



Statutory Licensing Sub-Committee

Date Monday 1 March 2021
Time 1.30 pm
Venue Remote Meeting - This meeting is being held remotely via Microsoft Teams

Business

Part A

Items which are open to the Public and Press

1. Apologies for Absence
2. Substitute Members
3. Declarations of Interest (if any)
4. Minutes of the Meetings held on 12, 13 and 19 January 2021 (Pages 3 - 34)
5. Application for the Grant of a Premises Licence - Field to the South East of Stanhope Village (Pages 35 - 106)
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
19 February 2021

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

Councillors C Hampson, K Liddell, J Maitland and M Wilson

Contact: Jill Errington

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DURHAM COUNTY COUNCIL

At a Meeting of **Statutory Licensing Sub-Committee** held remotely via Microsoft Teams on **Tuesday 12 January 2021 at 1.30 pm**

Present:

Councillor P Crathorne (Chair)

Members of the Committee:

Councillors D Bell, L Brown, A Hopgood and L Kennedy

Also Present:

Mrs G Proud (Council's Solicitor)

Ms H Johnson (Licensing Team Leader)

Sgt C Dickenson (Applicant – Durham Constabulary)

PC C McNaney (Applicant – Durham Constabulary)

Mr J Kemp (Barrister – Licence Holder)

Mr I Kadeh (Applicant)

Interpreter

1 Apologies for Absence

No apologies for absence were received.

2 Substitute Members

There were no substitute Members in attendance.

3 Declarations of Interest

There were no declarations of interest.

4 Minutes

The minutes of the meeting held 27 October 2020 were confirmed as a correct record and would be signed by the Chair.

5 Application for the Review of a Premises Licence - Best Kebab, 4 South Street, Crook

The Chair welcomed everyone to the meeting and explained that only three Members would be deliberating the application.

The Council's Solicitor explained why only three Members deliberated the application and ran through the procedure for the meeting.

The Sub-Committee considered the report of the Corporate Director of Neighbourhoods and Climate Change regarding an application from Durham Constabulary to review the premises licence in respect of Best Kebab, 4 South Street, Crook, County Durham (for copy of report, see file of minutes).

A copy of the application and location plan had been circulated together with additional information provided by the Applicant.

The Licensing Team Leader was in attendance to present the report and outlined the options open to the Sub-Committee.

The Licensing Team Leader then advised the Sub-Committee that Durham Constabulary had provided video footage that contained members of the public and asked if the public could be excluded from this part of the hearing under regulation 14 of the Licensing Act 2003.

The Council's Solicitor advised that Regulation 14 of the Licensing Act 2003 (Hearings) Regulations indicated that hearings should take place in public, however, there was provision under Regulation 14(2) that the licensing authority may exclude members of the public from all or part of the hearing where it considered that the public interest in doing so outweighed the interest of the hearing taken place in public. It was a matter for the Sub-Committee to determine whether to exclude the public from the hearing when it considered that the public interest in doing so outweighed the public interest in the hearing.

The Sub-Committee considered the request and the Chair moved and Councillor L Brown seconded that members of the public be excluded from the hearing during the viewing of the footage.

There were no questions of the Licensing Team Leader.

PC McNaney addressed the Sub-Committee on behalf of Durham Constabulary and outlined the reasons for the referral as set out in the report.

The Sub-Committee moved to In Private to view the bodycam footage referred to in the report.

The Chair indicated that the meeting was now in public and PC McNaney continued to address the Sub-Committee.

In response to questions from Mr Kemp, the Licence Holder's Solicitor, Sergeant Dickinson confirmed that there was evidence of an illegal worker at the premises and the procedure under Section 182 guidance was to go straight for a review of the licence and that a warning was not suitable in this case.

Mr Kemp referred to the grounds for review and that Durham Constabulary deemed that workers who do not have the right to work in the United Kingdom, suspected tampering of the CCTV evidence and COVID issues to be the more serious. PC McNaney responded that failure to promote the licensing objectives was also listed in the grounds for review and they were in no particular order of importance.

Mr Kemp asked if PC McNaney deemed the employment of illegal immigrants in terms of the licensing act to be the same seriousness as not wearing a face mask. PC McNaney confirmed she deemed both to be very serious.

Durham Constabulary responded to various questions from Mr Kemp and confirmed that they had encountered the illegal worker before Mr Kadeh was listed as the Premises Licence Holder. PC McNaney also confirmed that the illegal activity referred to in her report was the employment of an illegal immigrant. Sergeant Dickenson confirmed that all operational visits by Immigration Enforcement were suspended due to the pandemic and Mr Kadeh would have been fully aware that visits were not taken place and he took advantage of this. Mr Kemp indicated that the illegal worker had been working at the premises prior to the pandemic and prior to immigration investigations ceased. PC McNaney stated that the Mr Kadeh had employed an illegal immigrant at these premises regardless of when he was employed, which was serious.

Mr Kemp responded that there was no evidence of their investigation into the employment of an illegal worker, they had not interviewed Mr Kadeh or the illegal immigrant. PC McNaney referred Mr Kemp to Section 182 Guidance that recommended that you go straight for a review due to the seriousness of employing an illegal immigrant and there was no mention in the guidance of conducting an interview. She confirmed that Durham Constabulary had not interviewed Mr Kadeh or the illegal immigrant and indicated that the interview of the illegal immigrant would be something that would be carried out by the UK border agency and indicated that the illegal immigrant had since fled.

Mr Kemp asked PC McNaney if the investigation into the employment of an illegal immigrant was the result of body camera footage. PC McNaney indicated that this was incorrect and she had encountered the illegal immigrant working at the premises and conducted inquiries with UK border agency directly and confirmed via photographic footage and witnessing him in person that this was indeed the same male as was in fact an illegal immigrant. She believed that Mr Kadeh had admitted to this in his first statement as shown in the papers.

Mr Kemp stated that there was a difference between working and the act stated that someone should be employed under a contract of employment or services and asked if PC McNaney was aware of this distinction. PC McNaney confirmed that she was not aware of this distinction.

Mr Kemp stated that no investigation had taken place and it was an inference that he was employed. PC McNaney confirmed that she referred the matter to immigration whose job was to investigate the employment of an illegal immigrant. Her role as licensing officer was to refer the matter to the licensing committee where she believed that the premises had failed to promote the licensing objectives and had engaged in criminal activity in the employment of an illegal immigrant.

Mr Kemp referred to paragraph 10 on page 24 of the papers where the immigration act was mentioned. PC McNaney responded that it was her duty as a licensing officer to be aware of all those tools available at her disposal and the requirements of a premises licence holder to adhere to the licensing act and promote those licensing objectives. It would be remiss of her not to be familiar or not reference the licensing or immigration act that formed part of the licensing act.

In response to further questions from Mr Kemp, Durham Constabulary confirmed that three specific licensing visits had been carried out and five incidents had been reported to the police by members of staff at Best Kebab since Mr Kadeh had taken over as the Premises Licence Holder.

Mr Kemp referred to the statement by PC Jackson and asked PC McNaney if she was aware that those visits were going to be taking place and if she had spoken to PC Jackson prior to her visit to the premises and was she aware there had been incidents of potential illegal immigrants being employed within the premises. PC McNaney confirmed that she was aware of the visits but had not spoken to PC Jackson and the visit was made as a result of her request for a review of the premises via the Neighbourhood Inspector.

Mr Kemp continued that PC Jackson did not investigate the employment of illegal immigrants during her licensing check. If she had found workers at the

premises, who did not have the right to work, this was absent from her statement.

PC McNaney responded that PC Jackson was a neighbourhood officer and not a licensing officer and assumed she was not familiar with the licensing act and she was unable to answer question on her behalf. Her task was merely to present the licensing review papers. Mr Kemp commented that the neighbourhood officer should be aware what was going on in the neighbourhood, specifically a premise with a late-night refreshments licence. PC McNaney again stated that she was unable to answer for PC Jackson.

Mr Kemp then referred to the 3.00 am bodycam footage and asked PC McNaney a number of questions. In response to the questions PC McNaney confirmed that the premises were accessible to members of the public but there was no evidence on the bodycam footage that food was being served just a drunk male trying to purchase a bottle of water. However, best practice was to lock the door when no longer serving food and that the tampering of the CCTV was just suspected and that Mr Kadeh had confirmed on the 17 June 2020 that the CCTV system was now in operation and confirmed that the CCTV system had not been checked until PC Jackson visited the premises. At the time of the alleged offences by the manager, the CCTV footage was not working or they were unable to obtain access to the footage but the licence stated that the majority of staff would be trained to operate the CCTV system to include viewing and downloading of the system and footage be kept for at least 28 days and made available to officers and responsible authorities when requested. She also confirmed that signage had now been put into place asking patrons to leave the premises quietly and was presented in the evidence by the Licence Holder as this was not disputed.

Mr Kemp referred to the statement of Mr Haigh and that he gave advice to those working at the premises but did not issue a fine or prosecution and asked if COVID regulation breaches was a great concern to Durham Constabulary and why did they not check the premises again. PC McNaney responded that Mr Haigh was not authorised to issue a fine for non-wearing of face coverings and that PC Jackson visited the premises on 1 November 2020 and found good practice for COVID regulations. The grounds for the review were written prior to her having the opportunity to view the visit by PC Jackson and commented that she was pleased to see there was good practice in relation to COVID regulations.

Mr Kemp asked if enquiries were made if anyone was exempt from wearing a face mask at that time. PC McNaney indicated that Durham Constabulary did not carry out follow up enquiries for the Council, but they would not automatically issue a fine, they would engage in the four 'E's.

Councillor Kennedy referred to the video footage of a young man trying to buy a bottle of water that later showed him with bottles of water in his back pocket. She stated that she could not imagine many places been open at 3.00 am and sought clarification if he had purchased this elsewhere as it looked as if he had obtained the bottles of water from Best Kebab.

Sergeant Dickenson indicated that the sale of cold water was not a licensable activity, but the premises were clearly open at 3.00 am and people gathering around the premises led to the incident.

Mr Kemp was then asked to make his representations on behalf of the Premises Licence Holder.

Mr Kemp advised the Sub-Committee that Mr Kadeh was in attendance with an interpreter. He then referred to the statements supplied by the Premises Licence Holder contained within the circulated papers which Members confirmed they had read.

In response to questions from Mr Kemp, Mr Kadeh confirmed that the CCTV equipment was working perfectly and was able to record for 28 days and all staff had received the adequate training to use the CCTV system, the screen upstairs was now working and training records were kept. Mr Kadeh confirmed that the incident logbook could not be found when PC Jackson visited the premises as they were in the process of cleaning and the book was located at the back of the shop and all staff were trained on how to complete the incident log. He also confirmed that his sign asking patrons to leave quietly was still working.

Sergeant Dickinson asked why the training documents Mr Kadeh provided to them were not up to date.

Mr Kemp asked when that occurred.

Mr Kadeh indicated that he had tried his best.

Sergeant Dickenson then asked if the training records were completed when the licence was granted on the 28 December 2019.

Mr Kadeh confirmed that he had been unwell at the time.

Sergeant Dickenson indicated that Mr Kadeh had offered these conditions in order for the licence to be granted but had not completed the records.

Mr Kadeh confirmed that the records were not completed.

Sergeant Dickenson then referred to the Licensing Act and a mandatory condition was the right to work checks and asked what right to work checks he had carried out when applying for the licence.

Mr Kadeh responded that all staff he employed were in the book and had been checked apart from one employee where he was not aware of the circumstances.

Sergeant Dickenson asked for confirmation which employee had not been checked as to their right to work.

Mr Kadeh indicated that all employees he was aware of had been checked properly, any employees not checked he must not have been made aware of.

Sergeant Dickenson asked why there had been a delay in providing the right to work documentation that PC McNaney requested on the 16 June 2019 and were not received until 9 September 2019.

Mr Kadeh responded that he thought he had responded to the message.

PC McNaney indicated that she had asked for the right to work checks for all 13 employees of staff but only 4 had been provided and asked for an explanation.

Mr Kadeh responded that he did not have 13 employees working for him.

PC McNaney confirmed that Mr Kadeh had provided her with 13 names of staff, details of which were contained in the papers. 11 names were under training records then additional right to work checks for 4 staff that totalled 13 names and no further details were provided for his current manager.

Mr Kadeh responded that he did not have 11 employees at the premises.

Mr Kadeh was referred to page 40 of the papers that contained the training records that he provided for 11 employees together with resident permits and an additional name but there was no right to work documentation or training record for the current manager totalling 13 staff.

Mr Kadeh responded that there had been some confusion with previous staff and current staff and there should be six names.

Sergeant Dickenson sought confirmation that the documentation submitted for the premises licence to be granted on the 28 December 2019 were incorrect.

Mr Kadeh stated that he could not recall the e mail giving details of 11 employees and that some of the names must be previous staff who were no longer working at the premises. He had never had 11 or 13 employees working for him. Sergeant Dickenson indicated that the licensing condition asked for staff training records for current employees.

In response to questions from Sergeant Dickenson in relation to the CCTV footage, Mr Kadeh indicated that he did not know why there was no CCTV footage as he had paid for a technician and did not know why the screws had been removed from the equipment as he was not at the premises. He could not recall the date the CCTV system was installed and that his manager carried out the checks.

Sergeant Dickenson stated that no training records had been provided for the manager and asked the reason for this.

Mr Kadeh responded that he must have missed his name.

Councillor Hopgood stated that the licence was until 2.00 am, so why did he have a sign on the door advertising open late with no designated times. This would lead the public to wonder what hours you were open and may encourage people to try and enter the premises after the licensing time.

Mr Kadeh indicated that he would correct this tomorrow.

Councillor Brown asked when Mr Kadeh had taken over the ownership of Best Kebab. Mr Kadeh responded that it was the 1 October 2018.

The Licensing Team Leader confirmed that the license was granted on 28 December 2019. Before that the licence was in the name of Best Kebab Ltd that was dissolved so the licence was no longer valid. A new application was submitted by Mr Kadeh and was issued on the 28 December 2019.

The Licensing Team Leader asked Mr Kadeh to confirm that he had full control of the premises, as there seemed to be managers in place. She believed the illegal immigrant had been at the premises for a period of 3 months and asked if he delegated to a manager.

Mr Kadeh indicated that it was his business and he was fully in control of the premises and he had a manager as he could not be present at the premises 24 hours a day.

The Chair indicated that the premises did not open until 4.00 pm and asked how often Mr Kadeh attended the premises while it was open to customers and to make the necessary checks.

Mr Kadeh stated that he now attended the premises more often and was six or seven times a week and he spent quite a few hours ensuring everything was working.

The Council's Solicitor referred to reference in the papers to a manager as MM and AK and asked if this was correct.

Mr Kadeh confirmed that MM was the only manager at present and AK had been the manager from 2018 to 1 September 2020.

