



## Statutory Licensing Sub-Committee

**Date** Monday 24 September 2018  
**Time** 10.00 am  
**Venue** Conference Room 2 - Council Offices, Spennymoor

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### Business

#### Part A

1. Apologies for Absence
2. Substitute Members
3. Declarations of Interest (if any)
4. Minutes of the Meetings held on 3 July 2018 and 4 September 2018 (Pages 3 - 14)
5. Application to Vary a Club Premises Certificate - Ustinov College, Sheraton House, Sheraton Park, Durham (Pages 15 - 64)
6. Application to Vary a Premises Licence - Chaplains, 17-21 Front Street, Consett (Pages 65 - 110)
7. Application for the Grant of a Premises Licence - Viaduct, 184 Front Street, Chester le Street (Pages 111 - 160)
8. Such other business as, in the opinion of the Chairman of the meeting, is of sufficient urgency to warrant consideration

**Helen Lynch**

Head of Legal and Democratic Services

County Hall  
Durham  
14 September 2018

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

Councillors J Blakey, L Brown, C Hampson and D Hicks

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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 3 July 2018 at 10.00 am**

**Present:**

**Councillor J Maitland (Chair)**

**Members of the Committee:**

Councillors L Brown, L Kennedy and M Wilson

**Also Present:**

S Buston (Council's Solicitor)

K Robson (Senior Licensing Officer)

V Craig (Licensing Assistant)

**The Lounge**

C Madeley (Applicant)

J Atkinson (Speaking on behalf of the Applicant)

Sgt C Dickinson (Durham Constabulary)

PCSO L Remmer (Durham Constabulary)

P Aylott (Other Person)

Mr and Mrs Duncan (Other Persons)

J Pemberton (Other Person)

S Walton (Other Person)

**Three Tuns**

W Drennan (Applicant)

Councillor Nicholson (Speaking on behalf of J Linsley – Other Person)

**1 Apologies for Absence**

There were no apologies for absence.

**2 Substitute Members**

There were no substitute Members.

**3 Declarations of Interest**

There were no declarations of interest.

#### **4 Application to Vary a Premises Licence - The Lounge, 21 North Terrace, Seaham**

**Members:** Councillors J Maitland (Chairman), L Brown and M Wilson

The Committee considered the report of the Corporate Director, Regeneration and Local Services regarding an application for the variation of a premises licence in respect of The Lounge, Seaham (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 Senior Licensing Officer presented the report and advised Members that eight letters of representation had been received. Miss Maddox, an objector, was unable to attend the meeting but had stated that the weekend of the 22 June 2018, customers from The Lounge, walked across the road with drinks and stood by the statue, there was no bar staff in attendance. Members were also advised that Environmental Health, County Durham Fire and Rescue Service and Durham Local Safeguarding Children Board had no comments to make. Durham County Council Planning Authority had no comments to make but had provided information on the variation of the planning condition.

Sgt C Dickinson, speaking on behalf of Durham Constabulary indicated that Durham Constabulary were objecting to the variation on the grounds of public nuisance and the prevention of crime and disorder. The extended hours would attract an increase in footfall which could potentially increase crime and disorder and extra amenities would be required. The likelihood was that the premises would close at 1.00 am but patrons would be in the area much longer due to taxis and hot food. Planning consent had been approved for 23.00 hours to protect residential amenities and the premises currently do not have planning permission to open until 1.00 am. The premises was granted planning permission as a café but operates as a public house and advertises as a public house which is against the planning permission granted.

PCSO L Remmer spoke in relation to complaints that had been received concerning noise from the premises especially late on a night which included doors opening and closing. Complaints had also been made in relation to smoking and drinking to the front of the premises and staying open later than the permitted hours. The complaints had been raised with the applicant at a meeting, who had confirmed that the extended hours were as a result of the royal wedding which Durham County Council had given consent to and they did not go over these hours. Members were also advised that permission had not been obtained for the table and chairs outside the premises.

In response to a question, PCSO Remmer advised Members that there was no smoking area to the rear of the premises, so patrons used the Front Street.

Councillor Brown sought clarification if the variation of condition 5 had been granted.

In response, Sgt Dickinson advised that no approval had been given for a variation to the planning permission.

Mr Buston, the Council's Solicitor sought clarification from Durham Constabulary that their objection was only in relation to the extension of the hours to 1.30 am.

Sgt Dickinson confirmed that their objection was in relation to the extension of the hours to 1.30 am.

All parties were given the opportunity to ask questions of Durham Constabulary.

The Applicant indicated that the door supervisors do not allow glasses to be taken outside the front of the premises.

At this point, other persons indicated that they had photographic evidence of people with glasses outside the premises which were taken last Sunday.

Mrs Duncan, an objector indicated that she lived 2 doors from The Lounge and that she had lived in her premises all her life and The Lounge up until 3 years ago was a residential property. The property then became a takeaway then a restaurant where you could have a drink with food but had now turned into a public house. She had no objections to people getting on in life but they were residents who had to live there. The Front Street was an up and coming area but they had to close their windows on a night due to the noise as you could still hear the music from the premises even when the doors to the premises were closed, patrons were drinking and smoking outside and there was evidence of drinking in the park. The premises currently did not have permission to operate as a public house and the premises was making their life a misery.

Mr Buston asked Objectors to confirm that their objection was only in relation to the extension of the hours.

The Objectors confirmed that they had no issues during the day, it was just on an evening and the premises being used as a public house.

The Applicant commented that she was surprised that the door supervisor would allow patrons to take glasses outside the front of the premises.

Mrs Duncan indicated that she had been looking out of her window at the view and witnessed people going in and out of The Lounge and going across the road with glasses. Children play over the road and glasses were left in this area from Patrons from The Lounge.

The Applicant responded that Mrs Duncan was unable to see The Lounge from her window and that there was other public houses on the street.

Mrs Duncan confirmed that the patrons came from The Lounge, her property was three stories high opposite Tommy and she could see The Lounge and the Navy Club. She indicated that patrons don't bring drinks out of the Navy Club and don't

make much noise and it was The Lounge that was letting patrons walk across the road and drink, which she had photographic evidence of and had no reason to lie.

Ms Aylott who is a resident of North Terrace confirmed everything that was said by Mrs Duncan. She then indicated that the door supervisors were not at the premises all the time but were on call from another premises. If the premises was running as a café why did they need door supervisors. The décor in The Lounge was lovely but it was not operating as a café as should be.

Ms Walton who was a resident of Bath Terrace which was on the corner of North Terrace where she had lived for over 20 years and cared for her elderly mother. She indicated that there was a lot of activity on the sea front which residents were supportive of for the local economy. The hours of operation were extended from time to time and they were operating on the pavement. There was no double door entry system and it was very noisy. The idea of a variation to extend the hours was shocking and the area was residential with a high density of homes and families. They were regularly disturbed at midnight and beyond due to lights and taxis beeping. The current planning permission was to trade to 11.00 pm and the public needed to be protected from activity, there was no dedicated smoking area and smoking on the Front Street did not look good for Seaham as a visitor attraction, you had to dodge the street furniture and smoke was unacceptable and residents in the area needed to be protected.

The Chairman sought clarification if the tables and chairs were outside all day.

The Chairman was advised that the premises opened at 11.00 am.

The Senior Licensing Officer advised Members that there was no requirement to have door supervisors on the premises but the Applicant had proposed to have door supervisors.

Mr Pembleton an objector indicated that none of them objected to visitors to the area during the day but it is a conservation area and the Council are good at cleaning up in the morning but any activity after 11.00 pm was excessive. He reiterated what had been said by the other objectors but the extension of hours was not appropriate in a conservation area.

Mr Atkinson spoke on behalf of the Applicant and indicated that the business was a bistro come bar which served food five days a week. The premises were immaculate with a cosmopolitan feel. They had installed a disabled toilet on the ground floor of the premises and had employed door supervisors. They did have a sound issue so took a sound reading when the doors were open and closed and when closed there was no sound. 10% of the patrons were under 30 as they were a northern soul venue and attracted 40/50 year olds. Drinks did not come out of his establishment, although he was not in attendance on a weekend as he had other premises. They were looking for two extra nights to enhance the business. The door supervisors were more greeters than supervisors and he invited Members to come and have a look around the premises. He also indicated that there was another three premises in the vicinity and the Navy Club patrons don't come out until 2.00 am. They currently have tables and chairs located outside due to the

lovely weather and they have had an ash tray fixed to the wall to the front of the premises. He indicated that other establishments were open late and he wanted a level playing field.

The objectors indicated that the establishment was a gin bar.

Mr Atkinson responded that the premises was a bistro/gin bar and that they had done everything by the book and that they had door supervisors who ensured that the doors on the main road were closed. He admitted that the music had been loud but this had been rectified.

The Objectors indicated that the music level had only changed as a result of the application coming to the meeting today.

The Applicant referred to taxis sounding their horns which was allowed until 9.30 pm but he had personally talked to taxi drivers and asked them not to sound their horns outside his premises.

The Chairman sought clarification if the sound check had been carried out by Durham County Council.

The Applicant responded that the sound check was carried out using an app on a phone and the highest reading obtained was a lorry going past.

In response to questions, the Applicant indicated that they had retainers on the doors and that the pavement licence had been transferred over to themselves and that they had made a planning application to change the hours of the premises, but this had not being determined yet.

Councillor Wilson sought clarification from the Applicant if they were trading as a bar or café and if they only sold alcohol on a weekend as the residents indicated that you were advertising as a gin bar and the photo of the front of the premises says 'gin bar'.

The Applicant responded that it was a bistro and they had taken down the sign that said 'gin bar' three weeks ago.

Members asked if they served coffees and sandwiches on an evening and if you needed to purchase a meal to obtain an alcoholic drink.

The Applicant responded that they served coffees all day, and that you did not have to purchase a meal to obtain alcohol.

The objectors referred to the Thursday night quiz which took place and this was not something you would find in a Bistro and that they had live entertainment and the terrace was listed so there was no double glazing installed. The Applicant responded that they served tapas when the quiz was on and they only had live entertainment on the opening weekend.

An objector asked if the committee had visited the premises on an evening and if not could this be done. The Senior Licensing Officer responded that this wasn't something that was usually done but if members wished to visit the premises then this could be arranged.

An objector indicated that reference to the 'gin bar' had been removed from the premises and that it wasn't a double door entry system and was a glass door and he hoped the removal of the gin sign was not temporary.

The Applicant responded that they were not obliged to have door supervisors in place.

The objectors had no objection to the business being run as a restaurant/café but it was a bar which was what they were objecting to.

Durham Constabulary referred to the pavement licence and the e-mail she received this morning from Durham Constabulary Traffic Division indicated that they had no record of a change to the licence as they were consulted on applications.

The Applicant indicated that they had a copy of the licence on display in the premises and they could arrange for a photo of this to be sent to them.

The Committee adjourned at 10.55 am to enable the applicants to obtain proof of the pavement licence.

The Committee re-convened at 11.00 am and the Senior Licensing Officer informed the Committee that the premises had a valid pavement licence which was granted in April 2018.

In Summing up, the Objectors indicated that Seaham has other bars which they had no issues with and were well managed. They don't have any issues with noise or disturbances from cafes but The Lounge was operating as a café during the day but a bar on an evening with music and people standing outside.

The Applicant indicated that he would rectify anything that had been said today.

The Chairman asked if they could have a smoking area to the rear of the premises.

The Applicant responded that they were unable to have a smoking area to the rear but they had installed an ash tray to the front of the premises.

At 11.05 am the Sub-Committee resolved to retire to deliberate the application in private. After re-convening at 11.30 am the Chair delivered the Sub-Committee's decision.

In reaching its decision the Sub-Committee had considered the report of the Senior Licensing Officer, 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 variation of the premises licence be granted as follows:-

<b>Licensable Activities</b>	<b>Days and Hours</b>
Sale of Alcohol (on/off sales)	Monday to Thursday 11:00 until 22:00 hrs Friday & Saturday 11.00 until 23:00 hrs Sunday 11:00 until 22:00 hrs
Opening Times	Monday to Thursday 09:00 until 22:00 hrs Friday & Saturday 09:00 until 23:00 hrs Sunday 10:00 until 22:00 hrs

**5 Application to Vary a Premises Licence - The Three Tuns, 3 Association Street, Shildon**

**Members:** Councillors J Maitland (Chairman), L Brown and L Kennedy

The Committee considered the report of the Corporate Director, Regeneration and Local Services regarding an application for the variation of a premises licence in respect of The Three Tuns, 3 Association Street, Shildon (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, additional information from the applicant and responses from responsible authorities.

The Senior Licensing Officer presented the report and advised Members that the variation was purely to extend the opening hours in the morning. The authority had received 17 letters during the consultation. Councillors Nicholson and Quinn withdrew their objection after receiving information from the licensing authority in relation to the operating schedule which alleviated their concerns. Five letters were deemed relevant and attempts were made to validate the 10 pre-printed letters which were written by Mrs Linsley and signed by residents but only 2 responses had been received.

Durham Constabulary, County Durham and Darlington Fire and Rescue Authority, Local Safeguarding Children Board and Planning had no comments to make on the application. No response had been received from Environmental Health.

