



Statutory Licensing Sub-Committee

Date Tuesday 19 March 2019
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 Meetings held on 13 November 2018, 22 January 2019 and 5 February 2019 (Pages 3 - 26)
5. Application for the Variation of a Premises Licence - The Pickled Parsons, 1-2 The Square, Sedgefield (Pages 27 - 94)
6. Application for the Variation of a Premises Licence - MRH Stonebridge, Stonebridge Service Station, Durham (Pages 95 - 144)
7. 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

11 March 2019

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

Councillors P Atkinson, J Blakey, C Carr, J Maitland 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 **Tuesday 13 November 2018 at 10.00 am**

Present:

Councillor C Carr (Chairman)

Members of the Committee:

Councillors D Bell, D Brown and C Hampson

Also Present:

S Grigor – Council’s Solicitor

K Robson – Senior Licensing Officer

Mr A Singh - Applicant

Mrs B Kaur – Applicant’s Wife

Mr S Edwards – Representing the Applicant

PCSO A Guest – Durham Constabulary

Mr S Drabik – Durham Constabulary

1 Apologies

Apologies for absence had been received from Councillor P Atkinson.

2 Substitute Members

There were no substitute members in attendance.

3 Declarations of Interest

There were no declarations of interest.

4 Minutes

The minutes of the meeting held on 24 September 2018 were agreed as a correct record and signed by the Chairman.

5 Application for the Grant of a Premises Licence - Shergill Stores, 24 Front Street, Sherburn Village, Co Durham

Members: Councillors C Carr (Chairman), D Brown and C Hampson

The Committee considered the report of the Corporate Director, Regeneration and Local Services regarding an application for the grant of a premises licence in respect of Shergill Stores, Sherburn Village (for copy of report, see file of minutes).

A copy of the application and location plan had been circulated together with copies of the representations received and responses from responsible authorities.

The Durham Local Safeguarding Children Board mediated with the applicant and agreed additional conditions, a copy of which had been circulated.

The Senior Licensing Officer presented the report and advised Members that 10 letters of representations were received, 3 were from residents in support of the application and the remaining 7 letters were received from Durham Constabulary, Councillors and residents opposing to the application.

A response not amounting to a representation was also received from Durham County Council Planning Department which had been forwarded to the applicant.

Responses were received from Durham County Council Environmental Health Department and County Durham Fire Authority confirming that they had no comments to make in relation to the application.

PCSO A Guest on behalf of Durham Constabulary indicated that they were objecting to the application on the grounds that the proposal could create a public nuisance. Mr S Drabik from the Alcohol Harm reduction Unit would outline the reasons for their objection.

Mr S Drabik indicated that Durham Constabulary were concerned of the location of the proposed off licence which was on the retail edge of the village. He referred to the location plan on page 11 and that most of the retail units were located across the road with one other retail unit next door to the proposed premises.

Durham Constabulary were concerned that the change of use would attract more people to the premises and the nature of the premises was going to be a booze cabin which offered cheap alcohol. There were already 2 off licences in the village and to draw business to the new premises they would probably offer discounted alcohol. If alcohol was sold cheap this would draw people into the village from other areas. He referred to the issues at Sedgefield where large groups of youths were roaming the streets which creates the fear of crime. There was already plenty of provision in the village with 2 off licences and they were of the opinion it would not be viable so would offer discounted alcohol. Parking was also a concern, there was parking on the main street but they were concerned if people parked outside the premises this would create an inconvenience and potential enforcement issues.

The Chairman stated that their concern was parking and youths.

Mr Drabik responded that there were terraced houses next to the premises and the premises licence would affect the amenity of those residents and the village.

The Chairman asked if they had difficulty with youths from other premises. Mr Drabik responded that they did not have any issues at the moment but they were concerned if alcohol was discounted it would attract people who would not normally shop in the village.

The Chairman then asked if anyone had contacted the police raising concerns and if they had issues with youths in other premises. Mr Drabik responded that residents had made representations and they supported their objections. They did not have any issues with current premises as the retailers were doing their job correctly and they had a grip on anti-social behaviour.

The Chairman then referred to parking and that a number of accidents had already taken place on the junction. Mr Drabik responded that this was not an issue at present as bollards had been erected and a keep clear sign was in place but there must have been a case for these measures to be put into place. They were concerned that a change of use of the premises would generate more footfall which was necessary to run the business but was not appropriate for the village.

In response to a question on the concerns of the location, Mr Drabik indicated that they were concerned of the location and the nature of the business, there was already 2 off licences in the village and a large Tesco store a short drive away and would query the need for another off licence in the village.

The Chairman referred to the potential difficulty with parking.

PCSO Guest responded that the area is all double yellow lines but an increase in footfall there could potentially be more illegal parking and more enforcement required and an increase in complaints.

Councillor Brown commented that parking was not a police concern. Mr Drabik responded that parking was a local authority issues but the police were often the first point of contact. A busy retail unit in the location was going to make a difference to parking and would be an issue. He did not know if there was a local demand for another off licence and if alcohol was sold at discounted prices this would attract people from surrounding areas and could cause issues and why they had raised an objection.

Councillor Brown commented that he had only heard concerns and not any facts. Mr Drabik responded that their objections were based on experience from other places and referred to the issues on Claypath.

The Chairman stated that their concern was a busy off licence where the road does not facilitate parking. PCSO Guest commented that the premises were on a busy roundabout and how could they enforce this.

Mr Edwards, speaking on behalf of the Applicant referred to the parking issues which Mr Singh was aware of and stated that there was a bakers next door where vehicles stopped every day and they had two designated parking bays to the front of the premises. The bakers closed at 4.30 pm and there was a village centre with a car park opposite which closed at 5.00 pm, so parking was available. There was no

evidence of accidents due to parking outside the bakery and the photographs of the damaged vehicle circulated with the papers, there was no evidence that it was connected with the bakery.

The premises was previously a chiropodist where a lot of people walked to and they hoped this would also happen with their unit and stated that they would do everything they could to ensure there was no illegal parking outside the unit. A lot of what has been said is on assumption but they did not intend to sell discounted alcohol and would be a specialist wine shop.

Mr Edwards then presented the Applicants case and indicated that they recognised they had made a mistake in calling the premises 'Booze Cabin' and was why they had changed the name and their intention was to have a high class retail unit with a range of wine and spirits and continental beers and snacks, which would be a bigger range than anyone in the village. The Co-op had not objected to the application nor had Environmental Health and they hoped that they had satisfied the fears of Durham Constabulary. The adjoining neighbour had also not raised any objections who would have had a reason to object.

He went on to say that Mr Singh had held a licence since 2003 and had not had a single blemish on his licence and he had been cooperative in every way. His child attended the local school and he was involved with community activities and there was nothing that would have a detrimental impact. They intended to have a friendly operation with no disturbances, Mr Singh has worked hard and not caused any waves or detrimental activity. Mr Singh was not looking to sell cheap alcohol just make a living. He had worked in Durham since the 1980's and had seen a lot of retailers come and go and property relies on people like Mr Singh taking a chance, without shops being occupied in villages and shopping centres premises decay and this property was an empty premises which was starting to go to rack and ruin. The premises would make a contribution to the village and Mr Singh would do everything in his power to comply with regulations.

The Chairman sought clarification if the premises were owned or leased and if they had improved the frontage and the rear of the shop. He also asked how often they intended to train staff and who would carry out the training.

Mr Singh confirmed that he owned the premises and improvements had been made. They would provide training every month and the system in store would flash up to remind staff of the challenge 25. They currently have four shops at different locations and they have never failed a test purchase. He and his wife would carry out the training as they had 10 years' experience and were qualified.

Mr Edwards commented that there would be every day training but official training would be delivered monthly.

The Chairman stated that usually an external trainer would be used initially which would be followed up with refresher training.

The Chairman then indicated that the preference would be for an incident book so that all incidents could be recorded and not just refusals. He then referred to the

cost of alcohol and how they did not intend to offer cheap alcohol but to be able to be competitive, he did not know how this could be achieved.

Mr Singh responded by referring to a shop he had in Washington where they offered wine from all over Europe, America and Asia and how there was a market for these wines as they are not sold in general stores and are sold in specialist shops.

The Chairman asked what the percentage of alcohol would be sold and if they intended to sell newspapers along with sweets and snacks.

Mr Singh responded that it would be 50% alcohol and the remainder would be snacks and sweets. They did not intend to sell newspapers and him and his wife would be in the shop with two permanent staff and they would close at 9.30 pm. Mr Singh provided details of the hours the staff would work.

Mr Singh then referred to the parking and indicated that there was a dropped kerb to the front of the premises with two parking spaces, he showed Members photographs of the parking available on his mobile.

The Chairman referred to advice from planning on page 39 of the report and asked if they applied for a formal change of use of the property.

Mr Singh responded that they had already made a planning application for the change of use and they had spoken to the conservation team in relation to the shutters, they would also install CCTV equipment and place a sign outside asking customers not to block the access.

The Chairman asked if there were sufficient CCTV cameras to cover the whole layout of the premises.

Mr Singh responded that there were initially going to install 4 CCTV cameras but this had been increased to 8, some of which would be external. Mr Edwards stated that if they could not install external shutters then they would have internal shutters.

Mr Drabik indicated that Durham Constabulary were not objecting to Mr Singh it was an off licence at that location.

The Senior Licencing Officer confirmed that a representation had been received from the adjoining property but was received after the consultation period, so was not part of the papers.

In summing up, Mr Drabik stated that he appreciated what had been said in relation to parking but this was an issue on a main road through a village and an off licence in this location was a concern.

Mr Edwards stated that the adjoining unit was a busy bakers, this property had been a retail unit in the past, they understood the concerns of Durham Constabulary but they were not going to add to the traffic which already existed and they would do their best to ensure the premises would not cause any problems.

At 10.55 am the Sub-Committee **Resolved** to retire 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 the Sub-Committee had considered the report of the Senior Licensing Officer and the verbal and written representation of Durham Constabulary and the written representation of Other Persons. 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:

Premises Licensable Activities	Days & Hours
Supply of Alcohol (consumption off the premises)	Monday to Saturday: 11:00 to 21:30 hrs Sunday: 12:00 to 20:30 hrs
Opening Hours	Monday to Saturday: 11:00 to 21:30 hrs Sunday: 12:00 to 20:30 hrs

That the following mandatory conditions be imposed upon the licence:

- (i) There is an Incident Book used at the premises, which includes a refusals register where if a sale of alcohol is refused if a person appears intoxicated or appears to be under 18. The Incident Book is to be made available to the police on request.
- (ii) The initial training of staff to be organised through an external provider and ongoing refresher training to take place every month at the premises by the Licence Holder. Staff should be trained to include the risk from proxy sales. Training records for staff to be maintained and refresher training to be provided annually.
- (iii) Eight CCTV cameras to be installed at the property, one at the rear of the premises and one at the front of the premises.
- (iv) A Challenge 25 age verification policy is operated at the premises.
- (v) The applicant will work with the police to minimise the risk of proxy provision/proxy sales.

The Sub-Committee would like to make the following recommendations to the applicant.

- (vi) Advise customers who park in a dangerous position outside the premises that they should move their vehicle to prevent any obstruction to the highway.
- (vii) Advise that the applicant should install shutters at the property and work with the planning team to ensure that these should comply with conservation rules.

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DURHAM COUNTY COUNCIL

At a Meeting of **Statutory Licensing Sub-Committee** held in Council Chamber - County Hall, Durham on **Tuesday 22 January 2019 at 10.00 am**

Present:

Councillor L Marshall (Chair)

Members of the Committee:

Councillors L Brown, D Hicks and L Kennedy

Also Present:

H Johnson – Licensing Team Leader

S Grigor – Solicitor, DCC

Bells Fish and Chips

Mr T Robson – Licensing Consultant

Cllr A Hopgood – Supporter

Bar 33

Mr M Foster – Applicant's Solicitor

Mr J Wyatt – Director of 33 Durham Ltd

Mr M Hughes – Director of 33 Durham Ltd

1 Apologies for Absence

An apology for absence was received from Councillor J Blakey.

2 Substitute Members

There were no substitute Members.

3 Declarations of Interest

Councillor L Brown declared an interest in the application for the variation of a Premises Licence in respect of Bar 33. The Councillor was a member of Durham Parish Council who had made representation on the application which was then withdrawn. The Councillor left the meeting when the application was considered.

4 Minutes

The Minutes of the meeting held on 20 and 27 November 2018 and 4 December 2018 were agreed as a correct record and were signed by the Chair.

5 Application for the Grant of a Premises Licence - Bells Fish and Chips, Finchale Road, Durham

Members: Councillors L Marshall (Chair), L Brown and D Hicks

The Committee considered a report of the Corporate Director of Regeneration and Local Services regarding an application for the grant of a Premises Licence in respect of Bells Fish and Chips, Finchale Road, Durham (for copy see file of Minutes).

A copy of the application and supporting documentation had been circulated to Members. The Licensing Team Leader informed Members that both the applicant and his Agent were unable to attend the hearing and had asked Mr T Robson, Licensing Consultant to make representations in their absence. Councillor A Hopgood was in attendance as a witness in support of the application. Other person Mr Christison was not in attendance.

Since the application was submitted the applicant had removed late night refreshment and had reduced the hours for the sale of alcohol. The Applicant proposed additional conditions to alleviate the concerns of residents and had mediated with Durham Constabulary.

Mr T Robson was invited to address the Sub-Committee. He apologised on behalf of J Gillead and Mr Kennedy for their unexpected absence. Mr Robson advised that the premises was a fish and chip shop which would serve alcohol when food was provided. The Applicant had taken on board the concerns of residents and had modified the application accordingly.

There were a number of other licensed premises in the locality with a terminal hour of 11.00pm. The premises bordered a residential area but was located in a small industrial site and was formerly a garage. He believed that sufficient measures had been put in place to uphold the licensing objectives. The Applicant owned other premises in the Durham area providing a high quality product which was a good indication of how this premises would be managed. Mr Kennedy was dedicated and professional.

The application was for on-sales only and alcohol would be served with food. He acknowledged that there had been issues regarding the site notices which had been taken on board. He hoped that the Sub-Committee would consider the application favourably; the reduced hours would ensure that the licensing objectives would not be undermined in Finchale Road or in the locality.

In response to a question from Councillor Brown, the Member was advised that there was parking at the rear of the premises. There were spaces for in excess of 26 cars in total with at least 10 spaces to the front.

Councillor Hopgood was invited to make representation as a witness in support of the Applicant. The Member advised that she had initially objected to the application as the hours requested were beyond those of other licensed premises in the area. The Applicant had been willing to reduce the hours for the sale of alcohol and the

opening hours from midnight to 21.00 and 22.00 hours respectively. Alcohol could not be sold for consumption off the premises. The Applicant intended to sell small individual bottles of wine would be sold to complement the food.

Councillor Hicks asked if a delivery service was offered, and was informed that the premises offered takeaway food for collection only.

At 10.15am the Sub-Committee **Resolved to** retire to deliberate the application in private.

After re-convening at 10.20am the Chair delivered the Sub-Committee's decision. In reaching their decision the Sub-Committee had taken into account the report of the Licensing Team Leader, which included amendments to the application and proposed additional conditions, the written representations of Mr Christison, and the verbal representations of Mr Robson and witness on behalf of the Applicant. 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 with the following conditions:

- Alcohol will only be available with a table meal
- A rubbish bin will be located outside of the premises (this will be emptied and washed out daily-as is practice at other sites)
- Staff will carry out regular checks and clear away any rubbish in the vicinity of the premises during opening times and just prior to closing
- There will not be any tables or chairs outside
- The terminal hour for closing will be 10pm, with the intention to close at 9pm each evening
- Late night refreshment has been removed
- The sale of alcohol will cease at 9pm

Councillor L Brown left the meeting.

6 Application for the Variation of a Premises Licence - Bar 33, First Floor, 29-33 Neville Street, Durham

Members: Councillor L Marshall (Chair), D Hicks and L Kennedy.

The Committee considered a report of the Corporate Director of Regeneration and Local Services regarding an application for the variation of a Premises Licence in

respect of Bar 33, First Floor, 29-33 Neville Street, Durham (for copy see file of Minutes).

A copy of the application and supporting documentation had been circulated to members, together with representations from Mr McKeon, other person.

In presenting the report the Licensing Team Leader advised that the comments from the Planning Authority should be disregarded as they related to a separate business on a different floor in the building.

Mr Foster of Mincoff's Solicitors was invited to address the Sub-Committee on behalf of 33 Durham Ltd. He commenced by explaining that the additional information provided background to the premises and the management structure. The location plan showed the proximity of Mr McKeon's home to the premises which was at the opposite end of Neville Street.

The information also included details of TENs for Sunday evenings over a 3 month period, showing that the hours requested had already been tested. Mr Foster referred Members to photographs of the premises included in the additional information. The premises did not look like a bar, having an industrial theme. This was a small quirky bar, with buzzer entry. The menus provided showed that the premises specialised in cocktails which could take 5 minutes to make; this was not a bar where customers consumed drinks quickly. Their aim was to provide an experience for discerning clientele.

The Applicant had liaised with the Police and Environmental Health since June 2018 and had agreed a number of conditions. Police had suggested piloting the hours proposed on Sundays using TENs, which they had done without problem. There were no objections from the Police or other Responsible Authorities. Mr Foster referred Members to paragraph 9.12 of Section 182 Guidance which stated 'The police should usually be the licensing authority's main source of advice on matters relating to the promotion of the crime and disorder licensing objective'. The Guidance suggested that other Responsible Authorities should be viewed in the same light.

