

Statutory Licensing Sub-Committee

16th August 2016

Application for the variation of a Premises Licence



Report of Oliver Sherratt, Interim Corporate Director, Neighbourhood Services

Name and Address of Premises: The Grand Hotel, South Church Road, Bishop Auckland, Co Durham DL14 6DU

1. Summary

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

Mr Derrick Smith
The Grand Hotel
South Church Road
Bishop Auckland
Co Durham
DL14 6DU

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

2. Details of the Application

An application for the variation of a premises licence was received by the Licensing Authority on 29th June 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 (on and off sales)	08:00 – 23:40 hrs Monday to Thursday 08:00 – 01:00 hrs Friday, Saturday, Sunday
Provision of Films (indoors only)	08:00 – 23:00 hrs Monday to Sunday
Provision of Live Music (indoors only)	10:00 – 23:00 hrs Monday to Thursday 10:00 – Midnight – Friday, Saturday, Sunday Boxing Day & New Year's 10:00 until 01:00 hrs

Provision of Recorded Music (indoors and outdoors)	10:00 – 23:00 hrs Monday to Thursday 10:00 – Midnight – Friday, Saturday, Sunday Boxing Day & New Year's 10:00 until 01:00 hrs
Provision of Performances of Dance (indoors only)	10:00 – 23:00 hrs Monday to Thursday 10:00 – Midnight – Friday, Saturday, Sunday Boxing Day & New Year's 10:00 until 01:00 hrs
Opening Hours	07:30 – Midnight - Monday to Thursday 0730 – 01:30 hrs – Friday, Saturday, Sunday Boxing Day & New Year's 07:30 until 02:30 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 Representation

The Licensing Authority received four letters of representation from 'other persons', however one letter was received via a third party and could not be validated. The licensing authority consider three of the letters to be relevant, namely Mrs Marian Jaye, Miss Alice Smith, Miss Rachel Miller.

The representation relates to the following licensing objective:

- The Prevention of Crime and Disorder
- Public Safety
- The Prevention of Public Nuisance

A copy of the representation is attached as Appendix 3.

For Members information – Mr Smith has provided an additional document in support of his application. This has been validated by the licensing authority.

This is attached as Appendix 4.

4. Parties

The Parties to the hearing will be:

- Mr Derrick Smith (Applicant)
- Mrs Marian Jaye (Other person)
- Miss Alice Smith (Other person)
- Miss Rachel Miller (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
- Appendix B - Framework Licensing Hours

Relevant information is attached as Appendix 5.

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 Crime and Disorder
- 2.6 - 2.13 Public Safety
- 2.14 - 2.20 Public Nuisance

Relevant information is attached as Appendix 6.

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)

