

Statutory Licensing Sub-Committee

12th January 2017



Application to Vary a Premises Licence

Report of Jane Robinson, Corporate Director, Adult & Health Services

Name and Address of Premises: Edmundbyers Youth Hostel,
Edmundbyers, Consett. DH8 9NL

1. Summary

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

Edmundbyers Youth Hostel
Edmundbyers
Consett
DH8 9NL

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

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

2. Details of the Application

An application to vary the premises licence was received by the Licensing Authority on 14th November 2016.

The application is to extend the current licensed area to add a new bar area at the location shown on the plan attached to the application. The current licensed areas are outlined in bold.

A copy of the application and plan are attached at Appendix 3.

On 14th December 2016, the applicant submitted an updated plan document which shows the internal layout of the proposed bar area in more detail. A copy of this plan is attached at Appendix 4.

The application is deemed by the Licensing Authority to be correctly served and advertised in accordance with the Licensing Act regulations.

The premises are currently licensed to permit the following licensable activities:

Existing Premises Licence Activities and Permitted Hours

Opening hours of the premises:

Monday to Sunday: 00:00 – 23:59 hrs

Sale of Alcohol (consumption on and off the premises):

Sunday to Thursday: 08:00 – 22:30 hrs

Friday and Saturday: 08:00 – 00:00 hrs

Sundays preceding a Bank Holiday and Christmas Eve: 08:00 – 00:00 hrs

New Years Eve: 08:00 – 01:00 hrs.

On 12 occasions per year, by 14 days prior notice to the Licensing Authority:
08:00 – 00:00 hrs.

Plays, Films, Indoor Sporting Events, Live Music, Recorded Music, Performance of Dance, Similar Entertainment to Live Music, Recorded Music and Performance of Dance (all Indoors):

Sunday to Thursday: 08:00 – 22:30 hrs

Friday and Saturday: 08:00 – 00:00 hrs

Sundays preceding a Bank Holiday and Christmas Eve: 08:00 – 00:00 hrs

New Years Eve: 08:00 – 01:00 hrs.

On 12 occasions per year, by 14 days prior notice to the Licensing Authority:
08:00 – 00:00 hrs.

Late Night Refreshment (Indoors):

Monday to Sunday: 23:00 – 05:00 hrs

The variation application also requests the removal of all the conditions currently imposed on the premises licence at Annex 2.

Instead, the applicant has proposed other conditions and steps that they intend to take in order to promote the four licensing objectives, which are outlined within the application form at Section 16.

On 16th November 2016, the applicant submitted amendments to the application by adding additional conditions to the operating schedule following discussions with Durham Constabulary.

On 18th November 2016, the applicant also added further additional conditions to the application following discussions with the Durham Local Safeguarding Children Board.

Details of these additional conditions proposed by the applicant are attached at Appendix 5.

3. The Representations

The Licensing Authority received thirteen representations from 'other persons'.

Three of the representations are in support of the application and ten representations are objections to the proposed variation.

The representations objecting to the application relate to the following licensing objectives:

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

Copies of the representations in support of the application are attached at Appendix 6.

Copies of the representations opposing the application are attached at Appendix 7.

No representations were received from any of the Responsible Authorities.

For Members information – An e-mail not amounting to a representation was received from Mr Adrian Caines, Principal Planning Officer for Durham County Council.

A copy of the e-mail is attached as Appendix 8 for information only.

4. Parties

The Parties to the hearing will be:

- Mr David Anderson (Applicant)
- Mincoffs Solicitors (Applicant's Solicitors)
- Mrs Ann Penny (Other person)
- Mr Ian Penny (Other person)
- Ms Elen Henley (Other person)
- Mr Ian Davies (Other person)
- Ms Lynda Coulthard (Other person)
- Ms Patricia Harvey (Other person)
- Dr Martyn Harvey (Other person)
- Mr Graham & Mrs Anne Hartley (Other person)
- Mr Roy Tyerman (Other person)
- Mr and Mrs Jefferson (Other person)
- Mr Mark Lee (Other person)
- Mr Trevor Howarth (Other person)
- Dr Jason Cook (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 The Prevention of Public Nuisance
- 10.0 The Protection of Children from Harm
- Appendix B - Framework Licensing Hours

Relevant information is attached as Appendix 9.

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
- 2.21 - 2.31 Protection of Children from Harm

Relevant information is attached as Appendix 10.

7. For Decision

The Sub-Committee is asked to determine the variation 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)

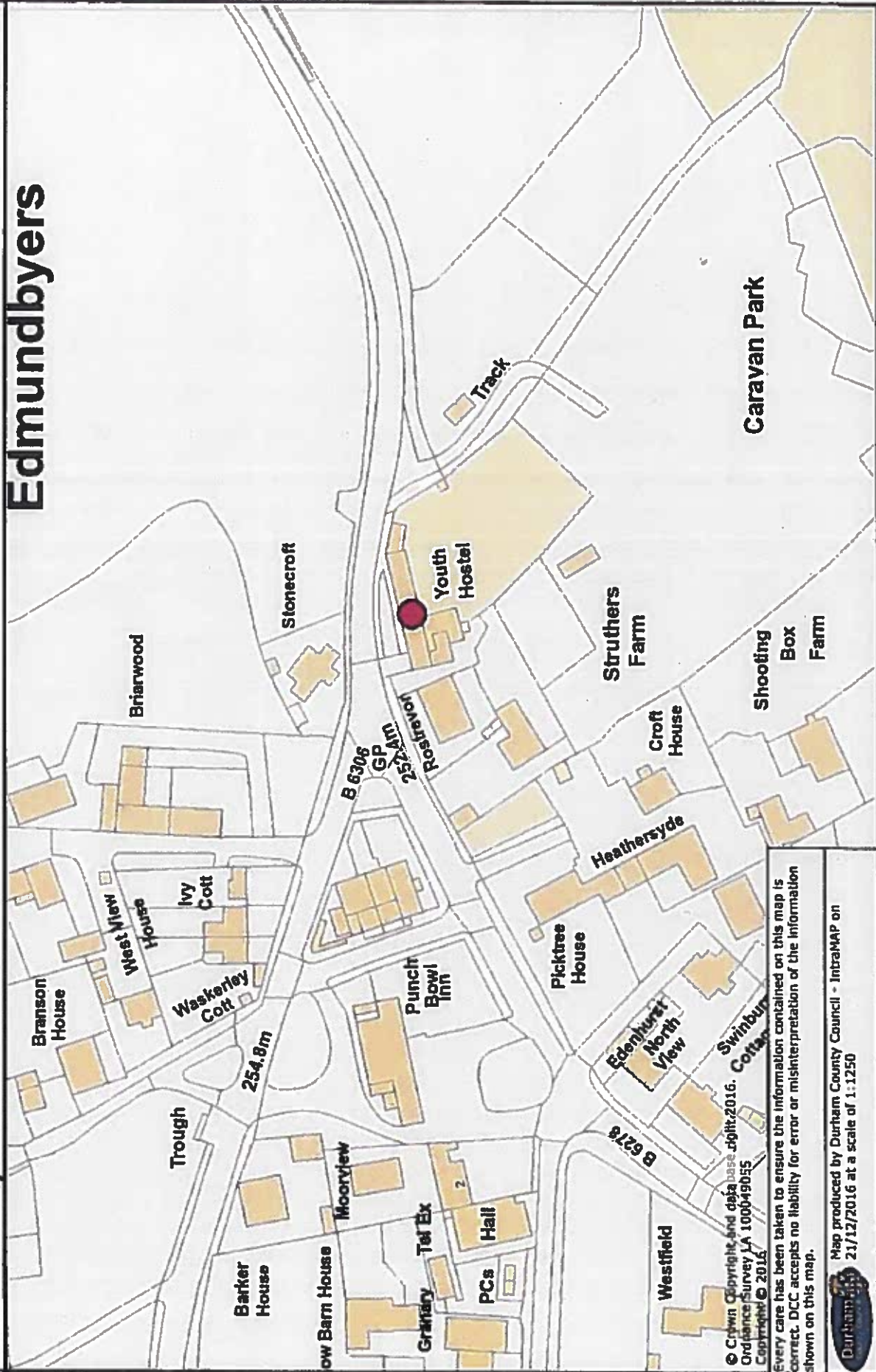
Contact: Yvonne Raine

Tel: 03000 265256

Email: yvonne.raine@durham.gov.uk

APPENDIX 1 – LOCATION PLAN

Durham County Council - IntraMAP



© Crown Copyright and Ordnance Survey LA 100049055
Copyright © 2016
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 21/12/2016 at a scale of 1:1250



APPENDIX 2 – PREMISES LICENCE



LICENSING ACT 2003 PREMISES LICENCE

Premises Licence Number
Granted
Issued

WV/PRE0298/07
20 November 2007
26 May 2016

Part 1 – Premises details

Postal address of premises, or if none, ordnance survey map reference or description	Issuing Authority
EDMUNDBYERS YOUTH HOSTEL EDMUNDBYERS CONSETT DH8 9NL	DURHAM COUNTY COUNCIL EHCP LICENSING SERVICES PO BOX 617 DURHAM DH1 9HZ
Telephone number: 01207 255651	

Where the licence is time limited the dates N/A

Licensable activities authorised by this licence Plays Films Indoor Sporting Events Live Music Recorded Music Performance of Dance Other Entertainment Similar to Live or Rec Music or Dance Performance Facilities for Making Music Facilities for Dancing Other Entertainment Facilities Similar to Making Music or Dancing Late Night Refreshment Sale by retail of alcohol

Opening Hours of the Premises		
Mon	00:00-23:59	Non-standard/seasonal timings N/A
Tue	00:00-23:59	
Wed	00:00-23:59	
Thu	00:00-23:59	
Fri	00:00-23:59	
Sat	00:00-23:59	
Sun	00:00-23:59	

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

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

<p>Plays Indoors</p> <p>Mon 08:00-22:30 Tue 08:00-22:30 Wed 08:00-22:30 Thu 08:00-22:30 Fri 08:00-00:00 Sat 08:00-00:00 Sun 08:00-22:30</p>	<p>Further details N/A</p> <p>Non-standard/seasonal timings Sundays preceding a Bank Holiday: 08:00 - 00:00 Christmas Eve: 08:00 - 00:00 New Years Eve: 08:00 - 01:00 08:00 - 00:00 on 12 occasions per year, by 14 days prior notice to the Licensing Authority.</p>
<p>Films Indoors</p> <p>Mon 08:00-22:30 Tue 08:00-22:30 Wed 08:00-22:30 Thu 08:00-22:30 Fri 08:00-00:00 Sat 08:00-00:00 Sun 08:00-22:30</p>	<p>Further details N/A</p> <p>Non-standard/seasonal timings Sundays preceding a Bank Holiday: 08:00 - 00:00 Christmas Eve: 08:00 - 00:00 New Years Eve: 08:00 - 01:00 08:00 - 00:00 on 12 occasions per year, by 14 days prior notice to the Licensing Authority.</p>
<p>Indoor Sporting Events</p> <p>Mon 08:00-22:30 Tue 08:00-22:30 Wed 08:00-22:30 Thu 08:00-22:30 Fri 08:00-00:00 Sat 08:00-00:00 Sun 08:00-22:30</p>	<p>Further details N/A</p> <p>Non-standard/seasonal timings Sundays preceding a Bank Holiday: 08:00 - 00:00 Christmas Eve: 08:00 - 00:00 New Years Eve: 08:00 - 01:00 08:00 - 00:00 on 12 occasions per year, by 14 days prior notice to the Licensing Authority.</p>
<p>Live Music Indoors</p> <p>Mon 08:00-22:30 Tue 08:00-22:30 Wed 08:00-22:30 Thu 08:00-22:30 Fri 08:00-00:00 Sat 08:00-00:00 Sun 08:00-22:30</p>	<p>Further details N/A</p> <p>Non-standard/seasonal timings Sundays preceding a Bank Holiday: 08:00 - 00:00 Christmas Eve: 08:00 - 00:00 New Years Eve: 08:00 - 01:00 08:00 - 00:00 on 12 occasions per year, by 14 days prior notice to the Licensing Authority.</p>

