



Statutory Licensing Sub-Committee

Date Thursday 2 May 2024
Time 9.30 am
Venue Committee Room 2, County Hall, Durham

Business

Part A

Items which are open to the Public and Press

1. Apologies
2. Substitute Members
3. Declarations of Interest
4. Application to Vary a Premises Licence
- The Big Jug, 83 Claypath, Durham, DH1 1RG (Pages 3 - 86)
5. Such other business as, in the opinion of the Chair of the meeting, is of sufficient urgency to warrant consideration

Helen Bradley

Head of Legal and Democratic Services

County Hall
Durham
24 April 2024

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

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

Contact: Jill Hogg

Tel: 03000 269711

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Statutory Licensing Sub-Committee

2nd May 2024

Application to Vary a Premises Licence

Ordinary Decision



Report of Alan Patrickson Corporate Director of Neighbourhoods and Climate Change

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

Electoral division(s) affected: Elvet and Gilesgate

Purpose of the Report

- 1 The Sub-Committee is asked to consider and determine the application for the variation of a premises licence for The Big Jug, 83 Claypath, Durham. DH1 1RG
- 2 A plan showing the location of the premises is attached at Appendix 2.

Executive summary

- 3 The application requests the granting of a variation of a Premises Licence for The Big Jug, 83 Claypath, Durham. DH1 1RG The application was submitted by the current premises licence holders Star Pubs and Bars Limited on 7th March 2024.
- 4 The application requests the following:
 - To extend the terminal hour for live music and recorded music on Friday and Saturday until midnight and until 01:00 hrs on New Years Eve.
 - To extend the start time for the sale of alcohol each day from 08:00 hrs, to extend the terminal hour for the sale of alcohol on Friday and Saturday until 01:00 hrs and on Sunday to 23:00 hrs. Also to remove the existing non-standard timings for the sale of alcohol on Good Friday and Christmas Day.
 - To extend the terminal hour for late night refreshment until 01:00 hrs.

- To add the provision of films as an activity from 08:00 hrs to 23:00 hrs Sunday to Thursday and from 08:00 hrs until 01:00 hrs on Friday and Saturday and New Years Eve.
 - To remove the activities provision of facilities for making music and facilities for dancing as these are no longer licensable.
 - To extend the opening hours to allow the premises to close on Friday and Saturday at 01:30 hrs and to close on Sunday at 23:30 hrs.
 - To remove certain existing conditions detailed on the current premises licence and add some new conditions.
- 5 The licensing authority received four representations in opposition to the application from Durham Constabulary, Durham County Council's Environmental Health Department, the City of Durham Parish Council and local residents Doctor and Mrs Bremner.
- 6 The Planning Department responded with comments for information only. These comments were forwarded onto the applicant.

Recommendation(s)

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

Background

9 Background information – Applicant – Star Pubs and Bars Limited

Type of Application: Application to vary a premises licence	Date received: 7th March 2024	Consultation ended: 9 th April 2024
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Details of the application

- 10 An application for the variation of a premises licence was received by the Licensing Authority on 7th March 2024. A copy of the application and the current premises licence are attached as Appendix 3.
- 11 The application is deemed by the Licensing Authority to be correctly served and advertised in accordance with the Licensing Act regulations.
- 12 The application requests the following variations:
- To extend the terminal hour for live music and recorded music on Friday and Saturday until midnight and until 01:00 hrs on New Years Eve.
 - To extend the start time for the sale of alcohol each day from 08:00 hrs, to extend the terminal hour for the sale of alcohol on Friday and Saturday until 01:00 hrs and on Sunday to 23:00 hrs. Also to remove the existing non-standard timings for the sale of alcohol on Good Friday and Christmas Day.
 - To extend the terminal hour for late night refreshment until 01:00 hrs.
 - To add the provision of films as an activity from 08:00 hrs to 23:00 hrs Sunday to Thursday and from 08:00 hrs until 01:00 hrs on Friday and Saturday and New Years Eve.
 - To remove the activities provision of facilities for making music and facilities for dancing as these are no longer licensable.
 - To extend the opening hours to allow the premises to close on Friday and Saturday at 01:30 hrs and to close on Sunday at 23:30 hrs.
 - To remove some of the existing licence conditions as detailed after Section L within the variation application at Appendix 3.
 - To add new or updated conditions to the licence as detailed in Section M of the application.

13 The activities requested are as follows (changes in bold):

Current Licensable Activities	Proposed Licensable Activities
<p>Live Music and Recorded Music (Indoors): Monday to Sunday: 11:00 hrs – 23:00 hrs</p>	<p>Live Music and Recorded Music (Indoors): Sunday to Thursday: 11:00 hrs – 23:00 hrs Friday & Saturday: 11:00 hrs – 00:00 hrs. From the end of permitted hours on New Years Eve until 01:00 hrs on New Years Day.</p>
<p>Late Night Refreshment (Indoors): Monday to Sunday: 23:00 hrs – 23:30 hrs New Years Eve: Extended until 05:00 hrs on New Years Day.</p>	<p>Late Night Refreshment (Indoors): Sunday to Thursday: 23:00 hrs – 23:30 hrs Friday & Saturday: 23:00 hrs – 01:00 hrs. New Years Eve: Extended until 05:00 hrs on New Years Day.</p>
<p>Sale of Alcohol (On and off sales): Monday to Thursday: 11:00 hrs – 23:00 hrs Friday & Saturday: 11:00 hrs – 00:00 hrs Sunday: 12:00 hrs – 22:30 hrs Christmas Day: 12:00 hrs – 15:00 hrs and 19:00 hrs – 22:30 hrs Good Friday: 12:00 hrs – 22:30 hrs Until midnight on Sunday preceding a Bank Holiday and on Christmas Eve and Boxing Day. From the end of permitted hours on New Years Eve until the start of permitted hours on New Years Day.</p>	<p>Sale of Alcohol (On and off sales): Monday to Thursday: 08:00 hrs – 23:00 hrs Friday & Saturday: 08:00 hrs – 01:00 hrs Sunday: 08:00 hrs – 23:00 hrs Until midnight on Sunday preceding a Bank Holiday and on Christmas Eve and Boxing Day. From the end of permitted hours on New Years Eve until the start of permitted hours on New Years Day.</p>
<p>Facilities for Making Music & Facilities for Dancing (Indoors): Monday to Sunday: 11:00 hrs – 23:00 hrs</p>	<p>Facilities for Making Music & Dancing: Removed as no longer licensable</p>

	<p>Additional activity requested: Films (Indoors): Sunday to Thursday: 08:00 hrs – 23:00 hrs Friday and Saturday: 08:00 hrs – 01:00 hrs From the end of permitted hours on New Years Eve until 01:00 hrs on New Years Day</p>
<p>Opening Hours: Monday to Thursday: 08:00 hrs – 23:30 hrs Friday & Saturday: 08:00 hrs – 00:30 hrs Sunday: 08:00 hrs – 22:30 hrs. Until midnight on Sunday preceding a Bank Holiday and on Christmas Eve and Boxing Day. From the end of permitted hours on New Years Eve until the start of permitted hours on New Years Day.</p>	<p>Opening Hours: Monday to Thursday: 08:00 hrs – 23:30 hrs Friday & Saturday: 08:00 hrs – 01:30 hrs Sunday: 08:00 hrs – 23:30 hrs Until midnight on Sunday preceding a Bank Holiday and on Christmas Eve and Boxing Day. From the end of permitted hours on New Years Eve until the start of permitted hours on New Years Day.</p>

The Representations

14 The Licensing Authority received four letters of representation during the consultation period all opposing the application. These were from:

- Durham Constabulary (Responsible Authority)
- Durham County Council’s Environmental Health Department (Responsible Authority)
- City of Durham Parish Council (Other persons)
- Doctor and Mrs Bremner (Other persons)

The licensing authority deemed the representations as relevant, relating to the following licensing objectives:

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

Copies of the representations are attached at Appendix 4.

At the time the report was written, possible mediation was ongoing between the applicant and other parties. Members will be provided with an update on this at the committee hearing.

The Council's Planning Department responded with comments for information only. A copy of the response is attached at Appendix 5.

The Parties

15 The Parties to the hearing will be:

- Mr Lance Green, Business Development Manager, Star Pubs and Bars Limited (Applicant)
- Mr Craig Wright, Tenant at the venue (Assisting the applicant)
- Mr George Domleo, Flint Bishop LLP (Applicants' Solicitor)
- Sgt Caroline Dickenson, Durham Constabulary (Responsible Authority)
- Mr Richard Wormald, Environmental Health Department (Responsible Authority)
- Parish Councillor Susan Walker, City of Durham Parish Council (Other person)
- Doctor and Mrs Bremner (Other persons)

Options

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

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

Main implications

Legal Implications

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

See Appendix 1.

Consultation

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

See Appendix 1

Conclusion

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

Background papers

- Durham County Council's Statement of Licensing Policy 2019-2024
- Guidance issued under Section 182 of the Licensing Act 2003 (as amended August 2023)

Other useful documents

- None

Contact: Helen Johnson

Tel: 03000 265101

Appendix 1: Implications

Legal Implications

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

In this case it was summed up that:

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

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

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

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

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

Consultation

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

The Responsible Authorities were consulted on the application.