The Council's Solicitor sought clarification on the letters that had not been verified and if Licensing had any records of complaints for the premises.

The Senior Licensing Officer advised the Sub-Committee that they had written to these objectors with details of the application and asked if their objection remained

or if they wished to withdraw but only two responses had been received. She also confirmed that they had no record of any complaints.

Councillor Nicholson who was in attendance on behalf of Mrs Linsley, an objector who was unable to attend the meeting. He read out a statement from Mrs Linsley that apologised for her being unable to attend the hearing and that crime and disorder was evident, they were subject to swearing from the beer garden which was worse on a weekend. They were also subjected to doors slamming and patrons did not leave the premises quietly and the beer garden was not secure. They were unable to enjoy their garden on an evening and weekend and they were unable to open their windows.

From a Public safety point of view, bottles were left in the road and there was drunk drivers.

In relation to Section 9 public nuisance – their child was disturbed by noise and pollution and the live music meant they were unable to open their windows. She had been put onto medication for anxiety and the area was unsafe due to fights breaking out. Music played from 9.00 am to past midnight was unacceptable and it was not necessary to be open 9.00 am on a Sunday. The singer used loud speakers which was disturbing.

The Applicant indicated that his licence did not allow live music after 11.15 pm and live music was never played in the beer garden, it was only indoors and he complied with his current licence.

The Chairman sought clarification that the variation was for additional time on a morning.

The Applicant indicated that B and M opens early every day and 10.00 am on a Sunday.

The Council's Solicitor asked if the 9.00 am start was to enable them to serve breakfasts.

The Applicant responded that patrons hung around after breakfast for them to open, he was unable to develop the business on an evening so the only opportunity was to develop it on a morning without any inconvenience.

Again the Council's Solicitor asked if he intended to serve breakfasts or just alcohol.

The applicant confirmed it was alcohol only and that he had been a licensee for 21 years and was chairman of pub watch. The very first incident was a petition in Oct 2015 on the waving of spades which was untrue and most of the items in the petition was down to gossip. The lady who lived two doors away from the premises wished him luck for today and hoped he did well. He was accused of not completing the blue form correctly as he had not included food but this was not the case as food would not be provided.

The Council's solicitor sought confirmation that the objections were in relation to late night rather than early morning.

The Applicant referred to the petition and how he could not believe how Mrs Linsley had portrayed him and if she had only taken the time to come and see him instead of only dealing with him over the telephone.

Councillor Brown sought clarification if the fence in the beer garden was broken.

The Applicant responded that the fence was no longer broken as it was suggested at a recent pact meeting that the fence be fixed. He also indicated that taxis don't park in the street and he had asked them not to sound their horn.

The Council's Solicitor asked if the notes on page 111 were from the pub watch meeting.

The Senior Licensing Officer confirmed that she had checked the information with Durham Constabulary who confirmed it was correct.

Councillor Nicholson indicated that the press article gave the impression that the variation was for later in the evening.

The Senior Licensing Officer indicated that the legislation required the notice to give a brief summary then contact Licensing for further details. There was nothing misleading in the notice and she had a copy of the notice if members wished to view it.

The Applicant confirmed that the notice gave the current hours and that he wanted to open earlier on a morning and that he regretted not putting a letter through his neighbour's doors explaining what his intention was.

At 11.55 am the Sub-Committee resolved to retire to deliberate the application in private. After re-convening at 12.05 pm the Chair delivered the Sub-Committee's decision.

In reaching its decision the Sub-Committee had considered the report of the Senior Licensing Officer, 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 variation of the premises licence be granted as follows:-

<b>Proposed Licensable Activities</b>	<b>Days and Hours</b>
Recorded Music (Indoors and Outdoors)	Monday to Wednesday 09:00 until 00:30 hrs Thursday to Saturday 09:00 until 01:30 hrs Sunday 09:00 until 00:30 hrs

	No outdoor music after 10.00 pm Outdoor music will only be played during spring and summer months
Sale of alcohol (on and off the premises)	Sunday to Wednesday 09:00 until 00:00 hrs Thursday to Saturday 09:00 until 01:00 hrs
Opening Times	Sunday to Wednesday 09:00 – 00:30 hrs Thursday to Saturday 09:00 – 01:30 hrs

## **DURHAM COUNTY COUNCIL**

At a Meeting of **Statutory Licensing Sub-Committee** held in Council Chamber - County Hall, Durham on **Tuesday 4 September 2018 at 10.00 am**

### **Present:**

**Councillor P Crathorne (Chair)**

### **Members of the Committee:**

Councillors D Bell and A Hopgood

### **Also Present:**

H Johnson – Licensing Team Leader

S Buston – Legal Officer, DCC

#### **1 Apology for Absence**

An apology for absence was received from Councillor J Maitland.

#### **2 Substitute Members**

There were no substitute Members.

#### **3 Declarations of Interest**

There were no declarations of interest.

#### **4 Minutes**

The Minutes of the meetings held on 5 June 2018, 17 July 2018 and 2 August 2018 were agreed as a correct record and were signed by the Chair.

#### **6 Exclusion of the Public**

##### **Resolved:**

That under Section 100(A)(4) of the Local Government Act 1972, the public be excluded from the meeting for the following item of business on the grounds that it involved the likely disclosure of exempt information as defined in paragraph 1, 2, 3 and 5 of Part 1 of Schedule 12A of the Act.

## 7 **Consideration of the ongoing suitability to continue to hold a Personal Licence**

The Chairman welcomed the Personal Licence Holder to the meeting.

The Committee considered a report of the Corporate Director of Regeneration and Local Services which asked the Sub-Committee to consider and determine the ongoing suitability of the licence holder to continue to hold a Personal Licence (for copy see file of Minutes).

The Licensing Team Leader presented the report and Members and the Licence Holder were invited to ask questions of the Officer.

The Personal Licence Holder was then invited to address the Sub-Committee and responded to questions from Members, the Legal Officer and the Licensing Team Leader.

At 10.20am the Sub-Committee **Resolved** to retire in private to deliberate the Licence Holder's suitability to continue to hold a Personal Licence.

After re-convening at 10.35am 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 and the representations of the Personal Licence Holder. Members had also considered Section 182 Guidance issued by the Secretary of State and Section 132A of the Licensing Act 2003.

### **Resolved:**

That the Personal Licence be revoked.

**Statutory Licensing Sub-Committee**

**24<sup>th</sup> September 2018**

**Application to Vary a Club Premises Certificate**



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

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

**1. Summary**

The Sub-Committee is asked to consider and determine the application from Mr Ian Macdonald of Ustinov College, Sheraton House, Sheraton Park Durham for the variation of their Club Premises Certificate.

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

**2. Details of the Application**

The application to vary the Club Premises Certificate was received by the Licensing Authority on 1<sup>st</sup> August 2018.

The application is to request a variation to the premises licence as follows:

- To extend the current hours for the Sale of Alcohol and Regulated Entertainment on Thursday, Fridays and Saturdays until 12.00 midnight

A copy of the variation application is attached at Appendix 2.

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

The current premises licence activities are listed below together with the proposed variation (changes in bold type):

<b>Current Licensable Activities</b>	<b>Days &amp; Hours</b>
Provision of Plays, Films Performance of Dance and Similar Entertainment to Live or Recorded Music (All Indoors)	Monday to Friday: 19:30 to 23:00 hrs Saturday and Sunday: 14:00 to 23:00 hrs

<p>Provision of Live Music and Recorded Music (Indoors)</p> <p>Sale of Alcohol (on and off the premises)</p>	<p>Monday to Friday: 19:30 to 23:00 hrs Saturday and Sunday: 14:00 to 23:00 hrs. On a maximum of 6 occasions per year up until 02:00 hrs</p> <p>Monday to Friday: 19:30 to 23:20 hrs Saturday and Sunday: 14:00 to 23:20 hrs. On a maximum of 6 occasions per year up until 02:00 hrs</p>
<p>Current opening times</p>	<p>Monday to Friday: 19:30 to 23:00 hrs Saturday and Sunday: 14:00 to 23:00 hrs. On a maximum of 6 occasions per year up until 02:00 hrs</p>
<p><b>Proposed Licensable Activities</b></p>	<p><b>Days &amp; Hours</b></p>
<p>Provision of Plays, Films Performance of Dance and Similar Entertainment to Live or Recorded Music (All Indoors)</p> <p>Provision of Live Music and Recorded Music (Indoors)</p> <p>Sale of Alcohol (on and off the premises)</p>	<p>Monday to Wednesday: 19:30 to 23:00 hrs <b>Thursday and Friday: 19:30 to 00:00 hrs</b> <b>Saturday: 14:00 to 00:00 hrs</b> Sunday: 14:00 to 23:00 hrs</p> <p>Monday to Wednesday: 19:30 to 23:00 hrs <b>Thursday and Friday: 19:30 to 00:00 hrs</b> <b>Saturday: 14:00 to 00:00 hrs</b> Sunday: 14:00 to 23:00 hrs On a maximum of 6 occasions per year up until 02:00 hrs</p> <p>Monday to Wednesday: 19:30 to 23:00 hrs <b>Thursday and Friday: 19:30 to 00:00 hrs</b> <b>Saturday: 14:00 to 00:00 hrs</b> Sunday: 14:00 to 23:00 hrs On a maximum of 6 occasions per year up until 02:00 hrs</p>
<p>Proposed Opening Times</p>	<p>Monday to Wednesday: 19:30 to 23:20 hrs <b>Thursday and Friday: 19:30 to 00:20 hrs</b> <b>Saturday: 14:00 to 00:20 hrs</b> Sunday: 14:00 to 23:20 hrs On a maximum of 6 occasions per year up until 02:00 hrs</p>



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

On 30<sup>th</sup> August 2018, Mr Macdonald also added the following additional condition to the operating schedule after a suggestion by a local resident:

'Ustinov College will display a notice in both the Sheraton House reception and the Ustinov College bar advising customers that they should make use of the designated parking area when visiting or leaving the bar by vehicle or taxi and not to use the area next to the Main Reception as a pick up/drop off point.'

A copy of Mr Macdonald's e-mail confirming the addition of this condition is attached at Appendix 3.

### **3. The Representations**

The Licensing Authority received two relevant representations during the consultation period from 'other persons'.

The representations relate to the following licensing objectives:

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

The representations are from the following persons:

- Mrs P A Bland (Other Person)
- Ms M Hogan (Other Person)

Copies of the representations are attached at Appendix 4.

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

- Durham Constabulary
- Durham Local Safeguarding Children Board
- Fire Safety Authority
- Environmental Health Authority, Noise Action Team
- Public Health Authority

A copy of these responses are attached as Appendix 5 for information only.

### **4. Parties**

The Parties to the hearing will be:

- Mr Ian Macdonald (Applicant, Ustinov Club Secretary)
- Mr Tom Pitts (President of Ustinov College)

- Mrs P A Bland (Other person)
- Ms M Hogan (Other person)

#### **5. Durham County Council Statement of Licensing Policy**

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

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

Relevant information is attached as Appendix 6.

#### **6. Section 182 Guidance**

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

- 2.1 - 2.6 Crime and Disorder
- 2.15 - 2.21 Public Nuisance

Relevant information is attached as Appendix 7.

#### **7. For Decision**

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

#### **Background Papers:**

- Durham County Council's Statement of Licensing Policy
- Guidance issued under section 182 of the Licensing Act 2003 (as amended April 2018)