<p>Recorded Music Indoors</p> <p>Mon 08:00-22:30 Tue 08:00-22:30 Wed 08:00-22:30 Thu 08:00-22:30 Fri 08:00-00:00 Sat 08:00-00:00 Sun 08:00-22:30</p>	<p>Further details N/A</p> <p>Non-standard/seasonal timings Sundays preceding a Bank Holiday: 08:00 - 00:00 Christmas Eve: 08:00 - 00:00 New Years Eve: 08:00 - 01:00 08:00 - 00:00 on 12 occasions per year, by 14 days prior notice to the Licensing Authority.</p>
<p>Performance of Dance Indoors</p> <p>Mon 08:00-22:30 Tue 08:00-22:30 Wed 08:00-22:30 Thu 08:00-22:30 Fri 08:00-00:00 Sat 08:00-00:00 Sun 08:00-22:30</p>	<p>Further details N/A</p> <p>Non-standard/seasonal timings Sundays preceding a Bank Holiday: 08:00 - 00:00 Christmas Eve: 08:00 - 00:00 New Years Eve: 08:00 - 01:00 08:00 - 00:00 on 12 occasions per year, by 14 days prior notice to the Licensing Authority.</p>
<p>Other Entertainment Similar to Live or Rec Music or Dance Performance Indoors</p> <p>Mon 08:00-22:30 Tue 08:00-22:30 Wed 08:00-22:30 Thu 08:00-22:30 Fri 08:00-00:00 Sat 08:00-00:00 Sun 08:00-22:30</p>	<p>Further details N/A</p> <p>Non-standard/seasonal timings Sundays preceding a Bank Holiday: 08:00 - 00:00 Christmas Eve: 08:00 - 00:00 New Years Eve: 08:00 - 01:00 08:00 - 00:00 on 12 occasions per year, by 14 days prior notice to the Licensing Authority.</p>
<p>Facilities for Making Music Indoors</p> <p>Mon 08:00-22:30 Tue 08:00-22:30 Wed 08:00-22:30 Thu 08:00-22:30 Fri 08:00-00:00 Sat 08:00-00:00 Sun 08:00-22:30</p>	<p>Further details N/A</p> <p>Non-standard/seasonal timings Sundays preceding a Bank Holiday: 08:00 - 00:00 Christmas Eve: 08:00 - 00:00 New Years Eve: 08:00 - 01:00 08:00 - 00:00 on 12 occasions per year, by 14 days prior notice to the Licensing Authority.</p>

<p>Facilities for Dancing Indoors</p> <p>Mon 08:00-22:30 Tue 08:00-22:30 Wed 08:00-22:30 Thu 08:00-22:30 Fri 08:00-00:00 Sat 08:00-00:00 Sun 08:00-22:30</p>	<p>Further details N/A</p> <p>Non-standard/seasonal timings Sundays preceding a Bank Holiday: 08:00 - 00:00 Christmas Eve: 08:00 - 00:00 New Years Eve: 08:00 - 01:00 08:00 - 00:00 on 12 occasions per year, by 14 days prior notice to the Licensing Authority.</p>
<p>Other Entertainment Facilities Similar to Making Music or Dancing Indoors</p> <p>Mon 08:00-22:30 Tue 08:00-22:30 Wed 08:00-22:30 Thu 08:00-22:30 Fri 08:00-00:00 Sat 08:00-00:00 Sun 08:00-22:30</p>	<p>Further details N/A</p> <p>Non-standard/seasonal timings Sundays preceding a Bank Holiday: 08:00 - 00:00 Christmas Eve: 08:00 - 00:00 New Years Eve: 08:00 - 01:00 08:00 - 00:00 on 12 occasions per year, by 14 days prior notice to the Licensing Authority.</p>
<p>Late Night Refreshment Indoors</p> <p>Mon 23:00-05:00 Tue 23:00-05:00 Wed 23:00-05:00 Thu 23:00-05:00 Fri 23:00-05:00 Sat 23:00-05:00 Sun 23:00-05:00</p>	<p>Further details N/A</p> <p>Non-standard/seasonal timings N/A</p>
<p>Sale by retail of alcohol</p> <p>Mon 08:00-22:30 Tue 08:00-22:30 Wed 08:00-22:30 Thu 08:00-22:30 Fri 08:00-00:00 Sat 08:00-00:00 Sun 08:00-22:30</p>	<p>Further details N/A</p> <p>Non-standard/seasonal timings Sundays preceding a Bank Holiday: 08:00 - 00:00 Christmas Eve: 08:00 - 00:00 New Years Eve: 08:00 - 01:00 08:00 - 00:00 on 12 occasions per year, by 14 days prior notice to the Licensing Authority.</p>

Part 2

Name, (Registered) address, telephone number and email (where relevant) of holder of premises licence	
MR DAVID ANDERSON	
Registered number of holder, for example company number, charity number (where applicable)	
Company no:	N/A
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 DAVID ANDERSON

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

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 must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises -

(a) games or other activities which require or encourage, or are designed to require or encourage, individuals to -

- (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
- (ii) drink as much alcohol as possible (whether within a time limit or otherwise);

(b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;

(c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;

(d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;

(e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

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

The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol -

The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

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 either-

(a) a holographic mark, or

(b) an ultraviolet feature.

The responsible person must ensure that -

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

- (i) beer or cider: ½ pint;
- (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
- (iii) still wine in a glass: 125 ml;

(b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and

(c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

Minimum Price of Alcohol:

1 A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

2 For the purposes of the condition:

- (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
- (b) "permitted price" is the price found by applying the formula -

$$P = D + (D \times V)$$

Where -

- (i) P is the permitted price,
- (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of alcohol, and
- (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

- (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence –
- (i) the holder of the premises licence,
 - (ii) the designated premises supervisor (if any) in respect of such a licence, or
 - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

3 Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

4 (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

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).

Annex 2 – Conditions consistent with the premises Operating Schedule

General

The Council's proper officer accompanied by any such other person as he deems necessary, or a police officer, shall at all times have access to the licensed premises for the purposes of ensuring compliance with the conditions of the licence.

No licensable activities will be provided between 23:00 hours and 10:00 hours the following day other than to:-

- a) Residents
- b) Bonafide guests of residents
- c) Persons attending a bonafide function booked at least 48 hours in advance.

The Prevention of Crime & Disorder

The Licensee, that is the person in whose name the Premises Licence is issued, must ensure that all times when the premises are open for any licensable activity, there are sufficient, competent staff on duty at the premises for the purpose of fulfilling the terms and conditions of the licence and for preventing crime and disorder.

A security manual for the premises shall be maintained and enforced

A notice shall be provided, stating that the consumption of alcoholic drinks outside, in front of the building is prohibited.

Public Safety

A health and safety policy for the premises shall be maintained and enforced.

The Prevention of Public Nuisance

Prominent, clear and legible notices are to be displayed at all exits requesting the public to respect the needs of local residents and to leave the premises and the area quietly.

Noise and vibration shall not emanate from the premises so as to cause a nuisance to nearby properties. To achieve this, doors and windows at the premises shall be kept closed to prevent noise breakout.

The Protection of Children from Harm

All members of staff at the premises must seek evidence of a customer's age from any person who appears to be under the age of 18 years and who is seeking to purchase or consume alcohol on the premises.

A child protection policy, to include a restricted policy relating to alcohol sales, shall be maintained and enforced.

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

APPENDIX 3 - APPLICATION



* required information

Section 1 of 17

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

System reference

Not Currently In Use

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

Your reference

/Anderson

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

Are you an agent acting on behalf of the applicant?

Yes No

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

Applicant Details

* First name

David

* Family name

Anderson

* E-mail

Main telephone number

include country code.

Other telephone number

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

Is the applicant:

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

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

Continued from previous page...

Address

* Building number or name

* Street

District

* City or town

County or administrative area

* Postcode

* Country

Agent Details

* First name

* Family name

* E-mail

Main telephone number

Other telephone number

Include country code.

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

Are you:

- An agent that is a business or organisation, including a sole trader
- A private individual acting as an agent

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

Agent Business

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

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

Is your business registered outside the UK? Yes No

Business name

If your business is registered, use its registered name.

VAT number -

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

Legal status

Your position in the business

Home country

The country where the headquarters of your business is located.

Continued from previous page...

Agent Business Address

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

Building number or name	<input type="text"/>
Street	<input type="text"/>
District	<input type="text"/>
City or town	<input type="text"/>
County or administrative area	<input type="text"/>
Postcode	<input type="text"/>
Country	<input type="text"/>

Section 2 of 17

APPLICATION DETAILS

This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence, you should make a new premises licence application under section 17 of the Licensing Act 2003.

I/we, as named in section 1, being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in section 2 below.

* Premises Licence Number

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

Address OS map reference Description

Postal Address Of Premises

Building number or name	<input type="text" value="Edmundbyers Youth Hostel"/>
Street	<input type="text" value="Edmundbyers"/>
District	<input type="text"/>
City or town	<input type="text" value="Consett"/>
County or administrative area	<input type="text" value="Co Durham"/>
Postcode	<input type="text" value="DH8 9NL"/>
Country	<input type="text" value="United Kingdom"/>

Premises Contact Details

Telephone number	<input type="text"/>
Non-domestic rateable value of premises (£)	<input type="text"/>

Section 3 of 17

VARIATION

Continued from previous page...

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

Yes No

Do you want the proposed variation to have effect in relation to the introduction of the late night levy?

Yes No

You do not have to pay a fee if the only purpose of the variation for which you are applying is to avoid becoming liable to the late night levy.

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

Describe Briefly The Nature Of The Proposed Variation

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

Hostel and Bar. The applicant purchased the property from YHA association and continue to run the business serving the purpose as Youth Hostel. With the demand from local community- there is a good size of local residents and two caravan sites nearby) The applicant wish to extend the current boundary slightly further to form a Bar area.

Section 4 of 17

PROVISION OF PLAYS

Will the schedule to provide plays be subject to change if this application to vary is successful?

Yes No

Section 5 of 17

PROVISION OF FILMS

Will the schedule to provide films be subject to change if this application to vary is successful?

Yes No

Section 6 of 17

PROVISION OF INDOOR SPORTING EVENTS

Will the schedule to provide indoor sporting events be subject to change if this application to vary is successful?

Yes No

Continued from previous page...

Section 7 of 17

PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

Will the schedule to provide boxing or wrestling entertainments be subject to change if this application to vary is successful?

Yes No

Section 8 of 17

PROVISION OF LIVE MUSIC

Will the schedule to provide live music be subject to change if this application to vary is successful?

Yes No

Section 9 of 17

PROVISION OF RECORDED MUSIC

Will the schedule to provide recorded music be subject to change if this application to vary is successful?

Yes No

Section 10 of 17

PROVISION OF PERFORMANCES OF DANCE

Will the schedule to provide performances of dance be subject to change if this application to vary is successful?

Yes No

Section 11 of 17

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

Will the schedule to provide anything similar to live music, recorded music or performances of dance be subject to change if this application to vary is successful?

Yes No

Section 12 of 17

PROVISION OF LATE NIGHT REFRESHMENT

Will the schedule to provide late night refreshment be subject to change if this application to vary is successful?

Yes No

Section 13 of 17

SUPPLY OF ALCOHOL

Will the schedule to supply alcohol be subject to change if this application to vary is successful?

Yes No

Continued from previous page...

