



Statutory Licensing Sub-Committee

Date Tuesday 22 August 2017
Time 10.00 am
Venue Council Chamber, County Hall, Durham

Business

Part A

1. Apologies for Absence
2. Substitute Members
3. Declarations of Interest (if any)
4. Minutes of the Meeting held on 19 April and 15 June 2017 (Pages 3 - 22)
5. Application for the Grant of a Premises Licence - The Co-op, Ground Floor, Durham Road, Bowburn (Pages 23 - 60)
6. Application for the Grant of a Premises Licence - The Olive Grove, Half Moon Lane, Spennymoor (Pages 61 - 106)
7. Application for the Grant of a Club Premises Certificate, Ustinov College Bar, Ustinov College, Sheraton House, Sheraton Park, Durham (Pages 107 - 158)
8. Such other business as, in the opinion of the Chairman of the meeting, is of sufficient urgency to warrant consideration

Helen Lynch
Head of Legal and Democratic Services

County Hall
Durham
14 August 2017

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

Councillors J Blakey, D Brown, C Carr, L Marshall and M Wilson

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DURHAM COUNTY COUNCIL

At a Meeting of **Statutory Licensing Sub-Committee** held in Committee Room 2, County Hall, Durham on **Wednesday 19 April 2017 at 10.00 am**

Present:

Members of the Committee:

Councillors A Batey, J Hart and B Kellett

Also Present:

Councillor P May

S Buston (Council's Solicitor)

Y Raine (Senior Licensing Officer)

McColls Brewery

D McColl (Applicant)

Councillor H Smith (Other Person)

D Green (Other Person)

A Agar (Other Person)

J Stephenson (Other Person)

J Welsh (Other Person)

O Wright (Other Person)

13 Fore Bondgate

D Rivera (Applicant/Licence Holder)

J McFarland (On Behalf of the Applicant/Licence Holder)

Councillor J Hart (in the Chair)

1 Apologies for Absence

There were no apologies for absence.

2 Substitute Members

There were no substitute members.

3 Declarations of Interest

There were no declarations of interest.

4 Application for the Grant of a Premises Licence - McColls Brewery, Unit 4, Randolph Ind. Estate, Evenwood, Bishop Auckland

Consideration was given to the report of the Senior Licensing Officer regarding an application for the grant of a Premises Licence in respect of McColls Brewery, Randolph Industrial Estate, Bishop Auckland (for copy of report, see file of minutes).

A copy of the application form and supporting documents had been circulated to Members.

Additional information had been received from the Applicant, Councillor Smith and Mr Green immediately prior to the meeting, copies of which had been provided to Members at the meeting.

Councillor Smith the local Ward Member speaking also on behalf of Councillor Turner indicated that they were not opposed to a Brewery in Evenwood as they wanted to encourage businesses and employment in the area but they had concerns of some of the proposals contained in the application.

They were concerned of the ability to play live and recorded music, plays and the sale of alcohol off the premises.

The premises were located on an industrial estate and they felt that it would change to a pub located in an industrial estate which was in close proximity to the residents in Manor Court Bungalows. The premises were only 10 metres from the bedroom windows of 1 and 2 Manor Court and they were concerned that residents would suffer from noise nuisance. Alcohol sales was another concern as they did not want mass alcohol consumption which they felt would increase anti-social behaviour.

Councillor Smith referred to the circulated press article which was in relation to a teenage gang that had taken over Evenwood and how they were concerned about the sale of alcohol and asked how robust the policies were.

They also had concerns of parking and access to the Brewery as the road was currently used by HGV vehicles all day and night and there was limited parking spaces which could result in Saddler Lane been used for parking which would cause problems for HGV vehicles. Security for other units on the Industrial Estate was also a concern.

In summing up, Councillor Smith indicated that they were in favour of the Brewery but had concerns regarding the sale of alcohol and entertainment, the unit was too close to residential properties and there was potential obstructive parking and an increase in anti-social behaviour.

The Applicant had no questions of Councillor Smith.

The Chairman sought clarification if the industrial estate was built after the bungalows and why they thought there would be an increase in anti-social

behaviour as Durham Constabulary had not raised any objections to the application.

Members were advised that the bungalows belong to a Housing Association and that the industrial estate was built after the bungalows. Youths congregated around the area and they were concerned about the noise. They already suffered from traffic and the noise from the pub in the vicinity, although this was only once a week on a Saturday evening.

Councillor Smith indicated that the premises was only 10 metres away from the bedroom windows of the bungalows and would be intrusive.

Mr Green speaking on behalf of the residents of Manor Court indicated that he supported Councillor Smith and confirmed that Manor Court was built prior to the industrial estate. The premises was on an industrial estate and was not a place for entertainment. He liked a beer himself but not a place of entertainment which was located too close to residential properties. One of the units was previously rented for the storage of wine but after several burglaries and attempted burglaries they decided to move.

Councillor Batey sought clarification on the type of businesses in the other units on the industrial estate.

Members were advised that there was a fudge factory, electrical company, woodcraft and a recovery depot which created noise and traffic from HGV vehicles.

In response to questions from Members, the objectors advised that the recovery depot which was adjacent to the units created noise all night but the units closed 4.30 pm/5.00 pm and the gates to the industrial estate were locked at 5.00 pm. There were currently two units vacant and the working men's club had existed since the village was built and pre dated the bungalows.

Mr McColl, the Applicant spoke on the application and indicated that he was happy to reduce the hours and remove amplified music from the application to alleviate the concerns of the objectors.

He did not believe that anti-social behaviour would be exacerbated as staff would be fully trained, challenge 25 would be in place and CCTV and they would not allow youths to purchase alcohol.

Mr Green asked why the Brewery needed to sell alcohol on the premises.

Mr McColl responded that they wanted to sell alcohol direct to their customers which would allow the business to grow. They had an open door policy and wanted to show off the Brewery and allow customers the opportunity to purchase their products.

The Objectors raised concerns that members of the public could walk into the Brewery and purchase alcohol and asked why he required music.

Mr McColl indicated that he had ticked every box on the application but he was happy to amend the application.

The Chairman asked Mr McColl if he envisaged live music at the Brewery. Mr McColl responded that it was a local establishment and people would come to see the Brewery and they wanted to give people a sample of the products at the end of the tour and an opportunity to purchase products. He did not have any plans for live music and the licence was until 9.00 pm but he did not envisage that they would be open to that time.

Discussions took place on soundproofing and the Applicant advised that he was waiting for the results of the noise report and he would soundproof as necessary to comply and that the condenser could be fully soundproofed if required.

The Council's Solicitor advised the objectors that if there were any noise issues this could be dealt with under the Environmental Protection Act.

Councillor Smith indicated that she did not have any issues with the tour of the Brewery but she had difficulty with a bar in an industrial unit and sought reassurances that people would not over indulge.

Mr McColl responded that as the Licence Holder he was responsible and would ensure that people were not over indulging and would go out of his way to enforce this. He did not see the bar as a traditional bar it was more a point of sale and not a congregation point, he did not envisage regular customers but customers who had pre ordered a ticket for the tour of the Brewery and not a place for people to meet and stand at the bar to consume alcohol for hours.

The objectors sought reassurance that there would be no discos. Mr McColl gave reassurance that there would be no live music events.

Mr Green indicated that alcohol as part of the tour was fine but he had concerns of people just turning up from 12.00 noon to 9.00 pm.

Mr McColl responded that he envisaged the premises closing at 5.00 pm most days, he just wanted flexibility for events and it was not his intention to open as a bar every day and he was happy to confirm this in writing.

The Chairman referred to parking and that there was insufficient parking spaces for 50 people even though he was aware that this was a planning matter.

Mr McColl indicated that he was happy to amend this figure as he did not envisage 50 people in the brewery in one afternoon as there was only 2 people currently working, 20 people would be the maximum. There were 3 official parking bays to the front of the unit but they could get 6 cars comfortably parked outside.

Members referred to the application which had raised concerns for residents but they had been reassured that there was alternative protections to cover their concerns. They had concerns of the close proximity of the bungalows to the premises, the Applicant clarified that it would be organised tours and not just people

turning up and that they were off the beaten track so there would be no passing trade. It was a gated industrial estate and there was only 2 members of staff so people would have to be turned away as they did not have the staff to deal with high numbers. The training of staff was relevant and Members sought clarification on the Applicants experience in the area.

The Council's Solicitor advised Members that the training of staff was already a condition of the licence.

In response to questions from Members, Mr McColl advised that they would have CCTV in place, staff would be trained and full access would be given to responsible authorities, they would also have challenge 25 in place and he hoped that it would be a sophisticated establishment. The shaded area on the plan would be the only accessible area which was a further 2 to 3 metres away internally from the bungalows but again indicated that he was happy to remove amplified music from the application. He had previously worked in a Brewery but had only obtained his personal licence early this year.

In summing up, Mr Green indicated that he would like to see live music removed from the application, he was happy for a radio but not amplified music.

In summing up, Mr McColl referred to the objections and indicated that he hoped he had offered reassurances to alleviate their concerns.

At 11.00 am the Sub-Committee retired to deliberate the application in private. After re-convening at 11.10 am the Chair delivered the Sub-Committee's decision. In reaching their decision, Members had taken into account the written and verbal representations of the Applicant and Other Persons. Members also considered the Council's Statement of Licensing Policy and Section 182 Guidance issued by the Secretary of State.

Resolved: That the application for a premises licence be granted as follows:-

Activity	Days and Hours
Sale of Alcohol (on and off sales)	Monday to Sunday: 12:00 to 21:00 hours
Films, Live Music and Recorded Music, Similar Entertainment (indoors only)	Monday to Sunday: 12:00 to 21:00 hours
Plays and Performance of Dance (indoors only).	Friday to Sunday: 12:00 to 21:00 hours

The Sub-Committee considered the conditions suggested within the Operating Schedule of the application and believed it was necessary and proportionate to impose the following condition upon the licence:-

- (i) The brewery actively discourages mass volume consumption of alcohol and will not tolerate this as a sole purpose to visit the premises. The brewery bar is there as an addition to the brewery for events held but not solely as a drinking venue. Where possible we will educate on all aspects of alcohol consumption and we will only offer beer for sale (not wine, cider or spirits). The brewery is a family friendly venue and welcomes accompanied children, and will operate a Challenge 25 policy.
- (ii) Security alarms are fitted on all exits to secure the property when closed. All staff quarters and work areas will be closed to the public. Internal and external lighting is provide at the premises along with multiple points of exit. All staff have been made aware of our security policy and the licensing objectives, including the challenge 25 policy, with an incident log book available. If drinking is to be undertaken outside the premises plastic glassware will be provided. We operate a zero tolerance on drugs and anyone in the possession of will be refused entry.
- (iii) Mass volume consumption of alcohol is discouraged and will not be tolerated. Only beer will be for sale (not wine, cider or spirits). Limited hours will be operated for the sale of alcohol. Only a limited amount of people will ever be present at the brewery (maximum 50 people). The necessary signs including issues of enforcement will be clearly displayed.
- (iv) A full risk assessment is in place for the premises and a first aid box and log book are present. The premises are limited to a maximum of 50 people. Smoke alarms and fire extinguishers are present along with fire escape doors, signs and lighting, along with adequate internal and external lighting. Drink driving is actively discouraged.
- (v) Restricted hours are in place to reduce the hours of potential nuisance. Music will be limited within these hours along with the sale of alcohol. The premises are limited to a maximum of 50 people but every step will be taken to disperse people at different times from the premises. All necessary signs and warnings will be in place to reduce noise and nuisance levels.
- (vi) The brewery will operate a family friendly policy. As above the brewery will operate a Challenge 25 policy, which all staff will be made aware of (with a refusals book available). All policies will have the necessary signs displayed. All people under the age of 18 must be accompanied by an adult at all times.
- (vii) Authorised staff employed by Durham Police shall have free access to all parts of the licenced premises, at all reasonable times, for the purpose of inspection to ensure compliance with the terms and conditions of the premises licence and to ensure the promotion of the licensing objectives.

- (viii) Initial staff training to be carried out by the Designated Premises Supervisor or approved member of staff to ensure no alcohol is sold to anyone under age and refresher training to be carried out every six months.
- (ix) Training records to be kept for every member of staff and endorsed after every training session. The records will be made available to officers and responsible authorities when requested to do so.
- (x) CCTV will be provided in the form of a recordable system, capable of providing pictures of evidential quality in all lighting conditions.
- (xi) Cameras shall encompass the inside and outside of the entrances/exits to the premise and all areas inside the premise where the sale/supply of alcohol occurs.
- (xii) Equipment must be maintained in good working order, be correctly times and date stamped. Recordings must be kept in date order, numbered sequentially and kept for a period of 28 days and handed to the police/local authority within a reasonable time frame agreed between officers and DPS/authorised person.
- (xiii) The Premises Licence Holder must ensure at all times a Designated Premises Supervisor or appointed member of staff is capable and competent at downloading CCTV footage in recordable format, either disc, hard drive or memory stick to the police/local authority within a reasonable time frame agreed between officers and DPS/authorised person.
- (xiv) The recording equipment and discs/memory sticks shall be kept in a secure environment under the control of the Designated Premises Supervisor or other responsible named individual.
- (xv) An operational weekly log report must be maintained and endorsed by a signature, indicating the system has been checked and is compliant, in the event of any failings action taken are to be recorded.
- (xvi) The only forms of identification we will accept are a current passport, a photo driving licence and 'PASS' hologram I.D.
- (xvii) A refusal register will be kept and endorsed after every sale refused, this is to include over 18's purchasing alcohol and passing it to under 18's (proxy sales).
- (xviii) Training of staff – all staff responsible for selling age restricted goods to be trained to implement the age verification policy. Staff training to include the risk from proxy sales. Training records for staff to be maintained and refresher training to be provided annually.

5 Application to Vary a Premises Licence - 13 Fore Bondgate (formerly Bella Italia), Bishop Auckland

Consideration was given to the report of the Senior Licensing Officer regarding an application to vary a Premises Licence in respect of 13 Fore Bondgate (formerly Bella Italia), Bishop Auckland (for copy of report, see file of minutes).

A copy of the application form and supporting documents had been circulated to Members.

The Senior Licensing Officer presented the report and advised Members that the deadline for receipt of objections had been extended due to the blue notice not been displayed correctly.

The objectors had indicated that they were unable to attend the meeting but had asked for their written representations to be taken into consideration.

A planning application had been submitted to bring the opening times of the premises in line with licensable activities.

The Applicant advised Members that planning permission had been granted and that the premises was sound proof with fire doors and they had recently purchased a noise reduction device.

J McFarland, speaking on behalf of the Applicant advised Member that she had spoken to Mr Harrison, an objector and invited him to the premises to talk about his concerns which resulted in his objection been withdrawn. She did not know the other objector so was unable to talk to her.

She went on to advise Members that they only intended to have background music and that they had a door to the rear of the premises where there was no residential properties and they were happy to ask people to leave by this door so that they did not disturb residents.

The Chairman sought clarification if they envisaged any live music.

Members were advised that they only intended for background music as they were more of a wine bar. Live bands would be too noisy and the premises next door and over the road currently provided live music.

The Chairman indicated that the licensing hours to 2.00 am were outside of the framework and asked the Applicant to justify why the Sub-Committee should consider granting a variation outside of these hours.

The Applicant responded that customers did not come to the area until about 11.00 pm, in view of this they would like to open until 2.00 am or 1.30 am on a Friday and Saturday which would coincide with other premises in the area.

The Chairman advised that only one of the premises in the area was open until 2.00 am and this licence was granted prior to the revised policy, which was why it was outside of the framework.

Councillor Batey sought clarification on the type of food that would be served at the premises.

Members were advised that the food would be Italian/pub food and that they had previously had a restaurant. The premises would consist of booths in the bar area and the restaurant would be mostly tables with the kitchen on the first floor and the cellar in the basement.

They envisaged that people would have a drink and eat when ready. Bishop Auckland now had a lot of visitors to the castle and the wine bar would be a venue for visitors. Bishop Auckland was an up and coming area and they were hoping for a licence until 2.00 am.

At 11.35 am the Sub-Committee retired to deliberate the application in private. After re-convening at 11.40 am the Chair delivered the Sub-Committee's decision. In reaching their decision, Members had taken into account the written and verbal representations of the Applicant and written representations of Other Persons. Members also considered the Council's Statement of Licensing Policy and Section 182 Guidance issued by the Secretary of State.

Resolved: That the application for a premises licence be granted as follows:-

Activity	Days and Hours
Opening Hours	Sunday to Thursday: 12.00 to 00:00 hours Friday and Saturday: 12:00 to 01:00 hours Sundays before a Bank Holiday and New Year's Eve: 12:00 to 01:00 hours
Sale of Alcohol (for consumption on the premises only) and Recorded Music	Sunday to Thursday: 12:00 – 00:00 hours Friday and Saturday: 12:00 – 01:00 hours Sundays before a Bank Holiday and New Year's Eve: 12:00 – 01:00 hours

The Sub-Committee considered the conditions suggested within the Operating Schedule of the application and believed it was necessary and proportionate to impose the following condition upon the licence:

- (i) We will hold the four 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.
- (ii) Alcohol will not be served to anyone who appears drunk. Disorderly conduct will not be permitted on the premises. Proof of age Challenge 25 will be utilised.
- (iii) Full initial staff training to be carried out by the Designated Premises Supervisor to ensure no alcohol is sold to anyone under age and refresher training to be carried out every six months.
- (iv) Training records to be kept for every member of staff and endorsed after every training session. The records will be made available to officers and responsible authorities when requested to do so.
- (v) CCTV is installed covering all areas and aspects of the premises, all doors in and out.
- (vi) CCTV coverage will be kept and made available to any police or courts as requested. Staff will be trained about the sale of alcohol. All staff training records will be kept for inspection.
- (vii) CCTV will be provided in the form of a recordable system, capable of providing pictures particularly facial recognition. Cameras shall encompass all entrances and exists to the premises, where the sale/supply of alcohol occurs.
- (viii) 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.
- (ix) 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. The Licensee and Designated Premises Supervisor must ensure that SIA Door Supervisors will be employed (X2) Friday, (X2) Saturday from 22:00 hours to closure. SIA Door Supervisors will also be employed on Bank Holidays (X2) from 20:00 to closure. Provision of door staff on a risk assessment basis all other days.
- (x) Safety signage will be in place for fire exits. Fire exits and equipment to be clearly marked.
- (xi) Safety at work signage will be in place for insurance certificates, incident log and will be in place for staff and public.
- (xii) Members of staff to be first aid trained and aware of health and safety requirements.

