

Statutory Licensing Sub-Committee

Tuesday 15th October 2013

Application for the Variation of a the Premises Licence



Report of Terry Collins, Corporate Director, Neighbourhood Services

Name and Address of Premises: The Ox Inn, Oxhill, Stanley, Co Durham
DH9 7LQ

1. Summary

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

Freemans Solicitors
7 St Marys Place
Newcastle Upon Tyne
NE1 7PG

On behalf of Wear Inns Limited, C/O The Smiths Arms, 54 The Green,
Billingham, TS23 1EW.

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

A copy of the existing premises licence is attached as Appendix 2.

2. Details of the Application

On 20th August 2013 the Licensing Authority received an application for a variation of a premises licence from Wear Inns Limited and is attached as Appendix 3.

The details of the application to vary a premises licence are as follows:

EXISTING LICENCE	VARIATION APPLICATION
<u>Opening hours of the premises</u> Monday to Thursday – 11.30 to 23.30 Friday & Saturday – 11.30 – 01.30 Sunday - 11.00 – 00.30	<u>Opening hours of the premises</u> Monday to Thursday – 09.00 to 00.30 Friday & Saturday – 09.00 – 01.30 Sunday - 09.00 – 00.30

<p><u>Films (indoors)</u> Monday to Thursday – 12.00 – 00.00 Friday & Saturday – 12.00 – 01.00 Sunday – 12.00 – 00.00</p>	<p><u>Films (indoors)</u> Monday to Thursday – 09.00 to 00.00 Friday & Saturday – 09.00 – 01.00 Sunday - 09.00 – 00.00</p>
<p><u>Indoor Sporting Events</u> Monday to Thursday – 12.00 – 00.00 Friday & Saturday – 12.00 – 01.00 Sunday – 12.00 – 00.00</p>	<p><u>Indoor Sporting Events</u> Monday to Thursday – 09.00 to 00.00 Friday & Saturday – 09.00 – 01.00 Sunday - 09.00 – 00.00</p>
<p><u>Live music (indoors)</u> Monday to Thursday – 20.00 –23.00 Friday & Saturday – 20.00 – 00.00 Sunday – 20.00 – 23.00</p>	<p><u>Live music (indoors)</u> Monday to Thursday – 09.00 to 23.00 Friday & Saturday – 09.00 – 00.00 Sunday - 09.00 – 23.00</p>
<p><u>Recorded music (indoors)</u> Monday to Thursday – 20.00 –23.00 Friday & Saturday – 20.00 – 00.00 Sunday – 20.00 – 23.00</p>	<p><u>Recorded music (indoors)</u> Monday to Thursday – 09.00 to 23.00 Friday & Saturday – 09.00 – 00.00 Sunday - 09.00 – 23.00</p>
<p><u>Performance of Dance (indoors)</u> Monday to Thursday – 20.00 –23.00 Friday & Saturday – 20.00 – 00.00 Sunday – 20.00 – 23.00</p>	<p><u>Performance of Dance (indoors)</u> Monday to Thursday – 09.00 to 23.00 Friday & Saturday – 09.00 – 00.00 Sunday - 09.00 – 23.00</p>
<p><u>Anything of a similar description to live music, recorded music, or performance of dance (indoors)</u> Monday to Saturday – 19.00 –23.00 Sunday – 19.00 – 22.30</p>	<p><u>Anything of a similar description to live music, recorded music, or performance of dance (indoors)</u> Monday to Saturday – 09.00 –23.00 Sunday – 09.00 – 22.30</p>
<p><u>Provision of facilities making music (indoors)</u> Monday to Saturday – 19.00 –23.00 Sunday – 19.00 – 22.30</p>	-
<p><u>Performance of Dance (indoors)</u> Monday to Thursday – 20.00 –23.00 Friday & Saturday – 20.00 – 00.00 Sunday – 20.00 – 23.00</p>	-
<p><u>Provision of facilities for entertainment similar to making music or dancing (indoors)</u> Monday to Saturday – 19.00 –23.00 Sunday – 19.00 – 22.30</p>	-

<p><u>Sale by retail of alcohol</u> <u>(on & off sales)</u> Monday to Thursday – 12.00 – 00.00 Friday & Saturday – 12.00 – 01.00 Sunday – 12.00 – 00.00</p>	<p><u>Sale by retail of alcohol</u> <u>(on & off sales) AS EXISTING</u> Monday to Thursday – 09.00 – 00.00 Friday & Saturday – 09.00 – 01.00 Sunday – 09.00 – 00.00</p>
	<p><u>Late Night Refreshment (indoors)</u> Monday to Thursday 23.00 – 00.30 Friday & Saturday 23.00 – 01.30 Sunday 23.00 – 00.30</p>
	<p>Vary starting times and permit the provision of late night refreshment Removal of all conditions contained in Annex 2 to the licence.</p>

The application has been advertised on the premises and in the local press as prescribed.

3. The Representations

The Licensing Authority received three representations, two from Responsible Authorities, namely Durham Constabulary and the Local Safeguarding Children's Board and an "other person" Mrs Dobson. These are attached as Appendix 4.

All representations relate to the following objectives:

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

4. Mediation

The applicant's solicitor entered into mediation with both Responsible Authorities and agreed to amend the start time for sale of alcohol to 10.00 each day. Additional conditions were also agreed and these are attached as Appendix 5. Mrs Dobson has met with the applicant's solicitor and is awaiting proposals which she will consider. An update will be given to members on the day of the hearing.

5. The Parties

The Parties to the hearing will be:

- Mr Freeman, Applicant's solicitor
- Mrs Yvonne Dobson - other person

6. Durham County Council Statement of Licensing Policy

The Sub-Committee's attention is drawn to the following relevant part of the Council's Statement of Licensing Policy:

- Section 5.0 Prevention of Crime and Disorder
- Section 7.0 Prevention of Public Nuisance
- Section 8.0 The Protection of Children from Harm

Relevant information is attached as Appendix 6.

7. 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 – 2.7 Prevention of Crime and Disorder
- 2.18 – 2.24 Prevention of Public Nuisance
- 2.25 – 2.35 The Protection of Children from Harm

Relevant information is attached as Appendix 7.