Section 14 of 17

ADULT ENTERTAINMENT

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

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

N/A

Section 15 of 17

HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

MONDAY

Start

End

Start

End

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

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

State any seasonal variations.

Continued from previous page...

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

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

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

n/a

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

This premise is starting serving more functions to the public due to change of its ownership and there is more business demand from not only the local but also the passing trade and caravan sites residents nearby. The applicant wish to remove Annex 2 condition all together.

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

Reasons why I have failed to enclose the premises licence or relevant part of premises licence.

Section 16 of 17

LICENSING OBJECTIVES

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

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

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

Applicant confirms that general conditions and licensing objectives will be complied by DPS and trained staff all the time. in addition to these, the applicant has taken extra steps to installed CCTV system with conditions mentioned in b) c) d) and e) section blow

b) The prevention of crime and disorder

A CCTV system very been installed and maintained in proper working order to the satisfaction of, and in connection with, Durham Constabulary. Such a system shall

- a) be operated by properly trained staff
- b) be in operation at all times the premises are open to the public
- c) ensure coverage of all public entrances and exists to be the licensed premises
- d) ensure coverage of such other areas as may be required by the Licensing Authority and Durham Constabulary

Continued from previous page...

e) provide continuous recording facilities for each camera to a good standard of clarity. Such recordings shall be retained on disc or otherwise may be put on disc or otherwise for a period of 28 days, and shall be supplied to the Licensing Authority or Police Officer on request

c) Public safety

A refusals book and Incident book shall be kept at the premises which are utilised and maintained at all times. Entries shall be authorised by DPS on a regular basis. This book shall be available to the Police on request.

d) The prevention of public nuisance

Doors and windows will be kept closed whenever necessary;
For the final hour of opening the music will be discernibly quieter;

e) The protection of children from harm

For any premises with known associations with heavy or binge or underage drinking, drugs, significant gambling, or any activity or entertainment of a clearly adult or sexual nature, access will not be permitted for children under 18 years

Section 17 of 17

PAYMENT DETAILS

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card. Variation Fees are determined by the non domestic rateable value of the premises. To find out a premises non domestic rateable value go to the Valuation Office Agency site at http://www.voa.gov.uk/business_rates/index.htm

Band A - No RV to £4300	£100.00
Band B - £4301 to £33000	£190.00
Band C - £33001 to £8700	£315.00
Band D - £87001 to £12500	£450.00*
Band E - £125001 and over	£635.00*

*If the premises rateable value is in Bands D or E and the premises is primarily used for the consumption of alcohol on the premises then your are required to pay a higher fee

Band D - £87001 to £12500	£900.00
Band E - £125001 and over	£1,905.00

If you own a large premise you are subject to additional fees based upon the number in attendance at any one time

Capacity 5000-9999	£1,000.00
Capacity 10000 -14999	£2,000.00
Capacity 15000-19999	£4,000.00
Capacity 20000-29999	£8,000.00
Capacity 30000-39000	£16,000.00
Capacity 40000-49999	£24,000.00
Capacity 50000-59999	£32,000.00
Capacity 60000-69999	£40,000.00
Capacity 70000-79999	£48,000.00
Capacity 80000-89999	£56,000.00

Continued from previous page...

Capacity 90000 and over £64,000.00

* Fee amount (£) 100.00

ATTACHMENTS

AUTHORITY POSTAL ADDRESS

Address

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

DECLARATION

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

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

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

* Full name

* Capacity

Date (dd/mm/yyyy)

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

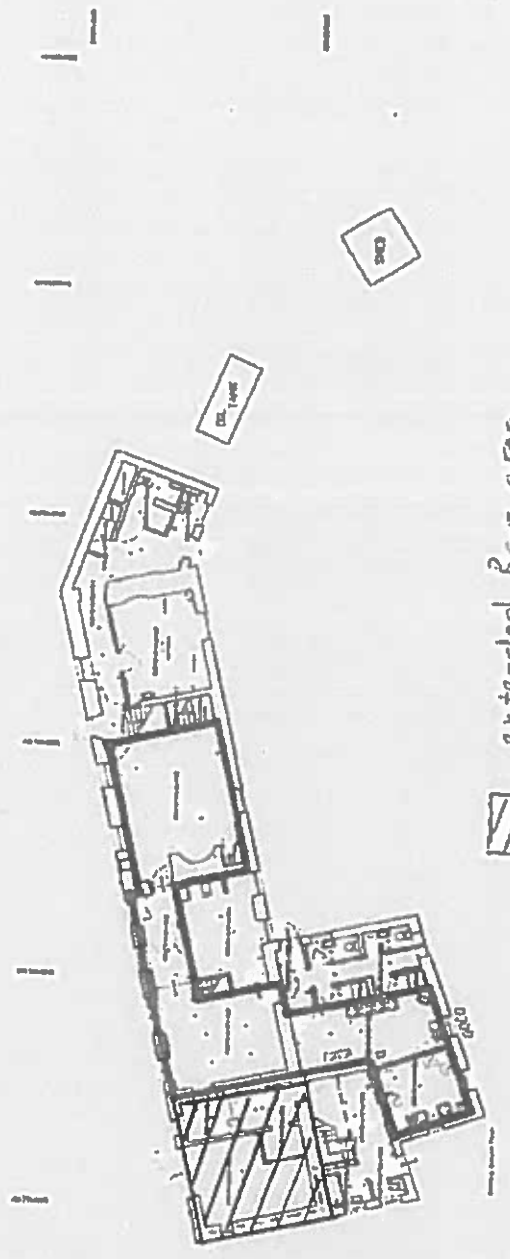
1. Save this form to your computer by clicking file/save as...
2. Go back to <https://www.gov.uk/apply-for-a-licence/premises-licence/county-durham/change-1> to upload this file and continue with your application.

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

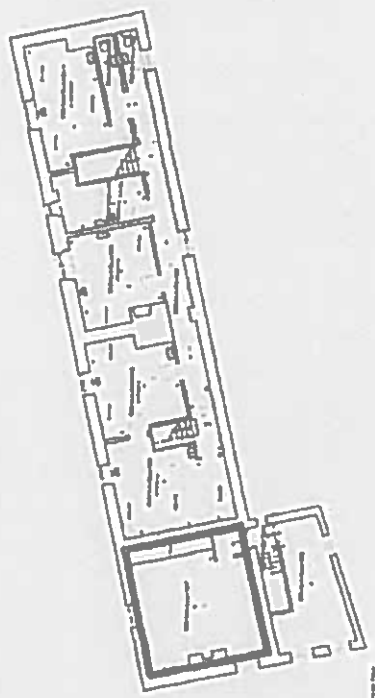
IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION



L1250 Location Plan (CS L1250)2



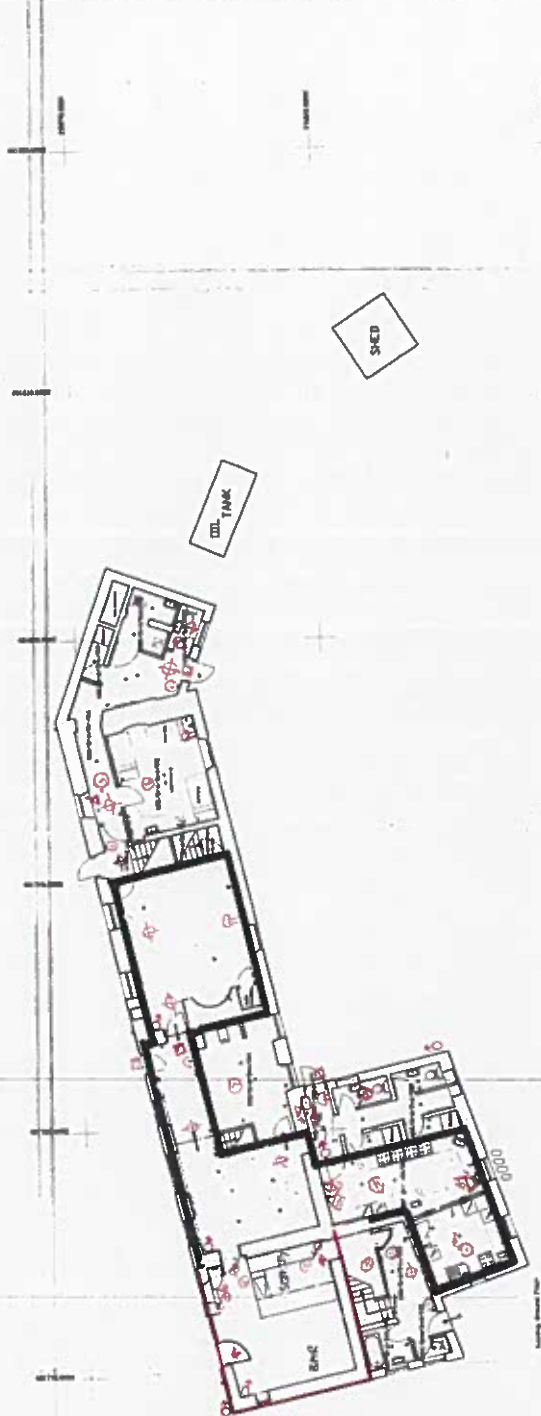
extended Bar area



Room No.	Room Name	Area
001	DRYING	31.00 sq ft
002	002	6.00 sq ft
003	003	10.00 sq ft
004	004	10.00 sq ft
005	005	10.00 sq ft
006	006	10.00 sq ft
007	007	10.00 sq ft
008	008	10.00 sq ft
009	009	10.00 sq ft
010	010	10.00 sq ft
011	011	10.00 sq ft
012	012	10.00 sq ft
013	013	10.00 sq ft
014	014	10.00 sq ft
015	015	10.00 sq ft
016	016	10.00 sq ft
017	017	10.00 sq ft
018	018	10.00 sq ft
019	019	10.00 sq ft
020	020	10.00 sq ft
021	021	10.00 sq ft
022	022	10.00 sq ft
023	023	10.00 sq ft
024	024	10.00 sq ft
025	025	10.00 sq ft
026	026	10.00 sq ft
027	027	10.00 sq ft
028	028	10.00 sq ft
029	029	10.00 sq ft
030	030	10.00 sq ft
031	031	10.00 sq ft
032	032	10.00 sq ft
033	033	10.00 sq ft
034	034	10.00 sq ft
035	035	10.00 sq ft
036	036	10.00 sq ft
037	037	10.00 sq ft
038	038	10.00 sq ft
039	039	10.00 sq ft
040	040	10.00 sq ft
041	041	10.00 sq ft
042	042	10.00 sq ft
043	043	10.00 sq ft
044	044	10.00 sq ft
045	045	10.00 sq ft
046	046	10.00 sq ft
047	047	10.00 sq ft
048	048	10.00 sq ft
049	049	10.00 sq ft
050	050	10.00 sq ft
051	051	10.00 sq ft
052	052	10.00 sq ft
053	053	10.00 sq ft
054	054	10.00 sq ft
055	055	10.00 sq ft
056	056	10.00 sq ft
057	057	10.00 sq ft
058	058	10.00 sq ft
059	059	10.00 sq ft
060	060	10.00 sq ft
061	061	10.00 sq ft
062	062	10.00 sq ft
063	063	10.00 sq ft
064	064	10.00 sq ft
065	065	10.00 sq ft
066	066	10.00 sq ft
067	067	10.00 sq ft
068	068	10.00 sq ft
069	069	10.00 sq ft
070	070	10.00 sq ft
071	071	10.00 sq ft
072	072	10.00 sq ft
073	073	10.00 sq ft
074	074	10.00 sq ft
075	075	10.00 sq ft
076	076	10.00 sq ft
077	077	10.00 sq ft
078	078	10.00 sq ft
079	079	10.00 sq ft
080	080	10.00 sq ft
081	081	10.00 sq ft
082	082	10.00 sq ft
083	083	10.00 sq ft
084	084	10.00 sq ft
085	085	10.00 sq ft
086	086	10.00 sq ft
087	087	10.00 sq ft
088	088	10.00 sq ft
089	089	10.00 sq ft
090	090	10.00 sq ft
091	091	10.00 sq ft
092	092	10.00 sq ft
093	093	10.00 sq ft
094	094	10.00 sq ft
095	095	10.00 sq ft
096	096	10.00 sq ft
097	097	10.00 sq ft
098	098	10.00 sq ft
099	099	10.00 sq ft
100	100	10.00 sq ft

