our bungalow our kitchen window is also three meters away.

To the rear of our bungalow Mr Tindale's entrance into his house is 2 ½ meters from our fence. *The pathway to the side of his house is 1 meter from our garden fence.*

We can see no solution to the nuisance and noise of visiting delivery/collection vans and people, because we are so close in proximity to 2 Roman Road.

Whether we are sleeping in our beds, sitting in our garden or working in the kitchen there will be no escape from the disturbance and noise caused.

09 AUG 2016

We thought four years ago that we had moved to a quiet RESIDENTIAL area, not an area that was used for COMMERCIAL practice.

Public nuisance will also be caused because this is a small cul-de-sac with a small turning area. Lorries and vans have difficulty in getting out. The lamppost was knocked down recently in such an incident.

Prevention of Crime and Disorder

The storage of alcohol at 2 Roman Road is to be in the second bedroom. This will involve a 31 meter walk down the access pathway, through the back of the house to the front of the house, and then up the stairs - not very practical. Our concern is that Mr Tindale will store his alcohol in his garage which is not alarmed. The garage is next to ours and I am concerned about break in.

In a conversation with Mr Tindale he stated to me that should he receive local orders he would deliver them himself.

General Issues

All properties in this area were built by Yuill Builders in the mid 1970's and are subject to a covenant which I enclose dated 1978.

The Third Schedule, paragraph 3 states:

Not to use the Property for any purpose other than a single private dwellinghouse and not to carry on any trade business or profession upon the property or any part thereof nor to store rubbish or cause or permit rubbish to be accumulated upon the property or any part thereof and no act or thing shall be done or suffered thereon which shall be a nuisance or annoyance to the owners or occupiers of any adjacent property.

We have two other alcohol outlets – The Morley Wood Public House, five minutes walk away on Winchester Drive and also Sainsbury small supermarket on Grove Road also five minutes walk away. Opening hours are the pub 12noon till 11 pm and Sainsbury 6am until 11pm seven days a week.

Yours faithfully



Durham County Council
P.O. Box 617
Durham
DH1 9HZ


Brandon
Durham
DH7 8UG

09/08/2016

Dear Sir

Application for grant of a Premises Licence to permit licensed activities at a residential house known as DAVID OF DURHAM WINE, 2 ROMAN ROAD, BRANDON DURHAM. DHY 8UF.

With reference to the above, I wish to make representation against the grant of a licence at the above premises. My reasons are as follows:

My first point is quite simply that a covenant is in existence and written into the deeds of every house on this estate, which states that the house cannot be used "for any purpose other than a single private dwelling house and not to carry on any trade business or profession upon the property or any part thereof".

This brings me onto my second point which is that this is a residential house in a residential area surrounded by other residential houses. It is not an area for commercial use. This area is made up of dwelling houses and the roads and footpaths which lead to the houses are for residential purposes and have been designed for that purpose.
The area has not been designed for commercial use.

I wish to explain to the Licensing Authority that the applicant does not have direct roadside access to his house (2 Roman Road). Outside of the applicants front door is a public footpath which does NOT have a road/highway running parallel to it for delivery access to his house. The only other point of access that the applicant has is by unloading the delivery vehicle outside of his garage.

The applicant's garage which is positioned in between No's 7 and 8 Winchester Drive, Brandon is in a small hammer head cul-de-sac/turning circle. He can walk to this along a footpath through his garden from the rear door of his house.

The small cul-de-sac/turning circle is used by residents to enter and egress their own driveways and by visitors, nurses, home helps etc. If any person parks in this area we cannot access or egress our driveways and any other persons cannot turn their vehicles around in the turning circle.

As I have already stated the whole area is designed for residential use and not commercial use. Therefore any commercial deliveries to or indeed collections from the applicant's garage area would have an immediate effect on the safety of the community, the home owners access to and from their own homes and it would cause an unnecessary obstruction to other road users. I notice that the applicant fails to mention any of this in the application, probably because it would have a direct affect on 'Public Safety' and 'The Prevention Of Public Nuisance'.

In Section 18 of the application, the applicant states that he will be compliant and undertake steps to train staff in the following areas.

"No selling of alcohol to underage people". How will he police this? How will he check that these people are legally of age to purchase alcohol when he would be taking orders 'on-line'? How many staff will he have? How will he monitor their activity? How will he train them?

"Prevention of crime and disorder". How will the applicant guarantee that there will be no crime or disorder? He fails to mention this, again.