8. For Decision

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

Background Papers:

- Durham County Council's Statement of Licensing Policy
- Guidance issued under section 182 of the Licensing Act 2003

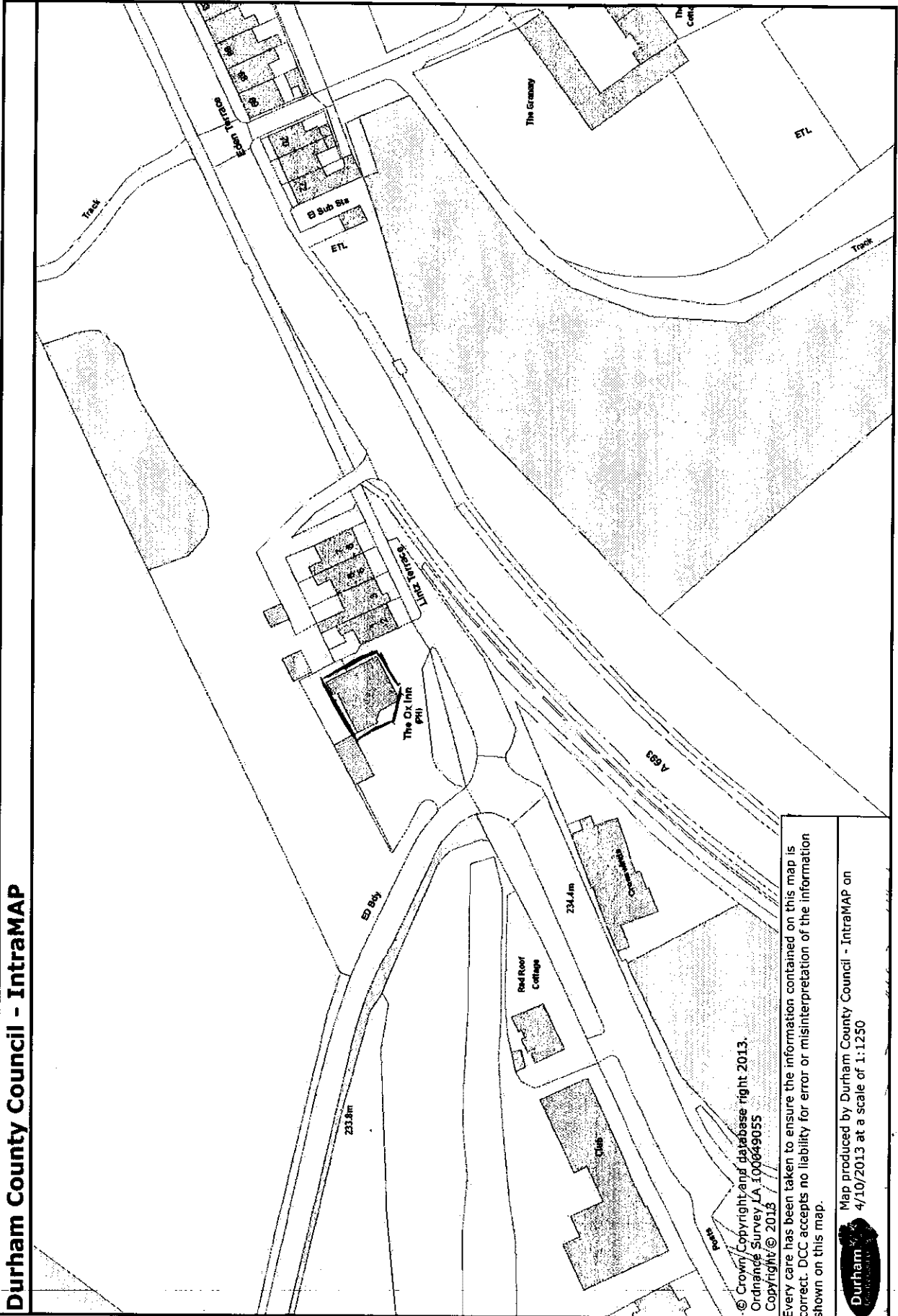
Contact: Karen Monaghan

Tel: 03000 265104

Email: karen.monaghan@durham.gov.uk

APPENDIX 1 – LOCATION PLAN

Durham County Council - IntraMAP



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Ordnance Survey LA 100049055
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Every care has been taken to ensure the information contained on this map is correct. DCC accepts no liability for error or misinterpretation of the information shown on this map.

Map produced by Durham County Council - IntraMAP on
4/10/2013 at a scale of 1:1250



APPENDIX 2 – EXISTING LICENCE



LICENSING ACT 2003 PREMISES LICENCE

Premises Licence Number
Granted
Issued

DWTSPR0082
24 November 2005
25 May 2012

Part 1 – Premises details

Postal address of premises, or if none, ordnance survey map reference or description	Issuing Authority
<p>OX INN OXHILL STANLEY DH9 7LQ</p>	<p>DURHAM COUNTY COUNCIL EHCP LICENSING SERVICES PO BOX 617 DURHAM DH1 9HZ</p>
<p>Telephone number: 01207 233626</p>	

<p>Where the licence is time limited the dates N/A</p>
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<p>Licensable activities authorised by this licence</p> <ul style="list-style-type: none"> Films Indoor Sporting Events Live Music Recorded Music Performance of Dance Anything similar to live music, recorded music or performance of dance Provision of Facilities for Making Music Provision of Facilities for Dancing Entertainment of a similar description to making music or dance Sale by Retail of Alcohol

<p>The opening hours of the premises (all times in 24hr format)</p>		
Monday	11:30-00:30	<p>Non standard/seasonal timings: On all recognised bank/public holidays and preceding Sundays, Christmas Eve, Boxing Day, NYE, Halloween, Bonfire Night, St Patricks Day and St Georges Day between the hours of 11:30-01:30</p>
Tuesday	11:30-00:30	
Wednesday	11:30-00:30	
Thursday	11:30-00:30	
Friday	11:30-01:30	
Saturday	11:30-01:30	
Sunday	11:30-00:30	

<p>Where the licence authorises the sale by retail of alcohol whether these are on and/or off sales ON AND OFF ALCOHOL SALES</p>
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The times the licence authorises the carrying out of licensable activities (all in 24hr format)

Films

Indoors only

Monday	12:00- 00:00	Further details
Tuesday	12:00- 00:00	N/A
Wednesday	12:00- 00:00	
Thursday	12:00- 00:00	Non standard/seasonal timings:
Friday	12:00- 01:00	N/A
Saturday	12:00- 01:00	
Sunday	12:00- 00:00	

Indoor sporting events

Monday	12:00-00:00	Further details
Tuesday	12:00-00:00	N/A
Wednesday	12:00-00:00	
Thursday	12:00-00:00	Non standard/seasonal timings:
Friday	12:00-01:00	N/A
Saturday	12:00-01:00	
Sunday	12:00-00:00	

Live music

Indoors only

Monday	20:00-23:00	Further details
Tuesday	20:00-23:00	N/A
Wednesday	20:00-23:00	
Thursday	20:00-23:00	Non standard/seasonal timings:
Friday	20:00-00:00	On all recognised bank/public holidays and preceding Sundays,
Saturday	20:00-00:00	Christmas Eve, Boxing Day, NYE,Halloween, Bonfire Night, StPatricks
Sunday	20:00-23:00	Day and St Georges Day and on a limited number of occasions when
		the pub hosts a wedding, anniversary or birthday parties or special
		events to have amplified music for the entertainment of customers
		between the hours 12:00 and 00:00.