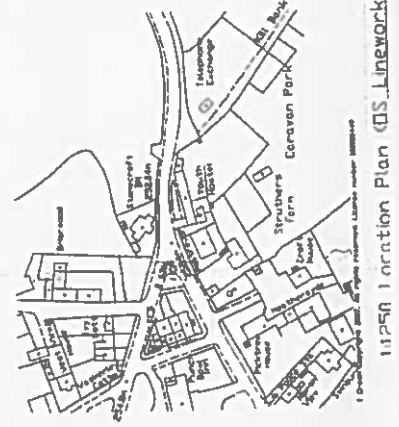
APPENDIX 4 – UPDATED PLAN

Room Name	Room No.	Area
Change	Chg001	21.02 sq m
Meditation	Med001	18.64 sq m
	Med002	18.64 sq m
	TOTAL	37.28 sq m
Newspaper	New001	15.24 sq m
	TOTAL	15.24 sq m
Lounge	Lou001	27.26 sq m
	TOTAL	27.26 sq m
Bicycle	Bic001	2.35 sq m
	TOTAL	2.35 sq m
Toilets	Toi001	3.01 sq m
	TOTAL	3.01 sq m
Shower Room	Shr001	1.65 sq m
	TOTAL	1.65 sq m
Storage	Stg001	14.53 sq m
	TOTAL	14.53 sq m
Change	Chg002	18.30 sq m
	TOTAL	18.30 sq m
Circulation	Cir001	7.29 sq m
	TOTAL	7.29 sq m
Storage	Stg002	2.35 sq m
	TOTAL	2.35 sq m
Storage	Stg003	5.28 sq m
	TOTAL	5.28 sq m
TOTAL		188.87 sq m



CCTV
 O - CAMERA LOCATIONS

FINE STRATEGY
 ◆ IMMEDIATELY
 □ FUTURE
 □ SCARCE SIGHT
 □ HIGH LEVEL FISH
 □ HIGH LEVEL
 □ LOW
 □ HIGH PINE MARKET



1:1250 Location Plan (S_Linework)

Room No.	Room Name	Area
Chg001	Change	21.02 sq m
Med001	Meditation	18.64 sq m
Med002	Meditation	18.64 sq m
New001	Newspaper	15.24 sq m
Lou001	Lounge	27.26 sq m
Bic001	Bicycle	2.35 sq m
Toi001	Toilets	3.01 sq m
Shr001	Shower Room	1.65 sq m
Stg001	Storage	14.53 sq m
Chg002	Change	18.30 sq m
Cir001	Circulation	7.29 sq m
Stg002	Storage	2.35 sq m
Stg003	Storage	5.28 sq m
TOTAL		188.87 sq m

Room No.	Room Name	Area
Chg001	Change	21.02 sq m
Med001	Meditation	18.64 sq m
Med002	Meditation	18.64 sq m
New001	Newspaper	15.24 sq m
Lou001	Lounge	27.26 sq m
Bic001	Bicycle	2.35 sq m
Toi001	Toilets	3.01 sq m
Shr001	Shower Room	1.65 sq m
Stg001	Storage	14.53 sq m
Chg002	Change	18.30 sq m
Cir001	Circulation	7.29 sq m
Stg002	Storage	2.35 sq m
Stg003	Storage	5.28 sq m
TOTAL		188.87 sq m

1:1250 Location Plan (S_Linework)

**APPENDIX 5 – ADDITIONAL CONDITIONS
AGREED BY APPLICANT**

Premises: Edmundbyers Youth Hostel

Applicant: David Anderson

Responsible Authority: Durham Constabulary

Date application received: 15/11/16

I David Anderson request that the following conditions be included in my application for a variation of premise licence for Edmundbyers Youth Hostel Consett Co Durham, DH8 9NL. submitted to the licensing authority on 15th November 2016.

The below conditions are to be applied in addition to the ones on the current licence:

A) The prevention of public nuisance

- Groups of people will be discouraged from congregating outside the premises.
- Signage will be displayed encouraging customers to leave quietly.
- A rubbish bin will be placed outside of the front of the premises and customers will be encouraged to use it. At the end of business staff will ensure that litter is collected from the front of the premises and the immediate vicinity.

B) The protection of children from harm

- A challenge 25 policy will be operated at the premise, acceptable forms of identification are a passport, photocard driving licence and PASS accredited identification card i.e. 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 other relevant officer of a responsible authority upon request. This is also to include over 18's purchasing alcohol and passing it on to under 18's (proxy sale).

Date: 16/11/2016

Edmundbyers Youth Hostel Variation Application -

Additional conditions agreed by applicant following consultation with Durham Local Safeguarding Children Board

- Verification of age – safeguards to be in place to see that alcohol is not served to or purchased on behalf of under age children. Any premises licence should include a mandatory condition that an age verification policy is operated. Durham Local Safeguarding Children Board recommends and promotes the "Challenge 25" standard which requires anyone looking under the age of 25 to produce photographic evidence of proof of age from a passport, driving licence or PASS accredited scheme before any alcohol is supplied. The actions of staff operating the policy to be regularly monitored.
- Minimise the risk of proxy sales – The applicant will work with the police to minimise the risk of proxy provision / proxy sales. (This is alcohol purchased or obtained for young people by relatives or older friends).
- Training of staff – all staff responsible for selling age restricted goods to be trained to implement the age verification policy. Staff training to include the risk from proxy sales. Training records for staff to be maintained and refresher training to be provided annually.

**APPENDIX 6 – REPRESENTATIONS
IN SUPPORT OF APPLICATION**

Durham County Council

PO Box 617

Durham

DH1 9HZ

Mr. T. Howarth

Edmundbyers

Consett

Durham

DH8

25th November 2016

RE – Application to vary premises license, Mr. David Anderson at Edmundbyers Youth Hostel, Edmundbyers, Consett, Co. Durham, DH8 9NL

To whom it may concern,

I am writing in regards to the above application. I would like to say that during the initial short opening period, I have found the new bar to be a pleasant addition to the village. It has been exceptionally well managed with extremely friendly professional staff, which has attracted a lot of custom from the village, the local caravan parks and passers-by.

The bar serves light refreshments, beers etc., therefore in my opinion it is no way a threat to the local pub which relies mainly on serving food.

I would like to conclude by saying that I hope you do grant permission for this application, as it is a popular amenity for the village.

Yours faithfully,

30 NOV 2016

TREVOR HOWARTH

Mark Lee

12 NOV 2016

Edmundbyers
Consett
Co. Durham
DH8

25 November 2016

20 NOV 2016

Durham County Council
PO Box 617
Durham
DH1 9HZ

Dear Sir / Madam,

**LICENSING ACT 2003 APPLICATION
MR. DAVID ANDERSON
EDMUNDBYERS YOUTH HOSTEL**

I write in support of the application. As a villager, I think this is a valuable additional asset and amenity to the village.

Yours faithfully,

Mark Lee

From: Jason Cook [

Sent: 10 December 2016 15:56

To: Neighbourhood Services Licensing

Subject: Licensing Application Edmundbyers Youth Hostel ,Edmundbyers ,Consett,County Durham
DH8 9NL

RE: Licensing Application, Edmundbyers Youth Hostel.

Dear Sirs,

My wife and I live just outside of Edmundbyers. I run a small Limited company and my wife is a Consultant Surgeon in Durham Hospital. We regularly utilise the public houses of the area for dining and socialising.

We have visited the bar in the Youth Hostel on several occasions and have found the atmosphere to be relaxed, warm and inviting. The staff have been professional and engaging. We feel that the bar is a welcome addition to the amenities in the area for visiting tourists, whether they be staying in the youth hostel or passing through and also for local residents.

We are in full support of the application for a full licence and wish the business all the best for the future.

Yours sincerely

Dr. Jason Cook PhD.

nr Edmundbyers
DH8 9

**APPENDIX 7 – REPRESENTATIONS
OPPOSING APPLICATION**

Edmundbyers
Co Durham
DH 8 9

11th December 2016

Licensing Department
Durham County Council
PO Box 617, Durham DH1 9H

Dear Sir

Reference: Application for Variation of Licence by Mr D Anderson at the Hostel in Edmundbyers

I wish to lodge an objection to the above application made to the **Premises Licence Number WV/PRE0298/07, which was granted on the 20th November 2007 and issued on the 26th May 2016.**

Having lived opposite the Youth Hostel for the last 34 years I am now looking into a **public bar** with a completely different clientele. This public bar is operating in an area which was previously the garage. There has been no consultation or consideration to the new footfall or the impact to myself (I live only 15 metres away) or to other residents of our villager.

Objections were made when the Youth Hostel Association, as part of their national plan, applied for a licence in 2007; the licence was amended and granted, yet in practice, no alcohol was sold on the premises. As this is such a small rural village, visitors to the Hostel, or the two small caravan sites can easily access the **village public house**, which also has a restaurant, where there is ample parking.

I appreciate that objections need to be made with respect to the 2003 Licensing Act, so with that in mind, will you please note the following:-

Statement of Licensing Policy Durham County Council: **S2.2 ... to inform residents and businesses of the parameters within which the Authority will make decisions, and how their needs will be considered'.**

I qualify as an interested person living opposite and within earshot, therefore I object to the garage area and room above being licensed to serve alcohol. Reference **THE PREVENTION OF PUBLIC NUISANCE s9.4 (Licensing Policy) - 'The distance and direction to the nearest noise sensitive premises'**. The adjacent house and house opposite are particularly sensitive not only to noise but also invasion of privacy.

Yours faithfully

Mrs Ann Penny BA

Edmundbyers
Co Durham
DH 8 9

11th December 2016

Licencing Department
Durham County Council
PO Box 617, Durham DH1 9H

Dear Sir

Reference: Application for Variation of Licence by Mr D Anderson at the Hostel in Edmundbyers

I wish to lodge an objection to the above application made to the **Premises Licence Number WV/PRE0298/07, which was granted on the 20th November 2007 and issued on the 26th May 2016.**

Having lived opposite the Youth Hostel for 30+ years I am now looking directly into what is a **public bar**. This bar is operating in the Youth Hostel garage. There has been no consultation or consideration to the the impact to myself (I live 15 metres away) nor to other residents of our village. There has been no notification in local publications nor to the Parish Meeting that accompanied the licensing application. *(Consultations were made by YHA in 2007 in their application. Despite objections the license was amended and granted, but subsequently no alcohol was sold on the premises.)*

This year after opening of the bar in the garage, customers who smoke have taken to congregate outside the front of the bar on the public paths. Visitors' Cars now regularly park on the highways adjacent, to the B6306 and its junction with the B6278, adding to traffic problems.

Given the population of this rural village, the number of Hostel visitors, and two small caravan sites, there is adequate support given from the present village **public house** it's restaurant and carpark.

I appreciate that objections need to be made with respect to the 2003 Licensing Act, so with that in mind, will you please note the following: -

I object to the garage area and room above being licensed to serve alcohol. Reference **THE PREVENTION OF PUBLIC NUISANCE s9.4 (Licencing Policy)** - 'The distance and direction to the nearest noise sensitive premises'. The adjacent houses and houses opposite are particularly sensitive not only to noise but also invasion of privacy.

