



## **Statutory Licensing Sub-Committee**

**Date**      **Tuesday 29 October 2019**  
**Time**      **10.00 am**  
**Venue**    **Committee Room 2, County Hall, Durham**

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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 4 June 2019, 16 July 2019, 22 August 2019 and 17 September 2019 (Pages 3 - 44)
5. Application for the Grant of a Premises Licence - Bar 1, 28-30 Front Street, Consett (Pages 45 - 116)
6. 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  
21 October 2019

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

Councillors J Blakey, L Brown, P Crathorne, D Hicks and  
M Wilson

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**Contact:**    **Jill Errington**                      **Tel: 03000 269703**

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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 4 June 2019 at 10.00 am**

**Present:**

**Councillor L Marshall (Chair)**

**Members of the Committee:**

Councillors P Atkinson, D Brown and C Hampson

**Also Present:**

**Premier Shield Row Food and Wine**

Mr S Buston (Council's Solicitor)

Ms H Johnson (Licensing Team Leader)

Ms L Brooks (Trading Standards Team Leader)

PCSO Michelle Williamson (Durham Constabulary)

Ms L Mustard (Dere Street Chambers, on behalf of the Premises Licence Holder)

Mr M Ullah (Premises Licence Holder)

**Odeon Cinema**

Mrs C Hazell (Council's Solicitor)

Ms Y Raine (Senior Licensing Officer)

Ms S Davies (Clifton Davies Consultancy Ltd – Applicant's Consultant)

Ms M Harding (General Manager for Odeon Cinema)

Mr D Kerr (Project Manager for Odeon Cinema)

Mr N Ripon (on behalf of Roberta Blackman-Woods MP)

Cllr R Cromwell (Durham City Parish Council)

Cllr L Brown (Durham City Parish Council)

**1 Apologies for Absence**

An apology for absence was received from Councillor J Blakey.

**2 Substitute Members**

There were no substitute members.

### **3 Declarations of Interest**

Councillor L Marshall declared an interest in the Application for the Grant of a Premises Licence for Odeon Luxe Cinema, Durham and withdrew from the meeting during consideration thereof.

### **4 Minutes**

The Minutes of the meeting held on 23 and 30 April 2019 were agreed as a correct record and were signed by the Chair.

### **5 Application for the Review of a Premises Licence - Premier Shield Row Food and Wine, 1 Rodham Terrace, Shield Row, Stanley**

#### **Members:**

Councillor L Marshall (Chair), Councillors P Atkinson and C Hampson

The Committee considered a report of the Licensing Team Leader regarding an application for the review of a Premises Licence in respect of Premier Shield Row Food and Wine, 1 Rodham Terrace, Shield Row, Stanley (for copy see file of Minutes).

A copy of the application and supporting information had been circulated to Members, together with further information from the Applicant.

Laura Brooks, Team Leader, Trading Standards addressed the Sub-Committee on behalf of the Applicants. Members were informed that Trading Standards received intelligence from the Police in December 2018 that the premises was alleging to be selling alcohol to young people under the age of 18. The area was experiencing problems of anti-social behaviour and Premier Food and Wine was targeted with other premises in a Police Operation. As part of that operation 2 test purchases were carried out, details of which were set out in the report.

Following the failed test purchases a visit was made to the premises by Trading Standards and the Police and the sales assistant who had failed made both sales had said that she had not been working in the store for very long and had received no training on challenging people and was unaware of any procedure for recording refusals.

On 25 February 2019 Trading Standards met with the Licence Holder and found that the female was no longer working on the premises and found a number of negatives in terms of how the shop was managed:

- Staff training was carried out verbally only and no records were kept
- Challenge 25 posters were on display but there was no formal written policy
- The till had an electronic prompt system for refusals but tickets were not retained.

Ms Brooks advised that she had met with the Licence Holder on 26 March 2019 to discuss conditions to be added to the Premises Licence. She was only confident that the licensing objective would be upheld with these 'tweaks' to the existing Premises Licence. Mr Ullah had expressed his willingness to take steps to ensure the licensing objective protection of children from harm was promoted. The complex points discussed were included in a letter to Mr Ullah, a copy of which had been circulated.

Following queries from Councillor Crathorne and Councillor Brown, Ms Brooks confirmed that there were two typing errors in the report - it was 15 January 2019 when Officers visited the premises and the sale made on the first visit was 4 cans of lager as stated in the witness statement, not a bottle of wine.

Following a further question from Councillor Brown about test purchases Ms Brooks advised that volunteers were carefully selected to ensure that they did not appear older than their actual ages. A large number of premises were targeted as part of an Operation.

Answering questions from Members, Ms Brooks confirmed that the alcohol was bagged and tagged as evidence so that it could be used in criminal proceedings.

The Licence Holders Barrister, Lorraine Mustard, confirmed that the same member of staff had failed both test purchases, but no longer worked there and had only worked there for a short period of time. This was not a case of not wanting to comply with the licensing objectives.

Ms Brooks confirmed that there were some issues, particularly with staff training which needed addressing. She had to advise Mr Ullah that he had to ensure all staff received full training.

The Barrister queried why the review was dated 6 March which was one week after the meeting with Mr Ullah on 25 February. Ms Brooks confirmed that they were not confident that the recommended conditions would be adhered to if they were not determined by the Licensing Committee.

The Barrister asked why they couldn't have given Mr Ullah the opportunity before applying for a review and Ms Brooks confirmed that there were two visits to the premises, one on 25 and one on 28 February, and there had

been no changes made. The same issues were discussed on 28 February and she was unaware whether any consideration was given to allow Mr Ullah a period of time to make the changes.

PCSO Williamson confirmed that she had visited on 15 January and the shop assistant said she only worked a couple of nights, she was not aware of a refusals register and had not been trained. In response to the Councils Solicitor, PCSO Williamson confirmed that the FPN issued was for £90 and if it they are not paid, the recipient is summonsed to court.

Mr Ullah confirmed that he had five members of staff and one of them held a Personal Licence. All staff had been sent for training and two were now in receipt of a Premises Licence and two staff were qualified DPS. There had been an issue with one member of staff receiving a DPS. He confirmed that he had purchased a programme for £100 per month which warned shop assistants to ask for ID and a receipt was produced for a refusal. The Barrister suggested that there had been a lack of organisation in the past but a refusals register would be kept up to date.

With regards to the licensing objectives, the Barrister confirmed that there did not appear to be any reference in the report with regards to public nuisance, only the protection of children from harm. As well as alcohol the store sold cigarettes and Lotto tickets, which were regularly checked by Camelot. A letter was produced to the Chair which confirmed a successful test purchase had taken place by Camelot. Mr Ullah was doing everything a Licence Holder could do and she did not feel it was necessary to take further action.

The Chair asked how often staff would undergo training and the Barrister confirmed that in addition to DPS training, staff had undertaken health and safety training by a certified company. Mr Ullah had went beyond what was required by a Premises Licence Holder.

The Councils Solicitor asked if Mr Hussain had been on the DPS course and it was confirmed that was given internal training, of which records could be provided for inspection. All new staff would be given new training.

Ms Brooks confirmed that when she met with Mr Ullah, they discussed reminders at regular intervals to remind staff about selling alcohol to children, Challenge 25 and with regards to health and safety. In addition, he was advised to ensure that he was using the booklets given to complete when reminders were given.

In summing up Ms Brooks confirmed that the proposed course of action for the Sub-Committee was to consider more robust conditions to the premises licence which would help the business to promote the licensing objectives more effectively.

The Barrister summed up on behalf of the Licence Holder – it was clear that when given the opportunity of a tidying up exercise (which had been completely overlooked for a review), Mr Ullah had taken the right action. Therefore, no further action was needed and this was not a case of not taking responsibility seriously – the Camelot test purchase proved he was – but Mr Ullah was already doing what was required and to burden him with additional conditions was unnecessary - he had addressed all of the issues raised. She acknowledged that the Sub-Committee would take a proportionate view of what happened with a member of staff only being there a short period of time.

The Committee retired to deliberate the application in private at 10.55 am and upon returning at 11.10 am, the Chair delivered the Sub-Committees decision.

**Resolved** that the following conditions be imposed upon the Premises Licence:

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

- CCTV footage must be available and downloaded upon request by a Responsible Authority.
- CCTV footage must be kept for a minimum of 28 days
- All incidents occurring at the premises will be recorded in an Incident Book maintained by the Premises Licence holder or a nominated member of staff. The details which will be recorded in the Incident Book are: the time and date of the incident; the name or full description of any person(s) involved (including staff members), whether the incident was recorded on CCTV, and the signature of the person making the entry. This book will be available at all times for inspection by the Police and other Responsible Authorities upon request.
- Persons known to be, or suspected to be, buying alcohol or tobacco on behalf of children will be refused and reported to the Police.

#### **The Protection of Children from Harm**

- Adherence to the law surrounding the ban on the sale of alcohol and tobacco to those under 18.

- The operation of a documented Age Certification Policy (Challenge 25) where all patrons believed to be under the age of 25 who seek to purchase age restricted goods will be asked to provide proof of age in the form of a UK Driving Licence, Passport, Military ID card or photo identification which is endorsed with the government PASS holographic logo.
- A refusals register must be in place at the premises and used to keep a record of all attempted test purchases of alcohol and tobacco where a person believed to be under 25 is challenged and no identification is provided, and the sale is therefore refused.
- The refusals register should record: the date and time of the refusal, a description of the young person refused, the goods asked for, any significant comments made, or behaviours exhibited by the person and the signature of the person making the entry.
- The register should be checked for completion and signed off on a regular basis by the DPS or Premise Licence Holder. The refusal register must be kept available at all times for inspection by the Police and other Responsible Authorities upon request.
- Persons known to be or suspected of buying on behalf of children will be refused and reported to the Police.
- Notices to be displayed concerning the law surrounding the ban on the sale of alcohol to children and explaining the Challenge 25 scheme.
- All staff to receive full training on the law surrounding the sale of age restricted products and the operation of the Challenge 25 scheme. Regular reminders to staff as to their obligations with respect to the above.
- All staff training records and reminders to be put in writing and kept as a record of training which must be kept on the premises and be available at all times for inspection by the Police and other Responsible Authorities on request.

## **6 Application for the Review of a Premises Licence - Costcutter, Units 2-3 Old Co-op Buildings, Front Street, Burnopfield**

The Licensing Team Leader confirmed that an adjournment be granted as it had become apparent that in addition to the License Holder, Mr James Millican, his son was also named Mr James Millican. There had been some



confusion as to which one held the Licence and the Licensing Team had been liaising with Mr Millican senior's son, when in fact Mr Millian held the Premises Licence.

**Councillor L Marshall (left the Meeting)**

**Councillor Hampson (in the Chair)**

**7 Application for the Grant of a Premises Licence - Odeon Luxe Cinema, Unit 15, The Riverwalk, Durham**

The Committee considered the report of the Senior Licensing Officer regarding an application for the grant of a Premises Licence in respect of the Odeon Luxe Cinema, Unit 15, The Riverwalk, Durham (for copy of report, see file of minutes).

A copy of the location plan and application form had been circulated.

The Senior Licensing Officer stated that the application was for a premises licence for a new cinema for the sale of alcohol for consumption on and off the premises from 11:00 hrs until 00:00 hrs Sunday to Thursday and 11:00 hrs until 01:00 hrs on Fridays and Saturdays; the provision of Regulated Entertainment from 09:00 hrs until 01:00 hrs Sunday to Thursday and from 09:00 hrs until 02:00 hrs on Fridays and Saturdays and the provision of Late Night refreshment from 23:00 hrs until 01:00 hrs Sunday to Thursday and from 23:00 hrs until 02:00 hrs Friday and Saturday.

Up to ten occasions per year, the application requested an extension of hours for the Sale of Alcohol up until 01:00 hrs and an extension for Regulated Entertainment and Late Night Refreshment up until 03:00 hrs.

Following Mediation with Durham Constabulary the applicant agreed to add an additional condition in relation to staff training, details of which were provided at Appendix 4 to the report.

Two objections had been received during the consultation period from Ms Roberta Blackman-Woods MP and Durham City Parish Council. Additional information had also been received from Ms Blackman-Woods.

In response to the objections, Ms Davies the Applicant's Consultant wrote to Ms Blackman-Woods and Durham City Parish Council to provide further details on the way the applicants proposed to operate the premises. A copy of the correspondence had been circulated with the papers.

Durham County Council's Environmental Health Authority, the County Durham Public Health department and the County Durham and Darlington Fire Safety Authority all responded to the consultation with no comments.

There were no questions of the Licensing Officer.

Mr N Rippon who was representing Ms Blackman-Woods thanked the Chair for the opportunity to address the Sub-Committee.

He read out the statement of Ms Blackman-Woods MP that stated that the application was for a regulated entertainment, late night refreshment and alcohol licence for the Odeon Luxe cinema in the River Walk complex, which was the new development on the site of the Gates shopping centre near North Road in Durham. North Road was situated near the centre of the city and sat adjacent to the World Heritage site. The area was home to a number of licensed premises and was the main route for transport services into and out of the city.

Ms Blackman-Woods welcomed the Odeon opening in Durham, and this was a much-needed addition to the city centre. There were several issues with the application in relation to the four licensing objectives, which she outlined in her submission to the licensing committee. The key points of concern were:

The applicant suggested that the majority of customers would travel by car, but only one car park in the complex was currently operational, and this closed at 10.30 pm. She asked why the applicant thought that this would mean that customers would be arriving and leaving by car, rather than on foot?

Even if customers parked elsewhere in the city, in reality, this would create more pedestrians on the streets of Durham, and the lack of public transport options may also lead to more people queueing for taxis, which was a recognised flash point for crime and disorder. The simple matter was, whether people choose to walk through the city to other locations where they had parked, whether they walked home, or whether they queued for taxis, this was simply creating more noise and disruption for residents in the city centre.