Recorded music

Indoors only

Monday	20:00-23:00	Further details
Tuesday	20:00-23:00	N/A
Wednesday	20:00-23:00	
Thursday	20:00-23:00	Non standard/seasonal timings:
Friday	20:00-00:00	On all recognised bank/public holidays and preceding Sundays,
Saturday	20:00-00:00	Christmas Eve, Boxing Day, NYE,Halloween, Bonfire Night, St
Sunday	20:00-23:00	Patricks Day and St Georges Day and on a limited number of
		occasions when the pub hosts a wedding, anniversary or birthday
		parties or special events to have amplified music for the entertainment
		of customers between the hours 12:00 and 00:00.

Performance of Dance

Indoors only

Monday	20:00-23:00	Further details
Tuesday	20:00-23:00	N/A
Wednesday	20:00-23:00	
Thursday	20:00-23:00	Non standard/seasonal timings:
Friday	20:00-00:00	N/A
Saturday	20:00-00:00	
Sunday	20:00-23:00	

Anything of a similar description to live music, recorded music or performances of dance

Indoors only

Monday	19:00-23:00	Further details
Tuesday	19:00-23:00	N/A
Wednesday	19:00-23:00	
Thursday	19:00-23:00	Non standard/seasonal timings:
Friday	19:00-23:00	Sunday before bank Holiday 19:00-00:00
Saturday	19:00-23:00	
Sunday	19:00-22:30	

Provision of facilities making music

Indoors only

Monday	19:00-23:00	Further details
Tuesday	19:00-23:00	N/A
Wednesday	19:00-23:00	
Thursday	19:00-23:00	Non standard/seasonal timings:
Friday	19:00-23:00	Sunday before Bank Holiday 19:00 – 00:00
Saturday	19:00-23:00	
Sunday	19:00-22:30	

Provision of facilities for dancing

Indoors only

Monday	20:00-23:00	Further details
Tuesday	20:00-23:00	N/A
Wednesday	20:00-23:00	
Thursday	20:00-23:00	Non standard/seasonal timings:
Friday	20:00-00:00	On all recognised bank/public holidays and preceding Sundays, Christmas Eve, Boxing Day, NYE, Halloween, Bonfire Night, St Patricks Day and St Georges Day and on a limited number of occasions when the pub hosts a wedding, anniversary or birthday parties or special events to have amplified music for the entertainment of customers between the hours 12:00 and 00:00.
Saturday	20:00-00:00	
Sunday	20:00-23:00	

Provision of facilities for entertainment similar to making music or dancing

Indoors only

Monday	19:00-23:00	Further details
Tuesday	19:00-23:00	N/A
Wednesday	19:00-23:00	
Thursday	19:00-23:00	Non standard/seasonal timings:
Friday	19:00-23:00	Sunday before Bank Holiday 19:00 – 00:00
Saturday	19:00-23:00	
Sunday	19:00-22:30	

Sale by retail of alcohol

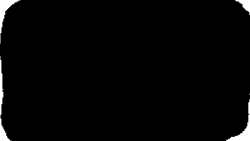
On and Off Sales


Monday	12:00-00:00	Further details
Tuesday	12:00-00:00	
Wednesday	12:00-00:00	Non standard/seasonal timings:
Thursday	12:00-00:00	On all recognised bank/public holidays and preceding Sundays, Christmas Eve, Boxing Day, NYE, Halloween, Bonfire Night, St Patricks Day and St Georges Day between the hours of 12:00 and 01:00.
Friday	12:00-01:00	
Saturday	12:00-01:00	
Sunday	12:00-00:00	

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence	
WEAR INNS LIMITED C/O THE SMITHS ARMS 54 THE GREEN BILLINGHAM TS23 1EW	

Registered number of holder, for example company number, charity number (where applicable)	
Company no:	5613167
Charity no:	N/A

Name, address and telephone number of designated premises supervisor where the premises licence authorises the sale by retail of alcohol MR MALCOLM INGLIS 
--

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises the sale by retail of alcohol  DURHAM
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Annex 1 – Mandatory conditions

No supply of alcohol may be made at a time when no designated premises supervisor has been specified in the licence or at a time when the designated premises supervisor does not hold a personal licence or his or her licence has been suspended. Every supply of alcohol under this premises licence must be made or authorised by a person who holds a personal licence.

The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

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

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

The premises licence holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol: -

The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.

The responsible person shall ensure that:-

(a) Where any of the following alcoholic drinks is sold or supplied for sale or consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures:-

1. Beer or cider - ½ pint;
2. Gin, rum, vodka or whisky - 25ml or 35ml; and
3. Still wine in a glass - 125ml; and

(b) Customers are made aware of the availability of these measures.

Mandatory condition: exhibition of films

(1) Where a premises licence authorises the exhibition of films, the licence must include a condition requiring the admission of children to the exhibition of any film to be restricted in accordance with this section.

(2) Where the film classification body is specified in the licence, unless subsection (3)(b) applies, admission of children must be restricted in accordance with any recommendation made by that body.

(3) Where- (a) the film classification body is not specified in the licence, or(b) the relevant licensing authority has notified the holder of the licence that this subsection applies to the film in question, admission of children must be restricted in accordance with any recommendation made by that licensing authority.

(4) In this section- "children" means persons aged under 18; and "film classification body" means the person or persons designated as the authority under section 4 of the Video Recordings Act 1984 (c.39) (authority to determine suitability of video works for classification).

Mandatory condition: embedded restrictions

This Premises Licence has been granted upon conversion under schedule 8 of the Licensing Act 2003 of the previous Justices' On Licence, and such rights and restrictions that applied to such Licence are hereby incorporated into this Premises Licence, subject to any express terms to the contrary hereinafter specified, and/or any restriction applying to a Premises Licence and/or any licensable activity.

Annex 2 – Conditions consistent with the premises Operating Schedule

General

Busy times will be planned for and it will be ensured that an adequate number of staff are employed to serve, clear glasses and supervise all activities in a safe and responsible manner.

Prevention of Crime and Disorder

- 1) Customers will not be permitted to take open containers of alcoholic or soft drinks from the premises except to designated areas such as the beer garden.
- 2) All instances of crime and disorder will be reported to the Police via telephone.
- 3) A proof of age policy will be implemented that will be satisfactory to the Police and the local authority.
- 4) Irresponsible drink promotions will not be permitted.
- 5) Crime Prevention notices will be displayed detailing for example 'bags should not be left unattended'.
- 6) A notice will be displayed warning customers that if they act in an inappropriate manner they could be barred from all licensed premises.
- 7) A representative of the premises will attend Pub watch meetings (i.e. be a member of pubwatch) and participate in all initiatives.
- 8) All instances of public disorder will be recorded in an incident book.
- 9) The ambient temperature of the premises will be kept to a reasonable level.
- 10) There will always be an adequate number of bar staff to ensure that queuing at the bar is kept to a minimum.
- 11) Last orders will be called in sufficient time for staff to serve waiting customers.
- 12) Ashtrays, empty glasses and bottles will be collected on a regular basis to prevent them from being used inappropriately.