In response to further questions, Mr Kadeh confirmed that AK mostly took care of the business as he had health issues at that time, but he owned the business. He would have visited the premises two or three days a week. He also confirmed that he had not seen the illegal immigrant when he visited the premises.

The Council's Solicitor then referred to the CCTV system and asked when the current system was put into place and how long they had been operating without CCTV.

Mr Kadeh responded that he was not sure of the date, but he had been operating without any CCTV for approximately a week after the incident.

The Chair asked who trained the staff and had they completed the course to do this and had the necessary certificate.

Mr Kadeh indicated that MM carried out staff training and had the necessary certificate.

The Licensing Team Leader asked for clarification that the illegal immigrant had not worked for him at any time. Mr Kadeh confirmed that he had never employed him.

The Licensing Team Leader then asked Durham Constabulary if they had been waiting for right to work documentation for MM.

Sergeant Dickenson advised that they had never received right to work documentation for the illegal worker as he had no right to work in the UK, the training records received had not been signed by MM.

The Council's Solicitor asked for the date when all staff were trained and if it was after the new CCTV system was installed or after November 2020.

Mr Kadeh stated that all staff had been trained to access the CCTV equipment, he thought this was around June 2020.

In response to a question from the Licensing Team Leader, Mr Kadeh confirmed that MM was still employed by Best Kebab and he had never seen the illegal worker or employed him unless his manager at that time employed him who was also responsible for carrying out the checks. He assured Members going forward he would be in control and responsible for everything at the premises and be present at the premises every night.

All parties were then given the opportunity to sum up.

PC McNaney indicated that there was a lot of information to digest but asked Members to focus on the employment of an illegal immigrant, suspected tampering of CCTV evidence and CCTV not working, complete disregard of the licencing act and conditions on the licence and complete failure to manage the premises, staff and promote any of the four licensing objectives.

With regard to the employment of an illegal immigrant they knew that an illegal immigrant had been found working at the premises on 30 October 2019, 8 March 2020 and 12 June 2020, this was evidenced in police statements and bodycam footage and a statement from the UK Border Agency. In addition, right to work checks had not been carried out for nine of the 13 members of staff, which was a mandatory condition.

Looking at the CCTV evidence, there was a serious allegation of assault on a member of staff whilst on the premises, the police stated that the CCTV evidence was tampered with and the Crown Prosecution Service (CPS) determined the lack of evidence of CCTV contributed to a breakdown of the investigation. CCTV was relied on for public safety and the prevention of crime and disorder. It also took Mr Kadeh three months to remove the member of staff from his employment once he became aware of the serious allegations of assault.

Non-adherence to conditions on the licence – repeated breaches of licensing conditions had occurred that were CCTV not working on numerous occasions, most recently on the 19 November 2020 the previous manager of over 6 months was not trained to operate the CCTV, even though there was a signed training record stating otherwise. Training records for eight members of staff signed by the same person and incomplete training records and no contact details for staff. There were no training records for June 2020 which Mr Kadeh stated that he had carried out. There were also no training records for two members of staff, one a manager who had worked at the premises since at least March 2020 and was still working at the premises as a manager.

He has failed to provide the police with right to work checks and documents for all members of staff, no incident logs, despite five incidents occurring between March 2020 and October 2020, all reported by staff on the

premises. There were no six-monthly training records as per a condition on the licence.

It was not up to the police to keep visiting premises continually to check CCTV and carry out licensing visits. There were over 3500 licensed premises that the police covered, so this was not feasible.

Poor management of the premises and staff – Evidence had been seen of the premises open to the public one hour after closing, at least seven members of the public were still at the premises upon the police arriving at the premises. Some still trying to purchase items when the police were present, and a crime was recorded occurring inside the premises at 03:00 hours where food purchased from the premises was thrown around inside the premises. CCTV of the incident showed a disturbance outside of the premises. Members had also heard evidence from Durham County Council Licensing Enforcement and after the initial review proceedings were instigated members of staff were not wearing masks nor encouraging customers to do so, despite it being a legal requirement unless exempt. After been given suitable advice about the law the new manager refused to ensure staff were wearing masks. In addition to this, two recent visits by the police revealed that the CCTV was still not working nor were staff training records up to date.

Over the past 12 months the police had spent hundreds of hours dealing with failings of the premises caused by substandard management which amounted to a disproportionate amount of time compared to other licensed premises they dealt with. Given that this was a new licence only granted in December 2019 they would not expect such failure to adhere to the licensing conditions including the conditions that were offered by the Premises Licence Holder when he applied for the licence. It was clear that he had no idea of the conditions on his licence nor had any control over the premises.

Mr Kadeh had produced a new statement throughout the review process which differed to the original statement produced. This was after seeing police evidence, initially he denied employing an illegal worker, later passing the buck to other staff members. It was apparent that he furnished a story to mitigate evidence provided by police rather than based on fact. Mr Kadeh wanted us to believe that he was in charge of the business and a responsible business owner, but it was evident that he had no idea of what was happening at the premises or who was employed. Allowing a business to trade under a premises licence was a privilege and the police felt that to allow Best Kebab to continue to operate with a premises licence would undermine the four licensing objectives and put members of the public at risk.

Mr Kemp in his summing up wished to draw members attention to the guidance that they must take into account, in particular section 11.20. He acknowledged that there had been failings in respect of the running of the premises and Mr Kadeh in his statement acknowledged this and the conditions of his licence were not reached.

In response to the Police in their summing up and the four licensing objectives not being met, their review application only ticked prevention of crime and disorder and public safety and was the only two licensing objectives that members should consider. Durham Constabulary could not now at this late stage suddenly widen the objectives in an attempt to get the licence revoked, that had been their objective from the start.

In his submission, he stated that Durham Constabulary lacked certain objectivity and not dealt with the matter in a circumspect way.

With regard to the illegal immigrant that was the most serious and acknowledged what the guidance stated that the committee should in the first instance consider revoking the licence. He asked members to stand back as it was serious but, in this case, he would ask members to look at how the police had dealt with this. He questioned the police on the difference between someone working and someone employed as this was the legislation under the immigration act quoted in the grounds stated and the police officer did not know the difference and there was a difference between them and was important if an offence had occurred.

He appreciated that members were not here to determine if an offence had occurred or not and they did not need to determine if an offence occurred to revoke a licence. There had been a distinct lack of investigation, Mr Kadeh had not been able to put his side of the story forward as the police officer stated it was not up to the police and was immigration, that had been suspended. He referred Members to paragraph 12 of the review application where the Police had stated the criminal activity coincides with the COVID pandemic. This suggested Mr Kadeh had underhandedly employed the individual knowing that it would not be investigated. The police however, contradicted themselves because they stated that the illegal worker was at the premises in 2019 and March 2020 which was before the pandemic and before any investigations were ceased by border control.

He then referred to the documentation from border control that stated they had no reports of any criminal activity at the premises, although enquiries appeared to have been made if the illegal immigrant was able to work the police had not stated that a criminal offence had been committed. Durham Constabulary were asking for a licence to be revoked and someone's livelihood ended and was serious and should be treated serious. The police

appeared to have gaps as to how they had dealt with this, but the illegal worker was no longer at the premises.

He then referred to the evidence of PC Jackson and he could not believe as a beat officer that she did not know what was going on in her area. There were no checks by the police at that stage and did not ask to see if any right to work checks had been carried out. The police in their summing up, suggested that the police could not check every premises all the time which was right but then she stated that they had spent hundreds of hours, so there was the opportunity for them to investigate at the same time, but there was nothing.

He accepted it was serious but was it so serious that the licence needed to be revoked and his answer was no.

He then referred to the suspected tampering of the CCTV evidence and there was no evidence that any tampering had taken place by a member of staff and the system was replaced very quickly and was operational today. He did accept the utopian ideal was not reached when PC Jackson visited the premises, CCTV evidence was important as it does deter crime and assist the police. To say there was a serious assault on the premises and the CPS discontinued the case due to lack of CCTV evidence, no evidence had been produced from the CPS to confirm this. Nobody was aware of where the alleged assault took place, so this may or may not have been covered by CCTV.

It appeared that training records and incident logs had not been undertaken as they should have been done and this should be easily rectifiable, they were important and were in place to assist the police.

Mr Kadeh at some point had taken a step back from the premises letting his manager run the business and they had in some respect put him in the position he finds himself. There had been a finding of poor management but in his submission, it was forward looking and these aspects in relation to records could be and should be easily rectifiable.

The police then criticised Mr Kadeh's statement and the two versions, there was no questioning of this by the police and they did not put it to him why, if there was a difference in evidence and no answer had been given for that.

He referred to the opening hours on the door that could be a condition on the premises licence and again could be easily rectifiable.

He then referred to the incident at 3.00 am captured on the bodycam and there was no evidence that any food was being served. He suggested that the premises did not have to be shut when the licencing hours end as they

were entitled to clean up. As soon as an incident happened people started to congregate, and this does not mean that they were breaking the licensing conditions.

There was no large-scale public disorder, no drunken behaviour that the police were called to on a regular basis, the premises had a high hygiene rating and good references that were contained in the papers.

He asked members to consider the financial impact on Mr Kadeh as stated in the guidance and asked Members to stand back. There had been failings, but they were powers to rectify these and to make sure that the premises was managed in an appropriate way that complied with the licensing conditions that Mr Kadeh had and should have and could have.

The Council's Solicitor referred to paragraph 11.23 of the guidance that Mr Kemp referred to and asked Members to consider what control Mr Kadeh had over the premises at the time and what control he had now demonstrated that he has at the premises. Consider whether the decision you make is appropriate and proportionate to promote the licensing objectives and for the prevention of illegal working. She stated that the Licensing Authority do not have the power to judge the criminality of an offence, their role is to promote the licensing objectives. She then referred to the Immigration Asylum and Nationality Act and suggested that a contract of employment, could be an oral or written contract.

The Chair thanked everyone for their attendance and at 4.15 pm the Sub-Committee Resolved to retire in private to deliberate the review application. Councillors Crathorne, Brown and Kennedy retired to make the decision.

In reaching their decision the Sub-Committee had taken into account the report of the Licensing Team Leader and the written and verbal representations of the Applicant and the written and verbal representations of the Premises Licence Holder. Members had also considered Durham County Council's Statement of Licensing Policy and Guidance issued Under Section 182 of the Licensing Act 2003.

Resolved: That the Premises Licence be revoked.

DURHAM COUNTY COUNCIL

At a Meeting of **Statutory Licensing Sub-Committee** held remotely via Microsoft Teams on **Wednesday 13 January 2021 at 1.30 pm**

Present:

Councillor P Crathorne (Chair)

Members of the Committee:

Councillors J Blakey, C Hampson (substitute for P Atkinson), K Liddell and J Maitland

Also Present:

Ms S Grigor (Council's Solicitor)
Ms H Johnson (Licensing Team Leader)
Sgt C Dickenson (Applicant – Durham Constabulary)
Mr J Hayes (Environmental Health)
Ms C Madeley (Premises Licence Holder)

1 Apologies for Absence

Apologies for absence were received from Councillor P Atkinson.

2 Substitute Members

Councillor C Hampson was present as a substitute for Councillor P Atkinson.

3 Declarations of Interest

There were no declarations of interest.

4 Minutes

The minutes of the meetings held on 4 and 9 December 2020 were agreed as a correct record and would be signed by the Chair.

5 Application for the Review of a Premises Licence - The New Westlea, 5 West Grove, Seaham

The Chair welcomed everyone to the meeting and explained that only three Members would be deliberating the application.

The Council's Solicitor explained why only three Members deliberated the application and ran through the procedure for the meeting.

The Sub-Committee considered the report of the Corporate Director of Neighbourhoods and Climate Change regarding an application for the review of the premises licence at The New Westlea, 5 West Grove, Seaham (for copy of report, see file of minutes).

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

Additional information from Durham Constabulary had been circulated to all parties prior to the meeting.

The Licensing Team Leader presented the report and outlined the recommendations and advised the Sub-Committee that there was still no Designated Premises Supervisor (DPS) listed for the premises.

The Licensing Team Leader then advised the Sub-Committee that Durham Constabulary had asked that the public be excluded from the hearing due to an ongoing case in relation to the premises.

The Council's Solicitor advised that Regulation 14 of the Licensing Act 2003 (Hearings) Regulations 2005 indicated that hearings should take place in public, however, there was provision under Regulation 14(2) that the licensing authority may exclude members of the public from all or part of the hearing where it considered that the public interest in doing so outweighed the interest of the hearing taken place in public. This was a matter for the Sub-Committee to determine whether it was in the public interest to exclude the public from this part of the hearing.

The meeting adjourned at 1.40 pm to allow members to consider in private the request under Regulation 14 to exclude the public from the hearing.

At 1.45 pm the meeting re-convened and the Chair advised that the Sub-Committee determined that under Regulation 14 of the Licensing Act 2003, the public be excluded from the meeting for the remaining items of business on the grounds that they involved the likely disclosure of exempt information and they considered that the public interest in doing so outweighed the interest of the hearing taken place in public.

The public part of the meeting was ended, and the rest of the meeting took place in private.

Exclusion of the Public

Members and Officers were given the opportunity to ask questions of the Licensing Team Leader.

The Licensing Team leader advised Members that a late submission had been received from the Licence Holder. All parties agreed to accept the additional information and were advised to give due weight to the submission as it had not been verified.

The Licensing Team Leader read out the contents of the late submission from the Licence Holder.

Sargant C Dickenson on behalf of Durham Constabulary then addressed the Sub-Committee in relation to the matters detailed in her report. All parties were given the opportunity to ask questions.

Mr J Hayes on behalf of Environmental Health addressed the Sub-Committee and responded to questions.

The Licence Holder was then invited to address the Sub-Committee and responded to questions from Members and Officers. The Licence Holder provided the Licensing Team Leader with a document from her Solicitor that the Licensing Team Leader read out.

After all parties were given the opportunity to sum up. The Chair thanked everyone for their attendance and at 3.20 pm the Sub-Committee Resolved to retire in private to deliberate the Review Application for The West Lea, Seaham. Councillors Crathorne, Blakey and Maitland retired to make the decision.

In reaching their decision the Sub-Committee had taken into account the report of the Licensing Team Leader and the written and verbal representations of the Applicant, Licence Holder and Environmental Health. Members had also considered Durham County Council's Statement of Licensing Policy and Guidance issued Under Section 182 of the Licensing Act 2003.

Resolved: That the Premises Licence be revoked.