While not objecting to the sale of alcohol completely, this would only be acceptable if the applicant had in place stringent measures to ensure that the supply of alcohol did not lead to drunken, rowdy behaviour, both inside and outside of the premises, and that minors were not able to access alcohol, whether through direct sales or proxy sales.

She was aware that the applicant had put forward a number of conditions on this issue, such the inclusion of CCTV, a Challenge 25 policy and regular training for staff. The committee needed to be clear however that these conditions were enough, as it was questionable whether, in a dark and busy cinema, proxy sales could be properly controlled, and the licensing objectives could be properly promoted.

The case remained however that the application proposed introducing regulated entertainment and alcohol sales into a small area of the city that already had issues with saturation of licensed premises and was a small residential city. In her discussions with residents, in the meetings she had held on licensing issues, and in the submissions made to the local authority as part of the recent licensing review, it was clear that there were huge concern that the Framework Licensing Hours were simply not being adhered to, and licensing hours in Durham were being allowed to slip further and further into the early hours.

This application should adhere to the framework hours published in the current Statement of Licensing, as should all applications. While the sale of alcohol does largely fall within these framework hours (except the ten occasions a year this would be extended to 1.00 am on any day of the week), other regulated entertainment and late-night refreshment did not do so, as it was proposed that the cinema operated these services until 1.00 am Sunday to Thursday, and until 2.00 am on Fridays and Saturdays. For reference, the framework hours indicated that late night refreshment should only be provided until midnight during the week, and until 1.00 am on Fridays and Saturdays.

Equally, there was no reason why an extension to 1.00 am for alcohol and 3.00 am for other entertainment ten times a year should be granted as part of the licence. There was plenty of scope for applications to be made under the current TENs system should the applicant wish to do this. This would also allow the police and Environmental Health to make a full assessment of the suitability of the proposed dates for an extension of opening hours. It was questionable whether, in such a residential city, opening to 3.00 am was acceptable in any circumstance.

Durham have already seen a growing number of venues across the city being granted licenses that run outside the framework hours, and there was no reason why this should be allowed. There was real anger amongst residents within the city that the continued granting of late licenses was simply making the framework hours redundant, and so many residents were just at the end of their tether with this problem. This simply had to stop. The Framework of licensing hours was already at the extremes of what was acceptable for a residential city, and the normalisation of licenses until 2.00 am or later was not accepted by the vast majority of residents in the city.

She hoped that the licensing committee fully considered the impact that this application would have on the city centre, when determining this licence, and would take the necessary steps to uphold the licensing objectives.

There were no questions of Mr Rippon.

Mr Cornwell speaking on behalf of the City of Durham Parish Council was asked to address the Sub-Committee.

Mr Cornwell on behalf of the Parish Council welcomed the new cinema to the City and indicated that there were no issues with the proposal for the opening hours from 9.00 am as opposed to 10.00 am in their original planning application. They were however concerned with the proposed closing hours during the week which were a concern for the parish.

The original planning application for the cinema stated that the closing hours were Midnight Sunday to Thursday and 2.00 am on a Friday and Saturday and the Parish felt that the Cinema should stick to these opening hours which were already beyond the framework hours.

There are residential houses in close proximity to the cinema in particular Lambton Walk which was a row of maisonettes with a river view on the exit route from the cinema and when built the area was a shopping centre so was reasonably quiet on an evening. They now have a cinema which would cause disturbance in the evening and the small hours of the morning. There were potentially 253 students surrounding the cinema who were wanting to study and had already objected to the building noise as they moved in a year before the building was complete which had caused them a disturbance.

He then referred to the 10 occasions per year where the hours could be extended until 3.00 am for blockbuster movies but were seeking an extension of other activities like live and recorded music. In a subsequent letter to the parish council they offered conditions and advised that live and recorded music was ancillary to the provision of the exhibitions of film i.e. The Rocky Horror Show. He asked that if permission was granted to the cinema then he would like to see these conditions included.

He then indicated that not every point the parish had raised had been addressed and asked how drinks only to patrons would be enforced as someone could come in off the street, they also asked if they were going to have arrangements in place so that tickets had to be shown to obtain a drink.

There was an expectation that people would travel by car but there are a lot of students in Durham and some residents living within a mile of the cinema. There was likely to be a lot of people walking home from the cinema on a

Friday and Saturday coming out of the Cinema onto North Road being rowdy and so on. Visitors to the City would be returning to their hotels most likely on foot.

He referred to patrons driving to the Cinema and drinking moderately but not everyone was responsible. He then referred to the protection of young people and the cinema would be dark so would the CCTV operate with infra-red lighting. There were 6 screens so how were they going to be monitored and indicated that staff going into the cinema every 30 minutes was not enough to deter children from taken a drink.

They asked for the prevention of public nuisance and to protect children from harm the hours be limited to 12 midnight during the week and 2.00 am on a Friday and Saturday with sufficient conditions for the sale of alcohol to prevent under age children from being able to be passed an alcoholic drink.

Councillor Brown indicated that the parish had raised concerns about the tipping of glass bottles after 11.00 pm and asked if this condition had been included so that no glass bottles were tipped between the hours of 8.00 pm and 9.00 am.

Mr Cornwall indicated that a number of conditions had been offered and he asked that these be included. He commented that the tipping of glass bottles throughout the City was a concern and asked if this condition could be imposed.

Ms Davies, the Applicant's Consultant indicated that they had responded to the objections but were unable to engage until they met outside before the meeting today. She was pleased that both objectors welcomed the cinema and just had some issues.

Ms Davies then outlined the nature of the application and introduced Mr Kerr who was the project manager for the brand and Ms Harding who was the general manager and previously operated an Odeon cinema at Stoke then Leeds/Bradford which were bigger premises.

The Cinema would be their luxurious brand with greater emphasis on guest experience with a high level of service which was customer focused with staff on hand to show you to your seats etc. Seats were much bigger like first class on an aeroplane which were electric and had their own table. There were fewer seats in the auditorium so fewer people, the screen were small with a capacity of 43 with an overall capacity of 400.

Ms Davies then referred to the plan showing the layout of the venue and explained that the external terraced area would only be used during nice weather that had a maximum capacity of 20. The terrace would be monitored

by staff with no glass and alcohol could only be purchased on the production of a cinema ticket. The terraced area did not belong to Odeon but they had permission to use it and was the reason why they had applied for off sales.

Odeon operated throughout England and had 101 premises in the country. The company were very experienced in alcohol sales and some of the premises operated for 24 hours which was not the case for Durham. They were experienced in residential areas so were well experienced and not one of their premises had been subject to a review. It was a standard company condition that alcohol could only be purchased with a cinema ticket which was policed and was not a general bar and staff were trained to ensure that this was the case.

The alcohol was at a premium pricing and you could only purchase one drink per ticket at a time.

Ms Harding indicated that staff were trained on alcohol sales and that cinema tickets needed to be shown to purchase alcohol.

Ms Davies continued that alcohol was an ancillary service and patrons only tendered to have a drink before the screening. If the reputation of the Odeon was tarnished then they would lose business so they did not want disorder or children being able to obtain alcohol, if this came out it would be damaging to the brand.

The operating hours were in line with planning permission which was a separate function, but residential amenities had been consulted as part of the planning process.

All films had different times and the hours sought were to allow for extra screenings of blockbuster films to accommodate as many people as possible. The operating hours were also in line with alcohol sales and CCTV equipment was in place and someone on duty would always be able to use the equipment to facilitate inspections of the footage. The CCTV equipment operated in low light and not all screens would be in use at the same time, there would be patrols every 30 minutes and staff were trained to identify inappropriate behaviour and used infrared goggles to carry out these checks. They also check that people were not illegally filming so staff were used to monitoring.

Further conditions had been agreed with Durham Constabulary on the training of staff, films were an age restricted product, the company operated a challenge 25 and they had offered this as a condition. Challenge 25 was operated within the company nationally and not challenge 21. There was only one exit to leave the premises so staff on duty would remind customers to leave quietly which would be backed up with signage. They were working on

a dispersal policy which would be shared with staff. They had also offered a no glass condition so drinks would be served in non-glass ware and alcohol could only be purchased on the production of a cinema ticket.

There would be two car parks near the cinema and when they were both operational would have a capacity of 470 and 200, one of which was accessed from the cinema without having to go outside at all. The hours of the car park would be in line with the cinema opening hours and would offer concessions for people attending the cinema so there would be minimal disturbance. Other car parks were a 3 minute walk away when operational. There would be more disturbance from the pubs and bars than from people having one or two drinks at the cinema, who would be in a different frame of mind.

Bottles in bins was potentially noisy so the cinema had a dedicated internal area for bottles, but they were happy to comply with the condition suggested by Mr Cromwell that there be no tipping of glass bottles between 8.00 pm and 9.00 am.

She then referred to the regulated entertainment which was ancillary and was for singing and dancing along while watching a film, there was no live music, it was just to ensure they were in line with legislation.

They were happy to include other conditions to promote the licensing objectives.

The circulated crime statistics were prepared for a different application and was for a consultation, so was not linked to this application. The 'Thwaites' case made it clear that decisions must be made on real evidence and not speculation.

She referred to the Licensing Act and how conditions could be attached to the licence before a refusal and there was the power to review the application if there were any issues. The company had 101 revenues up and down the country with no issues.

She then referred to the guidance issued by the Secretary of State which stipulated that any decision should be evidence based. She asked that little weight be attached to the statistics and indicated that the police were not making representations today.

The representation from Roberta Blackman-Woods referred to the proposed opening hours and indicated that cinemas were different to bars and they were seeking an extra hour each evening which was in line with the council's policy. It was a small cinema and not all screens would finish at the same time, so people leaving the cinema would be staggered.

She concluded her representations by stating that no local residents were objecting and in her 30 years' experience, residents would come forward if they had any concerns.

Councillor Atkinson stated that it was not unusual for cinemas to sell alcohol and asked if customers would continually come out of the cinema to purchase alcohol.

Ms Davies responded that customers came to watch a film and usually had a drink before the film and didn't tend to leave the film for a drink.

Councillor Atkinson then asked if this was monitored. In response Ms Davies stated that they could not prohibit people from leaving the film to purchase a drink but from experience this would not happen.

The Council's Solicitor asked when the second car park would be opened.

Members were advised that when the second car park closed the larger car would be open that had a larger capacity than the cinema.

Mr Cornwell referred to the layout of the screens with a chair and a table and how a child could pick up an alcoholic drink without being detected which was a concern.

Ms Davies responded that based on experience they had not had these issues previously.

All parties were invited to sum up.

Mr Ripon indicated that he had covered everything in his submission.

Mr Cornwell indicated that he had covered all issues he wished to raise and was happy to leave the decision in the hands of Members.

Ms Davies asked Members not to curtail the application as there was no evidence before them and asked Members to grant the application in its entirety subject to the conditions they had offered.

At 3.00 pm the Sub-Committee **Resolved** to retire to deliberate the application in private.

After re-convening at 3.30 pm the Chair delivered the Sub-Committee's decision. In reaching their decision the Sub-Committee considered the report of the Senior Licensing Officer, the verbal and written representations of other persons and the Applicant. Members had also taken into account the



Council's Statement of Licensing Policy and S182 Guidance issued by the Secretary of State.

**Resolved:** That the application for a Premises Licence be granted subject to a number of conditions as follows:

Licensable Activities	Days and Hours
Supply of Alcohol (consumption on and off the premises)	<p>Sunday to Thursday: 11:00 to 00:00 hrs.</p> <p>Friday and Saturday: 11:00 to 01:00 hrs</p> <p>On no more than 10 occasions in any calendar year: 11:00 to 01:00 hrs (on any day of the week if not already authorised)</p>
Plays, Films, Live Music, Recorded Music, Performance of Dance, Similar Entertainment (All Indoors)	<p>Sunday to Thursday: 09:00 to 01:00 hrs</p> <p>Friday and Saturday: 09:00 to 02:00 hrs</p> <p>On no more than 10 occasions in any calendar year: 09:00 to 03:00 hrs (on any day of the week)</p>
Late Night Refreshment (Indoors and Outdoors)	<p>Sunday to Thursday: 23:00 to 01:00 hrs</p> <p>Friday and Saturday: 23:00 to 02:00 hrs</p> <p>On no more than 10 occasions in any calendar year: 23:00 to 03:00 hrs (on any day of the week)</p>
Opening hours	<p>Sunday to Thursday: 09:00 to 01:00 hrs</p> <p>Friday and Saturday: 09:00 to 02:00 hrs</p> <p>On no more than 10 occasions in any calendar year: 09:00 to 03:00 hrs (on any day of the week)</p>

### **Condition mediated with Durham Constabulary**

- a) All staff involved in the sale of alcohol shall be properly trained in accordance with the premises licence holder's own training programme and retrained every six months. Training records shall be made available to the police or authorised officer of the licensing authority on request.

Additional conditions:

### **Prevention of Crime and Disorder**

- b) Off-sales of alcohol will be limited to sales made for consumption of alcohol on the terrace area, which may be used until 10pm;

### **Prevention of Public Nuisance**

- c) Signage is to be displayed at the premises to remind guests that they are in a residential area and to leave quietly;
- d) Glass bottles should not be removed by the premises from 8pm until the closing time of the premises;
- e) Regulated entertainment, other than the exhibition of film, shall only be provided as ancillary activities to the exhibition of film.

## **DURHAM COUNTY COUNCIL**

At a Meeting of **Statutory Licensing Sub-Committee** held in Committee Room 2 - County Hall, Durham on **Tuesday 16 July 2019 at 10.00 am**

### **Present:**

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

Councillors P Atkinson, J Blakey, D Brown and C Hampson

#### **Also Present:**

Ms S Grigor (Council's Solicitor)

#### **Alders Bar and Coffee House, Seaham**

Ms K Robson (Licensing Officer)

Mr A Woollett (Applicant)

Mr and Mrs F Duncan (Other Persons)

Dr Aylott (Other Person)

#### **Spice Island, Barnard Castle**

Ms Y Raine (Licensing Officer)

Mr S Ahmed (Applicant)

Darlington Councillor S Ali (Assisting Applicant)

Mr R Keeling (Restaurant Manager)

Mr M Anslow (Senior Environmental Officer)

Councillor J Rowlandson (Barnard Castle TC)

Ms E Rowell (Other Person)

### **Councillor Hampson (in the Chair)**

#### **1 Apologies for Absence**

An Apology for absence was received from Councillor L Marshall.