13) Bar staff will be trained to acknowledge waiting customers.

Public Safety

- 1) Consideration will be given to setting capacity limits via ticket sales to prevent over crowding for popular events.
- 2) Exit doors will be regularly mentioned as well as Fire doors will be self closing and will only be held open with approved devices.
- 3) All floor coverings will be secured and maintained mats will be fitted so as to be flush with the floor surface.
- 4) All furniture, curtains, hangings and temporary decorations will be fire retardant and compliant with current fire safety regulations.
- 5) All fire exits will be signed in accordance with BS5499.
- 6) The Fire Brigade will be called to any outbreak of fire, however slight.
- 7) Adequate arrangements will be in place to allow disabled people to be evacuated safely in the event of an emergency.
- 8) All chemicals will be kept in separate secure cupboard and will not be used when customers are on the premises except in exceptional circumstances.

Prevention of Public Nuisance

- 1) The premises has treble entry doors, at least two of the doors will be closed during the performance of live and recorded music to minimise noise disturbance.
- 2) During the performance of live and recorded music loud speakers will be positioned to minimise noise disturbance.
- 3) Doors and windows will kept closed wherever possible during opening hours to avoid unnecessary noise disturbance.
- 4) The playing of recorded music will be discernibly quieter during the final hour.
- 5) Customers will usually be asked to vacate the beer garden by 22:00hrs.
- 6) Prominent, clear and legible notices will be displayed at all exits requesting patrons to respect the needs of local residents and to leave the premises and the area quietly.
- 7) The placing of bottles into receptacles outside the premises will take place at times that will minimise disturbance to nearby properties.
- 8) Checks will be undertaken to ensure that public nuisance is not caused by litter or other debris in the vicinity of the premise.

Protection of Children from Harm

- 1) A proof of age policy agreed by the Police and the local authority will be adhered and enforced.
- 2) Children using the beer garden must be accompanied by an adult.
- 3) Children are permitted on the premises between the hours of 12:00-22:00 only.

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

None

Annex 4 – Plans attached

Attached



**Signature of Authorised Officer
Head of Environment, Health and Consumer Protection**



LICENSING ACT 2003 PREMISES LICENCE SUMMARY

Premises Licence Number
Granted
Issued

DWTSPR0082
24 November 2005
25 May 2012

Part 1 – Premises details

Postal address of premises, or if none, ordnance survey map reference or description	Issuing Authority
<p>OX INN OXHILL STANLEY DH9 7LQ</p>	<p>DURHAM COUNTY COUNCIL EHCP LICENSING SERVICES PO BOX 617 DURHAM DH1 9HZ</p>
<p>Telephone number: 01207 233626</p>	

<p>Where the licence is time limited the dates N/A</p>
--

<p>Licensable activities authorised by this licence Films Indoor Sporting Events Live Music Recorded Music Anything similar to live music, recorded music or performance of dance Provision of Facilities for Dancing Entertainment of a similar description to making music or dance Sale by Retail of Alcohol</p>
--

<p>The opening hours of the premises (all times in 24hr format)</p>		
Monday	11:30-00:30	<p>Non standard/seasonal timings: On all recognised bank/public holidays and preceding Sundays, Christmas Eve, Boxing Day, NYE, Halloween, Bonfire Night, St Patricks Day and St Georges Day between the hours of 11:30-01:30</p>
Tuesday	11:30-00:30	
Wednesday	11:30-00:30	
Thursday	11:30-00:30	
Friday	11:30-01:30	
Saturday	11:30-01:30	
Sunday	11:30-00:30	

<p>Where the licence authorises the sale by retail of alcohol whether these are on and/or off sales ON AND OFF ALCOHOL SALES</p>
--

The times the licence authorises the carrying out of licensable activities (all in 24hr format)

Films		
Indoors only		
Monday	12:00- 00:00	Further details
Tuesday	12:00- 00:00	N/A
Wednesday	12:00- 00:00	
Thursday	12:00- 00:00	Non standard/seasonal timings:
Friday	12:00- 01:00	N/A
Saturday	12:00- 01:00	
Sunday	12:00- 00:00	

Indoor sporting events		
Monday	12:00-00:00	Further details
Tuesday	12:00-00:00	N/A
Wednesday	12:00-00:00	
Thursday	12:00-00:00	Non standard/seasonal timings:
Friday	12:00-01:00	N/A
Saturday	12:00-01:00	
Sunday	12:00-00:00	

Live music		
Indoors only		
Monday	20:00-23:00	Further details
Tuesday	20:00-23:00	N/A
Wednesday	20:00-23:00	
Thursday	20:00-23:00	Non standard/seasonal timings:
Friday	20:00-00:00	On all recognised bank/public holidays and preceding Sundays,
Saturday	20:00-00:00	Christmas Eve, Boxing Day, NYE,Halloween, Bonfire Night, StPatricks
Sunday	20:00-23:00	Day and St Georges Day and on a limited number of occasions when
		the pub hosts a wedding, anniversary or birthday parties or special
		events to have amplified music for the entertainment of customers
		between the hours 12:00 and 00:00.

Recorded music		
Indoors only		
Monday	20:00-23:00	Further details
Tuesday	20:00-23:00	N/A
Wednesday	20:00-23:00	
Thursday	20:00-23:00	Non standard/seasonal timings:
Friday	20:00-00:00	On all recognised bank/public holidays and preceding Sundays,
Saturday	20:00-00:00	Christmas Eve, Boxing Day, NYE,Halloween, Bonfire Night, St
Sunday	20:00-23:00	Patricks Day and St Georges Day and on a limited number of
		occasions when the pub hosts a wedding, anniversary or birthday
		parties or special events to have amplified music for the entertainment
		of customers between the hours 12:00 and 00:00.

Performance of Dance		
Indoors only		
Monday	20:00-23:00	Further details
Tuesday	20:00-23:00	N/A
Wednesday	20:00-23:00	
Thursday	20:00-23:00	Non standard/seasonal timings:
Friday	20:00-00:00	N/A
Saturday	20:00-00:00	
Sunday	20:00-23:00	

Anything of a similar description to live music, recorded music or performances of dance

Indoors only

Monday	19:00-23:00	Further details
Tuesday	19:00-23:00	N/A
Wednesday	19:00-23:00	
Thursday	19:00-23:00	Non standard/seasonal timings:
Friday	19:00-23:00	Sunday before bank Holiday 19:00-00:00
Saturday	19:00-23:00	
Sunday	19:00-22:30	

Provision of facilities making music

Indoors only

Monday	19:00-23:00	Further details
Tuesday	19:00-23:00	N/A
Wednesday	19:00-23:00	
Thursday	19:00-23:00	Non standard/seasonal timings:
Friday	19:00-23:00	Sunday before Bank Holiday 19:00 – 00:00
Saturday	19:00-23:00	
Sunday	19:00-22:30	

Provision of facilities for dancing

Indoors only

Monday	20:00-23:00	Further details
Tuesday	20:00-23:00	N/A
Wednesday	20:00-23:00	
Thursday	20:00-23:00	Non standard/seasonal timings:
Friday	20:00-00:00	On all recognised bank/public holidays and preceding Sundays,
Saturday	20:00-00:00	Christmas Eve, Boxing Day, NYE, Halloween, Bonfire Night, St
Sunday	20:00-23:00	Patricks Day and St Georges Day and on a limited number of occasions when the pub hosts a wedding, anniversary or birthday parties or special events to have amplified music for the entertainment of customers between the hours 12:00 and 00:00.