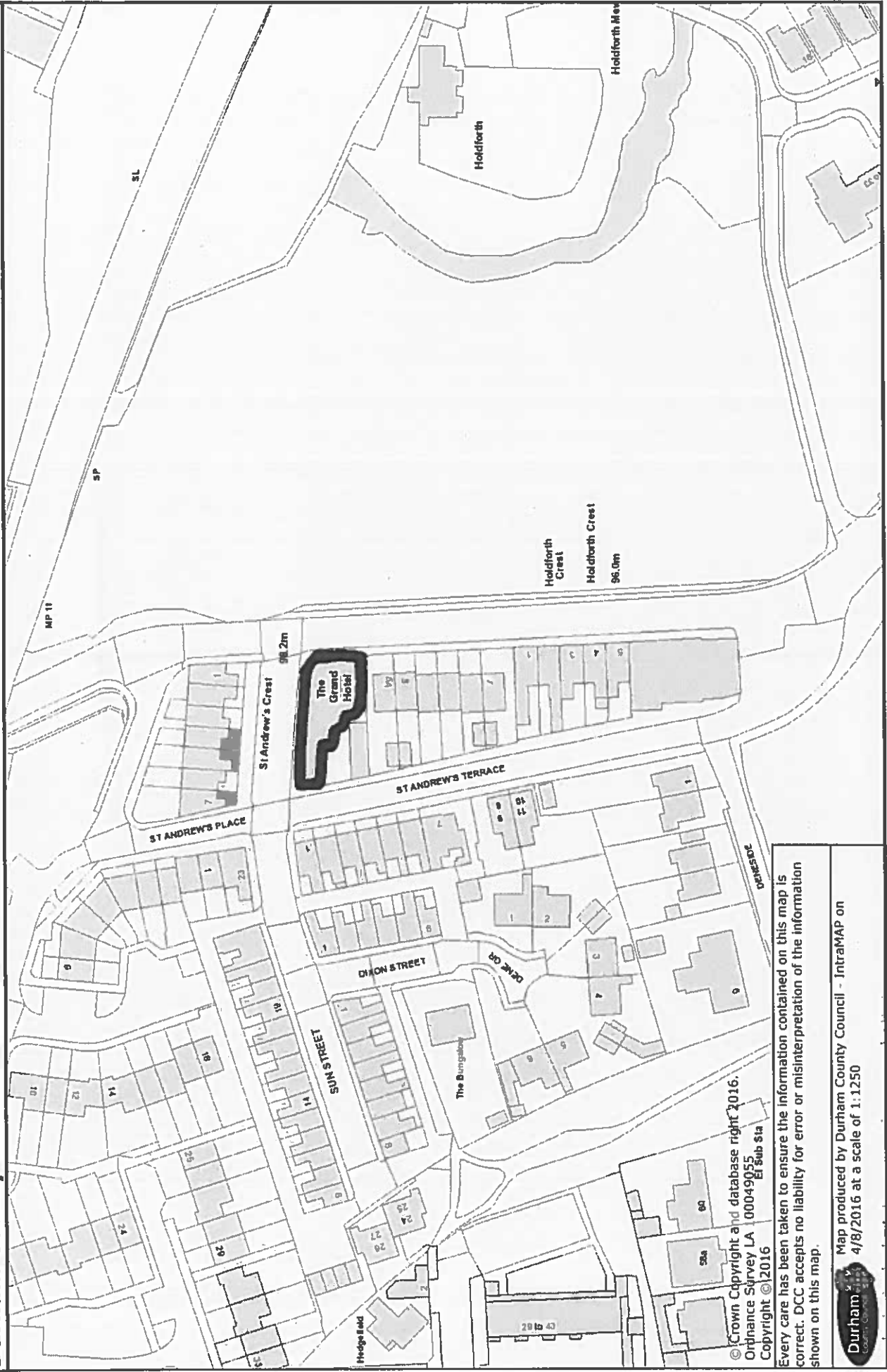
Contact: Karen Robson

Tel: 03000 265104

Email: karen.robson2@durham.gov.uk

APPENDIX 1 – LOCATION PLAN

Durham County Council - IntraMAP



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 Ordnance Survey LA 100049055
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 E184b st4

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
 4/8/2016 at a scale of 1:1250



APPENDIX 2 – APPLICATION FORM

**DURHAM COUNTY COUNCIL, Licensing Services,
PO Box 617, Durham. DH1 9HZ**

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.

29 JUN 2016

I/We Derrick Smith

(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
WV/PRE0159/05

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description
The Grand Hotel,
South Church Road,

Post town	Bishop Auckland	Postcode	DL14 6DU
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Telephone number at premises (if any)

Non-domestic rateable value of premises £2000

Part 2 – Applicant details

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

Part 3 - Variation

Please tick as appropriate

Do you want the proposed variation to have effect as soon as possible? **yes** 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)

The variations requested are for –

1. to allow drinks and food to be served in the morning. We have had requests from retired people for this so they can meet and socialise here.
2. to allow music to be played up to 00:00 on weekends only.
3. to extend opening hours to accommodate the above.
4. to extend our drinking hours to bring our Licensing Hours in line with comparable public houses in Bishop Auckland so we can be competitive.