#### **2 Substitute Members**

There were no substitute Members.

### **3 Declarations of Interest**

There were no declarations of interest.

### **4 Application for the Variation of a Premises Licence - Alders Bar and Coffee House, 21 North Terrace, Seaham**

#### **Councillors C Hampson, D Brown and J Blakey**

The Committee considered the report of the Corporate Director of Regeneration and Local Services regarding an application for the variation of a premises licence for Alders Bar and Coffee House, 21 North Terrace, Seaham (for copy of report, see file of minutes).

A copy of the application and supporting documents had been circulated to Members together with copies of the representations received and responses from responsible authorities.

The Senior Licensing Officer presented the report and advised Members that the application was to update the current internal plan and to extend the hours for recorded music and to extend the sale by retail of alcohol on a Thursday for one hour and on a Sunday for 90 minutes. The applicant had requested the removal of a condition relating to the order of alcohol being ancillary to a substantial meal which the applicant had now withdrawn as the condition was in relation to a delivery service that the premises were not offering.

During the consultation period three letters of representation were received from other persons. Members were advised that one of the representations received had not provided an address so the appropriate weight should be attached to the representation.

Responses were received from Durham Constabulary, County Durham and Darlington Fire and Rescue Service, Durham Safeguarding Children Partnership and Durham Council's Environmental Health Department confirming that they had no comments to make in relation to the application.

Additional information had been received from the Applicant that had been circulated to all parties prior to the meeting.

Mr Duncan, other person sought clarification on the serving of alcohol with a meal.

The Senior Licensing Officer advised that the condition was purely for a delivery service that the previous owner had volunteered as a minor variation to the licence.

Mr Duncan asked if alcohol could be purchased like a public house as he was under the impression you had to purchase a meal. The Senior Licensing Officer confirmed that alcohol could be purchased without a meal.

In response to a question from Mr Duncan, the Senior Licensing Officer confirmed that they needed to know the address as anyone could make representations.

Mr Duncan indicated that he was objecting to the opening of the premises at 7.00 am due to noise and the later opening hours due to the disturbance by patrons getting into taxis.

Dr Aylott, other person indicated that her main concern was the bi-fold doors which would become an extension to the premises onto the street which would disturb residents. The Applicant had assured her that everything would be contained inside the premises which would be high end with good quality food and a well-run business.

She was concerned of smoking outside the premises but again the applicant had reassured her that he would keep a check on this. She was concerned about the extension to the opening hours in the morning and had moved her bedroom to the rear of her property and indicated that other premises in the area were not open that early. Serving would be from 7.00 am but they would be in the premises from 6.30 am to prepare but she had been advised by the Applicant that no tables and chairs would be outside the premises at 7.00 am.

Mrs Duncan, other person referred to the problems associated with the premises with the previous owner. She lived 2 doors away from the premises and if the bi-fold doors were open, sound would travel. She was concerned of the later opening hours as previously they had to shut their windows and turn up the tv due to the noise from the premises. They needed reassurances that this would not happen again as she worked nights and needed to sleep during the day.

Councillor Atkinson asked if any other businesses in the area affected them.

Mrs Duncan responded that the Queen Bee closed at 10.00 pm and the Lamp Room closed at 11.00 pm. There were some café/restaurants further along but did not have the same opening hours as those proposed.

Dr Aylott indicated that Dempseys Bar was further along, and the Port of Call was open late which caused disturbance with glasses and bottles left on window sills but were not associated with the café. She indicated that the move from residential to commercial in the area had been quick.

Mrs Duncan showed Members a photograph of how the street looked 3 years ago.

Councillor Brown asked for confirmation that their biggest issue was with the earlier opening hours.

Objectors confirmed that it was the earlier opening hours and an evening if the bi-fold doors were going to be open as noise would not be contained. There were also thinking ahead as there were plans to extend the path and take away the parking which would make the outside area larger.

The Chairman sought clarification if the sale of alcohol would extend past 11.00 pm.

The Senior Licensing Officer responded that the Applicant were asking for an additional hour on a Thursday and 90 minutes on a Sunday and provided members with details of the opening hours of other premises in the area.

The Chairman asked if there were issues with anti-social behaviour.

Mrs Duncan responded that the club next door, most of the patrons were elderly.

Mr Duncan indicated that the Port of Call patrons stand outside against their wall.

The Applicant indicated they had recently refused entry to some people as they were not the type of customer they wanted to attract.

The Applicant then addressed the Sub-Committee and indicated that the reason for the extension on the morning was they had been approached to ask if they would open earlier so people could get a coffee to take to work and dog walkers wanting a coffee. They are currently in the premises early on a morning and they had a number of people asking if they were serving and it would be easy to turn on the coffee machine. Their neighbours opened at 8.00 am but it was not a problem if they wished to keep in line with their neighbours. The tables and chairs had rubber feet and were light so would not create much noise. He could not imagine that taxis would be pulling up that time in the morning.

They were very sympathetic to their neighbours and had tried to engage with as many as they could and had knocked on doors. They could currently serve alcohol until 11.00 pm but they closed at 11.00 pm. In line with the licensing objectives they were hoping to have drinking up time to allow patrons to disperse in a staggered period. The clientele they were targeting

was the 35 plus, he did not want to be open at 12.00 midnight and his target was a social drink in the late afternoon and early evening in nice surroundings. He did not intend to have specials like buy one get one free and their prices would not be the cheapest around to keep away a certain type of customer.

Councillor Blakey asked when they would stop serving food.

The Applicant responded that they would serve a reduced menu after 6.00 pm but they had only just opened so they were still learning but it was not a restaurant and they would be serving the likes of paninis.

Councillor Blakey then sought clarification on the use of the bi-fold doors.

The Applicant responded that they wanted to create a continental atmosphere and the doors would help with this and make the premises look bigger. They would take advantage of the doors during the day, but they would be closed by 8.00 pm and indicated that Harbour View had obtained planning approval for their bi-fold doors, they had submitted a planning application which was currently being considered.

The Council's Solicitor asked the Applicant to clarify if he was willing to amend the application to 8.00 am on the morning.

The Applicant confirmed that was the case.

Mr Duncan indicated that he was happy with the revised opening times, but they would still be disturbed by taxis for an extra 30 minutes on an evening.

The Applicant responded that he would contact local taxi firms and had a friend who was prepared to be a resident taxi, but other premises were open later who would require taxis.

Mr Duncan responded that the other premises did not impact on them as there were no residents in that area.

Dr Aylott indicated that the premises close, but residents have an extra 30 minutes of disturbance while patrons wait for taxis.

The Applicant responded that he did not envisage them getting much trade after 9.30/10.00 pm and they were not targeting the younger people and had priced them out.

The Senior Licensing Officer advised that the opening hours were not a licensable activity so they could serve tea/coffee without a premises licence.

Members asked if the music levels were an issue.

Residents indicated that if the doors were closed and it was background music then it was not so much of an issue but if the music was loud and the doors were open then the sound travelled straight up and was like an amphitheatre.

The Applicant advised that it would only be background music which would not be amplified as they wanted customers to be able to chatter.

All parties were asked to sum up.

Dr Aylott indicated that they had a good dialogue with the Applicant and was confident that any problems they could go direct to him which they did not have that option with the previous owner.

The Applicant indicated that he was new to this and had taken the whole thing seriously. He had done a lot of staff training and wanted to engage with residents who he saw as stakeholders, who he did not want to fall out with.

At 10.35 am the Sub-Committee retired to deliberate the application in private. After re-convening at 11.00 am the Chair delivered the Sub-Committee's decision. In reaching their decision the Sub-Committee had taken into account the report of the Senior Licensing Officer, verbal and written representations of the Applicant and 'Other Persons' and written representation from responsible authorities. Members had also taken into account the Council's Statement of Licensing Policy and Section 182 Guidance issued by the Secretary of State.

**Resolved:** That the application for the variation of a premises licence be granted as follows:

<b>Licensable Activities</b>	<b>Days and Hours</b>
Sale by Retail of Alcohol (on and off sales only)	Thursday 11:00 hrs - 23:00 hrs Sunday 11:00 hrs – 22:30 hrs
Recorded Music (indoors)	Monday to Wednesday 11:00 hrs - 22:00 hrs Thursday to Sunday 11:00 hrs – 23:00 hrs Sunday 11:00 hrs – 22:30 hrs
Opening Hours	Monday to Wednesday 07:00 hrs – 22:30 hrs Thursday to Saturday 07:00 hrs – 23:30 hrs Sunday 07:00 hrs – 23:00 hrs



**Cllr Blakey left the Meeting**

**K Robson (Senior Licensing Officer) left the Meeting**

**Y Raine (Senior Licensing Officer) joined the Meeting**

**5 Application for the Grant of a Premises Licence - Spice Island, 9 Market Place, Barnard Castle**

**Councillors C Hampson, P Atkinson and D Brown**

The Committee considered the report of the Corporate Director of Regeneration and Local Services regarding an application for the Grant of a premises licence for Spice Island, 9 Market Place, Barnard Castle (for copy of report, see file of minutes).

A copy of the application and supporting documents had been circulated to Members together with copies of the representations received and responses from responsible authorities.

The Senior Licensing Officer presented the report and advised Members that there was already a Premises Licence in force at the premises, but a new application had been submitted so that the second floor of the building could also be utilised for the provision of licensable activities. The application was for the Sale of Alcohol for consumption on the premises, the provision of Indoor Recorded Music and the provision of Indoor Late Night Refreshments. Following mediation with Durham Constabulary the applicant agreed to amend the timings which were now from 07:00 hrs until 00:00 hrs Monday to Sunday, Bank Holidays and Sundays before a Bank Holiday with an extension of hours on Christmas Eve and New Year's Eve until 02:00 hrs.

Following Mediation with the Durham Safeguarding Children Partnership and Durham Constabulary, the applicant added additional conditions to the application, details of which were provided in the report.

One letter of support had been received from Barnard Castle Town Council and four objections to the application were received, one from a responsible authority namely Environmental Health and three from 'Other Persons'.

The Licensing Authority received comments not amounting to a representation from the Planning Authority.

Mr M Anslow, representing Environmental Health indicated that they did not have particular concerns in the granting of the premises licence it was the details of the ingress and egress through an external staircase which was in close proximity to residential properties. Even though the timings had been

reduced people would be using the alleyway to access the external staircase. There was no proposal for a lobby at the top of the staircase so there would be a breakout of music, with the nature of the alleyway raised voices would be heard and people would be smoking in the alleyway which also served residential properties. Environmental Health felt that the application did not meet the licensing objective for public nuisance.

Ms E Rowell, other person indicated that she was the leaseholder of the book shop which was adjacent to the premises and she had two stalls in the shared court yard which she was wanting to develop. She had not objected to the planning permission as she supported the business, but if the business was going to be used in the way the applicant wished it would be to a detriment to her business. She would not be able to extend her business as customers would need to walk through the alleyway which would become a smoking area. She was currently concerned by the level of rubbish associated with the premises which was left after service for her to clear up as her premises opened at 9.00 am. They also had to clear up vomit and they were concerned that this was going to increase. During construction she had to cancel some events due to noise and she had asked about some form of sound proofing as the property was a metre and a half from her bookshop. Music had been played by the contractors and she was worried if music was played in the area it would curtail her business. Her main concerns were noise, smoking and rubbish.

She then spoke on behalf of Mr Brummitt and Ms Henderson who shared a party wall and were worried about music and more noise as their bedroom adjoined the property.

Councillor Brown indicated that he understood there was a noise problem, but Barnard Castle was a vibrant market town and he could not see how noise was going to interfere with their business.

Ms Rowell indicated that only some of the residents made formal objections but people in the town were dissatisfied with the increase in noise. A meeting had recently taking place that Councillor Rowlandson was invited, and the concerns raised at the meeting were noise and rubbish which was a problem and would increase.

Members asked if the alleyway was shared.

Ms Rowell responded that the alleyway was 1.2m wide and was a shared area with mixed use. There was a stair case covering the alleyway and there was already a pot washing area in the alleyway.

Councillor Brown asked where the rubbish was stored.

Ms Rowell responded that rubbish was stored at the front of the property outside her shop and was there until the workers took it back inside at 5.00 pm. The rubbish was mostly food which meant that she was unable to use the seating area outside her shop due to the smells from the bins. Her staff also had to deal with detritus from smoking, she had spoken to the street cleaners, but this had made little impact.

Councillor Atkinson referred to other businesses also being responsible for litter.

Ms Rowell indicated that over the road from the Spice Island was residential properties and holiday cottages who had complained previously in relation to the extraction noise and some had decided to sell their properties. The area was small and was medieval yards.

Mr S Ahmed the Applicant indicated that he had recently had a meeting with the planning department, and they were revising the application to remove the external staircase as an access for customers due to how it could affect neighbours. He had been in business for 25 years and he wanted to make sure everyone had a decent living. They were planning on using the existing fire exit so the external staircase would not be required for customers so the alleyway would not be used by their customers.

The Council's Solicitor asked the Environmental Health Officer if the removal of the external staircase would change their opinion on the application.

The Environmental Health Officer responded that if the external escape was removed from the application then they would withdraw their representations.

The Applicant confirmed that the revised plans should be ready and submitted by Friday.

Ms Rowell responded that the area would still be used for smoking and an external seating area.

The Applicant indicated that they had no plans for a smoking area or external seating.

Councillor Ali gave a character reference for Mr Ahmed and indicated that the business had just won an award. The bins were left outside on the front as advised by the Council. The business had been established for 25 years and was a cocktail lounge and she often had charity events at the premises and never had any issues. If the license was granted for the revised times this would resolve the issues as staff would be in the premises earlier.