Mr Foster stated that Mr McKeon's home was at the opposite end of Neville Street and there was no clear line of sight between the two properties.

The bar already operated every day until 2am except Sunday without problem. Late night refreshment was requested to provide tea and coffee, not food.

Mr Foster then asked questions of Director Mr Wyatt who explained that the venue was very relaxed and could be described as an experience rather than a venue for people to consume a lot of alcohol in a short space of time. This was a small venue providing a calm environment; the music was never above conversation levels. It could only accommodate a small number of people and this created a relaxed atmosphere which was different to other premises in Durham.

During the application process the issue of noise had been raised as the premises had previously operated as a music venue, when sound boards and a noise limiter had been required. With the agreement of the Police and Environmental Health these

requirements were removed from the Premises Licence. They had retained the noise limiter but it was not needed.

The Directors had met with Councillor Liz Brown and one other Councillor from Durham Parish Council on site to discuss concerns the Councillors had raised on behalf of local residents. The Councillors' concerns were allayed at that meeting and the Parish Council withdrew their objections.

The company had received no complaints either from Environmental Health or directly from local residents regarding their operation of the premises.

All parties were invited to ask questions of the Applicant. Mr McKeon asked about the removal of the sound boards and noise limiter and was advised that this had been proposed by the Police and Environmental Health because they were not relevant to their business style. These conditions had been imposed on the previous licence holders because of problems with noise. Mr McKeon then asked if this meant that music could be played at any level which was of concern as the business may change its operations or sell the premises. Mr Wyatt assured the resident that they were responsible operators and did not intend to play loud music.

Councillor Marshall reminded Mr McKeon that the application was to consider an application to vary the existing Premises Licence to include their licensable activities on Sundays.

Mr McKeon asked what time the premises would be cleared of customers and was advised that the supply of alcohol ceased at 02.00 hours with 30 minutes drinking up time. The premises would close at 02.30 hours.

Following a further question from Mr McKeon regarding CCTV coverage, given that ownership of the premises was split, Mr Wyatt confirmed that the premises complied with the Premises Licence and Bar 33 had its own CCTV system.

Following a further question with regard to Framework Licensing Hours in the Council's own Licensing Policy, the Licensing Team Leader clarified that the hours for premises licences authorising the sale or supply of alcohol on or off the premises were 07.00 to midnight Sunday-Thursday and 07.00 to 01.00 Fridays and Saturdays. Local policy was in place in the City Centre for premises wishing to operate beyond the Framework Hours but the hours could not be extended beyond 02.00.

Mr McKeon made representation and said that he had lived in the City Centre for 40 years. He worked closely with the Police with regard to problems as standards across premises in the City had slipped. An absence of objections from students did not mean that there was no public nuisance; he had knocked on all doors in the area and had the names of students who were concerned. He pointed out however that in fairness their concerns did not relate to Bar 33. He was also concerned that when customers left the premises they congregated around the takeaway, although there was no evidence that the customers were from Bar 33. Sunday was the only evening where the hours of operation ceased before 02.00, and from a residents point of view this application, if granted, would interfere with their one quiet night.

Mr Wyatt stated that the company had taken all reasonable steps to minimise disturbance. There was no evidence to suggest that residents were disturbed on any other evening, and therefore no evidence to suggest that the extra night would be any different. This was borne out by the TENs.

Following a general comment by Mr McKeon about enforcement where premises caused problems, the Licensing Team Leader advised that Licensing Enforcement made regular inspections in the City, and there was no evidence of anti-social behaviour or complaints associated with these premises. Any complaints would be acted upon.

All parties were invited to make a closing statement.

Mr Foster concluded by referring Members to the provisions of the Licensing Act 2003 which stated that relevant representations should be about the likely effect on the promotion of the licensing objectives. Mr McKeon had made general representations which did not relate specifically to Bar 33 and were therefore not relevant. There was no evidence presented by Mr McKeon that the proposals would adversely impact upon the licensing objectives.

Referring to the Thwaites case he advised that to refuse the application would require speculation by the Sub-Committee. The case had established that 'real evidence' must be presented to support imposing additional conditions. The Applicant was asking for an extension to the hours of operation on a Sunday, in line with current operations for the rest of the week. There were no problems with the management of this venue and there should be no need to impose additional conditions.

At 11.20am the Sub-Committee **Resolved** to retire to deliberate the application in private. After re-convening at 11.30am the Chair delivered the Sub-Committee's decision. In reaching their decision the Sub-Committee had taken into account the report of the Licensing Team Leader, additional information provided by the Applicant, the written and verbal representations of Mr McKeon, and the responses of Responsible Authorities. 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 varied as follows:

Supply of Alcohol (on sales only)	Sunday 12.00 hrs-02.00hrs
Late night refreshment	Sunday 23.00hrs-02.00hrs
Live music (indoors)	Sunday 12.00hrs-23.00hrs
Films Indoors and Recorded Music Indoors	Sunday 12.00hrs-02.00hrs
Opening hours	Sunday 12.00hrs-02.30hrs

DURHAM COUNTY COUNCIL

At a Meeting of **Statutory Licensing Sub-Committee** held in Council Chamber, Spennymoor - Council Offices, Spennymoor on **Tuesday 5 February 2019 at 10.00 am**

Present:

Councillor P Crathorne (Chair)

Members of the Committee:

Councillors P Atkinson and L Brown

Also Present:

Councillor D Brown

Yvonne Raine – Senior Licensing Officer

Catherine Hazell – Solicitor (DCC)

Laura Cloney – Licensing Enforcement Team Leader

Stephen Mooney – Force Solicitor

Sgt Caroline Dickenson

DC Dean Haythornthwaite

Mark Bryden – Immigration Officer

Mark Thorley – Immigration Officer

Mrs Khan – other person

Chris Morrison – legal representative for Lebaneat

Ahmed Sayed – Lebaneat

Oana Cotoi - Lebaneat

1 Apologies for Absence

Apologies for absence were received from Councillor C Carr, J Maitland and M Wilson.

2 Substitute Members

Councillor Crathorne substituted for Councillor Carr and Councillor L Brown substituted for Councillor Maitland.

3 Declarations of Interest

There were no declarations of interest.

4 Minutes

The Minutes of the meeting held on 16 October 2018 were agreed as a correct record and were signed by the Chair.

With the agreement of all parties items numbered 5, 6, 7 and 8 on the Agenda were considered together.

5 Lebaneat, 47 North Bailey, Durham and Lebaneat Wrap House, First Floor, 69 Claypath, Durham

The Sub-Committee considered the following reports of the Senior Licensing Officer:

Application for the Review of a Premises Licence – Lebaneat, 47 North Bailey, Durham

Application for the Review of a Premises Licence – Lebaneat Wrap House, First Floor, 69 Claypath, Durham

Application to Transfer a Premises Licence – Lebaneat Wrap House, First Floor, 69 Claypath, Durham

Application to Vary Premises Licence to specify an individual as Designated Premises Supervisor – Lebaneat Wrap House, First Floor, 69 Claypath, Durham

Members were informed that since the reports had been published additional information had been received from the Licence Holder which related to all four applications.

The Licence Holder's representative had also presented a statement from Mr Abd El Hamid in connection with the application for the transfer of the Premises Licence at Lebaneat Wrap House.

Mr Mooney, Force Solicitor on behalf of the Applicants for the review applications, and objectors in respect of the applications to transfer the Premises Licence and to vary the DPS, was invited to address the Sub-Committee.

Mr Mooney explained that the Police concerns mainly related to the employment of persons disqualified to work in the UK. He referred Members to the visit to both premises on 2 August 2018 when Home Office Immigration Enforcement Officers encountered two people suspected of working illegally. Details of the visit were included in the Bundle of Evidence. The Licence Holder Mr Sayed had been issued with referral notices and fined, although he understood that Mr Sayed may appeal.

This was a very serious matter; Section 182 Guidance prescribed certain criminal activity which should be treated particularly seriously, including the employment of a person disqualified from working by reason of their immigration status in the UK, which the Guidance expected that revocation should be seriously considered. This company was making a profit and Mr Sayed held a privileged position. The people he was employing were being used, and paid very little or nothing at all. One of the male's found working during the visit now had permission to work in the UK but this post-dated 2 August 2018. At the time of the visit the male had no documentation

and Mr Sayed had said that he was working on a trial shift but the Police believed that this was an attempt to bypass rules. The male had attempted to hide his chef's clothing and was prevented from answering when asked if he was getting paid for his work. The staff were told to stay quiet rather than assist the Officers during the visit. Mr Sayed had said that his staff were employed by an Agency Sayed Trading Ltd which he had nothing to do with but this was not the case. Referring to the meeting with the Police on 29 November 2018 Mr Sayed had challenged the view that this was a serious matter. If this was Mr Sayed's view, Mr Mooney asked how often this had occurred in the past.

Turning to the sale of alcohol at the Wrap House it had been established that the premises did not hold a Premises Licence between 2016 and 2018. Mr Sayed had said that licensable activities were not taking place at the premises but Mr Mooney referred Members to the statement of PCSO Carey which confirmed that alcohol was on display and this was demonstrated with photographs of the bar area. Mr Sayed had said that he had thought that customers could bring their own alcohol and had used the off-sales from the restaurant as a means of attempting to bypass the licensing regime.

The Police believed that Mr Sayed had made applications to transfer the Premises Licence and to vary the DPS with interim effect as a means of stretching the licensing legislation. It was difficult to work with an operator who looked for loopholes in the law

In conclusion the Police considered that the applications to transfer the Premises Licence and to vary the DPS in respect of Lebaneat Wrap House should be rejected and the Premises Licences for both the Wrap House and Restaurant should be revoked. The other options available to the Sub-Committee would have little effect as there had been such clear disregard of the licensing law.

All parties were invited to ask questions of the Police. The Licence Holder's representative, Mr Morrison, asked a number of questions of Sgt Dickenson.

Sgt Dickenson confirmed that the social media posts that did not refer to the Wrap House could not be relied upon.

In terms of any crime and disorder relating to the premises, Sgt Dickenson confirmed that there had been no reports relating to either the Restaurant or the Wrap House. She was unable to comment about incidents at other premises in the City without access to the Police system. There were around 300 licensed premises in the City, the majority of which did not cause problems, although acknowledged that there were incidents of drunk and disorderly behaviour, and a number of premises had lost their licences due to this.

Referring to the visits to the premises, Sgt Dickenson confirmed that the licensing conditions that had not been met during the visit in November 2018 were being adhered to at the visit made on 3 January 2019. She confirmed that this included the CCTV which at the visit on 16 November 2018 was being kept for 14 days, instead of the 28 days required by the licensing conditions.

At this point the Chair requested a short adjournment to allow Members to read the additional information provided by the Licence Holder.

Upon re-convening, Mr Morrison asked Sgt Dickenson about the retainer agreement and staff handbook included in the additional bundle. The Sgt advised that the handbook post-dated the issues that had given rise to the applications. She confirmed that she would expect all premises to have a staff handbook, and that their employees were entitled to work in the UK with the correct documentation. The policies had only recently been introduced and not seen in operation.

The Chair of the Sub-Committee stated that these questions related to the documents produced by the Licence Holder, and not evidence contained in Sgt Dickenson's statement.

Mr Morrison then asked questions of DC Haythornthwaite regarding issues between the owner of the neighbouring premises and Mr Sayed. The Sub-Committee advised that these matters should be dealt with in Mr Morrison's representations.

Mark Bryden and Mark Thorley, Immigration Officers were invited to address the Sub-Committee. After briefly outlining their responsibilities, Mr Bryden stated that the role of the Premises Licence Holder should not be underestimated which came with a statutory obligation to fulfil the licensing objectives. Mr Bryden addressed the Sub-Committee regarding the visit of 2 August 2018 as detailed in their statements contained in the Bundle of Evidence, and confirmed that Mr Sayed had been fined for employing workers not entitled to work in the UK. Mr Sayed had claimed that all staff details were held at the company's Head Office in Beirut.

Two previous visits had been made to the premises in 2016. On 1 April 2016, Officers had encountered an Egyptian male working illegally and during a second visit on 3 November 2016 three males were apprehended, one being the Egyptian male found on the earlier visit. This was despite Mr Sayed being advised of his requirements following 1 April 2016. The other two workers had permission to work in the UK. The Premises Licence Holder was not robust and did not take the licensing objectives seriously. During the visit in August 2018 Mr Sayed had obstructed Officers who were trying to carry out their duties. Employing illegal workers encouraged people to take risks to enter the UK dangerously and left them vulnerable. It also had an impact on the wages of legal workers and led to exploitation of working conditions. Employers were required to carry out simple checks on the documentation provided by employees, and to carry out repeat checks.

Councillor L Brown asked what advice Mr Sayed had been given following the visit on 1 April 2016 and was advised that he had been informed of the rules regarding relevant checks and where to find them. Action had been considered following the visits in 2016 but Officers had felt that there was not enough evidence to apply a fine at that time.

Mr Bryden responded to questions from Mr Morrison. He advised that he expected a robust Premises Licence Holder to conduct checks on anyone they employed to ensure they had the correct documentation to work in the UK and to check when

visas were due to expire. With regard to appropriate documentation he advised that a NI number was not proof of identity or of a right to work. Some illegal workers did hold NI numbers; over-stayers could retain their NI number but would not have a right to work. Guidance was available on-line and right to work checks could also be carried out directly with the Home Office. Mr Morrison asked if a safeguard against exploitation of workers would be a robust internal employment procedure and Mr Bryden confirmed that such a document would be appropriate for a fit and proper business to have.

Laura Cloney, Licensing Enforcement Team Leader was invited to address the Sub-Committee and referred to the visit on 16 November 2018 when a number of conditions had not been complied with. CCTV footage was only held for 14 days instead of 28 days, there was no-one available to download footage, and there were no notices on display informing customers that CCTV was in operation. The Officer confirmed that these matters were complied with at the visit on 3 January 2019. However Mr Sayed had not taken heed of an e-mail sent following the visit on 2 August 2018 which stated that 'conditions on the licence were very specific which could mean that they no longer meet the needs of your establishment, I would urge you to familiarise yourself with the Licence and the conditions to negate any possible breach of your responsibilities'.

Upon questioning by Mr Morrison, the Officer confirmed that although recordings should have been held for 28 days, the system was working and enough Notices should be displayed to inform customers of the presence of CCTV. Whilst this in itself may not call for a revocation it did raise concerns about how Mr Sayed viewed his responsibilities under the Licensing Act. Mr Morrison stated that the concerns raised had been resolved and asked if there were any current concerns. The Officer explained that she could only confirm that the conditions were complied with on 3 January 2019, and could not say if the conditions were being complied with presently.

Mrs Khan was then invited to address the Sub-Committee and advised that she was speaking on behalf of her husband Mr Khan. They had found it difficult being located next to the Restaurant when there were numerous immigration issues. She believed that Mr Sayed had had enough time to put measures in place. Mrs Khan asked the Sub-Committee to make a decision which sent out a direct message to all businesses that if illegal workers were employed action would be taken. In the 30 years that they had operated she had never encountered this. She and her husband supported the application for revocation of the Premises Licence.

Mr Morrison asked Mrs Khan if she considered herself to be impartial in view of the complaints made against Mr Sayed and as Lebaneat was a rival business. Mrs Khan stated that this was not relevant and that she was present to support the Police review application. Mr Morrison was advised to address the matter of complaints made by Mrs Khan against Mr Sayed in his presentation.

Mr Morrison was invited to address the Sub-Committee and commenced by stating that the test was whether the business was 'fit and proper' and the date from which this should be assessed was now. He intended to demonstrate that all legitimate

concerns had now been addressed because of procedures and checks and balances put in place.

Mr Sayed was asked by Mr Morrison to read out his witness statement which had been circulated to all parties with the additional information.

After doing so, Mr Morrison asked a number of questions of Mr Sayed about the range of measures designed to render the business 'fit and proper'. In response Mr Sayed advised that he had employed an Operations Manager Ms Oana Cotoi to put systems in place and to ensure they were complied with.

Referring to the starter checklist and the right to work checklist included in the additional information, Mr Sayed advised that potential employees were required to complete these documents before any trial shift or training. The Operations Manager ensured that this was implemented. The company advertised vacant positions on a specialist recruitment site and the Operations Manager checked all documentation before giving workers a trial.

The Operations Manager maintained the staff records and people could not now turn up at the premises asking for employment without documentation. The Operations Manager checked each premises twice per day.

Regarding the problems with Mr and Mrs Khan, it was explained that these had occurred when his business partner was involved with the premises. Mr Sayed explained that his partner had sold his share of the business in 2016 at which time he struggled to control the business. His partner had dealt with all paperwork and he was responsible for food and customer service.

He would have no problems with the business being monitored for a period of time going forward.

Upon questions from Members Mr Sayed confirmed that English was not his first language and that his Solicitor had drafted the statement using Mr Sayed's own words.

Councillor L Brown referred to the witness statement and asked Mr Sayed to clarify which evidence the Police would not look at in the meeting on 29 November 2018, and was informed that it related to the documentation included in the additional bundle of evidence.

Councillor Brown also asked why Mr Sayed had not put procedures in place following the visits to the premises in 2016, on the advice of Immigration Officers. Mr Sayed advised that at that time his business partner had left two months earlier, he had been in the process of opening a further branch of the business and it was difficult at times. It was a stressful time for him and he did not mean to break the law. He was looking to expand the business and provide good food. It was difficult to find staff familiar with Lebanese cuisine and he was trying to search for the right people and trialled 2 or 3 chefs every day. He now had time to do this as he had an Operations Manager and a Secretary.