- (xiii) First aid facilities will be in place and up to date.
- (xiv) Groups of people will be discouraged from congregating outside the premises.
- (xv) Signage will be displayed encouraging customers to leave quietly.
- (xvi) A rubbish bin will be placed outside of the front of the premises and customers will be encouraged to use it. At the end of business staff will ensure that litter is collected from the front of the premises and the immediate vicinity.
- (xvii) Bottle bins to be emptied on a morning.
- (xviii) A cigarette bin to be available outside the premises.
- (xix) 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.
- (xx) 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).
- (xxi) No under 18 events to be held at these premises.
- (xxii) No adult themed entertainment.

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DURHAM COUNTY COUNCIL

At a Meeting of **Statutory Licensing Sub-Committee** held in Council Chamber, Council Offices, Spennymoor on **Thursday 15 June 2017 at 10.00 am**

Present:

Councillor C Carr (Chairman)

Members of the Committee:

Councillors P Atkinson and C Hampson

Also Present:

Councillor D Brown

Councillor P Crathorne

H Johnson – Licensing Team Leader

Y Raine – Senior Licensing Officer

S Grigor – Solicitor (DCC)

Mrs L Dexter – Applicant

Mr N Edmondson – Applicant's supporter

Mrs L Dentith – other person

Mr P Anderson – other person

Mr G I Ferguson – other person

Mr W R Garside – other person

Mrs L Spencer – other person

Mrs Y Sims – other person

Councillor M Carr – Sedgefield Town Council

1 Apology for Absence

An apology for absence was received from Councillor J Blakey.

2 Substitute Members

Councillor P Crathorne substituted for Councillor J Blakey.

3 Declarations of Interest

Councillor Brown stated that as local Member he was familiar with the premises and abstained from the discussion and voting.

4 Minutes

The Minutes of the meeting held on 25 April 2017 were agreed as a correct record and were signed by the Chairman.

5 Application for the Grant of a Premises Licence - Durham House, 8 West End, Sedgefield

The Committee considered a report of the Licensing Team Leader regarding an application for the grant of a Premises Licence in respect of Durham House, 8 West End, Sedgefield (for copy see file of Minutes).

A copy of the application and supporting documentation had been circulated, together with additional information received from the applicant and other person, Mr Nuttall. A letter in support of the application had also been received but had not been verified. The letter was read out to Members.

In presenting the report the Licensing Team Leader advised of an amendment to the application that the sale of alcohol would be for supervised ticket events only for the hours Monday to Sunday 11.00 - 23.00.

It had been alleged that Durham House had been selling alcohol from a bar at the premises but an investigation by Licensing Officers and the Alcohol Harm Reduction Unit had found no evidence of this.

The Chairman invited other persons to address the Sub-Committee.

Mrs Dentith referred to her letter contained in the Bundle of Evidence and stated that a posting on Trip Advisor had implied that the applicant was offering to supply alcohol in the holiday let, even following the submission of the amended application. Their gable end overlooked the premises and they could not open their bedroom window because of noise, which she felt would be escalated when the supper events were held. Parties during the day could be held every weekend of the year involving large groups of people. The building was surrounded by a number of gardens and noise travelled in this quiet residential area. The premises had formerly been a well-managed pub with no noise either internally or externally; the noise had been contained. The residential properties in the area were old and not built to withstand noise. Mrs Dentith asked what measures would be put in place to monitor noise levels.

Residents' weekends were very important and she was concerned about the nature of the themed events. She appreciated that the sale of alcohol would cease at 11pm but noted that there was no finishing time specified.

Mrs Dentith asked where patrons would smoke. The pathway was narrow and there were no bins. There was a driveway between her home and Durham House and she was concerned that smokers would use this area.

Sedgefield Town Councillor Carr appreciated that the licensing hours had been amended but that the Town Council was concerned about noise and had suggested a condition to prevent the sale of alcohol after 10pm, which should address residents' concerns. The Licensing Team Leader explained that the operating schedule included a condition proposed by the applicant that there would be no drinking outside the premises after 10pm.

Mr Anderson stated that he lived only 20 yards from the entrance to Durham House. His main concern was noise; a number of problems had already been experienced, including underage drinking and foul language. Mr Anderson had no objections to the property becoming self-catering accommodation. There had been no noise issues with the premises when it was a public house and was concerned about the nature of the proposed events. As a musician he had attended ticketed events and had found that they varied widely. The applicant had named it a supper club but he had noticed that there was a barbecue and gazebo already set up outside. He asked who would monitor the events, why the applicant had needed to apply for a licence from 11.00am and if there would be a specified drinking-up time.

Mrs Dexter responded that she did not anticipate selling alcohol until 11pm but they had applied for the hours of 11am until 11pm to allow some flexibility. She and Mr Edmondson would be present throughout the events and would allow 10-20 minutes drinking up time.

There were very few eating establishments in the village and they were not trying to promote a drinking culture. They wanted to provide this for the community; the business would earn more as a holiday let every night.

Mr Garside referred to his letter of representation in the Bundle of Evidence and stated that the proposals could transform the use and impact of the building compared to the original submission for change of use. When the application for change of use had been granted various conditions were imposed particularly planning policy H18, and at the time the Council considered that the applicant had a robust management plan which would mitigate against noise. If the Premises Licence was granted he was concerned that the problems the Management Plan was meant to mitigate would occur. There had already been problems at the premises.

Mr Edmondson added that the sale of alcohol was not offered to holiday guests and was a completely separate business. The ticketed events would be the only occasions when alcohol was sold.

Mr Ferguson asked why there was a need for outside activities in a residential area and Conservation Area. The former public house did not have barbecues and he did not see the need for them now. Groups of people could sit outside and there was the potential for aggressive behaviour which children should not be subjected to.

Mrs Dexter, the Applicant was invited to address the Sub-Committee and commenced by explaining that it was not her intention to upset the residents. The occasions when residents had cause to complain were at two private events in their own property, and for which she had apologised. The other incident referred to by residents, a stag party, had been three months ago and there had been no issues since as measures had been taken to prevent a recurrence. The additional information included a sign that had been erected at the property which asked guests to keep outdoor noise to a minimum, particularly after 10pm and warned that the owners may visit the property unannounced to ensure noise levels were acceptable.

For the benefit of all parties present, the Licensing Team Leader clarified that the Premises Licence for the sale of alcohol applied to the licensed ticket events and would be supervised by a DPS. The consumption of alcohol was not a licensable activity and the issues referred to in relation to the holiday let were planning enforcement matters; the Police or Environmental Health could investigate any nuisance relating to the holiday let.

Mrs Dexter reiterated that the Premises Licence application related only to the proposed ticketed events, to which walk in customers would not be permitted. The sale of alcohol to residents of the holiday accommodation had been withdrawn from the application to address the concerns of neighbours.

Mrs Dexter explained that she was a school teacher and had been upset about the accusations that she had sold alcohol to underage persons.

The premises had formerly been a public house which was losing business and it had stood empty for 18 months, which could explain the lack of noise. This was a commercial building and as a pub there would have been smoking outside, and taxis picking up customers at 11pm. They had purchased the premises with a view to making it a high end holiday let. During the ticketed events guests would not have access to the rooms upstairs. There had been no objections from Environmental Health to the application.

Mrs Dexter referred to Part 1 of the National Planning Policy Framework which was about building a strong economy. The premises would employ a local chef and local people and in Sedgefield there were very few opportunities for residents to dine out.

Mrs Dexter then addressed the licensing objectives. With regard to the 'prevention of crime and disorder' the DPS would be present at all times and there would be no promotional activities. As a supper club the focus would be on the chef and good food with around 22 people dining at the same time. She anticipated the profile of guests would be couples over the age of 30 and from the village. When the licence had been advertised she had received over 80 'likes' on Facebook from residents, some of which had been included in her submission.

Following a question from the Chairman about including a maximum number of guests, Mr Edmondson stated that this could be an issue as they may wish to hold other events at the premises, for example during the village's medieval day.

Following a further question from the Member, Mrs Dexter confirmed that she would maintain an incident book.

With regard to 'public safety' Mrs Dexter continued that there was a risk assessment and maintenance schedule in place, and the car park to the rear could accommodate 10 cars, although she expected that most guests would car share or walk.

Addressing the licensing objective 'prevention of public nuisance', Members were informed that signs were erected around the property asking customers to respect

neighbours, and staff would monitor drinking outside. Outside doors would be kept closed during the ticketed events and smokers would be asked to smoke on the turfed area.

With regard to the protection of children from harm, Challenge 25 would be implemented, although she did not expect under 18s to attend the supper events. The conditions recommended by the LSCB would be implemented and all staff would be trained in the sale of age restricted goods. A refusals register would also be kept up to date by staff.

Following a question from the Chairman about training, Mrs Dexter explained that she would personally undertake training on an annual basis.

Mrs Dexter appreciated the concerns of residents following the stag party but there had been 17 bookings since without incident. She had worked hard to reduce the potential for noise. All potential clients were informed by e-mail that Durham House was not a 'party house'.

During questions of the applicant Mrs Dentith expressed concern about the potential for outdoor themed events which, without any constraints on the licence, could occur every weekend.

Mrs Dexter assured the resident that the premises was primarily a holiday let and it would not be in their interest financially to hold events at weekends when bookings were most popular.

Mrs Dentith asked for a condition to be attached preventing outdoor events at weekends.

The Licensing Team Leader clarified that the only licensable activity requested by the applicant was for the sale of alcohol and therefore an outdoor event could be held at anytime with a 10pm curfew.

Mr Ferguson referred to the comments made about economic growth, which he was in support of, but not at the expense of other people. He was also concerned that the bar area in the property had been retained.

Mrs Dexter explained that the bar area had been retained as a gimmick as a unique selling point but guests would bring their own alcohol. No alcohol had been sold during holiday lettings.

All parties were invited to sum up.

Mr Anderson stated that his queries with regard to what was proposed by the Applicant had been clarified.

Mrs Dentith requested that a finishing time be specified for ticketed events and that noise be monitored both inside and outside the premises.

Mr Edmendsen stated that both he and Mrs Dexter appreciated the points made by neighbours and hoped that it had not become personal. They had invested heavily in the community and had acted with the best of intentions. He hoped that they could work with local residents.

At 11.40am the Sub-Committee retired to deliberate the application in private. After re-convening at 11.50am the Chairman delivered the Sub-Committee's decision. In reaching their decision the Sub-Committee had taken into account the report of the Licensing Team Leader, and the verbal and written representations of the Applicant and her supporter, and local residents. Members had also taken into account the Council's Statement of Licensing Policy and Section 182 Guidance issued by the Secretary of State.

Resolved:

That the Premises Licence be granted as follows:

Activities	Days and Hours
<p>Sale of Alcohol for consumption on the premises</p> <p>(Sale of Alcohol at ticketed supper club nights and themed events)</p>	<p>Monday to Sunday (11.00 – 23.00 hours)</p> <p>Drinking up time to 23.30</p>

The following conditions proposed by the applicant be included:-

The Prevention of Crime and Disorder

- DPS to be present at all times for the sale and consumption of alcohol.
- Other persons on site will have written permission to sell alcohol.
- No promotional activities to take place within the premises.
- Ticketed events only. Alcohol will only be sold to those who have bought a ticket.
- Events to be a 'supper club' and/or similar.
- Supper club will be a high end dining experience with chef. The focus will be the food and the chef. The alcohol licence will enable customers to enjoy alcohol (predominantly wine) in order to enhance the taste of the food.
- Anticipated profile of patrons to be couples over 30, who appreciate fine food. Expectation that they will be from the village and this will initially be monthly events and they will not be extensively promoting the club.
- The main source of business to remain a holiday let and not from the sale of alcohol. The supper club concept has been created to provide an additional asset to the community in terms of high end dining within the village.
- The supper club will only seat a maximum of 22 people at a time.
- Drinking will be restricted to the inside area and the outside seating area which is turfed and clearly marked.
- Signs at the front door clearly state not to drink outside the front.
- Proof of age signs to be clearly marked.
- Book will be placed behind the bar to record all incidents at the premises.

Public Safety

Alcohol will only be sold to those with a ticket. Walk in customers will not be sold alcohol under any circumstances.

Risk Assessment in place.

Maintenance list and schedule is freely available for all staff to note. Maintenance jobs are carried out weekly.

A car park at the back of the property can accommodate up to 10 cars. Twenty two diners at the premises at a time, no anticipated issues with parking as expectation that most guests will be couples/small parties who will share a car or walk.

Prevention of public nuisance

Signs to clearly ask patrons to leave the car park and premises quietly.

Signs to be clearly evident asking those outside who may be smoking to respect neighbours.

Signs to be clearly evident not allowing customers to drink outside after 10pm. Staff present to carefully monitor drinking outside.

No queuing to enter the premises due to the fact that walk in customers will not be admitted.

Doors to the outside will be kept shut to minimise noise.

Alcohol only to be sold between the hours of 11am and 11pm.

Book to be kept to record nuisance complaints.

Taxi numbers to be clearly placed at front door.

Those who wish to go outside (mainly smokers) will be asked to drink at the back of the house within the turfed area and not go outside the front.

The Protection of Children from Harm

Verification of Age Policy – the Challenge 25 verification policy shall be operated which requires anyone looking under the age of 25 to produce photographic evidence of proof of age from a passport, driving licence or PASS accredited scheme before any alcohol is supplied.

Challenge 25 standards to be placed at point of sale of alcohol.

The actions of staff operating the policy to be regularly monitored.

Due to nature of events, no expectation that young persons under the age of 18 to attend supper club. Those who do will be with parent/carers.

Walk in customers will not be admitted which will reduce the possibility of minors attempting to gain alcohol.

Minimise the risk of proxy sales – the applicant will work with the Police to minimise the risk of proxy provision/proxy sales.

A refusals register will be maintained; where a sale of alcohol is refused if a person appears intoxicated or appears to be under 18, a refusal register or incident log to be updated. The register to be made available to the Police on request.

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

Statutory Licensing Sub-Committee

22nd August 2017

Application for the Grant of a Premises Licence



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

Name and Address of Premises: The Co-op, Ground Floor, Durham Road, Bowburn, Co Durham DH6 5AT.

1. Summary

The Sub-Committee is asked to consider and determine the application for the grant of a premises licence for The Co-op, Durham Road, Bowburn, Co Durham.

An application for the grant of a premises licence was submitted by Co-operative Group Food Limited.

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

2. Details of the Application

An application for the grant of a premises licence was received by the Licensing Authority on 30th June 2017. Attached as Appendix 2.

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

The premises licence application was in respect of the following licensable activities and for the hours detailed:

Activities	Days & Hours Requested
Sale/Supply of Alcohol (Off sales)	Monday to Sunday, 06:00 hrs – 23:00 hrs
Hours premises open to public	Monday to Sunday, 06:00 hrs - 23:00 hrs

3. The Representations

The Licensing Authority received one representation from Cassop-cum-Quarrington Parish Council, namely a 'other person'. Attached as Appendix 3.

The representation relates to the following licensing objectives:

- The Prevention of Public Nuisance

No representations were received from any of the Responsible Authorities.

For Members' information – Responses were received from the following Responsible Authorities, confirming that they had no comments in relation to the application:

- Durham Constabulary
- Local Safeguarding Children Board
- Environmental Health Department
- Planning Department

Copies of these responses are attached at Appendix 4.

5. Parties

The Parties to the hearing will be:

- Mr Richard Arnott (Applicant's Solicitor)
- Mr Peter Thorpe (Cassop-cum-Quarrington Parish Council)

6. Durham County Council Statement of Licensing Policy

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

- 9.0 The Prevention of Public Nuisance
- Framework of Hours

Relevant information is attached as Appendix 5.

7. Section 182 Guidance

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

- 2.15. – 2.21 The Prevention of Public Nuisance

Relevant information is attached as Appendix 6.

8. For Decision

The Sub-Committee is asked to determine the application for the grant of a premises licence in light of the representation received.