The Restaurant Manager indicated that they were trying to develop a new Indian concept with cocktails in a relaxed atmosphere. The premises would be a central kitchen to supply food and would employ 10 people.

The Applicant presented his case and indicated that he had been a DPS since the age of 20. He commented that it had been said that he would not be able to handle a late-night establishment, but he had managed bars and restaurants for 17 years, so was well equipped to handle the licensing hours. It was not a nightclub or pub but a restaurant with 40 or 50 seats with a lounge upstairs where people could wait for their table to be ready downstairs and have a cocktail or a coffee. It would be a relaxed atmosphere with no rowdiness as this was not their concept. There were several restaurants in the area with 3 floors and indicated that the problems in the vicinity were caused by late night clubs which they weren't, they were just asking for the opening times to be extended.

They wanted to extend their licence to midnight, and they were no complaints about their current licence or harm to children. They had a good record and were a responsible business. They wanted to give back to the community and wanted to employ more people which would be beneficial to the town. They bought local produce and the setting up of a hub would benefit everybody. They were trying to address as many concerns as they could as they did not want anyone to be affected. There was always going to be noise, but they had tried to reduce the impact and were sound proofing in excess of the expectations to ensure that everyone was happy.

Councillor Brown referred to the letter of support from the Town Council and asked what connection they had with the Town Council.

The Applicant responded that if they had any concerns, they would go to the town council. They had advised the Town Council of their proposal and asked their opinion and in this case, they supported their proposal.

Councillor Atkinson asked what provisions they had in place for smokers.

The Applicant indicated that they did not have a designated area for smoking so they could not control this.

The Council's Solicitor sought confirmation on the external staircase.

The Applicant responded that the initial plans had an external staircase, but new plans were to be submitted that removed the use of the external staircase which would be submitted on Friday.

At 11.45 am, the Council's Solicitor asked for the meeting to adjourn to allow Members to consider if they should proceed with the hearing in view of the revised plans.

The meeting re-convened at 11.55 am and the Chairman confirmed that they needed to determine the application on the revised plans.

**Resolved:** That the meeting be adjourned until the revised plans were submitted by the Applicant.

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## **DURHAM COUNTY COUNCIL**

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

### **Present:**

**Councillor L Marshall (Chair)**

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

Councillors D Brown and D Hicks

### **Also Present:**

C Hazell (Council's Solicitor)  
K Robson (Senior Licensing Officer)  
Mr Modammadi (Applicant)  
Mrs Modammadi (Applicant)  
Mr Modammadi Junior (Applicant)  
Mrs Rai (Other Person)  
Ms Temple (Other Person)

### **1 Apologies for Absence**

There were no apologies for absence.

### **2 Substitute Members**

There were no substitute members in attendance.

### **3 Declarations of Interest**

There were no declarations of interest.

### **4 Application for the Grant of a Premises Licence - Eco Supermarket, Unit 1 Old Co-op Buildings, Front Street, Langley Park, Co Durham**

The Committee considered the report of the Senior Licensing Officer regarding an application for the grant of a premises licence in respect of Eco Supermarket, Unit 1 Old Co-op Buildings, Front Street, Langley Park (for copy of report, see file of minutes).

A copy of the location plan and application form had been circulated.

The Senior Licensing Officer stated that the application was for a new premises licence as the owner of the premises did not transfer the current licence within the prescribed 28 days.

The Applicant had provided 6 letters of support, all of which had been validated by the licensing authority.

During the consultation period 3 letters of representation had been received which included a petition. The Licensing Authority could not validate the petition as there were no addresses or telephone numbers to contact the individuals.

Durham Constabulary had mediated with the applicant within the consultation period and had agreed additional conditions. County Durham and Darlington Fire and Rescue Service, Durham Safeguarding Children Partnership, Durham County Council's Environmental Health Department and Durham County Council's Public Health Department had confirmed that they had no comments to make in relation to the application.

Councillor Brown referred to the location plan and sought clarification if the Front Street was an L shape. The Applicant confirmed that it was.

Mrs Rai, an other person addressed the Sub-Committee and indicated that since the Co-op store had closed, children asking for alcohol had stopped. She had personally witnessed children shoplifting from the Co-op store. Her shop was constantly targeted, and she had been accused of selling alcohol to children, but she assured the committee that the alcohol was not coming from her shop and she had the CCTV footage to prove this. Since the Co-op store had closed, she had not had to check her CCTV footage to prove to parents that she had not served alcohol to their children. She was happy for them to open a store but not with an alcohol licence.

Ms Temple, an objector indicated that she had heard parents blame Mrs Rai for serving alcohol to children, but she assured Members it was not Mrs Rai.

Mrs Rai indicated that she had been targeted by the Police even if they were carrying a Co-op bag, they would go to her shop first which was around the corner from the Co-op.

Ms Temple indicated that children hung around the back street as they could not be seen and targeted people to go into the Co-op to purchase alcohol for them.



The Chair asked Mrs Rai if she had an alcohol licence and that her objection was for the sale of alcohol and not the shop.

Mrs Rai confirmed that she had a licence to sell alcohol in her shop and was only objecting to the sale of alcohol and not the shop.

Councillor Brown asked how long Mrs Rai had been in business. She responded that she had operated the premises since 2008 and that she had taken over the shop from a previous owner.

Councillor Brown asked if the Co-op had been open during this period. Mrs Rai confirmed that the Co-op had been open.

In response to a question, Mrs Rai confirmed that children did not congregate outside her shop as there was nowhere to hide. She did not know where the children had gone since the Co-op closed and she had not recorded as many incidents in her refusal register. She also advised that the police had never visited her shop since the Co-op closed.

Councillor Brown asked if the surrounding areas were heavily populated with licensed premises.

Mrs Rai responded that the Spar and another Co-op had a licence and 2 pubs and 2 clubs so there was enough alcohol in the village as they did not need any more. The stores currently do not have price wars but if this licence was granted and offered special prices this could cause price wars and children would come back into the village to purchase alcohol.

Mrs Modammadi, the applicant addressed the Sub-Committee and indicated that the objections were based on the effect on their businesses rather than their proposal. They had adhered to all the requirements for the licence. They completed all the courses and made sure arrangements were in place for all the training, they had consulted with all the bodies and none had raised any objections to the application.

They had operated in the village for a long time, they had been asked not to open by other shop owners as it would impinge on their lifestyle. They had adhered to everything in the legislation and felt that the objections were vexatious because of their own business and were objecting for competition purposes. They were opening a supermarket as people in the village had asked them to. The Co-op had been in the village for over 100 years and residents wanted another supermarket rather than anything else.

They did take loitering concerns seriously and had adhered to all the requests and had installed extra cameras which covered all the entry and exits. They had complied with all licensing requirements and the shop had

been inspected by the Fire Officer and had been approved and everything was new.

Mr Modammadi indicated that they owned the building, so they had to do something with the building when the Co-op left. Older people had said that they could not walk down to the bottom of the village and would like a supermarket to re-open. The local police officer had advised him that there had not been a single report of anti-social behaviour around the Co-op in the last 5 years. A lot of residents were in support of the shop and 6 letters of support had been provided from people in the village. There was nothing in the objections against the licensing objectives.

They had planned to open the shop in early May but had been contacted by one of the objectors who had asked him to let him have the shop and he would let him have the pizza shop as he wanted to open a furniture shop. He had said no to this proposal as the supermarket had been in the village for 100 years and was what the residents wanted. Another objector had indicated that they would not be able to pay their mortgage, so the objections were about competition not the licensing objectives. He stated that the Co-op had been in the village before anyone else, so he did not know why they had to be penalised.

Mrs Modammadi indicated that they were trying to keep the village alive, they sponsored the local football team as it was important for them to give back to the community. The residents had asked for a supermarket, the Front Street runs 2 ways and there are a lot of bungalows whose residents can't walk that far to get to the other shops. She was willing to take on board anything suggested, authorities were happy with the proposal and she presented her case on the licensing objectives rather than competition.

Mr Modammadi Junior indicated that the application puts forward all the measures to fulfil the licensing objectives including public nuisance and the safeguarding of children. All responsible authorities had agreed to the application. He referred to the statement that the premises would affect businesses already in the village, but the Co-op had been there for 136 years, so was in existence when the objector's premises opened in the village. They had met the licensing objectives and the objections were vexatious.

In response to a question, the applicant confirmed that the premises were not open yet and the Co-op closed in March of this year and provided Members with the proposed opening hours of the premises.

The Senior Licensing Officer referred to the consultation period and advised that Durham Constabulary would have spoken to the local beat officer and would have raised objections if there were any issues in the area. She

advised Members that reference to too many shops in the area needed to be disregarded.

In summing up, Mrs Rai stated that the elderly went past her shop to get their pensions. Her premises had wheelchair access while Eco Supermarket didn't, her mortgage had nothing to do with her objection. She was concerned that she would be targeted by the police again should the licence be granted.

Mr Modammadi Junior responded that the police had suggested CCTV cameras and they had installed 2 instead of 1 just in case one was damaged. CCTV would also be in the alleyway next to the building and the front and back entrance. An incident log would also be kept, and CCTV footage would be provided if required at any time, so there would be recorded evidence, so they did not feel this was an issue.

Mr Modammadi stated that according to the police there had been no incidents in the last 5 years and the police had not objected to the application.

At 10.30 am the Sub-Committee **Resolved** to retire to deliberate the application in private.

After re-convening at 10.40 am the Chair delivered the Sub-Committee's decision. In reaching their decision the Sub-Committee had considered the report of the Senior Licensing Officer, the verbal and written representations of other persons and the Applicant. Members had also taken into account the Council's Statement of Licensing Policy and S182 Guidance issued by the Secretary of State.

**Resolved:** That the application for a Premises Licence be granted subject to a number of conditions as follows:

<b>Licensable Activities</b>	<b>Days and Hours</b>
Sale by Retail of Alcohol (off sales only)	Monday to Sunday 08:00 hrs – 22:00 hrs
Opening Hours	Monday to Sunday 07:00 hrs – 22:00 hrs

### **Conditions mediated with Durham Constabulary**

#### **Prevention of Crime and Disorder**

- a) Initial staff training to be carried out by DPS or approved member of staff to ensure no alcohol is sold to anyone underage and refresher training to be carried out every 6 months.

- b) 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.
- c) CCTV will be provided in the form of a recordable system, capable of providing pictures of evidential quality in all lighting conditions.
- d) Cameras shall encompass the inside and outside of all entrances and exits to the premises and rear yards, fire exits and all areas inside the premises where the sale/supply of alcohol occurs.
- e) Equipment must be maintained in good working order, be correctly time and date stamped and kept for a period of 28 days.
- f) The Premises Licence Holder must ensure at all times a DPS or appointed member of staff is capable and competent at downloading CCTV footage in recordable format, either disc, hard drive or memory stick to the police / local authority within an agreed timescale between officers and DPS / appointed person.
- g) The recording equipment and discs / memory sticks shall be kept in a secure environment under the control of the DPS or other responsible named individual.
- h) An operational weekly log report must be maintained and endorsed by a signature, indicating the system has been checked and is compliant, in the event of any failings actions taken are to be recorded.
- i) No alcohol to be situated adjacent to the main entrance / exit of the premises to prevent snatch and grab thefts.
- j) Spirits will be shelved behind the counter / till area.

### **The Protection of Children from Harm**

- k) A proof of age policy in place for people under 25 years of age via the Challenge 25 scheme.
- l) The only forms of identification we will accept are a passport, a photo driving licence and 'PASS' hologram I.D.
- m) A refusal register will be kept and endorsed after every sale of alcohol and entry to premise refuse, this is to include over 18's purchasing alcohol and passing it to under 18's (proxy sales).

## **DURHAM COUNTY COUNCIL**

At a Meeting of **Statutory Licensing Sub-Committee** held in Council Chamber, Spennymoor - Council Offices, Spennymoor on **Tuesday 17 September 2019 at 10.00 am**

### **Present:**

**Councillor P Crathorne (Chair)**

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

Councillors L Brown, C Hampson and D Hicks

### **Also Present:**

Councillor D Hicks

Mrs C Hazell (Council's Solicitor)

Ms H Johnson (Licensing Team Leader)

Mrs N Anderson (Licensing Enforcement Officer - Applicant)

Sgt C Dickinson (Durham Constabulary)

PSCO M Williams (Durham Constabulary)

Mr M Thornley (Immigration Officer)

Mr S Winship (Durham Safeguarding Children Partnership)

Mr and Mrs Khalid (Premises Licence Holder)

## **1 Apologies for Absence**

Apologies for absence were received from Councillor M Wilson.

## **2 Substitute Members**

There were no apologies for absence.

## **3 Declarations of Interest**

There were no declarations of interest.

## **4 Minutes**

The Minutes of the meetings held on 2 April 2019, 14 May 2019, 29 May 2019 and 5 July 2019 were agreed as a correct record and were signed by the Chair.

## **5 Application for the Review of a Premises Licence - Cookson Spice, Cookson House, Cookson Terrace, Chester-le-Street**

The Committee considered the report of the Licensing Team Leader regarding an application to consider and determine an application by Durham County Council's Licensing Authority to review the premises licence in respect of Cookson Spice, Cookson House, Cookson Terrace, Chester-le-Street (for copy of report, see file of Minutes).

A copy of the application, location plan and supporting documentation had been circulated to Members.

The premises currently holds a premises licence that permits the sale of alcohol, the playing of recorded music and the provision of late night refreshments.

On the 11 July 2019, the Licensing Authority received an application to transfer the premises licence with immediate effect from Mr Jaman Uddin Ahmed to Mr Mohamed Khalid.

On the 12 July 2019, the Licensing Authority received a letter from Mr Jaman Uddin Ahmed requesting to be removed as the Designated Premises Supervisor (DPS). Mr Khalid had stated that the premises would not be used for any licensable activities.

During the Consultation period three representations had been received in support of the review application from Durham Constabulary, Home Office Immigration Enforcement Team and the Council's Durham Safeguarding Children Partnership.