Provision of facilities for entertainment similar to making music or dancing

Indoors only

Monday	19:00-23:00	Further details
Tuesday	19:00-23:00	N/A
Wednesday	19:00-23:00	
Thursday	19:00-23:00	Non standard/seasonal timings:
Friday	19:00-23:00	Sunday before Bank Holiday 19:00 – 00:00
Saturday	19:00-23:00	
Sunday	19:00-22:30	

Sale by retail of alcohol

On and Off Sales

Monday	12:00-00:00	Further details
Tuesday	12:00-00:00	
Wednesday	12:00-00:00	Non standard/seasonal timings:
Thursday	12:00-00:00	On all recognised bank/public holidays and preceding Sundays,
Friday	12:00-01:00	Christmas Eve, Boxing Day, NYE, Halloween, Bonfire Night, St
Saturday	12:00-01:00	Patricks Day and St Georges Day between the hours of 12:00 and
Sunday	12:00-00:00	01:00.

APPENDIX 3 – VARIATION APPLICATION

Application to vary a premises licence under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I/We **WEAR INNS LIMITED**

(Insert name(s) of applicant)

being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

Premises licence number
DWTS PR 00 82

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description			
OX INN PUBLIC HOUSE			
OXHILL			
Post town	STANLEY	Postcode	DH9 7LQ
Telephone number at premises (if any)	N / A		
Non-domestic rateable value of premises	£10,100.00		

Part 2 – Applicant details

Daytime contact telephone number		N/A	
E-mail address (optional)		N/A	
Current postal address if different from premises address		N/A	
Post town	N/A	Postcode	N/A

Part 3 - Variation

Please tick as appropriate

Do you want the proposed variation to have effect as soon as possible? Yes No

If not, from what date do you want the variation to take effect?

DD	MM	YYYY
<input type="text"/>	<input type="text"/>	<input type="text"/>

Do you want the proposed variation to have effect in relation to the introduction of the late night levy?
 (Please see guidance note 1) Yes No

Please describe briefly the nature of the proposed variation (Please see guidance note 2)

to vary the starting times for the provision of regulated entertainment (currently permitted variously from 12.00, 19.00 and 20.00), the supply of alcohol (currently from 12.00 7 days a week) and the opening times of the premises (currently from 11.30 7 days a week) to 09.00 7 days a week and to permit the provision of late night refreshment from 23.00 to 00.30 Sundays to Thursdays and 23.00 to 01.30 on Fridays and Saturdays and to remove the conditions contained in annex 2 to the licence.

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend:

N/A

Part 4 Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

Provision of regulated entertainment

Please tick all that apply

- | | |
|--|-------------------------------------|
| a) plays (if ticking yes, fill in box A) | <input type="checkbox"/> |
| b) films (if ticking yes, fill in box B) | <input checked="" type="checkbox"/> |
| c) indoor sporting events (if ticking yes, fill in box C) | <input checked="" type="checkbox"/> |
| d) boxing or wrestling entertainment (if ticking yes, fill in box D) | <input type="checkbox"/> |
| e) live music (if ticking yes, fill in box E) | <input checked="" type="checkbox"/> |
| f) recorded music (if ticking yes, fill in box F) | <input checked="" type="checkbox"/> |
| g) performances of dance (if ticking yes, fill in box G) | <input checked="" type="checkbox"/> |
| h) anything of a similar description to that falling within (e), (f) or (g)
(if ticking yes, fill in box H) | <input checked="" type="checkbox"/> |

Provision of late night refreshment (if ticking yes, fill in box I)

Supply of alcohol (if ticking yes, fill in box J)

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 7)			<u>Will the performance of a play take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4)		
Mon					
Tue			<u>State any seasonal variations for performing plays</u> (please read guidance note 5)		
Wed					
Thur			<u>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Fri					
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 7)			Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 4)		
Mon	09.00 -----	00.00 -----			
Tue	09.00 -----	00.00 -----			
Wed	09.00 -----	00.00 -----	State any seasonal variations for the exhibition of films (please read guidance note 5)		
Thur	09.00 -----	00.00 -----			
Fri	09.00 -----	01.00 -----	Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 6) AS EXISTING		
Sat	09.00 -----	01.00 -----			
Sun	09.00 -----	00.00 -----			

C

Indoor sporting events Standard days and timings (please read guidance note 7)			Please give further details (please read guidance note 4)
Day	Start	Finish	
Mon	09.00	00.00	
Tue	09.00	00.00	State any seasonal variations for indoor sporting events (please read guidance note 5)
Wed	09.00	00.00	
Thur	09.00	00.00	Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list (please read guidance note 6)
Fri	09.00	01.00	AS EXISTING
Sat	09.00	01.00	
Sun	09.00	00.00	

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 7)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4)		
Mon					
Tue					
Wed			<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 5)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 7)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 3)		Indoors	<input checked="" type="checkbox"/>
					Outdoors	<input type="checkbox"/>
					Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 4)			
Mon	09.00	23.00				
Tue	09.00	23.00				
Wed	09.00	23.00	State any seasonal variations for the performance of live music (please read guidance note 5)			
Thur	09.00	23.00				
Fri	09.00	00.00	Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 6) AS EXISTING			
Sat	09.00	00.00				
Sun	09.00	23.00				

F

Recorded music Standard days and timings (please read guidance note 7)			<u>Will the playing of recorded music take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4)		
Mon	09.00	23.00			
Tue	09.00	23.00			
Wed	09.00	23.00	<u>State any seasonal variations for the playing of recorded music</u> (please read guidance note 5)		
Thur	09.00	23.00			
Fri	09.00	00.00	<u>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sat	09.00	00.00	AS EXISTING		
Sun	09.00	23.00			

G

Performances of dance Standard days and timings (please read guidance note 7)			<u>Will the performance of dance take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4)		
Mon	09.00	23.00			
Tue	09.00	23.00			
Wed	09.00	23.00	<u>State any seasonal variations for the performance of dance</u> (please read guidance note 5)		
Thur	09.00	23.00			
Fri	09.00	00.00	<u>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</u> (please read guidance note 6) AS EXISTING		
Sat	09.00	00.00			
Sun	09.00	23.00			