Background Papers:

- Durham County Council's Statement of Licensing Policy
- Guidance issued under section 182 of the Licensing Act 2003 (as amended April 2017)

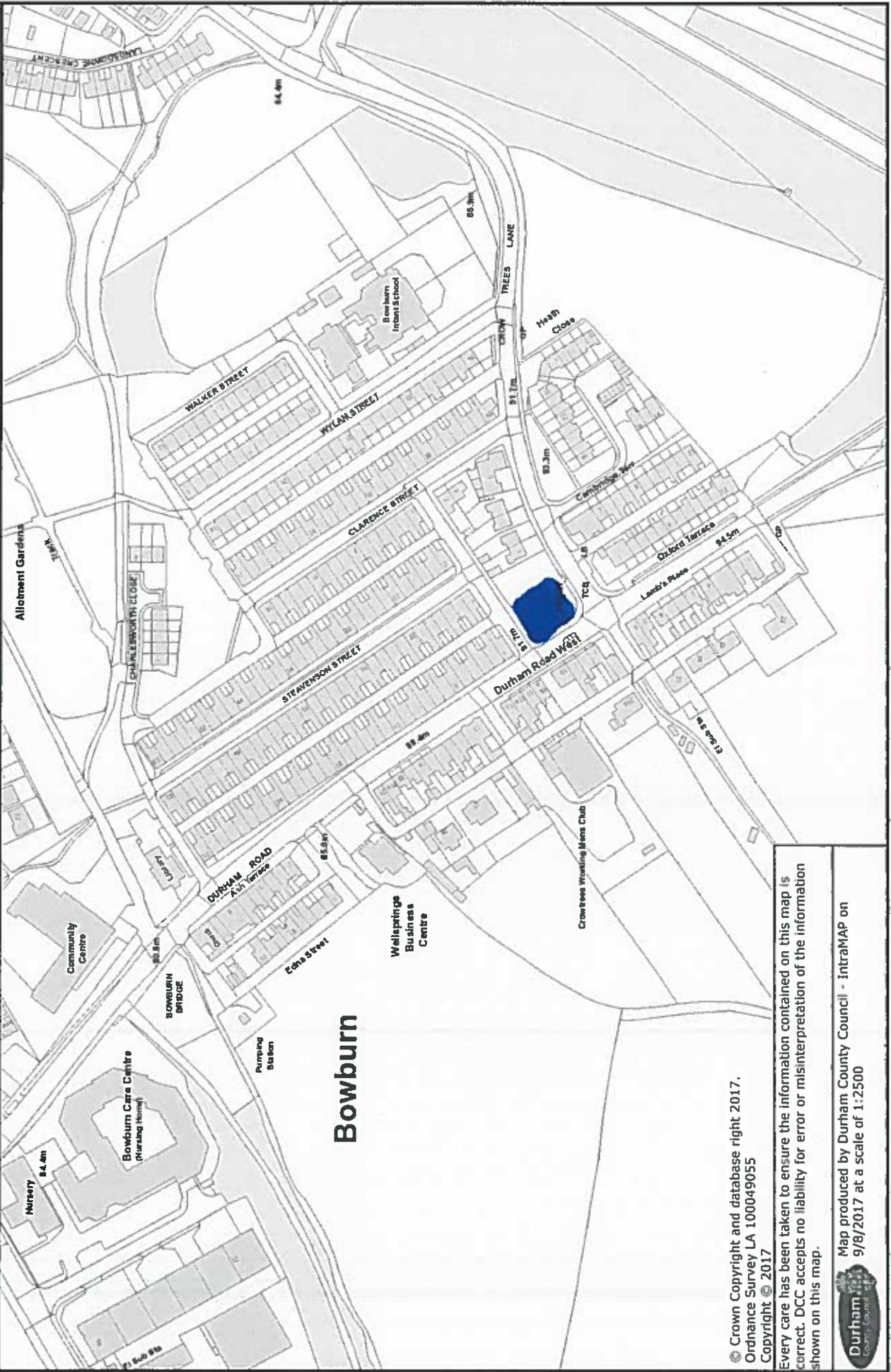
Contact: Karen Robson

Tel: 03000 265104

Email: karen.robson2@durham.gov.uk

APPENDIX 1 – LOCATION PLAN

Durham County Council - IntraMAP



Bowburn

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

Map produced by Durham County Council - IntraMAP on 9/8/2017 at a scale of 1:2500



APPENDIX 2 – APPLICATION FORM



* required information

Section 1 of 21

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

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

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

Are you an agent acting on behalf of the applicant?

Yes No

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

Applicant Details

* First name

* Family name

* E-mail

Main telephone number

Include country code.

Other telephone number

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

Is the applicant:

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

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

Applicant Business

Is the applicant's business registered in the UK with Companies House? Yes No

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

Registration number

Business name

If the applicant's business is registered, use its registered name.

VAT number

Put "none" if the applicant is not registered for VAT.

Legal status

Continued from previous page...

Applicant's position in the business

Director

Home country

United Kingdom

The country where the applicant's headquarters are.

Registered Address

Address registered with Companies House.

Building number or name

1

Street

Angel Square

District

City or town

Manchester

County or administrative area

Postcode

M60 0AG

Country

United Kingdom

Agent Details

* First name

Cheryl

* Family name

Scott

* E-mail

Main telephone number

Include country code.

Other telephone number

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

Are you:

An agent that is a business or organisation, including a sole trader

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

A private individual acting as an agent

Agent Business

Is your business registered in the UK with Companies House?

Yes No

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

Is your business registered outside the UK?

Yes No

Business name

Ward Hadaway

If your business is registered, use its registered name.

VAT number

GB

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

Legal status

Partnership

Continued from previous page...

Your position in the business

Home country

The country where the headquarters of your business is located.

Agent Business Address

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

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Section 2 of 21

PREMISES DETAILS

I/we, as named in section 1, apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in section 2 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003.

Premises Address

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

Address OS map reference Description

Postal Address Of Premises

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Further Details

Telephone number

Non-domestic rateable value of premises (£)

Section 3 of 21**APPLICATION DETAILS**

In what capacity are you applying for the premises licence?

- An individual or individuals
- A limited company / limited liability partnership
- A partnership (other than limited liability)
- An unincorporated association
- Other (for example a statutory corporation)
- A recognised club
- A charity
- The proprietor of an educational establishment
- A health service body
- A person who is registered under part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales
- A person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 in respect of the carrying on of a regulated activity (within the meaning of that Part) in an independent hospital in England
- The chief officer of police of a police force in England and Wales

Confirm The Following

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities
- I am making the application pursuant to a statutory function
- I am making the application pursuant to a function discharged by virtue of Her Majesty's prerogative

Section 4 of 21**NON INDIVIDUAL APPLICANTS**

Provide name and registered address of applicant in full. Where appropriate give any registered number. In the case of a partnership or other joint venture (other than a body corporate), give the name and address of each party concerned.

Non Individual Applicant's Name

Name

Details

Registered number (where applicable)

Description of applicant (for example partnership, company, unincorporated association etc)

Continued from previous page...

PLC

Address

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Contact Details

E-mail

Telephone number

Other telephone number

* Date of birth

[dd mm yyyy]

* Nationality

British

Documents that demonstrate entitlement to work in the UK

Add another applicant

Section 5 of 21

OPERATING SCHEDULE

When do you want the premises licence to start?

[] / [] / []
dd mm yyyy

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

[] / [] / []
dd mm yyyy

Provide a general description of the premises

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

Convenience Store open seven days a week selling groceries, sundry items and alcohol for consumption off the premises

Continued from previous page...

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

Section 6 of 21

PROVISION OF PLAYS

See guidance on regulated entertainment

Will you be providing plays?

Yes No

Section 7 of 21

PROVISION OF FILMS

See guidance on regulated entertainment

Will you be providing films?

Yes No

Section 8 of 21

PROVISION OF INDOOR SPORTING EVENTS

See guidance on regulated entertainment

Will you be providing indoor sporting events?

Yes No

Section 9 of 21

PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

See guidance on regulated entertainment

Will you be providing boxing or wrestling entertainments?

Yes No

Section 10 of 21

PROVISION OF LIVE MUSIC

See guidance on regulated entertainment

Will you be providing live music?

Yes No

Section 11 of 21

PROVISION OF RECORDED MUSIC

See guidance on regulated entertainment

Will you be providing recorded music?

Yes No

Section 12 of 21

PROVISION OF PERFORMANCES OF DANCE

See guidance on regulated entertainment

Will you be providing performances of dance?

Continued from previous page...

Section 13 of 21

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

See guidance on regulated entertainment

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

Yes No

Section 14 of 21

LATE NIGHT REFRESHMENT

Will you be providing late night refreshment?

Yes No

Section 15 of 21

SUPPLY OF ALCOHOL

Will you be selling or supplying alcohol?

Yes No

Standard Days And Timings

MONDAY

Start

End

Start

End

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

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

Continued from previous page...

SUNDAY

Start

End

Start

End

Will the sale of alcohol be for consumption:

- On the premises Off the premises Both

If the sale of alcohol is for consumption on the premises select on, if the sale of alcohol is for consumption away from the premises select off. If the sale of alcohol is for consumption on the premises and away from the premises select both.

State any seasonal variations

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

Non-standard timings. Where the premises will be used for the supply of alcohol at different times from those listed in the column on the left, list below

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

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

Name

First name

Family name

Date of birth

dd mm yyyy

Continued from previous page...

Enter the contact's address

Building number or name	<input type="text"/>
Street	<input type="text"/>
District	<input type="text"/>
City or town	<input type="text"/>
County or administrative area	<input type="text"/>
Postcode	<input type="text"/>
Country	<input type="text"/>
Personal Licence number (if known)	<input type="text"/>
Issuing licensing authority (if known)	<input type="text"/>

PROPOSED DESIGNATED PREMISES SUPERVISOR CONSENT

How will the consent form of the proposed designated premises supervisor be supplied to the authority?

- Electronically, by the proposed designated premises supervisor
- As an attachment to this application

Reference number for consent form (if known)

If the consent form is already submitted, ask the proposed designated premises supervisor for its 'system reference' or 'your reference'.

Section 16 of 21

ADULT ENTERTAINMENT

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

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

NONE

Section 17 of 21

HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

MONDAY

Start

End

Start

End

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

Continued from previous page...

TUESDAY

Start End

Start End

WEDNESDAY

Start End

Start End

THURSDAY

Start End

Start End

FRIDAY

Start End

Start End

SATURDAY

Start End

Start End

SUNDAY

Start End

Start End

State any seasonal variations

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

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

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

Section 18 of 21

LICENSING OBJECTIVES

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

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

Continued from previous page...

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

The applicant has given thought to the potential impact of the grant of this application on the four licensing objectives and, having regard to the locality, considers that the following conditions are appropriate, proportionate and necessary

b) The prevention of crime and disorder

1. The Premises Licence Holder shall maintain a CCTV system which gives coverage of all entry and exit points. The system shall continually record whilst the premises are open and conducting licensable activities. All recordings shall be stored for a minimum period of 28 days and shall be capable of being easily downloaded. Recordings shall be made available upon the receipt of a request by an authorised Officer of the Police or the Local Authority.

2. There shall be "CCTV in Operation" signs prominently displayed at the premises.

3. An incident log (whether kept in a written or electronic form) shall be retained at the premises and made available to an authorised Officer of the Police or the Local Authority.

4. The Premises Licence Holder shall operate a proof of age scheme, such as a Challenge 25, whereby the only forms of acceptable identification shall be either a photographic driving licence, a valid passport, military identification or any other recognised form of photographic identification incorporating the PASS logo, or any other form of identification from time to time approved by the secretary of the state.

5. The premises shall be fitted with a burglar alarm system

6. The premises shall be fitted with a panic button system for staff to utilise in the case of an emergency.

c) Public safety

The Premises Licence Holder shall ensure that the appropriate fire safety, and health and safety regulations are applied at the premises.

d) The prevention of public nuisance

A complaints procedure shall be maintained by the Premises Licence Holder, details of which shall be made available in store and upon request.

e) The protection of children from harm

1. All staff shall receive training in relation to the sale of alcohol. No member of staff will be permitted to sell alcohol until such time as they have successfully completed the aforementioned training.

2. An age till prompt system shall be utilised at the premises in respect of alcohol.

3. A refusals register (whether kept in written or electronic form) shall be maintained at the premises and shall be made available for inspection upon request by an authorised Officer of the Police or the Local Authority

Section 19 of 21

NOTES ON DEMONSTRATING ENTITLEMENT TO WORK IN THE UK

Continued from previous page...

Entitlement to work/immigration status for individual applicants and applications from partnerships which are not limited liability partnerships:

A licence may not be held by an individual or an individual in a partnership who is resident in the UK who:

- does not have the right to live and work in the UK; or
- is subject to a condition preventing him or her from doing work relating to the carrying on of a licensable activity.

Any premises licence issued in respect of an application made on or after 6 April 2017 will become invalid if the holder ceases to be entitled to work in the UK.

Applicants must demonstrate that they have an entitlement to work in the UK and are not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity. They do this by providing with this application copies or scanned copies of the following documents (which do not need to be certified).

Documents which demonstrate entitlement to work in the UK

- An expired or current passport showing the holder, or a person named in the passport as the child of the holder, is a British citizen or a citizen of the UK and Colonies having the right of abode in the UK [please see note below about which sections of the passport to copy].
- An expired or current passport or national identity card showing the holder, or a person named in the passport as the child of the holder, is a national of a European Economic Area country or Switzerland.
- A Registration Certificate or document certifying permanent residence issued by the Home Office to a national of a European Economic Area country or Switzerland.
- A Permanent Residence Card issued by the Home Office to the family member of a national of a European Economic Area country or Switzerland.
- A current Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder indicating that the person named is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK.
- A current passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK.
- A current Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK, when produced in combination with an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A full birth or adoption certificate issued in the UK which includes the name(s) of at least one of the holder's parents or adoptive parents, when produced in combination with an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland when produced in combination with an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A certificate of registration or naturalisation as a British citizen, when produced in combination with an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A current passport endorsed to show that the holder is allowed to stay in the UK and is currently allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity.

Continued from previous page...

- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder which indicates that the named person can currently stay in the UK and is allowed to work relation to the carrying on of a licensable activity.
- A **current** Residence Card issued by the Home Office to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights or residence.
- A **current** Immigration Status Document containing a photograph issued by the Home Office to the holder with an endorsement indicating that the named person may stay in the UK, and is allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity **when produced in combination with an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.**
- A Certificate of Application, **less than 6 months old**, issued by the Home Office under regulation 17(3) or 18A (2) of the Immigration (European Economic Area) Regulations 2006, to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence.
- Reasonable evidence that the person has an outstanding application to vary their permission to be in the UK with the Home Office such as the Home Office acknowledgement letter or proof of postage evidence, or reasonable evidence that the person has an appeal or administrative review pending on an immigration decision, such as an appeal or administrative review reference number.
- Reasonable evidence that a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence in exercising treaty rights in the UK including:-
 - evidence of the applicant's own identity – such as a passport,
 - evidence of their relationship with the European Economic Area family member – e.g. a marriage certificate, civil partnership certificate or birth certificate, and
 - evidence that the European Economic Area national has a right of permanent residence in the UK or is one of the following if they have been in the UK for more than 3 months:
 - (i) working e.g. employment contract, wage slips, letter from the employer,
 - (ii) self-employed e.g. contracts, invoices, or audited accounts with a bank,
 - (iii) studying e.g. letter from the school, college or university and evidence of sufficient funds; or
 - (iv) self-sufficient e.g. bank statements.

Family members of European Economic Area nationals who are studying or financially independent must also provide evidence that the European Economic Area national and any family members hold comprehensive sickness insurance in the UK. This can include a private medical insurance policy, an EHIC card or an S1, S2 or S3 form.

Original documents must not be sent to licensing authorities. If the document copied is a passport, a copy of the following pages should be provided:-

- (i) any page containing the holder's personal details including nationality;
- (ii) any page containing the holder's photograph;
- (iii) any page containing the holder's signature;
- (iv) any page containing the date of expiry; and
- (v) any page containing information indicating the holder has permission to enter or remain in the UK and is permitted to work.

If the document is not a passport, a copy of the whole document should be provided.

Your right to work will be checked as part of your licensing application and this could involve us checking your immigration status with the Home Office. We may otherwise share information with the Home Office. Your licence application will not be determined until you have complied with this guidance.

Section 20 of 21

NOTES ON REGULATED ENTERTAINMENT

Continued from previous page...

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:
 - o a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
 - o 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.
 - o 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.
 - o 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.
 - o 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:
 - o 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.
 - o 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.
 - o 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.

Continued from previous page...

- 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:
 - o any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
 - o 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;
 - o any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
 - o 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.

Section 21 of 21

PAYMENT DETAILS

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card.

Premises Licence Fees are determined by the non-domestic rateable value of the premises.

To find out a premises non domestic rateable value go to the Valuation Office Agency site at http://www.voa.gov.uk/business_rates/index.htm

Premises licence fees can be calculated by visiting the Department for Culture Media and Sport website at http://www.culture.gov.uk/what_we_do/alcohol_and_entertainment/3193.aspx

There is an exemption from the payment of fees in relation to the provision of regulated entertainment at church halls, chapel halls or premises of a similar nature, village halls, parish or community halls, or other premises of a similar nature. The costs associated with these licences will be met by central Government. If, however, the licence also authorises the use of the premises for the supply of alcohol or the provision of late night refreshment, a fee will be required.

Schools and sixth form colleges are exempt from the fees associated with the authorisation of regulated entertainment where the entertainment is provided by and at the school or college and for the purposes of the school or college.

If you operate a large event you are subject to ADDITIONAL fees based upon the number in attendance at any one time.

Details of these additional fees can be found on the website http://www.culture.gov.uk/what_we_do/alcohol_and_entertainment/4040.aspx

* Fee amount (£)

100.00

DECLARATION

[Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership]. I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15). The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, if appropriate (please see note 15)

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

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

* Full name

Ward Hadaway

* Capacity

Solicitors for the Applicant

Continued from previous page...

* Date

/ /
dd mm yyyy

[Add another signatory](#)

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

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

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

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

IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED

OFFICE USE ONLY

Applicant reference number	<input type="text"/>
Fee paid	<input type="text"/>
Payment provider reference	<input type="text"/>
ELMS Payment Reference	<input type="text"/>
Payment status	<input type="text"/>
Payment authorisation code	<input type="text"/>
Payment authorisation date	<input type="text"/>
Date and time submitted	<input type="text"/>
Approval deadline	<input type="text"/>
Error message	<input type="text"/>
Is Digitally signed	<input type="checkbox"/>

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**APPENDIX 3 – REPRESENTATION FROM CASSOP-
CUM-QUARRINGTON PARISH COUNCIL**

From: "peter thorpe"
To: "Karen baker" <Karen.baker@durham.gov.uk>
Cc:

Sent: Friday, 21 July, 2017 13:49:07
Subject: New Premises Licensing Application (The Co-op at Former Cooperage Public House, Durham Road, Bowburn)

Dear Karen,
Good afternoon!

Members of Cassop-cum-Quarrington Parish Council discussed the above-mentioned Licensing Application at their Monthly Meeting on Wednesday, July 19th 2017.

Members of the Parish Council wish to object to the Application for the following reasons:

The Cooperage Building is right in the centre of Bowburn and it is surrounded by numerous residential properties on Durham Road and other neighbouring streets.