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**Contact: Yvonne Raine**

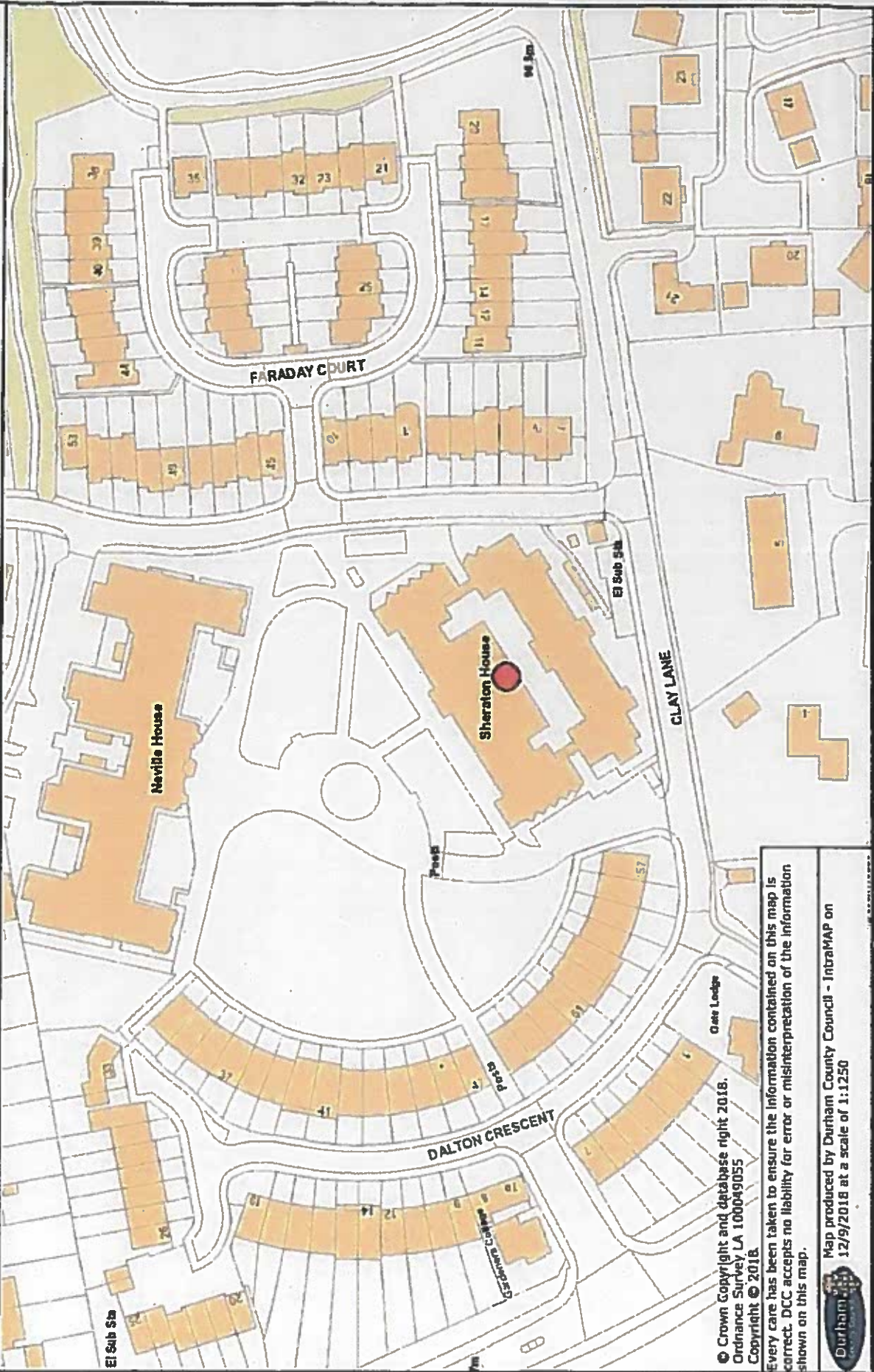
**Tel: 03000 265256**

**Email: [yvonne.raine@durham.gov.uk](mailto:yvonne.raine@durham.gov.uk)**

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## **APPENDIX 1 – LOCATION PLAN**

### Durham County Council - IntraMAP



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

Map produced by Durham County Council - IntraMAP on  
12/9/2018 at a scale of 1:1250



## **APPENDIX 2 – VARIATION APPLICATION**



**County Durham**  
**Application for a variation to a club premises**  
**certificate**  
**Licensing Act 2003**

For help contact  
[licensing@durham.gov.uk](mailto:licensing@durham.gov.uk)  
Telephone: 03000 261016

\* 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?

Yes  No

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

**Applicant Details**

\* First name

\* Family name

\* E-mail

Main telephone number   Include country code.

Other telephone number

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

Are you:

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

Applying as an individual

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

**Applicant Business**

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

\* Is your business registered outside the UK?  Yes  No

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

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

\* Legal status

Continued from previous page...

* Your position in the business	Ustinov College Business & Operations Manager	
Home country	United Kingdom	The country where the headquarters of your business is located.
<b>Business Address</b>		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	The Palatine Centre	
* Street	Stockton Road	
District		
* City or town	Durham	
County or administrative area	Durham	
* Postcode	DH1 3LE	
* Country	United Kingdom	

Section 2 of 18

APPLICATION DETAILS

Club premises certificate number	DCCC/CL0007
Name of club	Ustinov College Bar
The above named club applies for a club premises certificate under section 84 of the Licensing Act 2003 for the premises named in this section 2 below.	
<b>Club Premises Address</b>	
<input checked="" type="radio"/> Address <input type="radio"/> OS map reference <input type="radio"/> Description	
Building number or name	Ustinov College
Street	Sheraton House
District	Sheraton Park
City or town	Durham
County or administrative area	Durham
Postcode	DH1 4FL
Country	United Kingdom

Continued from previous page...

**Club Premises Contact Details**

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

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

Yes

No

E-mail

Telephone number

Other telephone number

**Name Of Person Performing Duties Of A Secretary To The Club**

First name

Family name

**Address Of Person Performing Duties Of A Secretary To The Club**

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

**Secretary Contact Details**

E-mail

Telephone number

Other telephone number

**Section 3 of 18**

**VARIATION**

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

Yes

No

If not what date do you want the variation to take effect from

24	/	09	/	2018
dd		mm		yyyy



Continued from previous page...

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 the club's 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 it is, its general situation and layout and any other information which would be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for people to consume these off-supplies, please include a description of where this will be and its proximity to the premises.

Sheraton Park is a residential estate comprising a number of streets of two and three storey townhouses. The Sheraton Park development site at Clay Lane Durham City in the centre of Sheraton Park has been operating as Durham University's Ustinov College since September 2017 housing 410 exclusively postgraduate students and 25 full time staff. Ustinov College is a postgraduate only college and occupancy of the site by exclusively postgraduates continues to meet a key planning condition on the site that limited to 40% the number of undergraduates that could be housed on the site. The new college site comprising Neville House and Sheraton House has been occupied by Ustinov College since the 11th September 2017. On 7th April 2017 the authorising officer of Durham County Council granted a variation of condition to the planning consent for the Sheraton Park development permitting an extension to the Sheraton House building to provide a common room/bar and seminar room. A number of conditions were placed upon the grant of the variation. Durham University and Ustinov College as occupiers of the premises fully comply with these conditions. To mitigate the impact on the neighbouring residential area of noise emanating from the common room/bar area a key condition placed upon the variation is that the extension must not be operated or occupied unless in accordance with the noise mitigation measures contained in the approved Environmental Noise Assessment: Common Room/Bar report prepared by the consultancy Cundalls. The common room and bar have been operated in accordance with this condition and all the other conditions placed upon the variation of condition. To date there have been no adverse reports from the local residents and the police concerning the operation of the college bar and associated events.

This application seeks to vary the terms of the club premises certificate currently granted for the site. The current club premises certificate licenses the common room/bar area and reception area of Sheraton House as shown on the attached plan. The licensed area is entirely enclosed with no overspill outside the building. The common room/bar area has a capacity of 300. The common room/bar area is the principle social hub of the college providing students, staff and guests with space to socialise and organise events such as plays, film nights, live music events, recorded music events such as discos, cultural events such as performances of dance and other events. The current operating hours for the licensed bar are 19:30 – 23:00 Monday to Friday and 14:00 – 23:00 Saturday and Sunday with 20 minutes drinking up time at the end of each licensed day. The sole variation sought in this application is to amend the operating hours on Thursday, Fridays and Saturdays to allow the premises to remain open until 12 midnight with 20 minutes drinking time to follow on to 12.20am and to permit the licensable activities permitted to run to that time. All other operating conditions will remain as granted in the current Club Premises Certificate (DCCC/CL0007) for the premises. On a maximum of 6 occasions a year the College will organise live music and/or recorded music events such as discos and parties where the music will be amplified. Use of any sound equipment will continue to be in accordance with the planning conditions set by the local authority in the variation of condition report dated 7th April 2017. Similarly management of the building - no open windows, doors etc. will continue to be in accordance with the planning conditions in the same report. On a maximum of six occasions per year events such as those described above will run beyond the standard timings. The non-standard timings will run to 02:00 hours at the latest for each of the six nominated events. Where such a non-standard timing is utilised Ustinov College will notify the local licensing authority, the Sheraton Park Residents Association and the Nevilles Cross Residents Association 14 days before the event. This notification will be via telephone call and/or email.

Continued from previous page...

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

**Section 4 of 18**

**PROVISION OF PLAYS**

See guidance on regulated entertainment

Will there be a change to the provision of plays?

Yes  No

**Section 5 of 18**

**PROVISION OF FILMS**

See guidance on regulated entertainment

Will there be a change to the provision of films?

Yes  No

**Standard Days And Timings**

**MONDAY**

Start

End

Start

End

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

**TUESDAY**

Start

End

Start

End

**WEDNESDAY**

Start

End

Start

End

**THURSDAY**

Start

End

Start

End

**FRIDAY**

Start

End

Start

End

**SATURDAY**

Start

End

Start

End

Continued from previous page...

SUNDAY

Start

End

Start

End

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

Indoors       Outdoors       Both

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

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

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

State any seasonal variations for the exhibition of film.

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

Non standard timings. Where the club intends to use the premises for the exhibition of film at different times from those listed in the column on the left, 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 6 of 18**

**PROVISION OF INDOOR SPORTING EVENTS**

See guidance on regulated entertainment

Will there be a change to the provision of indoor sporting events?

Yes       No

**Section 7 of 18**

**PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS**

See guidance on regulated entertainment

Will there be a change to the provision of boxing or wrestling entertainments?

Yes       No

**Section 8 of 18**

**PROVISION OF LIVE MUSIC**

See guidance on regulated entertainment

Continued from previous page...

Will there be a change to the provision of live music?

Yes  No

**Standard Days And Timings**

MONDAY

Start

End

Start

End

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

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

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

Indoors  Outdoors  Both

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

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

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

State any seasonal variations for the performance of live music

Continued from previous page...

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

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

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

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

**Section 9 of 18**

**PROVISION OF RECORDED MUSIC**

See guidance on regulated entertainment

Will there be a change to the provision of recorded music?

Yes                       No

**Standard Days And Timings**

**MONDAY**

Start

End

Start

End

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

**TUESDAY**

Start

End

Start

End

**WEDNESDAY**

Start

End

Start

End

**THURSDAY**

Start

End

Start

End

**FRIDAY**

Start

End

Start

End

Continued from previous page...

**SATURDAY**

Start

End

Start

End

**SUNDAY**

Start

End

Start

End

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

Indoors       Outdoors       Both

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

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

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

State any seasonal variations for playing recorded music

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

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

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

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

**Section 10 of 18**

**PROVISION OF PERFORMANCES OF DANCE**

See guidance on regulated entertainment

Will there be a change to the provision of performances of dance?

Yes       No

**Standard Days And Timings**

Continued from previous page...

MONDAY

Start

End

Start

End

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

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

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

Indoors       Outdoors       Both

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

Give further details here

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

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

State any seasonal variations for the performance of dance

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

Continued from previous page...

Non-standard timings. Where the club intends to use the premises for the performance of dance at different times from those listed in the column on the left, 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 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 there be a change to the provision of anything similar to live music, recorded music or performances of dance?

Yes  No

Standard Days And Timings

MONDAY

Start 19:30

End 23:00

Start

End

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

TUESDAY

Start 19:30

End 23:00

Start

End

WEDNESDAY

Start 19:30

End 23:00

Start

End

THURSDAY

Start 19:30

End 00:00

Start

End

FRIDAY

Start 19:30

End 00:00

Start

End

SATURDAY

Start 14:00

End 00:00

Start

End



Continued from previous page...

SUNDAY

Start

End

Start

End

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

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

Will this entertainment take place indoors or outdoors or both?

Indoors       Outdoors       Both

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

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

State any seasonal variations for entertainment

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

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

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

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

**Section 12 of 18**

**SUPPLY OF ALCOHOL**

Will there be changes to the supply of alcohol by or on behalf of a club to, or to the order of a member of the club?

Yes       No

Continued from previous page...

**Standard Days And Timings**

**MONDAY**

Start

End

Start

End

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

**TUESDAY**

Start

End

Start

End

**WEDNESDAY**

Start

End

Start

End

**THURSDAY**

Start

End

Start

End

**FRIDAY**

Start

End

Start

End

**SATURDAY**

Start

End

Start

End

**SUNDAY**

Start

End

Start

End

Will the supply of alcohol be for consumption?

- On the premises     Off the premises     Both

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

State any seasonal variations

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

Continued from previous page...

Non-standard timings. Where the club intends to use the premises for the supply of alcohol at different times from those listed in the column on the left, 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 13 of 18**

**HOURS CLUB PREMISES ARE OPEN TO THE MEMBERS AND GUESTS**

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

Yes                       No

**Standard Days And Timings**

MONDAY

Start 19:30

End 23:20

Start

End

TUESDAY

Start 19:30

End 23:20

Start

End

WEDNESDAY

Start 19:30

End 23:20

Start

End

THURSDAY

Start 19:30

End 00:20

Start

End

FRIDAY

Start 19:30

End 00:20

Start

End

SATURDAY

Start 14:00

End 00:20

Start

End

SUNDAY

Start 14:00

End 23:20

Start

End

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

Continued from previous page...

State any seasonal variations

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

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

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

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

#### Section 14 of 18

##### ADULT ENTERTAINMENT

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

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

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

#### Section 15 of 18

##### CURRENT CONDITONS

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

Give details here.

There are no conditions currently imposed upon the licence that we would seek to have removed. The current conditions have enabled us to run an effective and efficient bar that has drawn no adverse comment from the authorities or the local communities.

I will be submitting the club premises certificate

I will be submitting the relevant part of the club premises certificate

Continued from previous page...