Yours faithfully,

Mr Ian Penny

From: Elen Henley
Sent: 12 December 2016 12:32
To: Yvonne Raine
Subject: Representation Application to Vary Licence Hostel at Edmundbyers D Anderson

Edmundbyers
Co. Durham DH8 9
Tel:

10 December 2016

Licencing Department

Durham County Council
PO Box 617, Durham DH1 9HZ

Dear Sir

Representation Application by Anderson, D . to Vary the Licence at Edmundbyers Hostel

I will refer to the following documents and make comments under each heading:

1. **Licencing Act 2003 & Gambling Act 2005 Hearing Guidelines**
2. **Statement of Licencing Policy Durham County Council**
3. **Licence Summary document**
4. **Guidance for Interested Parties who want to 'make representations' about Licences**

Licencing Act 2003 & Gambling Act 2005 Hearing Guidelines suggest we describe 'premises and area. Supply layout plans, street plans, photographs (See attached)

The photographs respectively show the hostel from the south; the view from the hostel into the mouth of the west going road to Blanchland and the hostel and village from the north, before the owner's new livery. The owners' Operating Schedule will have a street plan and layout.

We understand that there are prescriptive criteria about 'Representations' and whilst we will 'speak to' the 'Four Objectives', we think 'context' is important.

Statement of Licencing Policy Durham County Council : S2.2 ... to inform residents and businesses of the parameters within which the Authority will make decisions, and how their needs will be considered'.

We qualify as interested parties because we live within ear shot of the Hostel,

We moved into the village 20 months ago but have lived nearby for many years. We believe that living in a village comes with a moral obligation to support the businesses, church, and voluntary organisations in the village. The village has, in addition to the Hostel, a Community run, independent Village Hall, active Womens' Institute, an inn with **freehouse** (ie it is owner-occupied, not owned by a brewery) and restaurant, a Bed & Breakfast business, a shop and an ancient Anglican church. The Applicant's family farms the land around the village and owns a number of properties in the village including the caravan site behind the Hostel.

We have gained insight into some of the strengths and vulnerabilities of these entities by serving on the Village Hall committee; helping at events in the village hall; participating in activities in the Hall, pub and church. We are concerned that some of the entities may be impacted by the essentially **new kind of business, ATTACHED** to the hostel. Some of these entities , particularly the church and the village hall rely on food and beverage sales and ticket income from events in order to upkeep the fabric and pay the bills.

We have not used this particular hostel but have used YHA/IYHA hostels in the past. We have holidayed on caravan sites with a food and catering operation. We understand the Applicant's motivation to offer bar and possibly catering services to clients of the hostel and the caravan site.

We are aware that they have an existing licence under the 2003 Act, secured by the YHA in 2007 and transferred to them in (*circa*) 2014 which applies only to the main building.

1. About the 'Application to Vary': the nature of the proposed, overall premises and operation is developing quickly into something very different from the original 'youth hostel'. Over the past 4 months, approximately, we have observed the garage doors (see, first photograph) open on a daily basis to reveal a new floor to ceiling window and glass door and a fully formed bar and seating area. We are not aware of any Building Regulations or Planning Permissions for either of these features but are making enquiries of the Planning and Environment Departments. A 'hard-standing' has been constructed in front of this, across the frontage, running parallel with the

road which is surprising because the grass frontage is maintained by the Council and is not thought to be owned by the hostel.

The Applicant has applied for a Variation to extend the boundary of the licence to include the first floor room above the former garage, (now a bar retailing alcohol). Can the Applicant clarify :

- a. under what licence he is currently selling alcohol in the garage.
 - b. whether he/his family intend to open a public restaurant in the first floor room above the former garage? Villagers hear that discussions have been had with the restaurateurs at _____ to 'buy covers' for a potential restaurant in the hostel.
- II. A second concern is the freedom of local residents to actually express 'their need' or claim their rights.

Licencing Act 2003 & Gambling Act 2005 Hearing Guidelines state that Natural Justice applies. *The rule against bias (nemo iudex in causa sua) and the right to a fair hearing (audi alteram partem) are extended by the general "duty to act fairly".*

Because the Applicant and his family trade with local people, afford access across their land etc many of the neighbours may not claim, for example, the right to peaceful enjoyment of their own home or curtilage; or to privacy or under any of 'the 4 objectives', because they perceive that these will either be ruled out due to *bias*, or that it is not prudent to express their legitimate needs. It is for the Licencing Authority to take care of that 'duty to act fairly' against this background.

1. PREVENTION OF CRIME AND DISORDER

S7.3 (Licencing Policy) .. that Operating Schedule has suitable and sufficient measures in design and layout of the premises through to the daily operation of the business identified, implemented and maintained with the intention of preventing crime and disorder. We believe that the Applicant could 'turn the layout around' so that the main route of access to the already operational 'bar' is from the rear of the building and the bar then overlooks the garden. This would make the operation less conspicuous as, since August, the smokers congregate outside, including with alcoholic drinks, on the council verge.

The perception locally is that in a village of only *circa* 200 domiciled inhabitants, we have experienced a lot of crime in the year to

date. https://www.police.uk/durham/148/crime/stats/data/eb62035f-0d41-487c-95a5-65731698cee7/#outcomes_stats

2016-06	54.844764	-1.978355	On or near Church Lane	Anti-social behaviour
2016-05	54.844764	-1.978355	On or near Church Lane	Anti-social behaviour
2015-11	54.844764	-1.978355	On or near Church Lane	Other theft
2015-12	54.844764	-1.978355	On or near Church Lane	Robbery
2016-05	54.844764	-1.978355	On or near Church Lane	Vehicle crime

2016-09	54.845141	-1.976984	On or near The Closes	Anti-social behaviour
2016-09	54.845141	-1.976984	On or near The Closes	Burglary
2016-07	54.845141	-1.976984	On or near The Closes	Burglary
2016-04	54.845141	-1.976984	On or near The Closes	Criminal damage and arson
2015-12	54.858775	-2.013132	On or near B6306	Anti-social behaviour
2016-03	54.858775	-2.013132	On or near B6306	Violence and sexual offences
2016-09	54.859692	-1.987257	On or near Park/open Space	Anti-social behaviour
2016-09	54.859692	-1.987257	On or near Park/open Space	Violence and sexual offences
2016-05	54.860195	-1.98517	On or near Parking Area	Vehicle crime
2016-05	54.860195	-1.98517	On or near Parking Area	Vehicle crime

2. PUBLIC SAFETY

s2.5 (Licencing Policy) 'In adopting this Licensing Policy, the Licensing Authority recognises that residents need to live and work in a safe and healthy environment.'

On the approach to the hostel from the north, the Applicant has a number of small hand-in-ked stakes in the ground, advertising the imminent location of his bar. These are partly a Planning Matter but for the purposes of this Objective, they are a risk to safety because they distract drivers on the approach to a 'Y' shaped junction on the blind bend created by the hostel. Vehicles from all three directions travel fast, despite signage to 'Give Way' (from Blanchland road) and 30mph urban speed limit.

The hostel and caravan site are marketed to families and they cross between these operations and the village shop.

3. THE PREVENTION OF PUBLIC NUISANCE

s9.4 (Licencing Policy) speaks to 'The distance and direction to the nearest noise sensitive premises'. The houses opposite are particularly sensitive not only to noise but also invasion of privacy. Other photographs are available to show that the angle of sight from the 'garage' door is into the patio seating area in front of the house known as . The distance is approximately 15 metres. A noisy restaurant at bedroom level, at that proximity, on a summer night with or without open windows, is a gross intrusion on privacy. The Licencing Policy comments on ventilation equipment, parking of cars, voices (in the lane) which would also contribute to noise from the premises. This is not an urban setting. There is no background noise to mask or habituate neighbours' tolerance levels to noise.

The principal access to the bar would be better from the north side or rear with residential guests only approaching accommodation reception through the front door as previously. The new glass door into the garage 'bar' may not have been sanctioned by the Planning or Environment departments nor by the authorised parties such as the Fire Department potentially.

4. THE PROTECTION OF CHILDREN FROM HARM

s2.7 This Licensing Policy takes into account other, shared Council priorities and plans, for instance ... the Community Strategy, the County Durham Alcohol Harm Reduction Strategy, the Safe Durham Partnership Plan.

Within the last few weeks, despite the absence of a Licence being in force for the 'garage', men were seen to come out of the 'bar' and turn down the south side of the building to urinate against the fence between the hostel and the neighbouring property.

Does this indicate that the nature of the hostel clientele has changed; that the premises layout is not conducive to reaching the men's toilets; or that the new layout makes it more convenient to use the side access, where the bins are, to urinate.

The hostel and caravan site are marketed to families. Children cross between these operations and the village shop. The garage 'bar' is leading to new instances of parking on the previously mentioned, fast, blind bend. This is a potential risk to children, in particular.

The Licencing Policy is drawn to our attention by the Licencing Authority, so we reflect back one of the 'Aims' with a comment: s2.6 The Licencing Authority wishes to encourage the provision of a wide range of entertainment activities within County Durham throughout the opening hours of any licensed premises and to promote live music, dance, theatre, circus and street arts etc. for the wider cultural benefit of the community'.

These are already being provided in the Village Hall for their own purposes and in support of the church for example through the varied offering of the 'Highlights Scheme' which has the same aims.

We understand that if a Hearing is set that we will be required to attend. We are also prepared to attend the alternative mediation to give an opportunity for discussion between neighbouring villagers and the Applicant, particularly as the Licencing Authority looks to the Applicant to 'display sensitivity to the impact of their premises on local residents'.

Yours faithfully

E Henley







From:

Sent: 12 December 2016 12:06

To: Yvonne Raine <Yvonne.Raine@durham.gov.uk>

Subject: Representation: Application to Vary Licence Hostel at Edmundbyers submitted by D Anderson

Edmundbyers

DH8

Tel:

11th December 2016

Licencing Department

Durham County Council
PO Box 617, Durham DH1 9HZ

Dear Sir

Reference: Application for Variation of Licence by Mr D Anderson at the Hostel in Edmundbyers

Regarding compliance with the publicising of the Application:

'The Advertiser ' is a free newspaper which carried notice of the Application but this is not circulated to village. The 'Crossroads' Parish news letter is circulated in the village but did not carry the notice or any invitation to consult.

The Applicant did not canvas the village with door to door leafleting, a strategy which has been used in recent months by two different individuals for alterations to domestic housing plans.

The required notice on blue paper was not posted on the exterior of the property.

Regarding selling alcohol prematurely outside the boundary of the existing licenced premises:

Was there a 'designated premises supervisor' licenced to oversee sales in the garage 'bar' outside the boundary of the existing licence? 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. during the August wedding for which a licence probably operated in the marquee but we think not in the garage 'bar'.

The Premises are already failing to 'prevent congregation'. Smokers, with drinks, are congregating on public highway in front of Hostel, close to a blind bend.

The Four objectives

Public Nuisance

Are prominent, clear, legible notices displayed at all exits requesting public respect needs of local residents and to leave premises and area quietly?

Doors and windows at premises 'shall be kept closed to prevent noise breakout'. Does this mean ventilation will be making noise all summer?

Operating Schedule states 'Rubbish bin to be placed out the front'. Concern is that there will be rubbish there every day not just on Collection Day, that there will be more bottles, noise from bottles being deposited and more mess affecting the amenity of neighbouring houses.

Previously, residents entered and exited by doors furthest away from neighbouring houses. Bar users are using open garage doors which is much more intrusive because they are at the village end of the building, close to neighbours.

Police require that cameras be installed – this a. speaks of risk b. invades the privacy of homes across only a narrow road, at ground floor and first floor (ie bedroom) level.