Members have concerns that the granting of such long licensing hours (6 a.m. to 11 p.m. daily) will lead to greater early morning and late evening noise disruption from delivery vehicles and customers buying drink for consumption off the premises. It is understood that other existing off licensed premises are situated on the outskirts of Bowburn well away from residential streets. In addition, we understand that those other off licences run from 7 a.m. to 10 p.m. each day.

Peter Thorpe,
Parish Clerk,
Cassop-cum-Quarrington Parish Council

APPENDIX 4 – COMMENTS FROM OTHER RESPONSIBLE AUTHORITIES

Karen Baker

From: Judith Wilkinson
Harm Reduction Unit @durham.pnn.police.uk>
Sent: 11 July 2017 10:57
To: Karen Baker
Subject: RE: Licensing - NEW premises licence application - The Co-op Ground Floor,
Durham Road Bowburn, Durham DH6 5AT

11/07/17

To Durham County Council

The Harm Reduction Unit can confirm that the Police have No Objections to the following New Premise Application.

Many Thanks

Judith Wilkinson
Licensing Support

From: Karen Baker
Sent: 28 June 2017 14:42

To:
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Subject: Licensing - NEW premises licence application - The Co-op Ground Floor, Durham Road Bowburn, Durham DH6 5AT

Dear Sir/Madam,

The following application has been received/accepted electronically by Durham County Council and is attached.

Les - please check that the blue notice is being correctly displayed.

1
Application Type - Application for a new premises licence

From: Sean Barry

Sent: 29 June 2017 10:01

To: Neighbourhood Services Licensing <Licensing@durham.gov.uk>

Subject: RE: Licensing - NEW premises licence application - The Co-op Ground Floor Durham Road Bowburn Durham DH6 5AT

Good Morning

I have received a new licence application to vary a licence for the establishment: Co-op, Durham Road Bowburn, Durham DH6 5AT

I have no comments or objections to make on behalf of Durham Local Safeguarding Children Board.

My Ref: SB/2017/057

Thanks

Sean

Karen Baker

From: Ted Murphy
Sent: 03 July 2017 14:38
To: Karen Baker
Subject: RE: Licensing - NEW premises licence application - The Co-op Ground Floor, Durham Road Bowburn, Durham DH6 5AT

Hi Karen,

No objections from NAT.

Regards

Ted

From: Karen Baker
Sent: 28 June 2017 14:42

To:
Hi
W
C
Lk
Hi
Yc
Subject: Licensing - NEW premises licence application - The Co-op Ground Floor, Durham Road Bowburn, Durham DH6 5AT

Dear Sir/Madam,

The following application has been received/accepted electronically by Durham County Council and is attached.

Les - please check that the blue notice is being correctly displayed.

1
Application Type - Application for a new premises licence
Applicant: - **Co-operative Group Food Limited**
Premises – **The Co-op (formerly the Cooperage Public House) Ground Floor Bowburn Durham DH6 5AT**

Date of Application – 28th June 2017 Last date for representations – 26th July 2017

Please note the last date for representations

Many thanks

Karen

**Karen Baker
Licensing Assistant
Adult and Health Services**

Contact: Sarah Seabury
Direct Tel: 03000 261 393
email: sarah.seabury
Your ref:
Our ref: CON28/17/01667



Karen Baker
Karen.baker@durham.gov.uk

19 July 2017

Dear Sirs

Town and Country Planning Act 1990 (as amended)

Proposed Application for a new premises licence.
At The Co-operative Food 1A Crowtrees Lane Bowburn Durham DH6 5BH
For Karen Baker

I refer to your consultation request with regard to the above proposal.

Planning permission was granted for the change of use of the building to a retail and office building with opening hours of 6am to 11pm daily.

The planning department therefore have no objection to the proposal.

I trust this advice is of assistance to you.

Yours sincerely

Sarah Seabury
Planning Officer

Confirmed by K Robson establishment is Durham Rd
DH6 5AT

Regeneration and Economic Development
Durham County Council, Planning Development (North), Room 4/86-102, County Hall, Durham,
DH1 5UL Main Telephone: 03000 262 830

APPENDIX 5 – STATEMENT OF LICENSING POLICY & FRAMEWORK OF HOURS

DURHAM COUNTY COUNCIL STATEMENT OF LICENSING POLICY

9.0 Prevention of Public Nuisance

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

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

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

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

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

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

9.6 The extent to which the above matters will need to be addressed will be dependent on the nature of the area where the premises are situated, the type of

premises concerned, the licensable activities to be provided, operational procedures and the needs of the local community.

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

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

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

Category of Premise	Weekdays (Sunday to Thursday)	Weekends (Friday night into Saturday morning and Saturday night into Sunday morning)	Bank Holidays
For premises licences and club premises certificates authorising the sale or supply of alcohol for consumption on or off the premises	07.00 to 00.00	07.00 to 01.00	Good Friday Plus 1 Hour For all other bank holidays, an additional hour be added to the terminal hour of the day preceding the bank holiday (i.e. if the Monday is the bank holiday, the Sunday is normal trading plus 1 hour).
For licences not including the sale or supply of alcohol	07.00 to 23.30	07.00 to 00.30	Good Friday Plus 1 Hour For all other bank holidays, an additional hour be added to the terminal hour of the day preceding the bank holiday (i.e. if the Monday is the bank holiday, the Sunday is normal trading plus 1 hour).
For licences not including the sale or supply of alcohol (community centres, village halls)	07.00 to 00.00	07.00 to 01.00	Good Friday Plus 1 Hour For all other bank holidays, an additional hour be added to the terminal hour of the day preceding the bank holiday

			(i.e. if the Monday is the bank holiday, the Sunday is normal trading plus 1 hour).
For licences authorising late night refreshment as the primary licensable activity (takeaways)	01.00	02.00	<p>Good Friday Plus 1 Hour</p> <p>For all other bank holidays, an additional hour be added to the terminal hour of the day preceding the bank holiday</p> <p>(i.e. if the Monday is the bank holiday, the Sunday is normal trading plus 1 hour).</p>

APPENDIX 6 – SECTION 182 GUIDANCE

Public nuisance

- 2.15 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.
- 2.16 Public nuisance is given a statutory meaning in many pieces of legislation. It is however not narrowly defined in the 2003 Act and retains its broad common law meaning. It may include in appropriate circumstances the reduction of the living and working amenity and environment of other persons living and working in the area of the licensed premises. Public nuisance may also arise as a result of the adverse effects of artificial light, dust, odour and insects or where its effect is prejudicial to health.
- 2.17 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.
- 2.18 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.

- 2.19 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.
- 2.20 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.
- 2.21 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.

Statutory Licensing Sub-Committee

22nd August 2017

Application for the Grant of a Premises Licence



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

Name and Address of Premises: The Olive Grove, Half Moon Lane, Spennymoor, Co Durham DL16 6HQ.

1. Summary

The Sub-Committee is asked to consider and determine the application for the grant of a premises licence from Mr Stephen Metcalfe for The Olive Grove, Half Moon Lane, Spennymoor, Co Durham.

The establishment previously held a premises licence. The licensing authority received information on 23rd June 2017 that the licence holder, in the name of Olive Grove Durham Limited, dissolved in August 2015 and in accordance with licensing legislation the premises licence lapsed with immediate effect.

For members information: The licensing authority are currently investigating alleged unauthorised sales of alcohol which took place at the premises after Mr Metcalfe was made aware there was no authorisation in place.

An application for the grant of a premises licence was submitted by Mr Stephen Metcalfe.

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

2. Details of the Application

An application for the grant of a premises licence was received by the Licensing Authority on 30th June 2017. A copy of the application is attached as Appendix 2.

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

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

Activities	Days & Hours Requested
Sale/Supply of Alcohol (On sales)	Monday to Sunday, 12:00 hrs– 23:00 hrs Christmas Eve until midnight New Year’s Eve until 01:00 hrs

Recorded Music (Indoors only)	Monday to Wednesday 12:00 hrs - 21:00 hrs Thursday to Saturday 12:00 hrs until 22:00 hrs Sunday 12:00 hrs until 23:00 hrs (Background music only -Christmas Eve until midnight, New Year's Eve until 01:00 hrs)
Hours premises open to public	Monday to Sunday 12:00 hrs - 23:30 hrs

3. Mediation

For Members Information: Durham Constabulary and Local Safeguarding Children Board mediated with the applicant within the consultation period and it was agreed with all parties to include additional conditions on the operating schedule. See attached Appendix 3.

4. The Representations

The Licensing Authority received one representation from a Responsible Authority, namely The Licensing Authority.

The representation relates to the following licensing objective:

- The Prevention of Crime and Disorder

See attached Appendix 4.

No representations were received from any other Responsible Authorities.

For Members' information – Responses were received from the following Responsible Authorities, confirming that they had no comments to make in relation to the application:

- Fire & Rescue Service
- Environmental Health Department
- Planning Department

Copies of these responses are attached at Appendix 5.

5. Parties

The Parties to the hearing will be:

- Mr Stephen Metcalfe (Applicant)
- Mrs Nicola Anderson (Responsible Authority – Licensing Authority)

6. Durham County Council Statement of Licensing Policy

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

- 7.0 The Prevention of Crime and Disorder

Relevant information is attached as Appendix 6.

7. Section 182 Guidance

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

- 2.1 – 2.6 The Prevention of Crime and Disorder

Relevant information is attached as Appendix 7.

8. For Decision

The Sub-Committee is asked to determine the application for the grant of a premises licence in light of the representation received.

Background Papers:

- Durham County Council's Statement of Licensing Policy
- Guidance issued under section 182 of the Licensing Act 2003 (as amended April 2017)

Contact: Karen Robson

Tel: 03000 265101

Email: Helen.Johnson2@durham.gov.uk

APPENDIX 1- LOCATION PLAN

APPENDIX 2- APPLICATION FORM



* required information

Section 1 of 21

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

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

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

Are you an agent acting on behalf of the applicant?

Yes No

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

Applicant Details

* First name

* Family name

* E-mail

Main telephone number

Other telephone number

Include country code.

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

Are you:

Applying as a business or organisation, including as a sole trader

Applying as an individual

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

Applicant Business

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

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

Is your business registered outside the UK? Yes No

Business name

VAT number

Legal status

If your business is registered, use its registered name.
 Put "none" if you are not registered for VAT.

Continued from previous page...

Your position in the business

Home country

The country where the headquarters of your business is located.

Business Address

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

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Section 2 of 21

PREMISES DETAILS

I/we, as named in section 1, apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in section 2 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003.

Premises Address

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

Address OS map reference Description

Postal Address Of Premises

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Further Details

Telephone number

Non-domestic rateable value of premises (£)

Section 3 of 21**APPLICATION DETAILS**

In what capacity are you applying for the premises licence?

- An individual or individuals
- A limited company / limited liability partnership
- A partnership (other than limited liability)
- An unincorporated association
- Other (for example a statutory corporation)
- A recognised club
- A charity
- The proprietor of an educational establishment
- A health service body
- A person who is registered under part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales
- A person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 in respect of the carrying on of a regulated activity (within the meaning of that Part) in an independent hospital in England
- The chief officer of police of a police force in England and Wales

Confirm The Following

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities
- I am making the application pursuant to a statutory function
- I am making the application pursuant to a function discharged by virtue of Her Majesty's prerogative

Section 4 of 21**INDIVIDUAL APPLICANT DETAILS****Applicant Name**

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

- Yes No

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

First name

Stephen

Family name

Metcalfe

Is the applicant 18 years of age or older?

- Yes No

Continued from previous page...

Current Residential Address

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

Yes No

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

Building number or name	The Olive Grove
Street	Half Moon Lane
District	
City or town	Spennymoor
County or administrative area	Durham
Postcode	DL16 6HQ
Country	United Kingdom

Applicant Contact Details

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

Yes No

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

E-mail	
Telephone number	
Other telephone number	
* Date of birth	
* Nationality	

Documents that demonstrate entitlement to work in the UK

Add another applicant

Section 5 of 21

OPERATING SCHEDULE

When do you want the premises licence to start? / /
dd mm yyyy

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

Provide a general description of the premises

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

Pub / Restaurant set in Residential area providing 60 covets in reastaurant area and 26 in bar area.

Continued from previous page...

No Off Sales Reqd

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

Section 6 of 21

PROVISION OF PLAYS

See guidance on regulated entertainment

Will you be providing plays?

Yes No

Section 7 of 21

PROVISION OF FILMS

See guidance on regulated entertainment

Will you be providing films?

Yes No

Section 8 of 21

PROVISION OF INDOOR SPORTING EVENTS

See guidance on regulated entertainment

Will you be providing indoor sporting events?

Yes No

Section 9 of 21

PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

See guidance on regulated entertainment

Will you be providing boxing or wrestling entertainments?

Yes No

Section 10 of 21

PROVISION OF LIVE MUSIC

See guidance on regulated entertainment

Will you be providing live music?

Yes No

Section 11 of 21

PROVISION OF RECORDED MUSIC

See guidance on regulated entertainment

Will you be providing recorded music?

Yes No

Standard Days And Timings

Continued from previous page...

MONDAY

Start

End

Start

End

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

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

Will the playing of recorded music take place indoors or outdoors or both?

- Indoors Outdoors Both

Where taking place in a building or other structure tick as appropriate. Indoors may include a tent.

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.

Background Music

State any seasonal variations for playing recorded music

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

None

Continued from previous page...

Non-standard timings. Where the premises will be used for the playing of recorded music at different times from those listed in the column on the left, list below

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

Christmas Eve and New Years Eve until Midnight but Background Music Only

Section 12 of 21

PROVISION OF PERFORMANCES OF DANCE

See guidance on regulated entertainment

Will you be providing performances of dance?

Yes No

Section 13 of 21

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

See guidance on regulated entertainment

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

Yes No

Section 14 of 21

LATE NIGHT REFRESHMENT

Will you be providing late night refreshment?

Yes No

Section 15 of 21

SUPPLY OF ALCOHOL

Will you be selling or supplying alcohol?

Yes No

Standard Days And Timings

MONDAY

Start

End

Start

End

TUESDAY

Start

End

Start

End

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

Continued from previous page...

WEDNESDAY

Start 12:00

End 23:00

Start

End

THURSDAY

Start 12:00

End 23:00

Start

End

FRIDAY

Start 12:00

End 23:00

Start

End

SATURDAY

Start 12:00

End 23:00

Start

End

SUNDAY

Start 12:00

End 23:00

Start

End

Will the sale of alcohol be for consumption:

- On the premises Off the premises Both

If the sale of alcohol is for consumption on the premises select on, if the sale of alcohol is for consumption away from the premises select off. If the sale of alcohol is for consumption on the premises and away from the premises select both.

State any seasonal variations

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

none

Non-standard timings. Where the premises will be used for the supply of alcohol at different times from those listed in the column on the left, list below

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

Christmas Eve till Midnight
New Years Eve till 1am

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

Continued from previous page...

Section 17 of 21

HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

MONDAY

Start 12:00

End 23:30

Start

End

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

TUESDAY

Start 12:00

End 23:30

Start

End

WEDNESDAY

Start 12:00

End 23:30

Start

End

THURSDAY

Start 12:00

End 23:30

Start

End

FRIDAY

Start 12:00

End 23:30

Start

End

SATURDAY

Start 12:00

End 23:30

Start

End

SUNDAY

Start 12:00

End 23:30

Start

End

State any seasonal variations

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

None

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

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

30 mins extra drinking up time to be allowed at the end of every day from 23:00 - 23:30

Continued from previous page...

Name

First name

Family name

Date of birth / /
dd mm yyyy

Enter the contact's address

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Personal Licence number
(if known)

Issuing licensing authority
(if known)

PROPOSED DESIGNATED PREMISES SUPERVISOR CONSENT

How will the consent form of the proposed designated premises supervisor be supplied to the authority?

- Electronically, by the proposed designated premises supervisor
- As an attachment to this application

Reference number for consent form (if known)

If the consent form is already submitted, ask the proposed designated premises supervisor for its 'system reference' or 'your reference'.

Section 16 of 21

ADULT ENTERTAINMENT

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

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

None

Continued from previous page...

Christmas Eve Midnight
New Years Eve 1am

Section 18 of 21

LICENSING OBJECTIVES

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

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

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

Crime and disorder is not tolerable on my premises and anyone engaging in it will be barred immediately, I believe if this rule is adhered to it will prevent any public nuisance I believe I have everything in place to keep the public safe which in turn will assist in children coming to no harm, Children should be off the premises by 9pm unless dining with parents

b) The prevention of crime and disorder

to avoid standing areas by making sure there is adequate seating ,
Not serving alcohol to anyone who is deemed to be drunk
Keep a detailed record of any incidents or refusals at the premises

c) Public safety

All relevant steps are taken to avoid trips and falls all signage is in place to warn of ramps or steps all walkways to be kept clear and all spills are cleaned up

d) The prevention of public nuisance

Making certain customers leave in an orderly and quiet manner, Gardens are shut by 1030 windows and doors are closed during particular noisy times eg parties etc
Make sure smoking areas are kept clean from litter etc

e) The protection of children from harm

To ensure Children are protected from strong language drinking alcohol gambling violence any adult entertainment.

Section 19 of 21

NOTES ON DEMONSTRATING ENTITLEMENT TO WORK IN THE UK

Continued from previous page...

Entitlement to work/immigration status for individual applicants and applications from partnerships which are not limited liability partnerships:

A licence may not be held by an individual or an individual in a partnership who is resident in the UK who:

- does not have the right to live and work in the UK; or
- is subject to a condition preventing him or her from doing work relating to the carrying on of a licensable activity.

Any premises licence issued in respect of an application made on or after 6 April 2017 will become invalid if the holder ceases to be entitled to work in the UK.

Applicants must demonstrate that they have an entitlement to work in the UK and are not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity. They do this by providing with this application copies or scanned copies of the following documents (which do not need to be certified).