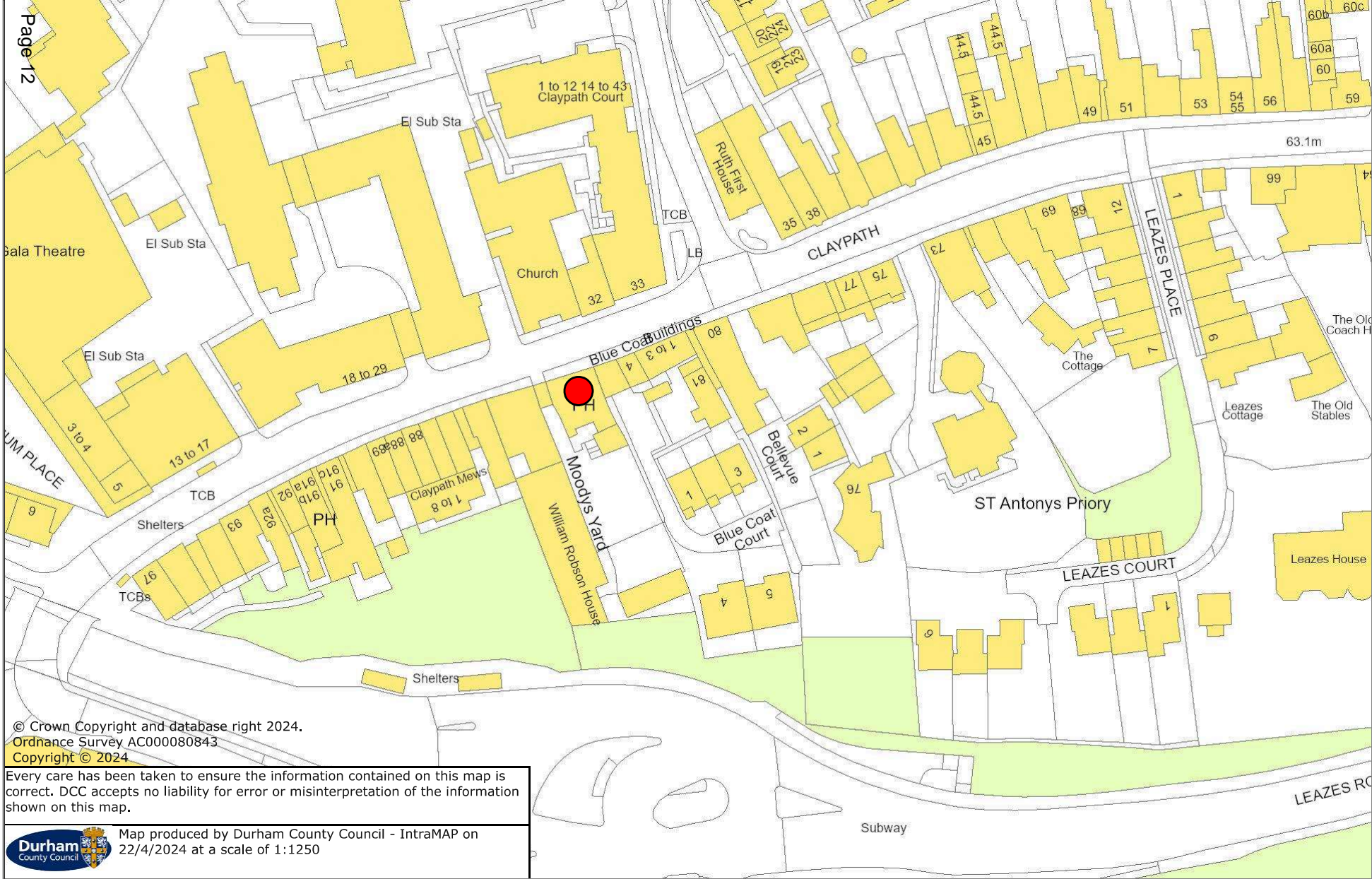
The notice of application was displayed on the premises for a period of 28 days.

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

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

Appendix 2: Location Plan

Durham County Council - IntraMAP



Claypath

Durham, England
Google Street View
Apr 2023 See more dates

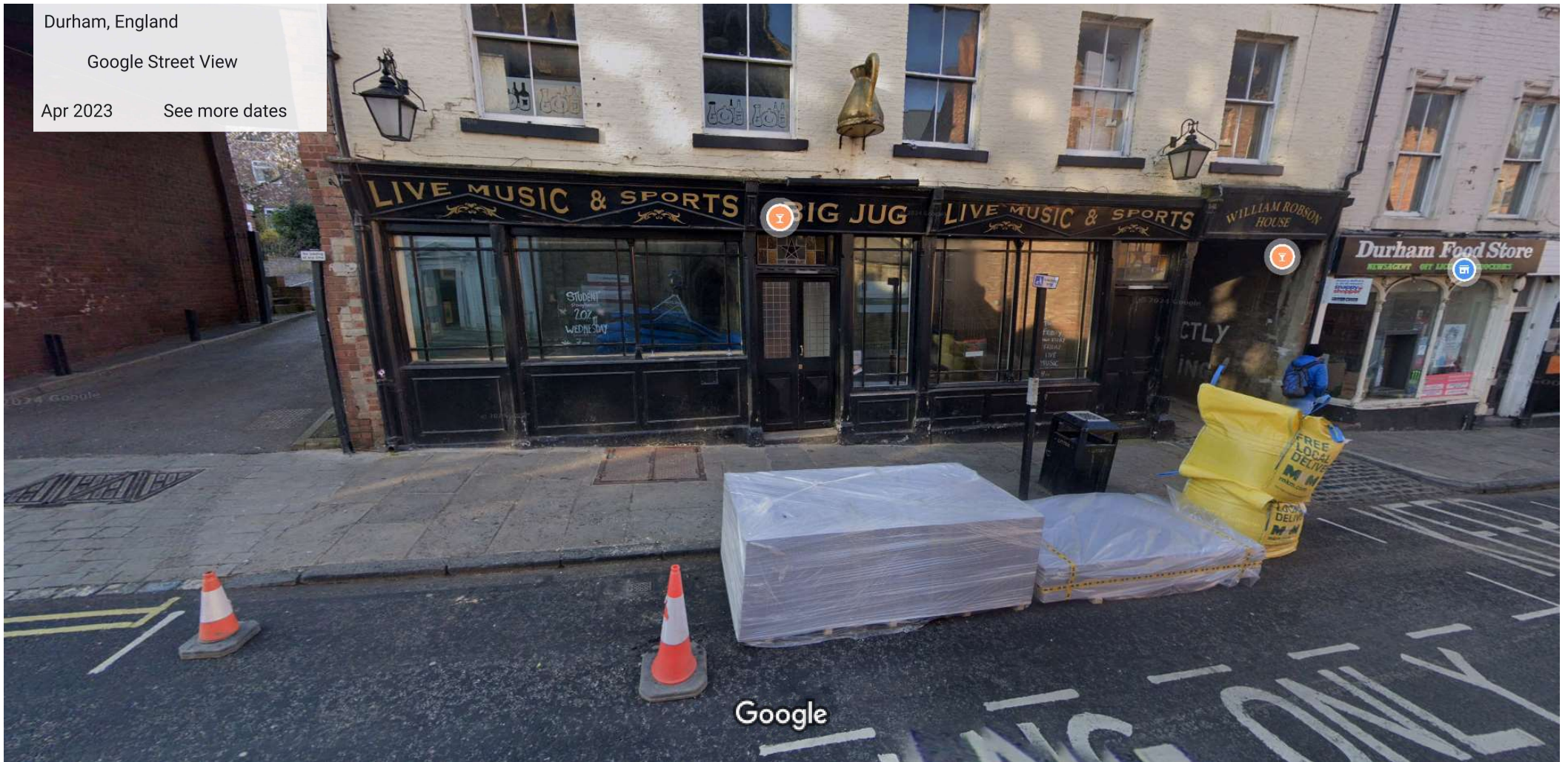
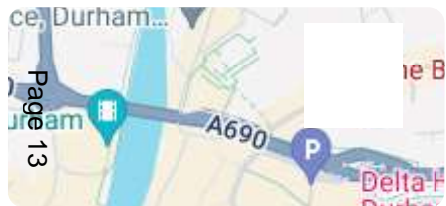


Image capture: Apr 2023 © 2024 Google



Durham, England

Google Street View

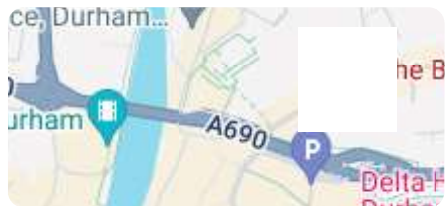
Apr 2023

See more dates



Google

Image capture: Apr 2023 © 2024 Google



Durham, England

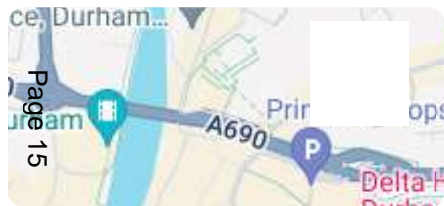
Google Street View

Apr 2023

See more dates



Image capture: Apr 2023 © 2024 Google



Appendix 3: Application Form and Current Premises Licence

Application to vary a premises licence under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

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

WE, Star Pubs & Bars Limited

(Insert name(s) of applicant)

Being the premises licence holder, apply to vary a premises licence under S34 of the Licensing Act 2003 for the premises described in Part 1 below.