**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)**

Ustinov College is fully committed to the licensing objectives outlined in the Licensing Act 2003. The following general provisions are in place to ensure that they are achieved and regularly reviewed:

1. Authorised staff employed by Durham Police shall have free access to all parts of the licensed premises, at all reasonable times, for the purpose of inspection to ensure compliance with the terms and conditions of the club premises certificate and to ensure the promotion of the licensing objectives.
2. Policy on the management of university bars.
3. Standard Operating Manual and Schedule of General Bar Regulations.
4. Training strategy for personal licence holders, bar staff, bar management committee members and college porters. The records of training will be maintained by Ustinov College and made available for review by officers of the relevant responsible authorities as outlined in the Licensing Act 2003.
5. Performance management framework to ensure scrutiny and oversight of the bar operation and its management.
6. Annual application to the Durham City "Best Bar None" scheme for re-accreditation.

**b) The prevention of crime and disorder**

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

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

**c) Public safety**

The Ustinov College vision, mission and values statement clearly outlines the college is committed to providing a safe and enjoyable environment for all staff, students and visitors underpinned by mutual respect and responsibility. This

*Continued from previous page...*

commitment clearly extends to working to ensure the safety of everyone on the site. The following specific provisions are in place to deliver this commitment:

1. Ustinov College health and safety policy developed with the wider university health and safety framework.
2. Ustinov College health and safety management and risk control system supported by self-inspections and audits.
3. Durham University community and social responsibility process.
4. Fire safety risk assessment.
5. "Best Bar None" accreditation.
6. Standard operating procedure for the organising and running of college events.
7. Agreed safety protocols for specific events stipulating the use of plastic glasses and decanting of drinks from glass bottles.

**d) The prevention of public nuisance**

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

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

**e) The protection of children from harm**

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

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

**Section 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:
  - a performance of unamplified live music between 08:00 and 23:00 on any day, on any premises.
  - a performance of amplified live music between 08:00 and 23:00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
  - a performance of amplified live music between 08:00 and 23:00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
  - a performance of amplified live music between 08:00 and 23:00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
  - a performance of amplified live music between 08:00 and 23:00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
- **Recorded Music:** no licence permission is required for:
  - any playing of recorded music between 08:00 and 23:00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
  - any playing of recorded music between 08:00 and 23:00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
  - any playing of recorded music between 08:00 and 23:00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.

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 17 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](http://www.voa.gov.uk/business_rates/index.htm)

Band A - No RV to £4300 £100.00

Band B - £4301 to £33000 £190.00

Band C - £33001 to £8700 £315.00

Band D - £87001 to £12500 £450.00\*

Band E - £125001 and over £635.00\*

\* Fee amount (£)

100.00

#### ATTACHMENTS

#### AUTHORITY POSTAL ADDRESS

##### Address

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

United Kingdom

#### DECLARATION

I/WE UNDERSTAND THAT 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

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



*Continued from previous page...*

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

\* Full name

\* Capacity

Date (dd/mm/yyyy)

**Add another signatory**

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

1. Save this form to your computer by clicking file/save as...
2. Go back to <https://www.gov.uk/apply-for-a-licence/club-licensing/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.**

**APPENDIX 3 –  
ADDITIONAL CONDITION**

**Yvonne Raine**

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**From:** MACDONALD, IAN J. < >  
**Sent:** 30 August 2018 16:38  
**To:** Yvonne Raine  
**Subject:** RE: Club Certificate Variation application - Ustinov College Bar

Yvonne,

I can confirm I wish to amend my club certificate variation application to include the following condition: Ustinov College will display a notice in both the Sheraton House reception and the Ustinov College bar advising customers that they should make use of the designated parking area when visiting or leaving the bar by vehicle or taxi and not to use the area next to the Main Reception as a pick up/drop off point.

I hope this wording meets the requirement.

Regards

Ian Mac.

Ian Macdonald  
Business & Operations Manager

Ustinov College |  
Tel: | [www.durham.ac.uk/ustinov.college](http://www.durham.ac.uk/ustinov.college)  
Ustinov College: Local community, global citizens.

 Please consider the environment before printing this e-mail



**50 YEARS**  
*of postgraduate community*



## **APPENDIX 4 – REPRESENTATIONS**

## Yvonne Raine

---

**From:** P Bland  
**Sent:** 28 August 2018 21:32  
**To:** AHS Licensing  
**Subject:** Re: Application for variation of Licensing activities for Ustinov College PB

I would like to register my objection to the request to extend the current licensable activities until 12.00 midnight Thursday to Saturday inclusive for the following reasons:-

1. The licence was granted at that point on 22 August, 2017 and the attached document clearly outlines clearly the reasons why the late opening was not granted, and the Appendices detail the reasons for the objections at that point in time.

<https://democracy.durham.gov.uk/documents/s80085/Ustinov%20College%20Bar.pdf>

1. Nothing has changed in terms of the estate - it remains a residential estate and I strongly object to my own way of life being disturbed by late bar opening every week. The original agreement was for late opening on 6 occasions annually.
2. Whilst there is an escalation procedure in the event of disturbance, Ustinov will not be responsible for students/visitors from other Colleges or Student residences attending.
3. The residents of this estate have had to endure years of uncertainty, fight for their right to a peaceful life in their own homes against the various suggestions that have been put forward. This, together with the unlimited HMO certificates granted has had a negative effect on the estate and the sale of properties. Whilst Ustinov has proved thus far to be a good neighbour and the finished Ustinov site is excellent, I strongly object to granting of a concession regarding licensing when this was all covered, discussed and agreed in 2017.

Should this application be agreed to by licensing committee, I would like a full explanation of their reasons for doing so, since should this prove to be problematic they must be accountable.

Yours sincerely,

Mrs P A Bland

**Yvonne Raine**

---

**From:** M Hogan <  
**Sent:** 29 August 2018 13:43  
**To:** AHS Licensing  
**Subject:** Ustinov College Bar Sheraton House

Dear Sir/Madam

Regarding the notice for a variation on the licence for the above.

I write to object to this change in licencing hours. The bar is in the middle of a residential area and the external area, in which the student drinkers already congregate on an evening, has fantastic acoustics such that the conversations of said students are amplified and overheard by all of the houses that surround the central courtyard area. Every weekend during this summer I have been kept up by the noise from the bar and therefore must strongly object to a permanent extension in the licence.

It was the understanding of the residents committee that the student accommodation would be sympathetic to the fact it was in the middle of a residential area however this proposed change in licencing hours does not seem to consider the impact on the residents. The bar is already loud and the students leaving it at 11pm can be heard for upwards of an hour leaving the area and congregating outside. To extend the licence to midnight every Thursday to Sunday is unfair to the residents who already have to put up with the noise and drunken behaviour. The students can easily frequent other college bars only a short walk away if they feel the need to drink for an extra hour.

I feel the council has a duty of care to the "normal" residents – student accommodation and associated licencing requests are overwhelming the town and the council needs to look after the permanent residents and not just the transient student population.

Thanks in advance

M Hogan  
Dalton Crescent  
Durham

Sent from Mail for Windows 10

**APPENDIX 5 - RESPONSES FROM  
RESPONSIBLE AUTHORITIES**

## **Carol Graham - Licensing Assistant (N'hoods)**

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**From:** Daniel Darnton  
**Sent:** 09 August 2018 15:40  
**To:** Carol Graham - Licensing Assistant (N'hoods)  
**Subject:** FW: Licensing - variation of Club Premises Certificate received  
**Attachments:** Ustinov College Durham - club variation.pdf; Ustinov College Durham - current club certificate.pdf

Good Afternoon,

Durham Constabulary have no objections to the below application.

Thanks  
Dan

Daniel Darnton  
*Harm Reduction Unit*  
Meadowfield Office tel 101  
Darlington Office tel 101



**Durham Constabulary**  
Altogether Better Policing



**Carol Graham - Licensing Assistant (N'hoods)**

---

**From:** Mark Quinn  
**Sent:** 07 August 2018 14:57  
**To:** Carol Graham - Licensing Assistant (N'hoods)  
**Cc:** AHS Licensing  
**Subject:** Licensing - variation of Club Premises Certificate received

Good Afternoon

I have received an application to vary a licence for the establishment: **Ustinov College Bar, Sheraton House, Sheraton Park, Durham**

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

My Ref: S8/2018/099

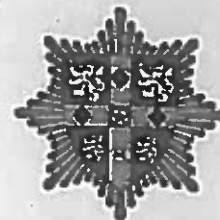
Thanks

Mark Quinn  
Quality and Performance Coordinator  
Durham Local Safeguarding Children Board

Tel.

County Hall  
Durham  
DH1 5UJ

[www.durham-lsrb.org.uk](http://www.durham-lsrb.org.uk)



Chief Fire Officer: Stuart Errington

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

Date: 09 August 2018

This matter is being dealt with by: Chris Hockaday

Ext:

Our Ref: I

Your Ref: XX

Direct Dial Telephone:

E-mail: I

Ian McDonald

Dear Sir

**Licensing Act 2003**

**Regulatory Reform (Fire Safety) Order 2005**

**Ustinov College - New Build, South Road, Durham, DH1 3DE**

I acknowledge your application dated 1 August 2018 for a Premises Licence under The Licensing Act 2003 in respect of the above named premises.

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

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

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

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

Yours faithfully

Chris Hockaday  
Fire Safety Section



[www.ddfire.gov.uk](http://www.ddfire.gov.uk)



**Carol Graham - Licensing Assistant (N'hoods) .**

---

**From:** Ted Murphy  
**Sent:** 07 August 2018 09:03  
**To:** Carol Graham - Licensing Assistant (N'hoods)  
**Subject:** RE: Licensing - variation of Club Premises Certificate received

Hi Carol,

NAT have no objection to the variation.

Regards

Ted Murphy  
Senior Environmental Health Officer  
Regeneration and Local Services

T:

E:

Web: [www.durham.gov.uk](http://www.durham.gov.uk)

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Like us at [facebook.com/durhamcouncil](https://facebook.com/durhamcouncil)

## **Carol Graham - Licensing Assistant (N'hoods)**

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**From:** Sean Barry  
**Sent:** 06 August 2018 13:28  
**To:** Carol Graham - Licensing Assistant (N'hoods)  
**Cc:** AHS Licensing  
**Subject:** RE: Licensing - variation of Club Premises Certificate received Ustinov College Bar, Sheraton House, Sheraton Park, Durham

Good Afternoon

I have received an application to vary a licence for the establishment: Ustinov College Bar, Sheraton House, Sheraton Park, Durham

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

My Ref: PH/2018/007

Thanks  
Sean

## **APPENDIX 6 – STATEMENT OF LICENSING POLICY**

## **DURHAM COUNTY COUNCIL STATEMENT OF LICENSING POLICY**

### **7.0 The Prevention of Crime and Disorder**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## **9.0 Prevention of Public Nuisance**

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

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

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

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

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

- Assessment of likely noise levels in the premises.
- Assessment of likely noise levels if outdoor drinking is allowed.
- The sound insulation the building would provide (e.g. double glazing, double doors / lobbies to entrances, windows used for ventilation).
- The distance and direction to the nearest noise sensitive premises.
- Likely noise sources outside of the premises (e.g. emptying bottle bins, taxis, unruly customers leaving the premises).
- Dispersal of patrons – where necessary the Licensing Authority will expect a



dispersal policy for patrons at the end of the evening. The policy will specify such issues as alterations to the style and volume of music played, public address announcements and use of appropriate signage at exits.

- Ways to limit noise / disorder from patrons leaving the premises.

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

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

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

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

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

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

## **APPENDIX 7 – S.182 GUIDANCE**

## Crime and disorder

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

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

## **Public 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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**Statutory Licensing Sub-Committee**

**24<sup>th</sup> September 2018**

**Application to Vary a Premises Licence**



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

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**Name and Address of Premises: Chaplains 17-21 Front Street, Consett,  
Co Durham, DH8 5AB**

**1. Summary**

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

Chaplains  
17-21 Front Street  
Consett  
Co Durham  
DH8 5AB

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

**2. Details of the Application**

The application to vary the premises licence was received by the Licensing Authority on 3<sup>rd</sup> August 2018.

The application is to request a variation to the premises licence as follows:

- To extend the current hours for the Sale of Alcohol on a Friday and Saturday night, also Bank Holiday Sundays and Boxing Day until 04:00 hrs.
- To extend the current hours for the Provision of Live and Recorded Music, Performance of Dance and Similar entertainment all indoors, on a Friday and Saturday night, also Bank Holiday Sundays and Boxing Day until 04:30 hrs.

The applicant did not propose any additional conditions on the operating schedule.

A copy of the variation application is attached at Appendix 2.