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DURHAM COUNTY COUNCIL

At a Meeting of **Statutory Licensing Sub-Committee** held remotely via Microsoft Teams on **Tuesday 19 January 2021 at 1.30 pm**

Present:

Councillor L Marshall (Chair)

Members of the Committee:

Councillors C Hampson, A Hopgood, L Kennedy and M Wilson

Also Present:

Mr S Buston (Council's Solicitor)
Ms H Johnson (licensing Team Leader)
Mr P Warne (Applicant's Solicitor)
Mr C Burns (Proposed DPS)
Mr J Moran (Punch Taverns Ltd – Applicant)
Sgt C Dickenson (Durham Constabulary)
PC I Robertson (Durham Constabulary)

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 to Vary a Premises Licence to Specify an Individual as Designated Premises Supervisor - The Kings Head, 176 Newgate Street, Bishop Auckland

The Chair welcomed everyone to the meeting and explained that only three Members would be deliberating the application.

The Council's Solicitor explained why only three Members deliberated the application and ran through the procedure for the meeting.

The Applicant's Solicitor asked that the CCTV evidence provided by Durham Constabulary be viewed in private due to data protection implications.

The Council's Solicitor suggested that they ask the Sub-Committee to make the resolution to move the proceeding in private at the appropriate time.

The Applicant's Solicitor then referred to the representation from Durham Constabulary and that any representation to changes to the Designated Premises Supervisor (DPS) could only be made by senior police officers and asked the police to confirm that the representation was acting on behalf of a senior police officer, so that they were complying with regulations.

PC Robertson, representing Durham Constabulary confirmed that he was acting on behalf of the Chief of Police and had delegated authority to act in this matter.

The Applicant's Solicitor and Members confirmed their agreement to proceed with the application.

The Sub-Committee considered the report of the Corporate Director of Neighbourhoods and Climate Change regarding an application to Vary a Premises Licence to Specify an Individual as the Designated Premises Supervisor in respect of The Kings Head, 176 Newgate Street, Bishop Auckland, County Durham (for copy of report, see file of minutes).

A copy of the application and location plan had been circulated together with the representation from Durham Constabulary and additional information provided by the Applicant and Durham Constabulary.

The Licensing Team Leader was in attendance to present the report and outlined the options open to the Sub-Committee.

The Licensing Team Leader then advised the Sub-Committee that Durham Constabulary had provided video footage that contained members of the public and asked if the public could be excluded from this part of the hearing under regulation 14 of the Licensing Act 2003.

The Sub-Committee considered the request and agreed that members of the public be excluded from the hearing during the viewing of the footage.

The Council's Solicitor sought clarification on how many premises Mr Burns was currently the DPS and the location of the premises.

The Licensing Team Leader confirmed that he was currently DPS for four premises all located within Bishop Auckland which were the Merry Monk, Finnigans Bar, Reading Room and Kennedys Bar.

The Council's Solicitor then asked what was the greatest number of premises that one DPS oversaw in County Durham.

The Licensing Team Leader responded that she did not have those figures to hand but in the past, there had been a DPS at a number of premises, but this tended to be off-licensed premises or an area manager for a supermarket.

PC Robertson referred Members to his objection at page 8 of the second bundle. He asked Members to remove 'Public Safety' from the grounds for the objection, which members agreed.

PC Robertson then referred members to his report and asked that reference to 'DPS at one premise' be omitted from his report that Members agreed.

PC Robertson also asked that the last paragraph at page 16 of the first bundle be omitted as this was an update. Members agreed to omit this paragraph.

PC Robertson then made representations on behalf of Durham Constabulary and indicated that Mr Burns was currently DPS at four premises in Bishop Auckland Town Centre. In his opinion all premises had the potential to be popular late-night drinking establishments, they were not restaurants but late-night bars. He referred to the Council's Statement of Licensing Policy 2019-2024 that referred to the role of DPS as having day-to-day control of licensable activities and recommended that the DPS should be present between 22:00 hours and closing time, when the premises was one that regularly opened after midnight for both regulated entertainment and the supply of alcohol for consumption on and off the premises. All four premises fit into this recommendation as did the Kings Head which was the premises for the application today.

Durham Constabulary were concerned that Mr Burns physically could not be at each of the premises to fulfil this recommendation. This was a recommendation and not mandatory, but Durham Constabulary were concerned that across five sites Mr Burns would have a lot of responsibility. Mr Burns current premises were all based in the same area around the Market Place and Bondgate.

He then referred to the map at page 12 of the second bundle that showed the location of the four premises that Mr Burns was the current DPS which were in close proximity to each other that were mainly pedestrianised with a one-way road system in place, the proximity of the premises afforded Mr Burns

some immediate control. He did not object to the DPS for three of the premises to Mr Burns that were granted between February and September 2020. One of his considerations when looking at these applications was at those times there was very little happening at the other premises and he felt that Mr Burns had the ability to look after those premises due to the proximity. It was a busy area and COVID had changed things, but it was approximately one minutes' walk between premises.

The map also showed the location of the proposed premises that was situated half a mile away from his current premises along a busy road with other licenced premises. In his opinion, they were two different socialising areas.

He referred to the existing premises licence for the Kings Head and provided Members with details of the times of the licensable activities together with the details of these activities for the four premises that Mr Burns was currently DPS.

PC Robertson then provided details of the reported incidents and visits carried out for each of the premises from the beginning of 2020 as follows:

Merry Monk – 12 reported incidents and 17 visits carried out at the premises
Reading Rooms – 1 reported incident of concern and 13 visits carried out at the premises
Kennedys Bar – no reported incidents and 7 visits carried out at the premises
Finnigan's Bar – 1 reported incident that was irrelevant and 8 visits carried out at the premises

PC Robertson indicated that each of the premises had late licensing times. Three of the premises Finnigans Bar, Kennedys Bar and the Reading Rooms were granted the licence last year and had only been operating for a short space of time during COVID restrictions and a number of lockdowns. Mr Burns had not had the opportunity to run these premises both individually and collectively at full capacity.

He asked Members to consider the responsibility placed on Mr Burns and his staff at present. Fulfilling the responsibilities demanded by the ever changing COVID landscape and from the time businesses return to a degree of normality, so they must also consider the future. Mr Burns had not been tested at full capacity at the four premises and adding a fifth may further dilute his control of the premises. Durham County Council's Statement of Licensing Policy recommended that at DPS be present between 22.00 hours and closing time when the premise was one that regularly opened after midnight for both regulated entertainment and the supply of alcohol for consumption on the premises.

He then referred to the policy in relation to good practice of the DPS, he would not class all the premises as 'vertical drinking establishments' but there was the capacity for all of the premises to be vertical drinking establishments. The nature of the premises also meant that they fitted into the third point for televised sporting events. All premises were bars with late night premises licences and good practice suggested that the DPS should be on site from 22:00 hours. He was concerned how Mr Burns could fulfil this recommendation being at five premises at once which was a concern of Durham Constabulary.

PC Robertson then referred to point 3 at page 11 of the second bundle that was the visit to Kennedys Bar on the 17 October 2020 where issues were found with patrons breaching COVID regulations. Mr Burns was not on site at the time of the visit but did attend from another premises. There was police body-worn footage of the visit and the discussion that took place with Mr Burns. The premises were subsequently issued with a direction of closure on the 24 October 2020 by Durham County Council, due to the issues discovered at the visit on the 17 October 2020. This incident appeared to undermine the crime and disorder licensing objective. There was also police body-worn footage of the notice been served by Durham County Council to Mr Burns on the 23 October 2020. Mr Burns appeared argumentative on both occasions with the local authority. As an enforcement authority and considering Durham County Council's Statement of Licensing Policy they would expect DPS's to be co-operative and a positive degree of engagement. The footage showed that Mr Burns had a poor level of respect for persons in authority on those occasions. There was body-worn video footage of Mrs Gill and the police attending the Reading Rooms to request CCTV footage from Kennedys Bar but to date this CCTV had not been produced, even though this with a condition stated on the premises licence.

He referred to the statements of Mrs Gill and Mr List shown at page 10 of the third bundle of papers and Members confirmed that they had read the statements.

PC Robertson then referred to page 13 of the second bundle and members confirmed that they had also read this evidence.

He referred to the correspondence from the MP's office that prompted the visits to the premises on the 16 October 2020 and the 17 October 2020 and wished to show the body-cam footage of the second visit to the premises that showed a lot of the comments from Mr Burns stating that he wished to work closely with the police and Durham County Council and comments were made in relation to COVID breaches.

On the 20 October 2020, he accompanied Mrs Gill to obtain CCTV footage, Mr Burns contacted Mrs Gill on the 21 October 2020 to confirm that he had

made the decision to close Kennedys Bar and the CCTV footage had not yet being provided.

He then referred to paragraph 5 of page 11 of the second bundle and wished to show the video footage from the Reading Rooms relating to COVID breaches. No subsequent action was taken as the government closed all pubs that week.

In summary, the case of Durham Constabulary was that prior to the incident on the 17 October 2020, Durham Constabulary had no objections to the three DPS applications submitted last year as there was no evidence that Mr Bruns could not run those premises. However, on the 17 October 2020 there was a situation that highlighted some concerns relating to the running of the premises during the times of COVID restrictions. He explained the current delegated powers for the police and the local authority in relation to COVID. Gatherings and non-wearing of face mask in premises fell firmly with Durham Constabulary which was a serious issue. They also had concerns in relation to CCTV footage been requested and not provided and if this CCTV had been produced it would have resolved what had happened in the premises.

He then referred to the incident on the 2 November 2020 relating to the Reading Rooms and the video footage heightened their concerns relating to the running of the premises during this time, there was no further action taken but if the police had been called they would have dealt with patrons that was under the control of the premises.

In Conclusion, they were not trying to say that Mr Burns was a poor operator and was operating at a difficult time as all operators were. He would no doubt, state that he was trying his best but on two occasions he had been caught short in their expectations. When a fifth application was submitted, and you had two instances where the Crime and Disorder Licensing objective had been undermined. Members needed to consider if granting a fifth licence more diluted control to Mr Burns and whether that was irresponsible or not. He stated that they were not trying to kick Mr Burns but they were worried that the expectation that was placed on him to run four premises now and in the future post pandemic was great and a fifth premises would further stretch him and further dilute his control.

Councillor Hopgood moved and Councillor Wilson seconded that under Regulation 14 of the Licensing Act 2003 (Hearings) Regulations the hearing exclude members of the public to enable all parties to view the video footage referred to in the objection from Durham Constabulary at page 8 of the second bundle.

At 2.35 pm members of the public were excluded from the meeting.

At 3.20 pm the meeting moved to in public and members were given the opportunity to ask questions of Durham Constabulary.

The Chair asked if there had been any incidents or visits to the Kings Head.

PC Robertson asked for confirmation if the Kings Head had been closed.

The representative from Punch Taverns Ltd confirmed that the premises had only been closed under COVID regulations and no incidents had been brought to their attention.

PC Robertson responded that since January 2019 there had been two incidents reported and four visits to the premises details of which were provided, he confirmed that there were no issues with the premises.

The Applicant's Solicitor then addressed the Sub-Committee and referred to his skeleton argument at page 3 of the final bundle of papers. He indicated that PC Robertson referred to dancing in a statement but there was no reference made to dancing in that statement.

He stated that Mr Burns could have made application for his Manager at the Kings Head to be the DPS but there were a number of reasons why he had chosen not to take that course of action. He felt at this time the best action was for him to be appointed as the DPS at the site and oversee its management as he was the tenant and therefore had responsibility to Punch Taverns Ltd to ensure that the premises complied with all the legal requirements.

The Licensing Act when it was introduced did not make much reference to the role of a DPS and this was still the case. All the act stated was that the DPS was the person designated as the premise's supervisor on the premises licence. What they needed to draw from that was that anyone who holds a personal licence could act as DPS and Mr Burns holds a personal licence. He noted that the sales of alcohol must be authorised through a personal licence holder rather than the DPS which was a deliberate choice by government. The reason for this was that the DPS role was an oversight, the sale of alcohol and the supervision thereof was the role of the personal licence holder and could be the same person but did not have to be. They were different roles so the notion that someone who was DPS had to be on site at all times was not required. A number of DPS's acting for companies like Punch Taverns Ltd and various others around the country hold multiple sites which you have heard from the licensing officer today that there are multiple DPS holders within the region alone, so this was not an unusual situation, albeit five was probably to the larger end but he had come across this for management purposes. The guidance for the functions of the DPS which were set out in his skeleton argument and the guidance stated that the

person would normally be given day to day responsibility so it was not an absolute and it could have been made an absolute had the government wished it to be. The main purpose in line with oversight was to allow officers to immediately identify who was the DPS so that they could deal with problems swiftly.

He then referred to section 4.37 of the guidance which was the key part as it stated that the DPS may supervise two or more premises and did not specify a maximum but to ensure that the licensing objectives were promoted. This was key in terms of Mr Burns who was taking responsibility for his premises in what was very difficult times for operators. It was not a time as stated by PC Robertson that things were easier as they were not at full capacity but this was the most difficult time that premises license holders have had operating their premises for a number of reasons, partly you were asking customers to do things that were unnatural to them, people trying to get around the rules which Mr Burns had taken that responsibility incredibly seriously and had employed an expert to come in and help with risk assessments.

He referred to section 37(5) of the Licensing Act 2003 that stated that the police could only object in exceptional cases and on the basis the appointment would undermine the crime prevention objective, there were no other relevant considerations that could be taken into account. An example of an exceptional circumstance was provided in the guidance which he read out and indicated was a very high test and they were nowhere near that test in what was exceptional.

He then referred to the COVID regulations that made it clear that a direction could only be given where conditions were met and there was a serious or imminent threat to public health. This does not mention crime and disorder and must be on a public health grounds and if a direction was served this did not demonstrate any criminal offence. The only criminal offence under these regulations was if you contravened the direction of the regulation and no one was suggesting that there had been any contravention of the direction and was eventually withdrawn, so there was no criminal offence, so looking at the crime and disorder directive this could not be taken into account.

Mr Burns was currently the DPS for four premises and Durham Constabulary were objecting to him being DPS for a fifth premises stating that it would stretch him was unwarranted. He was pleased that PC Robertson stated that they were not trying to do Mr Burns down as a DPS.

Durham Constabulary had stated two allegations of breaches of the COVID regulations over the course of 45 visit over a 12-month period. Of those visits, there were no complaints apart from these two times where there were allegations on the Facebook side and then on the visit of breaches and this

was an exceptional record and demonstrated the level to which Mr Burns takes his duties seriously but also his staff and management team and anyone who entered the premises.

He then referred to the visit to the premises and the challenge that was given to the Sergeant in August and there significant number of visits afterwards by officers and one could not say that was an ordinary course of events or the one course of event that should define your consideration of Mr Burns as an operator. The reality was the whole process and everything he had gone through would demonstrate that he was in the main very helpful, he did challenge the points that he felt should be challenged. The evidence showed that where there were requests to do thing they were done, such as the first visit on the evening in October where there was a difference of opinion if the music was too loud but this had changed by the time of the second visit. There were lots of examples of Mr Burns and his team dealing with people properly and dealing with the actions that were needed to ensure that the premises operated without breaching COVID regulations.