Premises Licence Number

LAPREG/05/0490

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description Big Jug Claypath Durham			
Post Town	Durham	Postcode	DH1 1RG
Telephone number at premises			
Non-domestic rateable value of premises		£13,000.00	

Part 2 - Applicant Details

Daytime contact telephone number			
E-mail address (optional)			
Current postal address if different from premises address	3-4 Broadway Park South Gyle Broadway		
Post Town	Edinburgh	Postcode	EH12 9JZ

Part 3 - Variation

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

If not do you want the variation to take effect from

Day	Month	Year
<input type="text"/>	<input type="text"/>	<input type="text"/>

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

Please describe briefly the nature of the proposed variation (please read guidance note 1)

The application proposes to:

1. Extend the terminal hour for live & recorded music on Friday & Saturday until midnight
2. Extend the terminal hour for late night refreshment and the sale of alcohol on Friday & Saturday until 01:00 the following day
3. Extend the opening hours to allow the premises to close on Friday & Saturday at 01:30 the following day, and to close on Sunday at 23:30
4. Extend the start time for the sale of alcohol daily to 08:00
5. Extend the terminal hour for the sale of alcohol on Sunday to 23:00
6. Permit the provision of films on Sunday to Thursday from 08:00 to 23:00, and on Friday & Saturday from 08:00 until 01:00 the following day
7. Remove the provision of facilities for making music and the facilities for dancing as these are no longer licensable activities
8. Remove the existing non-standard timings for the sale of alcohol on Good Friday and Christmas Day
9. Add a non-standard timing for live music, recorded music and films on New Year's Eve
10. Remove certain existing Annex 2 conditions, and add new conditions

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

N/A

Part 4 Operating Schedule

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

Provision of regulated entertainment

Please tick yes

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

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

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

In all cases complete boxes K, L and M

A

Plays			Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input type="checkbox"/>
Standard days and timings (please read guidance note 8)				Outdoors	<input type="checkbox"/>
Day	Start	Finish		Both	<input type="checkbox"/>
Mon				Please give further details here (please read guidance note 5)	
Tue					
Wed			State any seasonal variations for performing plays (please read guidance note 6)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 7)		
Sat					
Sun					

B

Films			<u>Will the exhibition of films take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input checked="" type="checkbox"/>
Standard days and timings (please read guidance note 8)				Outdoors	<input type="checkbox"/>
Day	Start	Finish		Both	<input type="checkbox"/>
Mon	08:00	23:00		<u>Please give further details here</u> (please read guidance note 5) Films including but not limited to amplified music videos, sports, and TV programs.	
Tue	08:00	23:00			
Wed	08:00	23:00	<u>State any seasonal variations for the exhibition of films</u> (please read guidance note 6)		
Thur	08:00	23:00			
Fri	08:00	01:00	<u>Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list</u> (please read guidance note 7) New Year's Eve – From the end of permitted hours on New Year's Eve until 01:00 hours on New Year's Day.		
Sat	08:00	01:00			
Sun	08:00	23:00			

C

Indoor sporting events Standard days and timings (please read guidance note 8)			<u>Please give further details</u> (please read guidance note 5)
Day	Start	Finish	
Mon			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 6)
Tue			
Wed			
Thur			<u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 7)
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 8)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
Both	<input type="checkbox"/>				
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 5)		
Mon					
Tue			<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 6)		
Wed					
Thur			<u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		
Fri					
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 8)			<u>Will the performance of live music take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 5)		
Mon	No Change	No Change	As existing		
Tue	No Change	No Change			
Wed	No Change	No Change	<u>State any seasonal variations for the performance of live music</u> (please read guidance note 6)		
Thur	No Change	No Change	<u>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list</u> (please read guidance note 7) New Year's Eve – From the end of permitted hours on New Year's Eve until 01:00 hours on New Year's Day.		
Fri	No Change	00:00			
Sat	No Change	00:00			
Sun	No Change	No Change			

F

Recorded music Standard days and timings (please read guidance note 8)			<u>Will the playing of recorded music take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 5) As existing		
Mon	No Change	No Change			
Tue	No Change	No Change	<u>State any seasonal variations for the playing of recorded music</u> (please read guidance note 6)		
Wed	No Change	No Change			
Thur	No Change	No Change	<u>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list</u> (please read guidance note 7) New Year's Eve – From the end of permitted hours on New Year's Eve until 01:00 hours on New Year's Day.		
Fri	No Change	00:00			
Sat	No Change	00:00			
Sun	No Change	No Change			

G

Performances of dance Standard days and timings (please read guidance note 8)			<u>Will the performance of dance take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 5)		
Mon					
Tue					
Wed			<u>State any seasonal variations for the performance of dance</u> (please read guidance note 6)		
Thur					
Fri					
Sat			<u>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		
Sun					

H

<p>Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 8)</p>			<p><u>Please give a description of the type of entertainment you will be providing</u></p>		
Day	Start	Finish	<p><u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 4)</p>	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
			Both	<input type="checkbox"/>	
Tue			<p><u>Please give further details here</u> (please read guidance note 5)</p>		
Wed					
Thur			<p><u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 6)</p>		
Fri					
Sat			<p><u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u> (please read guidance note 7)</p>		
Sun					

I

Late night refreshment Standard days and timings (please read guidance note 8)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 5) As existing <u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 6) <u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</u> (please read guidance note 7) As existing		
Mon	No Change	No Change			
Tue	No Change	No Change			
Wed	No Change	No Change			
Thur	No Change	No Change			
Fri	No Change	01:00			
Sat	No Change	01:00			
Sun	No Change	No Change			

J

Supply of alcohol Standard days and timings (please read guidance note 8)			<u>Will the supply of alcohol be for consumption (Please tick box)</u> (please read guidance note 9)	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish	<u>State any seasonal variations for the supply of alcohol</u> (please read guidance note 6)		
Mon	08:00	No Change			
Tue	08:00	No Change			
Wed	08:00	No Change			
Thur	08:00	No Change			
Fri	08:00	01:00			
Sat	08:00	01:00			
Sun	08:00	23:00			
			<u>Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		
			As existing for New Year's Eve.		

K

<p>Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 10)</p> <p>NONE</p>

L

Hours premises are open to the public Standard days and timings (please read guidance note 8)			<u>State any seasonal variations</u> (please read guidance note 6)
Day	Start	Finish	
Mon	No Change	No Change	
Tue	No Change	No Change	
Wed	No Change	No Change	
Thur	No Change	No Change	
Fri	No Change	01:30	
Sat	No Change	01:30	
Sun	No Change	23:30	
			<u>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</u> (please read guidance note 7)
			As existing for New Year's Eve

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

We are seeking to remove the following conditions currently imposed on the licence as these are now either outdated, covered by the mandatory conditions or other legislation, or being replaced with updated conditions as part of the proposed variation.

Annex 2

General

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

Prevention of crime & disorder

No irresponsible sales promotions of alcoholics beverages shall be offered to customers. A sign will be displayed on the premises indicating the standard hours during which the sale of alcohol is permitted.

The majority of staff will be trained to operate the CCTV system; this is to include viewing and downloading of the system. Regular refresher training will also be undertaken.

Training records can be made available for inspection upon reasonable request by police or other relevant officers of a responsible authority.

Public safety

All fire doors will be maintained effectively self-closing and shall not be held open other than by approved devices. Notices detailing the actions to be taken in the event of fire or other emergencies, including how the fire brigade shall be summoned, are to be prominently displayed.

The premises will maintain a safe occupancy level.

Fire exits and equipment clearly marked.

Aware of requirements regarding health and safety.

Prevention of public nuisance

No regulated entertainment of any type shall take place outside the premises in any areas which are within the licence holders control after 22:00 save for any special event, seven days' notice of which has been given to the licensing authority and police.

Protection of children from harm

Anyone who appears to be under the age of 18 and who is attempting to buy alcohol must be required to produce proof of age before such a sale is made.

Annex 3

That alarms be fitted to the emergency exits to prevent them being opened except in the event of an emergency.

That extractions vents be fitted with baffles.

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

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

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

N/A

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

a) General – all four licensing objectives (b,c,d,e) (please read guidance note 11)

[The information provided in this box is solely for information only and not intended to be converted into conditions on the Premises Licence]

Given the changes proposed, we have carefully considered the application, the effect on the licensing objectives and the Council's licensing policy. We are seeking to extend the permitted hours for certain licensable activities to provide the premises with slightly more flexibility around trading. The proposed extension of hours are within the Licensing Authority's policy framework hours and we have consulted on the proposals with the Police, Environmental Health, Licensing Authority and the Durham City Parish Council.