In response to a question from Councillor Crathorne, Mr Sayed advised that the unpaid trial was for 12 hours over 2 days. He did not know why he had not paid the workers but that now he did. At the time the males had said that they were chefs. The workers were not asked for documents for a trial shift but he had now started doing that following advice from Immigration.

Councillor Crathorne made the point that despite this advice Mr Sayed had employed illegal workers in 2018 and asked if he had carried out any checks. Mr Sayed advised that he had taken copies of passports, and he received documents in relation to the second male on 16 August 2018. When Immigration had arrived at 5pm on 2 August 2018 the premises had just opened and he had panicked.

Following a request for clarification from Mrs Hazell, Mr Sayed explained that he had opened Lebaneat Express in June 2016. The Restaurant had opened in 2014 and the Wrap House in November 2016. The Operations Manager was appointed in September 2018.

Following a question from Councillor L Brown, Mr Sayed advised that Lebaneat Express had also been visited on 2 August 2018 without problem.

Mr Mooney asked if the Licence Holder had brought copies of completed right to work and starter checklist forms to demonstrate that they were being completed but was informed by the Operations Manager that he had not.

Upon questioning by Mr Mooney, the Operations Manager Ms Cotoi confirmed that she had worked at Lebaneat before September 2018 and that she was present during the visit on 2 August 2018 but could not recall that she had told the males to be quiet. Mr Sayed explained that the chefs and staff had left customers unattended and he had told them not to panic but to carry on serving the customers. They did not know what was happening and they had tried to calm them to allow Officers to carry out the checks.

Mr Mooney asked Mr Sayed why he had said that the Agency was not his company and why there were different names for each company. Mr Sayed said that he had not meant to say that and that he had panicked. He had used a shorter name for one company but he did not think this was an issue and there was no particular reason for doing this. He confirmed that all of the companies were his own.

Upon further questioning by Mr Mooney, Mr Sayed advised that he had completed a Personal Licence Holder's course on 28 September 2018 and the purpose of the meeting with DC Haythorntwaite was to show the Police and Licensing Authority the procedures he now had in place and to seek advice from the Police. Mr Sayed acknowledged that the Police Officer had taken the information with him following the meeting, however he would have appreciated being given the opportunity to discuss the documents with the Officer at the time.

Following a question from Sgt Dickenson, the Operations Manager advised that she did not hold a Personal Licence but had completed the course, which covered all aspects of licensing, on 31 July 2018.

Mr Bryden referred to the male who at the time of the visit did not have the necessary documentation but later produced proof of eligibility to work on 16 August 2018. Mr Bryden asked what Mr Sayed intended to do with staff who were being trained but who could not be employed because they were not eligible. The question was not answered, and Mr Morrison said that it was a hypothetical question as the male was found to be eligible to work.

Oana Cotoi, Operations Manager, through questions from Mr Morrison explained her role as Operations Manager which was, in general, 50% staff recruitment/training and 50% developing/updating the operating procedures. In July 2018 the Head Office Sayed Trading Ltd was opened to deal with staffing at all Lebaneat venues. There were three premises in a three mile radius and staff may be required to work across each. It was therefore sensible to have one company looking after staff and recruitment. People could no longer walk into the premises and ask for work. They used a well-known recruitment site to advertise for staff. Applicants were required to produce photo ID, NI number, proof of address, bank details, and birth certificate if born in the UK. If candidates could not present documents proving their entitlement to work, they would be sent away. There was now a whistle-blowing procedure and if an employee thought that someone was working illegally they could report this to Ms Cotoi.

Following the visit in November 2018 the premises were given 7 days to comply with conditions and this had been adhered to. Written records were now held in relation to staff training. Ms Cotoi confirmed that she visited the premises twice daily and when trials were taking place. Four people were now employed to undertake the tasks previously undertaken by one person. The Team ensured that all aspects of the business were covered and they were improving every day. Their jobs depended upon the company doing well.

Following questions from Sgt Dickenson regarding the staff training record, Ms Cotoi advised that she had drafted the document with the Licensing Consultant. Sgt Dickenson noted from the record that only 13 staff were included for the Restaurant and 3 for the Wrap House. This was confirmed; these were full-time employees whose work involved licensable activities. Sgt Dickenson also noted that the staff training manual for alcohol sales stated that the fine was £80 and that the Magistrates could impose a fine of up to £5000. This was not now the case. The fine now imposed was £90 and an unlimited fine could now be imposed by the Magistrates.

Following a request for clarification from Mrs Hazell, Mr Sayed accepted that no licensing fee had been paid but alcohol had been served in 2017. At that time all licences were held under one name and he assumed that the licence for Lebaneat covered all premises. As soon as he became aware of the gap he had taken immediate steps.

All parties were invited to make closing statements.

Mr Mooney stated that Mr Morrison had referred to 'fit and proper' but this was not the test that should be applied. The correct test was whether the licensing objectives were being promoted as set out in S4 and S52 of the Licensing Act 2003.

The review applications and objections were submitted on the grounds that Mr Sayed was not promoting the licensing objective of the prevention of crime and disorder. Mr Morrison had stated that there was no disorder at the premises, but this was disorder linked to crime through the employment of illegal workers. The Police had serious concerns about the lax approach of Mr Sayed to this very serious matter. Mr Sayed had bypassed rules. The Wrap House Premises Licence had lapsed for 2 years and this was not a gap; the argument Mr Sayed had used was suspect and he had accepted that alcohol had been sold. The premises had failed to comply with conditions and there were no degrees of compliance, the premises were either compliant or not. The Police had seen the procedural documents very late in the day and did not show how they were implemented in reality. Although not Operations Manager at the time of the visit on 2 August 2018, Ms Cotoi was employed by Mr Sayed, and had told a male not to say anything.

Mr Sayed had said that the employment of illegal workers was not serious and this was an issue for the Police. He asked the Sub-Committee to reject the applications to transfer the Premises Licence and to vary the DPS, and to revoke both Premises Licences.

Mr Morrison stated that the Sub-Committee's task was to decide whether the current shape of the business met the licensing objectives or not. Mr Sayed had been measured entirely on the basis of past concerns but that he had not addressed these concerns could not be further from the truth. There were systems in place which addressed those issues. 'Fit and proper' was a relevant test which was bound up by a level of trust. The documentation provided was not a case of 'fobbing off' but evidence of a company wanting to transition from a small business to a larger one. They had recruited a Durham Graduate, Ms Cotoi to enforce standards. Immigration had said what it would like to see from the premises and he suggested that all the Home Office would need was included in the material. Checks and balances were now in place to ensure that employees were eligible to work.

He urged the Sub-Committee to focus on what steps had been taken to remedy concerns. Mr Sayed had re-organised the business and had put in place a format that any responsible company would. The current systems in place met all requirements but Members may feel stringent measures were needed and the company would abide by any conditions imposed upon the Premises Licence. Mr Sayed wanted to improve his stock in society.

At 3.10pm the Sub-Committee **Resolved** to retire to deliberate the application in private.

After re-convening at 4.00pm the Chair delivered the Sub-Committee's decision. In reaching their decision the Sub-Committee had considered the report of the Senior Licensing Officer and additional information submitted by the Licence Holder, and the verbal and written representations of those in attendance for the Applicant, Responsible Authorities, Other Person and the Licence Holder. 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

- a) the application to transfer the Premises Licence at Lebaneat Wrap House be refused;
- b) the application to vary the DPS at Lebaneat Wrap House be refused;
- c) the Premises Licence in respect of Lebaneat be revoked;
- d) the Premises Licence in respect of Lebaneat Wrap House be revoked.

Statutory Licensing Sub-Committee

19th March 2019

Application for the variation of a

Premises Licence

Ordinary Decision



Report of Ian Thompson, Corporate Director of Regeneration and Local Services

Councillor Brian Stephens, Cabinet Portfolio Holder for Neighbourhoods and Local Partnerships

Electoral division(s) affected:

Sedgefield

Purpose of the Report

- 1 The Sub-Committee is asked to consider and determine the application for the variation of a premises licence for The Pickled Parson, 1-2 The Square, Sedgefield, TS21 2AB.
- 2 A plan showing the location of the premises is attached at Appendix 2.

Executive summary

- 3 The Statutory Licensing Sub Committee determined a variation application on 7th September 2018 for The Pickled Parson, Sedgefield whereby members stipulated conditions to be attached to the premises licence. One of those conditions was in relation to the removal of the benches outside the premises. (See Appendix 3 – committee minutes). Subsequently the applicant submitted a minor variation application on 13th November 2018 to remove the condition in relation to the benches outside the premises. This application was refused by the Licensing Department following comments in opposition to the proposal. A further full variation application was submitted on 24th January 2019 to remove the condition in relation to the benches outside the premises. Three letters of representations have been received, two in opposition, namely Sedgefield Town Council and Mr Melvyn Carr and one from Cllr Makepeace who stated he had no objection.
- 4 Durham Constabulary, County Durham & Darlington Fire Rescue Service, Durham County Council's Public Health Department, Durham County Council's Environmental Health Department and

Durham County Council Planning Department responded to the consultation with no comments.

Recommendation(s)

- 5 The Sub-Committee is asked to determine the application with a view to promoting the licensing objectives.
- 6 The Sub-Committee is recommended to give appropriate weight to:
 - (a) The steps that are appropriate to promote the licensing objectives;
 - (b) The representations (including supporting information) presented by all parties;
 - (c) Durham County Council's Statement of Licensing Policy. The relevant parts of the policy are attached at Appendix 7.
 - (d) The Guidance issued to local authorities under Section 182 of the Licensing Act 2003 (as amended April 2018). The relevant parts of the guidance are attached at Appendix 8.

Background

- 7 Background information

Applicant	Crown Alderney Ltd	
Type of Application: Variation of a premises licence	Date received: 24 th January 2019	Consultation ended: 22 nd February 2019

Details of the application

- 8 An application for the variation of a premises licence was received by the Licensing Authority on 24th January 2019 as detailed below. See Appendix 4. This includes a copy of the existing premises licence for information purposes.

The removal of a premises licence condition determined by Statutory Licensing Sub Committee members on 7 th September 2018
Benches to be removed each night when the premises are closed.

The applicant has stated that the benches are large cumbersome commercial benches that are both extremely heavy to lift and are too large to store anywhere inside the premises. Residents were concerned about anti-social behaviour 'resulting from the benches' but these concerns should be relieved as the property has had no reports regarding anti-social behaviour centred around the seating, both historically and more importantly, since the licensing committee meeting on 7/9/18. It is believed that this condition was suggested in error, confusing it with another premises during the same hearing.

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

The Representations

- 10 The Licensing Authority received three letters of representation during the consultation period, two in opposition to the application, namely Sedgfield Town Council and Mr Melvyn Carr and one from Cllr Makepeace who stated he had no objection.
- 11 The Licensing Authority deemed the representations as relevant relating to the following licensing objectives:
- The Prevention of Crime and Disorder
 - The Prevention of Public Nuisance

A copy of the representations are attached as Appendix 5.

- 12 Responses were received from the following Responsible Authorities, confirming that they had no comments to make in relation to the application:
- Durham Constabulary
 - County Durham and Darlington Fire Rescue Service
 - Durham County Council's Public Health Department
 - Durham County Council's Environmental Health Department
 - Durham County Council's Planning Department

Copies of these responses are attached at Appendix 6.

The Parties

- 13 The Parties to the hearing will be:
- Mr Aaron Fisher (Applicant's Agent)
 - Sedgefield Town Council (Other persons)
 - Mr Melvyn Carr (other persons)
 - Cllr Makepeace (other person)

Options

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

Main implications

Legal Implications

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

See Appendix 1.

Consultation

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

See Appendix 1

Conclusion

Appendix 1: Implications

Legal Implications

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

In this case it was summed up that:

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

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

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

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

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

Consultation

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

The Responsible Authorities were consulted on the application.

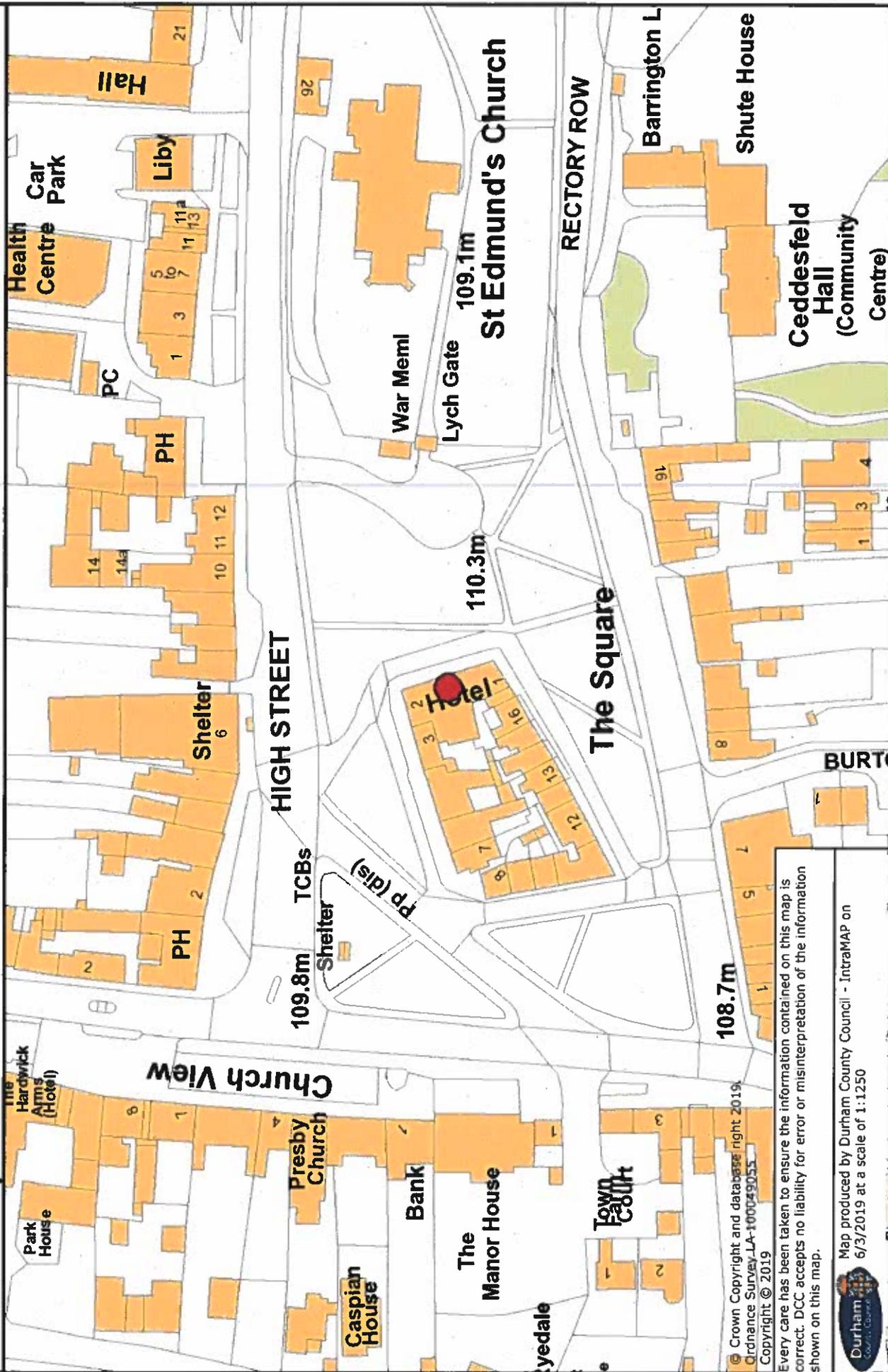
The notice of application was displayed on the premises for a period of 28 days.

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

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

Appendix 2: Location Plan

Durham County Council - IntraMAP



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Appendix 3: Minutes of Statutory Licensing Sub Committee

7th September 2018

Agenda item

Application to Vary a Premises Licence - The Pickled Parson, 1-2 The Square, Sedgefield

- Meeting of Special, Statutory Licensing Sub-Committee, Friday 7 September 2018 10.00 am (Item 6.)

Minutes:

Councillors D Bell, J Blakey and J Maitland

The Committee considered a report of the Senior Licensing Officer regarding an application to vary a premises licence in respect of The Pickled Parson, 1-2 The Square, Sedgefield (for copy see file of Minutes).

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

The Senior Licensing Officer advised Members that the application was to extend the current hours for the sale of alcohol, regulated entertainment and late-night refreshment to 12.00 Midnight and to amend the premises plan due to internal layout changes.

Representations had been received from fourteen people during the consultation period, one in support of the application and the remainder from other persons objecting to the application. One of the objectors had withdrawn their objection after receiving clarification of the details of the variation application. The remaining twelve objections related to the four licensing objectives.

Responses were received from Durham Constabulary, Planning Authority, Durham Local Safeguarding Children Board, Fire Safety Authority and Environmental Health Authority confirming that they had no comments to make on the variation.

Mr Carr an Other Person, wished to object to the extension of the hours and area of sales applied for. He stated that the premises was a grade II listed building in a residential conservation area with an elevated position that created an echo. He referred to the late evening and night disturbance and he had photographs to show where the premises were located in relation to the residential properties and that his property adjoined The Pickled Parson. Alcohol was currently served up to midnight which would be consumed less than one metre from his window. The external area for the consumption of alcohol was a public footpath which could probably cause an accident.