Public Safety

I think that all parking on the highway should be reserved for residents, who already park responsibly. Parking for the hostel should be off road. The Applicant's family own all the adjacent land, this would not be difficult. However, I believe that the AONB charter requirement is for 'green' ie turf car park only. There is evidence of hardcore being delivered and laid adjacent to the hostel and in front of the caravan park.

The former Garage area has not, to our knowledge, received planning permission for the large glass floor to ceiling frontage. Light is thrown onto narrow highway on a blind bend. It draws the drivers' eye as they negotiate blind bend or dangerous fast, three way 'Y' junction.

1. Has toughened glass been fitted in the new window and door?
2. Has a Fire authority certification for the extension into the garage and upper room been given?
3. Are Bar/Kitchen certifications in place?
4. Have Environmental health certification changes been triggered by larger numbers?
5. What is the certificated Maximum number of public allowed in the building/garage/upper room?

Protection of Children from Harm

- o If there is no current licence for the garage 'bar' what checking is being done on under 18s being asked for proof of age
- o If there is no current licence for the area in question who has been requiring the Applicant to implement a Child Protection Policy?
- o Men either singly or together have been seen to urinate in the bin area.
 - o Health & Safety Policy for premises maintained and enforced?

Because the Applicant has been operating without a licence, he is only now applying to 'extend the boundary', I think this prejudices his application particularly on this Objective.

Operating Schedule

There was no public consultation before the garage doors opened to reveal a fully functional bar inside with a full length glass window and door inside.

There is no evidence that this bar fulfils a need as expressed by the Applicant :

'Due to increase in size of village since 2007' – only 5 persons in 2 houses have been added to the population since the original licence was awarded.

'Due to Passing trade' – no evidence of increase (3 days a week the public house is empty)

It is not known whether the increase in size of caravan site of the caravan site on the east side of the Stanhope road behind Hostel (owned by Applicant's family) is within the terms of THAT operational permission.

The Planning Office have indicated that officers, if asked to attend by villagers would make an inspection

There has been no sustainability test. Wording of new application claims a 'need'.

Licence was granted to YHA for a service to residents only. The Hostel had no connection with the caravan site at the time. It was owned and operated by the English Youth Hostel Association.

Mandatory Conditions

It is not possible to test whether any irresponsible promotions in relation to the premises have been made? (see examples a-e) because there has been no oversight in the absence of a variation of the licence to extend the boundary of the existing licence.

The same goes for the Mandatory Condition 'Measures displayed in a price list' and 'Minimum price observed' and 'no licensable activities are being provided between 2300 and 1000 hrs to anyone who is not a. a resident. b. bonafide guest of resident c. persons attending a bonafide function booked at least 48hrs beforehand'.

o Sufficient competent staff on duty for fulfilling the terms and conditions of the licence?

Sufficient competent staff for preventing crime and disorder ?

o Security manual maintained and enforced?

o A Notice stating that the consumption of alcoholic drinks outside, in front of the building is prohibited. Drinking outside has been seen, among smokers.

Additional notes:

It is understood the Licencing Policy 'does not seek to regulate matters which are provided for in other legislation ' e.g. Planning, Environmental Health, Health and Safety issues etc. However, Building and Planning have been ignored which is an indicator of a poor compliance ethic and generally sets a precedent for altering other buildings in the village despite AONB and Conservation status

Neighbours who may decline to raise objections because it is too difficult to do so are the licensee of the public house who only bought the PH in 2016, prior to the sudden, unannounced opening of the UNLICENCED bar in the garage of the Hostel. Secondly, the owners of the property which lies between the hostel and the private dwelling that are owned by members of the Applicant's family. Many of the villagers rent land or dwellings from the Applicant family or trade with them.

S2.14 Licencing Policy says 'In County Durham rates of binge drinking are significantly higher than the rest of England

and the North east region'. This is a concern if the clientele is going to change.

In conclusion, my main concerns are:

This new bar leads to public drinking on the street.

The wrong influence on young children this poses, particularly with men relieving themselves in public.

The additional cars and noise where there is inadequate parking and insufficient distance to buffer private dwellings from this intrusion.

Finally the present public house perfectly serves all requirements for drinking in a proper manner, does not infringe on the community, and further more is itself under subscribed many days of the week thus raising the question of further provision in a sleepy village with a stagnant population.

Yours faithfully

Ian Davies

From: lynda coulthard
Sent: 12 December 2016 11:31
To: Yvonne Raine
Subject: Low House Haven

Good morning Yvonne

I am emailing to voice my objections to the proposed application for a full time drinks license at Low House Haven in Edmundbyers.

I am the joint owner of [redacted] in the village, which is situated only a very short distance away.

The village already has a perfectly good pub which caters for all needs. Edmundbyers is only a small village and is not in need of a further licensed premises. The extra noise would be totally unacceptable. During the summer there was a wedding function held there and the noise was loud and went on well into the early hours.

Regards

Lynda Coulthard

Sent from my iPad

From: patricia nilsen
Sent: 12 December 2016 14:37
To: Yvonne Raine
Subject: Licensing Variation at Edmundbyers Youth Hostel

Edmundbyers

Consett

Co Durham

DH8 9

12 December 2016

Durham County Council
Licensing Sub-Committee

Edmundbyers Youth Hostel
Revision of License

Dear Mrs Yvonne Raine,

We wish to object to this revision on several grounds.

The revision was not adequately advertised according to requirements laid down by The Council. There was no local Newspaper advertising, and no local advertising in any local newsletter or Church

circular. There was, apparently, an advert in a Durham paper which does not circulate near here and is not read locally.

Historical

The original license granted some 8 years ago raised a number of objections, and residents largely assumed that the License applied only to residents at the Youth Hostel, and NOT for the public as a general Bar. It was not until 2016 that alcohol was sold to the general Public, and then this may have been without the requisite license for these premises. If this is so, then compliance with future licensing requirements may be questionable.

This revision is a big surprise for residents and there are objections mooted on all points of the Licensing Objectives.

The Applicant is

This is a small village, barely 100 residents, who have few facilities available for shared use. These revolve around the Church, the Village Hall, and the local Inn, whose activities are largely mutually supportive. There is no evidence that this Revision could beneficially affect the Village, and it would most likely cause significant detriment to village Life.

The Village is almost the same size as it was when the License was first granted. There have been just 2 barns converted, and outline planning for 4 more dwellings under discussion. No other building will occur in this Area of Outstanding Natural Beauty. The Applicant

is misleading when he notes an "Increase in the size of the Village" as a reason for granting a Revision.

There is no evidence offered for any "Increase in passing trade". The present Inn already caters for this.

There is no evidence offered for "Increase in trade" from local caravan sites. Both are at their maximum permitted capacity with no further increases in this Area of Outstanding Natural Beauty.

There appears to be a question over whether the present alterations are compliant with Planning Consents for this area

Crime and Disorder

For years there has been very little crime noted in the Village but recently there has been a spate of petty crime reported in the Village including burglary of houses and garden sheds, and crime involving several cars. While this increase may have predated the opening of this Bar there is every likelihood that this crime wave will increase with more people drinking late into the night.

Customers are already congregating outside the doors of this Bar and Public Nuisance will certainly increase as weather improves. There have already been witnessed events of people urinating against the west wall of this Bar.

This Bar is in a converted garage, and there appears to be little thought given to access via the Hostel both for residents to the Bar and customers at the Bar gaining access to residents Rooms and their contents and children. However the present access exacerbates Public Nuisance with customers congregating around the present doors both inside and out.

The use of an upper room, with windows overlooking the road, as a restaurant does nothing to improve this situation. How are potential customers going to gain access to this room unless via public areas used by residents?

In "Statement of Licensing Policy S2-14" Durham County Council clearly states that Binge Drinking as a problem is worse in this area than in nearby areas. This Revision will not improve this situation. It can only make it worse.

Public Safety

This Bar is positioned prominently on a bend in the busy road through Edmundbyers just inside the 30mph Speed Restriction area and very close to the Blanchland junction. Bar customers are parking their vehicles on the road outside the Bar causing obstructions to the flow of traffic. School buses, large articulated log transporters, large tipper lorries from local quarries, and large agricultural vehicles all pass this point at one of the most crowded and difficult points in this road. They all cause a hazard to traffic with the potential to cause accidents. There is currently no provision for off-street parking in this Area of Outstanding Natural Beauty. Any such provision would have to be compliant with relevant Planning requirements.

This Bar has large glass doors opening on to the paved area of pathway by the road. Is this glass suitable for this use? It should be toughened.

See Notes above concerning access to Residents' rooms and children

Public Nuisance

This Bar has large glass doors opening on to the road in front of the Bar allowing and encouraging customers to congregate outside the Bar to drink. This will cause a public nuisance. There are Families with children living close by who can see straight in to this Bar and could be adversely affected by this nuisance. Intoxicated customers will also be a Hazard to road users passing the Bar. They are also highly likely to be noisy and confrontational. There have already been incidents witnessed by passers-by of customers urinating against the western wall of the Bar .

The use of an upper room as a restaurant will add a significant additional burden to the noise and light pollution around this Area of Outstanding Natural Beauty. This will impact directly on village residents living close by, some with growing families.

In "Statement of Licensing Policy S2-14" Durham County Council clearly states that Binge Drinking as a problem is worse in this area than in nearby areas. This Revision will not improve this situation. It can only make it worse.

Protection of children from harm

There are Families with children living close by who can see straight in to this Bar and could be adversely affected. There have already been incidents witnessed by passers-by of customers urinating against the western wall of the Bar .

The use of an upper room as a restaurant will add a significant additional burden to the noise and light pollution around this area. This will impact directly on village residents living close by, some with growing families.

Residents at the Youth Hostel will include children who expect a standard of care and protection from customers at the Bar and a restaurant. At present this appears undefined.

Patricia Harvey

Resident at above address

From: Martyn Harvey
Sent: 12 December 2016 14:33
To: Yvonne Raine
Subject: Licensing Revision at Edmundbyers Youth Hostel

Edmundbyers

Consett

Co Durham

DH8 9

12 December 2016

Durham County Council
Licensing Sub-Committee

Edmundbyers Youth Hostel
Revision of License

Dear Mrs Yvonne Raine,

We wish to object to this revision on several grounds.

The revision was not adequately advertised according to requirements laid down by The Council. There was no local Newspaper advertising, and no local advertising in any local newsletter or Church

circular. There was, apparently, an advert in a Durham paper which does not circulate near here and is not read locally.

Historical

The original license granted some 8 years ago raised a number of objections, and residents largely assumed that the License applied only to residents at the Youth Hostel, and NOT for the public as a general Bar. It was not until 2016 that alcohol was sold to the general Public, and then this may have been without the requisite license for these premises. If this is so, then compliance with future licensing requirements may be questionable.

This revision is a big surprise for residents and there are objections mooted on all points of the Licensing Objectives.

The Applicant is

This is a small village, barely 100 residents, who have few facilities available for shared use. These revolve around the Church, the Village Hall, and the local Inn, whose activities are largely mutually supportive. There is no evidence that this Revision could beneficially affect the Village, and it would most likely cause significant detriment to village Life.

The Village is almost the same size as it was when the License was first granted. There have been just 2 barns converted, and outline planning for 4 more dwellings under discussion. No other building will occur in this Area of Outstanding Natural Beauty. The Applicant

is misleading when he notes an "Increase in the size of the Village" as a reason for granting a Revision.

There is no evidence offered for any "Increase in passing trade". The present Inn already caters for this.

There is no evidence offered for "Increase in trade" from local caravan sites. Both are at their maximum permitted capacity with no further increases in this Area of Outstanding Natural Beauty.