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:

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) | No |
| b) films (if ticking yes, fill in box B) | Y |
| c) indoor sporting events (if ticking yes, fill in box C) | No |
| d) boxing or wrestling entertainment (if ticking yes, fill in box D) | No |
| e) live music (if ticking yes, fill in box E) | Y |
| f) recorded music (if ticking yes, fill in box F) | Y |
| g) performances of dance (if ticking yes, fill in box G) | Y |
| h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H) | No |

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

No

Sale by retail of alcohol (if ticking yes, fill in box J)

Y

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 (please read guidance note 3)</u>	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here (please read guidance note 4)</u>		
Mon					
Tue			<u>State any seasonal variations for performing plays (please read guidance note 5)</u>		
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 (please read guidance note 6)</u>		
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	Y
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 4)		
Mon	08:00	23:00			
Tue	08:00	23:00	State any seasonal variations for the exhibition of films (please read guidance note 5)		
Wed	08:00	23:00			
Thur	08:00	23:00	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)		
Fri	08:00	23:00			
Sat	08:00	23:00			
Sun	08:00	23:00			

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			State any seasonal variations for indoor sporting events (please read guidance note 5)
Tue			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)
Wed			
Thur			
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 7)			Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (please read guidance note 3)	
			Indoors	<input type="checkbox"/>
			Outdoors	<input type="checkbox"/>
			Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 4)	
Mon				
Tue			State any seasonal variations for boxing or wrestling entertainment (please read guidance note 5)	
Wed				
Thur			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 (please read guidance note 6)	
Fri				
Sat				
Sun				

E

Live music Standard days and timings (please read guidance note 7)			<u>Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 3)</u>	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here (please read guidance note 4)</u>		
Mon	10:00	23:00			
Tue	10:00	23:00			
Wed	10:00	23:00	<u>State any seasonal variations for the performance of live music (please read guidance note 5)</u>		
Thur	10:00	23:00			
Fri	10:00	00:00	<u>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)</u>		
Sat	10:00	00:00	Boxing Day and New Years Eve 10:00 to 01:00		
Sun	10:00	00:00			

F

Recorded music Standard days and timings (please read guidance note 7)			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	Y
Day	Start	Finish		Outdoors	Y
				Both	<input type="checkbox"/>
Mon	10:00	23:00	Please give further details here (please read guidance note 4) Recorded Music will not be played outdoors after sunset or after 21:00 whichever comes first.		
Tue	10:00	23:00			
Wed	10:00	23:00	State any seasonal variations for the playing of recorded music (please read guidance note 5)		
Thur	10:00	23:00			
Fri	10:00	00:00	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 (please read guidance note 6) Boxing Day and New Years Eve 10:00 to 01:00.		
Sat	10:00	00:00			
Sun	10:00	00:00			

G

Performances of dance Standard days and timings (please read guidance note 7)			Will the performance of dance take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	Y
Day	Start	Finish		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Mon	10:00	23:00	Please give further details here (please read guidance note 4)		
Tue	10:00	23:00			
Wed	10:00	23:00	State any seasonal variations for the performance of dance (please read guidance note 5)		
Thur	10:00	23:00			
Fri	10:00	00:00	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 (please read guidance note 6)		
Sat	10:00	00:00	Boxing Day and New Years Eve 10:00 to 01:00.		
Sun	10:00	00:00			

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 type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			Please give further details here (please read guidance note 4)		
Wed					
Thur			State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 5)		
Fri					
Sat			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					

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 type="checkbox"/>
				Outdoors	<input type="checkbox"/>
Day	Start	Finish			
Mon			<u>Please give further details here</u> (please read guidance note 4)		
Tue					
Wed			<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 5)		
Thur					
Fri			<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)		
Sat					
Sun					

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	Y			
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 5)					
Mon	08:00	23:40						
Tue	08:00	23:40						
Wed	08:00	23:40						
Thur	08:00	23:40				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) Boxing Day and New Years Eve 08:00 to 02:00.		
Fri	08:00	01:00						
Sat	08:00	01:00						
Sun	08:00	01:00						

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)			<u>State any seasonal variations</u> (please read guidance note 5)
Day	Start	Finish	
Mon	07:30	00:00	<p><u>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</u> (please read guidance note 6)</p> <p>Boxing Day and New Years Eve 07:30 to 02:30.</p>
Tue	07:30	00:00	
Wed	07:30	00:00	
Thur	07:30	00:00	
Fri	07:30	01:30	
Sat	07:30	01:30	
Sun	07:30	01:30	