We are also taking the opportunity of the variation to update the Premises Licence conditions as the majority of the existing conditions currently imposed on licence are now either outdated, covered by the mandatory conditions or other legislation, and are being replaced with more proportionate & appropriate conditions.

b) The prevention of crime and disorder

1. The premises shall risk assess the need for door supervisors and cognisance will be taken of any police advice
2. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.

c) Public safety

d) The prevention of public nuisance

3. The premises shall implement a noise management plan
4. Staff shall monitor the customers in the external area of the premises on a regular basis and ensure customers do not cause a public nuisance
5. When regulated entertainment, including live and recorded music, is taking place, regular boundary noise checks shall be conducted, and any required action shall be taken. Records detailing the sound checks and any required action shall be

recorded. All records must be written and shall be retained on the premises for a minimum of 12 months

e) The protection of children from harm

[Empty box for details regarding the protection of children from harm]

Checklist: Please tick to indicate agreement

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

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

Part 5 – Signatures (please read guidance note 12)

Signature of applicant (the current premises licence holder) or applicant’s solicitor or other duly authorised agent (See guidance note 13). **If signing on behalf of the applicant please state in what capacity.**

Signature	
Date	07/03/2024
Capacity	Solicitors for and on behalf of the applicant

Where the premises licence is jointly held, signature of 2nd applicant (the current premises licence holder) or 2nd applicant’s solicitor or other authorised agent. (please read guidance note 14). **If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	

Capacity	
----------	--

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 13)

George Domleo
 Flint Bishop LLP
 Pinnacle House
 2 Prospect Place
 Derby
 DE24 8HG

Telephone number (if any)	
---------------------------	--

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

Notes for Guidance

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.

1. 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 for the late night levy
2. 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 of consumption of these off-supplies of alcohol, you must include a description of where the place will be and its proximity to the premises.
3. In terms of specific regulated entertainments please note that:
 - Plays: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500.
 - Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
 - Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
 - Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
 - Live music: no licence permission is required for:
 - a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.

- a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
 - a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
 - Recorded Music: no licence permission is required for:
 - any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.
 - Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
 - Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
 - any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
 - any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
 - any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
 - any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.
4. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).

5. For example state type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
6. For example (but not exclusively), where the activity will occur on additional days during the summer months.
7. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
8. Please give timings in 24 hour clock (e.g. 16.00) and only give details for the days of the week when you intend the premises to be used for the activity.
9. If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.
10. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups or the presence of gaming machines.
11. Please list here steps you will take to promote all four licensing objectives together.
12. The application form must be signed.
13. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
14. Where there is more than one applicant, each of the applicants or their respective agents must sign the application form.
15. This is the address which we shall use to correspond with you about this application.
to correspond with you about this application.



LICENSING ACT 2003 PREMISES LICENCE

Premises Licence Number
Granted
Issued

LAPREG/05/0490
24 November 2005
28 February 2024

Part 1 – Premises details

Postal address of premises, or if none, ordnance survey map reference or description	Issuing Authority
<p>THE BIG JUG 83 CLAYPATH DURHAM CITY DH1 1RG</p>	<p>DURHAM COUNTY COUNCIL NEIGHBOURHOODS AND CLIMATE CHANGE COMMUNITY PROTECTION LICENSING SERVICES PO BOX 617 DURHAM DH1 9HZ</p>
<p>Telephone number:</p>	

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

<p>Licensable activities authorised by this licence Live Music Recorded Music Facilities for Making Music Facilities for Dancing Late Night Refreshment Sale by retail of alcohol</p>

Opening Hours of the Premises		
<p>Mon Tue Wed Thu Fri Sat Sun</p>	<p>08:00-23:30 08:00-23:30 08:00-23:30 08:00-23:30 08:00-00:30 08:00-00:30 08:00-22:30</p>	<p>Non-standard/seasonal timings On New Years Eve from the end of permitted hours on New Years Eve to the start of permitted hours on the following day.</p>

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

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

<p>Live Music Indoors</p> <p>Mon 11:00-23:00 Tue 11:00-23:00 Wed 11:00-23:00 Thu 11:00-23:00 Fri 11:00-23:00 Sat 11:00-23:00</p>	<p>Further details</p> <p>N/A Non-standard/seasonal timings N/A</p>
<p>Recorded Music Indoors</p> <p>Mon 11:00-23:00 Tue 11:00-23:00 Wed 11:00-23:00 Thu 11:00-23:00 Fri 11:00-23:00 Sat 11:00-23:00</p>	<p>Further details</p> <p>N/A Non-standard/seasonal timings N/A</p>
<p>Facilities for Making Music Indoors</p> <p>Mon 11:00-23:00 Tue 11:00-23:00 Wed 11:00-23:00 Thu 11:00-23:00 Fri 11:00-23:00 Sat 11:00-23:00</p>	<p>Further details</p> <p>N/A Non-standard/seasonal timings N/A</p>
<p>Facilities for Dancing Indoors</p> <p>Mon 11:00-23:00 Tue 11:00-23:00 Wed 11:00-23:00 Thu 11:00-23:00 Fri 11:00-23:00 Sat 11:00-23:00</p>	<p>Further details</p> <p>N/A Non-standard/seasonal timings N/A</p>
<p>Late Night Refreshment Indoors</p> <p>Mon 23:00-23:30 Tue 23:00-23:30 Wed 23:00-23:30 Thu 23:00-23:30 Fri 23:00-23:30 Sat 23:00-23:30</p>	<p>Further details</p> <p>N/A Non-standard/seasonal timings On New Years Eve the provision of Late Night refreshment is extended until 05:00 on the following day.</p>
<p>Sale by retail of alcohol</p> <p>Mon 11:00-23:00 Tue 11:00-23:00 Wed 11:00-23:00 Thu 11:00-23:00 Fri 11:00-00:00 Sat 11:00-00:00 Sun 12:00-22:30</p>	<p>Further details</p> <p>N/A Non-standard/seasonal timings Christmas Day 12:00 - 15:00 and 19:00 - 22:30 Good Friday 12:00 - 22:30 On New Years Eve from the end of permitted hours on New Years Eve to the start of permitted hours on the following day. Until Midnight on the Sunday preceding a statutory bank holiday and on Christmas Eve and Boxing Day.</p>

Part 2

Name, (Registered) address, telephone number and email (where relevant) of holder of premises licence	
STAR PUBS & BARS LTD 3-4 BROADWAY PARK EDINBURGH EH1 9JZ	
Registered number of holder, for example company number, charity number (where applicable)	
Company no:	SC250925
Charity no:	NOT APPLICABLE

Name, address and telephone number of designated premises supervisor where the premises licence authorises the sale by retail of alcohol MRS STACEY WRIGHT

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.

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

Annex 2 – Conditions consistent with the premises Operating Schedule

General

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

The Prevention of Crime & Disorder

No irresponsible sales promotions of alcoholic beverages shall be offered to customers. No customers carrying open or sealed bottles shall be admitted to the premises at anytime the premises are open to the public. A sign will be displayed on the premises indicating the standard hours during which the sale of alcohol is permitted. Full initial staff training to be carried out by DPS to ensure no alcohol is sold to anyone underage and refresher training to be carried out every 6 months.

Training records to be kept for every member of staff and endorsed after every session. The records will be made available to officers and responsible authorities when requested to do so.

CCTV will be provided in the form of a recordable system, capable of providing pictures particularly facial recognition. Cameras shall encompass all entrances and exits to the premise, where the sale/supply of alcohol occurs.

The majority of staff will be trained to operate the CCTV system; this is to include viewing and downloading of the system. Regular refresher training will also be undertaken. Training records can be made available for inspection upon reasonable request by police or other relevant officers of a responsible authority.

All footage will be kept on the system for at least 28 days and will be made available to officers and responsible authorities when requested to do so.

Public Safety

All fire doors will be maintained effectively self-closing and shall not be held open other than by approved devices. Notices detailing the actions to be taken in the event of fire or other emergencies, including how the fire brigade shall be summoned, are to be prominently displayed. The premises will maintain a safe occupancy level.

Fire exits and equipment clearly marked.

Aware of requirements regarding health and safety.

First aid facilities will be available. An incident log will be kept at all times.

The Prevention of Public Nuisance

No regulated entertainment of any type shall take place outside the premises in any areas which are within the licence holders control after 22:00 save for any special event, seven days' notice of which has been given to the licensing authority and police. When amplified musical entertainment is taking place inside the premises after 22:00 windows and doors, save for entrance and exit purposes, will be kept shut. A sign will be located at the exit(s) requesting that customers leaving the premises do so quietly and with consideration to neighbours.

Groups of people will be discouraged from congregating outside the premises. Signage will be displayed encouraging customers to leave quietly. At the end of business, staff will ensure that litter is collected from the front of the premises and the immediate vicinity.

The Protection of Children from Harm

No one under the age of 16 will be allowed to enter or remain on the premises after 22:00 save on Christmas Eve and New Years Eve. Anyone who appears to be under the age of 18 and who is attempting to buy alcohol must be required to produce proof of age before such a sale is made.

A challenge 25 policy will be operated at the premise, acceptable forms of identification are a passport, photo card 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).

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

Licensing Committee Hearing- 21st September 2005

A noise limiter be fitted and set to a level agreed with the Environmental Health Department

That alarms be fitted to the emergency exits to prevent them being opened except in the event of an emergency.

That extraction vents be fitted with baffles.