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

The current premises licence activities are listed below together with the proposed variation (changes in bold type):

<b>Current Licensable Activities</b>	<b>Days &amp; Hours</b>
<p>Provision of Plays and Boxing or Wrestling (indoors)</p> <p>Provision of Films, Indoor Sporting Events, Live Music, Recorded Music, Performance of Dance, Other Entertainment similar to Live or recorded music or dance performance (all indoors)</p> <p>Late Night Refreshment (indoors)</p> <p>Sale by retail of alcohol (on the premises)</p>	<p>Monday to Sunday: 10:00 until 02:30 hrs</p> <p>Monday to Sunday: 10:00 until 03:30 hrs</p> <p>Monday to Sunday: 23:00 until 03:30 hrs</p> <p>Monday to Sunday: 10:00 until 03:00 hrs</p> <p>An additional hour on the day when British Summertime commences. New Year: from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day</p>
<p>Current opening times</p>	<p>Monday to Sunday: 10:00 until 03:30 hrs. An additional hour on the day when British Summertime commences. New Year: from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.</p>
<b>Proposed Licensable Activities</b>	<b>Days &amp; Hours</b>
<p>Provision of Plays and Boxing or Wrestling (indoors)</p> <p>Films and Indoor Sporting Events (indoors)</p> <p>Live Music, Recorded Music, Performance of Dance, Other Entertainment similar to Live or recorded music or dance performance (all indoors)</p>	<p>Monday to Sunday: 10:00 until 02:30 hrs</p> <p>Monday to Sunday: 10:00 until 03:30 hrs</p> <p>Sunday to Thursday: 10:00 until 03:30 hrs  <b>Friday and Saturday: 10:00 until 04:30 hrs</b>  <b>Bank Holiday Sundays and Boxing Day: 10:00 until 04:30 hrs.</b></p>

<p>Late Night Refreshment (indoors)</p> <p>Sale by retail of alcohol (on the premises)</p>	<p>Monday to Sunday: 23:00 until 03:30 hrs</p> <p>Sunday to Thursday: 10:00 until 03:00 hrs  <b>Friday and Saturday: 10:00 until 04:00 hrs</b></p> <p><b>Bank Holiday Sundays and Boxing Day: 10:00 until 04:00 hrs.</b></p> <p>An additional hour on the day when British Summertime commences. New Year: from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.</p>
<p>Proposed Opening Times</p>	<p>Sunday to Thursday: 10:00 until 03:30 hrs  <b>Friday and Saturday: 10:00 until 04:30 hrs</b></p> <p><b>Bank Holiday Sundays and Boxing Day: 10:00 until 04:30 hrs.</b></p> <p>An additional hour on the day when British Summertime commences. New Year: from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.</p>

### 3. The Representations

The Licensing Authority received two representations during the consultation period.

One representation is from a Responsible Authority, namely Durham Constabulary and the other was from one of the local taxi firms. However, the representation from the local taxi firm was later withdrawn.

The remaining representation for consideration from Durham Constabulary relates 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 at Appendix 3.

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

- Durham County Council Planning Authority
- Durham Local Safeguarding Children Board
- Durham County Council Environmental Health Authority
- Durham County Council Public Health Department
- Fire Safety Authority

Copies of these responses are attached as Appendix 4 for information only.

#### **4. Parties**

The Parties to the hearing will be:

- Mr Francis Kearney (Applicant / Licence Holder)
- Mr Matt Foster – Mincoffs (Applicant's Solicitor)
- Durham Constabulary – Harm Reduction Unit (Responsible Authority)

#### **5. Durham County Council Statement of Licensing Policy**

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

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

Relevant information is attached as Appendix 5.

#### **6. Section 182 Guidance**

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

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

Relevant information is attached as Appendix 6.

#### **7. For Decision**

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

**Background Papers:**

- Durham County Council's Statement of Licensing Policy
- Guidance issued under section 182 of the Licensing Act 2003 (as amended April 2018)

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**Contact: Yvonne Raine**

**Tel: 03000 265256**

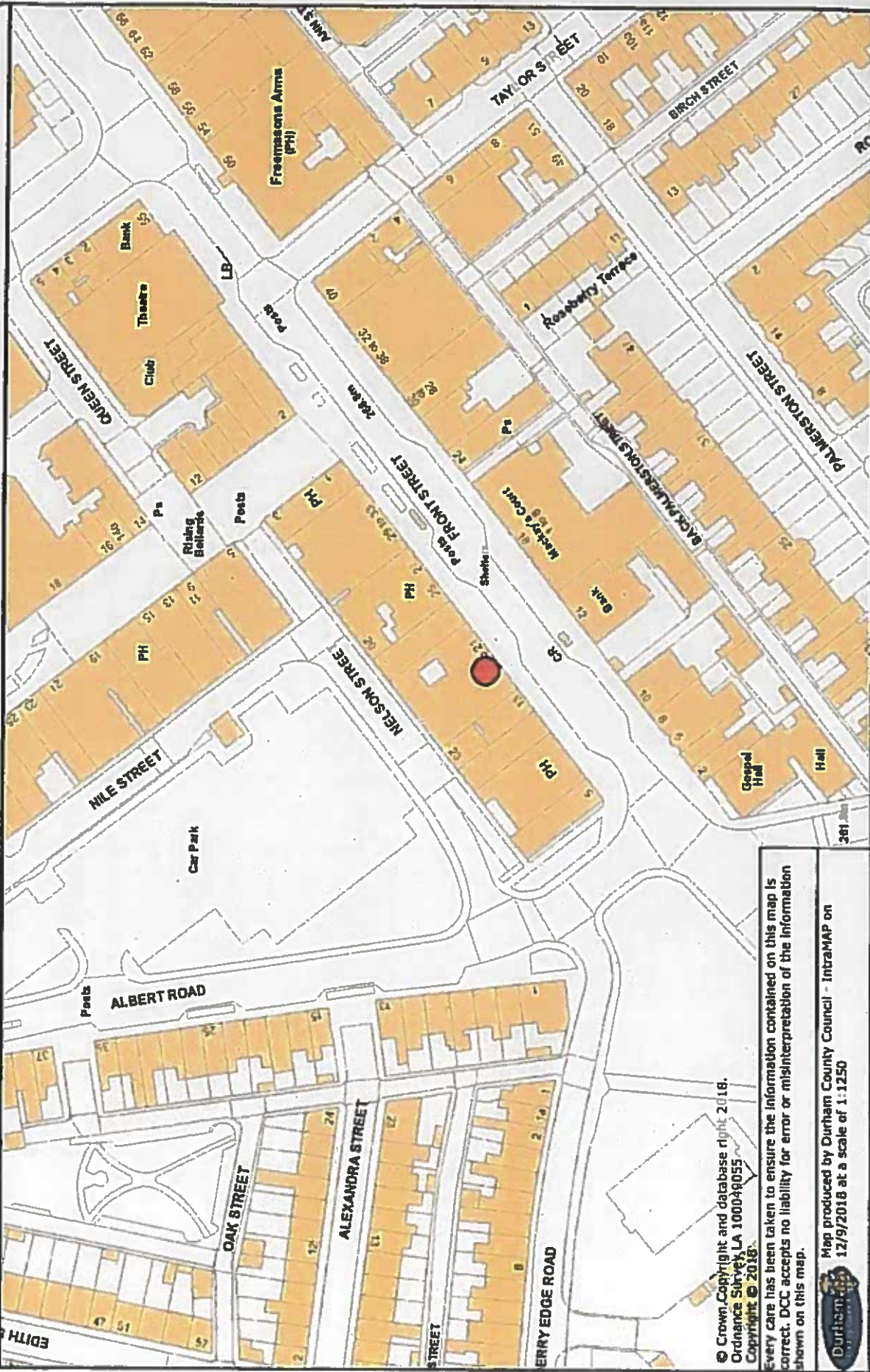
**Email: [yvonne.raine@durham.gov.uk](mailto:yvonne.raine@durham.gov.uk)**

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## **APPENDIX 1 – LOCATION PLAN**

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

### Durham County Council - IntraMAP



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

Map produced by Durham County Council - IntraMAP on 12/9/2018 at a scale of 1:1250



## **APPENDIX 2 – VARIATION 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 you would prefer not to be contacted by telephone

Are you:

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

Applying as an individual

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

Continued from previous page...

**Your Address**

Address official correspondence should be sent to.

\* Building number or name

\* Street

District

\* City or town

County or administrative area

\* Postcode

\* Country

**Section 2 of 18**

**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

Non-domestic rateable value of premises (£)

**Section 3 of 18**

**VARIATION**

Continued from previous page...

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

Yes  No

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

Yes  No

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

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

**Describe Briefly The Nature Of The Proposed Variation**

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

VARY THE HOURS RELATING TO FRIDAY AND SATURDAY NIGHTS TO GAIN AN EXTRA HOUR , ALSO ON BANK HOLIDAY SUNDAYS AND BOXING DAY EVERYTHING ELSE TO REMAIN AS IT CURRENTLY IS

**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

**Section 6 of 18**

**PROVISION OF INDOOR SPORTING EVENTS**

See guidance on regulated entertainment

Continued from previous page...

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

**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

Continued from previous page...

**SUNDAY**

Start

End

Start

End

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

- Indoors       Outdoors       Both

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

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

REMAIN AS CURRENTLY AUTHORISED

State any seasonal variations for the performance of live music

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

VARIED HOURS TO APPLY ON BANK HOLIDAY SUNDAYS AND BOXING DAY

Non-standard timings. Where the premises will be used for the performance of live music at different times from those listed, above below.

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

AS ABOVE

**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

**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

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start 10:00

End

Start

End 04:30

SATURDAY

Start 10:00

End

Start

End 04:30

SUNDAY

Start

End

Start

End

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

Indoors

Outdoors

Both

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

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

AS CURRENTLY AUTHORISED

State any seasonal variations for playing recorded music.

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

VARIED HOURS TO APPLY ON BANK HOLIDAY SUNDAYS AND BOXING DAY

Non-standard timings. Where the premises will be used for the playing of recorded music 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.

AS ABOVE

Continued from previous page...

**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

**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

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

Indoors                       Outdoors                       Both

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

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

AS CURRENTLY AUTHORISED

Continued from previous page...

[Empty box for continuation]

State any seasonal variations for the performance of dance.

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

VARIED HOURS TO APPLY ON BANK HOLIDAY SUNDAYS AND BOXING DAY

Non-standard timings. Where the premises will be used for the performance of dance 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.

AS ABOVE

**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

**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 10:00

End

Start

End 04:30

SATURDAY

Start 10:00

End

Start

End 04:30

SUNDAY

Start

End

Start

End

Provide a description of the type of entertainment that will be provided.

AS CURRENTLY AUTHORISED

Will this entertainment take place indoors or outdoors or both?

Indoors       Outdoors       Both

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

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

State any seasonal variations for entertainment.

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

VARIED HOURS TO APPLY ON BANK HOLIDAY SUNDAYS AND BOXING DAY

Non-standard timings. Where the premises will be used for entertainment 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.

AS ABOVE

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 10:00

End

Start

End 04:00

SATURDAY

Start 10:00

End

Start

End 04:00

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.

VARIED HOURS TO APPLY ON BANK HOLIDAY SUNDAYS AND BOXING DAY

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.

AS ABOVE

#### 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.

REMAIN AS IS

#### Section 15 of 18

#### HOURS PREMISES ARE OPEN TO THE PUBLIC

##### Standard Days And Timings

MONDAY

Start

End

Start

End

TUESDAY

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...

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start 10:00

End

Start

End 04:30

SATURDAY

Start 10:00

End

Start

End 04:30

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.

VARIED HOURS TO APPLY ON BANK HOLIDAY SUNDAYS AND BOXING DAY EVERYTHING ELSE TO REMAIN AS CURRENTLY IS

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.

AS ABOVE

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

NONE

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.

**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.

REMAIN AS CURRENTLY IS

b) The prevention of crime and disorder

REMAIN AS CURRENTLY IS

c) Public safety

REMAIN AS CURRENTLY IS

d) The prevention of public nuisance

REMAIN AS CURRENTLY IS

e) The protection of children from harm

REMAIN AS CURRENTLY IS

**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](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 (£)

190.00

#### 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	FRANCIS KEARNEY
* Capacity	PREMISE LICENCE HOLDER
* Date	03 / 08 / 2018 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	<input type="checkbox"/>

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



## **APPENDIX 3 – REPRESENTATION**

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**From:** Daniel Darnton  
**Sent:** 31 August 2018 11:16  
**To:** Carol Graham - Licensing Assistant (N'hoods)  
**Cc:** AHS Licensing  
**Subject:** FW: Licensing - variation of premises licence application received  
**Attachments:** Chaplains Consett.pdf; Chaplains - variation.pdf

**Categories:**

Good Morning,

Durham Constabulary would like to object to the application to vary a premises licences for Chaplains, Consett under the prevention of Crime and Disorder, the prevention of public nuisance and Public safety.

Chaplains have applied to extend the sale of alcohol until 4:00am on a Friday and Saturday and any Sunday's preceding a bank holiday, with the opening hrs until 04:30am. Regulated entertainment to include dance, live and recorded music until 4:30am on a Friday and Saturday and any Sunday's preceding a bank holiday.

Durham County Council statement of Licensing 2014 to 2019, Appendix B, Framework Licensing Hours recommend the hours for operation of licensable activity (sale of alcohol and the provision of late night refreshment) to be between 07.00 – 01.00 for weekends with an extra hours for Good Friday and for all other Bank Holidays an extra hour of the day preceding the bank holiday. This premises already operates outside of this framework for the recommended times with the sale of alcohol authorised until 0300hrs, what reason do they have to operate further outside of these hours?

At present Chaplains have the facility to apply for 15 TEN's throughout the year to extend their licensable hours until 04:30hrs, these 15 events / nights are manageable by both the community and Police however if the extension of hours is granted then these 15 events / night become at 104 nights plus the Sunday night prior a Bank Holiday plus 15 Tens, taking the total to at least 123 nights.