Documents which demonstrate entitlement to work in the UK

- An expired or current passport showing the holder, or a person named in the passport as the child of the holder, is a British citizen or a citizen of the UK and Colonies having the right of abode in the UK (please see note below about which sections of the passport to copy).
- An expired or current passport or national identity card showing the holder, or a person named in the passport as the child of the holder, is a national of a European Economic Area country or Switzerland.
- A Registration Certificate or document certifying permanent residence issued by the Home Office to a national of a European Economic Area country or Switzerland.
- A Permanent Residence Card issued by the Home Office to the family member of a national of a European Economic Area country or Switzerland.
- A current Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder indicating that the person named is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK.
- A current passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK.
- A current Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A full birth or adoption certificate issued in the UK which includes the name(s) of at least one of the holder's parents or adoptive parents, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A certificate of registration or naturalisation as a British citizen, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A current passport endorsed to show that the holder is allowed to stay in the UK and is currently allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity.

Continued from previous page...

- A current Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder which indicates that the named person can currently stay in the UK and is allowed to work relation to the carrying on of a licensable activity.
- A current Residence Card issued by the Home Office to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights or residence.
- A current Immigration Status Document containing a photograph issued by the Home Office to the holder with an endorsement indicating that the named person may stay in the UK, and is allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity **when produced in combination with an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.**
- A Certificate of Application, **less than 6 months old**, issued by the Home Office under regulation 17(3) or 18A (2) of the Immigration (European Economic Area) Regulations 2006, to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence.
- Reasonable evidence that the person has an outstanding application to vary their permission to be in the UK with the Home Office such as the Home Office acknowledgement letter or proof of postage evidence, or reasonable evidence that the person has an appeal or administrative review pending on an immigration decision, such as an appeal or administrative review reference number.
- Reasonable evidence that a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence in exercising treaty rights in the UK including:-
 - evidence of the applicant's own identity – such as a passport,
 - evidence of their relationship with the European Economic Area family member – e.g. a marriage certificate, civil partnership certificate or birth certificate, and
 - evidence that the European Economic Area national has a right of permanent residence in the UK or is one of the following if they have been in the UK for more than 3 months:
 - (i) working e.g. employment contract, wage slips, letter from the employer,
 - (ii) self-employed e.g. contracts, invoices, or audited accounts with a bank,
 - (iii) studying e.g. letter from the school, college or university and evidence of sufficient funds; or
 - (iv) self-sufficient e.g. bank statements.

Family members of European Economic Area nationals who are studying or financially independent must also provide evidence that the European Economic Area national and any family members hold comprehensive sickness insurance in the UK. This can include a private medical insurance policy, an EHIC card or an S1, S2 or S3 form.

Original documents must not be sent to licensing authorities. If the document copied is a passport, a copy of the following pages should be provided:-

- (i) any page containing the holder's personal details including nationality;
- (ii) any page containing the holder's photograph;
- (iii) any page containing the holder's signature;
- (iv) any page containing the date of expiry; and
- (v) any page containing information indicating the holder has permission to enter or remain in the UK and is permitted to work.

If the document is not a passport, a copy of the whole document should be provided.

Your right to work will be checked as part of your licensing application and this could involve us checking your immigration status with the Home Office. We may otherwise share information with the Home Office. Your licence application will not be determined until you have complied with this guidance.

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NOTES ON REGULATED ENTERTAINMENT

Continued from previous page...

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:
 - o a performance of unamplified live music between 08:00 and 23:00 on any day, on any premises.
 - o 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.
 - o 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.
 - o 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.
 - o 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:
 - o 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.
 - o 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.
 - o 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.

Continued from previous page...

- 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:
 - o any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
 - o 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;
 - o any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
 - o 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.

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PAYMENT DETAILS

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card.

Premises Licence Fees are determined by the non-domestic rateable value of the premises.

To find out a premises non domestic rateable value go to the Valuation Office Agency site at http://www.voa.gov.uk/business_rates/index.htm

Premises licence fees can be calculated by visiting the Department for Culture Media and Sport website at http://www.culture.gov.uk/what_we_do/alcohol_and_entertainment/3193.aspx

There is an exemption from the payment of fees in relation to the provision of regulated entertainment at church halls, chapel halls or premises of a similar nature, village halls, parish or community halls, or other premises of a similar nature. The costs associated with these licences will be met by central Government. If, however, the licence also authorises the use of the premises for the supply of alcohol or the provision of late night refreshment, a fee will be required.

Schools and sixth form colleges are exempt from the fees associated with the authorisation of regulated entertainment where the entertainment is provided by and at the school or college and for the purposes of the school or college.

If you operate a large event you are subject to ADDITIONAL fees based upon the number in attendance at any one time.

Details of these additional fees can be found on the website http://www.culture.gov.uk/what_we_do/alcohol_and_entertainment/4040.aspx

* Fee amount (£)

180.00

ATTACHMENTS

AUTHORITY POSTAL ADDRESS

Address

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

United Kingdom

DECLARATION

Continued from previous page...

[Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership]. I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my

* licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15). The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, if appropriate (please see note 15)

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

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

* Full name

* Capacity

Date (dd/mm/yyyy)

Add another signatory

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

1. Save this form to your computer by clicking file/save as...

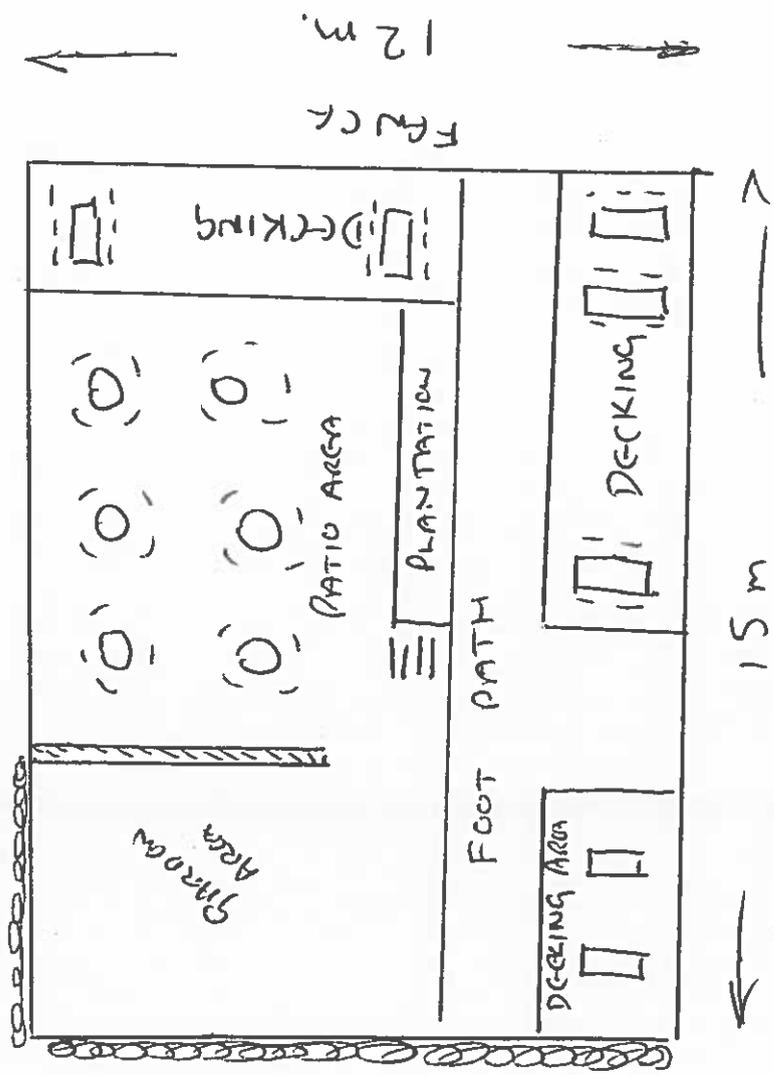
2. Go back to <https://www.gov.uk/apply-for-a-licence/premises-licence/county-durham/apply-1> to upload this file and continue with your application.

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

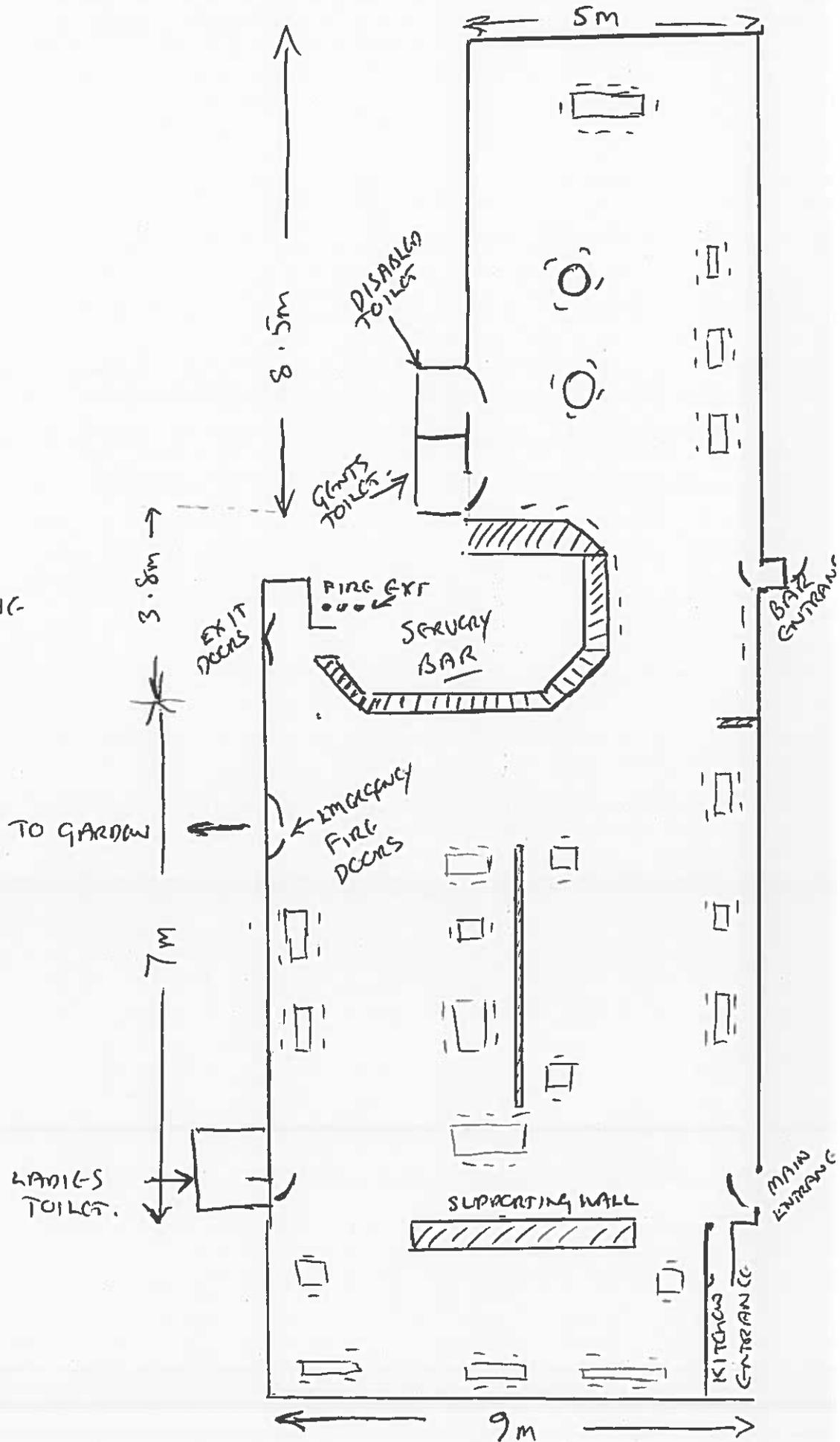
IT IS AN OFFENCE LIABLE TO SUMMARY CONVICTION TO A FINE OF ANY AMOUNT UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED

OUTSIDE AREA.



FLOOR PLAN
 OLIVE GROVE
 HALF MOON LANE
 SPANNYMOOR



**APPENDIX 3 – MEDIATION WITH DURHAM
CONSTABULARY AND LOCAL CHILDREN
SAFEGUARDING BOARD**

LICENSING ACT 2003

TO: The County Council of Durham as the Licensing Authority.

Application for New Premise Licence

Premises: The Olive Grove, Half Moon Lane, Spennymoor, DL16 6HQ
.....

Applicant: ...Stephen Metcalfe
.....

Responsible Authority: Durham Constabulary

Date application received: ...30th June 2017

I Stephen Metcalfe request that the following conditions be included in my application for a premises license for The Olive Grove, Half Moon Lane, Spennymoor DL16 6HQ, submitted to the licensing authority.

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

A) 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.

B) The prevention of crime and disorder

- No serving of alcohol to any person who appears to be drunk.
- 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 training 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 exists to the premise, where the sale / supply of alcohol occurs.

E) The protection of children from harm

- A challenge 25 policy will be operated at the premise, acceptable forms of identification are a passport, photocard driving licence and PASS accredited identification card i.e. ID4U.
- A refusal register will be kept and endorsed after every sale refused. This should be maintained and will be produced to a relevant officer of the police or other relevant officer of a responsible authority upon request. This is also to include over 18's purchasing alcohol and passing it on to under 18's (proxy sale).

Date: 27/7/17

Signed:  7
3.....

Signed:.....

From: Steve Metcalfe

Sent: 06 July 2017 16:20

To: Sean Barry

Subject: Re: New Premises Licence Received The Olive Grove, Half Moon Lane, Spennymoor, Durham, DL16 6HQ

Hi Sean

Thanks for your e mail and help with the LSCB i am happy to implement of the proposals you have outlined and would like them insertes into my license application

Many thanks

Stephen Metcalfe
The Olive Grove
Spennymoor

On Thu, 6 Jul 2017 at 12:37, Sean Barry
<Sean.Barry@...> wrote:

Good Afternoon,

I represent the Durham Local Safeguarding Children Board (LSCB) which is a responsible authority under the licensing act. I have received a copy of your application for a premises licence for your premises at The Olive Grove, Half Moon Lane, Spennymoor, Durham, DL16 6HQ

Having considered the steps you have recorded to promote the licensing objectives, in particular the protection of children, I consider that the steps require more clarity and there are some matters which I consider are absent and should be addressed.

(Any premises licence should include a mandatory condition that an age verification policy is operated. Durham Local Safeguarding Children Board recommends and promotes the Challenge 25 standard)

The steps I consider should be included are identified in the proposed wording below:

- **Verification of age** – safeguards to be in place to see that alcohol is not served to or purchased on behalf of under age children. A 'Challenge 25' age verification policy is operated which requires anyone looking under the age of 25 to produce photographic evidence of proof of age from a passport, driving licence or PASS accredited scheme before any alcohol is supplied. The actions of staff operating the policy to be regularly monitored.
- **Minimise the risk of proxy sales** – The applicant will work with the police to minimise the risk of proxy provision / proxy sales. (This is alcohol purchased or obtained for young people by relatives or older friends).
- **Maintain a refusals register** – where a sale of alcohol is refused if a person appears intoxicated or appears to be under 18, a refusal register / log to be updated. The register to be made available to the police on request.
- **Training of staff** – all staff responsible for selling age restricted goods to be trained to implement the age verification policy. Staff training to include the risk from proxy sales. Training records for staff to be maintained and refresher training to be provided annually.

The purpose of this email is to make the LSCB representations to you and for you to consider these suggestions.

Next Steps – You need to consider the representations I have made.

If you are happy for the recommendations to be included in your application please confirm so by replying to me and the Licensing Section Licensing@durham.gov.uk

These recommendations will then be included in your application, the matter is deemed resolved and your application would progress.

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

Please don't hesitate to contact me if you require further information.

My Ref: SB/2017/060

Regards

Sean

Sean Barry

Strategy and Development Officer

Local Safeguarding Children Board

Durham County Council, DH1 5UL

Website www.durham.gov.uk

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**APPENDIX 4 – REPRESENTATION FROM
LICENSING AUTHORITY**

Representation against the grant of a Premises Licence under the Licensing Act 2003

Responsible Authority: Licensing Authority

Premises: The Olive Grove, Half Moon Lane, Spennymoor, DL16 6HQ

Applicant: Mr Stephen Metcalfe

The Licensing Authority, as a Responsible Authority under the Licensing Act 2003, wish to make representations against the grant of a premises licence to Mr Stephen Metcalfe in respect of the Olive Grove, Half Moon Lane, Spennymoor, Durham, DL16 6HQ, in order to promote the Licensing Objective of the Prevention of Crime and Disorder.

A premises licence had previously been held in respect of the Olive Grove but unbeknown to the Council the Licence had lapsed when in August 2015 the company holding the Premises Licence had been dissolved. This eventually came to the attention of DCC Licensing Services in June 2017.

On the 23rd of June 2017 Mr Stephen Metcalfe, the tenant at the Olive Grove, was advised both verbally and in writing that the licence had lapsed and that no authorisation was in place under the Licensing Act 2003 to sell alcohol or carry out regulated entertainment. He was provided with information and guidance on submitting an application for a new premises licence and in connection with the use of Temporary Event Notices to enable him to apply to trade lawfully. Mr Metcalfe called the Licensing Administration Team confirming his receipt of the documents and requesting further guidance on Temporary Event Notices and specifically, how quickly a TEN could be submitted. This information was provided to him at his request.

Mr Metcalfe then submitted an application for a Temporary Event Notice on the 23rd of June to be effective from the 1st of July however, he also instructed his bar staff that they could continue to sell alcohol after 6pm on the 23rd of June despite being advised that there was no authorisation in place to do so.

On the 29th of June a Senior Licensing Officer telephoned Mr Metcalfe at the premises to discuss his premises licence application and during the conversation she asked him if he was open. He replied that he was open but only selling soft drinks. This was despite his later confirmation that alcohol was still being sold at the premises from the 23rd June.

Mr Metcalfe has shown scant regard for the provisions of Licensing legislation. He appears to have acted intentionally to deceive the Licensing Authority. This raises significant concerns about his honesty, integrity as a licence holder and his ability to comply with Licensing law in the future. Evidence indicates that he has wilfully failed to comply with licensing legislation and has also instructed others to act outside the

provisions of the necessary authorisations. Failure to comply with the Licensing Act 2003 is a criminal offence and undermines the crime and disorder licensing objective.