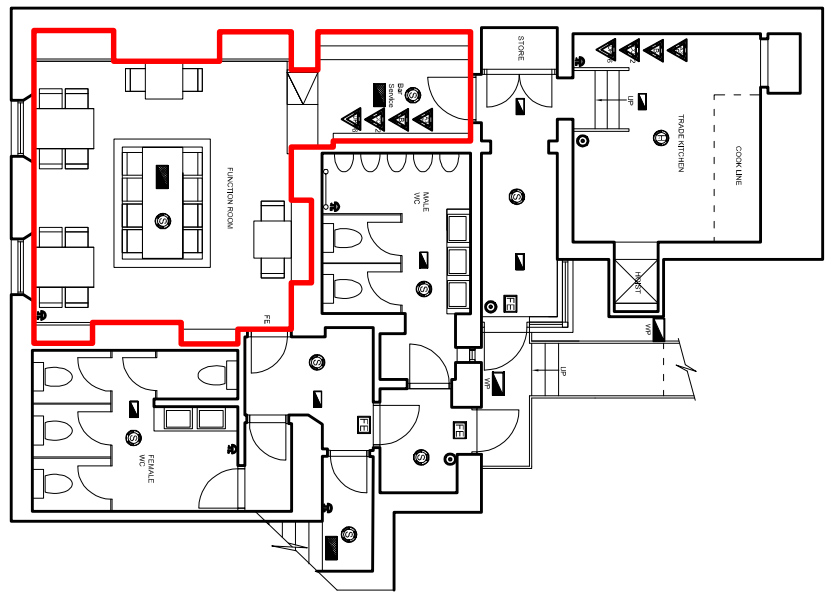
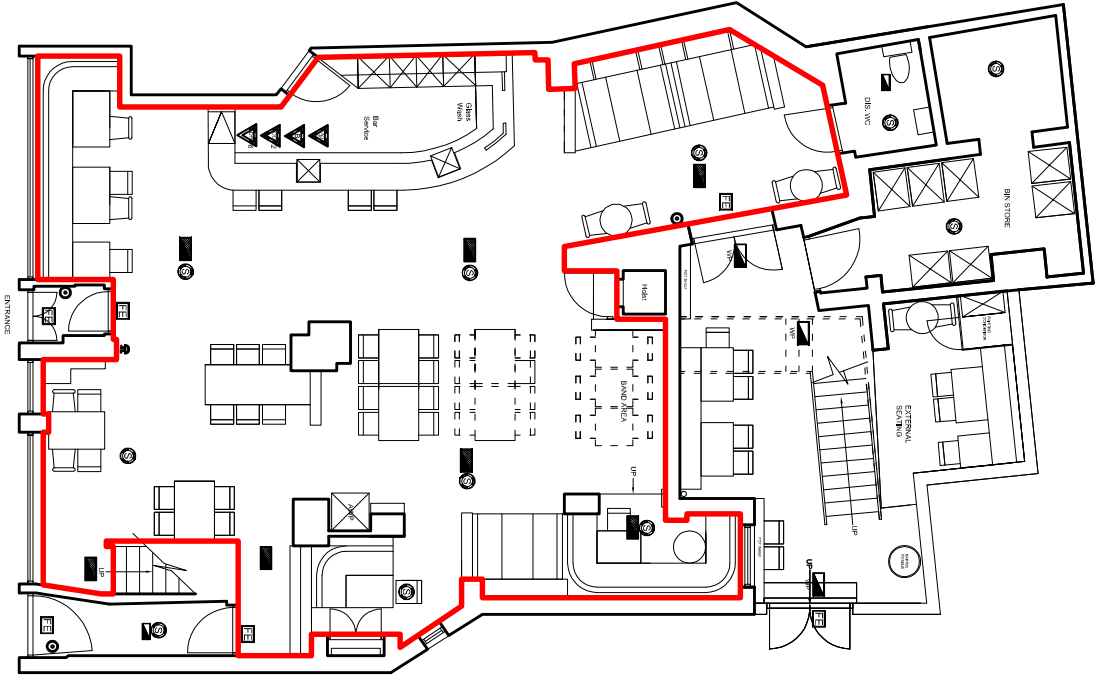
Annex 4 – Plans attached

Attached



**Signature of Authorised Officer
Head of Community Protection**

FIRE PRECAUTIONS LEGEND	
	SMOKE DETECTOR
	FIXED TEMP-HEAT DETECTOR
	EMERGENCY EXIT LUMINAIRE CONTRACTOR SUPPLIED TO DISBURSERS APPROVAL.
	EMERGENCY LUMINAIRE MAINTAINED, CONTRACTOR SUPPLIED.
	EMERGENCY LUMINAIRE NOT MAINTAINED, RECESSED STYLE IN ALL PUBLIC AREAS, CONTRACTOR SUPPLIED TO DISBURSERS APPROVAL.
	CALL POINT
	FIRE EXIT
	ELECTRONIC FIRE ALARM SOUNDER
	EMERGENCY LUMINAIRE MAINTAINED CONTRACTOR SUPPLIED.
	FIRE EXTINGUISHER - DRY POWDER
	AFFF MULTIPURPOSE EXTINGUISHER 5.5 CONDUCTIVE IKA 4 THIS RATING
	FIRE EXTINGUISHER - CO2
	FIRE EXTINGUISHER - WATER
	FIRE BLANKET
	OPEN/LES LICENSED AREA



PROJECT :
THE BIG JUG, DURHAM
 TITLE :

PROPOSED LICENSING PLAN LAYOUTS

SCALE : DATE : JOB : DWG : REV :
 1_100 @ A3 SEPT 2018 - 04

swandene
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Appendix 4: Representations

From: Licensed Economy Team
Sent: Friday, April 5, 2024 2:57 PM
To: Valerie Evans <

Subject: [EXTERNAL]:RE: Variation of Premises Licence - Big Jug, Claypath, Durham, DH1 1RG

To Whom it may concern

Durham Constabulary would like to object to the application submitted for a variation to a premises licence to be granted under the Licencing Act 2003 for BIG JUG, CLAYPATH, DURHAM, DH1 1RG under the prevention of Crime and Disorder, prevention of public nuisance, protection of children from harm and public safety.

The applicant is proposing to:

1. Extend the terminal hour for live music, recorded music, late night refreshment and the sale of alcohol on Friday & Saturday until 01:00 the following day
2. Extend the opening hours to allow the premises to close on Friday & Saturday at 01:30 the following day, and to close on Sunday at 23:30
3. Extend the start time for the sale of alcohol daily to 08:00
4. Extend the terminal hour for the sale of alcohol on Sunday to 23:00

Throughout the consultation period Durham Constabulary have been working with the applicant to reach an agreement around conditions we would like to see on the licence to ensure the licencing objectives are upheld one of which is the requirement for doorstaff which Durham Constabulary consider to be necessary to ensure safety of staff and customers especially when a licensed venue is wanting to operate until the early hours.

Durham Constabulary offered the following condition.

A minimum of 2 members of doors staff deployed at the premises from 1900 to 30 minutes after the premises closes on Friday, Saturday and Bank Holiday Sunday.

The applicant has stated that they couldn't accept doorstaff condition, as they were not aware of any issues of crime & disorder when the premises have previously traded. Furthermore, as the police are aware, there is currently no door staff condition on the licence meaning the site can trade until their current permitted timings without the need for door supervisors. The request for door staff from 7pm is not appropriate nor disproportionate at this stage. The applicant stated they would be happy to offer the following condition:

The premises shall risk assess the need for door supervisors and cognisance will be taken of any police advice. All door staff shall be SIA licensed and a register recording their full name, SIA number and contact details shall be kept on the premises for a minimum of 12 months. Such a register shall be made available for inspection upon receipt of a request from the Police or an Authorised Officer of the Licensing Authority."

The proposal to risk assess the need for Doorstaff is not acceptable to Durham Constabulary, and although I take on board that the current license doesn't have a requirement for doorstaff and there hasn't been any issues of crime and disorder, this was when the venue

was previously operating and prior to the recent 400K refurbishment, when it was a rundown pub which didn't attract a large customer base.

On the Stars Pubs website there is an overview of what to expect once the refurbishment is done and they refer to the Big Jug being transformed into a premium pub with a new funky beer yard to the rear which will encourage greater sales and transform an unloved traditional pub into a stylish new venue. They go on to say that they believe that this refurbishment will set the Big Jug above the local competition with its stylish décor and with 69 internal covers and 16 covers in its new beer yard it will be the bar of choice for students, tourists, and locals.

For reference all the local competitors have conditions on their license around the requirement for doorstaff on a weekend and bank holiday Sundays and the nearest premises to the Big Jug which also offers live music has a doorstaff requirement which requires more doorstaff than what we are requesting.

Due to the applicant not agreeing to have a condition around Doorstaff we cannot support this application and therefore request that this objection is considered by a licensing committee.

Thanks

Caroline

Sgt 484 Caroline Dickenson
Licensed Economy Team Sgt
Safeguarding Neighbourhoods Command
Durham Constabulary

Our Values & Vision:

Positive | Fair | Courageous | Inclusive | With Integrity

Protecting Neighbourhoods, Tackling Criminals, Solving Problems

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

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

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

From: Richard Wormald
Sent: Tuesday, April 9, 2024 9:59 AM
To: Yvonne Raine <
Subject: (Amended) Environmental Protection Team - Big Jug Representation 9/4/24

Morning Yvonne

Please find my amended representation

Regards Richard

To Whom it may concern

Please find attached supporting information.