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 Y
- 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)

We will hold the 4 Licensing Objectives in high regard and will strive to keep staff fully trained on all of our policies and procedures. All training records will be made available to officers when requested.

b) The prevention of crime and disorder

1. No serving of alcohol to any person who appears to be drunk.
2. Full initial staff training to be carried out by DPS to ensure no alcohol is sold to anyone underage and refresher training to be carried out every 6 Months.
3. Training Records to be kept for every member of staff and endorsed after every training session. The records will be made available to Officers and responsible authorities when requested to do so.
4. CCTV will be provided in the form of a recordable system capable of providing pictures particularly facial recognition. Cameras shall encompass all entrances and exits to the premises where the sale/supply of alcohol occurs.

c) Public safety

All plans and evacuation procedure will be posted and given to staff as part of their training.
All fire exits shall be identified and marked as per the appropriate British Standard.
A Daily Log will be kept that identifies any problems and incidents.
First Aid Equipment and Treatment will be provided.
Number of persons on the licensed premises will be limited to 200.

d) The prevention of public nuisance

Congregation of people outside of the premises will be discouraged.
After 23:00 no extra persons will be admitted on to the Premises.
After 23:00 any persons leaving the premises will be escorted out and encouraged to leave quietly.

e) The protection of children from harm

1. A Challenge 25 Policy will be operated on the premises, acceptable forms of identification will be a passport, photocard driving license, and PASS accredited identification card ie. ID4U.
A refusal Register will be kept and endorsed after every sale refused. This should be maintained and will be produced to a relevant officer of the Police or a relevant officer of a responsible authority upon request, this is also to include over 18s purchasing alcohol and passing it on to under 18s.
2. No 18 to 20 year old Birthday Parties will be held on the premises while alcohol is available.

Checklist:

Please tick to indicate agreement

- | | |
|--|--------------------------|
| I have made or enclosed payment of the fee, or | Y |
| 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 | <input type="checkbox"/> |
- | | |
|---|---|
| I have sent copies of this application and the plan to responsible authorities and others where applicable. | Y |
|---|---|
- | | |
|--|---|
| I understand that I must now advertise my application. | Y |
|--|---|
- | | |
|---|---|
| I have enclosed the premises licence or relevant part of it or explanation. | Y |
|---|---|
- | | |
|---|---|
| I understand that if I do not comply with the above requirements my application will be rejected. | Y |
|---|---|

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	28. June 2016.
Capacity	Licence Holder.

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 12). 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)

The Grand Hotel,
South Church Road,

Post town	Bishop Auckland	Post code	DL14 6DU
Telephone number (if any)			

APPENDIX 3 – REPRESENTATION LETTERS

Yvonne Raine

From: Marianjaye
Sent: 25 July 2016 16:09
To: Neighbourhood Services Licensing
Subject: The Grand

Dear sir

I would like to object to the increase in opening hours made by The Grand Hotel in Bishop Auckland I live next to the Grand Hotel in St Andrews crest and the noise from the establishment is horrendous despite closing all windows and doors you can still hear the loud music if you ask the landlord to turn the volume down he turns it up its goes on until 12 most weekends not to mention the slamming of car doors and the anti social behaviour of some of the customer I am elderly person living on my own and I feel frightened and intimidated the area is not well lit and I have had people knocking on my door when they have been drunk I couldn't cope if the opening hours were increased

Yours sincerely
Mrs Marian Jaye
St Andrews Crest
bishop Auckland
DL14 6DL

Sent from my iPhone

Karen Robson

From:
Sent: 23 July 2016 09:22
To: Neighbourhood Services Licensing

To whom it may concern.

I strongly object to the application for an extended licence for THE GRAND HOTEL. South church road Bishop Auckland. DL14 6DU.

I live to the side of the grand at St Andrews Crest DL14 6DL.

Its already got very loud music going on until midnight and then when people leave i have to listen to shouting and swearing. There has already been drunken people falling in the road. I have attempted to complain directly which resulted in being barred from the grand. I have no problem with the pub but i object when it affects my life. I am now frightened to go out after 11pm if my dogs need to go out. My daughter stays when on leave from afganistan and can't get much sleep because of the loud music. Even if i close my windows you can still here it. Why should i have to change the way i live because of noise.