The increased hours of trading will have a significant bearing on the likelihood for crime and disorder.

Our objection is not a reflection on the current management of the premises, the premises themselves are a controlled environment, the nuisance generated by late night premises which impacts on the amenity of residents is more likely to take place outside that controlled environment and therefore not related to the Applicant.

I believe all but one takeaway in the area closes at 3am putting increased pressure onto the one that is open later with potential to lead to disorder as a number of intoxicated customers descend upon the one open venue.

I have concerns on what transport facilities are in place to get people out of Consett town centre. I have contacted the 3 main taxi companies who have offices within the area. All 3 companies expressed concerns regarding the trading hours of Chaplains being increased. One company has no drivers willing to operate after 03:00 hrs due to the behaviour of drunken customers, another who have an average of 12-15 drivers/cars operating until midnight only have 2-3 drivers/cars willing to operate after 03:00hrs and the final one only have 3 drivers/cars willing to operate after 03:00hrs. The lack of transport available will create disorder as people compete for the limited transport available. Many people will inevitably walk home, putting themselves at risk along dark roads, and increasing the noise and disruption to the residents who live in the area.

The increase of trading hours could also impact on Consett Street Friends who are a group of volunteers aged between 21- 70 who patrol the night time economy helping vulnerably people. The increase could put pressure on these volunteers to stay out later.

Consett is a town centre which has a mixture of residents and commercial premises. This increase in hours will inevitably impact on those residents. Customers leaving the venue at the new time of 0430hrs will find limited resources available to them; few, if any, taxis and only one take away venue. Customers naturally congregate at the end of an evening saying their goodbyes and heading for food/taxis. The impact this will have on the local community cannot be ignored as late night revellers make their way home, compete for taxis or wait for food in the one remaining takeaway which is open.

On behalf of Licensing Officer Michelle Williamson.

*Harm Reduction Unit*  
Meadowfield Office tel 101 ext [redacted]  
Darlington Office tel 101 ext [redacted]



**Durham Constabulary**  
Altogether Better Policing

## **APPENDIX 4 - RESPONSES FROM RESPONSIBLE AUTHORITIES**

Contact: Tracey Outhwaite  
Direct Tel:  
email:  
Your ref:  
Our ref: CON28/18/01937



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

16th August 2018

Dear Carol Graham

Proposed Application for a variation of Premises Licence  
At Chaplains, 17 - 21 Front Street, Consett DH8 5AB

In response to your enquiry regarding the views of the Planning Department in relation to the above, I can confirm that the Northern Area Planning Team have no comments to make at this time.

**BUILDING CONTROL RESPONSE:**

Building Regulation consent will not be required for your proposal, based on the information you have provided.

I trust this information is of assistance however, should you wish to discuss this matter further please do not hesitate to contact me.

Yours sincerely

Tracey Outhwaite  
Assistant Planning Officer

**Regeneration and Local Services**  
Durham County Council, Planning Development (North), Room 4/86-102, County Hall, Durham,  
DH1 5UL Main Telephone: (

## **Carol Graham - Licensing Assistant (N'hoods)**

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**From:** Mark Quinn  
**Sent:** 07 August 2018 15:45  
**To:** Carol Graham - Licensing Assistant (N'hoods)  
**Cc:** AHS Licensing  
**Subject:** icensing - variation of premises licence application received Chaplains, 17-21 Front Street, Consett

Good Afternoon

I have received an application to vary a licence for the establishment: **Chaplains, 17-21 Front Street, Consett**

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

My Ref: SB/2018/105

Thanks

Mark Quinn  
Quality and Performance Coordinator  
Durham Local Safeguarding Children Board

Te

County Hall  
Durham  
DH1 5UJ

[www.durham-lscb.org.uk](http://www.durham-lscb.org.uk)

## **Carol Graham - Licensing Assistant (N'hoods)**

---

**From:** Ted Murphy  
**Sent:** 07 August 2018 07:48  
**To:** Carol Graham - Licensing Assistant (N'hoods)  
**Subject:** RE: Licensing - variation of premises licence application received

Hi Carol,

No objection from Nuisance Action Team to variation.

Regards

Ted Murphy  
Senior Environmental Health Officer  
Regeneration and Local Services

T:

E:

Web: [www.durham.gov.uk](http://www.durham.gov.uk)

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Like us at [facebook.com/durhamcouncil](https://www.facebook.com/durhamcouncil)

**Subject:** Licensing - variation of premises licence application received

Dear Sir/Madam

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

1

Application Type - Application for a variation of Premises Licence

Applicant: - Francis Kearney

Premises – Chaplains, 17-21 Front Street, Consett

Date of Application – 3 August 2018 Last date for representations – 31 August 2018

Please note the last date for representations

**Carol Graham**

## **Carol Graham - Licensing Assistant (N'hoods)**

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**From:** Sean Barry  
**Sent:** 06 August 2018 13:42  
**To:** Carol Graham - Licensing Assistant (N'hoods)  
**Cc:** AHS Licensing  
**Subject:** RE: Licensing - variation of premises licence application received Chaplains, 17-21 Front Street, Consett

Good Afternoon

I have received an application to vary a licence for the establishment: Chaplains, 17-21 Front Street, Consett

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

My Ref: PH/2018/011

Thanks  
Sean



**Carol Graham - Licensing Assistant (N'hoods)**

---

**From:** FS-Derwentside ·  
**Sent:** 08 August 2018 11:16  
**To:** Carol Graham - Licensing Assistant (N'hoods)  
**Subject:** RE: Licensing - variation of premises licence application received

Hello Carol,

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

Kind regards

Dave Mitchelson

**Subject: Licensing - variation of premises licence application received**

Dear Sir/Madam

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

1

Application Type - Application for a variation of Premises Licence

Applicant: - Francis Kearney

Premises – Chaplains, 17-21 Front Street, Consett

Date of Application – 3 August 2018

Last date for representations – 31 August 2018

Please note the last date for representations

## **APPENDIX 5 – STATEMENT OF LICENSING POLICY**

## **DURHAM COUNTY COUNCIL STATEMENT OF LICENSING POLICY**

### **7.0 The Prevention of Crime and Disorder**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## **8.0 Public Safety**

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

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

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

## **9.0 Prevention of Public Nuisance**

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

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

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

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

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

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

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

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

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

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

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

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



## **APPENDIX 6 – S.182 GUIDANCE**

## Crime and disorder

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

licensed premises might include requiring a premises licence holder to undertake right to work checks on all staff employed at the licensed premises or requiring that a copy of any document checked as part of a right to work check are retained at the licensed premises.

## Public safety

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

## Ensuring safe departure of those using the premises

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

## Maintenance and repair

- 2.11 Where there is a requirement in other legislation for premises open to the public or for employers to possess certificates attesting to the safety or satisfactory nature of certain equipment or fixtures on the premises, it would be inappropriate for a licensing condition to require possession of such a certificate. However, it would be permissible to require as a condition of a licence or certificate, if appropriate, checks on this equipment to be conducted at specified intervals and for evidence of these checks to be retained by the premises licence holder or club provided this does not duplicate or gold-plate a requirement in other legislation. Similarly, it would be permissible for licensing authorities, if they receive relevant representations from responsible authorities or any other persons, to attach conditions which require equipment of particular standards to be maintained on the premises. Responsible authorities – such as health and safety authorities – should therefore make their expectations clear in this respect to enable prospective licence holders or clubs to prepare effective operating schedules and club operating schedules.

## Safe capacities

- 2.12 “Safe capacities” should only be imposed where appropriate for the promotion of public safety or the prevention of disorder on the relevant premises. For example, if a capacity has been imposed through other legislation, it would be inappropriate to reproduce it in a premises licence. Indeed, it would also be wrong to lay down conditions which conflict with other legal requirements. However, if no safe capacity has been imposed through other legislation, a responsible authority may consider it appropriate for a new capacity to be attached to the premises which would apply at any material time when the licensable activities are taking place and make representations to that effect. For example, in certain circumstances, capacity limits may be appropriate in preventing disorder, as overcrowded venues can increase the risks of crowds becoming frustrated and hostile.
- 2.13 The permitted capacity is a limit on the number of persons who may be on the premises at any time, following a recommendation by the relevant fire and rescue authority under the Regulatory Reform (Fire Safety) Order 2005. For any application for a premises licence or club premises certificate for premises without an existing permitted capacity where the applicant wishes to take advantage of the special provisions set out in section 177 of the 2003 Act<sup>1</sup>, 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

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<sup>1</sup> 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.

**Statutory Licensing Sub-Committee**

**24<sup>th</sup> September 2018**

**Application for the grant of a Premises Licence**



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

**Name and Address of Premises: Viaduct, 184 Front Street, Chester le Street, Co Durham DH3 3AZ.**

**1. Summary**

The Sub-Committee is asked to consider and determine the application for the grant of a premises licence for Viaduct, 184 Front Street, Chester le Street, Co Durham DH3 3AZ, received from Mr Satwinder Singh Badesha.

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

**2. Details of the Application**

An application for the grant of a premises licence was received by the Licensing Authority on 2<sup>nd</sup> August 2018. A copy of the application is attached as Appendix 2.

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

The proposed licence activities are listed below:

<b>Proposed Licensable Activities</b>	<b>Days &amp; Hours</b>
Films, Live Music and Recorded Music (Indoors)	Monday to Sunday 11:00 until 01:30 hrs
Late night refreshment (indoors)	Monday to Sunday 23:00 until 01:30 hrs
Supply of Alcohol (on and off the premises)	Monday to Sunday 11:00 until 01:00 hrs
	All activities will be extended on New Year's Eve to the start time for licensable activities on New Year's Day.
Proposed Opening Times	Monday to Sunday 11:00 hrs until 01:30 hrs. From the end of opening hours on New Year's Eve to the start of opening hours on New Year's Day.

The applicant has proposed conditions and steps that they intend to take in order to promote the four licensing objectives, which are outlined within the application at Appendix 2.

For Members' information – Durham Constabulary Harm Reduction Unit and Durham Local Safeguarding Children Board mediated with the applicant's agent and agreed additional conditions. A copy of these conditions are attached at Appendix 3.

### **3. The Representations**

The Licensing Authority received one letter during the consultation period in relation to the grant of the premises licence application, from Mr Keith O'Brien of Cestrian Estates Limited.

The licensing authority deemed Mr O'Brien's representation as relevant, relating to the following licensing objective:

- The Prevention of Public Nuisance

A copy of the representation is attached as Appendix 4.

The licensing authority communicated with Mr O'Brien on 3<sup>rd</sup> September 2018 and his contact details were provided to the applicant's agent Mr Matthew Foster to discuss his concerns. The licensing authority have not received any further updates on this matter.

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

- Durham County Council Planning Department
- Durham County Council Environmental Health Department
- Durham County Council Public Health Department
- County Durham Fire Authority

Copies of these responses are attached at Appendix 5.

### **4. Parties**

The Parties to the hearing will be:

- Mr Satwinder Singh Badesha (Applicant)
- Mr Matthew Foster (Mincoffs – Applicant's Solicitor)
- Mr Keith O'Brien (other person)



## **5. Durham County Council Statement of Licensing Policy**

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

- 9.0 The Prevention of Public Nuisance
- Appendix B - Framework Licensing Hours

Relevant information is attached as Appendix 6.

## **6. Section 182 Guidance**

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

- 2.15 – 2.21 The Prevention of Public Nuisance

Relevant information is attached as Appendix 7.