The Environmental Health Department, Public Health Department, Planning Authority and Fire Authority all responded to the consultation with no comments.

There were no questions of the Officer.

Mrs N Anderson, the Licensing Enforcement Officer presented her report and advised Members that they had asked for a review of the premises licence due to a number of issues. The premises licence had recently transferred to the landlord of the property and the premises were not currently selling alcohol.

On the 18 September 2018 the premises licence was reviewed where Members agreed to add some additional conditions onto the premises licence. The review application had been submitted following an immigration visit in 2017.

On 23 May 2019 a joint visit had been made to the premises where immigration offences were identified and fundamental failings to comply with the premises licence conditions which undermined the licensing objectives.

The Licensing Enforcement Officer advised members that there was no Designate Premises Supervisor at the present time but if a DPS transfer application was submitted to the Licensing Authority then it could have immediate effect, so this would mean that they would be able to sell alcohol straight away.

The Council's Solicitor sought confirmation of who was interviewed in the investigation.

The Licensing Enforcement Officer confirmed that Mr Ahmed had been interviewed under caution and the licensing trainer to the business had been interviewed but not under caution.

Sgt Dickinson from Durham Constabulary was invited to address the Sub-Committee and indicated that they supported the application for the review of the premises licence.

This was the third time that the premises licence was visited by officers with illegal workers been arrested at the premises. The first occasion on the 3 March 2016 whereby one worker was arrested, the second visit on 18 November 2017 whereby four arrests were made and now the third occasion on 23 May 2019 whereby four males were encountered and three were arrested with the fourth being asked to leave the premises.

At the time of the immigration visit in May 2019 the Premises Licence Holder and the Designated Premises Supervisor were already in the process of paying a civil penalty of £37,000 which was the result of the previous immigration visit in November 2017.

Mr Ahmed had been the subject to a licensing review on the 18 September 2018 and eight months later they are subject to another review with illegal workers and breaches of the premises licence conditions.

Durham Constabulary had been provided with a letter from Mr Khalid advising that Mr Ahmed was to be removed as the DPS. Mr Ahmed was still working at Cookson Spice and was still in charge and answered questions of officers when they visited the premises.

No application had been made for a DPS and they would expect the landlord to intervene sooner than he did and had only intervened with the premises licence was in jeopardy.

The way Mr Ahmed had conducted himself since been given a second chance by the Statutory Licensing Sub-Committee to improve showed that he had a total disregard for the Licensing Act and the promotion of the licensing objectives and continued to exploit people for profit.

Following a question from Councillor Brown, PCSO Williamson confirmed that no alcohol was being sold by the premises, but they had not asked about training.

Mr Winship, Durham Safeguarding Children Partnership confirmed they supported the review of the premises licence and had concerns of the protection of children and young people from harm.

Councillor Brown asked if the refusal register was available during the visit to the premises.

The Licensing Enforcement Officer responded that the refusal register was not available when they visited the premises.

Mr Thornley, Acting Chief Immigration Officer addressed the Sub-Committee and indicated that Cookson Spice was not a stranger to immigration, and they had made significant arrests from the premises. Three immigration offenders had been arrested and a further immigration offender asked to leave the premises as he held no right to employment.

Out of the three arrested, two were served immigration paperwork as having worked in breach of their visa conditions and were removed from the United Kingdom to India and Nigeria respectively. The third male a Bangladeshi National who had previously been served immigration paperwork as having overstayed his visa had since claimed asylum and was currently on immigration bail. No penalty had been imposed on the business for these immigration issues due to the evasive nature of the illegal workers that were found.

He then referred to the documentation found at the premises that was piecemeal and unacceptable and of poor quality. He suggested that if any further conditions were imposed by the Sub-Committee then these would only be ignored as Mr Ahmed had already failed to comply with the licensing conditions that were imposed at the last review hearing and the landlord was not taking matters seriously.

He then stated that employing illegal worker was very serious and it negatively impacted on the wages of lawful workers. Employers had an important role to play to ensure that they did checks to ensure that they did not employ illegal workers.



Immigration had visited the premises three times and on the second visit a fine had been implemented and the conditions from the last review had been forgotten or ignored and they had failed the licensing objectives.

In response to questions, Mr Thornley advised that the civil penalty notice was being paid piecemeal and that no action was taken from the third visit and two persons were removed from the United Kingdom.

Mr Khalid, the Landlord was invited to address the Sub-Committee and stated that the property was refurbished and put onto the open market to be leased. A lease was granted to Mr Ahmed on the 18 March 2011 for a period of 21 years and had been in the premises for eight years and they could not interfere in the running of their business.

He originally held the premises licence which was transferred to Mr Ahmed on 18 March 2011 and the leaseholder had failed to inform him what was going on and he learnt of the issues from a third party. Upon finding out about the illegal workers he asked Mr Ahmed to surrender as DPS and that no licensable activities could take place at the premises.

He then informed the Sub-Committee that he was currently taking legal advice on the lease for the premises and he assured Members that no licensing activities would take place at the premises. If any activities took place, he would immediately inform the authorities.

Councillor Hicks asked if they had the lease until 2032.

Mr Khalid advised that this was the case, but they were taking legal advice on reviewing the lease.

Councillor Brown referred to the lease given to Mr Ahmed in 2011 and sought clarification on Admiral Taverns.

Mr Khalid advised that he had bought the property from Admiral Taverns and was transferred to his daughter then transferred to the leaseholder.

Councillor Brown referred to Companies House and the business Cookson Spice was now an incorporated company as of the 29 August 2019 with the Director being Rahima Akthar.

Mr Khalid responded that he did not know this but would investigate it further.

The Council's Solicitor asked Mr Khalid how he would ensure checks were made and when did he intend to make a decision on the review of the lease.

Mr Khalid responded that he would visit the premises twice a week and was taking legal advice on the lease as it had been breached.

The Council's Solicitor then asked Mr Khalid when he had been made aware of the September 2018 proceedings and by whom.

Mr Khalid indicated that he was not made aware of these proceeding until quite late by Mr Ahmed's solicitor after proceedings had taken place. He advised him that the licence had been reviewed and further conditions had been added to the premises licence.

He advised Members that they had a portfolio of properties and they expected them to abide by the rules and regulation as they could not check who they employed and was not the responsibility of the landlord.

Councillor Crathorne asked what they intended to do if they were unable to terminate the lease.

Mr Khalid stated that they would ensure that no alcohol was been sold at the premises.

Councillor Crathorne indicated that it was not just about the sale of alcohol, illegal workers were also an issue and how was he going to ensure that this would not happen again.

Mr Khalid responded that he would terminate the lease immediately.

Councillor Crathorne stated that the premises were in front of the Sub-Committee in 2018 and asked what had been put in place following the hearing.

Mr Khalid indicated that he had been assured that the premises were keeping records of all employees and had physically been shown the records. He would keep a close eye on him, and he had confronted him a few days ago about the third visit by immigration and he showed him the no action and no civil penalties notices.

Mr Thornley stated that no civil action had been taken but two immigration offenders had been deported from the UK.

Councillor Hicks asked if the business would be viable without a premises licence.

Mr Khalid indicated that he did not think that the business would be very successful without being able to sell alcohol.

Sgt Dickinson stated that previously Mr Khalid indicated that he could not interfere in the business as landlord but was now saying he would.

Mr Khalid responded that he was now the Premises Licence Holder.

Following a no of questions from Sgt Dickinson, Mr Khalid indicated that he had a number of premises under his portfolio, the majority of which were commercial, but one was a licensed premises. He lived in the Newcastle area so had not had sight of the press release following the immigration raid.

In Summing up, Mrs Anderson indicated that although the premises were not serving alcohol, they were still able to remain open until midnight to serve hot food. The Licensing Authority still had concerns as illegal workers were found in the kitchen.

Mr Khalid advised that he had given Mr Ahmed a notice to advise that he was unable to serve food after 11.00 pm or play music.

Mr Thornley indicated the Mr Ahmed had been giving a warning last time and told to keep adequate records. When they conducted the latest visit with licensing, they thought it would be five minutes but was two to three hours dealing with four offenders. He did not believe that the licence holder would have any input into how the premises were run and believed revocation was the only way forward.

Sgt Dickinson confirmed what Mr Thornley had stated that although the licence had been changed into the name of Mr Khalid, they had no confidence that there would be any change in how the business would be run.

Mr Khalid gave an undertaken that he would keep a close eye on the premises and anything out of order he would report to authorities immediately.

At 10.45 am the Sub-Committee Resolved to retire to deliberate the application in private.

After re-convening at 11.05 am the Chair delivered the Sub-Committee's decision. In reaching their decision the Sub-Committee considered the report of the Licensing Team Leader, the verbal and written representations of the Applicant, Responsible Authorities and the Premise Licence Holder. Members had also taken into account the Council's Statement of Licensing Policy and S182 Guidance issued by the Secretary of State.

**Resolved:** That the Premises Licence for Cookson Spice be revoked.

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**Statutory Licensing Sub-Committee**

**29<sup>th</sup> October 2019**

**Application for the grant of a**

**Premises Licence**

**Ordinary Decision**



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

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

**Electoral division(s) affected:**

Consett

**Purpose of the Report**

- 1 The Sub-Committee is asked to consider and determine the application for the grant of a premises licence for Bar 1, 28-30 Front Street, Consett, Co Durham DH8 5AQ.
- 2 A plan showing the location of the premises is attached at Appendix 2.

**Executive summary**

- 3 The application is for the grant of a premises licence for Bar 1, 28-30 Front Street, Consett, Co Durham. This application was received on 5<sup>th</sup> September 2019, (Applicant - Bar 1 Limited – Director Samantha Jakeman).
- 4 For members information: This establishment held a premises licence (licence holder – Bar Lux Limited, Ms Shkelqesa Zyberaj – Director and Designated Premises Supervisor - Mr Peter Skotidakis) until it was revoked on 31<sup>st</sup> July 2019.
- 5 On 3<sup>rd</sup> July 2019 the Licensing Authority received an application and supporting certificate under Section 53A of the Licensing Act 2003 from Durham Constabulary where it was required to consider whether it is necessary to take interim steps pending determination of the full review of the premises within 48 hours of receipt of the application. Section 53A provides that the Chief Officer of Police may apply for an urgent review of a premises where it is considered the premises is associated with serious crime and /or serious disorder.

- 6 On 5<sup>th</sup> July 2019 the Statutory Licensing Sub Committee members decided to suspend the premises licence with immediate effect and remove the designated premises supervisor Mr Peter Skotidakis pending a full review.
- 7 On 31<sup>st</sup> July 2019 the Statutory Licensing Sub Committee determined the review of the premises licence for Bar Lux, 28-30 Front Street, Consett and revoked the premises licence.
- 8 On 2<sup>nd</sup> October 2019 the Licensing Authority received a letter of representation from Durham Constabulary in opposition to the new application for Bar 1, 28-30 Front Street, Consett which was submitted on 5<sup>th</sup> September 2019 from Durham Constabulary.
- 9 County Durham & Darlington Fire and Rescue Service, Durham Safeguarding Children Partnership, Durham County Council Environmental Health, Durham County Council Public Health, have responded to the consultation with no comments.

### **Recommendation(s)**

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

### **Background**

- 12 Background information

Applicant	<b>Bar 1 Limited Director – Samantha Jakeman</b>	
Type:	Date received:	Consultation ended:
<b>Grant of a premises licence</b>	<b>5<sup>th</sup> September 2019</b>	<b>3<sup>rd</sup> October 2019</b>

## Details of the application

- 13 An application for the grant of a premises licence was received by the Licensing Authority on 5<sup>th</sup> September 2019. Please note the applicant's agent has submitted additional documents in relation to the application. A copy of the application and additional documents are attached, see Attached at Appendix 3.
- 14 The proposed licensable activities are as follows:

<b>Proposed Licensable Activities and Opening Hours</b>	<b>Days &amp; Hours</b>
Live and Recorded Music - indoors	Monday to Sunday 12:00 hrs until 03:00 hrs
Performance of Dance	Monday to Sunday 12:00 hrs until 03:00 hrs
Anything of a similar description to that falling within (e) (f) or (g)	Monday to Sunday 12:00 hrs until 03:00 hrs
Supply of alcohol (on sales)	Monday to Sunday 12:00 hrs until 03:00 hrs
Hours open to the public	Monday to Sunday 12:00 hrs until 03:30 hrs

- 15 The applicant has proposed conditions and the steps that they intend to take in order to promote the four licensing objectives, which are outlined within the application form.
- 16 Members should refer to Durham County Council's Statement of Licensing Policy – Appendix B "Framework of Licensing Hours" for the recommended hours for the operation of licensable activities within the County of Durham. See Attached Appendix 4.

## The Representations

- 17 The Licensing Authority received one letter of representation from Durham Constabulary during the consultation period. Members should be aware that communications/mediation have taken place between Durham Constabulary and the Applicant's Agent, however no outcome had been established at the time of writing the report.
- 18 The Licensing Authority deemed the representations as relevant, relating to the following licensing objectives:
- The Prevention of Crime and Disorder
  - The Prevention of Public Nuisance
- A copy of the representation is attached as Appendix 5.

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

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

Copies of these responses are attached at Appendix 6.

### **The Parties**

20 The Parties to the hearing will be:

- Mr Rob Edge - (Applicant's Agent)
- Applicant – Bar 1 Ltd - Samantha Jakeman
- Durham Constabulary (Responsible Authority)

### **Options**

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

- (a) Grant the variation subject to conditions that are consistent with the operating schedule accompanying the application and the mandatory conditions set out in the Licensing Act 2003;
- (b) Grant the licence subject to modified conditions to that of the operating schedule where the committee considers it appropriate for the promotion of the licensing objectives and the mandatory conditions set out in the Licensing Act 2003;
- (c) To reject the whole or part of the application.

### **Main implications**

#### *Legal Implications*

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

See Appendix 1.