Mr Carr then referred to the change of use for the existing internal areas which does not mention external areas on the application, yet it shows that they propose to serve alcohol to the external area of the building. He indicated that this is disturbing him and he referred to the latest premises guidance that requires an application to describe

the premises, the type of premises, general layout and other relevant information and any areas they intend to use for the consumption of alcohol such as outside areas. He presumed the Applicant was intending to sell alcohol outside the building but the application was for indoors only which was confusing.

Mr Taylor on behalf of the Applicant confirmed that they had not applied for anything next to Mr Carr's property.

Mr Carr then queried if the plan had changed as the plan in the papers included a shaded area next to his property.

Mr Taylor explained that the first application was withdrawn and when it was resubmitted, a new plan was included with the application.

The Senior Licensing Officer confirmed that the plan that was submitted with the application was the plan in the report pack and that there were no licensable activities to take place outdoors. The Applicant was asked to provide a copy of the plan he was referring to, a copy of which was provided to all parties at the hearing.

The two plans were compared and the plan the Applicant had provided included a blue shaded area outside the premises, however, this area was included within the licensable activities taken place on the premises. The Applicant was advised that their application only related to licensable activities indoors and therefore the area should be the boundary of the building as set out on the plan in the report pack.

The Applicant agreed that the application was for indoor only and agreed to revert to the plan in the report. All parties were advised to use the plan in the report but ignore the blue shaded area in front of the bay windows as this was no longer part of the outside area.

Councillor Darkes sought clarification if there was late night entertainment outside. The Applicant confirmed that there was no external activities just the consumption of alcohol.

Mr Carr continued with his representations and stated that he understood that it was public knowledge that Sedgefield Town Council owned the area of land outside the premises. The Town Council had requested the Applicant to remove the benches and seats 6 months ago and had taken legal advice.

The Applicant responded that the land had previously belonged to the premises. A letter had been sent to the premises when it was closed regarding the land ownership and if no response was received the land would be transferred. As the premises were closed no response was provided so they were currently taking legal action to have the land reverted back to the pub.

The Council's Solicitor advised the Sub-Committee that the land ownership was a separate matter and was not for the licensing authority to determine today.

Mr Carr then continued that the Applicant was wanting to extend the licence to midnight but what it does not do is stop people leaving at 12.30 am or 1.00 am which would cause more late night disturbance. They already suffer from late night disturbance with bin bottles being carried across the road as they run two premises in conjunction, which he believed they were going to address.

He then referred to the house across the square who had submitted a representation about the noise levels. Residents were complaining about the noise with the licence at 11.00 pm and where the premises is situated around the square made it difficult for residents.

Mr Carr stated that the residents of number 16 were having more problems than him and that they were also attached to the premises. He then referred to public transport which was limited so taxis and cars were using the access road which was causing noise and disturbance late at night. If the application was granted, then 11.00 pm would be 12.00 midnight and the noise would be even later and indicated that this was referred to in one of the letters of objection. There had been noise issues in the past when the premises had tried other types of music which they also wished to extend. His property was attached to the premises and Environmental Health had previously been involved as they were advised that the noise was a statutory nuisance and any extension to the hours would increase the noise problems.

Mr Carr stated that Councillor Makepeace said that historically the premises had enjoyed an appropriate licence whereas Mr Carr stated that they should leave the hours as they are. Staff come with their own transport and the guidelines recommended that the Applicant should only apply for the hours they intended to operate so he was concerned they would operate 7 days a week up to midnight.

Mr Carr wished the Applicant well and indicated that he had no objection to a Sunday to 10.30 pm and midnight on a Friday and Saturday but they wanted to extend the hours for the rest of the week. He was concerned that they served outside the premises, he showed the plan of the areas so that Members could see how close the houses were to the premises and that there was an issue with taxis.

Mrs Swindale an Other Person addressed the Sub-Committee and referred to the beer garden and sought clarification on what time people will stop being served alcohol outside.

The DPS responded that they currently stopped serving outside at 9.30 pm and generally people don't sit outside any later.

Mrs Swindale then referred to the location which is lovely but there was a risk of a congregation from one pub to another and the residents were currently bothered by noise. She would like to see conditions on the outside area to prohibit the use after a certain time as voices and noise does travel and there were a number of older residents. She did object to the outdoor area and needed to be more assured, they were not a bunch of whiners, but they needed to get the balance right. She indicated that they served beer, but the public could not moderate. They were affected by the

Cornerhouse and the Impeccable Pig so they needed some safeguarding and restrictions on people sitting outside.

The Chairman indicated that the application for discussion today was for indoors only.

The Council's Legal Officer advised the Sub-Committee that the outdoor area was not licensed but people could consume alcohol outside.

The DPS indicated that it was not a designated beer garden but people go outside to smoke.

Mrs Swindale responded that patrons were drinking outside so you can't disconnect the outside from the inside.

The DPS responded that it was difficult to Police the outdoor area and there was a suggestion that a condition be imposed to restrict drinks outside.

Councillor Wills speaking on behalf of Sedgefield Town Council indicated that there was no mention of external changes so drinking outside was irrelevant as there were no licensable activities outside and as they had off sales people could go outside to drink alcohol.

She referred to the number of objections against and the one in favour which stated that the premises had always enjoyed an appropriate licence, therefore she questioned what the point of changing the licence was and she objected to the extension of the hours.

She objected to the extension as the premises were raised which echoed sound as there was nothing around to stop it acoustically. Unlike the Cornerhouse The Pickled Parson was in the centre of the village with attached dwellings and all the lofts were interlinked and didn't have any divisions and the noise travelled. She indicated that unless there were measures put into place to soundproof then noise would travel. She then referred to the Impeccable Pig who had looked to stop the noise travelling so it was worth looking into soundproofing to help the situation as noise would continue to transfer and it was a worry that the noise was up to 11.00 pm and the approach should be one of prevention. It was about people living in the area and what they could do before the licence is granted as they would not do anything once the extension had been granted, she was also concerned of the alcohol variation on and off the premises which would be used in other parts of the village. There were five or six other places where alcohol could be purchased in the village and she could see issues in the village again.

She maintained that she did not agree to any changes, noise limitation or sound proofing could help and would be a good gesture as what happened with the Impeccable Pig. She suggested that the Sub-Committee consider no more than eight sessions of live music including Christmas and New Year's Eve as agreed with the Impeccable Pig.

Mr Taylor (on behalf of the Applicant) then addressed the Sub-Committee and indicated that they had spoken to Mr Carr about soundproofing the wall which adjoined the pub which had been carried out. Mr Carr confirmed that this had been carried out and was successful except he could still hear every single chair that moved. The Applicant stated that he would look at putting rubber feet on the chairs to alleviate this problem.

The Applicant then referred to the neighbour on the other side of the premises and indicated that there was a fire escape and a 2 metre gap between the premises but he was more than happy to remind patrons to respect neighbours and was happy to install a noise limiter device. He was only asking for an additional 30 minutes on a Friday and Saturday and the issue with the bins had already been rectified.

In response to a question on the opening hours the Applicant confirmed that the premises were currently 11.00 pm for the sale of alcohol with the premises closing at 11.30 pm and they proposed to close at 12.00 midnight.

The DPS stated that the extension was for Friday and Saturday only and they did not intend to have parties as they had hotel rooms with business men it was to allow an extra glass of wine before bed. They had already added sound limiters on the televisions in the guest rooms to contain the noise. It would not be commercial to staff the business until 12.00 midnight during the week, it was simply for allow business men to consume the last glass of wine.

Mr Carr expressed concern that if the licence was granted to midnight they might run the business correctly but there was nothing to stop this licence being passed on to another person. He referred to The Cornerhouse which had the licence for alcohol to 12.00 midnight and close at 12.30 am but people did not come out at 12.30 am and this was his concern as there was nothing in place to stop it happening.

Councillor Blakey sought clarification of how many off sales they had.

The Applicant responded that people usually purchased alcohol from the shop as it was more expensive to buy from The Pickled Parson.

Mrs Swindale stated that she was not convinced about the outside area, The Pickled Parson had a good reputation, and in the winter months they supplied blankets to make it more comfortable to sit outside and people did sit outside drinking, wrapped in blankets, so you can't discount the indoor and outdoor area. She was not opposed to people sitting outside but there needed to be a cut off time.

The Applicant responded that he could not stop people leaving and sitting outdoors. The Council's Solicitor indicated that a condition could be imposed that drinks were not allowed to be taken outdoors after a certain time.

Mrs Swindale indicated that there should be a condition that the outdoor area is only used for smoking.

The Applicant responded that they currently had off sales as part of the licence.

Mrs Swindale responded that the land was not in the ownership of The Pickled Parson and there needed to be a happy medium as the off sales affected the outdoor area.

The Applicant indicated that they would have signs to ask patrons to respect the neighbours.

Mr Carr stated that people were encouraged to take drinks outside until midnight which did happen as people sit outside with wine glasses and blankets and there were no restrictions to stop this.

Councillor Darkes asked why they had tables outside when they did not own the land.

The Applicant advised the Sub-Committee that they were in dispute over the land and the legal advice was to leave the seats in situ and to keep using the land. The Operations Director stated that she was from the area and there had always been benches outside.

The Applicant continued that they had carried out some sound proofing and they were happy to install sound regulator devices and were more than happy to erect signs next to exits to ask patrons to be quiet and respect neighbours. They had already addressed the issues with the bins.

Councillor Blakey asked if the benches had created anti-social behaviour with the previous owners of The Picked Parson.

The Applicant indicated that they could remove the benches when the premises was closed to stop people sitting outside all night.

The Council's Legal Officer asked if the Applicant would consider no drinking outside after a certain time. The Applicant responded that this would be difficult to manage with off sales.

Mr Carr indicated that the co-op was open until 10.00 pm so there was no need for off-sales. The Applicant indicated that they already had a licence for off-sales but they were happy for off sales to be restricted until 11.00 pm instead of midnight.

Mrs Swindale said that the outside areas needed to be managed and restricted to a certain time to give assurance to residents. She noted that they can't control the people out and about, she did think they were trying to manage the Cornerhouse but they needed assurance that staff know who they are giving plastic glasses to and there had to be a cut off time, she appreciated they could not control the off-sales but they had a responsibility for the premises.

At 1.50 pm the Sub-Committee Resolved to retire to deliberate the application in private. After re-convening at 2.20 pm the Chair delivered the Sub-Committee's decision.

In reaching their decision the Sub-Committee had considered the report of the Senior Licensing Officer and the written and verbal representations of the Applicant and other persons. 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 varied to include the Provision of Films as a licensable activity as follows:-

Licensable Activities	Days & Hours
Provision of Live Music, Recorded Music Performance of Dance, Similar Entertainment (All Indoors)	Monday to Sunday, Good Friday and Christmas Day 10:00 until 00:00 hrs. From the end of permitted hours on New Year's Eve until the start of permitted hours on New Year's Day. (Remove the condition which prevents regulated entertainment on Good Friday and Christmas Day)
Late Night Refreshment (Indoors)	Monday to Sunday 23:00 until 00:00 hrs. New Year's Eve 23:00 until 05:00 hrs.
Sale of Alcohol (on the premises)	Monday to Sunday, Good Friday and Christmas Day 10:00 until 00:00 hrs. From the end of permitted hours on New Year's Eve until the start of permitted hours on New Year's Day.
Sale of Alcohol (off the premises)	Monday to Sunday, Good Friday and Christmas Day 10:00 until 23:00 hrs.
Proposed Opening Times	Monday to Sunday, Good Friday and Christmas Day 10:00 until 00:00 hrs. From the end of permitted hours on New Year's Eve until the start of permitted hours on New Year's Day.

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

- a) No off-sales after 23:00 hours each night.

- b) No drinks to be taken outside after 23:00 hours each night.**
- c) Benches to be removed each night when the premises are closed.**
- d) Children will be out of the bar area by 21:00 hours each night.**
- e) Bins and bottle bins shall not be emptied between 9pm and 8am each day.**
- f) A noise limiter will be installed for regulated activities.**

Appendix 4: Application



* required information

Section 1 of 18

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

System reference

Not Currently In Use

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

Your reference

Pickled Parson PL Rem.

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?

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

Yes No

Applicant Details

* First name

TIM

* Family name

WILKS

* 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.

Is the applicant's business registered outside the UK?

Yes No

Business name

CROWN ALDERNEY LTD

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

VAT number

-

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

Continued from previous page...

Legal status

Applicant's position in the business

Home country

The country where the applicant's headquarters are.

Applicant Business Address

If the applicant has one, this should be the applicant's official address - that is an address required of the applicant by law for receiving communications.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Agent Details

* First name

* Family name

* E-mail

Main telephone number

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 private individual acting as an agent

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

Agent Business

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

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

Is your business registered outside the UK? Yes No

Business name

If your business is registered, use its registered name.

VAT number

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

Legal status

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

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APPLICATION DETAILS

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

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

* Premises Licence Number

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

- Address OS map reference Description

Postal Address Of Premises

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Premises Contact Details

Telephone number

Continued from previous page...

Non-domestic rateable value of premises (£)

23,750

Section 3 of 18

VARIATION

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

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

Yes No

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

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

Describe Briefly The Nature Of The Proposed Variation

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

This application is to seek the removal of a condition attached to the application by the Licensing Sub Committee on 7th September 2018, which states 'Benches to be removed each night when the premises are closed'. These benches are large, cumbersome commercial benches that are both extremely heavy to lift and are too large to store anywhere inside the premises. Residents were concerned about anti-social behaviour 'resulting from the benches' but these concerns should be relieved as the property has had no reports regarding anti-social behaviour centered around the seating, both historically and more importantly, since the licensing committee meeting on 7/9/18. It is believed that this condition was suggested in error, confusing it with another premises during the same hearing.

Section 4 of 18

PROVISION OF PLAYS

See guidance on regulated entertainment

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

Yes No

Section 5 of 18

PROVISION OF FILMS

See guidance on regulated entertainment

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

Yes No

Continued from previous page...

Section 6 of 18

PROVISION OF INDOOR SPORTING EVENTS

See guidance on regulated entertainment

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

Yes No

Section 7 of 18

PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

See guidance on regulated entertainment

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

Yes No

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PROVISION OF LIVE MUSIC

See guidance on regulated entertainment

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

Yes No

Section 9 of 18

PROVISION OF RECORDED MUSIC

See guidance on regulated entertainment

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

Yes No

Section 10 of 18

PROVISION OF PERFORMANCES OF DANCE

See guidance on regulated entertainment

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

Yes No

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

See guidance on regulated entertainment

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

Yes No

Continued from previous page...

Section 12 of 18

PROVISION OF LATE NIGHT REFRESHMENT

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

Yes No

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SUPPLY OF ALCOHOL

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

Yes No

Section 14 of 18

ADULT ENTERTAINMENT

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

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

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HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

MONDAY

Start

End

Start

End

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

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

Continued from previous page...

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 above, list below.

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

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

'Benches to be removed each night when the premises are closed'

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

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

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LICENSING OBJECTIVES

Continued from previous page...

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.

No change to other existing conditions on the licence

b) The prevention of crime and disorder

No change to other existing conditions on the licence

c) Public safety

No change to other existing conditions on the licence

d) The prevention of public nuisance

No change to other existing conditions on the licence

e) The protection of children from harm

No change to other existing conditions on the licence

Section 17 of 18

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 18 of 18

PAYMENT DETAILS

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

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

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

Band A - No RV to £4300 £100.00

Band B - £4301 to £33000 £190.00

Band C - £33001 to £8700 £315.00

Band D - £87001 to £12500 £450.00*

Band E - £125001 and over £635.00*

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

Band D - £87001 to £12500 £900.00

Band E - £125001 and over £1,905.00

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

Capacity 5000-9999 £1,000.00

Capacity 10000 -14999 £2,000.00

Capacity 15000-19999 £4,000.00

Capacity 20000-29999 £8,000.00

Capacity 30000-39000 £16,000.00

Capacity 40000-49999 £24,000.00

Capacity 50000-59999 £32,000.00

Capacity 60000-69999 £40,000.00

Capacity 70000-79999 £48,000.00

Capacity 80000-89999 £56,000.00

Capacity 90000 and over £64,000.00

* Fee amount (£)

101.00

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.

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/premises-licence/county-durham/change-1> to upload this file and continue with your application.