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 7)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	Will this entertainment take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input checked="" type="checkbox"/>
Mon	09.00	23.00		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue	09.00	23.00	Please give further details here (please read guidance note 4)		
Wed	09.00	23.00			
Thur	09.00	23.00	State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 5)		
Fri	09.00	23.00			
Sat	09.00	23.00	Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list (please read guidance note 6)		
Sun	09.00	22.30			
			AS EXISTING		

I

Late night refreshment Standard days and timings (please read guidance note 7)			<u>Will the provision of late night refreshment take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4)		
Mon	23.00	00.30			
Tue	23.00	00.30			
Wed	23.00	00.30	<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 5)		
Thur	23.00	00.30			
Fri	23.00	01.30			
Sat	23.00	01.30	<u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</u> (please read guidance note 6) AS PER THE EXISTING TIMES FOR THE SALE BY RETAIL OF ALCOHOL		
Sun	23.00	00.30			

J

Supply of alcohol Standard days and timings (please read guidance note 7)			Will the supply of alcohol be for consumption – please tick (please read guidance note 8)	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 5)		
Mon	09.00 -----	00.00			
Tue	09.00 -----	00.00			
Wed	09.00 -----	00.00			
Thur	09.00 -----	00.00	Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 6) AS EXISTING		
Fri	09.00 -----	01.00			
Sat	09.00 -----	01.00			
Sun	09.00 -----	00.00			

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 9).

NONE

L

Hours premises are open to the public Standard days and timings (please read guidance note 7)			State any seasonal variations (please read guidance note 5)
Day	Start	Finish	
Mon	09.00	00.30	
Tue	09.00	00.30	
Wed	09.00	00.30	
Thur	09.00	00.30	
Fri	09.00	01.30	
Sat	09.00	01.30	
Sun	09.00	00.30	Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 6) AS EXISTING

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking.

NONE

Please tick as appropriate

- I have enclosed the premises licence
- I have enclosed the relevant part of the premises licence

If you have not ticked one of these boxes, please fill in reasons for not including the licence or part of it below

Reasons why I have not enclosed the premises licence or relevant part of premises licence.

M

Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 10)

THIS APPLICATION IS TO VARY THE OPENING TIMES OF THE PREMISES BY ALLOWING THEM TO TRADE FROM AN EARLIER START TIME THAN IS CURRENTLY PERMITTED AND TO REMOVE UNECESSARY CONDITIONS.

THE APPLICANTS BELIEVE THAT THERE IS NO NEED FOR ANY ADDITIONAL CONDITIONS TO THOSE WHICH CURRENTLY EXIST.

b) The prevention of crime and disorder

THIS APPLICATION IS TO VARY THE OPENING TIMES OF THE PREMISES BY ALLOWING THEM TO TRADE FROM AN EARLIER START TIME THAN IS CURRENTLY PERMITTED AND TO REMOVE UNECESSARY CONDITIONS.

THE APPLICANTS BELIEVE THAT THERE IS NO NEED FOR ANY ADDITIONAL CONDITIONS TO THOSE WHICH CURRENTLY EXIST.

c) Public safety

THIS APPLICATION IS TO VARY THE OPENING TIMES OF THE PREMISES BY ALLOWING THEM TO TRADE FROM AN EARLIER START TIME THAN IS CURRENTLY PERMITTED AND TO REMOVE UNECESSARY CONDITIONS.

THE APPLICANTS BELIEVE THAT THERE IS NO NEED FOR ANY ADDITIONAL CONDITIONS TO THOSE WHICH CURRENTLY EXIST.

d) The prevention of public nuisance

THIS APPLICATION IS TO VARY THE OPENING TIMES OF THE PREMISES BY ALLOWING THEM TO TRADE FROM AN EARLIER START TIME THAN IS CURRENTLY PERMITTED AND TO REMOVE UNECESSARY CONDITIONS.

THE APPLICANTS BELIEVE THAT THERE IS NO NEED FOR ANY ADDITIONAL CONDITIONS TO THOSE WHICH CURRENTLY EXIST.

e) The protection of children from harm

THIS APPLICATION IS TO VARY THE OPENING TIMES OF THE PREMISES BY ALLOWING THEM TO TRADE FROM AN EARLIER START TIME THAN IS CURRENTLY PERMITTED AND TO REMOVE UNECESSARY CONDITIONS.

THE APPLICANTS BELIEVE THAT THERE IS NO NEED FOR ANY ADDITIONAL CONDITIONS TO THOSE WHICH CURRENTLY EXIST.

Checklist:


Please tick to indicate agreement

- I have made or enclosed payment of the fee; or
I have not made or enclosed payment of the fee because this application has been made in relation to the introduction of the late night levy.
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- I understand that I must now advertise my application.
- I have enclosed the premises licence or relevant part of it or explanation.
- I understand that if I do not comply with the above requirements my application will be rejected.

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.

Part 5 – Signatures (please read guidance note 11)

Signature of applicant (the current premises licence holder) or applicant’s solicitor or other duly authorised agent (please read guidance note 12). **If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	19 th AUGUST 2013
Capacity	FREEMANS SOLICITORS

Where the premises licence is jointly held, signature of 2nd applicant (the current premises licence holder) or 2nd applicant’s solicitor or other authorised agent (please read guidance note 13). **If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	
Capacity	

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 14)

FREEMANS
SOLICITORS
7 ST MARYS PLACE

Post town	NEWCASTLE UPON TYNE	Post code	NE17PG
------------------	---------------------	------------------	--------

Telephone number (if any)	0191 222 1030
----------------------------------	---------------

If you would prefer us to correspond with you by e-mail, your e-mail address (optional)



APPENDIX 4 – REPRESENTATIONS

Karen Monaghan

From: Jim Lincoln <jim.lincoln@durham.pnn.police.uk>
Sent: 17 September 2013 15:31
To: Yvonne Raine; Karen Monaghan
Cc: Michelle Williamson; Tim Robson; Colin Dobson
Subject: Ox Inn [NOT PROTECTIVELY MARKED]

NOT PROTECTIVELY MARKED

Yvonne / Karen,

With reference to the variation application for the OX INN, OXHILL, STANLEY.

We're still in the mediation process with Keith Freeman (Solicitor for Wear Inns Ltd) about the conditions on their licence, and we estimate that it will be mediated within the next few days.

We understand that the final day for representation is today (17th September 2013).

We therefore are **OBJECTING** to this application on the grounds of The Prevention of Crime & Disorder and Public Nuisance

Once mediation is agreed by all parties, we will be in a position to withdraw our objection.