In Durham County Council's Licensing Policy at point 7.1 it states:

'Licensed premises, may sometimes, if not properly managed, become a source of public nuisance, generating crime and disorder problems'.

In addition the Licensing Authority recommends that all applicants demonstrate in their operating schedules that suitable and sufficient measures have been identified and will be implemented and maintained with the intention of preventing crime and disorder. It is the opinion of the Licensing Authority that the operating schedule submitted by Mr Metcalfe does not adequately identify measures that will be taken in order to prevent crime and disorder at the premises.

Conditions which Members may consider suitable in order to address the concerns regarding the operating schedule are as follows:

- 1) Initial staff training to be carried out by the DPS or approved member of staff to ensure that 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 training session. The records will be made available to officers and responsible authorities when requested to do so.
- 2) CCTV will be provided in the form of a recordable system, capable of providing pictures of evidential quality in all lighting.
Equipment will be maintained in good working order, be correctly timed and date stamped. Recordings must be kept for a period of 28 days. The recording equipment and discs/memory sticks shall be kept in a secure environment under the control of the DPS or other responsible named individual. An operational weekly log report must be maintained and endorsed by a signature, indicating that the system has been checked and is compliant, in the event of any failings actions taken are to be recorded.
- 3) A proof of age policy is in place for people under 25 years of age via the Challenge 25 scheme. Acceptable forms of identification are a passport, photo driving licence and 'PASS' hologram I.D.

Laura Cloney
Licensing Enforcement Team Leader
20th July 2017

**APPENDIX 5 – RESPONSES FROM
RESPONSIBLE AUTHORITIES**



Chief Fire Officer: Stuart Errington

Fire and Rescue Service Headquarters,
Belmont Business Park, Durham, DH1 1TW

Date: 19 July 2017

This matter is being dealt with by: Chris Hockaday

Ext: 1714

Our Ref: 7A71400050

Your Ref: XX

Direct
E-mail

Mr Stephen Metcalfe
The Olive Grove,
Half Moon Lane,
Spennymoor,
Durham,
DL16 6HQ

Dear Sir

Licensing Act 2003

Regulatory Reform (Fire Safety) Order 2005

Mr Steven Metcalf, The Olive Grove, Half Moon Lane, Spennymoor, DL16 6HQ

I acknowledge your application dated 30 June 2017 for a Premises Licence under The Licensing Act 2003 in respect of the above named premises.

No representations will be made to the Licensing Authority subject to the responsible person for the above premises ensuring compliance with the requirements of the Regulatory Reform (Fire Safety) Order 2005.

A suitable and sufficient fire safety risk assessment must be carried out in order to comply with the above Order.

For further guidance please refer to <https://www.gov.uk/workplace-fire-safety-your-responsibilities/fire-safety-advice-documents> which provides information about the Regulatory Reform (Fire Safety) Order 2005.

Should you require any further information please do not hesitate to contact me on the telephone number or e-mail address shown above or visit our website www.ddfire.gov.uk and follow the link to Fire safety at work.

Yours faithfully

Chris Hockaday
Fire Safety Section



Valerie Craig

From: Susan Gallimore
Sent: 20 July 2017 15:42
To: Valerie Craig
Subject: RE: New Premises Licence Received

Hello Valerie,

Please note that I have no adverse comments to make about this application. I am aware that the Police and/or Licensing Enforcement may be raising objections but there are no noise issues.

Kind Regards,

Susan

**Susan Gallimore, DipIOA
Senior Public Protection Officer
Adult and Health Services**

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Like us at facebook.com/durhamcouncil

From: Valerie Craig
Sent: 30 June 2017 15:59
To: Amanda Healy; Business Rates; Christine Edgar; Craig Hudson; Durham Constabulary; EHCP; Emma Maynard; Fire Authority; Graham Blount; Home Office; Jane Sunter; John Benson; Laura Cloney; Les Bolton; LSCB; Lynn Wilson; Planning; Rebecca Carey
Cc: Helen Johnson - Licensing Team Leader (N'hoods); Karen Robson; Yvonne Raine; Carol Graham - Licensing Assistant (N'hoods); Karen Baker; Kelly Watson - Licensing Assistant (N'hoods); Kelsey Bates; Kersha Russell; Mary-Anne Hunter; Pamela Woods; Tracey Lock; Ian Dargue; Martin Haigh; Nicola Gill; Nicola.Anderson; Rebecca Young
Subject: New Premises Licence Received

Dear Sir/Madam

The following application has been received/accepted by Durham County Council and is attached.

Les - please check that the blue notice is being correctly displayed.

1

Application Type - Application for a New Premises Licence

Applicant: - Mr Stephen Metcalfe

Premises – The Olive Grove, Half Moon Lane, Spennymoor, Durham, DL16 6HQ

Date of Application – 30th June 2017

Last date for representations – 28th July 2017

Please note the last date for representations

Valerie Craig

From: Adrian Caines
Sent: 03 July 2017 16:17
To: Valerie Craig
Subject: The Olive Grove Spennymoor - premises licence application

Valerie,

No planning issues with this.

Regards

Adrian Caines

BScTP MScTP MRTPI | Principal Planning Officer | Development Management

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

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

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28 July 2017

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APPENDIX 6 – STATEMENT OF LICENSING POLICY

DURHAM COUNTY COUNCIL STATEMENT OF LICENSING POLICY

7.0 The Prevention of Crime and Disorder

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

7.2 As a matter of policy, the Licensing Authority will require every holder of a premises licence, club premises certificate or temporary event notice to be responsible for minimising the impact of crime, disorder and anti-social behaviour by their patrons both on and within the immediate vicinity of their premises, including for example on the pavement, in a beer garden or in a smoking shelter.

7.3 The Licensing Authority recommends that all applicants demonstrate in their Operating Schedules that suitable and sufficient measures, ranging from the design and layout of the premises through to the daily operation of the business have been identified and will be implemented and maintained with the intention of preventing crime and disorder. Procedures to deal with drunken customers, violence and anti social behaviour in and outside premises and the provision of closed circuit 14 television in certain premises should be considered by applicants, licensees and event organisers when addressing this issue.

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

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

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

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

issues arising from the licensable activities offered on the premises with officers from Licensing Authority and Police. The Licensing Authority considers it to be good practice if the DPS or Premises Licence Holder is present in the licensed area of the premises:

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

7.8 The Licensing Authority will only impose a maximum number of people that can attend premises or an event where there is a clear and justifiable need in respect of that particular premises or event. Any such decision will be based on the nature and style of the operation. The Licensing Authority will consider information provided by the applicant and any other body, in particular the Council’s Building Control Section, Environmental Health Section and the Durham and Darlington Fire and Rescue Service before setting a maximum number. Applicants will be expected to detail the arrangements that would be put in place e.g. provision of door staff to ensure that the permitted number of people attending the premises or event will not be exceeded.

7.9 Whenever security operatives/door supervisors are employed at licensed premises to carry out security functions they must be licensed by the Security Industry Authority (SIA). If a licensee directly employs security operatives they will need to be licensed by the SIA as a supervisor/manager.

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

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

7.12 Toughened/Safety Glass Policy: Licensed venues that provide the sale or supply of alcohol for consumption on the premises should consider the introduction of toughened/safety glass. This policy expectation applies to those premises that would be considered as carrying a higher risk for potential crime and disorder. In particular it is expected in premises considered to be high volume vertical drinking establishments and those premises open beyond midnight in areas where there is a high concentration of venues (but not premises in those areas that are viewed as low risk in this context).

7.13 Drugs/Knives/Weapons: The Licensing Authority will expect licensees to take all reasonable steps to prevent the presence of drugs on licensed premises and to take appropriate steps to prevent drugs changing hands within the

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

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 a copy of any document checked as part of a right to work check are retained at the licensed premises.

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Statutory Licensing Sub-Committee

22nd August 2017

Application for the Grant of a Club Premises Certificate



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

Name and Address of Premises: Ustinov College Bar, Ustinov College, Sheraton House, Sheraton Park, Durham. DH1 4FL

1. Summary

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

Mr Ian Macdonald
Ustinov College Business &
Operations Manager
The Palatine Centre
Stockton Road
Durham. DH1 3LE

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

2. Details of the Application

An application for the grant of a club premises certificate was received by the Licensing Authority on 29th June 2017. A copy of the application is attached as Appendix 2.

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

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

Activities	Days & Hours Requested
Supply of Alcohol (for consumption on and off the premises). Live Music (indoors) and Recorded Music (indoors).	Monday to Friday: 19:30 – 23:00 hrs Saturday & Sunday: 14:00 – 23:00 hrs On a maximum of 6 occasions per year: Up until 02:00 hrs
Plays, Films, Performances of Dance, Similar Entertainment (All indoors).	Monday to Friday: 19:30 – 23:00 hrs Saturday & Sunday: 14:00 – 23:00 hrs

Opening Hours	Monday to Friday: 19:30 – 23:20 hrs Saturday & Sunday: 14:00 – 23:20 hrs On a maximum of 6 occasions per year: Up until 02:00 hrs
---------------	--

On 18th July 2017, Mr Macdonald amended the college's application by adding additional conditions to the operating schedule to address concerns which had been raised by the Sheraton Park Residents Association.

Following this amendment, the Sheraton Park Residents Association confirmed that they were satisfied that the additional conditions removed any need for them to object to the application.

Details of the additional conditions proposed by the applicant are attached at Appendix 3.

3. The Representations

During the consultation period, the Licensing Authority received two letters of representation; one from Councillor Liz Brown and one from the Nevilles Cross Community Association.

The representations relate to the following licensing objectives:

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

Copies of the representations are attached as Appendix 4.

No representations were received from any of the Responsible Authorities.

For Members information – Responses were received from the following Responsible Authorities, confirming that they had no comments to make in relation to the application:

- Noise Action Team, Environmental Health Authority
- Durham Constabulary
- County Durham & Darlington Fire and Rescue Service
- Durham Local Safeguarding Children Board
- Planning Authority

Copies of these responses are attached at Appendix 5.

4. Parties

The Parties to the hearing will be:

- Mr Ian Macdonald, Ustinov College (Applicant)
- Councillor Liz Brown (Other person)
- Mr Alan Doig, Nevilles Cross Community Association (Other person)

5. Durham County Council Statement of Licensing Policy

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

- 7.0 The Prevention of Crime and Disorder
- 8.0 Public Safety
- 9.0 Prevention of Public Nuisance
- Appendix B - Framework Licensing Hours

Relevant information is attached as Appendix 6.

6. Section 182 Guidance

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

- 2.1 – 2.6 Prevention of Crime and Disorder
- 2.7 – 2.14 Public Safety
- 2.15 - 2.21 Public Nuisance

Relevant information is attached as Appendix 7.

7. For Decision

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

Background Papers:

- Durham County Council's Statement of Licensing Policy
- Guidance issued under section 182 of the Licensing Act 2003 (as amended April 2017)

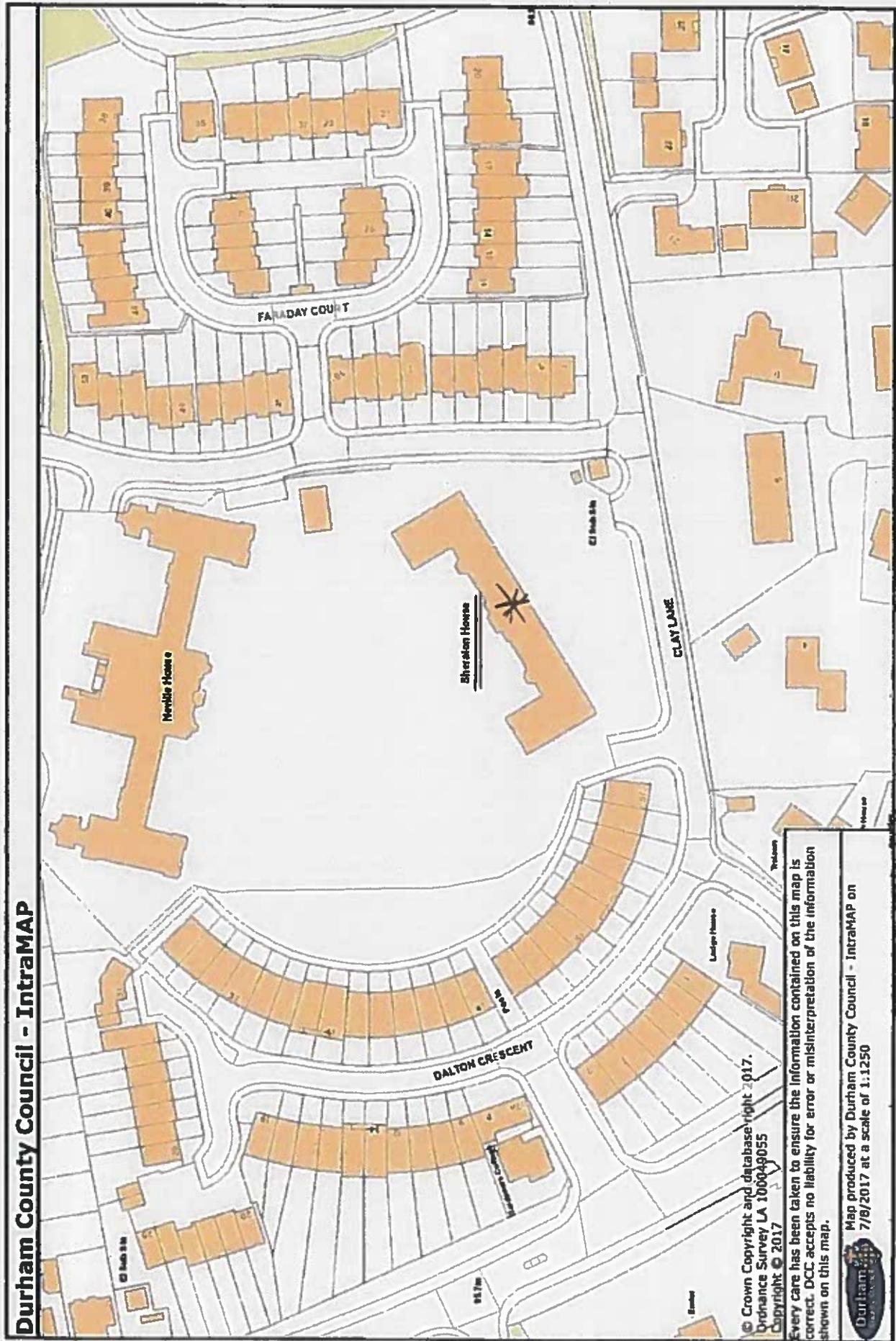
Contact: Yvonne Raine

Tel: 03000 265256

Email: yvonne.raine@durham.gov.uk

APPENDIX 1 – LOCATION PLAN

Plan for identification purposes only; not to be used for scaling or formal documentation



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

Map produced by Durham County Council - IntraMAP on
7/8/2017 at a scale of 1:1250



APPENDIX 2 – APPLICATION



* required information

Section 1 of 16

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

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

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

Are you an agent acting on behalf of the applicant?

Yes No

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

Applicant Details

* First name

* Family name

* E-mail

Main telephone number

Other telephone number

Include country code.

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

Are you:

Applying as a business or organisation, including as a sole trader

Applying as an individual

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

Applicant Business

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

* Is your business registered outside the UK? Yes No

* Business name If your business is registered, use its registered name.

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

* Legal status

Continued from previous page...

* Your position in the business	<input type="text" value="Ustinov College Business & Operations Manager"/>	
Home country	<input type="text" value="United Kingdom"/>	The country where the headquarters of your business is located.
Business Address		If you have one, this should be your official address - that is an address required of you by law for receiving communications.
* Building number or name	<input type="text" value="The Palatine Centre"/>	
* Street	<input type="text" value="Stockton Road"/>	
District	<input type="text"/>	
* City or town	<input type="text" value="Durham"/>	
County or administrative area	<input type="text" value="Durham"/>	
* Postcode	<input type="text" value="DH1 3LE"/>	
* Country	<input type="text" value="United Kingdom"/>	

Section 2 of 16

APPLICATION DETAILS

Name of club	<input type="text" value="Ustinov College Bar"/>
--------------	--

The above named club applies for a club premises certificate under section 71 of the Licensing Act 2003 for the premises described in this section 2 (the club premises).
The club is making this application to you as the relevant licensing authority in accordance with section 68 of the Licensing Act 2003.

Postal Address Of Club

Address OS map reference Description

Postal Address Of Premises

Building number or name	<input type="text" value="Ustinov College"/>
Street	<input type="text" value="Sheraton House"/>
District	<input type="text" value="Sheraton Park"/>
City or town	<input type="text" value="Durham"/>
County or administrative area	<input type="text" value="Durham"/>
Postcode	<input type="text" value="DH1 4FL"/>
Country	<input type="text" value="United Kingdom"/>

Continued from previous page...

Contact Details Of Club

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

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

Yes

No

E-mail

Telephone number

Other telephone number

Name Of Person Performing Duties Of A Secretary To The Club

First name

Family name

Address Of Person Performing Duties Of A Secretary To The Club

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Secretary Contact Details

E-mail

Telephone number

Other telephone number

Non-domestic rateable value of club premises (£)

Are the club premises occupied and habitually used by the club?

Yes

No

Section 3 of 16

CLUB OPERATING SCHEDULE

When do you want the club premises certificate to start?

11	/	09	/	2017
dd		mm		yyyy

Continued from previous page...

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

/ /
dd mm yyyy

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

General Description Of Club

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

Sheraton Park is a residential estate comprising a number of streets of two and three storey townhouses. The Sheraton Park development site at Clay Lane Durham City in the centre of Sheraton Park is currently being redeveloped by private developers. The building known as Neville House is being converted and a new building known as Sheraton House is being erected. The development site at Sheraton Park is a "Purpose Built Student Accommodation" (PBSA) comprising 418 bedrooms across the two buildings. Durham University have entered into partnership with the PBSA owners and taken out a long term lease on the site with the intention of using it as the permanent home for Ustinov College. Ustinov College is a postgraduate only college and occupancy of the PBSA by exclusively postgraduates meets a key planning condition on the site that limited to 40% the number of undergraduates that could be housed on the site.