## **7. For Decision**

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

### **Background Papers:**

- Durham County Council's Statement of Licensing Policy
- Guidance issued under section 182 of the Licensing Act 2003 (as amended April 2018)

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**Contact: Yvonne Raine**

**Tel: 03000 265256**

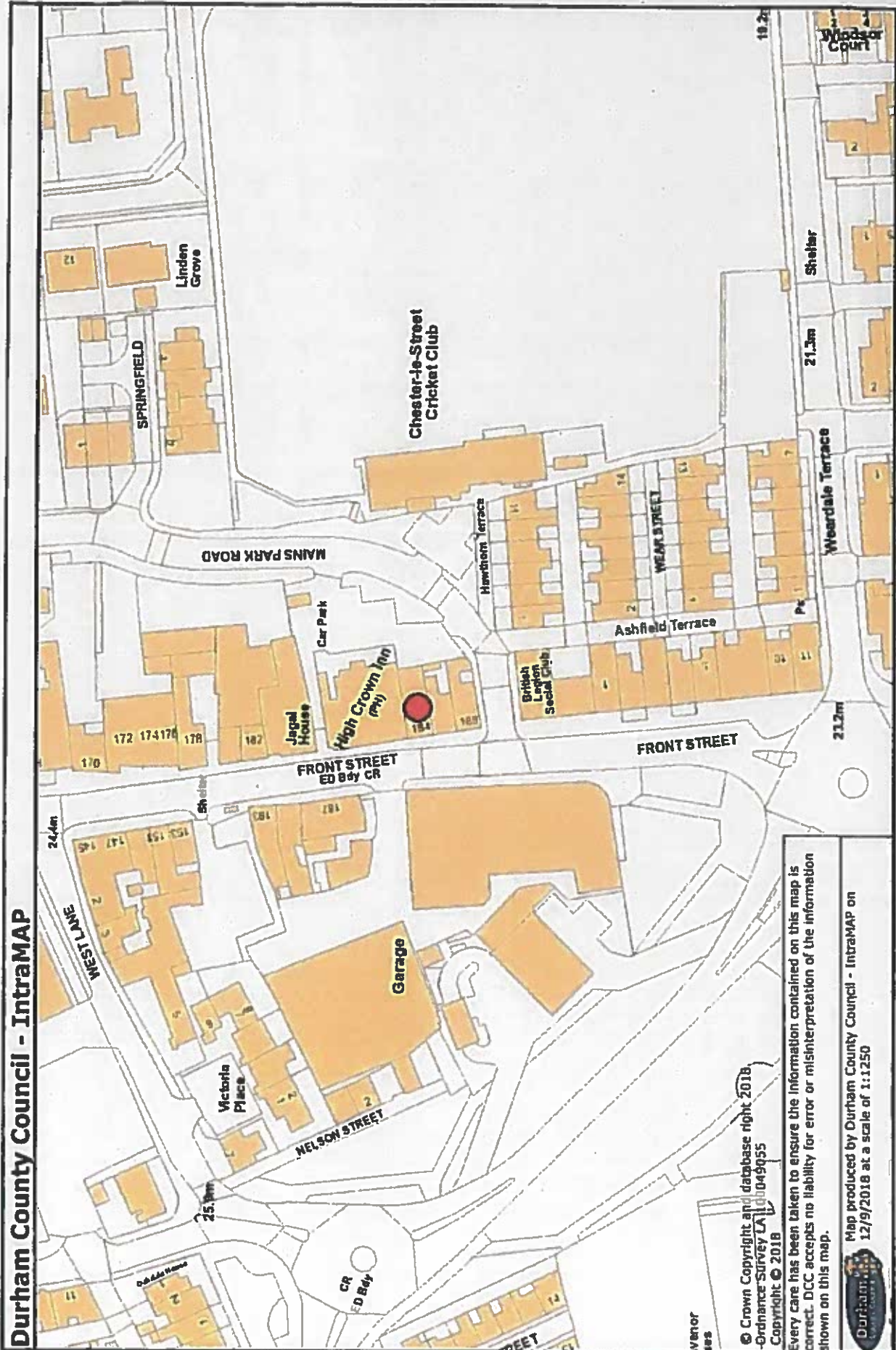
**Email: [yvonne.raine@durham.gov.uk](mailto:yvonne.raine@durham.gov.uk)**

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## APPENDIX 1 – LOCATION PLAN

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

### Durham County Council - IntraMAP



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Ordnance Survey LA 100049955  
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Every care has been taken to ensure the information contained on this map is correct. DCC accepts no liability for error or misinterpretation of the information shown on this map.

Map produced by Durham County Council - IntraMAP on 12/9/2018 at a scale of 1:1250



## **APPENDIX 2 – APPLICATION**

\* required information

## Section 1 of 21

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

System reference

Not Currently In Use

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

Your reference

MES29/1 - MFLIC

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

Are you an agent acting on behalf of the applicant?

Yes  No

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

## Applicant Details

\* First name

Satwinder Singh

\* Family name

Badesha

\* E-mail

:

Main telephone number

:

Include country code.

Other telephone number

:

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

Is the applicant:

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

Applying as an individual

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

Continued from previous page...

**Address**

\* Building number or name

\* Street

District

\* City or town

County or administrative area

\* Postcode

\* Country

**Agent Details**

\* First name

\* Family name

\* E-mail

Main telephone number

Other telephone number

Include country code.

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

Are you:

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

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

**Agent Business**

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

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

Registration number

Business name

VAT number

Legal status

Your position in the business

Home country

If your business is registered, use its registered name.

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

The country where the headquarters of your business is located.

Continued from previous page...

**Agent Registered Address**

Address registered with Companies House.

Building number or name	Mincoffs Solicitors LLP
Street	5 Osborne Terrace
District	Jesmond
City or town	Newcastle upon Tyne
County or administrative area	Tyne and Wear
Postcode	NE2 1SQ
Country	United Kingdom

**Section 2 of 21**

**PREMISES DETAILS**

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

**Premises Address**

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

Address     OS map reference     Description

**Postal Address Of Premises**

Building number or name	184
Street	Front Street
District	Chester le Street
City or town	Durham
County or administrative area	County Durham
Postcode	DH3 3AZ
Country	United Kingdom

**Further Details**

Telephone number	
Non-domestic rateable value of premises (£)	10,500

**Section 3 of 21**

**APPLICATION DETAILS**

In what capacity are you applying for the premises licence?

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

**Confirm The Following**

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

**Section 4 of 21**

**INDIVIDUAL APPLICANT DETAILS**

**Applicant Name**

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

- Yes                       No

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

First name

Family name

Is the applicant 18 years of age or older?

- Yes                       No



Continued from previous page...

**Current Residential Address**

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

Yes

No

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

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

**Applicant Contact Details**

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

Yes

No

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

E-mail

Telephone number

Other telephone number

\* Date of birth  /  /   
dd mm yyyy

\* Nationality

Documents that demonstrate entitlement to work in the UK

**Section 5 of 21**

**OPERATING SCHEDULE**

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

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

Provide a general description of the premises

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

Bar and restaurant

Continued from previous page...

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

**Section 6 of 21**

**PROVISION OF PLAYS**

See guidance on regulated entertainment

Will you be providing plays?

Yes

No

**Section 7 of 21**

**PROVISION OF FILMS**

See guidance on regulated entertainment

Will you be providing films?

Yes

No

**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

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

Continued from previous page...

**SATURDAY**

Start

End

Start

End

**SUNDAY**

Start

End

Start

End

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

Indoors

Outdoors

Both

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

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

State any seasonal variations for the exhibition of film

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

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

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

The activity will be extended on New Years Eve to the start time for licensable activities on New Years Day.

**Section 8 of 21**

**PROVISION OF INDOOR SPORTING EVENTS**

See guidance on regulated entertainment

Will you be providing indoor sporting events?

Yes

No

**Section 9 of 21**

**PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS**

See guidance on regulated entertainment

Will you be providing boxing or wrestling entertainments?

Yes

No

Continued from previous page...

Section 10 of 21

PROVISION OF LIVE MUSIC

See guidance on regulated entertainment

Will you be providing live music?

Yes  No

Standard Days And Timings

MONDAY

Start 11:00

End 01:30

Start

End

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

TUESDAY

Start 11:00

End 01:30

Start

End

WEDNESDAY

Start 11:00

End 01:30

Start

End

THURSDAY

Start 11:00

End 01:30

Start

End

FRIDAY

Start 11:00

End 01:30

Start

End

SATURDAY

Start 11:00

End 01:30

Start

End

SUNDAY

Start 11:00

End 01:30

Start

End

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

Indoors  Outdoors  Both

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

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not  
exclusively) whether or not music will be amplified or unamplified.

Live music might include small acts at the premises (the size of the unit will dictate what can be provided). Live music  
would likely be solo artists or duets.

Continued from previous page...

State any seasonal variations for the performance of live music

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 performance of live music at different times from those listed in the column on the left, list below

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

The activity will be extended on New Years Eve to the start time for licensable activities on New Years Day.

**Section 11 of 21**

**PROVISION OF RECORDED MUSIC**

See guidance on regulated entertainment

Will you be providing recorded music?

Yes

No

**Standard Days And Timings**

**MONDAY**

Start

End

Start

End

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

**TUESDAY**

Start

End

Start

End

**WEDNESDAY**

Start

End

Start

End

**THURSDAY**

Start

End

Start

End

**FRIDAY**

Start

End

Start

End

Continued from previous page...

**SATURDAY**

Start

End

Start

End

**SUNDAY**

Start

End

Start

End

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

Indoors

Outdoors

Both

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

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

This will include music which might be played at the premises for the entertainment of customers.

State any seasonal variations for playing recorded music

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

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

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

The activity will be extended on New Years Eve to the start time for licensable activities on New Years Day.

**Section 12 of 21**

**PROVISION OF PERFORMANCES OF DANCE**

See guidance on regulated entertainment

Will you be providing performances of dance?

Yes

No

**Section 13 of 21**

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

See guidance on regulated entertainment

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

Continued from previous page...

Section 14 of 21

LATE NIGHT REFRESHMENT

Will you be providing late night refreshment?

Yes  No

Standard Days And Timings

MONDAY

Start 23:00

End 01:30

Start

End

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

TUESDAY

Start 23:00

End 01:30

Start

End

WEDNESDAY

Start 23:00

End 01:30

Start

End

THURSDAY

Start 23:00

End 01:30

Start

End

FRIDAY

Start 23:00

End 01:30

Start

End

SATURDAY

Start 23:00

End 01:30

Start

End

SUNDAY

Start 23:00

End 01:30

Start

End

Will the provision of late night refreshment take place indoors or outdoors or both?

Indoors  Outdoors  Both

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

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

Continued from previous page...

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 late night refreshments at different times from those listed in the column on the left, list below

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

The activity will be extended on New Years Eve to the start time for licensable activities on New Years Day.

Section 15 of 21

SUPPLY OF ALCOHOL

Will you be selling or supplying alcohol?

Yes

No

Standard Days And Timings

MONDAY

Start 11:00

End 01:00

Start

End

TUESDAY

Start 11:00

End 01:00

Start

End

WEDNESDAY

Start 11:00

End 01:00

Start

End

THURSDAY

Start 11:00

End 01:00

Start

End

FRIDAY

Start 11:00

End 01:00

Start

End

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



Continued from previous page...

**SATURDAY**

Start

End

Start

End

**SUNDAY**

Start

End

Start

End

Will the sale of alcohol be for consumption:

- On the premises     Off the premises     Both

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

State any seasonal variations

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

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

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

The activity will be extended on New Years Eve to the start time for licensable activities on New Years Day.

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

**Name**

First name

Family name

Date of birth

/  /   
dd      mm      yyyy

Continued from previous page...

**Enter the contact's address**

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

**PROPOSED DESIGNATED PREMISES SUPERVISOR CONSENT**

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

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

Reference number for consent form (if known)

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

**Section 16 of 21**

**ADULT ENTERTAINMENT**

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

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

None

**Section 17 of 21**

**HOURS PREMISES ARE OPEN TO THE PUBLIC**

**Standard Days And Timings**

MONDAY

Start

End

Start

End

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

Continued from previous page...

**TUESDAY**

Start

End

Start

End

**WEDNESDAY**

Start

End

Start

End

**THURSDAY**

Start

End

Start

End

**FRIDAY**

Start

End

Start

End

**SATURDAY**

Start

End

Start

End

**SUNDAY**

Start

End

Start

End

State any seasonal variations

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

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

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

The activity will be extended on New Years Eve to the start time for licensable activities on New Years Day.

**Section 18 of 21**

**LICENSING OBJECTIVES**

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

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

*Continued from previous page...*

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

Please see attached Conditions and Operating Schedule.

b) The prevention of crime and disorder

Please see attached Conditions and Operating Schedule.

c) Public safety

Please see attached Conditions and Operating Schedule.

d) The prevention of public nuisance

Please see attached Conditions and Operating Schedule.

e) The protection of children from harm

Please see attached Conditions and Operating Schedule.

**Section 19 of 21**

**NOTES ON DEMONSTRATING ENTITLEMENT TO WORK IN THE UK**

*Continued from previous page...*

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

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

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

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

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

**Documents which demonstrate entitlement to work in the UK**

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

Continued from previous page...

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

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

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

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

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

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

## Section 20 of 21

### NOTES ON REGULATED ENTERTAINMENT

*Continued from previous page...*

In terms of specific regulated entertainments please note that:

- **Plays:** no licence is required for performances between 08:00 and 23:00 on any day, provided that the audience does not exceed 500.
- **Films:** no licence is required for 'not-for-profit' film exhibition held in community premises between 08:00 and 23:00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
- **Indoor sporting events:** no licence is required for performances between 08:00 and 23:00 on any day, provided that the audience does not exceed 1000.
- **Boxing or Wrestling Entertainment:** no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08:00 and 23:00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
- **Live music:** no licence permission is required for:
  - a performance of unamplified live music between 08:00 and 23:00 on any day, on any premises.
  - a performance of amplified live music between 08:00 and 23:00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
  - a performance of amplified live music between 08:00 and 23:00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
  - a performance of amplified live music between 08:00 and 23:00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
  - a performance of amplified live music between 08:00 and 23:00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
- **Recorded Music:** no licence permission is required for:
  - any playing of recorded music between 08:00 and 23:00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
  - any playing of recorded music between 08:00 and 23:00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
  - any playing of recorded music between 08:00 and 23:00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.

Continued from previous page...

- Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
- Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
  - o any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
  - o any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
  - o any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
  - o any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.