Thank you

Licence Support Officer - Jim Lincoln
Durham Constabulary
Alcohol Harm Reduction Unit
John Street North
Meadowfield
Co Durham
DH7 8RS
jim.lincoln@durham.pnn.police.uk
6614981 (internal)
0191 3752351 (external)

NOT PROTECTIVELY MARKED

DURHAM CONSTABULARY - Protecting Neighbourhoods, Tackling Criminals, Solving Problems...Around the Clock

NEIGHBOURHOOD POLICING: Use your postcode to get access to local news and events from your Neighbourhood Policing Team, at <https://www.durham.police.uk>

This email carries a disclaimer, a copy of which may be read at <https://www.durham.police.uk/Pages/E-Mail-Disclaimer.aspx>

Karen Monaghan

From: Yvonne Dobson [REDACTED]
Sent: 12 September 2013 10:55
To: Karen Monaghan
Cc: [REDACTED]
Subject: Ox Inn Oxhill Stanley

Yvonne Dobson

[REDACTED]

12/09/13

Dear Karen

It has come to our attention, that the Ox Inn Pub have applied for a late License.

I would like to object to the Late License being applied for at The Ox Inn, Oxhill, Stanley Co Durham
My Main objection would be the Noise, and It being a public nuisance.

As we live in the house [REDACTED] away.

At the Moment we have to put up with live bands on a weekend until 11 O'clock, and this has caused problem with noise. As the side door is [REDACTED] it is very noisy and this door is open a lot, by staff, having breaks, and taking out bottles to bins. We have spoken to the landlady on this issue and Asked her not to prop open the door during the times these live bands are playing, at the moment we cannot have the bedroom windows open as the noise is far too loud. Even with the door shut the noise is too loud.

Another Issue is the Cooling system in the pub being very loud, and we have asked the owner to look into this , as yet we have had to feedback. This is just going to be terrible for noise in our home, we have lived there for 25 years, As we are a working family and we get up for work early, we are not going to be unable to get the rest we need.

I look forward to your reply

Yvonne Dobson
Senior Quality Administrator

[REDACTED]

[REDACTED]

Please don't print this e-mail unless you really need to

.....
[REDACTED]

[REDACTED]

Kelly Watson - Licensing Assistant (N'hoods)

From: Ian Scott
Sent: 21 August 2013 15:22
To: Freemans.law@btconnect.com; Kelly Watson - Licensing Assistant (N'hoods)
Subject: The Ox Hill Inn Stanley

To whom it may concern,

I represent the Local Safeguarding children board. I have received a copy of the application for the variation of a premises licence for the Ox Inn Stanley. This application presents a timely opportunity to re-visit the current licence conditions.

Having considered the steps recorded to promote the licensing objectives, in particular the protection of children, I consider that there are some matters which are absent and should be addressed identified below:

- Training of staff - all staff responsible for selling age restricted goods should be trained to implement the age verification policy. Training records for staff should be maintained and refresher training should be provided annually.
- Maintain a refusals register – where a sale of alcohol is refused if a person appears intoxicated or appears to be under 18, a refusal register should be updated. The register should be made available to the police on request.

The purpose of this email is to make the LSCB representations to you and for you to consider what I suggest and then to pursue your application with these steps in mind.

I have copied my representations to Kelly Watson from the licensing unit who will note my representations and give you the opportunity to add these safeguarding steps to your original application.

The Local safeguarding children board are concerned about the availability of alcohol to children and encourage licensees to work with us in introducing steps like the above in an attempt to safeguard children. I consider these additional steps are proportionate and have proven to be successful when implemented in similar applications.

If you need to speak my telephone number is below but I thought an email with the wording would assist you in the next steps I consider need to be taken.

Ian Scott
LSCB Development Officer

Please note new telephone number
03000 265772

APPENDIX 5 – ADDITIONAL CONDITIONS

Operating Schedule / Licensing Objectives

Premise – Ox Inn

Applicant – Wear Inns Limited

B) Prevention of crime & disorder

A CCTV system shall be installed and maintained in proper working order to the satisfaction of Durham Constabulary. Such system shall:

- i Ensure the coverage of all public entrances and exits to the licensed premises internally and externally and all internal trading areas open to the public (save for the toilets).
- ii Provide continuous recording facilities for each camera to a good standard of clarity.
- iii Such recordings shall be retained (on tape or removable storage device) for a period of 31 days.
- iv Shall be supplied promptly to a Police officer on request.
- v This CCTV shall be in operation at all times the premises are in use.
- vi The system with recording facility and any recording will be stored in a suitable and secure manner.
- vii The CCTV system will display on any recording the correct time and date of the recording.

Signs are to be placed both internally and externally at the premises indicating to customers that CCTV is in operation on the premises.

The Premises Licence Holder will ensure that they have access to a suitably trained person who is familiar with the operation of the CCTV system and is able to transfer data onto removable storage devices which shall be supplied to the Licensing Authority or Durham Constabulary as soon as reasonably practicable.

If door supervisors are used an operational daily log must be kept documenting their information. This is to include full name, date of birth, full badge number, contact phone number, security companies name and start and finish times.

D) Prevention of Public Nuisance

The premises have triple entry front doors. The inner two sets of doors must be closed during performances of live music, save for access and egress.

All windows and doors (save for the front doors) will be kept closed during the performance of live music save for access and egress.

Notices will be displayed at all exits requesting patrons to leave the premise quietly.

The placing of bottles into receptacles controlled by the Premises Licence holder outside the premises will not take place after 22:00hrs.

E) Protection of Children from Harm

The Premises Licence Holder will operate the Challenge 21 Scheme.

A refusal register will be kept and endorsed after every sale refused.

APPENDIX 6 – STATEMENT OF LICENSING POLICY

Licensing Act 2003 Durham County Council Statement of Licensing Policy

5.0 The Prevention of Crime and Disorder

5.1 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.

5.2 As a matter of Policy the Licensing Authority will require every holder of a Licence, Certificate or Permission to be responsible for minimising the impact of crime, disorder and anti-social behaviour by their patrons both on and within the vicinity of their premises, including for example on the pavement, in a beer garden or in a smoking shelter. The Licensing Authority suggests that 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 television in certain premises must be considered by applicants and licencees when addressing this issue. The Licensing Authority will also expect that Personal Licence holders will 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.

5.3 The Licensing Authority considers the effective and responsible management of the premises through competent and efficient and regular instruction, recorded training, supervision of staff and the adoption of good practice, such as 'Challenge 25', 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.

5.4 The application for premises selling alcohol 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, and so that the Licensing Authority and Police can discuss any problems or issues arising from the licensable activities offered on the premises. 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.

5.5 The Licensing Authority will only impose a maximum number of people that can attend a 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.

5.6 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.

5.7 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.

5.8 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 to prevent crime and disorder in its area and to consider crime and disorder in its decision making process.

Cumulative impact of Licences on the amenity of particular areas

5.9 The Licensing Authority recognises that the cumulative effect of the number, type and density of premises selling alcohol for consumption on the premises in a given area may cause serious problems of nuisance and disorder outside or some distance from licensed premises.