The new college site comprising Neville House and Sheraton House is currently under development and is scheduled to be handed over to the university on the 11th September 2017 with subsequent occupation by students and staff of Ustinov College soon thereafter. On 7th April 2017 the authorising officer of Durham County Council granted a variation of condition to the planning consent for the Sheraton Park development permitting an extension to the Sheraton House building to provide a common room/bar and seminar room. A number of conditions were placed upon the grant of the variation. Durham University and Ustinov College as occupiers of the PBSA will comply with these conditions. To mitigate the impact on the neighbouring residential area of noise emanating from the common room/bar area a key condition placed upon the variation is that the extension must not be operated or occupied unless in accordance with the noise mitigation measures contained in the approved Environmental Noise Assessment: Common Room/Bar report prepared by the consultancy Cundalls. The common room and bar will be operated in accordance with this condition and all the other conditions placed upon the variation of condition.

This application seeks to license the common room/bar area and reception area of Sheraton House as shown on the attached plan. The licensed area will be entirely enclosed with no overspill outside the building. The common room/bar area will have a capacity of 300 (subject to confirmation following completion of the fire safety risk assessment). The common room/bar area will be the principle social hub of the college providing students, staff and guests with space to socialise and organise events such as plays, film nights, live music events, recorded music events such as discos, cultural events such as performances of dance and other events. The operating hours for the licensed bar will be 19:30 – 23:00 Monday to Friday and 14:00 – 23:00 Saturday and Sunday. On a maximum of 6 occasions a year the College will organise live music and/or recorded music events such as discos and parties where the music will be amplified. Use of any sound equipment will be in accordance with the planning conditions set by the local authority in the variation of condition report dated 7th April 2017. Similarly management of the building - no open windows, doors etc. will be in accordance with the planning conditions in the same report. On a maximum of six occasions per year events such as those described above will run beyond the standard timings. The non-standard timings will run to 02:00 hours at the latest for each of the six nominated events. Where such a non-standard timing is utilised Ustinov College will notify the local licensing authority, the Sheraton Park Residents Association and the Nevilles Cross Residents Association 14 days before the event. This notification will be via telephone call and/or email.

Access to the licensed premises will be restricted to those listed in section 5 of the document titled "Constitutional Arrangements Qualifying for a Club Premises Certificate" which is submitted with this application. The Ustinov College bar will be distinct from all other Durham University College Bars in that students from other colleges will not be classed as "associate members" of the Ustinov Bar and therefore will only be able to gain access if signed in as a guest of a member.

Continued from previous page...

Section 4 of 16

PROVISION OF PLAYS

Will you be providing plays?

Yes No

Standard Days And Timings

MONDAY

Start

End

Start

End

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

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

Will the performance of a play take place indoors or outdoors or both?

Indoors Outdoors Both

Where taking place in a building or other
structure tick as appropriate. Indoors may
include a tent.

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.

The activity authorised will be the performance of plays within the social space on a low level temporarily constructed stage. Use of any sound equipment will be in accordance with the planning conditions set by the local authority in the variation of condition report dated 7th April 2017. Similarly management of the building - no open windows, doors etc will be in accordance with the planning conditions in the same report.

Continued from previous page...

State any seasonal variations for performing plays.

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

Non standard timings. Where the club intends to use the premises for the performance of a play at different times from those listed in the column on the left, provide list.

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

Section 5 of 16

PROVISION OF FILMS

Will you be providing films?

Yes

No

Standard Days And Timings

MONDAY

Start

End

Start

End

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

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

Continued from previous page...

SATURDAY

Start End

Start End

SUNDAY

Start End

Start End

Will the exhibition of films take place indoors or outdoors or both?

Indoors Outdoors Both

Where taking place in a building or other structure tick as appropriate. Indoors may include a tent.

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.

The Ustinov College Graduate Common Room (GCR) will show films in the social space as part of the general entertainment provided for club members. Use of any sound equipment in support of the film projection will be in accordance with the planning conditions set by the local authority in the variation of condition report dated 7th April 2017. Similarly management of the building - no open windows, doors etc will be in accordance with the planning conditions in the same report.

State any seasonal variations for the exhibition of film.

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

Non standard timings. Where the club intends to use the premises for the exhibition of film at different times from those listed in the column on the left, provide list.

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

Section 6 of 16

PROVISION OF INDOOR SPORTING EVENTS

Will you be providing indoor sporting events?

Yes No

Section 7 of 16

PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

Will you be providing boxing or wrestling entertainments?

Yes No

Section 8 of 16

PROVISION OF LIVE MUSIC

Continued from previous page...

Will you be providing live music?

Yes

No

Standard Days And Timings

MONDAY

Start

End

Start

End

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

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

Will the performance of live music take place indoors or outdoors or both?

Indoors

Outdoors

Both

Where taking place in a building or other
structure tick as appropriate. Indoors may
include a tent.

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.

Live music will be a feature of entertainment in the common room/bar area. The GCR host a music night called "Ustinov Live" up to three times a term when students perform for their peers. The music is amplified. Use of any sound equipment will be in accordance with the planning conditions set by the local authority in the variation of condition report dated 7th April 2017. Similarly management of the building - no open windows, doors etc will be in accordance with the planning conditions in the same report.

State any seasonal variations for the performance of live music

Continued from previous page...

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

Non-standard timings. Where the club intends to use the premises for the performance of live music at different times from those listed in the column on the left, provide list

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

Live music will be a feature of planned events that take place in the common room/bar during non-standard timings. The music will be amplified. Use of any sound equipment will be in accordance with the planning conditions set by the local authority in the variation of condition report dated 7th April 2017. Similarly management of the building - no open windows, doors etc will be in accordance with the planning conditions in the same report. On a maximum of six occasions per year events such as those described above will run beyond the standard timings. The non-standard timings will run to 02:00 hours at the latest for each of the six nominated events. Where such a non-standard timing is utilised Ustinov College will notify the local licensing authority, the Sheraton Park Residents Association and the Nevilles Cross Residents Association 14 days before the event. This notification will be via telephone call and/or email.

Section 9 of 16

PROVISION OF RECORDED MUSIC

Will you be providing recorded music?

Yes

No

Standard Days And Timings

MONDAY

Start

End

Start

End

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

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

Continued from previous page...

SATURDAY

Start	<input type="text" value="14:00"/>	End	<input type="text" value="23:00"/>
Start	<input type="text"/>	End	<input type="text"/>

SUNDAY

Start	<input type="text" value="14:00"/>	End	<input type="text" value="23:00"/>
Start	<input type="text"/>	End	<input type="text"/>

Will the playing of recorded music take place indoors or outdoors or both?

Indoors Outdoors Both

Where taking place in a building or other structure tick as appropriate. Indoors may include a tent.

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.

Recorded music played at discos and on Karaoke evenings is a feature of a number of events held by the students. The music is amplified. Use of any sound equipment will be in accordance with the planning conditions set by the local authority in the variation of condition report dated 7th April 2017. Similarly management of the building - no open windows, doors etc will be in accordance with the planning conditions in the same report.

State any seasonal variations for playing recorded music

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

Non-standard timings. Where the club intends to use the premises for the playing of recorded music at different times from those listed in the column on the left, provide list

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

Recorded music will be a feature of planned events such as discos that take place in the common room/bar during non-standard timings. The music will be amplified. Use of any sound equipment will be in accordance with the planning conditions set by the local authority in the variation of condition report dated 7th April 2017. Similarly management of the building - no open windows, doors etc will be in accordance with the planning conditions in the same report. On a maximum of six occasions per year events such as those described above will run beyond the standard timings. The non-standard timings will run to 02:00 hours at the latest for each of the six nominated events. Where such a non-standard timing is utilised Ustinov College will notify the local licensing authority, the Sheraton Park Residents Association and the Nevilles Cross Residents Association 14 days before the event. This notification will be via telephone call and/or email.

Section 10 of 16

PROVISION OF PERFORMANCES OF DANCE

Will you be providing performances of dance?

Yes No

Standard Days And Timings

Continued from previous page...

MONDAY

Start

End

Start

End

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

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

Will the performance of dance take place indoors or outdoors or both?

Indoors Outdoors Both

Where taking place in a building or other
structure tick as appropriate. Indoors may
include a tent.

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.

Performances of dance will be an activity that takes place in the common room/bar area. The music in support of the dance performances is amplified. Use of any sound equipment will be in accordance with the planning conditions set by the local authority in the variation of condition report dated 7th April 2017. Similarly management of the building - no open windows, doors etc will be in accordance with the planning conditions in the same report.

State any seasonal variations for the performance of dance

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

Continued from previous page...

Non-standard timings. Where the club intends to use the premises for the performance of dance at different times from those listed in the column on the left, provide list

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

Section 11 of 16

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

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

Yes

No

Standard Days And Timings

MONDAY

Start

End

Start

End

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

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.

Continued from previous page...

SUNDAY

Start

End

Start

End

Give a description of the type of entertainment that the club will be providing

The students will arrange events in the social space/bar that require amplified sound such as quiz nights, race nights, Karaoke nights and comic nights. Use of any sound equipment will be in accordance with the planning conditions set by the local authority in the variation of condition report dated 7th April 2017. Similarly management of the building - no open windows, doors etc will be in accordance with the planning conditions in the same report.

Will this entertainment take place indoors or outdoors or both?

Indoors Outdoors Both

Where taking place in a building or other structure tick as appropriate. Indoors may include a tent.

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.

State any seasonal variations for entertainment

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

Non-standard timings. Where the club intends to use the premises for entertainment at different times from those listed in the column on the left, provide list

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

Section 12 of 16

SUPPLY OF ALCOHOL

Will you be supplying alcohol by or on behalf of a club to, or to the order of a member of the club?

Yes No

Standard Days And Timings

Continued from previous page...

MONDAY

Start 19:30

End 23:00

Start

End

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

TUESDAY

Start 19:30

End 23:00

Start

End

WEDNESDAY

Start 19:30

End 23:00

Start

End

THURSDAY

Start 19:30

End 23:00

Start

End

FRIDAY

Start 19:30

End 23:00

Start

End

SATURDAY

Start 14:00

End 23:00

Start

End

SUNDAY

Start 14:00

End 23:00

Start

End

Will the supply of alcohol be for consumption?

- On the premises Off the premises Both

If the club wishes members and their guests
to be able to consume alcohol on the
premises tick on, if the club wishes people to
be able to purchase alcohol to consume
away from the premises tick off. If the club
wishes people to be able to do both tick
both.

State any seasonal variations

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

Continued from previous page...

Non-standard timings. Where the club intends to use the premises for the supply of alcohol at different times from those listed in the column on the left, provide list

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

On a maximum of six occasions per year live music or recorded music events such as those described above will run beyond the standard timings. At these events the supply of alcohol will be different to the times stated in the columns above. The non-standard timings will run to 02:00 hours at the latest for each of the six nominated events. Where such a non-standard timing is utilised Ustinov College will notify the local licensing authority, the Sheraton Park Residents Association and the Nevilles Cross Residents Association 14 days before the event. This notification will be via telephone call and/or email.

Section 13 of 16

HOURS CLUB PREMISES ARE OPEN TO THE MEMBERS AND GUESTS

Will you be selling by retail alcohol by or on behalf of a club to a guest of a member of the club for consumption on the premises where the sale takes place?

Yes No

Standard Days And Timings

MONDAY

Start

End

Start

End

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

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

Continued from previous page...

SUNDAY

Start

End

Start

End

State any seasonal variations

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

Non standard timings. Where you intend to use the premises to be open to the members and guests at different times from those listed in the column on the left, provide list.

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

On a maximum of six occasions per year live music or recorded music events such as those described above will run beyond the standard timings. At these events the supply of alcohol to a club member's guest will be different to the times stated in the columns above. The non-standard timings will run to 02:00 hours at the latest for each of the six nominated events. Where such a non-standard timing is utilised Ustinov College will notify the local licensing authority, the Sheraton Park Residents Association and the Nevilles Cross Residents Association 14 days before the event. This notification will be via telephone call and/or email.

Section 14 of 16

ADULT ENTERTAINMENT

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

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

In order to protect children from unsuitable and even harmful content in films and videos and to give consumers information they might need about a particular film or video before deciding whether or not to view it, the British Board of Film Classification (BBFC) examines and age rates films and videos before they are released. The graduate common room DVD/film club shows films of varying classifications and ensures the classifications are publicised in advance of the showing. DVDs and films are shown in the bar area and bar staff are briefed on the need to challenge people where they appear to be below the age of the classification of the film. The college will adopt the Challenge 25 scheme as the proof of age policy. The only forms of identification we will accept are a passport, a photo driving licence and a "PASS" hologram I.D.

Section 15 of 16

LICENSING OBJECTIVES

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

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

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

Ustinov College is fully committed to the licensing objectives outlined in the Licensing Act 2003. The following general provisions are in place to ensure that they are achieved and regularly reviewed:
1. Authorised staff employed by Durham Police shall have free access to all parts of the licensed premises, at all reasonable times, for the purpose of inspection to ensure compliance with the terms and conditions of the club premises certificate and to ensure the promotion of the licensing objectives.

Continued from previous page...

2. Policy on the management of university bars.
3. Standard Operating Manual and Schedule of General Bar Regulations.
4. Training strategy for personal licence holders, bar staff, bar management committee members and college porters. The records of training will be maintained by Ustinov College and made available for review by officers of the relevant responsible authorities as outlined in the Licensing Act 2003.
5. Performance management framework to ensure scrutiny and oversight of the bar operation and its management.
6. Annual application to the Durham City "Best Bar None" scheme for re-accreditation.

b) The prevention of crime and disorder

The Ustinov College vision, mission and values statement clearly outlines the college is committed to providing a safe and enjoyable environment for all staff, students and visitors underpinned by mutual respect and responsibility. This commitment clearly extends to the prevention of crime and disorder. The following specific provisions are in place to deliver this commitment:

1. Durham University community and social responsibility process.
2. Internal college regulations and disciplinary procedures.
3. Ustinov College Bar Code of Conduct.
4. Alcohol and drug abuse policies.
5. Alcohol awareness campaign.
6. Protocols with university security service for support.
7. "Best Bar None" accreditation.
8. Initial staff training to be carried out by an approved member of staff to ensure no alcohol is sold to anyone underage and refresher training to be carried out every 6 months.
9. Training records to be kept for every member of staff and endorsed after every training session. The records will be made available to officers and responsible authorities when requested to do so.
10. CCTV will be provided in the form of a recordable system, capable of providing pictures of evidential quality in all lighting conditions.
11. Cameras shall encompass the inside and outside of the main entrance and exit to the premises and all areas inside the premise where the sale / supply of alcohol occurs.
12. Equipment will be maintained in good working order and be correctly time and date stamped. Recordings will be kept for a period of 28 days and handed to the responsible authorities within a reasonable time frame agreed between officers and an authorised person.
13. The CCTV system will incorporate a battery backup system to enable 24 hour continuous recording in case any power blackout / failure.
14. The licence holder will ensure at all times an appointed member of staff is capable and competent at viewing and downloading CCTV footage in recordable format, either disc, hard drive or memory stick to responsible authorities within a reasonable time frame agreed between officers and the authorised person.
15. The recording equipment and discs / memory sticks shall be kept in a secure environment under the control of responsible named individual.
16. An operational weekly log report will be maintained and endorsed by a signature, indicating the system has been checked and is compliant, in the event of any failings actions taken are to be recorded.

c) Public safety

The Ustinov College vision, mission and values statement clearly outlines the college is committed to providing a safe and enjoyable environment for all staff, students and visitors underpinned by mutual respect and responsibility. This commitment clearly extends to working to ensure the safety of everyone on the site. The following specific provisions are in place to deliver this commitment:

1. Ustinov College health and safety policy developed with the wider university health and safety framework.
2. Ustinov College health and safety management and risk control system supported by self-inspections and audits.
3. Durham University community and social responsibility process.
4. Fire safety risk assessment.
5. "Best Bar None" accreditation.
6. Standard operating procedure for the organising and running of college events.

Continued from previous page...

7. Agreed safety protocols for specific events stipulating the use of plastic glasses and decanting of drinks from glass bottles.

d) The prevention of public nuisance

The Ustinov College vision, mission and values statement clearly outlines the college is committed to developing enduring and mutually rewarding relationships with local people and communities. Minimisation of public nuisance created in and around the Ustinov College bar is part of this commitment. The following specific provisions are in place to deliver this commitment:

1. Implement all the recommendations in the Sheraton Park, Durham Environmental Noise Assessment document prepared by the consultants Cundall.
2. "Best Bar None" accreditation.
3. Durham University community and social responsibility process.
4. Hold a maximum of six events per academic year that utilise non-standard opening times. These events to end no later than 2am.
4. Standard operating procedure for the organising and running of college events including noise limitation guidelines and advance notification to nearby residents. Two weeks notice to be provided to the local authority, Sheraton Park Residents Association and Nevilles Cross Residents Association of licensable events to be held at non-standard times.

e) The protection of children from harm

Ustinov College is the only Durham University college that provides bespoke family accommodation. The college is committed to safeguarding children and protecting them from harm. The following specific provisions are in place to ensure this objective is achieved:

1. Proof of age checks carried out for all people under the age of 25 via the Challenge 25 scheme. The only forms of identification accepted will be a passport, photo driving licence and "PASS" hologram I.D.
2. A refusal register will be kept and endorsed after every sale of alcohol refused, this will include over 18s purchasing alcohol and passing it to under 18s (proxysales).
3. Designated children's areas at events located away from the licensed bar area.
4. Use of plastic glasses only at designated events and the decanting of drinks from glass bottles to minimise risk from broken glass.
5. Restricted use of photography to minimise unwanted use of child images.
6. Policy about children under the age of 18 having to be accompanied on licensed premises.
7. "Best Bar None" accreditation.