#### *Consultation*



- 23 The premises licence application was subject to a 28 day consultation.  
See Appendix 1

## **Conclusion**

- 24 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)

## **Other useful documents**

- None

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**Contact:** Karen Robson

Tel: 03000 265104

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## **Appendix 1: Implications**

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### **Legal Implications**

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

In this case it was summed up that:

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

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

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

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

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

### **Consultation**

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

The Responsible Authorities were consulted on the application.

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

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

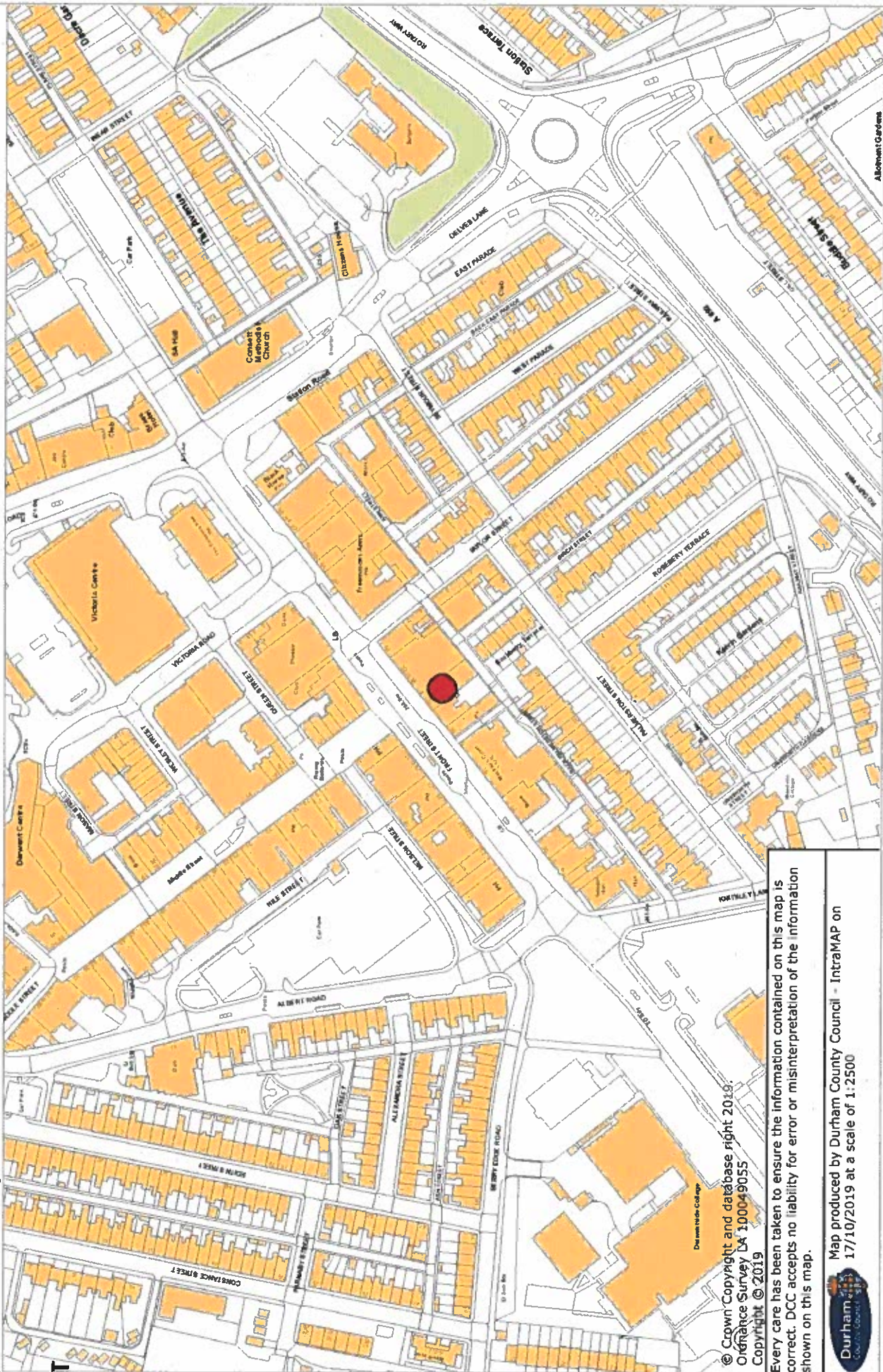
In addition, details of the application were available to view on the Council's website throughout the 28 day consultation period.

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## Appendix 2: Location Plan

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# 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  
17/10/2019 at a scale of 1:2500



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## Appendix 3: Application Form

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**DURHAM COUNTY COUNCIL, Licensing  
Services, PO Box 617, Durham. DH1 9HZ**

**Application for a premises licence to be granted under the Licensing Act 2003**

**PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST**

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

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

**I/We Bar 1 Ltd**

*(Insert name(s) of applicant)*

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 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

**Part 1 – Premises details**

Postal address of premises or, if none, ordnance survey map reference or description			
28-30 Front Street Consett			
Post town	Durham	Postcode	DH8 5AQ
Telephone number at premises (if any)			
Non-domestic rateable value of premises			

**Part 2 – Applicant details**

Please state whether you are applying for a premises licence as

**Please tick as appropriate**

- |  |   |
|--|---|
| a) an individual or individuals *                    | <input type="checkbox"/> please complete section (A)            |
| b) a person other than an individual *               |   |
| i as a limited company/limited liability partnership | <input checked="" type="checkbox"/> please complete section (B) |
| ii as a partnership (other than limited liability)   | <input type="checkbox"/> please complete section (B)            |

- iii as an unincorporated association or ☐ please complete section (B)
- iv other (for example a statutory corporation) ☐ please complete section (B)
- c) a recognised club ☐ please complete section (B)
- d) a charity ☐ please complete section (B)
- e) the proprietor of an educational establishment ☐ please complete section (B)
- f) a health service body ☐ please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales ☐ please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England ☐ please complete section (B)
- h) the chief officer of police of a police force in England and Wales ☐ please complete section (B)

\* If you are applying as a person described in (a) or (b) please confirm (by ticking yes to one box below):

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

**(A) INDIVIDUAL APPLICANTS** (fill in as applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
Date of birth			I am 18 years old or over <input type="checkbox"/> Please tick yes		
Nationality					
Current residential address if different from premises address					
Post town				Postcode	
Daytime contact telephone number					
E-mail address (optional)					

Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 9-digit 'share code' provided to the applicant by that service (please see note 15 for information)

**SECOND INDIVIDUAL APPLICANT (if applicable)**

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
Date of birth		I am 18 years old or over		<input type="checkbox"/>	Please tick yes
Nationality					
Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 9-digit 'share code' provided to the applicant by that service: (please see note 15 for information)					
Current residential address if different from premises address					
Post town				Postcode	
Daytime contact telephone number					
E-mail address (optional)					

**(B) OTHER APPLICANTS**

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

Name Bar 1 Limited
Address 28-30 Front Street Consett Durham DH8 5AQ



Registered number (where applicable) 12153139
Description of applicant (for example, partnership, company, unincorporated association etc.) 56301 - Licensed clubs 56302 - Public houses and bars.
Telephone number (if any)
E-mail address (optional)

### Part 3 Operating Schedule

When do you want the premises licence to start?

DD	MM	YYYY
<input type="text"/>	<input type="text"/>	<input type="text"/>

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

DD	MM	YYYY
<input type="text"/>	<input type="text"/>	<input type="text"/>

Please give a general description of the premises (please read guidance note 1)

The premises is to be run as a night club and will have a positive impact on the community, which includes employees, suppliers, customers, the environment and the people of Durham.

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

What licensable activities do you intend to carry on from the premises?

(please see sections 1 and 14 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment (please read guidance note 2)

Please tick all that apply

- |  |                          |
|--|--------------------------|
| a) plays (if ticking yes, fill in box A)                             | <input type="checkbox"/> |
| b) films (if ticking yes, fill in box B)                             | <input type="checkbox"/> |
| c) indoor sporting events (if ticking yes, fill in box C)            | <input type="checkbox"/> |
| d) boxing or wrestling entertainment (if ticking yes, fill in box D) | <input type="checkbox"/> |

- e) live music (if ticking yes, fill in box E) ☒
- f) recorded music (if ticking yes, fill in box F) ☒
- g) performances of dance (if ticking yes, fill in box G) ☒
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H) ☒

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

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

**In all cases complete boxes K, L and M**

# A

<b>Plays</b> Standard days and timings (please read guidance note 7)			<b>Will the performance of a play take place indoors or outdoors or both – please tick</b> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
		Both		<input type="checkbox"/>	
Day	Start	Finish			
Mon			<b>Please give further details here</b> (please read guidance note 4)		
Tue					
Wed			<b>State any seasonal variations for performing plays</b> (please read guidance note 5)		
Thur					
Fri			<b>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list</b> (please read guidance note 6)		
Sat					
Sun					

# B

<b>Films</b> Standard days and timings (please read guidance note 7)			<b>Will the exhibition of films take place indoors or outdoors or both – please tick</b> (please read guidance note 3)		Indoors	<input type="checkbox"/>
					Outdoors	<input type="checkbox"/>
					Both	<input type="checkbox"/>
Day	Start	Finish	<b>Please give further details here</b> (please read guidance note 4)			
Mon						
Tue						
			<b>State any seasonal variations for the exhibition of films</b> (please read guidance note 5)			
Wed						
Thur						
			<b>Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list</b> (please read guidance note 6)			
Fri						
Sat						
Sun						

# C

Indoor sporting events Standard days and timings (please read guidance note 7)			<u>Please give further details</u> (please read guidance note 4)	
Day	Start	Finish		
Mon				
Tue				<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 5)
Wed			<u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 6)	
Thur				
Fri				
Sat				
Sun				

# D

<b>Boxing or wrestling entertainments</b> Standard days and timings (please read guidance note 7)			<b><u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u></b> (please read guidance note 3)		Indoors	<input type="checkbox"/>
					Outdoors	<input type="checkbox"/>
					Both	<input type="checkbox"/>
Day	Start	Finish	<b><u>Please give further details here</u></b> (please read guidance note 4)			
Mon						
Tue						
			<b><u>State any seasonal variations for boxing or wrestling entertainment</u></b> (please read guidance note 5)			
Wed						
Thur						
			<b><u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</u></b> (please read guidance note 6)			
Fri						
Sat						
Sun						

# E

<b>Live music</b> Standard days and timings (please read guidance note 7)			<b>Will the performance of live music take place indoors or outdoors or both – please tick</b> (please read guidance note 3)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b>Please give further details here</b> (please read guidance note 4)		
Mon	1200	0300			
Tue	1200	0300			
			<b>State any seasonal variations for the performance of live music</b> (please read guidance note 5)		
Wed	1200	0300			
Thur	1200	0300			
			<b>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list</b> (please read guidance note 6)		
Fri	1200	0300			
Sat	1200	0300			
Sun	1200	0300			

**F**

<b>Recorded music</b> Standard days and timings (please read guidance note 7)			<b>Will the playing of recorded music take place indoors or outdoors or both – please tick</b> (please read guidance note 3)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b>Please give further details here</b> (please read guidance note 4)		
Mon	1200	0300			
Tue	1200	0300			
			<b>State any seasonal variations for the playing of recorded music</b> (please read guidance note 5)		
Wed	1200	0300			
Thur	1200	0300			
			<b>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list</b> (please read guidance note 6)		
Fri	1200	0300			
Sat	1200	0300			
Sun	1200	0300			



# G

<b>Performances of dance</b> Standard days and timings (please read guidance note 7)			<b><u>Will the performance of dance take place indoors or outdoors or both – please tick</u></b> (please read guidance note 3)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b><u>Please give further details here</u></b> (please read guidance note 4)		
Mon	1200	0300			
Tue	1200	0300			
			<b><u>State any seasonal variations for the performance of dance</u></b> (please read guidance note 5)		
Wed	1200	0300			
Thur	1200	0300			
			<b><u>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</u></b> (please read guidance note 6)		
Fri	1200	0300			
Sat	1200	0300			
Sun	1200	0300			

# H

<b>Anything of a similar description to that falling within (e), (f) or (g)</b> Standard days and timings (please read guidance note 7)			Please give a description of the type of entertainment you will be providing	
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b><u>Will this entertainment take place indoors or outdoors or both – please tick</u></b> (please read guidance note 3)	Indoors <input checked="" type="checkbox"/>
Mon	1200	0300		Outdoors <input type="checkbox"/>
				Both <input type="checkbox"/>
Tue	1200	0300	<b><u>Please give further details here</u></b> (please read guidance note 4)	
Wed	1200	0300		
Thur	1200	0300	<b><u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u></b> (please read guidance note 5)	
Fri	1200	0300		
Sat	1200	0300	<b><u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u></b> (please read guidance note 6)	
	1200	0300		
Sun	1200	0300		

# I

<b>Late night refreshment</b> Standard days and timings (please read guidance note 7)			<b>Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 3)</b>	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b><u>Please give further details here (please read guidance note 4)</u></b>		
Mon					
Tue					
Wed			<b><u>State any seasonal variations for the provision of late night refreshment (please read guidance note 5)</u></b>		
Thur					
Fri			<b><u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list (please read guidance note 6)</u></b>		
Sat					
Sun					

**J**

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 7)			<b>Will the supply of alcohol be for consumption – please tick</b> (please read guidance note 8)	On the premises	<input checked="" type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b>State any seasonal variations for the supply of alcohol</b> (please read guidance note 5)		
Mon	1200	0300			
Tue	1200	0300			
Wed	1200	0300			
Thur	1200	0300			
Fri	1200	0300			
Sat	1200	0300			
Sun	1200	0300			

**State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor (Please see declaration about the entitlement to work in the checklist at the end of the form):**

<b>Name</b> Jody Carol Armstrong	
<b>Date of birth</b>	
<b>Address</b>	
<b>Postcode</b>	
<b>Personal licence number (if known)</b>	
<b>Issuing licensing authority (if known)</b>	

**Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 9).**

<b>Hours premises are open to the public</b> <b>Standard days and timings (please read guidance note 7)</b>			<b><u>State any seasonal variations</u></b> (please read guidance note 5)	
<b>Day</b>	<b>Start</b>	<b>Finish</b>		
<b>Mon</b>	1200	0330		
<b>Tue</b>	1200	0330		
<b>Wed</b>	1200	0330		
<b>Thur</b>	1200	0330	<b><u>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</u></b> (please read guidance note 6)	
<b>Fri</b>	1200	0330		
<b>Sat</b>	1200	0330		
<b>Sun</b>	1200	0330		

## M

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

**a) General – all four licensing objectives (b, c, d and e) (please read guidance note 10)**

The premises is to be well managed by the DPS and staff, at all times.