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

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



LICENSING ACT 2003 PREMISES LICENCE

Premises Licence Number
Granted
Issued

DCCPRM50001
24 November 2005
07 September 2018

Part 1 – Premises details

Postal address of premises, or if none, ordnance survey map reference or description	Issuing Authority
<p>THE PICKLED PARSON 1-2 THE SQUARE SEDGEFIELD STOCKTON ON TEES TS21 2AB</p>	<p>DURHAM COUNTY COUNCIL REGENERATION & LOCAL SERVICES LICENSING SERVICES PO BOX 617 DURHAM DH1 9HZ</p>
<p>Telephone number: 01740 620153</p>	

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

<p>Licensable activities authorised by this licence Live Music Recorded Music Performance of Dance Other Entertainment Similar to Live or Rec Music or Dance Performance Late Night Refreshment Sale by retail of alcohol – ON sales Sale by retail of alcohol – OFF sales</p>
--

Opening Hours of the Premises		
Mon	10:00-00:00	<p>Non-standard/seasonal timings From the end of permitted hours on New Years Eve until the start of permitted hours on New Years Day.</p>
Tue	10:00-00:00	
Wed	10:00-00:00	
Thu	10:00-00:00	
Fri	10:00-00:00	
Sat	10:00-00:00	
Sun	10:00-00:00	

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

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

<p>Live Music Indoors</p> <p>Mon 10:00-00:00 Tue 10:00-00:00 Wed 10:00-00:00 Thu 10:00-00:00 Fri 10:00-00:00 Sat 10:00-00:00 Sun 10:00-00:00</p>	<p>Further details N/A</p> <p>Non-standard/seasonal timings From the end of permitted hours on New Years Eve until the start of permitted hours on New Years Day.</p>
<p>Recorded Music Indoors</p> <p>Mon 10:00-00:00 Tue 10:00-00:00 Wed 10:00-00:00 Thu 10:00-00:00 Fri 10:00-00:00 Sat 10:00-00:00 Sun 10:00-00:00</p>	<p>Further details N/A</p> <p>Non-standard/seasonal timings From the end of permitted hours on New Years Eve until the start of permitted hours on New Years Day.</p>
<p>Performance of Dance Indoors</p> <p>Mon 10:00-00:00 Tue 10:00-00:00 Wed 10:00-00:00 Thu 10:00-00:00 Fri 10:00-00:00 Sat 10:00-00:00 Sun 10:00-00:00</p>	<p>Further details N/A</p> <p>Non-standard/seasonal timings From the end of permitted hours on New Years Eve until the start of permitted hours on New Years Day.</p>
<p>Other Entertainment Similar to Live or Rec Music or Dance Performance Indoors</p> <p>Mon 10:00-00:00 Tue 10:00-00:00 Wed 10:00-00:00 Thu 10:00-00:00 Fri 10:00-00:00 Sat 10:00-00:00 Sun 10:00-00:00</p>	<p>Further details N/A</p> <p>Non-standard/seasonal timings From the end of permitted hours on New Years Eve until the start of permitted hours on New Years Day.</p>
<p>Late Night Refreshment Indoors</p> <p>Mon 23:00-00:00 Tue 23:00-00:00 Wed 23:00-00:00 Thu 23:00-00:00 Fri 23:00-00:00 Sat 23:00-00:00 Sun 23:00-00:00</p>	<p>Further details N/A</p> <p>Non-standard/seasonal timings New Years Eve 23.00 until 05.00 hrs on New Years Day.</p>
<p>Sale by retail of alcohol ON sales</p> <p>Mon 10:00-00:00 Tue 10:00-00:00</p>	<p>Further details No drinks to be taken outside after 23.00 hours each night</p>

Wed	10.00-00.00	Non-standard/seasonal timings From the end of permitted hours on New Years Eve until the start of permitted hours on New Years Day.
Thu	10.00-00.00	
Fri	10.00-00.00	
Sat	10.00-00.00	
Sun	10.00-00.00	
Sale by retail of alcohol OFF sales		Further details N/A Non-standard/seasonal timings N/A
Mon	10.00-23.00	
Tue	10.00-23.00	
Wed	10.00-23.00	
Thu	10.00-23.00	
Fri	10.00-23.00	
Sat	10.00-23.00	
Sun	10.00-23.00	

Part 2

Name, (Registered) address, telephone number and email (where relevant) of holder of premises licence	
CROWN ALDERNEY LIMITED	
Registered number of holder, for example company number, charity number (where applicable)	
Company no:	
Charity no:	N/A

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

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises the sale by retail of alcohol STOCKTON-ON-TEES

Annex 1 – Mandatory conditions

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

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

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

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

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

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

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

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

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

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

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

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

(a) a holographic mark, or

(b) an ultraviolet feature

The responsible person must ensure that -

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

(i) beer or cider: ½ pint;

(ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and

(iii) still wine in a glass: 125 ml;

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

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

Minimum Price of Alcohol:

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

2 For the purposes of the condition:

(a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;

(b) "permitted price" is the price found by applying the formula –

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

Where –

(i) P is the permitted price,

(ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of alcohol, and

(iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence –

(i) the holder of the premises licence,

(ii) the designated premises supervisor (if any) in respect of such a licence, or

(iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

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

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

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

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

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

Mandatory condition: door supervision

1. Where a premises licence includes a condition that at specified times one or more individuals must be at the premises to carry out a security activity, the licence must include a condition that each such individual must be licensed by the Security Industry Authority.
2. But nothing in subsection (1) requires such a condition to be imposed-
 - (a) in respect of premises within paragraph 8(3)(a) of Schedule 2 to the Private Security Industry Act 2001 (c.12) (premises with premises licences authorising plays or films), or
 - (b) in respect of premises in relation to-
 - (i) any occasion mentioned in paragraph 8(3)(b) or (c) of that Schedule (premises being used exclusively by club with club premises certificate, under a temporary event notice authorising plays or films or under a gaming licence), or
 - (ii) any occasion within paragraph 8(3)(d) of that Schedule (occasions prescribed by regulations under that Act).
3. For the purposes of this section-
 - (a) "security activity" means an activity to which paragraph 2(1)(a) of that Schedule applies, and

(b) paragraph 8(5) of that Schedule (interpretation of references to an occasion) applies as it applies in relation to paragraph 8 of that Schedule.

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

Annex 2 – Conditions consistent with the premises Operating Schedule

General

None

Prevention of Crime & Disorder

A digital Closed Circuit Television System (CCTV) will be installed and maintained in good working order and be correctly time and date stamped
The system will incorporate sufficient built-in-hard drive capacity to suit the number of cameras installed, whilst complying with Data Protection Legislation.

CCTV will be capable of providing of providing pictures of evidential quality in all lighting conditions, particularly facial recognition.

Cameras will encompass all ingress and egress to the premises, outside areas and all areas where the sale/supply of alcohol occurs.

There will be a minimum of 31 days recording.

The system will record for 24 hours a day.

The system will incorporate a means of transferring images from the hard-drive to a format that can be played back on any desktop computer.

The Digital recorder will have the facility to be password protected to prevent unauthorised access, tampering, or deletion of images.

There will be at all times a member of staff who is trained in the use of the equipment and upon receipt of a request for footage from a governing body, such as Durham Police or any Responsible Authority, be able to produce the footage within a reasonable time e.g. 24 hours routine or less if urgently required for investigation of a serious crime.

The business will maintain an incident book to record all instances where the staff deal with people who have been unruly, drunk, abusive, aggressive or have committed criminal acts or have had to call police for such incidents. This shall include the date and time of the incident, together with a description of the incident and whether the police were called/attended. The Designated Premises Supervisor/Manager/Business owner will check and sign each page of the incident book and it will be made available to The Licensing Authority and/or Responsible Authorities upon request.

Public Safety

All Staff will be fully trained and the training must include laws relating to the sale of alcohol to underage persons, persons buying on behalf of under 18's (Proxy sales), persons appearing to be under the influence of alcohol and also the operation of the associated 'Challenge 25' policy. Staff will receive refresher training at least every 6 months. Training records, signed by both the staff member and the Designated Premises Supervisor/Manager/Business Owner will be retained for future reference and shall be updated at least every 6 months. All staff training records will be made available to The Licensing Authority and/or Responsible Authorities upon request.

Standard Conditions For Places Of Public Entertainment

Part 1 General

Application - 1 These Conditions and Definitions shall apply whenever the premises are in use under the terms of a licence issued by the Council.

Note: In order to ensure the safety of staff and performers, it is generally advisable to extend the operation of arrangements provided for the safety of the public to all times when the premises are occupied.

Definitions - 2 In these Conditions the following words have the meanings indicated. Except where the context demands otherwise the singular includes the plural and the masculine includes the feminine. Words in italics throughout these Conditions denote words defined below.

Accommodation Limit - the maximum number of people, not being staff or performers, permitted by the Council to be within the premises or a designated area of the premises when they are in use under the terms of a licence issued by the Council.

Note (1) Experience has shown that where accommodation limits include staff, Licensees may reduce the number of staff present as the entertainment area becomes more crowded in order to comply with the accommodation limits on the licence. Such reduction is undesirable. Therefore accommodation limits exclude staff and performers

Note (2) In exceptional circumstances the Council may also limit the numbers of staff and performers.

Approved - permitted in advance by the Council in writing.

Approved Arrangements - the arrangement of the premises (including the layout and fittings, installations and all other things in connection therewith) as approved by the Council.

Attendant - a member of staff on duty to assist the public in entering or leaving the auditoria and to assist in the event of fire or other emergency.

Authorised Officer - any police or fire officer or any person authorised in writing by the Council.

Balcony Front - the barrier at the front edge of a balcony which prevents people from falling on to the floor or tier beneath the balcony.

BS - the appropriate British Standard, which may be equivalent harmonised European Standard. All references to British Standards are to the current edition unless a date is shown.

Certificate - a written report or reports of inspection and satisfactory condition completed by an appropriately qualified engineer or other competent person and normally submitted to the Council within one month of inspection.

Note - The competent person, when completing the certificate, may indicate the period of validity of the certificate, which will normally be accepted by the Council.

Competent Person - a person who has such practical and theoretical knowledge and such experience as is necessary to carry out the work and who is aware of the limits of his own ability, expertise and knowledge.

Consent - permission given in advance by the Council in writing. Council - the licensing authority named on the licence

Door Supervisor - any person employed at or near the entrance to the premises to ascertain or satisfy himself as to the suitability of members of the public to be allowed on the premises or any person employed to maintain order on the premises.

Note: The Council will not normally consider the Licensee or Duty Manager to be a Door Supervisor.

Duty Fire Officer - a member of staff who has been adequately trained in fire prevention and fire-fighting to the satisfaction of the Council.

Duty Manager - a person appointed by the Licensee in writing to be in charge of the premises.

Durably-treated flame-retarded fabric - see under Flame-retarded fabric

Emergency lighting - see under Lighting

Entertainment area - that part of the premises which is constructed and arranged for use for entertainments including any stage or auditorium

Escape Lighting - see under Lighting

Film exhibition - any exhibition of moving pictures which is produced otherwise than by the simultaneous reception and exhibition of programmes included in a programme service within the meaning of the Broadcasting Act 1990.

Flame-retardant fabric - a fabric that has been tested using the methods in BS 5438: 1989 Tests 2A (face ignition) and 2B (bottom ignition) using a 10 second flame application time in each case. The results of tests on the fabric shall show that no part of any hole nor the lowest boundary of any flaming reached the upper or either vertical edge of the specimen and that there was no separation of any flaming debris. (This performance standard is akin to that set out in BS5867-2: 1980 Type B).

Durably-treated flame-retardant fabric - a fabric that has been chemically treated to render it flame-retardant. Prior to the ignitability tests set out above the fabric is subjected to the appropriate wetting or cleansing

procedure set out in BS 5651: 1989. After this washing or cleansing procedure, the fabric shall meet the performance standard for flame-retardant fabric set out above. Inherently flame-retardant fabric - a fabric which, although not non-combustible and not subjected to any flame-retarding process or finish, meets the performance standard for flame-retarded fabric set out above throughout its thickness. The BS 5651 'durability' procedure can be omitted before testing fabrics composed entirely of thermoplastic materials such as nylon, polyester or modacrylic, to which a flame-retarding treatment has not been applied.

Indoor sports - see under Sports entertainment

Inherently flame retardant fabric - see under Flame-retardant fabric inspect/inspection - to carry out a visual inspection accompanied by such other test as may be necessary, in the opinion of the competent person carrying out the inspection, to enable the completion of a certificate of (satisfactory) condition.

Licensee - the person (or body) to whom the Council has granted the licence or who is deemed to be the holder of the licence under the relevant statutory provision.

Emergency Lighting - lighting provided for use in the event of the failure of the normal lighting system.

Emergency lighting includes escape lighting. Any reference in these Conditions to an emergency lighting battery shall be taken to apply to all batteries provided as part of the emergency lighting installation.

Escape lighting - that part of the emergency lighting, which is provided to ensure that the escape routes are illuminated at all material times. In these Conditions any reference to emergency lighting shall be taken to apply likewise to any escape lighting not provided as part of an emergency lighting installation.

Management lighting - the combination of the emergency lighting and that part of the normal lighting which, in the absence of adequate daylight, is intended to facilitate safe movement about the premises. Note: In closely seated auditoria this would be the usual performance mode.

Normal lighting - all permanently installed electric lighting operating from the normal supply, which, in the absence of adequate daylight, is intended for use during the whole time that the premises are occupied.

Note: Normal lighting does not include emergency lighting, purely decorative lighting and stage or performance lighting.

Local Fire Control Centre - the address and telephone number, which the Licensee has confirmed with the Fire Authority as appropriate for the Licensee to use in order to make contact with the fire brigade in a non-emergency but immediate manner.

Log-book - Any log book required under these Conditions shall be - i) accurate and up to date, ii) bound and consecutively numbered, iii) retained in a safe and secure place on the premises for a minimum of 5 years after the date of last entry or for such longer period as required, and, iv) readily available for examination by an Authorised Officer.

Note: Log-books may be kept in a manual form. The Council will accept records in electronic form provided the Licensee can demonstrate adequate security and integrity of the information. Specimen Fire log-books are provided in Appendix 4.

Management Lighting - see under Lighting

Normal Lighting - see under Lighting

Open stage - see under Stage

Pop concert - an event at which live or recorded amplified music is played and which could reasonably be expected to attract an audience of such a nature as could lead to problems with crowd control, over-excitement and/or unruly behaviour.

Premises - all parts of the premises as licensed by the Council including the ancillary parts of the building such as offices, changing room, workshops, stores, etc. which are used in connection with the entertainment area.

Public - persons, other than staff or performers, who are on the premises, whether or not they are members of the club and irrespective of payment.

Required - specified by the Council in writing.

Scenery - includes cloths, drapes, gauzes, artificial foliage and fabric decorations.

Separated stage - see under stage

Special effects - any device or effect which was not included in the original licensing risk assessment for the premises which, if not properly controlled, may present a hazard. Examples include the use of dry ice machines, cryogenic fogs, smoke machines, fog generators, pyrotechnics and fireworks, real flame, firearms, motor vehicles, strobe lighting and lasers.

Special risks - any entertainment which falls outside the normal use of the premises and which, if not properly controlled, may present a hazard. Examples include foam parties, skating to music and performances especially for children.

Sports entertainment - contests, exhibitions or displays of any sport where physical skill is the predominant factor (except dancing in any form) held indoors to which the public are invited as spectators. Staff - any person, whether or not employed by the Licensee, concerned in the management, control or supervision of the premises who has been given specific responsibilities by the Licensee or Duty Manager. Staff alerting

system - a system (whether electronically operated or otherwise) for immediately alerting staff to take appropriate action in the event of fire or other emergency.

Stage - the specific part of an entertainment area on which performers perform which is distinct from the area occupied by the public, often elevated above level of the adjacent floor, includes, where the context permits, platforms, dais or rostrum.

Open stage - a stage that is not separated from the auditorium by a safety curtain. An open stage should, however, be separated from the rest of the premises, other than the stage fire risk area, by fire-resisting construction.

Separated stage - a stage that is separated from the rest of the premises, other than the stage fire risk area, by fire-resisting construction and provided with a safety curtain, which affords smoke separation between the stage and the auditorium. The safety curtain is normally installed to close off a proscenium opening.

Stage fire risk area - the stage and the auditorium together with any scene dock, workshop, stage basement, staff or other room associated with the stage. The stage fire risk area is separated from the rest of the premises by fire-resisting construction.

Trailer - a film advertising a film exhibition.

Standard hours of opening - 3 The premises shall not open to the public before 9.00 am. On Sundays, Good Fridays and Christmas Day the premises shall not open before 2.00 pm for the performance of plays.

Standard hours of closing - 4 The premises shall not be kept open after 11.00 pm for music, music and dancing, boxing, wrestling or indoor sports or after midnight for plays and film exhibitions.

Note: This is the standard terminal hour, which may be varied in particular cases.

Licence - 5

(a) The relevant licence or a clear copy of it shall be prominently exhibited in a position where the public can easily read it. For the purpose of this Condition the licence shall be interpreted to mean the licence document containing conditions specific to the premises, including any accommodation limits.

Note: Appendix 2 illustrates an example of the licence, which should be displayed. This normally consists of one or two pages.

(b) A copy of any Standard Conditions shall be readily available to the Duty Manager.

Note: This will include any Additional Conditions attached to the licence

(c) The premises shall not be used for any purpose for which a licence is required unless specifically licensed for that purpose.

Note: If the premises are licensed for several types of entertainment but are regularly used for one type of entertainment, the Council should be informed of any change to a different type of entertainment. Admission of Authorised Officers - Authorised Officers who carry written authorisations and proof of identity, which they will produce on request, shall be admitted immediately to all parts of the premises at all reasonable times.

Note 1: Authorised Officers examining entertainment areas whilst a performance is in progress should take care not to interrupt the performance and to respect privacy.

Note 2: The Licensee should ensure that reasonable assistance is given to Authorised Officers to enable them to discharge their functions.

Part II Activities For Which A Specific Consent Or Waiver Is Required Hypnotism - 7 The Licensee shall not permit any exhibition, demonstration or performance of hypnotism, mesmerism or any similar act or process which produces or is intended to produce in any person any form of induced sleep or trance in which susceptibility of the mind of that person to suggestion or direction is increased or intended to be increased. This Condition does not apply to exhibitions given under the provisions of Section 2(1A) and 5 of the Hypnotism Act 1952.