Section 16 of 16

PAYMENT DETAILS

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

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

* Fee amount (£)

100.00

ATTACHMENTS

AUTHORITY POSTAL ADDRESS

Continued from previous page...

Address

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

DECLARATION

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

I/we also understand that fees are non-refundable.

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

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

* Full name	<input type="text"/>
* Capacity	<input type="text"/>
Date (dd/mm/yyyy)	<input type="text"/>

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

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

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

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

**APPENDIX 3 – ADDITIONAL CONDITIONS
AGREED BY APPLICANT**

Amendments to Section 15 – Operating Schedule

1. Ustinov College seeks on and off sales to allow residents in Neville House and Sheraton House to purchase alcohol and soft drinks and return with them to their college accommodation to enjoy them whilst studying or socialising with friends in their cluster flats. College will establish a college rule prohibiting the purchase of alcohol for the purposes of consuming it outdoors in the space between Neville House and Sheraton House. This college rule will be policed by college staff including the 24/7 college porters.
2. The requested opening hours are as stated with a subsequent 20 minutes drinking up period. At the end of opening hours bar staff will be instructed only to sell quantities of alcohol to customers that could reasonably be consumed in the 20 minute drinking up time. Requests for excessive volumes of alcohol will be refused. At the end of the 20 minute drinking up period bar staff will clear all glasses and bottles whether empty or not.
3. The current document titled "Constitutional Arrangements Qualifying for a Club Premises Certificate" which outlines membership of the Ustinov College Bar will not be amended unless there is unanimous support from the Ustinov Bar Management Committee and subsequent ratification by the Ustinov College Council.
4. The Ustinov College Bar will operate primarily as a bottle bar with a limited space to provide keg beers. There will not be a "chill cellar" with the associated noise from an air conditioning device.
5. Issues of anti-social behaviour caused by patrons of the Ustinov College bar will be dealt with by a recognised escalation process. The 24/7 porter will provide an immediate response onsite. This response can, when appropriate, be supported by university security staff. The college operates a 365 days of the year on-call emergency duty officer rota. This officer can be contacted by the porter when appropriate. None of the above prevents the duty porter and or university security from contacting the local police if necessary. The escalation process will ensure that incidents of anti-social behaviour are dealt with in a timely manner. In addition management information concerning numbers and nature of incidents will be discussed at the regular Ustinov College Bar Management Committee meeting at which residents will be represented.

APPENDIX 4 – REPRESENTATIONS

George Street
Nevilles Cross
Durham
DH1 4PA

16th July 2017

Re: Licensing application for Ustinov College Bar at Sheraton House, Sheraton Park, Durham
DH1 3LE

As local councillor in the Nevilles Cross division I am writing to object to the granting of the above license. To be specific I am objecting to the granting of a license for off sales.

The Business and Operations Manager for Ustinov College has been very accommodating to residents requests and has done a great deal to ensure that this bar does not impinge on residents amenity. Measures taken include inviting residents association representatives to serve on Bar Committees, only allowing members and staff of Ustinov College bar membership, a stringent signing in regime, noise reduction measures and not allowing open air drinking. This is all very laudable but the granting of off sales negates all this good work.

This is a residential area. The two college buildings have planted open space in front which is open to the public. This was envisaged as a tranquil community area with seating and public art. One of the reasons for not introducing a beer garden was to preserve this tranquillity. The application for off sales now presents the contradiction of bar customers not being allowed outside with an open bottle but fine to leave the premises with one that is capped.

One of the licensing directives is to protect children from harm. This family space should be encouraged to remain alcohol free. This area is close to residences. How can public nuisance be prevented if alcohol is available just round the corner? This also brings us to the other two licensing directives, the prevention of crime and disorder and public safety. Both are a risk if off sales are allowed.

Apart from the off sales I have no objection to a license being granted for the licensing activities stated on the application. There should however be a proviso. All noise reduction methods should be stringently observed and I would be grateful if a condition could be attached to the license to that effect.

Councillor Liz Brown

LICENCING APPLICATION: CLUB PREMISES CERTIFICATE, USTINOV COLLEGE, SHERATON PARK

The Nevilles Cross Community Association at its meeting on 26th June 2017 discussed the application detail. It also received a presentation from Ian MacDonald, Business and Operations Manager, Ustinov College.

The Association understands that it will be formally offered representation on the bar management committee and thanks the College for this and other indications of its willingness to work with residents.

On the basis of the discussions, the Association agreed that would neither support nor oppose the licence application but asked the local councillors to ensure that the licence went to committee so that it could urge the committee to address a number of implementation issues as conditions of the licence.

The grounds for this is that this is the first college in the middle of a residential area - Sheraton Park - and adjacent to other residential areas, such as Geoffrey Avenue and Ellam Avenue. Further, Archery Rise is close by and, given the houses are in a bowl below the application site, particularly susceptible to carried noise. Finally all the areas have substantial numbers of families with young children and elderly residents whose lifestyles are potentially most likely to be affected by any noise after 9pm and before 8am.

The Association also wants to emphasise that there are a growing number of other university students taking up private accommodation in the area, and especially within Sheraton Park - from existing data this reaches up to 30% in parts of this area. Unfortunately outdated data on levels of occupancy means that applications for more HMOs are not being declined by the Central and East Planning Committee within the terms of the agreed policy on student occupation and the figures are likely to rise.

Further a PBSA is built within 800 yards of this College, again within a residential area. If this building does not have a bar then the facilities at Ustinov College become attractive; if there is a bar then setting precedents for student bars in residential areas is important.

The Association therefore wishes to make verbal representations on issues it wishes to be addressed explicitly and incorporated into the conditions for granting the licence relating to the following areas:

- 1. Operational use of the bar space;**
- 2. Access granted to students who are not residential within the building that comprise Ustinov College;**
- 3. Off-sales;**
- 4. Complaint management.**

For 1., the Association would ask that the licence is granted only if the College agrees to adhere to the totality of the conditions laid down in the revised Cundall report as at 13/03/2017. The Association has been reassured by the College's statements on the facts that the common room licence being sought applies only to the common room, not the adjacent courtyard or any other public space and that the windows and fire doors would not be open and the music equipment would have decibel and frequency limits built in. However, noise issues such as bottle emptying [Noise from litter / bottle disposal - Bottle disposal should not be carried out after 10pm or before 7am - p29] are equally relevant.

Thus the Association asks that, as a condition of the licence, the College agrees to implement each and every suggestion and requirement in the Cundall Report.

2. relates to the number of Ustinov College members who are not residential, and any other students. With only the Duke of Wellington in the area, and if the PBSA on the Berendsens laundry site does not have a bar then there should be strict and enforced limits on guests. Unless this is established at the start of the licence the potential for the College to become the focus for students in the area could become custom and practice unless the intended policies are strictly and visibly enforced from the outset.

The Association asks that residential members can only sign in up to 2 other guests in any 24-hour period, including occasions when the licence is extended, that an electronic means of measuring entry numbers and recording the member in terms of responsibility for the conduct of guests is introduced, and that any entrance measures are not capable of being bypassed, copied or duplicated. The College should formally state that associate or any status will not be granted to any student who is not residential in the College at the Sheraton Park site. The College should display notices at the entrance to the bar to ensure that the policy on admission is clearly stated and serves part of any agreement between it and resident students.

3. concerns the off-sales aspect of the licence. The College acknowledges that it wishes to ensure the bar is only for students residential in the College at Sheraton Park. It acknowledges the sensitivities of a College bar in a heavily residential area. Given the open space between the two College buildings and the space available on the adjacent playing field the Association feels that this recognition of potential disturbance should be extended to discouraging anyone buying alcohol that could be used for external consumption (most obviously in the summer and during the occasions when the licence is extended).

The Association asks that the application for off-sales be declined or at least wishes the College to state why an off-sales plan is needed and how it would intend to police off-premises drinking associated with their off-sales plans before it could support this aspect of the application.

4. relates to the need to ensure real-time resolution of disturbance. The Association welcomes the opportunity to participate on the bar management committee and feels this is a useful way to ensure the relationship between the community and the College. However, the Association acknowledges that there will be times when immediate action is necessary.

The Association invites the College, as part of the conditions for granting the licence, to provide a staffed 24-hour number where noise or other anti-social activities within the College parameters would be reported to a member of staff to take appropriate action.

The Association also invites the College to provide the Association with the dates of those occasions when the licence is extended for circulation to its members.

**Nevilles Cross Community Association
26 July 2017**

APPENDIX 5 – RESPONSES FROM RESPONSIBLE AUTHORITIES

Valerie Craig

From: Ted Murphy
Sent: 29 June 2017 14:11
To: Valerie Craig
Subject: RE: Licensing Act - New Club Premises Application Received

Hi Valerie,

No objection from NAT (recently assessed through planning process)

Ted

From: Valerie Craig
Sent: 29 June 2017 11:53

Dear Sir/Madam

The following application has been received/accepted by Durham County Council and is attached.

Les - please check that the blue notice is being correctly displayed.

1

Application Type - Application for a New Club Premises Certificate

Applicant: - Ustinov College Bar

Premises – Ustinov College Bar, Sheraton House, Sheraton Park, Durham, DH1 4FL

Date of Application – 29th June 2017

Last date for representations – 27th July 2017

Please note the last date for representations

Valerie Craig
Licensing Assistant
Adult and Health Services

Valerie Craig

From: Daniel Darnton <
Sent: 30 June 2017 13:08
To: Valerie Craig
Subject: FW: Licensing Act - New Club Premises Application Received
Attachments: Ustinov College Bar Sheraton Park Plan.29.06.17.pdf; Ustinov College Bar Sheraton Park New Club.29.06.17.pdf; Ustinov College Bar Sheraton Park Club Rules.28.06.17.pdf

Good Afternoon,

Durham Constabulary have no objections to the below application.

Thanks
Dan

Daniel Darnton
Harm Reduction Unit
Meadowfield Office tel 101 ext 75 2351
Darlington Office tel 101 ext 74 2782



Durham Constabulary
Altogether Better Policing



Chief Fire Officer: Stuart Errington

Fire and Rescue Service Headquarters,
Belmont Business Park, Durham, DH1 1TW

Date: 17 July 2017

This matter is being dealt with by: Chris Hockaday

Ext: 1714

Our Ref: 3440855120

Your Ref: XX

Direct Dial Telephone:

E-mail:

Ian Macdonald

Dear Sir,

Licensing Act 2003

Regulatory Reform (Fire Safety) Order 2005

HMO Student Accomodation and bar, Sheraton House, Darlington Road, New Sheraton Park, Durham,

I acknowledge your application dated 29 June 2017 for a Club Premises Certificate under The Licensing Act 2003 in respect of the above named premises.

No representations will be made to the Licensing Authority subject to the responsible person for the above premises ensuring compliance with the requirements of the Regulatory Reform (Fire Safety) Order 2005.

A suitable and sufficient fire safety risk assessment must be carried out in order to comply with the above Order.

For further guidance please refer to <https://www.gov.uk/workplace-fire-safety-your-responsibilities/fire-safety-advice-documents> which provides information about the Regulatory Reform (Fire Safety) Order 2005.

Should you require any further information please do not hesitate to contact me on the telephone number or e-mail address shown above or visit our website www.ddfire.gov.uk and follow the link to Fire safety at work.

Yours faithfully

Chris Hockaday
Fire Safety Section



www.ddfire.gov.uk

Yvonne Raine

From: Sean Barry
Sent: 06 July 2017 08:55
To: Neighbourhood Services Licensing
Subject: RE: Licensing Act - New Club Premises Application Received Ustinov College Bar
Sheraton House Durham DH1 4FL

Categories: Valerie

Good Morning

I have received a new club premises application for the establishment: Ustinov College Bar, Sheraton House, Sheraton Park, Durham, DH1 4FL

I have no comments or objections to make on behalf of Durham Local Safeguarding Children Board.

My Ref: SB/2017/058

Thanks
Sean

Valerie Craig

From: Michelle Hurton
Sent: 21 July 2017 12:42
To: Valerie Craig
Subject: Ustinov College Bar, Sheraton House, Durham

Hi Valerie

There are no planning implications with the new premises licence as it is in compliance with the management statement submitted with the previously approved planning application.

Kind regards,

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APPENDIX 6 - STATEMENT OF LICENSING POLICY

7.0 The Prevention of Crime and Disorder

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

7.2 As a matter of policy, the Licensing Authority will require every holder of a premises licence, club premises certificate or temporary event notice to be responsible for minimising the impact of crime, disorder and anti-social behaviour by their patrons both on and within the immediate vicinity of their premises, including for example on the pavement, in a beer garden or in a smoking shelter.

7.3 The Licensing Authority recommends that all applicants demonstrate in their Operating Schedules that suitable and sufficient measures, ranging from the design and layout of the premises through to the daily operation of the business have been identified and will be implemented and maintained with the intention of preventing crime and disorder. Procedures to deal with drunken customers, violence and anti social behaviour in and outside premises and the provision of closed circuit 14 television in certain premises should be considered by applicants, licensees and event organisers when addressing this issue.

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

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

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

7.7 Someone should always be present on premises or at an event during times when licensable activities are taking place who can discuss any problems or issues arising from the licensable activities offered on the premises with officers from Licensing Authority and Police. The Licensing Authority considers it to be good

practice if the DPS or Premises Licence Holder is present in the licensed area of the premises:

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

7.8 The Licensing Authority will only impose a maximum number of people that can attend premises or an event where there is a clear and justifiable need in respect of that particular premises or event. Any such decision will be based on the nature and style of the operation. The Licensing Authority will consider information provided by the applicant and any other body, in particular the Council's Building Control Section, Environmental Health Section and the Durham and Darlington Fire and Rescue Service before setting a maximum number. Applicants will be expected to detail the arrangements that would be put in place e.g. provision of door staff to ensure that the permitted number of people attending the premises or event will not be exceeded.

7.9 Whenever security operatives/door supervisors are employed at licensed premises to carry out security functions they must be licensed by the Security Industry Authority (SIA). If a licensee directly employs security operatives they will need to be licensed by the SIA as a supervisor/manager.

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

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

7.12 Toughened/Safety Glass Policy: Licensed venues that provide the sale or supply of alcohol for consumption on the premises should consider the introduction of toughened/safety glass. This policy expectation applies to those premises that would be considered as carrying a higher risk for potential crime and disorder. In particular it is expected in premises considered to be high volume vertical drinking establishments and those premises open beyond midnight in areas where there is a high concentration of venues (but not premises in those areas that are viewed as low risk in this context).

7.13 Drugs/Knives/Weapons: The Licensing Authority will expect licensees to take all reasonable steps to prevent the presence of drugs on licensed premises and to take appropriate steps to prevent drugs changing hands within the premises in order to prevent tragedies as a result of drug misuse. The Licensing Authority will expect licensees to be familiar with the Home Office Drug Strategy booklet entitled Safer Clubbing (ISBN 1840827807) or other subsequent editions. The Licensing Authority

also expects that licence holders will also take steps to prevent the presence of knives and other weapons on their premises and that a log be kept of all drug, knife and weapon incidents. Licence holders should also consider arranging training for their staff on drugs, knives and weapons and to have policies for dealing with the possession of drugs, knives and weapons and the supply of drugs.

8.0 Public Safety

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

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

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

9.0 Prevention of Public Nuisance

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

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

9.3 If an external structure or area is to be used by customers, whether for consumption of alcohol or for smoking, the applicant will be expected to offer measures designed to minimise its impact on local residents in respect of both public nuisance and crime and disorder. These measures may include a restriction on

hours that areas / structures will be used, appropriate signage requesting customers to consider local residents and monitoring of such areas by staff.

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

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

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

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

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

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

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

Category of Premise	Weekdays (Sunday to Thursday)	Weekends (Friday night into Saturday morning and Saturday night into Sunday morning)	Bank Holidays
For premises licences and club premises certificates authorising the sale or supply of alcohol for consumption on or off the premises	07.00 to 00.00	07.00 to 01.00	<p>Good Friday Plus 1 Hour</p> <p>For all other bank holidays, an additional hour be added to the terminal hour of the day preceding the bank holiday</p> <p>(i.e. if the Monday is the bank holiday, the Sunday is normal trading plus 1 hour).</p>
For licences not including the sale or supply of alcohol	07.00 to 23.30	07.00 to 00.30	<p>Good Friday Plus 1 Hour</p> <p>For all other bank holidays, an additional hour be added to the terminal hour of the day preceding the bank holiday</p> <p>(i.e. if the Monday is the bank holiday, the Sunday is normal trading plus 1 hour).</p>
For licences not including the sale or supply of alcohol (community centres, village halls)	07.00 to 00.00	07.00 to 01.00	<p>Good Friday Plus 1 Hour</p> <p>For all other bank holidays, an additional hour be added to the terminal hour of the day preceding the bank holiday</p>

			(i.e. if the Monday is the bank holiday, the Sunday is normal trading plus 1 hour).
For licences authorising late night refreshment as the primary licensable activity (takeaways)	01.00	02.00	<p>Good Friday Plus 1 Hour</p> <p>For all other bank holidays, an additional hour be added to the terminal hour of the day preceding the bank holiday</p> <p>(i.e. if the Monday is the bank holiday, the Sunday is normal trading plus 1 hour).</p>

APPENDIX 7 - S.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 a copy of any document checked as part of a 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.

Ensuring safe departure of those using the premises

- 2.10 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

2.11 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

- 2.12 “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.
- 2.13 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.
- 2.14 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.

¹ S 177 of the 2003 Act now only applies to performances of dance.

Public nuisance

- 2.15 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.

- 2.16 Public nuisance is given a statutory meaning in many pieces of legislation. It is however not narrowly defined in the 2003 Act and retains its broad common law meaning. It may include in appropriate circumstances the reduction of the living and working amenity and environment of other persons living and working in the area of the licensed premises. Public nuisance may also arise as a result of the adverse effects of artificial light, dust, odour and insects or where its effect is prejudicial to health.
- 2.17 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.
- 2.18 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.
- 2.19 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.

- 2.20 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.
- 2.21 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.