He referred to the list of incidents provided for each of the premises and indicated that you could not infer much in terms of crime and disorder from them, some of them actually showed proactive management but there was no evidence provided to back up what those incidents were. Some of the incidents read out were allegations and in PC Robertson's words some of them could be 'a whole lot of rubbish', so no weight could be added in terms of evidencing crime and disorder associated with Mr Burns or his premises.

The Key point was that Mr Burns had no intention of remaining as DPS at his sites and wanted to ensure his management team were up to doing the job to his standards and he took his obligations very seriously and this needed to be commended. When the managers were ready they would be given the responsibility but it would always be the case that if the police or anyone else had any concerns they should take them to Mr Bruns first as the man who oversaw the operation of his premises.

He referred to the point in relation to the geography of the premises and that it was a couple of minutes to walk down the road to the premises. If needed Mr Burns could be at the premises as it was in close proximity and a number of people who had multiple licences hold them in different towns where you could not get across town, which was perfectly acceptable. It was about how you promoted the licensing objectives in the premises.

It was a very difficult time for operators in an incredibly stressful time, businesses were going under at a very quick rate and premises were gipping on. In this case they had a man who was willing to take on premises in these difficult times and operate them for the benefit of the town and for people who needed the ability to go out and see people and mingle. Even people

who wouldn't normally visit the pub or restaurants had now come to understand the importance of these premises in towns for people.

Mr Burns would not be DPS at these premises forever if members were worried about setting some kind of precedent. Mr Burns had 35 years plus experience and was Head of the Licence Rituals Association and former Chair of PubWatch and a personal licence trainer. He trained all his staff and had many staff with personal licences on his books and should be commended as being DPS's at premises who take the responsibility and have the experience to do so.

These were exceptional circumstances and exceptional times but not in the way the police presented it for the purposes of section 37 of the legislation.

Mr Burns and Mr Moran confirmed that they had nothing to add to the representations.

The Licensing Team Leader asked Mr Burns to outline how he managed the premises and if he stuck to one premises and maybe visit each premises every hour or did he stick to the one premises and if any issues attend those premises.

Mr Burns responded that he appointed a manager for the premises ensuring that they were suitably trained and where he could, he would put a personal licence in their name. He worked on a confidence basis and they were senior staff that had been around the industry for some time and he allowed them to manage the premises to comply with all the licensing objectives. If he was needed, then he would attend the premises, he tended to be based at The Monk as it had the latest licensing hours and was the busiest bar and had the opportunity for conflict more than the others. Each site was supported with door supervisors who all complied with the rules. He did travel around the premises but he did not just leave the premises in the hands of new staff, there was an area manager and underneath him they had people in each premises that were actually managing and he supported them and trained them. He hoped he would bring them forward and ultimately; they would move on with great training.

Sergeant Dickenson referred to the proximity of the premises and asked the Applicant's Solicitor if had visited the premises to see how near they were to each other.

The Applicant's Solicitor confirmed that he hadn't visited the premises, but he had spoken to Mr Burns and Mr Moran about this and asked them how far it was to get down the road and that was their assessment not his.

Sergeant Dickenson responded that they had looked at the distance on the route planner and it was an 11-minute walk as it was half a mile between the premises, so it was not two minutes away.

Mr Burns responded that it could be an 11 minutes slow walk, but it was a two-minute drive and his car was always parked outside The Monk, so the distance between the two sites was not unmanageable.

Sergeant Dickenson then referred to the closure notice and that Mr Burns stated that it was cancelled and asked if he had any paperwork confirming this.

Mr Burns stated that he had the rescinding notice that he was issued by Durham County Council that he could send to Sergeant Dickenson.

Sergeant Dickenson asked if the notice confirmed that a check had taken place and they were confident that the premises were COVID compliant.

Mr Burns stated that the notice was issued to him stating that they had spoken and realised that the COVID aspect could be covered off.

Sergeant Dickenson indicated that she had spoken to the officer who had issued the closure notice yesterday who confirmed that the notice had never been rescinded. They would normally carry out an inspection and if they were happy that all the points were met then the premises could open again in the seven days.

The Chair confirmed that the Sub-Committee would note this.

The Applicant's Solicitor indicated that this could be due to lockdown closures, but the discussions were had. The notice did not deal with crime and disorder.

Sergeant Dickenson stated that she wanted Members to be aware that the notice still stood and had not been cancelled.

The Council's Solicitor referred to the issue over the police never been presented with the CCTV footage for the incident that occurred on the 17 October 2020 and asked for the reasons why.

Mr Burns responded that the request was made for the CCCTV footage but then the action was taken by the Council to issue a closure notice and when he looked at the CCTV footage it was not there and had 'fallen off' the system by the time he tried to download it. His understanding was that the CCTV footage was no longer needed as action had been taken by the Council and he didn't think it was needed as it was a request and they had

already taken the action and that was the reasons why the CCTV footage was not provided. When CCTV footage had previously been requested for his other premises it had been provided to help get a case against individuals.

The Council's Solicitor referred to the Council's own Statement of Licensing Policy that stated that it expected that DPS to be present at the premises most of the time and how could this be addressed on a practical level.

The Applicant's Solicitor responded that you needed to look at it under three levels. The Licensing Act was blank in this regard and the guidance was first then policy, you could go against guidance but there had to be good reason to do so. These were designed to be flexible in individual circumstances and the reality of the role of the DPS was an overarching supervisor of the premises and the management of the premises whilst it was good practice and the recommendations was good practice. Mr Burns stationed himself at the busiest premises which was in close proximity to the other premises so there were no issues in getting to the premises. Good practice goes further than simply having the letters DPS after your name and when you take into account the training of staff, the other personal licence holders and the clear oversight that Mr Burns had and the fact that he made himself available to all the officers. Forty-five visits had been carried out with only two allegations of anything coming close to breaches of COVID regulations and nothing on crime and disorder to suggest that he could not manage these premises. All of this taken into account had to weigh against what you would consider good practice and recommendations in these circumstances.

Councillor Hopgood referred to page 5 of the final bundle, paragraph 16 that stated that Mr Burns intention that once he was satisfied that his managers had demonstrated they were competent and capable of running the premises to his standards to have them take on the role as DPS at the site they managed. She asked how long this process took given that Mr Burns would have five premises and how quickly in the past had he handed over the role as DPS on each premises.

Mr Burns responded that sometimes staff don't stay and due to COVID he had seen a lot of staff movement, if he had been asked this question prior to COVID he would have said that it normally took around three months as he wanted to see them attend PubWatch meeting and to see them apply all of the procedures that were put into place.

All parties were given the opportunity to sum up.

PC Robertson reiterated that Durham Constabulary's main concerns related to Mr Burns control being diluted or stretched over five sites which was a concern. There had been two incidents where he had been tested and there

had been issues that had come to themselves and hence why they had objected to the application.

The Applicant's Solicitor stated that you had heard about the measures that Mr Burns had put into place and that this was a temporary measure that he would expect or anticipate in ordinary times would take somewhere around three months but in COVID times it was difficult to say when. This was a robust move by a robust manager who intended to take control himself and manage what was a very difficult time and difficult process. The reality was that over the years Mr Burns had worked very well with officers and barring the one aberration he had provided compelling evidence of having done so. The fact that there had been 45 visits, not all had been put before you as examples of somebody who doesn't take to authority was compelling evidence that this was not the case and not the way that Mr Burns worked in ordinary circumstances.

The law was silent as to what you could do in terms of the role of the DPS, the guidance was very clear in stating two or more premises and did not set any limits and made it clear that the purpose was to have a single point of contact for officers. Officers did know Mr Burns and would be able to approach him or Punch Taverns if there were any issues. Punch Taverns took these responsibilities very seriously and they liked people to be DPS on fewer sites but in speaking to Mr Burns they had assured themselves that this was the right option at this time on the basis of the reasons set out. The Council's policy stated that a DPS could be on more than one site, two or more again not setting a limit. The only harm was the undermining of the crime and disorder licensing objective but there was no evidence put before you and as stated there was no trouble relating to The Kings Head and they would not expect any further extraordinary circumstances for its management than those that had been put into place. The example provided in the guidance was someone on the verge of losing a personal licence but kept it and then going into a premises where there was troubles that were directly associated with the reasons why he was prosecuted and they were nowhere near that standard of exceptional. This was the one time that you get to do this safe in the knowledge that it was the correct decision for the promotion of the licensing objectives.

The Chair thanked everyone for their attendance and at 4.10 pm the Sub-Committee Resolved to retire in private to deliberate the application. Councillors Marshall, Hampton and Hopgood retired to make the decision.

In reaching their decision the Sub-Committee had taken into account the report of the Licensing Team Leader and the written and verbal representations of the Applicant and the written and verbal representations of Durham Constabulary. Members had also considered Durham County

Council's Statement of Licensing Policy and Guidance issued Under Section 182 of the Licensing Act 2003.

Resolved: That the Application to Vary the Premises Licence to specify an individual as a Designated Premises Supervisor be granted.

Statutory Licensing Sub-Committee

1st March 2021

Application for the grant of a Premises Licence

Ordinary Decision



Report of Alan Patrickson Corporate Director of Neighbourhoods and Climate Change

Councillor Brian Stephens, Cabinet Portfolio Holder for Neighbourhoods and Climate Change

Electoral division(s) affected: Stanhope - Weardale

Purpose of the Report

The Sub-Committee is asked to consider and determine the application for the grant of a premises licence for a field - OS Map Reference NZ0044338150 – Field to the South East of Stanhope Village to the immediate East of the sewerage works approaching Frosterley.

1 A plan showing the location of the premises is attached at Appendix 2.

Executive summary

2 The application is for the grant of a new Premises Licence for OS Map Reference NZ0044338150. The applicant – Mr Alex Hutchinson of Integrated Event Management Ltd states the area is a large open outdoor site consisting of a single field. The licensable activities will be restricted to the portion of the field on the eastern side.

The application is for the following activities:

- Limited to two full weekends per year – (Friday, Saturday and Sunday per weekend) between the months of May and September inclusive – Amplified music from an indoor stage within a temporary structure and a smaller stage position outside of the same temporary structure
- Provision of Live Music (Indoors and Outdoors) and Performance of Dance (Indoors only):
Friday 16:00 hrs until 23:30 hrs
Saturday 11:00 hrs until 00:00 hrs
Sunday 11:00 hrs until 23:30 hrs

- Provision of Recorded Music (Indoors and Outdoors):
Friday 16:00 hrs until 00:30 hrs
Saturday 11:00 hrs until 01:00 hrs
Sunday 11:00 hrs until 00:30 hrs
- Light Night Refreshment (Outdoors only):
Friday & Sunday 23:00 hrs until 01:00 hrs
Saturday 23:00 hrs until 01:30 hrs
- Sale by Retail of Alcohol (on the premises only):
Friday 16:00 hrs until 00:30 hrs
Saturday 11:00 hrs until 01:00 hrs
Sunday 11:00 until 00:30 hrs
- Proposed Opening Times:
Friday 16:00 hrs until 01:00 hrs
Saturday 10:30 hrs until 01:30 hrs
Sunday 10:30 until 01:00 hrs

- 3 The licensing authority received responses from Durham Constabulary and County Durham & Darlington Fire and Rescue Service who had no comments to make. Durham County Council Environmental Health mediated with the applicant and it was agreed to include two further conditions.
- 4 The licensing authority received three letters in opposition to the application, Mr & Mrs Lamb, Mr & Mrs Brewin, Mr & Mrs Riordan (other persons).

Recommendation(s)

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

Background

- 7 Background information – The application form was submitted by Mr Alex Hutchinson of Integrated Event Management Ltd.

Type of Application: Grant of a premises licence	Date received: 5 th January 2021	Consultation ended: 2 nd February 2021
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Details of the application

- 8 An application for the grant of a premises licence was received by the Licensing Authority on 5th January 2021. A copy of the application is attached at Appendix 3.
- 9 The application is deemed by the Licensing Authority to be correctly served and advertised in accordance with the Licensing Act regulations.
- 10 The activities requested are as follows:

Licensable Activities	Days & Hours
Provision of Live Music (Indoors and Outdoors) Performance of Dance (Indoors only)	Friday 16:00 hrs until 23:30 hrs Saturday 11:00 until 00:00 hrs Sunday 11:00 until 23:30 hrs
Provision of Recorded Music (Indoors and Outdoors)	Friday 16:00 hrs until 00:30 hrs Saturday 11:00 hrs until 01:00 hrs Sunday 11:00 hrs until 00:30 hrs
Light Night Refreshment (Outdoors only)	Friday 23:00 hrs until 01:00 hrs Saturday 23:00 hrs until 01:30 hrs Sunday 23:00 hrs until 01:00 hrs
Sale by Retail of Alcohol (on the premises only)	Friday 16:00 hrs until 00:30 hrs Saturday 11:00 hrs until 01:00 hrs Sunday 11:00 until 00:30 hrs
Proposed Opening Times	Friday 16:00 hrs until 01:00 hrs Saturday 10:30 hrs until 01:30 hrs Sunday 10:30 until 01:00 hrs

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

The Representations

- 12 The Licensing Authority received three letters of representation during the consultation period from Mr & Mrs Lamb, Mr & Mrs Brewin and Mr & Mrs Riordan (other persons).
- 13 The licensing authority deemed the representations as relevant, relating to the following licensing objectives:
- The Prevention of Crime and Disorder
 - Public Safety
 - The Prevention of Public Nuisance
 - Protection of Children from Harm

Copies of the representations are attached at Appendix 4.

- 14 Responses were received from the following Responsible Authorities:

Durham Constabulary and County Durham & Darlington Fire and Rescue Service had no comments to make. Durham Council County Environmental Health mediated with the applicant whereby it was agreed to include two further conditions, See Appendix 5.

Relevant parties were made aware of the mediation with Environmental Health and requested the application be determined by a committee panel.

The Parties

- 15 The Parties to the hearing will be:
- Mr Alex Hutchinson Integrated Event Management Ltd (Applicant)
 - Mr & Mrs Lamb (other persons)
 - Mr & Mrs Brewin (other persons)
 - Mr & Mrs Riordan (other persons)

Options

- 16 There are a number of options open to the Sub-Committee:
- (a) Grant the licence subject to conditions that are consistent with the operating schedule accompanying the application and the mandatory conditions set out in the Licensing Act 2003;
 - (b) Grant the licence subject to modified conditions to that of the operating schedule where the committee considers it appropriate

for the promotion of the licensing objectives and the mandatory conditions set out in the Licensing Act 2003;

- (c) To exclude from the scope of the licence any of the licensable activities to which the application relates;
- (d) To refuse to specify a person on the licence as the Designated Premises Supervisor;
- (e) To reject the application.