5.10 Where there is evidence that such a problem exists, the Licensing Authority may decide it is no longer appropriate for any further Licensed

premises to be established or variations to existing licences to be made in the area and that a Policy relating to cumulative impact should be adopted.

5.11 The effect of a Cumulative Impact Policy would be that applications for new Premises Licences or Club Premises Certificates would normally be refused if relevant representations to that effect are received, unless it can be demonstrated that the operation of the premises involved would not add to the cumulative impact already being experienced.

5.12 Applicants would need to address the Cumulative Impact Policy issues in their Operating Schedules.

5.13 If such a policy is to be considered the following process is followed:

- Concerns relating to crime and disorder or public nuisance must be identified
- Consideration must be given as to whether it can be evidenced that incidents of crime and disorder and nuisance are arising from and caused by the customers of licensed premises. If so, identify the area from which problems are arising or whether risk factors are such that the area is reaching a point when a cumulative impact is imminent
- Consultation must take place with the prescribed statutory consultees on the content of the policy.
- Any special policy will be published as part of the statement of licensing policy
- Any policy must stress that the presumption against grant does not relieve responsible authorities or interested parties of the need to make a relevant representation before the Licensing Authority may lawfully consider giving effect to its special policy. Therefore: if no relevant representation is received, the application must be granted.
- The Licensing Authority must regularly review any special saturation policies to see whether they are still needed or should be expanded

5.14 The absence of a Cumulative Impact Policy does not prevent any responsible authority or interested party making representations on a new application for the grant or variation of a Licence on the grounds that the premises will give rise to a negative or adverse cumulative impact on one or more of the Licensing Objectives.

5.15 The absence of a Cumulative Impact Policy does not prevent any responsible authority or interested party making representations on a new application for the grant or variation of a Licence on the grounds that the premises will give rise to a negative or adverse cumulative impact on one or more of the Licensing Objectives.

5.16 There is a significant difference between commercial need and the cumulative impact of premises within an area and It cannot be taken into account when considering an application.

5.17 A special policy will not impose quotas on either the number of premises or the capacity of those premises nor will it restrict the consideration of any application on its individual merits.

5.18 Applicants are advised to seek advice from the Durham Constabulary and incorporate any recommendations in their Operating Schedule before submitting their applications.

7.0 Prevention of Public Nuisance

7.1 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.

7.2 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 and characteristics of the premises and events.

7.3 If an external structure or area is to be used by customers, whether for consumption of alcohol or 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.

7.4 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 be required. Enquiries for consents should be directed to the Council's Licensing Team. In predominantly commercial areas such as shopping centres the Licensing Authority will normally allow the use of tables and chairs outside but will expect them to be removed before the premises close, and any resulting litter/ debris cleared away.

7.5 Applicants should give consideration to reducing potential noise nuisance by, for example:

- 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, openable windows, double doors / lobbies to entrances).
- 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.

7.6 The extent to which the above matters will need to be addressed will be dependant 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.

7.7 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.

8.0 Protection of Children from Harm

8.1 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.

8.2 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.

8.3 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.

8.4 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

Events which are aimed at children under the age of 18 years on licensed premises will not be looked on favourably by the licensing authority unless the applicant can demonstrate that all safeguards for children have been addressed such as the removal of alcohol advertising.

8.5 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.

8.6 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.

Access to Cinemas

8.7 In the case of premises which are used for film exhibitions, 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.

8.8 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.

8.9 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.

Children and Public Entertainment

8.10 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.

8.11 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 Criminal Records Bureau.

8.12 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.

8.13 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 7 – SECTION 182 GUIDANCE

CRIME AND DISORDER

- 2.1 Licensing authorities should look to the police as the main source of advice on crime and disorder.** They should also seek to involve the local Community Safety Partnership (CSP).
- 2.2 In the exercise of their functions, licensing authorities should seek to co-operate with the Security Industry Authority (“SIA”) as far as possible** and consider adding relevant conditions to licences where appropriate. The SIA also plays an important role in preventing crime and disorder by ensuring that door supervisors are properly licensed and, in partnership with police and other agencies, that security companies are not being used as fronts for serious and organised criminal activity. This may include making specific enquiries or visiting premises through intelligence led operations in conjunction with the police, local authorities and other partner agencies. Similarly, the provision of requirements for door supervision may be appropriate to ensure that people who are drunk, drug dealers or people carrying firearms do not enter the premises and ensuring that the police are kept informed.
- 2.3 Conditions should be targeted on deterrence and preventing crime and disorder.** 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 In the context of crime and disorder and public safety, the preservation of order on premises may give rise to genuine concerns about the ability of the management team with responsibility for the maintenance of order.** This may occur, for example, on premises where there are very large numbers of people and alcohol is supplied for consumption, or in premises where there are public order problems.

2.6 Conditions relating to the management competency of designated premises supervisors should not normally be attached to premises licences. The designated premises supervisor is the key person who will usually be responsible for the day to day management of the premises by the premises licence holder, including the prevention of disorder. A condition of this kind may only be justified as appropriate in rare circumstances where it can be demonstrated that, in the circumstances associated with particular premises, poor management competency could give rise to issues of crime and disorder and public safety.

2.7 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. However, licensing authorities must ensure that they do not stray outside their powers and duties under the 2003 Act. This is important to ensure the portability of the personal licence.

12 Amended guidance issued under Section 182 of the Licensing Act 2003 and the offences set out in the 2003 Act and to ensure, for example, that the prevention of disorder is in sharp focus for all managers, licence holders and clubs.

PUBLIC NUISANCE

2.18 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.

2.19 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 is important to remember that the prevention of public nuisance could therefore include low-level nuisance, perhaps affecting a few people living locally, as well as major disturbance affecting the whole community. It may also 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.

- 2.20 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 more sophisticated measures like the installation of acoustic curtains or rubber speaker mounts. Any conditions appropriate to promote the prevention of public nuisance should be tailored to the type, nature and characteristics of the specific premises. Licensing authorities should be aware of the need to avoid inappropriate or disproportionate measures that could deter events that are valuable to the community, such as live music. Noise limiters, for example, are very expensive to purchase and install and are likely to be a considerable burden for smaller venues.
- 2.21 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.
- 2.22 Where applications have given rise to representations, any appropriate conditions should normally focus on the most sensitive periods.** For example, music noise from premises usually occurs from mid-evening until either late-evening or early-morning when residents in adjacent properties may be attempting to go to sleep or are sleeping. In certain circumstances, conditions relating to noise immediately surrounding the premises may also prove appropriate to address any disturbance anticipated as customers enter and leave.
- 2.23 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.
- 2.24 **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 and to respect the rights of people living nearby to a peaceful night.

PROTECTION OF CHILDREN FROM HARM

2.25 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 with alcohol 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).

2.26 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.

2.27 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.

2.28 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.

2.29 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.

2.30 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.

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

2.32 Licensing authorities should give considerable weight to representations about child protection matters.

2.33 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.

2.34 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

2.35 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. For example, 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.