He further states, "No alcohol is to be sold for consumption at the premises and customers are not invited to visit the premises at any time". He further states that "All off-sales are made through the company website and fulfilled by postal services".

So, what happens when the house party 200 meters away from the applicants home runs out of alcohol and the party goers decide to visit him in order to restock their wine?

The applicant also states that "Deliveries of goods necessary for the operation of the business will be carried out at such a time or in such a manner as to not disturb the surrounding residential area, prevent nuisance and disturbance to nearby residents".

How can the applicant make this statement when it will be impossible to keep to it?

Drivers of lorries have a delivery schedule and somewhere on that schedule would be the applicants order. He will not be able to state the time of day at which he would prefer the delivery to arrive.

Plus, I refer to my paragraph on page one of this letter regarding deliveries and the small cul de sac area in which this would occur.

Once again this is covered under the Licensing Act 2003 under "Prevention of public nuisance" and "Maintaining public safety".

The Licensing Act 2003 also covers "The Prevention Of Crime And Disorder".

My own opinion is that a business such as this which stores alcohol on 'residential' property would be a magnet for criminals. Plus, these crimes would be recorded and subsequently our residential homes would be devalued.

This is a residential area, many of the residents are retired and some are disabled.

We moved to the area for peace and quiet, for relaxation and to help one another when it is needed.

We do not need a business such as this within our residential area. There are units of all sizes available on local industrial estates for businesses plus there are start-up grants and government help available for those who need it.

I would therefore ask the licensing panel to reject this application on the above grounds.

Yours sincerely





Brandon
Durham
Co Durham
DH7 8UG

9 August 2016

Licensing Office
Meadowfield
Durham

Dear Sirs

Licensing application 2 Roman Road Brandon
Prevention of public nuisance

I am registered disabled, unable to walk any distance and am on oxygen most of the time.

However, I do manage to use a mobility scooter to get me and my dog Meg out for her walk at least three times a day.

I am unable to turn left out of my driveway onto the footpath because of cars always parked half on half off the road blocking my way so I turn right which is towards the rear entry point of 2 Roman Road which according to the blue notice will be the delivery point and collection point for the alcohol.

Having read the blue notice about Mr Tindale's licensing application I am concerned that my exit will be blocked here also. This is a residential not a commercial area. There are no traffic restrictions here we have no yellow lines etc – does this mean that I could be further restricted with commercial traffic.

Please can we remain RESIDENTIAL and not COMMERCIAL.

Yours faithfully




BRANDON
Durham
Co Durham
DH7 8UG

Licensing Office
Annand House
Meadowfield, Durham

30 July 2016

Dear Sirs

Objection of Licensing Application – 2 Roman Road, Brandon, Durham

We the undersigned wish to object about the proposal by Mr Tindale who is applying for a license to sell alcohol from his personal address. On his advertising card, with his internet addresses, he expresses "David of Durham Wine for Sale, parties , Events, street food, festivals, private events" available 24 hours per day.

This is a residential area not a commercial area.

We are aware that the bungalow we live in was built by Yuill the builders in the mid to late 1970's and the property has a covenant stating that our bungalow is to be used as a single private dwellinghouse and not to be used to carry on any trade business or profession. This covenant will I believe also apply to Mr Tindale at 2 Roman Road.

This area is designed for residential use not commercial use. We live in a small cul-de-sac with serious parking problems. Deliveries from lorries and vans would obstruct the access to the driveways of 5, 6, 7 and 8 Winchester Drive therefore causing a public nuisance which is contrary to the Licensing Act of 2003. Evidence of this being that we recently had a council lamp post knocked down with a van trying to turn.

Yours faithfully

[REDACTED]
Brandon
Durham DH7 8UF
Tel

8 August 2016

Licensing Office
Annand House
John Street North
Meadowfield
Durham DH7 8RS

Dear Sirs

Objection to Licensing Application – Mr D Tindale, 2 Roman Road, Brandon

I live at number [REDACTED].

Mr Tindale's website suggests that he will be running wine-tasting parties. These are likely to take place in the evening. I am concerned that he may come home late in the evening and start transferring wine into the back bedroom. There will therefore be noise. I don't think that is acceptable in a residential property.

There is also the issue of potential burglary if people find out there is alcohol in the property.

I understand Mr Tindale is trying to make a living and I don't wish to be obstructive, but I think it would be more appropriate for him to use a storage unit for his venture.