Main implications

Legal Implications

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

See Appendix 1.

Consultation

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

See Appendix 1

Conclusion

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

Background papers

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

Other useful documents

- None

Contact: Helen Johnson

Tel: 03000 265101

Appendix 1: Implications

Legal Implications

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

In this case it was summed up that:

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

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

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

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

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

Consultation

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

The Responsible Authorities were consulted on the application.

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

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

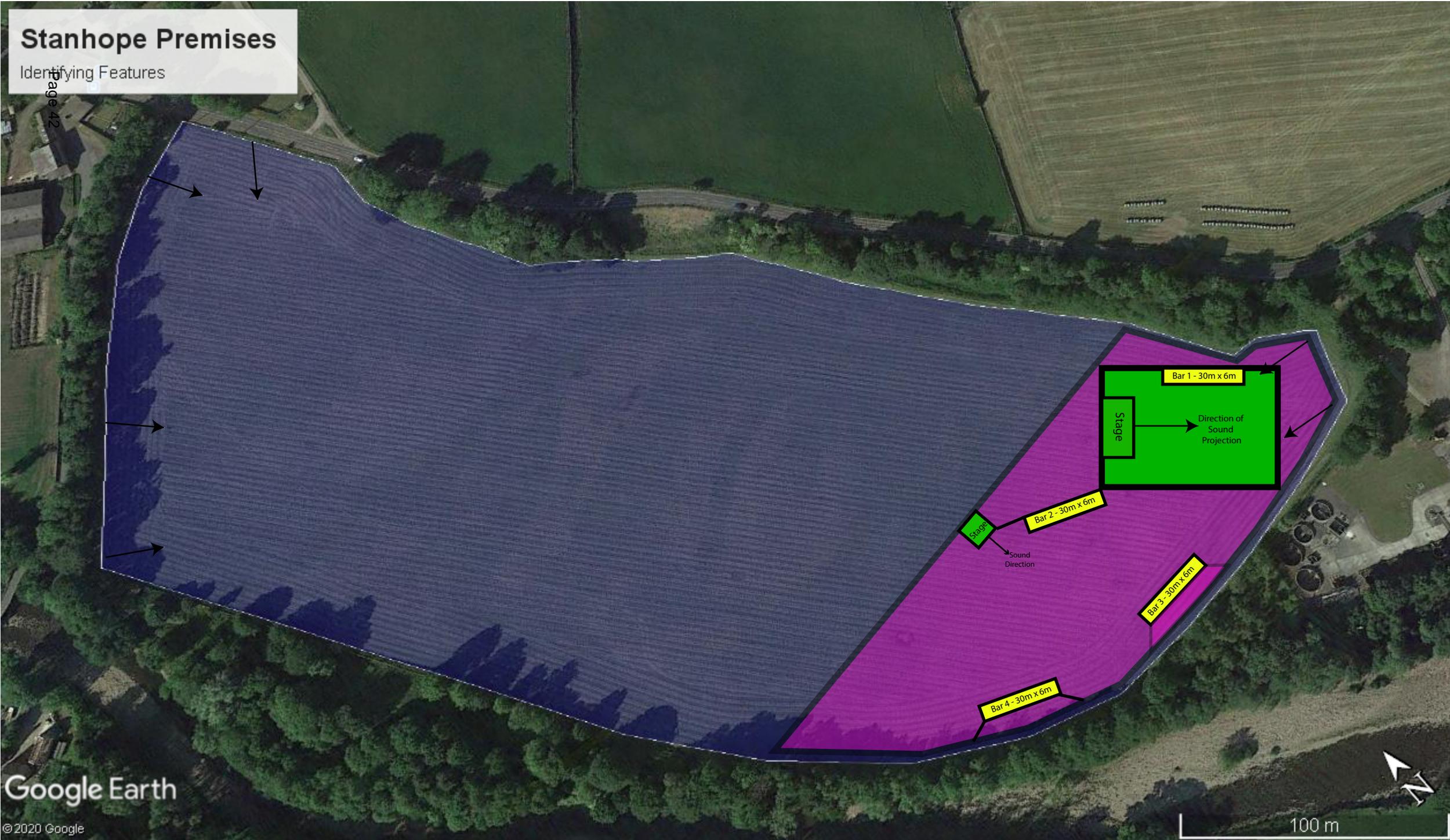
In addition, details of the application were available to view on the Council's website throughout the 28 day consultation period.

Appendix 2: Location Plan

Stanhope Premises

Identifying Features

Page 42



→ Ingress / Egress Point (6 total)

■ Music / Dance / Alcohol Vending Areas within this area

■ Temporary Structure 65m x 44m

Appendix 3: Application Form



* required information

Section 1 of 21

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

System reference	Not Currently In Use	This is the unique reference for this application generated by the system.
Your reference	DL13PREM2021	You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant?

- Yes No

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

Applicant Details

* First name	Alex
* Family name	Hutchinson
* E-mail	
Main telephone number	
Other telephone number	

Include country code.

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

Are you:

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

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

Applicant Business

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

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

Registration number	
Business name	Integrated Event Management Ltd
VAT number	- None
Legal status	Private Limited Company

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

Continued from previous page...

Your position in the business

Home country

The country where the headquarters of your business is located.

Registered Address

Address registered with Companies House.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Section 2 of 21

PREMISES DETAILS

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

Premises Address

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

- Address OS map reference Description

Premises OS Map Reference

OS map reference

Further Details

Telephone number

Non-domestic rateable value of premises (£)

Section 3 of 21**APPLICATION DETAILS**

In what capacity are you applying for the premises licence?

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

Confirm The Following

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

Section 4 of 21**NON INDIVIDUAL APPLICANTS**

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

Non Individual Applicant's Name

Name

Details

Registered number (where applicable)

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

Continued from previous page...

Private Limited Company

Address

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Contact Details

E-mail

Telephone number

Other telephone number

* Date of birth / /
dd mm yyyy

* Nationality [Documents that demonstrate entitlement to work in the UK](#)

Section 5 of 21

OPERATING SCHEDULE

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

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

Provide a general description of the premises

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

The Premises is a large, open, outdoor site consisting of a single field to the South East of Stanhope Village, and to the immediate east of the sewerage works approaching Frosterly. The licensable activities will take place within a restriction portion of this field on the eastern side.

Continued from previous page...

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

9999

Section 6 of 21

PROVISION OF PLAYS

[See guidance on regulated entertainment](#)

Will you be providing plays?

- Yes No

Section 7 of 21

PROVISION OF FILMS

[See guidance on regulated entertainment](#)

Will you be providing films?

- Yes No

Section 8 of 21

PROVISION OF INDOOR SPORTING EVENTS

[See guidance on regulated entertainment](#)

Will you be providing indoor sporting events?

- Yes No

Section 9 of 21

PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

[See guidance on regulated entertainment](#)

Will you be providing boxing or wrestling entertainments?

- Yes No

Section 10 of 21

PROVISION OF LIVE MUSIC

[See guidance on regulated entertainment](#)

Will you be providing live music?

- Yes No

Standard Days And Timings

MONDAY

Start

End

Start

End

TUESDAY

Start

End

Start

End

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

Continued from previous page...

WEDNESDAY

Start End

Start End

THURSDAY

Start End

Start End

FRIDAY

Start End

Start End

SATURDAY

Start End

Start End

SUNDAY

Start End

Start End

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

- Indoors Outdoors Both

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

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

Amplified Music from an indoor stage within a temporary structure and a smaller stage positioned outside of the same temporary structure.

State any seasonal variations for the performance of live music

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

Limited to 2 Full Weekends (Friday, Saturday and Sunday per weekend) between the months of May and September, inclusive of those two months.

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

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

None

Section 11 of 21

PROVISION OF RECORDED MUSIC

See guidance on regulated entertainment

Will you be providing recorded music?

- Yes
- No

Standard Days And Timings

MONDAY

Start

End

Start

End

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

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

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

- Indoors
- Outdoors
- Both

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

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

Amplified Music from an indoor stage within a temporary structure and a smaller stage positioned outside of the same temporary structure.

Continued from previous page...

State any seasonal variations for playing recorded music

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

Limited to 2 Full Weekends (Friday, Saturday and Sunday per weekend) between the months of May and September, inclusive of those two months.

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

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

None

Section 12 of 21

PROVISION OF PERFORMANCES OF DANCE

[See guidance on regulated entertainment](#)

Will you be providing performances of dance?

Yes No

Standard Days And Timings

MONDAY

Start

End

Start

End

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

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

Continued from previous page...

SATURDAY

Start End

Start End

SUNDAY

Start End

Start End

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

Indoors Outdoors Both

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

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

Accompanying dancers alongside music performances

State any seasonal variations for the performance of dance

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

Limited to 2 Full Weekends (Friday, Saturday and Sunday per weekend) between the months of May and September, inclusive of those two months.

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

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

None

Section 13 of 21

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

[See guidance on regulated entertainment](#)

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

Yes No

Section 14 of 21

LATE NIGHT REFRESHMENT

Will you be providing late night refreshment?

Yes No

Continued from previous page...

Standard Days And Timings

MONDAY

Start

End

Start

End

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

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

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

- Indoors Outdoors Both

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

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

Catering Concessions will provide attendees with refreshments between 11pm and the premises closing times on all days of operation.

State any seasonal variations

Continued from previous page...

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

Limited to 2 Full Weekends (Friday, Saturday and Sunday per weekend) between the months of May and September, inclusive of those two months.

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

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

None

Section 15 of 21

SUPPLY OF ALCOHOL

Will you be selling or supplying alcohol?

Yes No

Standard Days And Timings

MONDAY

Start

End

Start

End

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

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Page 54

Start

End

Continued from previous page...

SUNDAY

Start

End

Start

End

Will the sale of alcohol be for consumption:

- On the premises Off the premises Both

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

State any seasonal variations

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

Limited to 2 Full Weekends (Friday, Saturday and Sunday per weekend) between the months of May and September, inclusive of those two months.

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

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

None

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

Name

First name

Family name

Date of birth / /
dd mm yyyy

Continued from previous page...

Enter the contact's address

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

PROPOSED DESIGNATED PREMISES SUPERVISOR CONSENT

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

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

Reference number for consent form (if known)

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

Section 16 of 21

ADULT ENTERTAINMENT

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

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

Section 17 of 21

HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

MONDAY

Start

End

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

Page 56

Start

End

Continued from previous page...

TUESDAY

Start	<input type="text"/>	End	<input type="text"/>
Start	<input type="text"/>	End	<input type="text"/>

WEDNESDAY

Start	<input type="text"/>	End	<input type="text"/>
Start	<input type="text"/>	End	<input type="text"/>

THURSDAY

Start	<input type="text"/>	End	<input type="text"/>
Start	<input type="text"/>	End	<input type="text"/>

FRIDAY

Start	<input type="text" value="16:00"/>	End	<input type="text" value="01:00"/>
Start	<input type="text"/>	End	<input type="text"/>

SATURDAY

Start	<input type="text" value="10:30"/>	End	<input type="text" value="01:30"/>
Start	<input type="text"/>	End	<input type="text"/>

SUNDAY

Start	<input type="text" value="10:30"/>	End	<input type="text" value="01:00"/>
Start	<input type="text"/>	End	<input type="text"/>

State any seasonal variations

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

Limited to 6 days per year

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

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

None

Section 18 of 21

LICENSING OBJECTIVES

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

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

Continued from previous page...

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

In relation to all four sections, "the event" or "the events" refers to "Stone Valley Festival" and "Northern Kin Festival" which have operated at Castle Park in Stanhope for 8 years and 2 years respectively.

All operations will be carried out in conjunction with a comprehensive Management Plan, attached to the applications concerned all aspects and elements of the Event's activities both licensable and other. For any proposed operations, the Event Management will be made available to partners and Local Authorities for review and consultation. Following working documents, a final draft will be circulated not less than 3 months before any proposed event.

All staff and workers operating on the site are recruited for their specialist skill-sets, or sourced from a suitable, credible agency or provider specialising in that area, and are briefed and receive site-specific training prior to any works.

A comprehensive Management Team consisting of 5 Senior Managers will be allocated to each event and will be available on-site during all hours covered by the Premises Licence, with subsidiary management teams as required and set out within the Event Management Plan for the event.

A Risk Assessment is produced for each Event, the crowd management of it's attendees and each individual activity by workers, employees or contractors within the premises and other spaces utilised to support the licensable activities taking place. All Control Measures determined by this Risk Assessment are incorporated into an Action Plan which is fully implemented by the Senior Management Team.

A minimum of 4 Personal Licence Holders will supervise staff providing sale of alcohol during all licensable times to ensure sufficient enforcement of Responsible Sale of Alcohol Policies and Mandatory Licensing conditions.

b) The prevention of crime and disorder

The Premises are accessible only by Ticket Holders.

A suitably sized team of SIA Licenced Security Personnel are deployed within the premises to maintain a safe environment at all times. The size and deployment of this team will be determined by the Crowd Management Plan which will be assessed and undertaken by an experienced Crowd Management provider for each event. The number of SIA and Stewarding staff to be deployed will be the greater of the numbers recommended where there is not agreement between the Crowd Management Provider and the Event Management Team.

The Event will be clear and comprehensive terms and conditions which set out various measures to maintain a safe environment within the site (including but not limited to Drugs policies, Prohibited items Policies, Search policies etc). All of these policies will be set out within the Event Management Plan for each event.

The Event Manager for any event will establish a clear and functional dialogue with a point of contact within Durham Constabulary to agree lines of communication, seek input and suggestion on security plans and guidance on local pubwatch schemes or similar.

A strict search procedure will be maintained and applied to any and all persons accessing the site ensuring that no weapons or other items which could cause harm can be brought into the premises.

Body Worn CCTV is used 24/7 throughout the licensed period by the Security Team to deter crime and disorder and capture evidence of any persons involved in undesirable activities. At any one time, a minimum of 4 Body Worn Cameras will be deployed with 1 additional unit per Security Response Team as required.

Vetting of staff working at the event will be completed which will minimise the risk of any crimes committed within working environments.

The Event will have a Security policy which identifies key risks and concerns in relation to Terrorism and identifies suitable control measures to manage this risk as far as is possible.

Continued from previous page...

Further information relating to Applicant's control measures in relation to Crime and Disorder for each specific event will be made available with the Event Safety Management Plan and Crowd Management Plan.

c) Public safety

A Risk Assessment is produced for the Event, the crowd management of it's attendees and each individual activity by workers, employees or contractors within the premises and other spaces utilised to support the licensable activities taking place. All Control Measures determined by this Risk Assessment are incorporated into an Action Plan which is fully implemented by the Senior Management Team.