Durham County Councils, Environmental Health – Environmental Protection Team would like to object to the application submitted for a variation to a premises licence to be granted under the Licencing Act 2003 for BIG JUG, CLAYPATH, DURHAM, DH1 1RG under the prevention of public nuisance.

The applicant is proposing to:

1. Extend the terminal hour for live & recorded music on Friday & Saturday until midnight
2. Extend the terminal hour for late night refreshment and the sale of alcohol on Friday & Saturday until 01:00 the following day
3. Extend the opening hours to allow the premises to close on Friday & Saturday at 01:30 the following day, and to close on Sunday at 23:30
4. Extend the start time for the sale of alcohol daily to 08:00
5. Extend the terminal hour for the sale of alcohol on Sunday to 23:00
6. Permit the provision of films on Sunday to Thursday from 08:00 to 23:00, and on Friday & Saturday from 08:00 until 01:00 the following day
7. Remove the provision of facilities for making music and the facilities for dancing as these are no longer licensable activities
8. Remove the existing non-standard timings for the sale of alcohol on Good Friday and Christmas Day
9. Add a non-standard timing for live music, recorded music and films on New Year's Eve
10. Remove certain existing Annex 2 conditions, and add new conditions

We have worked with the applicants throughout the consultation period regarding the proposed variation. Our concerns are in relation to prevention of Public Nuisance and are as follows:

The variation wishes to remove the following condition in relation to outside the premise.

No regulated entertainment of any type shall take place outside the premises in any areas which are within the licence holders' control after 22:00 save for any special event, seven days' notice of which has been given to the licensing authority and police.

We are aware there is a small seating area to the rear of the premise and part of the development is to create a beer yard and to a line operating hours for this area with the proposed opening hours. (Above)

The proposed conditions have been submitted:

- (3) The premise shall implement a noise manage plan.
- (4) Staff shall monitor the customers in the external area of the premise on a regular basis and ensure customers do not cause a public nuisance.
- (5) When regulated entertainment, including live music and recorded music is taking place regular boundary checks shall be conducted and any required action shall be taken. Records detailing the sound checks and any required action shall be recorded. All recorded must be written and retained on the premises for a minimum of 12 months.

The premises is located in a mixed residential area with dwellings being around 35 meters away to the rear and front of the premises. In our view and experience the proposed condition (4) would be very difficult to comply with due to people getting louder through the consumption of alcohol, enjoying themselves, and not appreciating the need to lower their voices.

- We would therefore propose a condition which requires the closure of the beer yard/outside seating area at 22.00hrs

The applicant has been unable to provide any detail into how a noise management plan may be implemented specifically and practically. For live music, recorded music until midnight (Friday and Saturday), late night refreshment and the sale of alcohol on Friday & Saturday until 01:00 the following day. Extend the opening hours to allow the premises to close on Friday & Saturday at 01:30 the following day, and to close on Sunday at 23:30 a noise management plan should consider all those elements and how it will be controlled holistically from the premises in relation to local residents and in line with current good practice guidance.

In our view a noise management plan should include, for example:

- What noise is being considered, how and when it's going to managed?
 - Consideration/mitigation to minimise noise breaking out of the building/outside areas, relevant timings to minimise noise impact, noise management at breakout points, glazing, doorways etc.
 - Agreed noise monitoring points.
 - Agreed noise limits.
 - Consideration of night time background levels
 - Complaints procedure.
- We would suggest a condition maybe affixed which requires Live Music to end a 23.00hrs as this character of music tends to be louder and more difficult to control.

Further considerations/conditions

Given the planned redevelopment of the premises and investment the applicant may want to consider undertaking a noise survey. This would be undertaken by a competent person with in an agreed period of time and identify areas where noise breakout is occurring and noise maybe best managed to minimise impact to local residents. From the survey a noise management plan can be formulated and agree noise limits and techniques to control noise. Or, consideration as part of the noise management; inclusion of a sound limiter for recorded music which can be set at a level which minimises impact.

Due to insufficient detail and agreement being forthcoming in relation to the management of noise emanating from the premises we are not confident the submitted detail will mitigate

against public nuisance and cannot support this application. We therefore request that this objection is considered by a licensing committee.

Mr R. Wormald
Senior Environmental Health Officer

Environmental Protection Team
Community Protection Service
Neighbourhoods and Climate Change
Durham County Council
Annand House
Meadowfield
Durham
DH7 8RS

Big Jug Variation Comments – 28th March 2024

A site visit was undertaken on Monday 25th March in order to obtain a better understanding of the area where the Big Jug is located. From the visit it was evident directly to the rear of the premises there is a courtyard where there appears to be a printing business to the right. To the rear of the yard there are some newly converted residential dwellings. Adjacent to the rear yard on the left is Blue Coat Court which again consists of several residential dwellings. On Claypath itself are a number of takeaways and a large student accommodation complex 'Student Castle'. Therefore, the licensed premise in question is in close proximity to several noise sensitive receptors less than 35m away.

Live Music Act 2012

Applicant's comments to mediation - We cannot agree to this condition because it is disappplied in any event due to the deregulation of the Live Music Act 2012 meaning that in any event the premises can have live and recorded music outside in the beer garden up until 23:00 daily for 500 people.

Technically I would agree, the live music act does allow both recorded and live music to be played both outside and inside a premise until 23:00hrs and this would include the small garden area to the rear of the premise. In my view and experience any amplified music played outside will attract noise complaints at some point. And as such these noise complaints would be investigated under provisions within the Licensing Act 2003 or statutory nuisance – Environmental Protection Act 1990. Where a statutory nuisance is established, we are obliged to serve a noise abatement notice irrespective of the Live Music Act. However, it is noted live and recorded music are proposed for indoors only.

Outside area

It is noted you wish to remove the following condition.

Prevention of public nuisance - No regulated entertainment of any type shall take place outside the premises in any areas which are within the licence holders' control after 22:00 save for any special event, seven days' notice of which has been given to the licensing authority and police.

And previous comments were made relating to the variation.

- DCC. The external area shall not be used by patrons of the premises between 21:00hrs and 10:00hrs Sunday to Thursday and 22:00hrs and 10:00hrs on Friday and Saturday.

Applicant's comments to mediation - No. 9pm and 10pm is unreasonable. At present the licence does not stipulate a curfew time for this meaning that the venue can have customers using this area at present until they close. I would suggest we leave this as is or I can take my client's instructions on a more sensible and reasonable time of closure.

I would assume the outside area which the condition (above) relates to is the small garden/seating area to the rear of the premises and would question what is that area being used for currently. Again, we assume it maybe a smoking area whereby it can be used until 22:00hrs. Outside seating/smoking areas can create a lot of problems in terms of noise, again from experience and carrying out enforcement action the later they are open the

louder they get, due to more alcohol being consumed, low background noise levels and the human voice being very audible to the human ear and there being no volume control. In our view the current licence does stipulate a curfew time in the 'condition', and we would not agree to timings to be a lined specifically with the proposed opening times for the premises.

Noise management plan

Our offered condition as I previously submitted is *"The premises shall implement a noise management plan"*. Given that we are only seeking an additional 1 hour beyond the current licence timings for live & recorded music and the fact that you do not have a recent complaint history to consider we deem this proffered condition to be appropriate & proportionate at this stage.

We would not consider the 'proffered' noise management plan appropriate or proportionate at this stage. In our view the area is very much a mix of residential and commercial properties. The variation (in summary) is seeking to increase licensing hours by one hour, increasing regulated entertainment to 00.00hrs and opening hours to 0130 hrs and effectively removing the condition/timings to the outside area. In our view a noise management plan should be able to demonstrate:

- What noise you intend managing – for example noise from amplified music, noise from the outside area, and patrons leaving the premises etc
- How you are going to manage noise/minimise noise impact – in terms of amplified music for example – environmental background levels progressively become lower later into the night (especially in rear yards and shielded from roads) and any noise will be more evident to sensitive receptors. Therefore, I would suggest an assessment should take place of noise breakout points within a building how much noise is escaping and what can you do about it/manage it, especially after 2300hrs. The most obvious and cheapest is volume control and getting to know the sound system, reducing the volume/bass can make a big difference. Due to live music generally being louder and more difficult to control, you may want to consider allowing live music to 2300 and recorded music to 0000hrs. Consider use of a noise regulator after 23.00 etc.
- Checks – it is noted. you do propose to carryout checks however what checks and where. Certainly, if you are intending to have regulated entertainment after 23:00hrs there is an argument to ensure noise levels are inaudible, whether that being acoustically or inaudible to the human ear at noise sensitive receptors. Again, you need to ensure the person carrying out the checks are reasonably competent and if complaints are received/what are you going to do about it.

From a recent planning application regarding a residential development nearby, a noise impact assessment was submitted, and breakout noise was identified from the Big Jug. I would suggest if you do want to have regulated entertainment after 23.00 hrs then you consider noise breakout from the premise and establish what levels are reasonably achievable and consider using a noise consultant. We would also require robust conditions which gives us confidence that noise can be managed in a sustainable manner and the result of these extended hours will not result in public nuisance and noise complaints which we will have to deal with.