Yours faithfully

[REDACTED]

11 AUG 2016

[REDACTED]
BRANDON
DURHAM
DH 7 8 VF
11.8.16.

DEAR SIRs,

I AM WRITING TO STOP THE
LICENSE TO BE GIVEN TO
THE PERSON LIVING AT No 2.
ROMAN RD. BRANDON TO SELL
WINE ON LINE FROM HIS HOUSE
AS THIS IS GOING TO BE A
PUBLIC NUISANCE

YOURS FAITHFULLY
[REDACTED] [REDACTED]

P.S. SECURITY IS
ALSO A ISSUE.

APPENDIX 4 – STATEMENT OF LICENSING POLICY

DURHAM COUNTY COUNCIL STATEMENT OF LICENSING POLICY

7.0 The Prevention of Crime and Disorder

7.1 Licensed premises, especially those offering late night / early morning entertainment, alcohol and refreshment may sometimes, if not properly managed, become a source of public nuisance, generating crime and disorder problems.

7.2 As a matter of policy, the Licensing Authority will require 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 or in a smoking shelter.

7.3 The Licensing Authority recommends that all applicants 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. Procedures to deal with drunken customers, violence and anti social behaviour in and outside premises and the provision of closed circuit 14 television in certain premises should be considered by applicants, licencees and event organisers when addressing this issue.

7.4 The Licensing Authority encourages Personal Licence holders to actively participate in established "Pubwatch" schemes, where issues relating to crime and disorder can be addressed. The Licensing Authority support involvement in "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.

7.5 The Licensing Authority recognises and promotes effective and responsible management of all licensed and authorised premises through competent and efficient and regular instruction, recorded training, supervision of staff and the adoption of good practice, such as 'Challenge 25'. These are considered to be among the most important control measures for the achievement of all Licensing Objectives. The Licensing Authority will take a positive view of anyone who invests in appropriate training, and in particular nationally accredited qualifications tailored to the Licensing sector. Training records should be kept available for inspection by all enforcement agencies.

7.6 The application for premises licence must identify a Designated Premises Supervisor (DPS) who must also hold a Personal Licence. The DPS does not have to be present on the premises at all times when alcohol is being sold. However, the DPS and Premises Licence Holder remain responsible for the premises at all times. It is important that there is an accountable, responsible person present when alcohol is being sold or supplied to ensure, for example, that alcohol is not sold to persons who have had too much to drink, or to those under the age of 18 years.

7.7 Someone should always be present on premises or at an event during times when licensable activities are taking place who can discuss any problems or

issues arising from the licensable activities offered on the premises with officers from Licensing Authority and Police. The Licensing Authority 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 is 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.

7.8 The Licensing Authority 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 particular premises or event. Any such decision will be based on the nature and style of the operation. The Licensing Authority will consider information provided by the applicant and any other body, in particular 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.

7.9 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.

7.10 The numbers of licensed door supervisors, both male and female, required at any premises will be dependant upon the nature of the activities licensed and the characteristics and capacity of the establishment and hours of trading.

7.11 In addition to the requirement of the Licensing Authority to promote the Licensing Objectives, the Council also has a duty under Section 17 of the Crime and Disorder Act 1998 to do all it reasonably can do to prevent crime and disorder in its area and to consider crime and disorder in its decision making process.

7.12 Toughened/Safety Glass Policy: 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 to those premises that would be considered as carrying a higher risk for potential crime and disorder. In particular it is expected in premises considered to be high volume vertical drinking establishments and those premises open beyond midnight in areas where there is a high concentration of venues (but not premises in those areas that are viewed as low risk in this context).

7.13 Drugs/Knives/Weapons: The Licensing Authority 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 within the

premises in order to prevent tragedies as a result of drug misuse. The Licensing Authority will expect licensees to be familiar with the Home Office Drug Strategy booklet entitled Safer Clubbing (ISBN 1840827807) or other subsequent editions. The Licensing Authority 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.

8.0 Public Safety

8.2 Applicants are advised to seek advice on such matters from the Council's Occupational Safety and Health team, Health and safety Executive, Durham Constabulary and the Durham and Darlington Fire and Rescue Service, and incorporate any recommendations in their Operating Schedule before submitting their applications.

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

9.0 Prevention of Public Nuisance

9.1 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 in the vicinity of the premises.

9.2 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 Licensing Authority 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.