A competent contractor has been appointed to review all road access and egress from the Premises, a suitable Traffic Management Plan will be produced which will form part of the Event Management Plan. The measures deemed necessary by that Traffic Management Plan will be implemented in full by the Traffic Management Provider under the Supervision of the Event Management Team.

A large team of SIA licensed Security Personnel and trained Safety Stewards are deployed throughout the event, this team is trained, briefed and aware of both the need to identify any hazards which may present a safety risk to any persons and the correct reporting procedure to escalate any concerns for resolution.

The capacity of the premises will be set at 9,999 persons; for whom there is more than ample resources on site in relation to safety, crowd management, sanitation, emergency egress etc. For headroom in site implementation a limit will be imposed on site occupation in 2021 of 7,500 persons and in 2022 of 8,750 persons at any one time. From 2023, unless limiting factors are determined after real usage, the capacity will be set at 9,999 persons.

All Electrical Installations will be installed by a competent person as set out in BS7909 and then further inspected by both the Event Manager and a secondary Competent Person prior to the Premises opening.

All Electrical Appliances utilised on site have a current and valid PAT test.

Further policies in relation to Public Safety at any proposed event will be set out within the Event Management Plans.

With specificity to the ongoing (at time of writing) SARS-COV-2 Pandemic, any and all activities taking place within the scope of the licence will be carried out in accordance with both legislation and best practice as relates to regulations and guidance in place at that time. A full and comprehensive Covid Risk Assessment will be undertaken by a Health and Safety Manager with reference to the most up to date legislation and the measures and findings will be implemented fully under the supervision of the Senior Management Team. Where the event cannot be safely carried out in compatibility with current legislation and regulations, the activities will be ceased immediately.

A competent Medical Contractor has been appointed by the Applicant and will be present throughout all licensable activities to provide medical attention via clinically trained professionals to any persons requiring medical attention.

d) The prevention of public nuisance

A competent contractor will be appointed to review all road access and egress from the Premises, a suitable Traffic Management Plan will be produced and full narrative and schematics are contained within the Event Management Plan. These will be finalised and further detail added in conjunction external input.

A competent contractor has been appointed to review all risks relating to noise pollution and noise management from the amplified music on site. This contractor has an extensive background and qualification set in relation to Noise Management and Noise Pollution. Their recommendations are set out in the Event Management Plan and have been accepted in full by the Applicant to be implemented throughout the event. Final requirements as directed by conditions attached to the licence will be incorporated in a final Noise Management Plan which will be implemented and monitored throughout licensable times by the same Noise Management contractor.

For the avoidance of doubt and irrespective of any conditions imposed onto the licence, no event will exceed the following baseline sound levels as measured in real time by the Noise Management Contractor:

Between the hours of 11:00 and 00:00 - 65dB LAeq (15min) at the nearest dwelling and a level of 74dB in the 63Hz and

Continued from previous page...

125Hz octave-bands. This is believed to represent best practice with reference to acknowledged Codes of Practice. Between the hours of 00:00 and 01:00 - 57dB LAeq (15min) at the nearest dwelling and a level of 65dB in the 63Hz and 125Hz octave-bands. This represents a marginal excess of expected ambient noise in the vicinity of the nearby A road.

The Applicant employs and will utilise throughout and after the event a Cleansing Team who will remove litter and waste from both the Premises and nearby areas utilised by attendees in accessing or egressing the event. The Event operates a "Leave No Trace" Policy and will return the Premises and adjacent areas to exactly the condition prior to Licensable Activities.

e) The protection of children from harm

A "Challenge 25" policy will be operated both by staff involved in the sale of alcohol and by the SIA Licenced Security Personnel throughout the site to prevent persons under the age of 18 from consuming alcohol whether purchased directly or by proxy.

A comprehensive policy in relation to the Protection of Children from Harm will be set out within the Event Management Plan of any proposed event.

At least one Medical personnel present during licensable activities will hold specific training in Paediatric Pre-Hospital Care.

Tickets are available to Over 18s and Under 18s can access the only event only when directly supervised by an accompany Adult aged Over 18 who has accepted the Terms and Conditions directing them to suitably supervise the Child throughout their visit.

All staff are briefed on Safeguarding Policies and are made aware of the correct internal Reporting Procedures for any persons at risk. Control Room staff are fully briefed on the external Reporting Procedures for any issue to be escalated to external partners.

One member of the Senior Management Team at any event will be designated the Safeguarding Officer and will take primary responsibility for the implementation of all safeguarding and child safety policies, as well as primacy in dealing with any safeguarding or child safety incident.

Section 19 of 21

NOTES ON DEMONSTRATING ENTITLEMENT TO WORK IN THE UK

Continued from previous page...

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

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

Home Office online right to work checking service

As an alternative to providing a copy of the documents listed above, applicants may demonstrate their right to work by allowing the licensing authority to carry out a check with the Home Office online right to work checking service.

To demonstrate their right to work via the Home Office online right to work checking service, applicants should include in this application their 9-digit share code (provided to them upon accessing the service at <https://www.gov.uk/prove-right-to-work>) which, along with the applicant's date of birth (provided within this application), will allow the licensing authority to carry out the check.

In order to establish the applicant's right to work, the check will need to indicate that the applicant is allowed to work in the United Kingdom and is not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity.

An online check will not be possible in all circumstances because not all applicants will have an immigration status that can be checked online. The Home Office online right to work checking service sets out what information and/or documentation applicants will need in order to access the service. Applicants who are unable to obtain a share code from the service should submit copy documents as set out above.

Section 20 of 21

NOTES ON REGULATED ENTERTAINMENT

Continued from previous page...

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

Section 21 of 21

PAYMENT DETAILS

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

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

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

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

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

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

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

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

* Fee amount (£)

1,100.00

ATTACHMENTS

AUTHORITY POSTAL ADDRESS

Address

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

DECLARATION

Continued from previous page...

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

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

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

* Full name

* Capacity

Date (dd/mm/yyyy)

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

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

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

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

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

Hi Valerie

I've revised the Premises Plan but would like to add the following notes, just in case they are relevant:

- 1) The Second Stage will only be used for one of the two weekends. On the other weekend only one indoor stage will be used for live music.
- 2) At no point will all 4 Bars be used. For one weekend Bars 1, 2 and 3 will be used (3 will be 6m frontage rather than 30m). On the other weekend Bars 1, 2 and 4 will be used at full 30m frontage.

I imagine the above isn't a concern as long as the maximum usage is planned for, but thought it best to clarify it now.

I hope that is everything needed but if not, please let me know and I'll address it immediately.

Thanks again for your help.

Kind Regards

Alex Hutchinson
Operations Director

Appendix 4: Representations

Representation – Reference DL13PREM2021 – OS Map Reference NZ 0044338150

We would like to make a representation to object to a request for a licence at the following site:

Reference DL13PREM2021 OS Map Reference: NZ 00443 38150

Applicant: Alex Hutchinson Integrated Event Management Ltd, Suite 5, 15 North Burns, Chester le Street, DH3 3TF.

The application is for the carrying on or proposing to carry on a business which involves the use of the premises/site for licensable activities.

We would like our representation to be heard in order to prevent the premises/site being used for the proposed licensable activities for the following reasons:

Prevention of public nuisance

The map included in the application does not identify the closest houses and we feel our house may in fact be the nearest. As such, we feel the opening hours are excessive, based on the suggested sound pressure levels generated by the music. In addition, the sound levels do not include noise and nuisance created by other elements of the events to be held on the land/premise, not least the noise from scooters, motor vehicles, campers etc and the expected 10,000 visitors per day and night. ***NB the sound pressure generated by a fire alarm within a building is equal to that identified in the application and we feel this level of noise over a protracted period on these weekends will have a direct impact on the mental health and wellbeing of occupants within Railway Terrace (which is where we live) and others in the vicinity.***

We work 5-6 days per week and the location of our work requires us to drive significant road distances in private vehicles. We feel the extremely late opening hours during which both music and other noise activity will be significant, will lead to a direct lack of sleep and the increased risk of road traffic accidents whilst travelling to work.

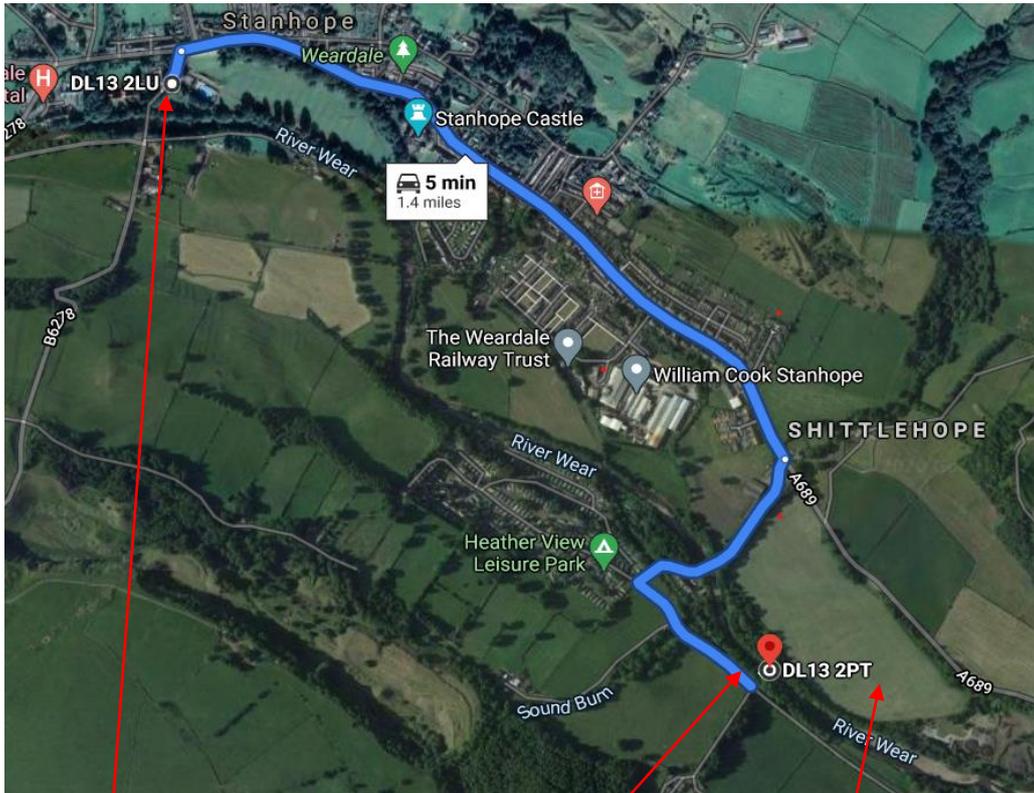
The application itself confirms that the intended noise levels (from music alone) will, in the applicant's opinion, be in excess of expected ambient noise in the vicinity of the nearby A road (A689) however this does not also take into consideration the increased ambient noise to the residents in the closest properties which are actually located on Railway Terrace. We do not feel it is appropriate to permit such levels of noise, activity over such prolonged opening hours.

We understand the licence application is related in particular to two live music events, Stone Valley Festival (North) and the Northern Kin festival which are held annually. As residents we are not privy to the event management plans but feel it is unlikely that the event management plans will take into account the residents of Railway Terrace or the public nuisance it will create.

The Stone Valley Festival (SVF) and Northern Kin festival (NKF) both heavily promote the use of cars, scooters, caravans and motorhomes, and attract up to 10000 visitors to the event per day. These annual events have previously been held approximately 1.5 miles away from our house/street at the Stanhope showground and the noise levels from these still affects us in Railway Terrace as the music and noise can be heard even from 1.5 miles away. The new proposed location OS Map Reference: NZ 00443 38150 is less than 500 meters from our house and will therefore have a huge detrimental effect on us.

As these events have previously been held to the West of Stanhope at the showground which already has a licence for such activities and additional field space is also available at Wolsingham show ground (which also has a licence to facilitate such events), we feel these locations have far

better road traffic access, and camping facilities and are more suited to events of this size with a license already in place. The applicant could already use these sites without creating a third.



Current location of events proposed under new licence

Our house - Closest property

Proposed premise licence

Public Safety

Whilst the application suggests a risk assessment will be produced for each event, we would not be privy to this to see whether all risks have been adequately addressed and the contractor employed to conduct the risk assessment is not familiar with the location, layout and current safety issues which are likely to be exacerbated by the proposed events. It is also highly unlikely that the traffic management/highways department of the council will be familiar with the current safety issues.

The Events promote visitors with motorhomes, scooters and caravans and up to 10000 visitors per day. Under normal conditions, any road blockages, accidents etc on the A689 results in the parallel road Railway Terrace being used as an alternative route into and out of Stanhope, with the majority of this road being single track and having numerous pinch points. This already results in the requirement for vehicles to reverse or mount grass verges when 2 vehicles cross. With the increased traffic expected during the proposed events under this licence application being far in excess of normal visitor traffic on any given weekend, the potential for accidents and road blockages on both the A689 and Railway Terrace is extremely high, and there will be no vehicular access into Stanhope from the East or out of Stanhope from the west for emergency vehicles or residents causing grave concern not just the public safety of residents of Stanhope and other towns and villages relying on these access roads being free, but also will prevent access of emergency services into or out of the events. Pinch-points are shown on the maps below. Blockages at the Frosterly end of Railway

Representation – Reference DL13PREM2021 – OS Map Reference NZ 0044338150

Terrace (adjacent to Weardale Holiday Cottages) if blocked will also block access into and out of Frosterley, Hill End, Bollihope and beyond.



Right/left hand turn into proposed main entrance – will completely block A689 for 3 days both east and west preventing emergency service vehicles and residents into/out of Stanhope.



A689

Blind hairpin bend to 2nd access into the proposed site, and single track pinchpoint leading to blockages to houses on Railway Terrace and Riverside Lodge



Single track, blind bend pinch point between A689 and Railway Terrace/Riverside Lodge/Heather View Caravan Park which already necessitates vehicles to reverse significant distances due to lack of passing points.

In 2015/16 there were a number of deaths within Durham County Council with youths entering rivers when they were under the influence of alcohol. It is very disturbing that the applicant has applied for a licence to sell alcohol for many hours in one day, over several days and until early hours of the morning at a location that is so close to a fast flowing river to which access is unrestricted and unable to be suitably restricted for these events. It is already commonplace for wild camping to take place on the riverbank along the south side of the proposed location (one of the proposed access/egress points) and we are in no doubt this will be exasperated during the event leading to the much increased risk of death from event visitors (adults and children) entering the river whilst under the influence of alcohol or without being familiar with the river's ebb and flow. One access/egress point also seems to be across a concrete culvert which floods and overflows onto the pedestrian/vehicular track causing significant risk. Vehicles already park on top of the culvert which is showing signs of significant damage. With the river flow, persons unfamiliar with the area, lost footing (which is very easy given the ground conditions) poses risk to children and adults being swept downstream.