Note: Any waiver of this Condition by the Council will be subject to Additional Conditions H. The procedure for application to waive this Condition is set out in Appendix H1, which will be sent to the Licensee on request.

Entertainment involving special risks - 8

(a) The licensee shall not permit an entertainment that involves special risks except with consent. Any approved performances especially for children shall comply with Additional Conditions K. (b) The Licensee shall not permit explosives or highly flammable substances to be brought onto the premises except with consent. Any storage of explosives or highly flammable substances shall comply with Additional Condition FX10.

(d) Staff with specific responsibilities in the event of fire or other emergency, together with deputies, shall receive training and written instruction appropriate to their role as set out in Appendix 3. The Licensee/Duty Manager shall, once he is satisfied as to the competence of each member of staff, record this in the Fire logbook.

Fire logbook - 15

(a) The licensee shall cause a Fire log-book to be kept which shall comply with Appendix 4.

Note: Licensees are advised that it is good practice to keep a general incident logbook, in which are recorded details of each day's events. This may be combined with the Fire logbook. Appendix 4 includes an example of this approach.

(b) Any Authorised Officer shall be entitled to obtain a photocopy of any page(s) of any logbook.
Staff register – 16 The Licensee/Duty Manager shall maintain a register indicating the numbers of staff, including any Door Supervisors and all performers, who are present when the public are present. This register shall be produced immediately on the request of an Authorised Officer. This Condition does not apply to any premises that are being used for a closely seated audience.

Note 1: A sample register is set out in Appendix 5.

Note 2: As accommodation limits exclude staff and performers, this register may be used by Authorised Officers to assist in deciding how many staff and performers are present in the premises at a given time. The register will also be used in the event of an emergency evacuation of the premises. It is essential, therefore, that the register is properly maintained and that it is readily available.
Dancing – 17 Dancing shall be restricted to the areas designated by the Council.

Prevention of Nuisance – 18

(a) The Licensee/Duty Manager shall ensure that no nuisance is caused by noise emanating from the premises or by vibration transmitted through the structure of the premises.

(b) If required, clearly legible notices shall be displayed at all exits requesting the public to respect the needs of local residents and to leave the premises and area quietly.

Part IV Conditions Relating To Safety Including Fire Safety

Approved arrangements – 19

(a) The approved arrangements shall be maintained in good condition and full working order. Fire-fighting equipment, the fire alarm warning system and any smoke ventilators shall be maintained in accordance with Appendix 6.

(b) No alterations (including temporary alterations) shall be made except with consent.

Minimising danger - 20 The Licensee shall ensure that all performances or activities minimise any danger to the public.

Disabled people – 21 The Licensee/Duty Manager shall ensure that, whenever disabled people are present, adequate arrangements are made to enable their safe evacuation in the event of an emergency and that they are made aware of these arrangements.

Note: Licensees are advised to obtain details of and seek to address any special needs when approached by organisers of parties of disabled people.

Safety checks - 22 The Licensee/Duty Manager shall ensure that all necessary safety checks have been carried out before the admission of the public. Details of the checks shall be entered in the Fire logbook, this may be by use of a separate checklist.

Note: A specimen checklist is provided in Appendix 7.

Escape routes - 23

(a) All escape routes and exits including external exits shall be maintained unobstructed, in good order with non-slippery and even surfaces, free of trip hazards and clearly identified in accordance with the approved arrangements.

Note: In restaurants and other premises where chairs and tables are provided care should be taken that clear gangways are maintained.

(b) All exit doors shall be available and easily openable without the use of a key, card, code or similar means. Only approved fastenings shall be used.

Note: Doors that are not in regular use should be opened in order to ensure they function satisfactorily.

(c) Any removable security fastenings shall be removed from the doors prior to opening the premises to the public. All such fastenings shall be kept in the approved position(s).

(d) If required, exit doors shall be secured in the fully open position when the public are present.

(e) All fire doors shall be maintained effectively self-closing and shall not be held open other than by approved devices.

(f) Fire-resisting doors to ducts, service shafts and cupboards shall be kept locked shut.

(g) The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.

Curtains, hangings, decorations, upholstery - 24

(a) Hangings, curtains and temporary decorations shall be maintained flame-retarded.

(b) Any upholstered seating shall continue to meet the pass criteria for smouldering ignition source 0, flaming ignition source 1 and crib ignition source 5 when tested in accordance with section 5 of BS 5852:1990.

Scenery - (c) Any scenery shall be maintained flame-retardant in accordance with Additional Condition S.

(e) Temporary decorations shall not be provided except with consent. When seeking consent for temporary decorations the Licensee shall advise the Council of the period for which it is desired to retain them.

(f) Curtains, hangings and temporary decorations shall be arranged so as not to obstruct exits, fire safety signs or fire-fighting equipment.

Accommodation limits - 25 The licensee/Duty Manager shall ensure that the accommodation limit(s) specified on the licence are not exceeded and shall be aware of the number of the public on the premises. This information shall be provided to any Authorised Officer immediately on request.

Note: Where there is an unusually large number of performers the Council should be consulted.

Fire action notices - 26 Notices detailing the actions to be taken in the event of fire or other emergencies, including how the fire brigade can be summoned, shall be prominently displayed and shall be protected from damage or deterioration.

Outbreaks of fire - 27 The fire brigade shall be called at once to any outbreak or suspected outbreak of fire, however slight, and the details recorded in the Fire logbook.

Loss of water - 28 The Licensee/Duty Manager shall have readily available the telephone number of the local Fire Control Centre. The Licensee/Duty Manager shall notify the local Fire Control Centre as soon as possible if he is aware that the water supply to any hydrant, hose reel, sprinkler, drencher or other fire extinguishing installation is cut off or restricted.

Refuse - 29 Refuse receptacles shall be emptied regularly.

Access for emergency vehicles - 30 Access for emergency vehicles shall be kept clear and free from obstruction.

First aid - 31

(a) The Licensee/Duty Manager shall ensure that an adequate and appropriate supply of first aid equipment and materials is available on the premises.

(b) If required, at least one suitably trained first-aider shall be on duty when the public are present. If more than one suitably trained first-aider is present, each person's responsibilities shall be clearly identified.

Part V Sanitary Arrangements, Heating, Lighting And Ventilation Toilet Accommodation - 32

(a) Toilet accommodation shall be provided free of charge and be kept clean and in proper working order.

(b) An adequate supply of hot and cold (or warm) water, toilet paper in holders or dispensers, soap and suitable hand and face drying facilities shall be provided in toilet accommodation.

Drinking water - 33 Where free drinking water is provided for the public, it shall, except with consent only be provided in a supervised area.

Heating and cooking - 34

(a) Heating apparatus shall be maintained in a safe and functioning condition.

(b) Portable heating or cooking appliances shall not be used except with consent.

Charge of electrical installation - 35 If required, a competent person shall be in charge of the electrical and other installation.

Managing Lighting - 36

(a) In the absence of adequate daylight the management lighting in any area accessible to the public shall be fully in operation whilst the public are present.

(b) Except as permitted under (d) below there shall be adequate illumination to enable people to see their way out of the premises. (c) Fire safety signs shall be adequately illuminated except as permitted in (d) below.

(d) If essential to the entertainment and subject to consent, the management lighting in the entertainment area may be reduced or extinguished provided: i) the lighting be controlled from a position with a clear view of the entertainment area, and ii) an operator remain by the controls whilst the lighting is reduced or extinguished; and iii) the operator restore the management lighting at once in the event of any emergency, and iv) the escape route signs remain adequately illuminated.

Note: Licensees are advised to limit any periods during which lighting levels are reduced to the minimum possible consistent with the needs of the entertainment.

Emergency lighting - 37

(a) The emergency lighting installation shall not be altered in any way except with consent.

(b) The emergency lighting battery shall be fully charged before the admission of the public.

(c) In the event of failure of the normal lighting: i) if the emergency lighting battery has a one hour capacity the public shall leave the premises within 20 minutes unless within that time the normal lighting has been restored and the battery is being re-charged, or ii) if the emergency lighting battery has a 3 hours capacity the public shall leave the premises within one hour unless within that time the normal lighting has been restored and the battery is being re-charged.

(d) The public shall not be re-admitted to the premises until the normal lighting has been fully restored and the battery fully charged except i) where the emergency lighting battery has a one hour capacity and if the failure of the normal lighting was fully rectified within 20 minutes of failure and the battery is being re-charged; or ii) where the emergency lighting batter has a 3 hours capacity and if the failure of the normal lighting was fully rectified within one hour of failure and the battery is being re-charged.

Temporary electrical installations - 38

(a) Temporary electrical wiring and distribution systems shall not be provided without notification being given to the Council at least 10 days before the commencement of the work

Note: This condition does not normally apply to electrical equipment on a stage provided with permanently installed distribution facilities.

(b) Temporary electrical wiring and distribution systems shall comply with recommendations of BS 7671 or where applicable BS7909.

(c) Temporary electrical wiring and distribution systems shall be inspected and certified by a competent person before they are put into use. A copy of the certificate shall be sent to the Council as soon as possible.

(d) Temporary electrical wiring and distribution systems shall be provided only for a period of up to 3 months. This period may be extended subject to a satisfactory electrical test and inspection report being submitted to the Council at the end of each 3-month period.

Note: The Council will normally require temporary electrical wiring and distribution systems to be removed at the end of the 3-month period or to be made permanent during that period.

Ventilation - 39

(a) The premises shall be effectively ventilated.

(b) Where the ventilation system is designed to maintain a positive air pressure within part of the premises, that pressure shall be maintained whenever the public are present in that part of the premises.

Note: This Condition applies mainly to closely seated auditoria
Cleansing ventilation ducting and filters - 40

(a) Ventilation ducting and other shafts shall be kept clean.

(b) Any air filters shall be periodically cleaned or replaced so as to maintain a satisfactory air supply.

(c) All interior surfaces of extract ventilation ducting serving kitchens and serveries shall be thoroughly cleaned as frequently as necessary to prevent the accumulation of grease and fat at least once per year.

(d) Grease filters in extract ventilation hoods in kitchens and serveries shall be cleaned weekly or at other intervals as required. Certificates - 41 Certificates shall be submitted to the Council as specified in Appendix 8.

Prevention of Public Nuisance

The business will maintain a refusals book to record all instances where the sale of alcohol has been refused. This shall include the date and time of the attempted sale, together with a description of the incident. The Designated Premises Supervisor/Manager/Business Owner will check and sign each page and the refusals book will be made available to The Licensing Authority and/or Responsible Authorities upon request.

Protection of Children from Harm

There will be a minimum of two notices displayed on the premises indicating that the sale of alcohol to those under the age of 18 is illegal and that those adults who buy alcohol for immediate disposal to those under age (the age of 18) are committing an offence.

Children under the age of 18 years shall be accompanied by a responsible parent/guardian.

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

Licensing - Sub Committee 7th September 2018

No off sales after 23.00 hours each night

No drinks to be taken outside after 23.00 hours each night

Benches to be removed each night when the premises are closed.

Children will be out of the bar area by 21.00 hours each night.

Bins and bottle bins shall not be emptied between 9pm and 8am each day.

A noise limited will be installed for regulated activities

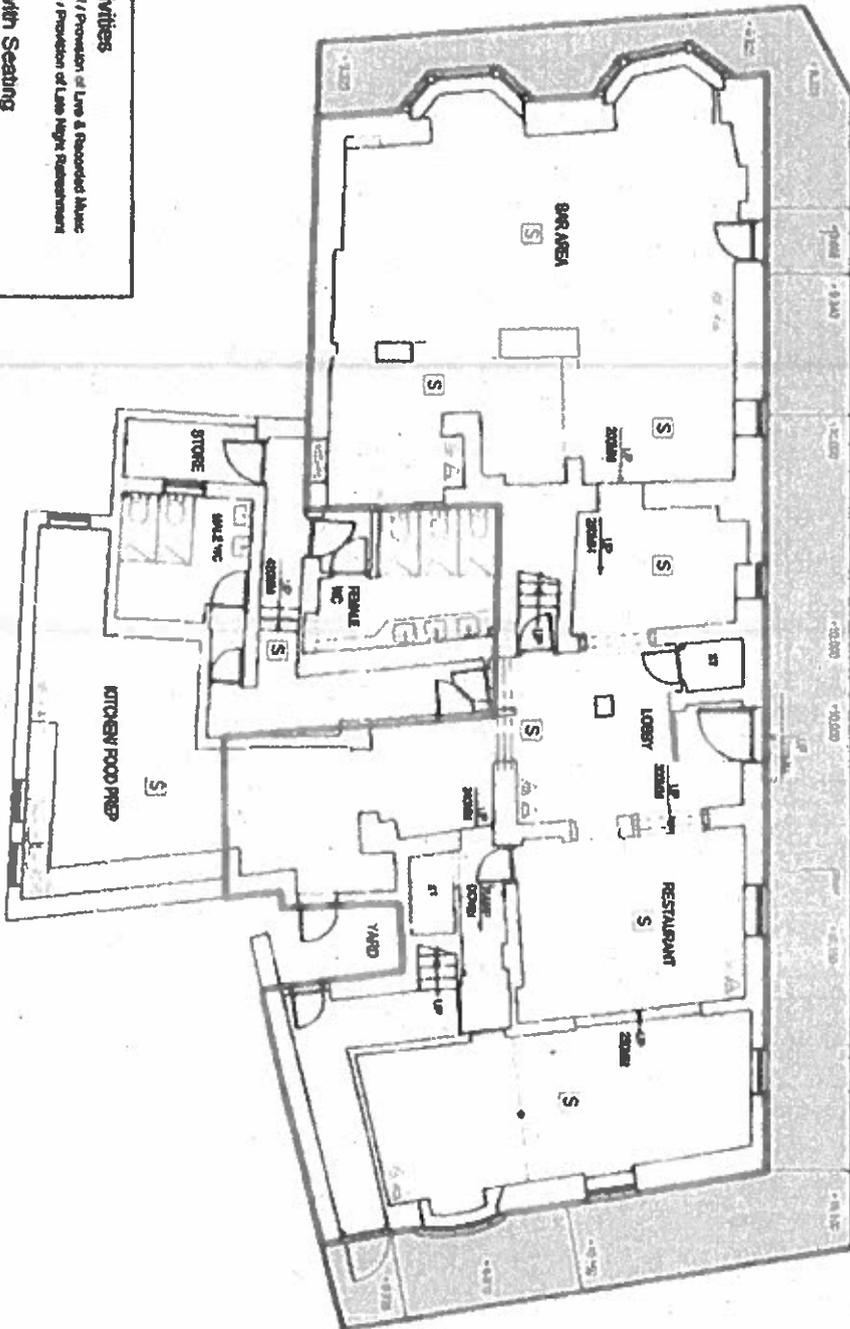
Annex 4 – Plans attached

Attached

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

THE PICKLED PARSON
1-2 THE SQUARE, SEDGEFIELD, TS21 2AB

← HIGH STREET →



← RECTORY ROW →

KEY

	Licensable Activities Sale of Alcohol On & Off / Provision of Live & Recorded Music Performance of Dance / Provision of Live Night Entertainment
	Outdoor area with Seating
	Smoke Detector
	Water Extinguisher
	Fire Blanket

SCALE 1:100

GROUND FLOOR PLAN
EXISTING LAYOUT

Appendix 5: Representations

From: Jane Ayre <
Sent: 18 February 2019 18:49
To: Valerie Craig; AHS Licensing
Subject: URGENT: Variation of Premises Licence - The Pickled Parson, Sedgefield
Attachments: The Pickled Parson 18 02 19.doc

F.A.O. Ms Valerie Craig

Good evening Valerie,

Please find attached for your attention a letter of objection to The Pickled Parson of Sedgefield's Variation of Premises Licence Application.

I would be grateful if you could confirm receipt of this email and attached letter.

Kind Regards,

Jane.

Dr Jane Ayre
Town Clerk
Sedgefield Town Council
Council Offices
Sedgefield
TS21 3AT

Passionate about Sedgefield

north east
england

DISCLAIMER:

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Sedgefield Town Council

Dr Jane Ayre (Town Clerk)
Tel. Sedgefield

Council Offices
Sedgefield
Co. Durham
TS21 3AT

18th February 2019

Ms Valerie Craig
Licensing Assistant
Environment, Health & Consumer Protection
Regeneration and Local Services
Durham County Council
Annand House
Meadowfield
Durham DH7 8RS

Dear Valerie,

Application For A Variation of Premises Licence – The Pickled Parson, 1-2 The Square, Sedgefield:

At Sedgefield Town Council's P&R Committee meeting held on Monday 11th February 2019 the recently submitted variation to the Premises Licence of The Pickled Parson was considered. It is noted that the variation now being sought is to remove the condition that states " 'benches to be removed each night when the premises are closed' as these are large, cumbersome commercial benches that are both extremely heavy to lift and are too large to store anywhere inside the premises". The Pickled Parson's owner believes "this condition was put in place to counteract residents concerns about anti-social behaviour but feels these concerns should be relieved as the property has had no reports regarding anti-social behaviour centred around the seating, both historically and more importantly, since the licensing committee meeting on 7th September 2018. It is believed that this condition was suggested in error, confusing it with another premises during the same hearing". Following consideration of this application Sedgefield Town Council wishes to object to the variation now being sought.