The Premises Licence Holder and Designated Premises Supervisor will always ensure that the licensing objectives are fully adhered to and that due diligence is given to the day-to-day management of the premises.

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

SIA staff to minimise potential nuisance to neighbours and will monitor conduct of patrons leaving the premises; Signage will be prominently displayed to reflect this as a requirement. A proof of age scheme will be in place and relevant ID will always be requested for Challenge 25, a refusals log will be used at all times.

The premises will have an incident book and record all incidents that occur inside or immediately outside the premises and this is to happen whether emergency services have been called or not. Any Responsible Authority can inspect the incident book at any time.

**CCTV** - The Premises will operate a CCTV system at all times the premises are open for licensable activities. The CCTV system used shall record for a minimum of 31 days. All images held by the CCTV system will be made available to any of the Responsible Authority upon reasonable request. The Premises Licence Holder shall ensure the CCTV system is recording whenever the premises is open for licensable activities.

**Refusals log** will be kept at the premises and completed on any occasion a sale is refused; this will be made available to all Responsible Authorities on request. The refusals log is to be signed by the DPS on a regular basis, even if there are no refusals.

**Pubwatch** – Both the DPS and head door person {SIA} will regularly attend Pubwatch and will ensure they are in possession of updated lists of those banned from licensed premises within the area. This information is to be conveyed to all staff working at the premises.  
**Staff Training** - All staff involved in the sale of alcohol will be fully trained in the main aspects of the Licensing Act 2003, records will be kept of all training and retraining will take place every 6 months. All new members of staff will be trained prior to commencing employment.

**Last Entry**, Customers will not be allowed into the premises after 0130 hrs and there is to be no re-entry for those who leave the premises.

There will be three Personal Licence Holders on duty at all times when licensable activities are undertaken.

**Incident Book** - will be kept at the premises and completed on any occasion an incident takes place, this book will be maintained by door staff and signed off by both the head door person and the DPS. This is to be made available to all Responsible Authorities on request.

**Signage** – Signage is to be prominently placed near the entrance of the venue, stating {1} that management have the right to refuse entry and that there is a last entry policy of 0100 hours for all customers.

The venue is to operate a full Polycarbonate glass only policy; all drinks are to be dispensed into the glasses for all customers. There will be an exception of wine and champagne at private parties.

**Door staff {SIA}** The door staff profile will consist of identification for the member of staff. A copy of his/her SIA badge, Passport or driving Licence. If the proof of identification is

anything older than the photo driving licence, then the member of staff will need proof of address, which must be a copy of a utility bill and dated within the last six months.  
The Premises Licence Holder shall ensure that Door supervisors stationed outside the premise will wear hi-visibility jackets/coats, and will have their SIA badge held in a clear arm sleeve. Door Supervisors inside the premises will wear hi-visibility waistcoats, again with their SIA badge held in a clear arm sleeve.

**c) Public safety**

All staff involved in the sale of alcohol will be fully trained in the main aspects of the Licensing Act 2003 and refresher training will take place every 6 months. A register of all staff training is to be maintained and be made available to any responsible authority.  
The Premises Licence Holder shall ensure that all entrances, exits and passageways are always kept clear of debris or furniture. All waste produced by the premises will be disposed of appropriately  
A register of refusals will be kept and maintained on the premises.  
Challenge 25 will be operated and only recognised forms of proof of age will be accepted.

**d) The prevention of public nuisance**

Signage is to be displayed in a prominent position requesting that customers leave the premises quietly and show consideration to neighbours.  
All waste produced by the premises will be disposed of appropriately  
Staff will pay particular attention to ensuring the frontage is kept clean and free of debris. Also pointing out to customers the .Clear signage requesting that patrons leave quietly  
There will be zero tolerance to drunken or anti-social behaviour.  
Out of hours' deliveries will be carefully monitored, to ensure noise is kept to the minimum.  
All staff will be fully trained to ensure that patrons depart in a quiet and considerate manner.  
A dedicated taxi company will be used for the purpose of collecting patrons.

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

Challenge 25 - A strict Challenge 25 will be in place and staff training will be both comprehensive and reviewed on a regular basis; with records being retained at the premises; and made available for inspection by any Responsible Authority at reasonable notice.  
Challenge 25 posters will be prominently displayed.  
Children will not be allowed on the premises after 2100 hrs, except when there is a private function; and only then when accompanied by an adult.

**Checklist:**

**Please tick to indicate agreement**

- I have made or enclosed payment of the fee. ☒
- I have enclosed the plan of the premises. ☒
- I have sent copies of this application and the plan to responsible authorities and others where applicable. ☒
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable. ☒
- I understand that I must now advertise my application. ☒
- I understand that if I do not comply with the above requirements my application will be rejected. ☒
- ☐

[Applicable to all individual applicants, including those in a partnership which is not a limited liability partnership, but not companies or limited liability partnerships] I have included documents demonstrating my entitlement to work in the United Kingdom or my share code issued by the Home Office online right to work checking service (please read note 15). ☐

**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.**

**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.**

**Part 4 – Signatures** (please read guidance note 11)

**Signature of applicant or applicant's solicitor or other duly authorised agent** (see guidance note 12). If signing on behalf of the applicant, please state in what capacity.

<b>Declaration</b>	<ul style="list-style-type: none"> <li>• [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).</li> <li>• 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, or have conducted an online right to work check using the Home Office online right to work checking service which confirmed their right to work (please see note 15)</li> </ul>
<b>Signature</b>	
<b>Date</b>	4 September 2019
<b>Capacity</b>	Agent on behalf of the applicant



**For joint applications, signature of 2<sup>nd</sup> applicant or 2<sup>nd</sup> applicant's solicitor or other authorised agent (please read guidance note 13). If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	
Capacity	

<b>Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 14)</b>  Rob Edge	
Post town	Postcode
Telephone number (if any)	
<b>If you would prefer us to correspond with you by e-mail, your e-mail address (optional)</b>  	

**Consent of individual to being specified as premises supervisor**

Jody Carol Armstrong

---

*[full name of prospective premises supervisor]*

*[home address of prospective premises supervisor]*

hereby confirm that I give my consent to be specified as the designated premises supervisor in relation to the application for

Bar 1 28-30 Front Street, Consett. Durham. DH8 5AQ

New Premises licence

---

*[type of application]*

by

Bar 1 Ltd

---

*[name of applicant]*

relating to a premises licence **N/A. New Premises Licence Application**

---

*[number of existing licence, if any]*

for

Bar 1. 28-30 Front Street, Consett. Durham. DH8 5AQ

---

*[name and address of premises to which the application relates]*

and any premises licence to be granted or varied in respect of this application made by

Bar 1 Ltd

---

*[name of applicant]*

concerning the supply of alcohol at

*[name and address of premises to which application relates]*

Bar 1 28-30 Front Street, Consett. Durham. DH8 5AQ

---

I also confirm that I am entitled to work in the United Kingdom and am applying for, intend to apply for or currently hold a personal licence, details of which I set out below.

Personal licence number

---

*[insert personal licence number, if any]*

Personal licence issuing authority

Durham County Council

*[insert name and address and telephone number of personal licence issuing authority, if any]*

**Signed**

>

**Name (please print)**

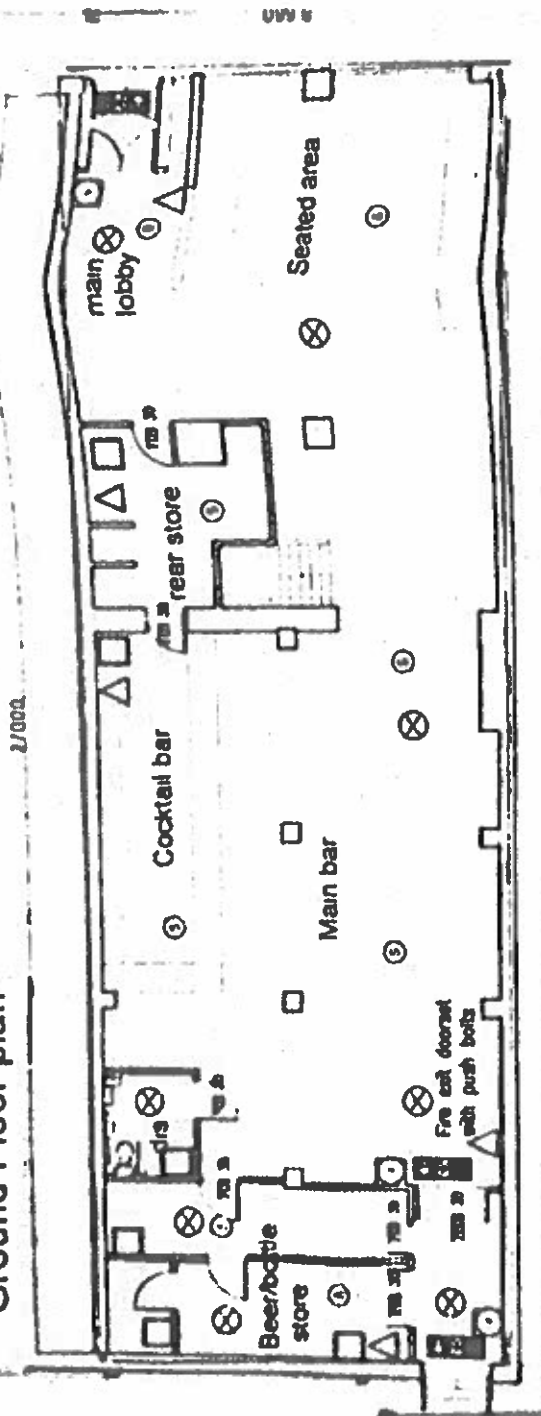
Jody Carol Armstrong

**Date**

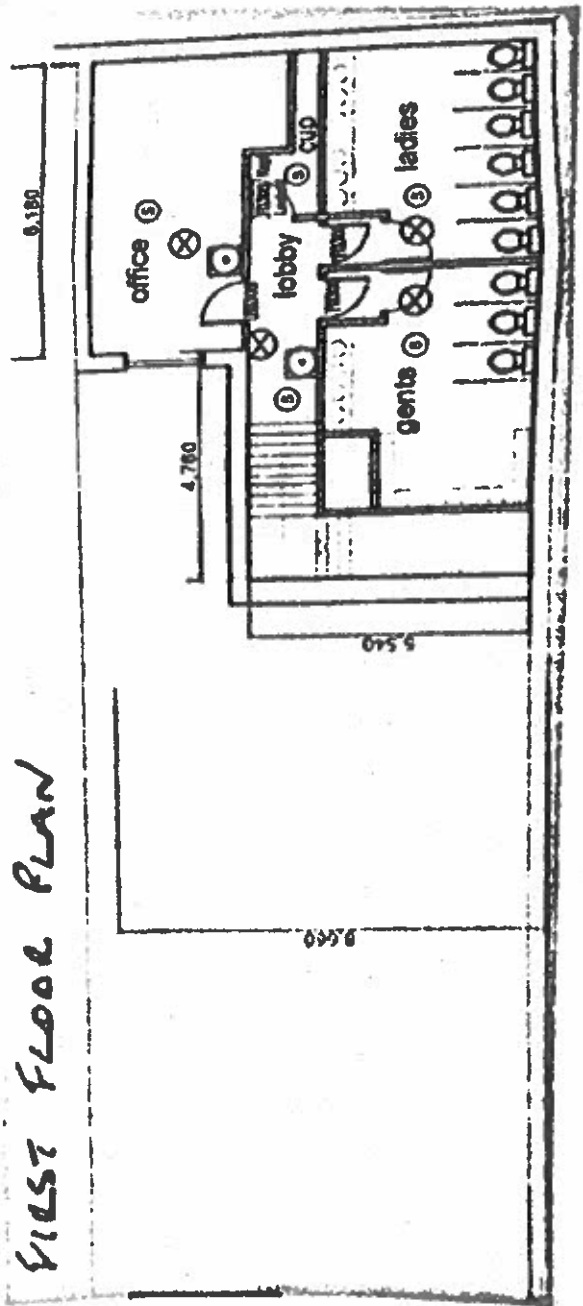
22, August 2019

Bar 1  
28-30 Front Street  
Consett, Durham  
DH8 5AQ

# Ground Floor plan



# First Floor plan



licence holder Ltd  
W1  
rob s  
ik

Version 01 - August 2019  
Measurements supplied by owner

**ADDITIONAL DOCUMENTS FROM APPLICANT’S AGENT –  
MR EDGE**

---

**From:** rob.edge  
**Sent:** 17 October 2019 14:22  
**To:** Karen Robson  
**Cc:** 'Caroline Dickenson'; 'Michelle Williamson'  
**Subject:** RE: Section 6 Notice of Hearing - Grant of a Premises Licence - Bar 1 Conssett DH8 5AQ  
**Attachments:** Challenge 25 poster - Bar Lux.pdf; Test paper - Staff training Bar 1.docx; Notice of Attendance - BAR 1 LTD 29.10.2019.docx; INCIDENT LOG BOOK - Bar 1 Ltd.docx; BAR LUX - REFUSALS LOG.pdf; Signage - Bar 1 Ltd.pdf; Documents lodged on behalf of the applicant\_Bar 1\_LSC. 29-10-2019.docx

*Dear All,*

Please find notice of attendance attached to this email, I was instructed this morning by the Premises Licence Holder and will now be attending the hearing, additionally I have attached documents for submission at the hearing in support of the application.