The promotion of the events themselves will lead to much more vehicular and pedestrian traffic to the Heather View Caravan Park on Railway Terrace, condensed into these weekends which would normally naturally be more staggered. As vehicular movements already create additional safety risks because of the narrow lane and no passing points, the significant increase will completely block the roads, causing vehicles to reverse in the vicinity of increased pedestrian activity.

Representation – Reference DL13PREM2021 – OS Map Reference NZ 0044338150

Based on the above it is without doubt that should the license application be successful that this will create adverse health and wellbeing effects and cause increased public safety issues and restricted access to emergency services.

In addition, the map submitted with a number of vehicular/pedestrian access/egress points do not fully reflect the limitations of these (such as small narrow wooden footbridges, culverts crossing the river and pinch point at crucial vehicular access into Railway Terrace direct from the A689) and at Frosterley Bridge.

We would therefore request that the license request for this particular premise/site is refused due to the risk to public safety and the public nuisance caused.

We would ask that we are able to make this representation in public, and if not please provide the alternatives for this representation to be heard and considered.

J and G Lamb

Railway Terrace, Stanhope DL13 2PT

Telephone:

Date: 29th January 2021

From: S T
Sent: 31 January 2021 16:28
To: AHS Licensing
Subject: Licensing Act 2003 applications Field Near Stanhope Co Durham

Hi,

We are writing in relation to the license application for the field near Stanhope, County Durham OS map ref: NZ 0044338150 by Integrated Event Management Limited and to object to this license application.

We object due to the following reasons.

The proposed location is extremely close to our property which will result in noise nuisance. We appreciate that the plans show the stage at the other end of the field furthest away from Stanhope and stage projection away from us, however, the rest of the field is right opposite our property. The noise nuisance will not only come from the music but from the many thousands of visitors that the proposed events attract every year. Littering is also a concern that will be left behind by the many attendees.

We both work 6 days a week and leave the house at 5am for 6am start times and drive distances of 23 or 26 miles to work. We do believe that the late finish times of these events will mean noise pollution is likely to prevent us from getting adequate sleep prior to our working day. Music can be heard at our house from the old location of this event. My husband is a courier and therefore drives for most of his working day and we believe the lack of sleep due to the noise will detrimentally affect him and worry he will be at increased risk of an accident without adequate sleep. I work within Pharmacy, manufacturing bespoke unlicensed medicines. An error on my account has the potential to directly affect patient safety. Worst case, an incorrect weight or measurement of a drug and I could kill a vulnerable patient. Unlicensed medicines are not tested and go direct to the chemist/hospital/ any part of the NHS and immediately on to the patient.

The events may finish at a specific time and the music stop but we do not believe the crowds of intoxicated attendees will immediately disperse and leave the site quietly considering local residents. Drunk people rarely do, they are still in the mood to party.

Increased traffic in the immediate vicinity will also likely lead to access problems. The roads leading into Railway Terrace and Heatherview caravan park are mainly single track with blind bends and few passing places. Increased traffic will without a doubt cause issues on these roads. On the few occasions the A689 has been blocked between Frosterley and Stanhope, we have seen first hand the chaos, crashes and damage caused by the back road passing Railway Terrace being used as a diversion for a few brief hours. Blind bends, single file traffic, few passing places and pinch points in the road do not make access to this event easy. I'm sure the events organiser will say traffic will be unlikely to need to travel along these narrow roads but they will. Every day people are always looking to park as close as they can and free of charge to any event/ location they are going to. This will be no different and the back roads will be abused. Inconsiderate parking and increased traffic with people dropping others off will block these access roads to our property and Heatherview caravan park. The caravan park has wide loads coming along these roads regularly as caravans are dropped off and removed from site. These wide loads will not be able to reverse when met with a line of oncoming traffic. Inconsiderate parking and increased usage of these roads could also block access for emergency vehicles to Railway Terrace and Heatherview caravan park. In the event I need the fire brigade or an ambulance I do not want to have to wait for them to go the long way round via

Frosterley due to hundreds of people and traffic blocking the Stanhope end entrance to Railway Terrace. This small road is not designed to handle such capacity.

Access/ egress points near the river also pose severe concerns to those attending such events due to be held. One point appears to be over a tiny, narrow wooden bridge, totally inappropriate for such a large event. Another point is over the top of a poorly maintained narrow culvert right next to the river Wear. This crossing has no safety barriers to prevent basic slips, trips or falls into the river or on to the concrete, let alone before attendees to such events have spent several hours drinking alcohol. The culvert is full of holes and degrading concrete.

There has been no shortage of media coverage over the years regarding young adults falling into rivers and drowning while under the influence of alcohol. Having access here is extreme negligence at the very least. Access should be maintained to the main road should this license be granted and no nearer the river. Alcohol, water and darkness are an accident/ death waiting to happen. The river and this culvert flood quickly and easily with even a small amount of rainfall. Rainfall further up the dale impacts greatly down here, we have seen it first hand many times over the years. Increased footfall, increased risk of accidents and poor access for emergency vehicles concern us greatly.

We ask that this license is refused for this site on the above grounds of public safety and public nuisance. There may only be a few of us near this site to be affected but our mental health and right to be able to go to work having had sufficient sleep to carry our jobs out safely must be taken into consideration. The events may only be for a few weekends each year but driving and manufacturing patient medication safely are critical and should not be dismissed. I do not feel I should be expected to take leave from work because I am not able to function safely due to lack of sleep from music and crowds of drunk people making so much noise in such close proximity to my house.

However, should the above concerns be dismissed as not important then we ask that all access be kept by the main road and not along the lane anywhere near the river where people would be required to cross the water, as a huge part of our concerns are also around the safety of the attendees to these events. Alcohol and rivers are dangerous and I can't believe access points are even being considered at these points where water leading to the river must be crossed. I can't believe such movement of such large crowds at a licensed event right next to the river has not already set alarms bells off in organisers heads. People drown in inches of water, they can bang their heads and be knocked out, especially when intoxicated. It does not have to be deep, fast flowing water. I hope full inspections of the field and a barrier between the field and the river are inspected also prior to any decision being made.

We ask that these factors are taken into consideration and that you let us know how we ensure these points are represented and considered if this email has not done so already.

We look forward to hearing from you.

Regards,

S & K Brewin.
Railway Terrace,
Stanhope,
County Durham.
DL13 2PT

(I do not answer calls from unfamiliar numbers, if you contact me please do so via email or leave a message for me to call you back).

31st January 2021.

Representation – Reference DL13PREM2021 – OS Map Reference NZ 0044338150

We would like to make a representation to object to a request for a licence at the following site:

Reference DL13PREM2021 OS Map Reference: NZ 00443 38150

Applicant: Alex Hutchinson Integrated Event Management Ltd, Suite 5, 15 North Burns, Chester le Street, DH3 3TF.

The application is for the carrying on or proposing to carry on a business which involves the use of the premises/site for licensable activities.

We would like our representation to be heard in order to prevent the premises/site being used for the proposed licensable activities for the following reasons:

Prevention of public nuisance

The map included in the application does not identify the closest houses and we feel our house may in fact be the nearest. As such, we feel the opening hours are excessive, based on the suggested sound pressure levels generated by the music. In addition, the sound levels do not include noise and nuisance created by other elements of the events to be held on the land/premise, not least the noise from scooters, motor vehicles, campers etc and the expected 10,000 visitors per day and night. ***NB the sound pressure generated by a fire alarm within a building is equal to that identified in the application and we feel this level of noise over a protracted period on these weekends will have a direct impact on the mental health and wellbeing of occupants within Railway Terrace (which is where we live) and others in the vicinity.***

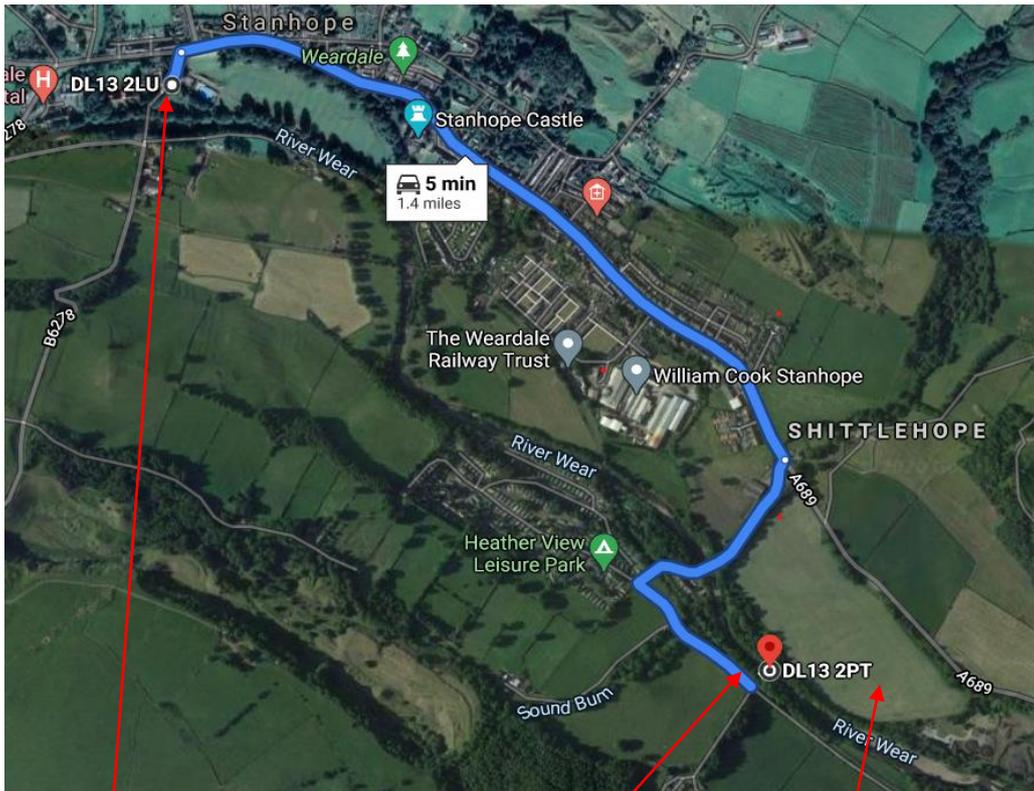
We feel the extremely late opening hours during which both music and other noise activity will be significant, will lead to a direct lack of sleep and the increased risk of road traffic accidents whilst travelling to work.

The application itself confirms that the intended noise levels (from music alone) will, in the applicant's opinion, be in excess of expected ambient noise in the vicinity of the nearby A road (A689) however this does not also take into consideration the increased ambient noise to the residents in the closest properties which are actually located on Railway Terrace. We do not feel it is appropriate to permit such levels of noise, activity over such prolonged opening hours.

We understand the licence application is related in particular to two live music events, Stone Valley Festival (North) and the Northern Kin festival which are held annually. As residents we are not privy to the event management plans but feel it is unlikely that the event management plans will take into account the residents of Railway Terrace or the public nuisance it will create.

The Stone Valley Festival (SVF) and Northern Kin festival (NKF) both heavily promote the use of cars, scooters, caravans and motorhomes, and attract up to 10000 visitors to the event per day. These annual events have previously been held approximately 1.5 miles away from our house/street at the Stanhope showground and the noise levels from these still affects us in Railway Terrace as the music and noise can be heard even from 1.5 miles away. The new proposed location OS Map Reference: NZ 00443 38150 is less than 500 meters from our house and will therefore have a huge detrimental effect on us.

As these events have previously been held to the West of Stanhope at the showground which already has a licence for such activities and additional field space is also available at Wolsingham show ground (which also has a licence to facilitate such events), we feel these locations have far better road traffic access, and camping facilities and are more suited to events of this size with a license already in place. The applicant could already use these sites without creating a third.



Current location of events proposed under new licence

Our house - Closest property

Proposed premise licence

Public Safety
 Whilst the application suggests a risk assessment

nt will be produced for each event, we would not be privy to this to see whether all risks have been adequately addressed and the contractor employed to conduct the risk assessment is not familiar with the location, layout and current safety issues which are likely to be exacerbated by the proposed events. It is also highly unlikely that the traffic management/highways department of the council will be familiar with the current safety issues.

The Events promote visitors with motorhomes, scooters and caravans and up to 10000 visitors per day. Under normal conditions, any road blockages, accidents etc on the A689 results in the parallel road Railway Terrace being used as an alternative route into and out of Stanhope, with the majority of this road being single track and having numerous pinch points. This already results in the requirement for vehicles to reverse or mount grass verges when 2 vehicles cross. With the increased traffic expected during the proposed events under this licence application being far in excess of normal visitor traffic on any given weekend, the potential for accidents and road blockages on both the A689 and Railway Terrace is extremely high, and there will be no vehicular access into Stanhope from the East or out of Stanhope from the west for emergency vehicles or residents causing grave concern not just the public safety of residents of Stanhope and other towns and villages relying on these access roads being free, but also will prevent access of emergency services into or out of the events. Pinch-points are shown on the maps below. Blockages at the Frosterly end of Railway Terrace (adjacent to Weardale Holiday Cottages) if blocked will also block access into and out of Frosterley, Hill End, Bollihope and beyond.



Single track, blind bend pinch point between A689 and Railway Terrace/Riverside Lodge/Heather View Caravan Park which already necessitates vehicles to reverse significant distances due to lack of passing points.

In 2015/16 there were a number of deaths within Durham County Council with youths entering rivers when they were under the influence of alcohol. It is very disturbing that the applicant has applied for a licence to sell alcohol for many hours in one day, over several days and until early hours of the morning at a location that is so close to a fast flowing river to which access is unrestricted and unable to be suitably restricted for these events. It is already commonplace for wild camping to take place on the riverbank along the south side of the proposed location (one of the proposed access/egress points) and we are in no doubt this will be exasperated during the event leading to the much increased risk of death from event visitors (adults and children) entering the river whilst under the influence of alcohol or without being familiar with the river's ebb and flow. One access/egress point also seems to be across a concrete culvert which floods and overflows onto the pedestrian/vehicular track causing significant risk. Vehicles already park on top of the culvert which is showing signs of significant damage. With the river flow, persons unfamiliar with the area, lost footing (which is very easy given the ground conditions) poses risk to children and adults being swept downstream.

The promotion of the events themselves will lead to much more vehicular and pedestrian traffic to the Heather View Caravan Park on Railway Terrace, condensed into these weekends which would normally naturally be more staggered. As vehicular movements already create additional safety risks

Representation – Reference DL13PREM2021 – OS Map Reference NZ 0044338150

because of the narrow lane and no passing points, the significant increase will completely block the roads, causing vehicles to reverse in the vicinity of increased pedestrian activity.