I object very strongly for later opening hours. And more loud music. I have to live here. Very anti social people to live beside. As for late opening on boxing day and new years eve please, NO i own my house i do not want this area to be known that its ok to drink and carry on until early hours. I would be reported because of my dogs barking i have/had quiet dogs they now bark because of all the noise car doors banging,shouting, all very late at night in fact around midnight so if a late licence is being applied for just now, does that mean its ok to be doing it already? I was looking forward to the Grand re.opening im not a drinker but thought it would be good for the community how wrong i am.Please take note of my objection.

ALICE SMITH.

Karen Robson

From: Rachel Miller
Sent: 25 July 2016 16:29
To: Neighbourhood Services Licensing
Subject: the grand hotle

I would like to make an objection to the change in licence for the grand hotel bishop auckland I am against the change in licence as there is already a lot off noise and anti social behaviour from the pub . On a weekend when there are bands playing it is so loud u have to shut your windows and doors or u cant hear your tv over it and the same every sunday when they have a disco. I have asked on sunday that they turn the music down as my daughter sleeps in the back bedroom and cant sleep for the loud music and when she had gsce i asked if they could turn it down but it just seem to have got louder and one saturday night at 1 o'clock in the morning i witnessed i customer slumped in the car park and owner just picked him up and dumped him on the steps and there is a lot shouting and car doors banging when everyone leaves so if this were to go on until even later my daughter would never be able to get any sleep and she is about to start her a levels and this will have an effect on that if shes not getting any sleep because the noise goes until 12 o'clock and sometimes 1 o'clock in the morning .

Rachel Miller
st andrews crest
bishop auckland
DL146DL

**APPENDIX 4 – DOCUMENT SUPPLIED BY MR SMITH
(APPLICANT)**

02/08/2016

Miss Jacqueline Smart
St Andrews Crest
Bishop Auckland
County Durham

To whom it may concern.

I feel I must write to inform you that three letters from my neighbours, objecting to the proposed extended hours for The Grand pub, is nothing more than a vendetta against the landlord and his partner.

In June, Rachel Miller told me directly "that when they were finished with them, they wouldn't have any customers left". This was in reference to Derek and Val, following them being barred from The Grand. The reason my neighbours were barred is due to the personal attacks made on social media about Derek and Val. They also continue to denigrate the pub by telling anyone who will listen that the pub serves poor quality food and drink.

The former chef at The Grand, Margaret, is a friend of the three complainants and since she was asked to leave, their campaign to blacken the landlord's name has increased. This being the latest attempt to sabotage the business. These three ladies are not just neighbours to each other, Alice and Marian have been best friends for many years and Rachel is Marian's Son's partner.

Alice and Marian are both quite hard of hearing, so how does the noise from the pub affect them when I don't hear it and my hearing is perfect? I live between Alice and Marian so I get the same noise levels as them. The pub is much quieter than when the previous landlords had the license. On the contrary, Derek is always concerned about noise levels and often asks if it is too loud.

As for my neighbours' dogs being upset by noise, rubbish! Since Alice moved in next door to me I have suffered constant noise from barking and yapping of her dogs. This was even before the pub had re-opened.

I do hope this letter will help towards you making an informed decision based on the truth and not a travesty of lies made by vindictive people who have made their intentions clear. I support The Grand's application for an extended hours on occasion and cannot stress too strongly that Derak and Val are conscientious landlords who care about customers and the community.

Yours Sincerely

Jacqueline Smart

APPENDIX 5 – 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.

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	<p>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</p> <p>(i.e. if the Monday is the bank holiday, the Sunday is normal trading plus 1 hour).</p>
For licences not including the sale or supply of alcohol	07.00 to 23.30	07.00 to 00.30	<p>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</p> <p>(i.e. if the Monday is the bank holiday, the Sunday is normal trading plus 1 hour).</p>
For licences not including the sale or supply of alcohol (community centres, village halls)	07.00 to 00.00	07.00 to 01.00	<p>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</p>

			(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 6 – 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.