There appears to be a question over whether the present alterations are compliant with Planning Consents for this area

Crime and Disorder

For years there has been very little crime noted in the Village but recently there has been a spate of petty crime reported in the Village including burglary of houses and garden sheds, and crime involving several cars. While this increase may have predated the opening of this Bar there is every likelihood that this crime wave will increase with more people drinking late into the night.

Customers are already congregating outside the doors of this Bar and Public Nuisance will certainly increase as weather improves. There have already been witnessed events of people urinating against the west wall of this Bar.

This Bar is in a converted garage, and there appears to be little thought given to access via the Hostel both for residents to the Bar and customers at the Bar gaining access to residents Rooms and their contents and children. However the present access exacerbates Public Nuisance with customers congregating around the present doors both inside and out.

The use of an upper room, with windows overlooking the road, as a restaurant does nothing to improve this situation. How are potential customers going to gain access to this room unless via public areas used by residents?

In "Statement of Licensing Policy S2-14" Durham County Council clearly states that Binge Drinking as a problem is worse in this area than in nearby areas. This Revision will not improve this situation. It can only make it worse.

Public Safety

This Bar is positioned prominently on a bend in the busy road through Edmundbyers just inside the 30mph Speed Restriction area and very close to the Blanchland junction. Bar customers are parking their vehicles on the road outside the Bar causing obstructions to the flow of traffic. School buses, large articulated log transporters, large tipper lorries from local quarries, and large agricultural vehicles all pass this point at one of the most crowded and difficult points in this road. They all cause a hazard to traffic with the potential to cause accidents. There is currently no provision for off-street parking in this Area of Outstanding Natural Beauty. Any such provision would have to be compliant with relevant Planning requirements.

This Bar has large glass doors opening on to the paved area of pathway by the road. Is this glass suitable for this use? It should be toughened.

See Notes above concerning access to Residents' rooms and children

Public Nuisance

This Bar has large glass doors opening on to the road in front of the Bar allowing and encouraging customers to congregate outside the Bar to drink. This will cause a public nuisance. There are Families with children living close by who can see straight in to this Bar and could be adversely affected by this nuisance. Intoxicated customers will also be a Hazard to road users passing the Bar. They are also highly likely to be noisy and confrontational. There have already been incidents witnessed by passers-by of customers urinating against the western wall of the Bar .

The use of an upper room as a restaurant will add a significant additional burden to the noise and light pollution around this Area of Outstanding Natural Beauty. This will impact directly on village residents living close by, some with growing families.

In "Statement of Licensing Policy S2-14" Durham County Council clearly states that Binge Drinking as a problem is worse in this area than in nearby areas. This Revision will not improve this situation. It can only make it worse.

Protection of children from harm

There are Families with children living close by who can see straight in to this Bar and could be adversely affected. There have already been incidents witnessed by passers-by of customers urinating against the western wall of the Bar .

The use of an upper room as a restaurant will add a significant additional burden to the noise and light pollution around this area. This will impact directly on village residents living close by, some with growing families.

Residents at the Youth Hostel will include children who expect a standard of care and protection from customers at the Bar and a restaurant. At present this appears undefined.

Dr Martyn C Harvey

Resident at above address

From: Anne Hartley [mailto:
Sent: 12 December 2016 12:02
To: Yvonne Raine
Subject: Letter of Objection from
their application for a licence to sell alcohol.
Importance: High

re Low House Haven, DH8 9NL and

Dear Yvonne,

I refer to the application for a licence to sell alcohol at Low House Haven Edmundbyers, We object in the strongest terms to this application on a number of key points,

Traffic and parking

Since this opened we have a number of cars/ trucks abandoned not parked on the main through road which is narrow and winding it's only a matter of time before we have a serious accident, this will I'm sure lead to a planning application for a car park and touring vans to be permitted on the site and the development of the caravan park which was subject to planning permission approximately two years ago which was wholly rejected.

Public House

We have a well-managed pub(The Punch Bowl) in the village approximately two hundred yards away with all the facilities so why do we need someone else selling alcohol ? in recent years this the pub has struggled and pulling clients into another location would potentially put this business at risk . With a village of only sixty dwellings you don't need two pubs ! The other caravan park in the village does not have a bar and its clients use the pub.

Noise

There is the general noise of people leaving this bar with houses next door and directly across the road and they had a large function in September which lasted until four in the morning keeping half the village awake!

Employment

There are no additional jobs as the people running the bar, run the YHA and the caravan park.

Ancient Village

There has been a lack of control of building on the site in style, form and function on the caravan park which has spoilt the view of the village from the other side of Muggleswick moor, our concern this will lead to more uncontrolled building on the site.

We therefore object in the strongest terms to grant a full license.

NB. We weren't aware until today of the application and the closing dates for objections.

Regards,

Graham and Anne Hartley.

Anne Hartley FIRP DipRP

From: Roy Tyerman
Sent: 12 December 2016 16:53
To: Yvonne Raine
Subject: Licence Hostel Edmundbyers

Dear Sir

With reference to the Application for Variation of Licence by David Anderson at the Hostel in Edmundbyers.

Public Nuisance. The original licence was to serve clients of the hostel and had no impact on the village. The new licence is to serve the general public and has already provided concern A The parking of vehicles outside the hostel at the junction of 2 main roads and obstructing the view of drivers coming around the bend into the village and heading towards Stanhope.

B We have already experienced a special events licence for a wedding which produced excessive noise which was heard throughout the village late at night.

C People drinking on the grass verge in front of the hostel and some men urinating against the fence on the south side of the hostel.

Publicising of the Application

The village did not receive due notification of the application .It was publicised in 'The Advertiser ' which is a free newspaper circulated in the urban area of Consett, but NOT in this VILLAGE. and there was no required notice posted on the exterior of the property.

Finally Edmundbyers is a small village which already supports The Punch Bowl Inn which is a free house serving the public. It therefore seems common sense shows that a small conservation village cannot support 2 licenced premises open to the public during normal licensing hours.

Yours Sincerely Roy Tyerman
Sent from my iPad

From: kathleen jefferson

Sent: 12 December 2016 13:14

To: Yvonne Raine

Subject: application for bar license for garage area of the Haven (formerly Edmundbyers youth hostel)

We understand that a retrospective application is being made for the garage of the Haven hostel to be licensed as a bar. If so we would like to register our objection to this application.

We feel that this development is totally inappropriate for our small rural village. Moreover the position of this bar, on the main road into the village, on a bend and in close proximity to a junction, has safety implications especially when cars are parked in front of the bar or when patrons of the bar congregate on the narrow pavement in front of the bar to smoke (or urinate!!). Additionally there is the issue of noise nuisance which is compounded when the Haven is used for licensed functions (which take place mainly out of doors) so villagers are subjected to major noise nuisance well into the night.

Our small village is already well served by our village pub, so we question the need for additional licensed premise, especially in such close proximity to the pub and especially when the bar is causing significant nuisance to villagers especially the bar's immediate neighbors, so we would urge that this application be refused.

Mr. and Mrs. Jefferson

Edmundbyers
County Durham
DH8 9

**APPENDIX 8 –
PLANNING COMMENTS**

Karen Baker

From: Adrian Caines
Sent: 16 November 2016 11:02
To: Karen Baker
Subject: Edmundbyers Youth Hostel

Karen,

There are a number of potential planning and listed building implications here, but there isn't enough information with the license application to make any assessment of whether a change of use or listed building consent is required and their acceptability. Works to a listed building without consent is an offence.

I strongly suggest the applicant provides details of the proposal and any associated internal and external works to the planning section to seek advice on whether any permission is required. This should be directed to the postal or email address below, not to my email.

Thanks

Adrian Caines

BScTP MScTP MRTPI | Principal Planning Officer | Development Management

Durham County Council
Planning Development (South West)
County Hall
Durham
DH1 5UL
 03000263943

Website: www.durham.gov.uk
Contact Area Office: planning@durham.gov.uk or 03000262830

**APPENDIX 9 - 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, licensees 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 dependent 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

8.1 The Act covers a wide range of premises that require Licensing. Each of these types of premises presents a mixture of risks, with many common to most premises, and others unique to specific operations. It is essential that applicants acknowledge these risks and that premises are constructed or adapted and operated to safeguard occupants.

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

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

9.0 Prevention of Public Nuisance

9.1 Licensed premises, especially those operating late at night and in the early hours of the morning, can cause a range of nuisances impacting on people living, working or sleeping in the vicinity of the premises.

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

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

9.4 The placement of tables and chairs outside of licensed premises may give rise to public nuisance including noise and litter. When tables and chairs are situated on the public highway relevant consents will often be required. Enquiries for such consents should be made to the Council's Highway's Section of the Regeneration and Economic Development Department. In predominantly commercial areas such as shopping centres the Licensing Authority, the use of tables and chairs outside may be allowed however, the Council will normally expect them to be removed before the premises close, and any resulting litter/ debris cleared away.

9.5 Applicants should give consideration to reducing potential noise nuisance by, for example (this list is not exhaustive):

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

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

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

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

10.0 Protection of Children from Harm

10.1 While the Act does not prohibit children from having free access to any licensed premises, the Licensing Authority recognises that limitations may have to be considered where it appears necessary to protect children from physical, moral or psychological harm and the effects of alcohol on parenting.

10.2 The Act makes it an offence for any child under the age of 16 who is not accompanied by an adult from being present:

- At any time on pub premises, or other premises being used exclusively or primarily for the supply of alcohol for consumption on those premises; or
- Between the hours of midnight and 05:00 hours on restaurant premises or other premises that supply alcohol for consumption on the premises
- The Licensing Authority will judge the merits of each separate application before deciding whether to impose conditions limiting the access of children to individual premises where it is necessary to prevent physical, moral or psychological harm.

10.3 The Licensing Authority may consider the following when dealing with a licence application where children may have limited access:

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

10.4 The Licensing Authority will work closely with the Police and the Council's Trading Standards service to ensure the appropriate enforcement of the law, especially relating to the sale and supply of alcohol to children. Alcohol must not be served to persons under the age of 18, except in limited circumstances allowed by the law, and then only after verifying a person's proof of age e.g. 16 and 17 year-olds may drink beer, wine or cider with a table meal in relevant premises, where accompanied by an adult aged 18 years or over. The currently accepted verifications for proof of age are a passport, a photo card driving licence or a proof of age scheme such as Challenge 25.

10.5 The Licensing Authority is aware of young persons' vulnerability to alcohol and events which are aimed at children under the age of 18 years on licensed premises will not be supported by the licensing authority unless the applicant can demonstrate that all safeguards for children have been addressed such as the removal of alcohol advertising.

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

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

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

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

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

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

10.12 Children and Public Entertainment: Many children go to see and / or take part in an entertainment arranged especially for them. For example, children's film shows and dance or drama school productions, and additional arrangements may be required to safeguard them while at the premises.

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

10.14 With regard to this Licensing Objective, the Licensing Authority considers Durham County Council Safeguarding Children Board to be the competent authority for matters relating to the protection of children from harm. A protocol exists between Durham Local Safeguarding Children Board and Durham Constabulary. All safeguarding concerns identified as a result of premises, personal applications and all variations to licences are covered by this protocol.

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

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

Category of Premise	Weekdays (Sunday to Thursday)	Weekends (Friday night to 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</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>
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</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>
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</p> <p>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 10 - S.182 GUIDANCE

S182 GUIDANCE – CRIME AND DISORDER

2.1 Licensing authorities should look to the police as the main source of advice on crime and disorder. They should also seek to involve the local Community Safety Partnership (CSP).

2.2 In the exercise of their functions, licensing authorities should seek to co-operate with the Security Industry Authority ("SIA") as far as possible and consider adding relevant conditions to licences where appropriate. The SIA also plays an important role in preventing crime and disorder by ensuring that door supervisors are properly licensed and, in partnership with police and other agencies, that security companies are not being used as fronts for serious and organised criminal activity. This may include making specific enquiries or visiting premises through intelligence led operations in conjunction with the police, local authorities and other partner agencies. Similarly, the provision of requirements for door supervision may be appropriate to ensure that people who are drunk, drug dealers or people carrying firearms do not enter the premises and ensuring that the police are kept informed.