Based on the above it is without doubt that should the license application be successful that this will create adverse health and wellbeing effects and cause increased public safety issues and restricted access to emergency services.

In addition, the map submitted with a number of vehicular/pedestrian access/egress points do not fully reflect the limitations of these (such as small narrow wooden footbridges, culverts crossing the river and pinch point at crucial vehicular access into Railway Terrace direct from the A689) and at Frosterley Bridge.

We would therefore request that the license request for this particular premise/site is refused due to the risk to public safety and the public nuisance caused.

M and C Riordan

Railway Terrace, Stanhope DL13 2PT

Telephone:

Date: 1st February 2021

Appendix 5: Responsible Authorities Comments & Mediation

From: Alcohol Harm Reduction Unit
Sent: 29 January 2021 15:38
To: Valerie Craig
Subject: FW: New Premises Licence Application Received - Field, Stanhope, Bishop Auckland

Hi

No objections from Durham Constabulary.

Many thanks, Iain

Subject: New Premises Licence Application Received - Field, Stanhope, Bishop Auckland

Dear Sir/Madam,

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

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

1

Application Type - Application for a New Premises Licence

Applicant: - Integrated Event Management Limited

Premises – Field near to Stanhope, Co Durham. OS Map Reference NZ 00443 38150

Date of Application – 5th January 2021
representations – 2nd February 2021

Last date for

Please note the additional comments re the plan.

Please note the last date for representations

If anyone has any comments to make in regards to the application i.e. additional conditions / changes in times can you please contact Helen Johnson, Licensing Team Leader either by email on helen.johnson2@durham.gov.uk or telephone 03000 265101. Helen will look to see if any other responsible authority has any similar concerns and will look to arrange a meeting with the applicant to discuss further.

Regards,
Valerie

Valerie Craig
Licensing Officer
Community Protection Service
Neighbourhood and Climate Change



Chief Fire Officer: Stuart Errington

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

Date: 08 January 2021

This matter is being dealt with by: J Knox

Our Ref: 7032100040

Your Ref: 470783

Direct Dial Telephone:

E-mail:

Dear Valerie,

Licensing Act 2003

Regulatory Reform (Fire Safety) Order 2005

Integrated Event Management Limited, Field near to Stanhope, Stanhope, Bishop Auckland, DL13 2PS

I acknowledge your application dated 5 January 2021 for a Premises Licence under The Licensing Act 2003 in respect of the above named premises.

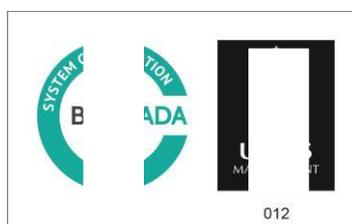
No representations will be made to the Licensing Authority subject to the responsible person for the above premises ensuring compliance with the requirements of the Regulatory Reform (Fire Safety) Order 2005. A suitable and sufficient fire safety risk assessment must be carried out in order to comply with the above Order.

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

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

Yours faithfully

J Knox
Fire Safety Section



www.ddfire.gov.uk

From: Sarah Clement-Dawson

Sent: 29 January 2021 13:53

To: Helen Johnson - Licensing Team Leader (N'hoods)

Subject: New Premises Licence Application Received - Field, Stanhope, Bishop Auckland

Dear Helen,

I have assessed the application with reference to the public nuisance licensing objective and would like to make the following representation:

I feel it necessary to object to the above new premises licence on the basis of the prevention of public nuisance. The proposal is for a 2 No. weekend outdoor music events, totalling 6 No. days and including live music until 11.30pm on Friday and Sunday and midnight on the Saturday and recorded music until 12.30am on Friday and Sunday and 1am on the Saturday. I note the provision of late night refreshments is to continue until 1am on the Friday and Sunday evenings and 1.30am on the Saturday. Noise levels are stipulated in Section 18d.

I have no concerns with start times and have no concerns with the proposal for the stage, location and orientation, however being an outdoor event, in a river valley, noise breakout is going to occur which is likely to be audible at a number of residential properties. As such it is important that the noise levels and hours of operation are managed so as to minimise the impact.

The guidance relating to events such as this is the 'Code of Practice on Environmental Noise Control at Concerts' guidance (POP Code). This code of practice is used nationally to manage the noise impact of outdoor events. The guidance requires that music is not audible at affected properties after 11pm and up to this time they shall not exceed the background noise level by more than 15dB(A) over a 15 minute period. You will note that the hours applied for in terms of both live and recorded music are in excess of the above. In addition the noise levels stipulated in Section 18d are based on an arbitrary figure rather than the required background figure and considering the nature of the area are very likely to be in excess of the recognised threshold standard.

Considering the above I am unable to accept the current licence application, however would consider that the following amendments/further conditions would be sufficient to remove my representation:

1. A noise management plan must be submitted to and agreed by the Community Protection team a minimum of 2 calendar months prior to the first event. The noise management plan shall be formulated with due consideration of the noise councils 'Code of Practice on Environmental Noise Control at Concerts' guidance" and will include but not be limited to, identification of relevant noise sensitive receptor, relevant monitoring points, monitoring methodology, measured background noise level and threshold noise music level value at the stage to include for low frequency noise. The agreed noise management plan shall be fully adhered to for all events containing music.

2. No music shall be played at such a level so as to be audible at any noise sensitive receptor after 11pm. To ensure inaudibility a noise threshold level shall be set at the stage to ensure that the music noise level at any residential receptor is a minimum of 10dB LAeq (15 mins) below the background noise level (L90) in all third octave bands. The threshold level must be submitted to and agreed by the Community Protection team a minimum of 2 calendar months prior to the first event.

The noise levels within condition 2 will not be sufficient to allow for the event to continue as a concert, however will allow for a staggered leaving and potentially other events to continue on site such as lower level acoustic performances to small crowds etc. Should the applicant not agree to condition two then I object to the hours applied for with a view to both live and recorded music to cease at 11pm.

Kind regards,

Sarah Clement-Dawson
Senior Contaminated Land Officer
Development Assessment Team
Community Protection Service
Neighbourhoods and Climate Change
Durham County Council
Annand House
Meadowfield
Durham
DH7 8RS

From: Sarah Clement-Dawson

Sent: 01 February 2021 16:04

To: Helen Johnson - Licensing Team Leader (N'hoods) <Helen.Johnson2@durham.gov.uk>

Subject: New Premises Licence Application Received - Field, Stanhope, Bishop Auckland

Hi Helen,

I refer to the above new premises license application. The following conditions have been agreed:

1. A noise management plan must be submitted to and agreed by the Community Protection team a minimum of 2 calendar months prior to the first event. The noise management plan shall be formulated with due consideration of the noise councils 'Code of Practice on Environmental Noise Control at Concerts' guidance" and will include but not be limited to, identification of relevant noise sensitive receptor, relevant monitoring points, monitoring methodology, measured background noise level and threshold noise music level value at the stage to include for low frequency noise. The agreed noise management plan shall be fully adhered to for all events containing music.
2. The LZeq(t15min) of any amplified music, live singing or live entertainment arising from the event after 23.00 must not exceed the LZeq(t15min) of underlying ambient (when an event is not in operation) by 0dB in any 3rd octave frequency band when measured 1 meter from the facade of affected sensitive receptors. To ensure the above a noise threshold level in each 3rd octave band shall be set at the stage/boundary and monitored during any event. The threshold value to achieve the above shall be submitted and agreed with the local authority a minimum of 2 months prior to the first event.

As a result, I am in a position to remove my objection on the basis of prevention to public nuisance with the above conditions in place.

Kind regards,

Sarah Clement-Dawson
Senior Contaminated Land Officer
Development Assessment Team
Community Protection Service
Neighbourhoods and Climate Change
Durham County Council
Annand House
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Appendix 6: Statement of Licensing Policy

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

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

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

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

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

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

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

The council recognises and promotes effective and responsible management of all licensed and authorised premises through competent, efficient and regular instruction, recorded training, supervision of staff and the adoption of good practice,

such as 'Challenge 25'. These are amongst the most important control measures for the achievement of all Licensing Objectives.

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

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

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

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

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

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

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

Toughened/Safety Glass: Licensed venues that provide the sale or supply of alcohol for consumption on the premises should consider the introduction of toughened/safety glass. This policy expectation applies especially to any premises associated with a higher risk for potential crime and disorder. This will be particularly

relevant for high-volume vertical drinking establishments and those premises open beyond midnight in areas where there is a high concentration of venues.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Appendix 7: Section 182 Guidance

Crime and disorder

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

appropriate in rare circumstances where it can be demonstrated that, in the circumstances associated with particular premises, poor management competency could give rise to issues of crime and disorder and public safety.

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

Public safety

- 2.7 Licence holders have a responsibility to ensure the safety of those using their premises, as a part of their duties under the 2003 Act. This concerns the safety of people using the relevant premises rather than public health which is addressed in other legislation. Physical safety includes the prevention of accidents and injuries and other immediate harms that can result from alcohol consumption such as unconsciousness or alcohol poisoning. Conditions relating to public safety may also promote the crime and disorder objective as noted above. There will of course be occasions when a public safety condition could incidentally benefit a person's health more generally, but it should not be the purpose of the condition as this would be outside the licensing authority's powers (be ultra vires) under the 2003 Act. Conditions should not be imposed on a premises licence or club premises certificate which relate to cleanliness or hygiene.
- 2.8 A number of matters should be considered in relation to public safety. These may include:
- Fire safety;
 - Ensuring appropriate access for emergency services such as ambulances;
 - Good communication with local authorities and emergency services, for example communications networks with the police and signing up for local incident alerts (see paragraph 2.4 above);
 - Ensuring the presence of trained first aiders on the premises and appropriate first aid kits;
 - Ensuring the safety of people when leaving the premises (for example, through the provision of information on late-night transportation);
 - Ensuring appropriate and frequent waste disposal, particularly of glass bottles;

- Ensuring appropriate limits on the maximum capacity of the premises (see paragraphs 2.12-2.13, and Chapter 10; and
- Considering the use of CCTV in and around the premises (as noted in paragraph 2.3 above, this may also assist with promoting the crime and disorder objective).

2.9 The measures that are appropriate to promote public safety will vary between premises and the matters listed above may not apply in all cases. As set out in Chapter 8 (8.38-8.46), applicants should consider when making their application which steps it is appropriate to take to promote the public safety objective and demonstrate how they achieve that.

Ensuring safe departure of those using the premises

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

Maintenance and repair

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

Safe capacities

2.12 “Safe capacities” should only be imposed where appropriate for the promotion of public safety or the prevention of disorder on the relevant premises. For example, if a capacity has been imposed through other legislation, it would be

inappropriate to reproduce it in a premises licence. Indeed, it would also be wrong to lay down conditions which conflict with other legal requirements. However, if no safe capacity has been imposed through other legislation, a responsible authority may consider it appropriate for a new capacity to be attached to the premises which would apply at any material time when the licensable activities are taking place and make representations to that effect. For example, in certain circumstances, capacity limits may be appropriate in preventing disorder, as overcrowded venues can increase the risks of crowds becoming frustrated and hostile.

- 2.13 The permitted capacity is a limit on the number of persons who may be on the premises at any time, following a recommendation by the relevant fire and rescue authority under the Regulatory Reform (Fire Safety) Order 2005. For any application for a premises licence or club premises certificate for premises without an existing permitted capacity where the applicant wishes to take advantage of the special provisions set out in section 177 of the 2003 Act¹, the applicant should conduct their own risk assessment as to the appropriate capacity of the premises. They should send their recommendation to the fire and rescue authority which will consider it and decide what the “permitted capacity” of those premises should be.
- 2.14 Public safety may include the safety of performers appearing at any premises, but does not extend to the prevention of injury from participation in a boxing or wrestling entertainment.

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.

Protection of children from harm

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

premises, or relating to events at their premises, is not displayed at a time when children are likely to be near the premises.

- 2.26 Licensing authorities and responsible authorities should expect applicants, when preparing an operating schedule or club operating schedule, to set out the steps to be taken to protect children from harm when on the premises.
- 2.27 Conditions, where they are appropriate, should reflect the licensable activities taking place on the premises. In addition to the mandatory condition regarding age verification, other conditions relating to the protection of children from harm can include:
- restrictions on the hours when children may be present;
 - restrictions or exclusions on the presence of children under certain ages when particular specified activities are taking place;
 - restrictions on the parts of the premises to which children may have access;
 - age restrictions (below 18);
 - restrictions or exclusions when certain activities are taking place;
 - requirements for an accompanying adult (including for example, a combination of requirements which provide that children under a particular age must be accompanied by an adult); and
 - full exclusion of people under 18 from the premises when any licensable activities are taking place.
- 2.28 Please see also Chapter 10 for details about the Licensing Act 2003 (Mandatory Licensing Conditions) Order 2010.
- 2.29 Licensing authorities should give considerable weight to representations about child protection matters. In addition to the responsible authority whose functions relate directly to child protection, the Director of Public Health may also have access to relevant evidence to inform such representations. These representations may include, amongst other things, the use of health data about the harms that alcohol can cause to underage drinkers. Where a responsible authority, or other person, presents evidence to the licensing authority linking specific premises with harms to children (such as ambulance data or emergency department attendances by persons under 18 years old with alcohol-related illnesses or injuries) this evidence should be considered, and the licensing authority should also consider what action is appropriate to ensure this licensing objective is effectively enforced. In relation to applications for the grant of a licence in areas where evidence is presented on high levels of alcohol-related harms in persons aged under 18, it is recommended that the licensing authority considers what conditions may be appropriate to ensure that this objective is promoted effectively.
- 2.30 The 2003 Act provides that, where a premises licence or club premises Certificate authorises the exhibition of a film, it must include a condition requiring the admission of children to films to be restricted in accordance with recommendations given either by a body designated under section 4 of the Video Recordings Act 1984 specified in the licence (the British Board of Film Classification is currently the only body which has been so designated) or by the licensing authority itself. Further details are given in Chapter 10.

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

Offences relating to the sale and supply of alcohol to children

2.32 Licensing authorities are expected to maintain close contact with the police, young offenders' teams and trading standards officers (who can carry out test purchases under section 154 of the 2003 Act) about the extent of unlawful sales and consumption of alcohol by minors and to be involved in the development of any strategies to control or prevent these unlawful activities and to pursue prosecutions. Licensing authorities, alongside the police, are prosecuting authorities for the purposes of these offences, except for the offences under section 147A (persistently selling alcohol to children). Where, as a matter of policy, warnings are given to retailers prior to any decision to prosecute in respect of an offence, it is important that each of the enforcement arms should be aware of the warnings each of them has given.

Table of relevant offences under the 2003 Act

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

Approvals trail: to be removed before Cabinet/Committee

Name	Title	Response or approval date
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