Sedgefield Town Council note that Durham County Council's Licensing Policy (2014-2019) states in Section 2.5 "In adopting this Licensing Policy, the Licensing Authority recognises that residents need to live and work in a safe and healthy environment. ... The Licensing

Authority's aim is to facilitate well managed premises and to support licence holders displaying sensitivity to the impact of their premises on local residents". In Section 9 (Prevention of Public Nuisance) of the aforementioned Policy, Section 9.1 states "... especially those operating late at night ... can cause a range of nuisances impacting on people living, working or sleeping in the vicinity of the premises" and Section 9.2 relates to preventing public nuisance, i.e. "... of preventing public nuisances relevant to the individual style, location and characteristics of the premises and events". Of particular relevance is Section 9.4 which states "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 ... the Council will normally expect them to be removed before the premises close, and any resulting litter/debris cleared away". The existing Premises Licence for The Pickled Parson was determined following a Statutory Licensing Committee hearing at which the Town Council had been represented. The Licensing Authority had received twelve objections to the original premises licence application submitted. At that Statutory Licensing Committee, and careful consideration of Durham County Council's Licensing Policy (2014-2019), the Committee agreed to most of the applicant's original requests but set the condition that the benches and tables outside the property be removed each night after 23:00 hours to prevent public nuisance. The fact that the benches and tables are difficult to lift or store because they are unsuitable should not be a reason to have this important condition removed. There must be many more suitable types of furniture available, as many other premises have overcome this problem. The Town Council does not agree with the statement that an error was made by the Licensing Committee when dealing with the original premises licence application as it was very clear to all in attendance which premises licence was being considered.

The Town Council also wish to make you aware that the public notice regarding this matter was not put up on display at The Pickled Parson until 8th February 2019 thereby significantly reducing the amount of time in which residents could comment.

In conclusion, for the reasons stated clearly in this letter Sedgefield Town Council therefore requests that Durham County Council Officers do not grant permission for this application and request that a decision is made on this matter by Licensing Committee and not delegated to an Officer.

I look forward to hearing from you in due course.

Yours sincerely,

**Dr Jane Ayre
Town Clerk**

From: Melvyn Carr < >
Sent: 20 February 2019 00:36
To: AHS Licensing

I wish to object to the application to have the condition "Benches to be removed each night when the premises are closed" removed.

The Licensing Committee considered the original application on 7th September 2018, it took into account the position of the premises, its location on the village green in the centre of a residential area. Some residents premises are attached to this property and many are within yards of the outside licensed area.

The committee took into account anti social behaviour that had been taking place in the centre of the village green during 2018, this had reached such a serious level that extra police were needed at weekends to try and control the situation. This involved Inspector Sarah Honeyman raising special antisocial orders for the centre of Sedgefield

This has resulted in a more acceptable level of social behaviour, helped by more robust policing, This time of year it is cold and does not encouraging people to sit outside.

Benches left outside premises have in the past ended up all over the village green with the Sedgefield town Council staff and Sedgefield in Bloom volunteers having to remove them.

All the business premises in Sedgefield have difficulty with storage, only one other business has tables and chairs outside but they are light and it enables them to be taken in each day and stored inside their premises

The exterior of The Pickled Parson is directly onto open village green and the benches are not contained or fenced off making it impossible to control who uses the benches when the business is closed.

If the benches are left outside patrons or the public can congregate and cause noise and disturbance to the neighbouring residents late into the evening and night. With the Pickled Parson being sited in an elevated position surrounded by buildings the sound echoes and carries all round The Square, High Street and Rectory Row

A Minor Variation Application to remove this condition was applied for on 13th November 2018. This was refused.

Attached are 2 plans showing the position of the Pickled Parson in relation to residential buildings.

I would be pleased if the Licensing Committee would consider the above points and not grant the request to remove the condition.

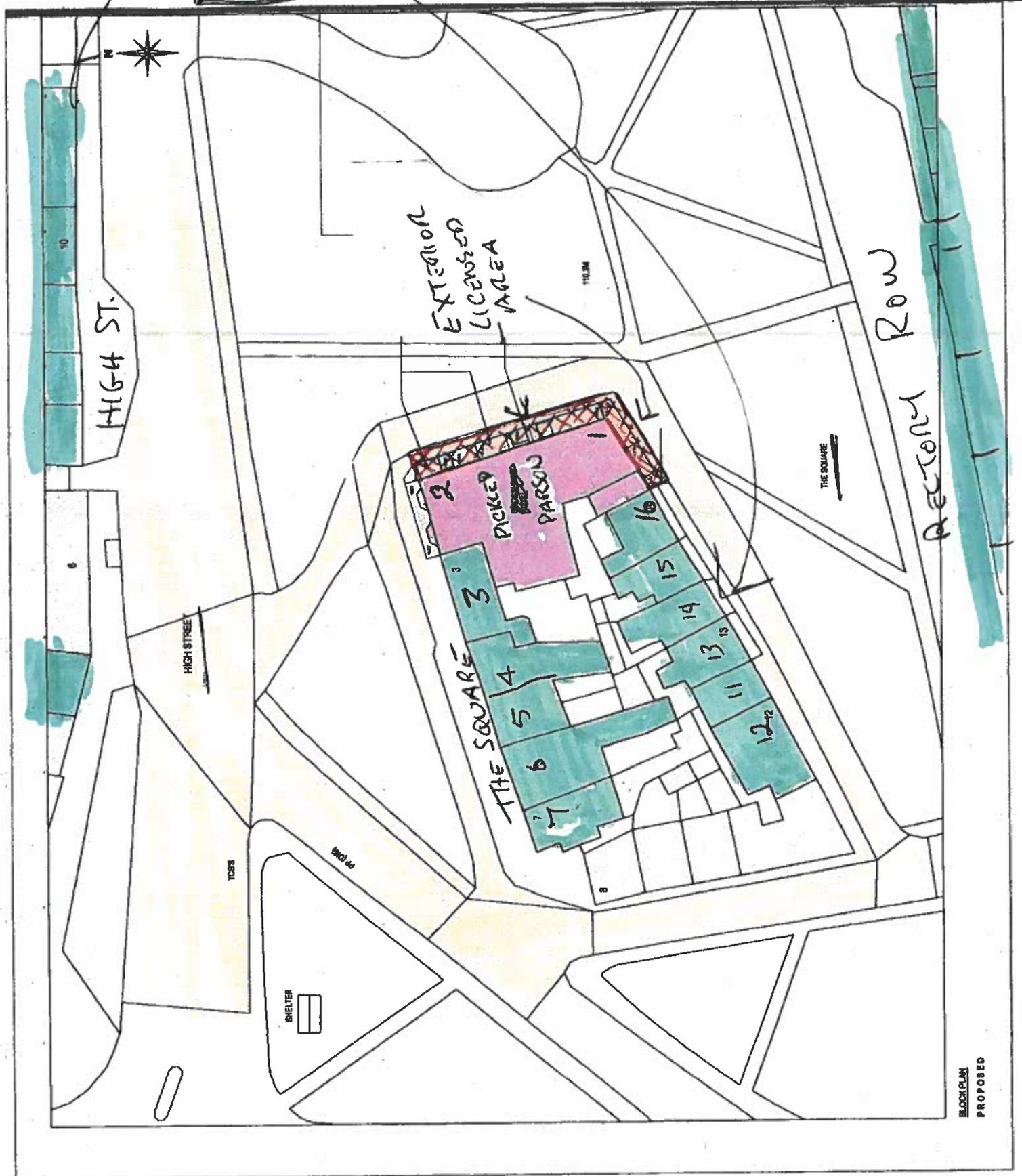
Could you please acknowledge receipt of this e-mail

Yours sincerely

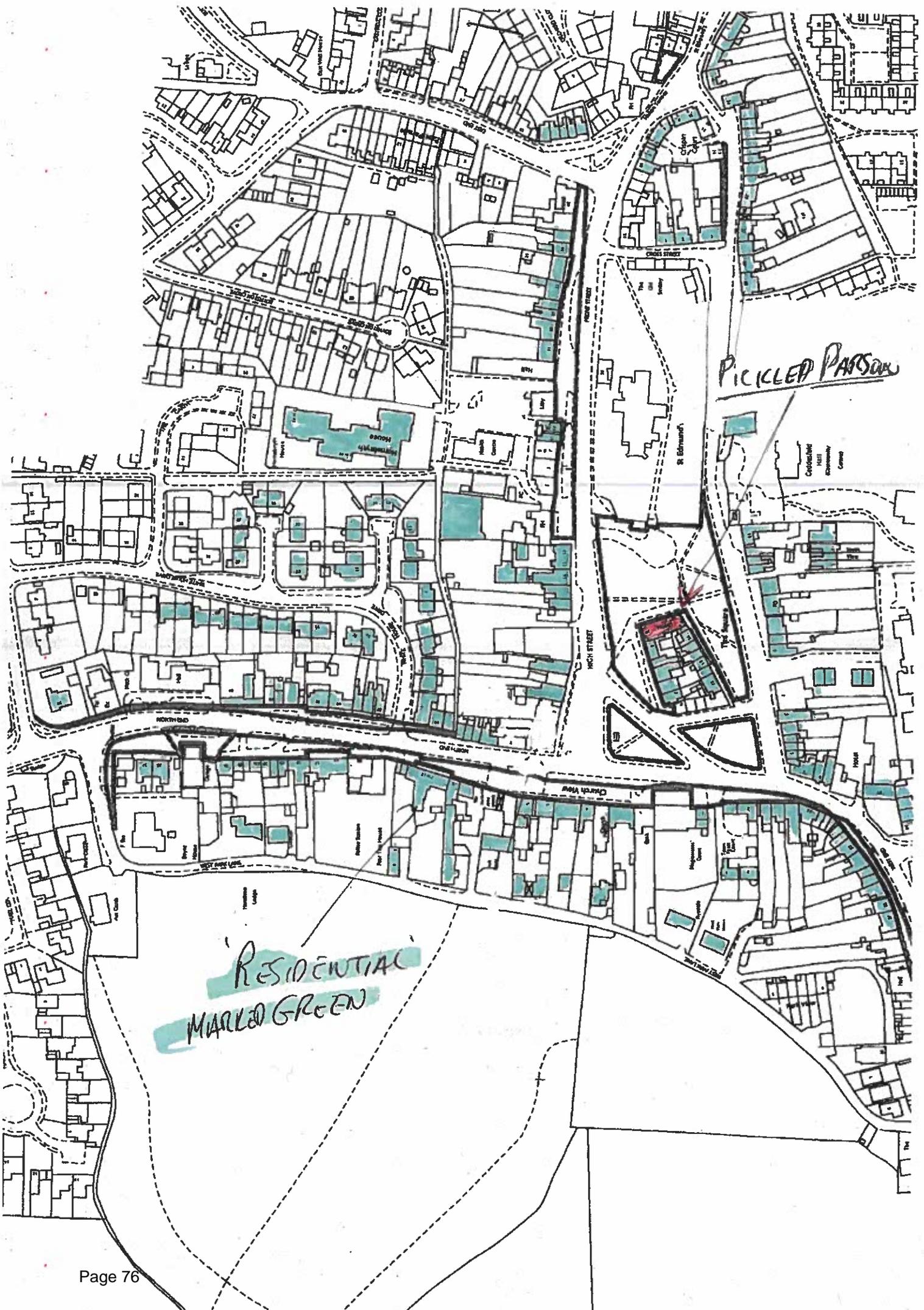
Mr M M Carr

The Square,
Sedgefield
TS21 2AB

GREEN RESIDENTIAL



BLOCK PLAN PROPOSED



PICKLED PARSON

RESIDENTIAL
MARKED GREEN

From: Cllr Joe Makepeace
Sent: 25 January 2019 10:18
To: Valerie Craig
Subject: Re: Licensing Act - Variation of premises licence received

I have no objection
Joe Makepeace

Sent from my iPad

Appendix 6: Responses from Responsible Authorities

From: Daniel Darnton <
Sent: 28 January 2019 10:41
To: Valerie Craig
Subject: FW: Licensing Act - Variation of premises licence received
Attachments: Variation Application 24.01.19.pdf; Pickeld Parson - Licence.pdf

Good Morning,

Durham Constabulary have no objections to the below application.

Kind Regards
Dan

Daniel Darnton
Harm Reduction Unit



Durham Constabulary
Altogether Better Policing

From: FS-Wear <
Sent: 25 January 2019 16:21
To: Valerie Craig
Subject: RE: Licensing Act - Variation of premises licence received

Hello Valerie,

I can confirm that the Fire Authority have no objections or comments to make in respect of this application.

Kind regards

Dave Mitchelson

From: Sean Barry
Sent: 08 February 2019 10:04
To: Valerie Craig
Cc: AHS Licensing
Subject: RE: Licensing Act - Variation of premises licence received

Good Morning

I have received an application to vary a licence for the establishment: The Pickled Parson, 1-2 The Square, Sedgefield, TS21 2AB

I have no comments or objections to make on behalf of County Durham Public Health.

My Ref: PH/2019/012

Thanks
Sean

From: Susan Gallimore
Sent: 31 January 2019 18:33
To: Valerie Craig; AHS Licensing
Subject: RE: Licensing Act - Variation of premises licence received

Dear Valerie,

Please note that I have no adverse comments to make about this application.

Kind Regards,


Susan Gallimore MCIEH MIOA DipIOA
Senior Public Protection Officer
Regeneration and Local Services
Durham County Council

From: Hilary Sperring
Sent: 30 January 2019 11:25
To: Valerie Craig
Subject: CON28/19/00227 Application for a variation of premises licence 1 - 2 The Square
Sedgefield

Dear Valerie,

Thank you very much for your recent consultation in respect of the above and your time earlier on the telephone.

I can confirm that I have no comments or objections to make from a planning point of view.

Kind Regards,
Hilary

Mrs Hilary Sperring

Planning Officer | Development Management

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

Appendix 7: 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.

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 8: 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.

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

19th March 2019

Application for the variation of a

Premises Licence

Ordinary Decision



Report of Ian Thompson, Corporate Director of Regeneration and Local Services

Councillor Brian Stephens, Cabinet Portfolio Holder for Neighbourhoods and Local Partnerships

Electoral division(s) affected:

Brandon

Purpose of the Report

- 1 The Sub-Committee is asked to consider and determine the application for the variation of a premises licence for MRH Stonebridge, Stonebridge Service Station, Durham, DH1 3RX.
- 2 A plan showing the location of the premises is attached at Appendix 2.
- 3 The application is for the variation of an existing premises licence for MRH Stonebridge, Stonebridge Service Station, Durham to include the sale of alcohol for consumption off the premises 24 hours daily, also to include two conditions set out in Section 16 (Box E) and to make alterations to the premises. One representation was received from Brandon & Byshottles Parish Council (other persons) in opposition to the application.
- 4 Durham County Council's Local Safeguarding Children Board, Durham County Council's Environmental Health Department, County Durham & Darlington Fire and Rescue Service responded to the consultation with no comments.
- 5 Durham Constabulary entered into mediation and the Applicant agreed additional conditions, see Appendix 4.

Recommendation(s)

- 6 The Sub-Committee is asked to determine the application with a view to promoting the licensing objectives.

- 7 The Sub-Committee is recommended to give appropriate weight to:
- (a) The steps that are appropriate to promote the licensing objectives;
 - (b) The representations (including supporting information) presented by all parties;
 - (c) Durham County Council's Statement of Licensing Policy. The relevant parts of the policy are attached at Appendix 7.
 - (d) The Guidance issued to local authorities under Section 182 of the Licensing Act 2003 (as amended April 2018). The relevant parts of the guidance are attached at Appendix 8.

Background

8 Background information

Applicant	Malthurst Limited	
Type of Application: Variation of a premises licence	Date received: 31st January 2019	Consultation ended: 28th February 2019

Details of the application

9 An application for the variation of a premises licence was received by the Licensing Authority on 31st January 2019. A copy of the application is attached at Appendix 3, this includes a copy of the existing premises licence for information purposes.

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

10 The current licensable activities are as follows:

Current Licensable Activities	Days & Hours
Late Night Refreshment (indoors and outdoors)	Monday to Sunday 23:00 hrs -05:00 hrs
Opening Hours	Monday to Sunday 00:00 hrs until 24:00 hrs

11 The applicant has requested the following, see below:

Proposed Licensable Activities	Days & Hours
Supply of Alcohol (off sales only)	Monday to Sunday 00:00 hrs until 24:00 hrs
Opening Hours	Monday to Sunday 00:00 hrs until 24:00 hrs

12 The applicant has proposed conditions and the steps that they intend to take in order to promote the four licensing objectives, which are outlined within the application form.

The Representations

13 The Licensing Authority received one letter of representation during the consultation period, from Brandon & Byshottles Parish Council.

14 The Licensing Authority deemed the representation as relevant relating to the following licensing objectives:

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

A copy of the representation is attached as Appendix 5.

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

- Durham County Council's Local Safeguarding Children Board
- Durham County Council's Environmental Health Department
- County Durham and Darlington Fire Rescue Service

Copies of these responses are attached at Appendix 6.

The Parties

16 The Parties to the hearing will be:

- Winckworth Serwood LLP (Applicant's Agent)
- Brandon & Byshottles Parish Council (Other persons)

Options

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

Main implications

Legal Implications

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

See Appendix 1.

Consultation

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

See Appendix 1

Conclusion

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

Background papers

- Durham County Council's Statement of Licensing Policy

- Guidance issued under Section 182 of the Licensing Act 2003 (as amended April 2018)

Other useful documents

- None
-

Contact: Karen Robson

Tel: 03000 265104

Appendix 1: Implications

Legal Implications

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

In this case it was summed up that:

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

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

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

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

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

Consultation

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

The Responsible Authorities were consulted on the application.