The current Premises Licence already permits the venue to operate until 00:30am on Friday & Saturday nights. We are not seeking to permit for live and recorded music until

this time because as you are aware we've already agreed for these activities to cease at midnight. The proposal is for the other licensable activities including the sale of alcohol to be permitted until 01:00am, which is in line with the council's own framework hours, and for the venue to close at 01:30am. Additionally, we're not aware of any complaints with the premises already being permitted to operate until 00:30am, and as you are aware, each case is considered on its own merits so the fact that you are seeking from us an application to mirror a nearby premises I would submit is not a relevant ground to object.

Firstly, I would agree there is no particular history of complaints based on the current operation of the premises. Our concerns are that the variation and proposed timings will change the character of the area during nighttime hours, and we want some confidence, relevant conditions will address these concerns.

Secondly – the councils framework hours are guidance it doesn't mean you will automatically get them. From your current operating schedule live and recorded are permitted until 23.00 hrs and you are proposing to increase these hours to 00.00hrs on Friday and Saturday nights. In your comments you claim 'we've already agreed these activities to cease at midnight' I'm not aware of these timings being agreed, if so where.

Thirdly – our main concern with your proposed variation is the increased hour which effectively take open licensing hours into the early morning hours, being 0130hrs. Whilst we accept noise from regulated entertainment maybe managed through a more comprehensive noise management plan and conditions. We would also have concerns in relation to persons leaving the premises and the management of it – resulting from the extra hour on to the overall opening times to 0130hrs, the impact on local and wider communities and the issues they face when drunken people are arriving home be it by taxi or other means, and the noise and disorder generated by them. This erodes away into hours associated with Durham Cities night-time economy and impacts on takeaways being open or wishing to open longer into what is a reasonably residential area. (We accept some of these points are out of your control)

I would also draw your attention to the following points (below) stated in Durham County Councils – Licensing Act 2003 – Statement of Licensing Policy 2019 to 2024 and assume they will be considered.

5.7 Proximity to residential areas, businesses, and sensitive users –

When dealing with applications and issuing licences, the council (when their discretion is engaged) is more likely to impose stricter conditions on premises operating in residential areas. This is for the promotion of the prevention of public nuisance licensing objective and will apply to all premises.

Proper consideration should be given to the proximity of licensed premises not only to residents and businesses, but also in relation to other sensitive premises, to ensure they are in a position that does not adversely affect their ability to ensure the promotion of the licensing objectives. Where premises are close to local residential properties, and where its discretion is engaged, the authority will consider measures proposed in the application, in relation to preventing nuisance, such as:

- Prevention of noise or vibration escaping from the premises due to volume of music or plant and machinery noise
- Prevention of noise disturbance from people entering and leaving the premises (e.g. queue management, dispersal policy)
- Prevention of disturbance by people outside the premises (e.g. smoking areas)

- Litter from the premises (This issue is considered particularly relevant in respect of late-night takeaways and smoking-related litter outside licensed premises)
- Disturbance caused by deliveries associated with licensable activities, including waste collection

In general, any licensees wishing to open their premises past 11pm (2300hrs) in a residential area will need to demonstrate clearly, in their operating schedule, that public nuisance will not result from later operation. As part of the operating schedule, applicants should read the Secretary of State's Guidance, this policy and any other relevant documents to ensure that robust measures are included in any application.

Premises providing regulated entertainment may be subject to additional conditions to ensure that residents are not disturbed. This may include the use of sound limiters, keeping doors and windows closed and restricting the hours that music is played. Premises with outdoor areas, such as beer gardens and smoking.

The council also expects applicants to provide particularly robust conditions in their operating schedules to promote the prevention of public nuisance in cases where outside areas (such as beer gardens, patios and marquees) will be used by customers after 21.00 hours any night of the week.

Important note:

There must be no presumption that an application made for timings within the framework hours will be automatically granted

Where relevant representations are made, each case will be considered on its merits.

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

The concerns relate, amongst other things, to litter, light pollution, noxious odours and noise nuisance resulting from music, human voices, ventilation equipment and vehicles.

The **council will expect** applicants to demonstrate that suitable and sufficient measures have been identified, and will be implemented and maintained, with the intention of preventing public nuisance relevant to the individual style, location and characteristics of the premises and events.

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

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

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

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

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

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

From: Richard Wormald

Sent: Monday, April 22, 2024 3:33 PM

To: Yvonne Raine

Cc: Caroline Dickenson

; Kelly Gilmore-Craze <

Subject: RE: Notice of Licensing Hearing - The Big Jug, 83 Claypath, Durham - 9.30am, Thurs, 2nd May 2024

Hello Yvonne

Following on from last weeks email. Please find attached additional information to support my representation.

Regards Richard

Mr R. Wormald
Senior Environmental Health Officer

Environmental Protection Team
Community Protection Service
Neighbourhoods and Climate Change
Durham County Council
Annand House
Meadowfield
Durham
DH7 8RS

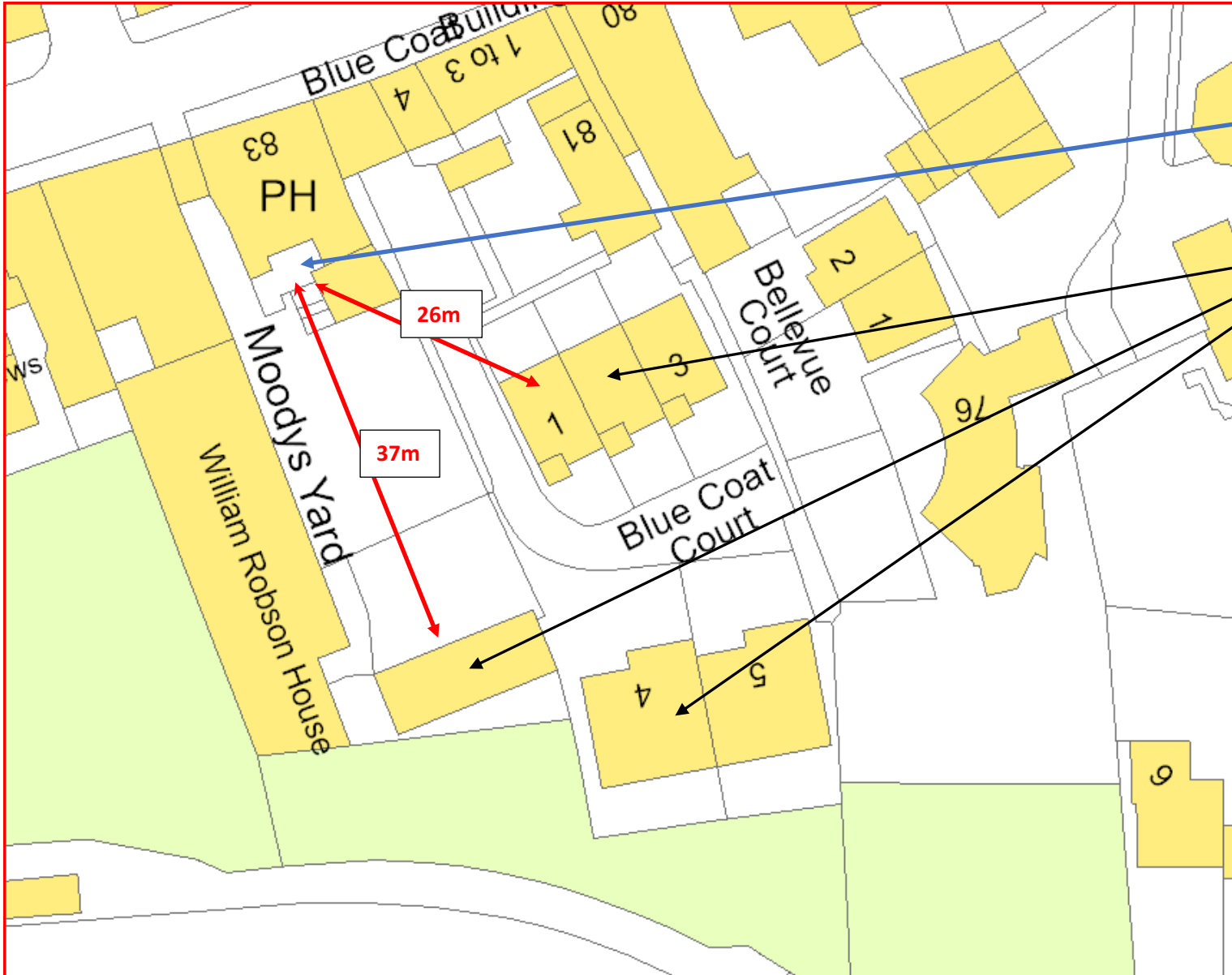
PHOTOS AND PLAN ILLUSTRATING THE LOCATION OF NOISE SENSITIVE RECEPTORS

Picture illustrating dwellings in Blue Coat Court, approximately 26m away from the rear of the Big Jug





Picture illustrating domestic dwellings to the rear of the Blue Jug approximately 37m away



Rear seating/beer yard/smoking area currently open to 22.00hrs

Nearby residential properties



Licensing Team
Durham County Council
Annand House
8RP, John Street North
Meadowfield
Durham
DH7 8RS

City of Durham Parish Council
Office 3 D4.01d
Clayport Library
8 Millennium Place
Durham
DH1 1WA

27 March 2024

Dear Licensing team,

Re: Application to vary a premises licence by Star Pubs and Bars Limited for The Big Jug. Claypath. Durham. DH1 1RG

With reference to the above licensing application, the City of Durham Parish Council wishes to object to this application under the objective of preventing a public nuisance.