**Section 21 of 21**

**PAYMENT DETAILS**

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

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

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

Premises licence fees can be calculated by visiting the Department for Culture Media and Sport website at [http://www.culture.gov.uk/what\\_we\\_do/alcohol\\_and\\_entertainment/3193.aspx](http://www.culture.gov.uk/what_we_do/alcohol_and_entertainment/3193.aspx)

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

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

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

Details of these additional fees can be found on the website [http://www.culture.gov.uk/what\\_we\\_do/alcohol\\_and\\_entertainment/4040.aspx](http://www.culture.gov.uk/what_we_do/alcohol_and_entertainment/4040.aspx)

\* Fee amount (£)

**ATTACHMENTS**

**AUTHORITY POSTAL ADDRESS**

**Address**

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

**DECLARATION**



Continued from previous page...

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

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

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

\* Full name   
\* Capacity   
Date (dd/mm/yyyy)

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

1. Save this form to your computer by clicking file/save as...
2. Go back to [https://www.gov.uk/apply-for-a-licence/premises-licence/county\\_durham/apply-1](https://www.gov.uk/apply-for-a-licence/premises-licence/county_durham/apply-1) to upload this file and continue with your application.

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

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

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

**Viaduct,  
184 Front Street,  
Chester le Street,  
Durham,  
DH3 3AZ**

**Operating Schedule**

The premises will operate from a currently unused retail unit, which formerly operated as a hair salon. It will be set over two levels with the trading area being on the ground floor, with the sanitary provision and kitchen area being based on the first floor. Food is to be hoisted direct from the first floor. The applicant wishes to operate a restaurant and bar, to trade 7 days a week from 11:00 to 01:30 close. The premises will offer, and provide, substantial food from opening until 10pm, thereafter operating a limited menu of mostly snacks. A menu is available for information purposes from the licensing authority.

The look of the premises will be industrial loft space combined with classical English, providing a casual dining experience with comfy seats, booths and a relaxed atmosphere. The applicant is allowing for a high spend on the interior to attract a clientele that wishes to engage with the casual dining experience on offer. The premises wish to maintain an inviting appearance to all age groups as well as families. The premises will be open for the majority of the day, from just before lunch.

The applicant will provide honest, uncomplicated food skilfully prepared and reasonably priced. The menu will be seasonal, therefore making use of the best British ingredients when they are available. All food will be cooked to order. There will be different menus for later in the evening, there will be a snack menu and also a children's menu. To accompany a menu which relies upon British sourced ingredients a number of the beverages will also be locally sourced including a handpicked selection of craft beers.

The applicant is not looking to operate a wet led venue, which is clear from the layout and space given over the service of food, although they recognise that the premises will operate in a different way later into the night. The conditions designed to accompany the application take account of the changes that the premises will undergo in clientele throughout the trading period. The premises will be risk assessed, and operated in accordance with that risk assessment. Security will be provided when required and staff will be trained to a high level to identify and prevent incidents from occurring in the premises. The premises will focus on the quality of staff and service.

The layout of the premises is an important factor in designing the trading environment. The majority of customers in the premises will be seated, and table service will be available at all times thus moving away from vertical drinking, which is an environment which can lead to more affecting the

licensing objectives. The music in the premises will be laid back and relaxed to match the décor and menu. Live music might be available on occasion, but only to match the style and characteristics of the venue and mostly limited to either solo acts or duets (since there is not much room for anything else). The level of music will be monitored by staff and management so as not to create issues around public nuisance.

The premises will not operate the section 150 exemption allowing 16 and 17 year olds to consume certain types of alcohol with food, instead operating challenge 21 across the board. The premises will have in place robust measures and training to prevent underage sales of alcohol. The applicant has applied for off sales, but we anticipate the circumstances in which this would be operated would be narrow: probably only with wine and similar products to diners leaving the venue after a meal, and always at the manager's discretion.

The applicant will work with a local taxi company to provide a service to its clientele to travel home safely and will make arrangements for customers where necessary. This will form part of the premises dispersal policy, which will also include monitoring the area outside of the premises for noise escape and any noise being created by customers who might be smoking.

August 2018.

### Proposed Conditions

1. The premises shall operate as a bar and restaurant providing food and drink. There shall be no change to the operating style without proper written notice to the Licensing Authority, which shall include details of the operating style proposed. The Licensing Authority shall advise within 21 days whether a formal application for full or minor variation or a new licence is required and the licence holder shall comply with that direction.
2. The operator shall ensure that at all times when the premises are open for any licensable activity there is sufficient, competent staff on duty at the premises for the purpose of fulfilling the terms and conditions of the licence and for preventing crime and disorder.
3. The operator and designated premises supervisor shall conduct a risk assessment for the general operation of the premises and in the case of individual bespoke events.
4. A CCTV system shall be designed, installed and maintained in proper working order, to the satisfaction of the Licensing Authority and in consultation with Durham Police. Such a system shall:-
  - i) be operated by properly trained staff;
  - ii) be in operation at all times that the premises are being used for a licensable activity;
  - iii) ensure coverage of all entrances and exits to the licensed premises internally and externally;
  - iv) ensure coverage of such other areas as may be required by the Licensing Authority and Durham Police;
  - v) provide continuous recording facilities for each camera to a good standard of clarity. Such recordings shall be retained on paper or otherwise may be put on tape or otherwise (for a period of 28 days), and shall be supplied to the Licensing Authority or Police Officer on request.
5. The maximum number of persons permitted on the premises at any one time shall not exceed a figure prescribed by the risk assessment carried out by the Premises Licence Holder in accordance with fire safety legislation.
6. The premises will provide a minimum seating inside the premises of 30.
7. Food service will be available from opening until 22:00.
8. Table service will be available at all times the premises are trading.
9. Door supervisors shall be provided on a risk assessment basis.
10. The Designated Premises Supervisor shall ensure that there are effective management arrangements in place to enable him/her to know how many people there are in the premises at times prescribed within the management risk assessment.
11. No noise from the licensed premises, including noise from patrons or amplified regulated entertainment, shall be audible beyond the boundary of the premises so as not to cause nuisance to nearby residents.
12. All windows, entrance doors and exit doors shall remain in the closed position at all times that regulated entertainment is taking place (except for ingress and egress).
13. An operating policy shall be implemented in respect any outside areas used by customers to include staffing, monitoring and general management of the areas on a daily basis.

14. No glass material or bottles shall be deposited in any skip, bin or other container of a like nature, located in the open air outside of the premises between the hours of 10.00pm and 8.00am and any such skip, bin or container shall not be removed from the premises between those hours.
15. All members of staff at the premises including door supervisors shall seek "credible photographic proof of age evidence" from any person who appears to be under the age of 21 years and who is seeking to purchase or consume alcohol on the premises. Such credible evidence, which shall include a photograph of the customer, will either be a passport, photographic driving licence or proof of age card carrying a "PASS" logo.



**184, Front Street, Chester-le-street, Durham, DH3 3AZ**



Plan shown area bounded by: 427470.72, 500607.18, 427568.00, 500445.08, OSO-eVect: KZ27510002. The representation of a road, track or path is no evidence of a right of way. The representation of features 30 feet is no evidence of a property boundary.

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**VIADUCT**

**Existing Front Elevation**

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



## **VIADUCT, 184 FRONT STREET, CHESTER-LE-STREET –**

### **Additional conditions agreed by applicant following mediation with Durham Constabulary and Durham LSCB**

1. 2 Door supervisors will be employed at the premises on Friday's and Saturday's from 9pm till close (if the premises is to trade past midnight), and at all other times on a risk assessment basis.
2. Under 18's who are not accompanied by an adult will be required to leave the premises after 9pm.
3. All members of staff at the premises including door supervisors shall seek "credible photographic proof of age evidence" from any person who appears to be under the age of 25 years (Challenge 25) and who is seeking to purchase or consume alcohol on the premises. Such credible evidence, which shall include a photograph of the customer, will either be a passport, photographic driving licence or proof of age card carrying a "PASS" logo.
4. All staff involved in the sale of alcohol will be trained in respect of the licensing laws and in relation to detecting and preventing underage sales. It shall include proxy purchasing and sales. Training records and manuals will be kept on site and will be made available to the Licensing Authority, Trading Standards and the Police upon lawful request having providing reasonable notice.
5. The premises will operate a refusals register which will be in digital or paper format. This will be retained at the premises for 6 months and will be available for inspection by the Licensing Authority, Trading Standards or the Police upon lawful request and having provided reasonable notice.
6. Our proposed CCTV condition will be amended at v) as follows: provide continuous recording facilities for each camera to a good standard of clarity. Such recordings shall be retained for a period of 28 days, and shall be supplied to the Licensing Authority or a Police Officer on lawful request so long as reasonable notice is provided, and otherwise within 2 working days.

## **APPENDIX 4 – REPRESENTATION**



Wednesday, 22 August 2018

Licensing  
P. O. Box 617  
Durham  
DH1 9HZ

Dear Sir/Madam

Re: Applicant Mr Satwinder Singh Badesha

'Viaduct' 184 Front Street, Chester le Street, Co. Durham, DH3 3AZ

Cestrian Estates Limited manages the adjacent property to the proposed 'Viaduct' establishment.

Front Street, Chester le Street, Co. Durham, DH3 3AZ is a residential property, which has been the family home for the past hundred years. For many decades this was the recognised address for the town's plumbing and electrical tradespeople.

Whilst the streetscape has changed around the area, Front Street has remained a house. 184 Front Street has always been a traditional shop, in the sense that it has been a greengrocer and hair salon, both trading within daytime hours and causing no noise nuisance to the resident of Front Street.

The applicant intends to open from 11.00 am till 1.30 am. The submission states that both recorded and live music will be played and alcohol will be available until 1.00 am. This is unacceptable to the quiet enjoyment of occupiers of the adjacent premises. There are a number of other suitable sites available to the north of the premises where potential nuisance would be limited.

Please bear in mind when making a decision on this application the impact that this will have on occupants adjacent.

*Yours*

P. K. O'Brien

## **APPENDIX 5 – RESPONSES FROM RESPONSIBLE AUTHORITIES**

## **Carol Graham - Licensing Assistant (N'hoods)**

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**From:** Elizabeth McCarroll  
**Sent:** 03 August 2018 11:39  
**To:** Carol Graham - Licensing Assistant (N'hoods)  
**Subject:** Planning Consultation - 184 Front Street

Dear Carol,

I can confirm planning raise no objections to the licence application at 184 Front Street.

Kind regards

**Elizabeth McCarroll**  
**Planning Officer –Northern Area Office**

Direct Line Telephone Number - [REDACTED]

Regeneration and Local Services  
Planning Development (North)  
Room G73-82  
Durham County Council  
County Hall  
DH1 5UL

[www.durham.gov.uk](http://www.durham.gov.uk)

DCC on Social Media:



## **Carol Graham - Licensing Assistant (N'hoods)**

---

**From:** Ted Murphy  
**Sent:** 07 August 2018 09:41  
**To:** Carol Graham - Licensing Assistant (N'hoods)  
**Subject:** RE: Licensing - new premises licence application received

Hi Carol,

NAT have no representations to make regarding this premises licence application.

Regards

Ted Murphy  
Senior Environmental Health Officer  
Regeneration and Local Services

T:  
E:

Web: [www.durham.gov.uk](http://www.durham.gov.uk)  
Follow us on Twitter @durhamcouncil  
Like us at [facebook.com/durhamcouncil](https://facebook.com/durhamcouncil)

**Subject:** Licensing - new premises licence application received

Dear Sir/Madam

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

1  
Application Type - Application for a new Premises Licence  
Applicant: - Mr Satwinder Singh Badesha  
Premises – Viaduct, 184 Front Street, Chester le Street. DH3 3AZ  
Date of Application – 2 August 2018 Last date for representations – 30 August 2018

Please note the last date for representations

**Carol Graham**  
**Licensing Assistant**

## **Carol Graham - Licensing Assistant (N'hoods)**

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**From:** Sean Barry  
**Sent:** 06 August 2018 13:36  
**To:** Carol Graham - Licensing Assistant (N'hoods)  
**Subject:** RE: Licensing - new premises licence application received Viaduct 184 Front Street  
Chester le Street DH3 3AZ

Good Afternoon

I have received a new licence application for the establishment: Viaduct, 184 Front Street, Chester le Street. DH3 3AZ

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

My Ref: PH/2018/009

Thanks  
Sean

**Carol Graham - Licensing Assistant (N'hoods)**

---

**From:** FS-Derwentside <I  
**Sent:** 07 August 2018 12:01  
**To:** Carol Graham - Licensing Assistant (N'hoods)  
**Subject:** RE: Licensing - new premises licence application received

Hello Carol,

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

Kind regards

Dave Mitchelson

**Subject: Licensing - new premises licence application received**

Dear Sir/Madam

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

1

Application Type - Application for a new Premises Licence

Applicant: - Mr Satwinder Singh Badesha

Premises – Viaduct, 184 Front Street, Chester le Street. DH3 3AZ

Date of Application – 2 August 2018

Last date for representations – 30 August 2018

**Please note the last date for representations**



## **APPENDIX 6 - STATEMENT OF LICENSING POLICY**

## **DURHAM COUNTY COUNCIL STATEMENT OF LICENSING POLICY**

### **9.0 Prevention of Public Nuisance**

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

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

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

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

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

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

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

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

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

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

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

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

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

**APPENDIX 7 - S.182 GUIDANCE**

## 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.