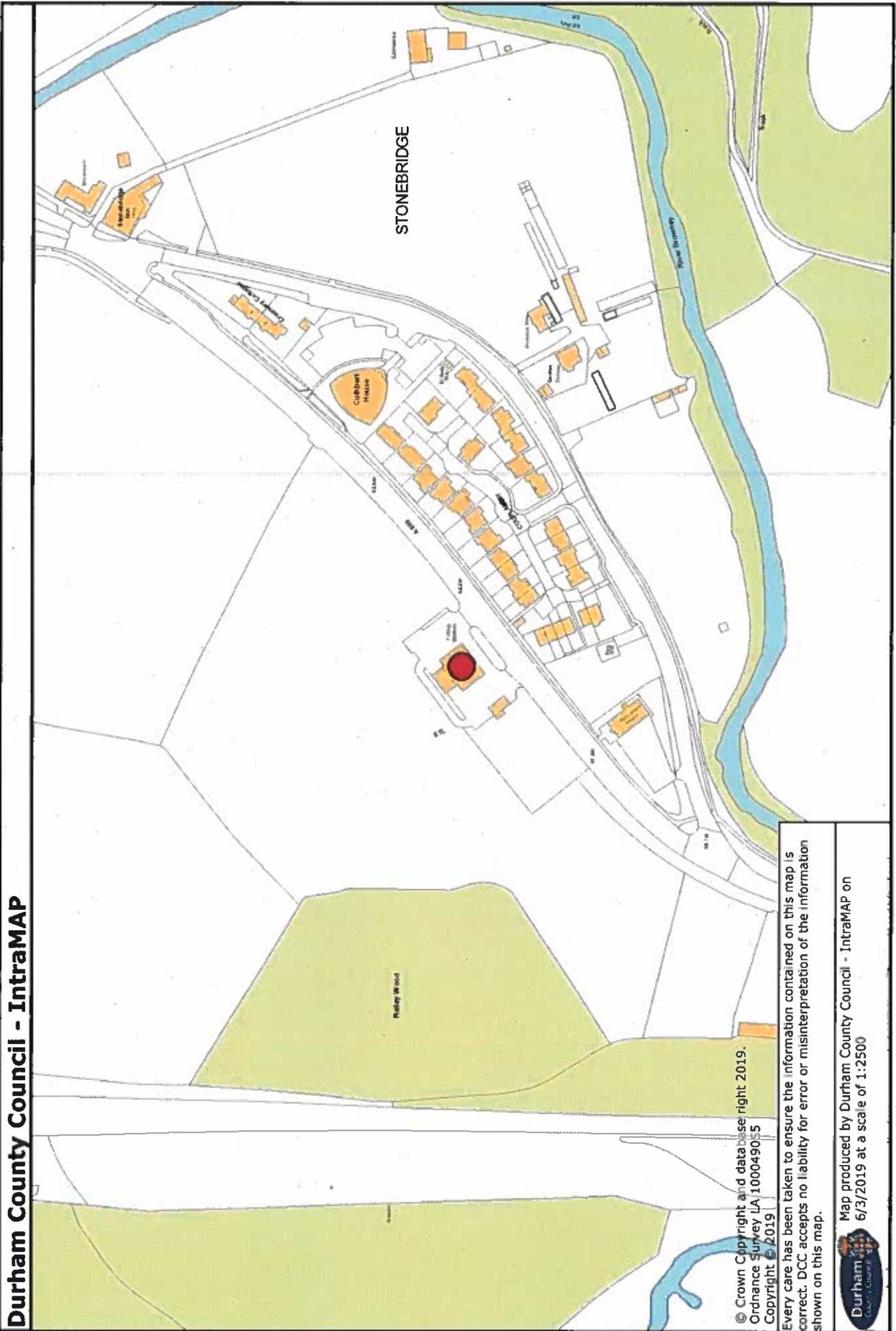
The notice of application was displayed on the premises for a period of 28 days.

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

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

Appendix 2: Location Plan

Durham County Council - IntraMAP



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 Ordnance Survey UA 100049055
 Copyright © 2019
 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
 6/3/2019 at a scale of 1:2500



Appendix 3: Application



* required information

Section 1 of 18

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

Yes No

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

LICENSING DEPARTMENT

Home country

United Kingdom

The country where the applicant's headquarters are.

Registered Address

Address registered with Companies House.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Agent Details

* First name

WINCKWORTH SHERWOOD LLP

* Family name

WINCKWORTH SHERWOOD LLP

* 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 private individual acting as an agent

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

Agent Business

Is your business registered in the UK with Companies House?

Yes No

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

Registration number

Business name

WINCKWORTH SHERWOOD LLP

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...

Address

Building number or name	MRH STONEBRIDGE
Street	STONEBRIDGE SERVICE STATION
District	STONEBRIDGE
City or town	DURHAM
County or administrative area	
Postcode	DH1 3RX
Country	United Kingdom

Contact Details

E-mail	
Telephone number	
Fax number	
Other telephone number	
Non-domestic rateable value of premises (£)	53,000

Section 3 of 18

VARIATION

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

Date variation to take effect from / /
dd mm yyyy

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

Yes No

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

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

Describe Briefly The Nature Of The Proposed Variation

Continued from previous page...

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.

A petrol forecourt store located at Stonebridge Service Station, Stonebridge, Durham, DH1 3RX to be varied as follows:

1. To include the sale of alcohol for consumption off the premises 24 hours daily.
2. To include the two conditions set out in Section 16 box e of this application.
3. To make alterations to the premises.

Section 4 of 18

PROVISION OF PLAYS

See guidance on regulated entertainment

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

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

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

Continued from previous page...

PROVISION OF INDOOR SPORTING EVENTS

See guidance on regulated entertainment

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

- Yes No

Section 7 of 18

PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

See guidance on regulated entertainment

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

- Yes No

Section 8 of 18

PROVISION OF LIVE MUSIC

See guidance on regulated entertainment

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

- Yes No

Section 9 of 18

PROVISION OF RECORDED MUSIC

See guidance on regulated entertainment

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

- Yes No

Section 10 of 18

PROVISION OF PERFORMANCES OF DANCE

See guidance on regulated entertainment

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

- Yes No

Section 11 of 18

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

See guidance on regulated entertainment

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

- Yes No

Section 12 of 18

Continued from previous page...

PROVISION OF LATE NIGHT REFRESHMENT

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

Yes No

Section 13 of 18

SUPPLY OF ALCOHOL

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

Yes No

Standard Days And Timings

MONDAY

Start

End

Start

End

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

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

Continued from previous page...

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 above, list below.

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

Section 14 of 18

ADULT ENTERTAINMENT

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

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

The premises sell alcohol and other age restricted products.

Section 15 of 18

HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

MONDAY

Start

End

Start

End

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

TUESDAY

Start

End

Start

End

Continued from previous page...

WEDNESDAY

Start	<input type="text" value="00:00"/>	End	<input type="text" value="24:00"/>
Start	<input type="text"/>	End	<input type="text"/>

THURSDAY

Start	<input type="text" value="00:00"/>	End	<input type="text" value="24:00"/>
Start	<input type="text"/>	End	<input type="text"/>

FRIDAY

Start	<input type="text" value="00:00"/>	End	<input type="text" value="24:00"/>
Start	<input type="text"/>	End	<input type="text"/>

SATURDAY

Start	<input type="text" value="00:00"/>	End	<input type="text" value="24:00"/>
Start	<input type="text"/>	End	<input type="text"/>

SUNDAY

Start	<input type="text" value="00:00"/>	End	<input type="text" value="24:00"/>
Start	<input type="text"/>	End	<input type="text"/>

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 above, list below.

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

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

I have enclosed the premises licence

Continued from previous page...

I have enclosed the relevant part of the premises licence

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

The premises licence was returned on 15 January 2019 to the Licensing Authority for amendment.

Section 16 of 18

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.

The existing conditions on the licence to remain unchanged together with the two additional conditions in box e of Section 16.

b) The prevention of crime and disorder

c) Public safety

d) The prevention of public nuisance

e) The protection of children from harm

1. The premises licence holder will ensure that an age verification policy will apply to the premises whereby all cashiers will be trained to ask any customer attempting to purchase alcohol, who appears to be under the age of 25 years (or older if the licence holder so elects) to produce, before being sold alcohol, identification being a passport or photocard driving licence bearing a holographic mark or other form of identification that complies with any mandatory condition that may apply to this licence.

2. Signage informing customers of the age verification policy adopted at the premises will be prominently displayed.

Section 17 of 18

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 18 of 18

PAYMENT DETAILS

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

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

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

Band A - No RV to £4300 £100.00

Band B - £4301 to £33000 £190.00

Band C - £33001 to £8700 £315.00

Band D - £87001 to £12500 £450.00*

Band E - £125001 and over £635.00*

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

Band D - £87001 to £12500 £900.00

Band E - £125001 and over £1,905.00

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

Capacity 5000-9999 £1,000.00

Capacity 10000 -14999 £2,000.00

Capacity 15000-19999 £4,000.00

Capacity 20000-29999 £8,000.00

Capacity 30000-39000 £16,000.00

Capacity 40000-49999 £24,000.00

Capacity 50000-59999 £32,000.00

Capacity 60000-69999 £40,000.00

Capacity 70000-79999 £48,000.00

Capacity 80000-89999 £56,000.00

Capacity 90000 and over £64,000.00

* Fee amount (£)

315.00

DECLARATION

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

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

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

Continued from previous page...

* Full name

WINCKWORTH SHERWOOD LLP

* Capacity

SOLICITORS ON BEHALF OF THE APPLICANT

* 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/change-1> to upload this file and continue with your application.

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

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

OFFICE USE ONLY

Applicant reference number

Fee paid

Payment provider reference

ELMS Payment Reference

Payment status

Payment authorisation code

Payment authorisation date

Date and time submitted

Approval deadline

Error message

Is Digitally signed

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 Next >



LICENSING ACT 2003 PREMISES LICENCE SUMMARY

Premises Licence Number
Granted
Issued

DCCC/PLN0282
04 March 2016
23 January 2019

Part 1 – Premises details

Postal address of premises, or if none, ordnance survey map reference or description	Issuing Authority
MRH STONEBRIDGE STONEBRIDGE SERVICE STATION STONEBRIDGE DURHAM DH1 3RX	DURHAM COUNTY COUNCIL REGENERATION & LOCAL SERVICES LICENSING SERVICES PO BOX 617 DURHAM DH1 9HZ
Telephone number:	

Where the licence is time limited the dates N/A

Licensable activities authorised by this licence Late Night Refreshment

The opening hours of the premises (all times in 24hr format)		
Mon	00:00-23:59	
Tue	00:00-23:59	Non-standard/seasonal timings
Wed	00:00-23:59	N/A
Thu	00:00-23:59	
Fri	00:00-23:59	
Sat	00:00-23:59	
Sun	00:00-23:59	

Where the licence authorises the sale by retail of alcohol whether these are on and/or off sales NO ALCOHOL SALES

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

Late Night Refreshment Indoors and Outdoors	Further details
Mon 23:00-05:00 Tue 23:00-05:00 Wed 23:00-05:00 Thu 23:00-05:00 Fri 23:00-05:00 Sat 23:00-05:00 Sun 23:00-05:00	N/A Non-standard/seasonal timings N/A

Part 2

Name, (Registered) address, telephone number and email (where relevant) of holder of premises licence

MATHURST LIMITED

Registered number of holder, for example company number, charity number (where applicable)

Company no:

Charity no: N/A

Name of designated premises supervisor where the premises licence authorises the sale by retail of alcohol

NOT APPLICABLE

State whether access to the premises by children is restricted or prohibited

NO RESTRICTIONS

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

3 Any recording will be retained and stored in a suitable and secure manner for a minimum of 28 days and shall be made available, subject to compliance with Data Protection legislation, to the police for inspection on request.

4 The precise positions of the camera may be agreed, subject to compliance with Date Protection legislation, with the police from time to time.

5 The system will display, on any recording, the correct time and date of the recording.

6 The CCTV system will be maintained and fully operational throughout the hours that the premises are open for any licensable activity.

Public Safety

1 The premises licence holder will at all times maintain adequate levels of staff. Such staff levels will be disclosed, on request, to the licensing authority and police.

Prevention of Public Nuisance

1 Adequate waste receptacles for use by customers shall be provided in and immediately outside the premises.

Protection of Children from Harm

None

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

None

Annex 4 – Plans attached

Attached

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

Appendix 4: Applicant's amendment to the application

From: Robert Botkai >
Sent: 19 February 2019 11:05
To: Carol Graham - Licensing Assistant (N'hoods)
Cc: michelle.williamsor ; Andrew Sanders; Elaine Finlay
Subject: RE: MRH Stonebridge Licence Variation

Thanks Carol

Robert

From: Carol Graham - Licensing Assistant (N'hoods) [
Sent: 19 February 2019 10:43
To: Robert Botkai
Cc: michelle.williamson
Subject: RE: MRH Stonebridge Licence Variation

This message originated outside Winckworth Sherwood

Good morning Robert

I confirm that you wish to amend the application to add the conditions below as agreed with the police licensing officer.

Regards

Carol Graham
Licensing Assistant
Environment, Health & Consumer Protection
Regeneration and Local Services
Durham County Council
Annand House
Meadowfield
Durham
DH7 8RS

From: Robert Botkai < >
Sent: 19 February 2019 09:35
To: AHS Licensing <Licensing@durham.gov.uk>
Cc: Elaine Finlay < michelle.williamsor >; Andrew Sanders < >
Subject: MRH Stonebridge Licence Variation

Dear Licensing

Further to communication with the police licensing officer I am authorised by our client to amend the application for the above premises to include the following conditions additional to those already in the operating schedule:

1. All staff engaged or to be engaged in the sale of alcohol on the premises shall receive the following training in age restricted sales:

- Induction training which must be completed and documented prior to the sale of alcohol by the staff member.
- Refresher/reinforcement training at intervals of no more than 6 months.

Training records will be available for inspection by a police officer or other authorised officer on request.

2. All cashiers shall be trained to record refusals of sales of alcohol in a refusals book/register. The book/register will contain:

- details of the time and date the refusal was made;
- the identity of the staff member refusing the sale;
- details of the alcohol the person attempted to purchase.

This book/register shall be available for inspection by a police officer or other authorised officer on request

3. An incident book/register shall be maintained to record:

- all incidents of crime and disorder occurring at the premises
- details of occasions when the police are called to the premises

This book/register shall be available for inspection by a police officer or other authorised officer on request.

4. There shall be no self-service of spirits except for spirit mixtures.

5. The entrance door to the shop will be closed to customers between the hours of 2300 to 0600. Any sales between these hours will be made through the night pay window

Please confirm receipt of this email.

Appendix 5: Representation

BRANDON & BYSHOTTLES PARISH COUNCIL



Council Offices

Mrs. S. Howe
Clerk to the Council

Chairman of the Council
Councillor D. Clegg

Telephone:
Fax: 0191
Email:
Office hours: 9.30am-11.30am (Mon-Fri)

SH/LR

20th February 2019

Carol Graham
Licensing Assistant
Environment, Health & Consumer Protection
Regeneration and Local Services
Durham County Council
Annand House
Meadowfield
Durham
DH7 8RS

Dear Ms Graham,

**Application for a variation of a Premises Licence (to add the sale of alcohol 24 hours add relevant conditions and amend the plan)
Premises – Stonebridge Service Station, Stonebridge, Durham**

The Parish Council would like to object to the above application. The Members feel that it would be irresponsible for a Service Station to sell alcohol as it may be a risk to public safety. By allowing the sale of alcohol 24 hours this could lead to an increase in anti-social behaviour and be a public nuisance to the local residents.

I trust these comments will be considered when determining the application.

Yours sincerely

Mrs S Howe
Clerk to the Council

Appendix 6: Responses from Responsible Authorities

From: Lee Peacock
Sent: 01 February 2019 15:46
To: AHS Licensing
Cc: Carol Graham - Licensing Assistant (N'hoods)
Subject: Minor Variation request StonebridgeServiceStation My ref 011/2019

Variation of License

Good Morning / Afternoon

I have received an application to vary a licence for the establishment: Stonebridge Service Station

I have no comments or objections to make on behalf of Durham Local Safeguarding Children Board about this particular minor variation.

My Ref: SB/2019/011

Thanks
Lee

Lee Peacock
Strategy & Development Officer
Durham LSCB
Durham County Hall
DH15UJ

From: Ted Murphy
Sent: 31 January 2019 15:16
To: Carol Graham - Licensing Assistant (N'hoods)
Subject: RE: Licensing - variation application received

Hi Carol,

No objection from Nuisance Action Team.

Regards

Ted Murphy
Senior Environmental Health Officer
Regeneration and Local Services

From: Daniel Thompson < >
Sent: 01 February 2019 13:47
To: Carol Graham - Licensing Assistant (N'hoods)
Subject: FW: Licensing - variation application received
Attachments: Stonebridge Service Station - variation.pdf; Stonebridge Service Station - new plan.pdf; Stonebridge Service Station.pdf; Stonebridge Service Station current plan.pdf

Hello Carol

I can confirm that the fire authority have no comments or concerns regarding the application.

Many thanks,

Danny
Danny Thompson GIFireE

Business Fire Safety Officer

Appendix 7: 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 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.

DURHAM COUNTY COUNCIL STATEMENT OF LICENSING POLICY

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

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 8: 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.

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

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

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.

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.

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