9.3 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 local 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, appropriate signage requesting customers to consider local residents and monitoring of such areas by staff.

9.4 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 consents will often be required. Enquiries for such consents should be made to the Council's Highway's Section of the Regeneration and Economic Development Department. In predominantly commercial areas such as shopping centres the Licensing Authority, 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.

9.5 Applicants should give consideration to 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 Licensing Authority 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.

9.6 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.

9.7 Applicants are advised to seek advice from Durham County Councils Environmental Health Team and incorporate any recommendations in their Operating Schedule before submitting their applications.

9.8 Takeaways and fast-food outlets: The Licensing Authority 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 provide notices displayed advising customers of the location of bins and patrons should use the bins any provided.

10.0 Protection of Children from Harm

10.1 While the Act does not prohibit children from having free access to any licensed premises, the Licensing Authority 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.

10.2 The Act makes it an offence for any child under the age of 16 who is not

accompanied by an adult from being present:

- ☐ At any time on pub premises, or other premises being used exclusively or primarily for the supply of alcohol for consumption on those premises; or
- ☐ Between the hours of midnight and 05:00 hours on restaurant premises or other premises that supply alcohol for consumption on the premises
- ☐ The Licensing Authority 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.

10.3 The Licensing Authority may 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 on under 18s
- ☐ 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.

10.4 The Licensing Authority 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. 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.

10.5 The Licensing Authority is aware of young persons' 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 licensing authority unless the applicant can demonstrate that all safeguards for children have been addressed such as the removal of alcohol advertising.

10.6 The Licensing Authority, Durham Constabulary Alcohol 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 Licensing Authority and should be adhered to by licence holders and event organisers.

10.7 Recorded staff training programmes, 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 to be encouraged.

10.8 The Licensing Authority commends the use of the 'Portman Group' Code of Practice on the naming, packaging and the promotion of alcoholic drinks in all licensed premises.

10.9 Access to Cinemas: In the case of premises requiring an licence to show films, applicants should include in the operating schedule arrangements for restricting access only to those children who meet the required age limit, in line with any certificate granted by the British Board of Film Classification or, in specific cases, a certificate given to the film by the Local Authority.

10.10 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 Licensing Authority itself.

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

10.12 Children and Public Entertainment: Many children go to see and / or take part in an 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.

10.13 Where entertainment requiring a Licence is specifically presented for children, the Licensing Authority 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.

10.14 With regard to this Licensing Objective, the Licensing Authority 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 as a result of premises, personal applications and all variations to licences are covered by this protocol.

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

Appendix B. Framework Licensing Hours - recommended hours for the operation of licensable activities (the sale of alcohol and the provision of late night refreshment) for categories of licensed premises situated within the County of Durham.

Category of Premise	Weekdays (Sunday to Thursday)	Weekends (Friday night into Saturday morning and Saturday night into Sunday morning)	Bank Holidays
For premises licences and club premises certificates authorising the sale or supply of alcohol for consumption on or off the premises	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).
For licences not including the sale or supply of alcohol	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).
For 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).
For licences authorising late night refreshment as the primary licensable activity (takeaways)	01.00	02.00	<p>Good Friday Plus 1 Hour</p> <p>For all other bank holidays, an additional hour be added to the terminal hour of the day preceding the bank holiday</p> <p>(i.e. if the Monday is the bank holiday, the Sunday is normal trading plus 1 hour).</p>

APPENDIX 5 – SECTION 182 GUIDANCE

S182 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. 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.

S182 GUIDANCE – PUBLIC SAFETY

2.6 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.

2.7 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 2.11-2.12, 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).

2.8 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 (8.33-8.41), 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.

Ensuring safe departure of those using the premises

2.9 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

2.10 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

2.11 “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.

2.12 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.

2.13 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.

S182 GUIDANCE – PUBLIC NUISANCE

2.14 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.

2.15 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. 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.

2.16 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 15). 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.

2.17 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.

2.18 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.

2.19 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.

2.20 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.

S182 GUIDANCE – PROTECTION OF CHILDREN FROM HARM

2.21 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.

2.22 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.

2.23 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.

2.24 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.

2.25 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.

2.26 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.

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

2.28 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.

2.29 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.

2.30 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

2.31 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 148 1	Sale of liqueur confectionery to children under 16. (This offence will be repealed by the Deregulation Act 2015 on 26 May 2015).	Police and/or Licensing 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

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