Kind regards

Rob

**Rob Edge**  
**Licence Leader Ltd**

Email. [rob.edg](mailto:rob.edg)

Web. [www](http://www)

Tel. (

**Dedicated to providing a dynamic and realistic approach to licensing.**

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## **Bar 1**

**Durham County Council  
Licensing Sub-Committee  
1000 Hrs – 29 October 2019**

### **Documents lodged on behalf of the applicant**

In my capacity as the agent acting for the applicant, I have liaised extensively with the Police Licensing Team via telephone and email with Sergeant Caroline Dickenson and PC Michelle Williamson. The premises licence holder has met with police licensing and discussed the venue in detail.

We strongly believe this premises can be well managed in a professional manner, with a highly skilled management team, learning lessons from the manner in which it was previously run. The management team will always ensure that they uphold and promote the licensing objectives and step up to the mark.

The following documents are being utilised for mediation and the day-to-day management of the premises, and, are now submitted to the subcommittee:

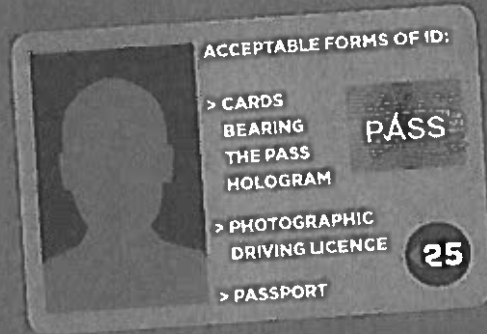
- Challenge 25
- Incident Log book
- Refusals Register
- Staff Training test papers
- Dress code
- Signage
  - To mitigate noise and nuisance, and show consideration to neighbours
  - Stating last entry time
  - Management have the right to refuse entry

I have liaised on a regular basis with the police licensing team in order to find a middle ground, and will continue to do so up to the date of the scheduled hearing.

**Rob Edge  
Director  
Licence Leader Ltd**

www.  
rob.edge  
Rob

# UNDER 25?



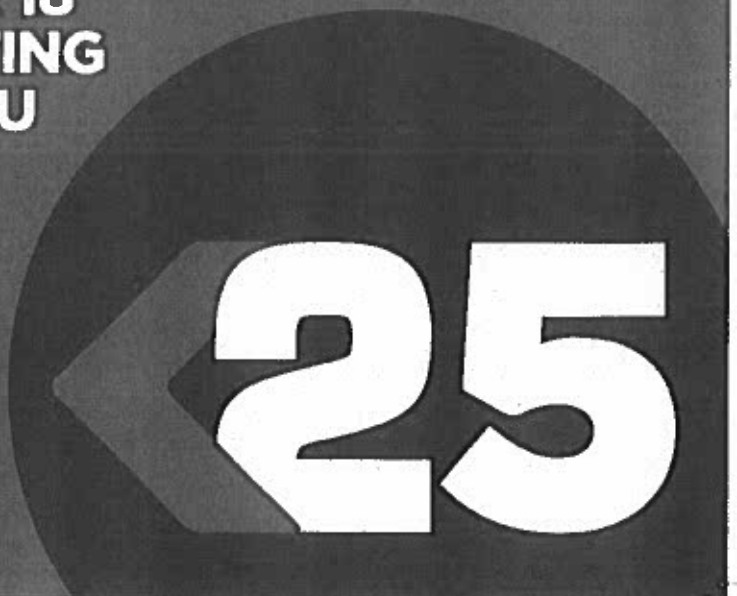
**IF YOU ARE LUCKY  
ENOUGH TO LOOK UNDER  
25 YOU WILL BE ASKED  
TO PROVE THAT YOU ARE  
AGED 18 OR OVER WHEN  
YOU BUY ALCOHOL**

**IF YOU ARE UNDER 18  
YOU ARE COMMITTING  
AN OFFENCE IF YOU  
ATTEMPT TO BUY  
ALCOHOL**



**drinkaware.co.uk**  
for the facts about alcohol

**WWW.CHALLENGE25.ORG**





# **Incident Log Book**

**Bar 1 Ltd**

**Please use a separate page in this log for each incident.**

**Do not put yourself or staff at risk, call 999 or 101 when  
appropriate**

**Staff should write an entry whenever an incident occurs.**

Licence Leader  
Alcohol Licensing Services  
[www.licerl](http://www.licerl)  
Mobile.

Incident Report Log								
Date of incident	Time of incident							
Location	Value of Losses/Damage							
Description of Incident								
				Images available		YES/NO	Are still images available	YES/NO
				Was it reported to West Midlands Police		YES/NO	Crime Number	
				If reported to West Midlands Police, was it reported at the time of incident or afterwards:-				
				Which staff member was involved with this incident				
What further action has been taken by Premises Licence Holder								
Final comments;								

Incident Report Log			
Date of incident	Time of incident		
Location	Value of Losses/Damage		
Description of Incident			
Images available		YES/NO	Are still images available
Was it reported to West Midlands Police		YES/NO	Crime Number
If reported to West Midlands Police, was it reported at the time of incident or afterwards:-			
Which staff member was involved with this incident			
What further action has been taken by Premises Licence Holder			
Final comments;			

[illegible]

Page 84





Incident Report Log			
Date of incident	Time of incident		
Location	Value of Losses/Damage		
Description of Incident			
		YES/NO	YES/NO
Images available	Are still images available		
Was it reported to West Midlands Police	Crime Number		
If reported to West Midlands Police, was it reported at the time of incident or afterwards:-			
Which staff member was involved with this incident			
What further action has been taken by Premises Licence Holder			
Final comments;			

# REFUSALS LOG BOOK

**Bar Lux**

If a customer appears to be under 25 and fails to produce a valid ID photo, the sale should be **Refused** and recorded in this refusals log. Staff should write an entry whenever an age-related sale is refused.

**No ID - No Sale**

Licence Leader Limited  
Alcohol Licensing Services  
[www.licence-leader.co.uk](http://www.licence-leader.co.uk)  
Mobile 01223 316000

[www.licence-leader.co.uk](http://www.licence-leader.co.uk)

**Bar Lux**







**Test paper for those employed within the  
Licensing Trade - Licensing Act 2003**

{Extracted from the BIIAB Level 2 award for Personal Licence Holders}

Candidate..... Date.....

**Organisation: Bar 1 Ltd**

<b>1. Which of these is a "Licensing Objective" ?</b>	
A	
B	
C	
D	

<b>2. An Unauthorised licensable active is ?</b>	
A	
B	
C	
D	

<b>3 A drink is classed as alcohol if its "abv" is more than :</b>	
A	
B	
C	
D	

<b>4 A premises licence authorises the use of specific premises for :</b>	
A	
B	
C	
D	

<b>5 The maximum penalty for selling alcohol outside of the hours authorised by a premises licence is:</b>	
A	
B	
C	
D	

<b>6 The role of the Designated Premises Supervisor on a licensed premises is to :</b>	
A	
B	
C	
D	

<b>7 If a police Officer witnesses a sale of alcohol to a drunk, what value fixed penalty fine can they impose ?</b>	
A	
B	
C	
D	

<b>8 Which of these is the most reliable form of proof of age ?</b>	
A	
B	
C	
D	

<b>9 It is an offence to serve alcohol to a person who is ?</b>	
A	
B	
C	
D	

<b>10. What is the minimum age at which a person can legally be sold alcohol on a licensed premises ?</b>	
A	16
B	18
C	20
D	25

## **Bar 1 Limited**

**Customers are kindly requested not to take drinks or vessels outside when going out to smoke.**

**Customers are requested to show consideration to neighbours and not cause noise or nuisance when leaving the premises.**

**This premises operates a last entry time and additionally the Management have the right to refuse entry to any customer.**

**Thank you for your cooperation.**

**The Management**

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## Appendix 4: Framework of Hours

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**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 the day preceding the bank holiday



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



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## **Appendix 5: Representation from Durham Constabulary**

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**From:** Caroline Dickenson < >  
**Sent:** 02 October 2019 19:59  
**To:** Yvonne Raine; Karen Robson  
**Cc:** Alcohol Harm Reduction Unit; Michelle Williamson  
**Subject:** objection to BAR 1

To whom it may concern

**Objection to an application for a premise licence to be granted under the licensing Act 2003**

Durham Constabulary wish to object to the application made under the licensing Act 2003 for Bar 1 LTD, 28-30 Front Street, Consett

Durham Constabulary are objecting under The prevention of crime and disorder and the Prevention of public Nuisance.

The applicant has applied for 3am for the sale of alcohol, live music, recorded music, performance of dance (sections E,F,G, H and J) and all other licenced activity within the premises, with the hours open to the public at 3:30am.

As per Durham County Council's statement of licencing policy 2014-2019 the recommended hours for the operation of licensable activities for licensed premises situated within the County of Durham are Weekdays Sunday – Thursday 07:00 to 00:00 and weekends Friday night into Saturday morning and Saturday night into Sunday morning are 07:00 to 01:00 plus an addition 1hr for Good Friday and for all other Bank holidays.

When consideration was made for appropriate times for the policy framework hours, Durham County Council Licensing Authority had regard to concerns expressed by residents, the licensed trade and the responsible authorities which included Durham Constabulary.

In extending the hours that the patrons can consume alcohol, the propensity for drunkenness and alcohol fuelled violence will increase accordingly. Incidents of violent assaults occur on a weekend in Consett and this is primarily due to the fact that premises operate their longer opening hours during this time. In allowing a premise to be open until 3:30am patrons will consume more alcohol and the effects of excessive consumption will have an adverse effect on the quality of lives of the local community and will have impact on the Crime and Disorder and Public Nuisance objectives.

Bar 1 Ltd is formally Lux Bar 28-30 Front Street, Consett. Lux Bar had their licence revoked on 31<sup>st</sup> July 2019 which was a result of interim steps hearing on 5<sup>th</sup> July 2019 whereby the licence was suspended. The manager of LUX Bar leading up to the review hearings was it was established he was the person in day to day control of at the premises and he is the husband of the only director of Bar Lux Ltd.

During a meeting with applicant – she advised she would be subletting the building from

This is a concern to Durham Constabulary as he currently still has the tenancy on the building and therefore an interest in it. Although there is the intention of him subletting the building to the applicant, she has advised this won't be done until the licence is granted, however her representative Rob Edge has confirmed the sublease is being drawn up by the solicitors and should be completed by 1 October 2019. Durham Constabulary have not had sight of any lease.

In order to address our concerns around the lease as we want to ensure doesn't have a part to play in the running of this premises, Durham Constabulary have suggested to Rob Edge they apply for the licence to be valid for a limited period and advised we would be looking for a period of 12 months. However we have been advised the

idea that the applicant would agree to a 12 month licence would not make good business sense and would mean the expense of re-applying for a new licence.

Although Durham Constabulary have suggested to the applicant reducing the hours of operation and a time limited licence this has not be acceptable to the applicant.

Thankyou

Sgt 484 Caroline Dickenson  
AHRU  
Durham Constabulary

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

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

This email carries a disclaimer, a copy of which may be read at <https://www.durham.police.uk/Pages/E-Mail%20and%20SMS%20Text%20Disclaimer.aspx>

---

## Appendix 6: Responses from Responsible Authorities

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Chief Fire Officer: Stuart Errington

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

Date: 10 September 2019

This matter is being dealt with by: Jonathan Smith

Ext:

Our Ref: 7A10450185

Your Ref: Bar 1, Consett

Direct Dial Telephone: 1

21

E-mail: josmith

**Carol Graham  
Licensing Officer  
Community Protection Service  
Regeneration and Local Services  
Durham County Council  
Annand House  
Meadowfield  
Durham. DH7 8RS**

Dear Carol

**Licensing Act 2003  
Regulatory Reform (Fire Safety) Order 2005  
Bar 1, 28/30 Front Street, Consett, DH8 5AQ**

I acknowledge your application dated 5 September 2019 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.

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

Jonathan Smith  
Fire Safety Section



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

---

**From:** Sean Barry  
**Sent:** 18 September 2019 09:02  
**To:** Carol Graham - Licensing Assistant (N'hoods)  
**Cc:** AHS Licensing  
**Subject:** RE: Licensing - new premises licence application received - Bar 1, 28-30 Front Street, Consett. DH8 5AQ

Good Morning

I have received a new licence application for the establishment: Bar 1, 28-30 Front Street, Consett. DH8 5AQ

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

My Ref: PH/2019/099

Thanks  
Sean

My Ref: SB/2019/101

I represent the Durham Safeguarding Children Partnership (DSCP) which is a responsible authority under the licensing act. I have received a copy of your application for a premises licence for your premises, Bar 1, 28-30 Front Street, Consett. DH8 5AQ

Having considered the steps you have recorded to promote the licensing objectives, in particular the protection of children, I have no comments or objections regarding your application.

Regards

Stephen Winship

Policy & Strategy Officer  
Durham Safeguarding Children Partnership  
Tel : ( )

County Hall, Durham  
DH1 5UL



**Durham Safeguarding Children Partnership (DSCP)**  
Keeping Children Safe

d: [redacted] uk  
W: [redacted] .org.uk



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**From:** Martin Scott  
**Sent:** 06 September 2019 09:27  
**To:** Carol Graham - Licensing Assistant (N'hoods)  
**Subject:** Bar 1, 28, Front Street, Consett

Dear Carol,

Thank you for consulting the Nuisance Action Team, regarding the new premises Application for:

Bar 1, 28, Front Street, Consett,

Dated: 5<sup>th</sup>, September, 2019.

I have no representations to make regarding the application.

Regards

**Martin Scott**  
**Senior Environmental Health Officer**  
**Community Protection Service**  
**Regeneration and Local Services**



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## **Appendix 7: Statement of Licensing Policy**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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## Appendix 8: Section 182 Guidance

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## **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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