2.3 Conditions should be targeted on deterrence and preventing crime and disorder. For example, where there is good reason to suppose that disorder may take place, the presence of closed-circuit television (CCTV) cameras both inside and immediately outside the premises can actively deter disorder, nuisance, anti-social behaviour and crime generally. Some licence holders may wish to have cameras on their premises for the prevention of crime directed against the business itself, its staff, or its customers. But any condition may require a broader approach, and it may be appropriate to ensure that the precise location of cameras is set out on plans to ensure that certain areas are properly covered and there is no subsequent dispute over the terms of the condition.

2.4 The inclusion of radio links and ring-round phone systems should be considered an appropriate condition for public houses, bars and nightclubs operating in city and town centre leisure areas with a high density of licensed premises. These systems allow managers of licensed premises to communicate instantly with the police and facilitate a rapid response to any disorder which may be endangering the customers and staff on the premises.

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

S182 GUIDANCE – PUBLIC SAFETY

2.6 Licence holders have a responsibility to ensure the safety of those using their premises, as a part of their duties under the 2003 Act. This concerns the safety of

people using the relevant premises rather than public health which is addressed in other legislation.

Physical safety includes the prevention of accidents and injuries and other immediate harms that can result from alcohol consumption such as unconsciousness or alcohol poisoning. Conditions relating to public safety may also promote the crime and disorder objective as noted above. There will of course be occasions when a public safety condition could incidentally benefit a person's health more generally, but it should not be the purpose of the condition as this would be outside the licensing authority's powers (be ultra vires) under the 2003 Act. Conditions should not be imposed on a premises licence or club premises certificate which relate to cleanliness or hygiene.

2.7 A number of matters should be considered in relation to public safety. These may include:

- Fire safety;
- Ensuring appropriate access for emergency services such as ambulances;
- Good communication with local authorities and emergency services, for example communications networks with the police and signing up for local incident alerts (see paragraph 2.4 above);
- Ensuring the presence of trained first aiders on the premises and appropriate first aid kits;
- Ensuring the safety of people when leaving the premises (for example, through the provision of information on late-night transportation);
- Ensuring appropriate and frequent waste disposal, particularly of glass bottles;
- Ensuring appropriate limits on the maximum capacity of the premises (see paragraphs 2.11-2.12, and Chapter 10; and
- Considering the use of CCTV in and around the premises (as noted in paragraph 2.3 above, this may also assist with promoting the crime and disorder objective).

2.8 The measures that are appropriate to promote public safety will vary between premises and the matters listed above may not apply in all cases. As set out in Chapter 8 (8.33-8.41), applicants should consider when making their application which steps it is appropriate to take to promote the public safety objective and demonstrate how they achieve that.

Ensuring safe departure of those using the premises

2.9 Licence holders should make provision to ensure that premises users safely leave their premises. Measures that may assist include:

- Providing information on the premises of local taxi companies who can provide safe transportation home; and
- Ensuring adequate lighting outside the premises, particularly on paths leading to and from the premises and in car parks.

Maintenance and repair

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

licensing authorities, if they receive relevant representations from responsible authorities or any other persons, to attach conditions which require equipment of particular standards to be maintained on the premises. Responsible authorities – such as health and safety authorities – should therefore make their expectations clear in this respect to enable prospective licence holders or clubs to prepare effective operating schedules and club operating schedules.

Safe capacities

2.11 “Safe capacities” should only be imposed where appropriate for the promotion of public safety or the prevention of disorder on the relevant premises. For example, if a capacity has been imposed through other legislation, it would be inappropriate to reproduce it in a premises licence. Indeed, it would also be wrong to lay down conditions which conflict with other legal requirements. However, if no safe capacity has been imposed through other legislation, a responsible authority may consider it appropriate for a new capacity to be attached to the premises which would apply at any material time when the licensable activities are taking place and make representations to that effect. For example, in certain circumstances, capacity limits may be appropriate in preventing disorder, as overcrowded venues can increase the risks of crowds becoming frustrated and hostile.

2.12 The permitted capacity is a limit on the number of persons who may be on the premises at any time, following a recommendation by the relevant fire and rescue authority under the Regulatory Reform (Fire Safety) Order 2005. For any application for a premises licence or club premises certificate for premises without an existing permitted capacity where the applicant wishes to take advantage of the special provisions set out in section 177 of the 2003 Act¹, the applicant should conduct their own risk assessment as to the appropriate capacity of the premises. They should send their recommendation to the fire and rescue authority which will consider it and decide what the “permitted capacity” of those premises should be.

2.13 Public safety may include the safety of performers appearing at any premises, but does not extend to the prevention of injury from participation in a boxing or wrestling entertainment.

S182 GUIDANCE – PUBLIC NUISANCE

2.14 The 2003 Act enables licensing authorities and responsible authorities, through representations, to consider what constitutes public nuisance and what is appropriate to prevent it in terms of conditions attached to specific premises licences and club premises certificates. It is therefore important that in considering the promotion of this licensing objective, licensing authorities and responsible authorities focus on the effect of the licensable activities at the specific premises on persons living and working (including those carrying on business) in the area around the premises which may be disproportionate and unreasonable. The issues will mainly concern noise nuisance, light pollution, noxious smells and litter.

2.15 Public nuisance is given a statutory meaning in many pieces of legislation. It is however not narrowly defined in the 2003 Act and retains its broad common law meaning. It may include in appropriate circumstances the reduction of the living and working amenity and environment of other persons living and working in the area of the licensed premises. Public nuisance may also arise as a result of the adverse

effects of artificial light, dust, odour and insects or where its effect is prejudicial to health.

2.16 Conditions relating to noise nuisance will usually concern steps appropriate to control the levels of noise emanating from premises. This might be achieved by a simple measure such as ensuring that doors and windows are kept closed after a particular time, or persons are not permitted in garden areas of the premises after a certain time. More sophisticated measures like the installation of acoustic curtains or rubber speaker mounts to mitigate sound escape from the premises may be appropriate. However, conditions in relation to live or recorded music may not be enforceable in circumstances where the entertainment activity itself is not licensable (see chapter 15). Any conditions appropriate to promote the prevention of public nuisance should be tailored to the type, nature and characteristics of the specific premises and its licensable activities. Licensing authorities should avoid inappropriate or disproportionate measures that could deter events that are valuable to the community, such as live music. Noise limiters, for example, are expensive to purchase and install and are likely to be a considerable burden for smaller venues.

2.17 As with all conditions, those relating to noise nuisance may not be appropriate in certain circumstances where provisions in other legislation adequately protect those living in the area of the premises. But as stated earlier in this Guidance, the approach of licensing authorities and responsible authorities should be one of prevention and when their powers are engaged, licensing authorities should be aware of the fact that other legislation may not adequately cover concerns raised in relevant representations and additional conditions may be appropriate.

2.18 Where applications have given rise to representations, any appropriate conditions should normally focus on the most sensitive periods. For example, the most sensitive period for people being disturbed by unreasonably loud music is at night and into the early morning when residents in adjacent properties may be attempting to go to sleep or are sleeping. This is why there is still a need for a licence for performances of live music between 11 pm and 8 am. In certain circumstances, conditions relating to noise emanating from the premises may also be appropriate to address any disturbance anticipated as customers enter and leave.

2.19 Measures to control light pollution will also require careful thought. Bright lighting outside premises which is considered appropriate to prevent crime and disorder may itself give rise to light pollution for some neighbours. Applicants, licensing authorities and responsible authorities will need to balance these issues.

2.20 Beyond the immediate area surrounding the premises, these are matters for the personal responsibility of individuals under the law. An individual who engages in anti-social behaviour is accountable in their own right. However, it would be perfectly reasonable for a licensing authority to impose a condition, following relevant representations, that requires the licence holder or club to place signs at the exits from the building encouraging patrons to be quiet until they leave the area, or that, if they wish to smoke, to do so at designated places on the premises instead of outside, and to respect the rights of people living nearby to a peaceful night.

S182 GUIDANCE – PROTECTION OF CHILDREN FROM HARM

2.21 The protection of children from harm includes the protection of children from moral, psychological and physical harm. This includes not only protecting children from the harms associated directly with alcohol consumption but also wider harms such as exposure to strong language and sexual expletives (for example, in the context of exposure to certain films or adult entertainment). Licensing authorities must also consider the need to protect children from sexual exploitation when undertaking licensing functions.

2.22 The Government believes that it is completely unacceptable to sell alcohol to children. Conditions relating to the access of children where alcohol is sold and which are appropriate to protect them from harm should be carefully considered. Moreover, conditions restricting the access of children to premises should be strongly considered in circumstances where:

- adult entertainment is provided;
- a member or members of the current management have been convicted for serving alcohol to minors or with a reputation for allowing underage drinking (other than in the context of the exemption in the 2003 Act relating to 16 and 17 year olds consuming beer, wine and cider when accompanied by an adult during a table meal);
- it is known that unaccompanied children have been allowed access;
- there is a known association with drug taking or dealing; or
- in some cases, the premises are used exclusively or primarily for the sale of alcohol for consumption on the premises.

2.23 It is also possible that activities, such as adult entertainment, may take place at certain times on premises but not at other times. For example, premises may operate as a café bar during the day providing meals for families but also provide entertainment with a sexual content after 8.00pm. It is not possible to give an exhaustive list of what amounts to entertainment or services of an adult or sexual nature. Applicants, responsible authorities and licensing authorities will need to consider this point carefully. This would broadly include topless bar staff, striptease, lap-, table- or pole-dancing, performances involving feigned violence or horrific incidents, feigned or actual sexual acts or fetishism, or entertainment involving strong and offensive language.

2.24 Applicants must be clear in their operating schedules about the activities and times at which the events would take place to help determine when it is not appropriate for children to enter the premises. Consideration should also be given to the proximity of premises to schools and youth clubs so that applicants take appropriate steps to ensure that advertising relating to their premises, or relating to events at their premises, is not displayed at a time when children are likely to be near the premises.

2.25 Licensing authorities and responsible authorities should expect applicants, when preparing an operating schedule or club operating schedule, to set out the steps to be taken to protect children from harm when on the premises.

2.26 Conditions, where they are appropriate, should reflect the licensable activities taking place on the premises. In addition to the mandatory condition regarding age verification, other conditions relating to the protection of children from harm can include:

- restrictions on the hours when children may be present;

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

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

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

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

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

Offences relating to the sale and supply of alcohol to children

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

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

Table of relevant offences under the 2003 Act

Section	Offence	Prosecuting Authority
Section 145	Unaccompanied children prohibited from certain premises	Police and/or Licensing Authority
Section 146	Sale of alcohol to children	Police, Licensing Authority and/or Local Weights and Measures Authority
Section 147	Allowing the sale of alcohol to children	Police, Licensing Authority and/or Local Weights and Measures Authority
Section 147A	Persistently selling alcohol to children	Police and/or Local Weights and Measures Authority
Section 148 1	Sale of liqueur confectionery to children under 16. (This offence will be repealed by the Deregulation Act 2015 on 26 May 2015).	Police and/or Licensing Authority
Section 149	Purchase of alcohol by or on behalf of children	Police and/or Licensing Authority
Section 150	Consumption of alcohol by children	Police and/or Licensing Authority
Section 151	Delivering alcohol to children	Police and/or Licensing Authority
Section 152	Sending a child to obtain alcohol	Police and/or Licensing Authority
Section 153	Prohibition of unsupervised sales by children	Police and/or Licensing Authority