Whilst the Parish Council warmly welcomes the investment made by the applicant(s), the works being undertaken to this premises and the improvements in particular to the façade of the premises, it feels that there are aspects of this application which need addressing, in the interests of promoting this objective.

The Parish Council Planning and Licensing Committee considered this application at its meeting on the 22nd March 2024. In reaching its decision, the Parish Council Licensing Committee had regard to the Licensing Act 2003, the Section 182 Guidance and the County Council's Statement of Licensing Policy 2019 to 2024. The Parish Council feels that, should this application be granted in its current form, it will fail to uphold this important licensing objective, given that it is seeking permission to operate outside the Council's adopted Framework hours for this type of premises.

Prevention of public nuisance

The prevention of public nuisance is an essential licensing objective. Two of the greatest irritations to residents are noise and public nuisance associated with licensed premises. If representations are made, noise and nuisance might preclude the grant of a licence or certificate or, if one has already been granted, could be a ground for review, with a view to the imposition of further conditions or, if the licensing objectives cannot be achieved by such conditions, revocation of the licence or certificate.

When dealing with applications and issuing licences, the Council (when their discretion is engaged) is more likely to impose stricter conditions on premises operating in residential areas.

Proper consideration should therefore be given to the proximity of licensed premises not only to residents and businesses, but also in relation to other sensitive premises, to ensure they are in a position that does not adversely affect their ability to ensure the promotion of the licensing objectives.

In considering any such proposal, the Licensing Authority needs to consider carefully that ~~there are~~ a number of residential properties “above the shop” are located along this street now and a number of these properties may likely be sensitive receptors to the activity from this premises, with particular regard to late night noise.

Most sensitively, the site is located almost opposite and only metres away from the retirement homes (42 in total) at Claypath Court. The residents of these properties have a reasonable expectation to a quiet night’s sleep and therefore allowing this premises to open later and beyond the framework hours would be unacceptable.

To the left rear of the premises, also only a matter of metres away, lies Blue Coat Court, a small group of homes whose residents’ expectations of reasonable nighttime peace must also be considered. The same is true for the large development of residential units in the yard to the rear of the right hand side of the premises.

The Parish Council is unclear as to why the applicant is requesting permission for the additional 30 minutes beyond the Framework for this premises. This is not only in conflict with the County Council’s Licensing Framework hours but also the resident led “*Shh...11pm-7am*” campaign.

In the Parish Council’s judgement, the evidence before the Licensing Authority does not offer adequate clarity and robustness for us to conclude that the living conditions of nearby residents would not be harmed by any potential additional noise and disturbance. No noise survey or noise impact assessment have been provided by the applicant which validates the assertion that these extended hours would not have an adverse effect.

Durham is a small, compact city centre with many residential streets in very close proximity to one another. The Parish Council believes that full consideration should be given to the risk of disturbance to residents extending into the early hours.

Even if the applicant ensures responsible and considerate behaviour of patrons whilst on the premise, extending the operating hours can only result in even later pedestrian and vehicular noise on local streets as patrons disperse. Vehicles parked on Claypath or further away in the Walkergate car parks will be accelerating away from the Providence Row traffic lights some time after the closure and potentially disturbance even later into the early hours as staff leave by car or taxi.

As such, the Parish Council objects to this aspect of the licence and its proposed operating hours in the interests of preventing a public nuisance.

It is disappointing that, despite the mediation between the applicant's solicitor and ourselves and every assurance that the applicants would stay within the Framework, that this amended application has now been submitted in this way.

Furthermore, the Parish Council is concerned at the prospect of early morning alcohol sales. We have received an assurance by the applicant's solicitor that this is solely for the sale of a champagne breakfast offering by the premises for guests staying overnight at the premises. As such, we would like to request that a condition be attached to this licence that all sales of alcohol prior to 11am only be permitted where the sale includes a food sale.

For the reasons set out above, this application should therefore be refused in its current form and the licensing hours must be brought in line with the Council's Licensing Framework hours.

Yours sincerely,

Adam Shanley
Clerk to the City of Durham Parish Council

From: B Bremner
Sent: 02 April 2024 17:08
To: AHS Licensing
Subject: Licensing Act applications

APPLICANT: Star Pubs and Bars Limited

PREMISES: The Big Jug, Claypath, Durham City, DH1 1RG

APPLICATION: briefly, extension of hours selling alcohol from 08:00 daily to 01:00 on Saturday and Sunday mornings closing at 01:30; music until midnight.

DEADLINE: 4 April 2024

2 April 2024

We object to the above application on the grounds that it contravenes the council's licensing objective of preventing public nuisance. We have lived off Claypath since 1996 raising three sons.

Claypath is a mixed residential and commercial area becoming increasingly residential as one ascends from Market Place. The Big Jug lies in a sensitive location in many perspectives:

- directly opposite is Christchurch, a place of worship, and the Independent Grammar School Durham with pupils aged 4 and above.
- above Christchurch is Claypath Court, consisting of 42 retirement apartments available only to residents aged over 55.
- below Christchurch is Student Castle, home to nearly 500 students.
- immediately to the rear of the Big Jug is its beer yard in immediate proximity to the residential properties of Blue Coat Court.
- further to the rear of the Big Jug is the recently developed William Robson House with further student accommodation.
- below the Big Jug is the Drunken Duck, the scene of extreme, late night violence in March, 2023; it would be wholly inappropriate for the Big Jug to have opening hours beyond those of the Drunken Duck as it would potentially draw imbibers up Claypath into the more residential area late at night.

Item 5.7 of the Licensing Policy 2019-2024 suggests imposing stricter conditions upon premises operating in residential areas and active prevention of public nuisance by licensees if operating beyond 23:00 in a residential area.

Over the past near 30 years we have been repeatedly mortified at having to navigate our visitors around pools of vomit and urine when walking down Claypath into Market Place particularly on Saturday and Sunday mornings. Interestingly, this has been less of a problem whilst the Big Jug has been out of operation. We have directly witnessed the change in use of properties in lower Claypath towards increased habitation. It is clear from the contents of the application that the applicants' interests are largely commercial and have little consideration whatsoever of local inhabitants. Experience informs that noise pollution gets worse in the heat of the summer when the establishment's windows and doors are thrown open.

In summary, extending the Big Jug's hours of alcohol sale and music performance would be in direct contravention of the council's licensing objective of preventing public nuisance and protecting local residents. Accordingly, this application should be refused.

Yours Sincerely

Dr & Mrs Bremner

Claypath

Durham City

DH1 1QT

Appendix 5: Planning Authority Comments

Contact: Jess White
Direct Tel:
email:
Your ref:
Our ref: CON28/24/00558



Valerie Evans

3rd April 2024

Dear Valerie Evans

Town and Country Planning Act 1990 (as amended)

Proposed Application for a Variation of Premises Licence
At Big Jug 83 Claypath Durham DH1 1RG
For Valerie Evans

A consultation has been forwarded on to the Local Planning Authority regarding the Application for a Variation of Premises Licence.

It is considered the proposal does not have any planning implications, however please note there is a recent application (DM/23/01564/FPA) for which the conditions must be complied with. Additionally, please also consider the building is Grade 2 listed and therefore should the fabric of the building be altered, Listed Building consent may be required.

Yours sincerely

Jess White
Assistant Planning Officer

Regeneration, Economy and Growth

Durham County Council, Planning Development (East North), County Hall, Durham, DH1 5UL
Main Telephone:

Appendix 6: Statement of Licensing Policy

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

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

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

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

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

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

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

The council recognises and promotes effective and responsible management of all licensed and authorised premises through competent, efficient and regular instruction, recorded training, supervision of staff and the adoption of good practice, such as 'Challenge 25'. These are amongst the most important control measures for the achievement of all Licensing Objectives.

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

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

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

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

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

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

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

Toughened/Safety Glass: Licensed venues that provide the sale or supply of alcohol for consumption on the premises should consider the introduction of toughened/safety glass. This policy expectation applies especially to any premises associated with a higher risk for potential crime and disorder. This will be particularly relevant for high-volume vertical drinking establishments and those premises open beyond midnight in areas where there is a high concentration of venues.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Appendix 7: Section 182 Guidance

Crime and disorder

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

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

Public safety

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

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

Ensuring safe departure of those using the premises

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

Maintenance and repair

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

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

Safe capacities

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

Public nuisance

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

¹ S 177 of the 2003 Act now only applies to performances of dance.
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Public nuisance may also arise as a result of the adverse effects of artificial light, dust, odour and insects or where its effect is prejudicial to health.

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

Protection of children from harm

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

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

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

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

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

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

Offences relating to the sale and supply of alcohol to children

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

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

Table of relevant offences under the 2003 Act

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

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