



Statutory Licensing Sub-Committee

Date Monday 7 June 2021
Time 9.30 am
Venue Council Chamber, County Hall, Durham

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 1 and 23 March 2021 (Pages 3 - 18)
5. Application for the Grant of a Premises Licence - Willow Burn Hospice, Howden Bank, Lanchester (Pages 19 - 102)
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
27 May 2021

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

Councillors J Blakey, D Brown, L Brown and D Stoker

Contact: Jill Errington

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DURHAM COUNTY COUNCIL

At a Meeting of **Statutory Licensing Sub-Committee** Remote Meeting - This meeting is being held remotely via Microsoft Teams on **Monday 1 March 2021 at 1.30 pm**

Present:

Councillor J Maitland (Chair)

Members of the Committee:

Councillors C Hampson, K Liddell and M Wilson

1 Apologies

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 Minutes

The minutes of the meetings held on 12, 13 and 19 January 2021 were agreed as a correct record and signed by the Chair.

5 Application for the Grant of a Premises Licence - Field to the South East of Stanhope Village

The Sub-Committee considered a report of the Corporate Director of Neighbourhoods and Climate Change with regards to an 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 (for copy see file of minutes).

The Licensing Team Leader presented the report and Members were given the opportunity to ask questions.

The Licensing Team Leader added that the second stage was only to be used for one of the two weekends and on the other weekend only one stage would be used for indoor live music. Only three of the four bars would be used at one time.

Mr Lamb, objector, spoke on behalf of himself and his wife and confirmed that they had only been made aware of the application due to luckily walking past and reading the site notices on the property.

Mr and Mrs Lamb had moved to the area eleven years ago and had discarded a number of properties that were unsuitable due to noise, opting for Railway Terrace due to its location and this application would bring noise.

Mr Lamb advised the Committee that he had great concerns due to the standard industry noise tolerance at a level equal to 65 decibels which was the sound of a fire alarm going off inside a property. In addition to the noise generated, the application would generate additional traffic and due to the expansion of a nearby campsite Mr Lamb and his neighbours often had to park in the town centre and walk to their properties.

Assuming 10000 people attended the events each day over the weekend period, Mr Lamb identified the potential for issues gaining access to his property. He referred to the website for the event which promoted the use of scooters, vehicles and motorhomes and he wondered what impact this would have.

Mr Lamb also alluded to safety issues regarding the river and use of the bridge which had already been cracked as many of the access points were across the stream.

The Applicant, Mr Hutchinson, acknowledged that the concerns raised by Mr Lamb were valid, however appropriate steps had been taken to manage any risks. He responded to Mr Lamb's reference to the sound level being equal to that of a fire alarm going off and although this was correct the position you would have to be in to hear noise at this level was directly in front of the stage. The sound pressure was not audibility and the audibility would not be the same level outside of the perimeter or near residents as it would in front of the stage. This was the reason that two conditions had been agreed in conjunction with Environmental Health and the application did not deviate from the industry standards.

A noise consultant expert would be appointed and their recommendations would be submitted in a noise management plan which would be accepted in full. After 11pm the sound would be inaudible and this was a commitment by the Applicant.

With regard to traffic management, Mr Hutchinson confirmed that Stanhope was not an ideal site, however he would engage with a traffic management expert for recommendations and these would also be implemented in full.

He confirmed that in ten years he had delivered over one hundred successful festivals and admittedly there would be congestion but it would be entirely safe. The lane next to the river and Railway Terrace would be excluded from the traffic management plan to ensure that residents had access at all times.

With regards to river safety Mr Hutchinson confirmed that every summer there was a large number of people that congregated at the river in Stanhope which was completely unmanaged, however during the festival there would be a team of qualified professionals which he considered would improve river safety significantly.

Finally he confirmed that he had agreed suitable steps with responsible authorities to assist in promoting the licensing objectives.

The Licensing Team Leader asked when the first event would be held and Mr Hutchinson confirmed that they had an event pencilled in for May which was impossible to comply with due to social distancing legislation, there was a festival for late June and they would fully comply with any legislation on social distancing.

The Licensing Team Leader asked a further question in relation to whether the Applicant intended to liaise with the Safety Advisory Group (SAG) and Mr Hutchinson confirmed that although it was not a requirement with the event being held on private land and they already engaged with lot of the relevant parties (County Durham and Darlington Fire and Rescue Service, Durham Constabulary and North East Ambulance Service) they would make a submission to the SAG as this was an unusual year, due to being in the post COVID-19 recovery phase.

Mr Lamb asked why the traffic management and sound surveys had not been carried out prior to the application and Mr Hutchinson confirmed that the plans were fundamentally to comply with conditions attached to a premises licence and the conditions were only finalised following the application process. He confirmed that all festivals were allocated a hotline for residents with any concerns – sound consultants were in place to carry out necessary checks throughout the weekend as there was a legal obligation to ensure conditions were met. He was happy to share details of the plan Mr Lamb.

Mr Lamb referred to the hotline and asked whether it was used and Mr Hutchinson admitted that it was used and ensured any problems were

addressed very quickly. If someone contacted them they would assess noise levels and if it was excessive, it would be addressed. Noise levels could change in the event that the direction of the wind changed, but he reiterated that it would be addressed, within minutes.

Councillor Maitland asked whether there were conditions of entry for minors and Mr Hutchinson confirmed that under 18s had to be accompanied by a responsible person over 18 at all times. If at any point they were deemed to not be responsible they would be asked to leave.

Councillor Liddell asked for clarification about the three day event and whether it included camping. Mr Hutchinson confirmed the vast majority arrived on Friday and left Monday morning which mitigated a lot of the traffic management issues as they would only relate to the arrival on Friday and departure on Monday.

The Licensing Team Leader asked whether any consideration had been given to park and ride facilities and Mr Hutchinson confirmed that around a quarter lived local but the majority were camping, however for those who were not camping, parking was located in another area of Stanhope with better access, and shuttlebuses would transport people to and from the site. The main reason was that the road access took intense traffic management and they would rather do that only on Friday and Monday. There was also specific transport provided from Durham and Crook.

Mr Lamb stated that he was unaware that he would have 10000 campers within 500m of his home and therefore was even more alarmed.

Councillor Liddell asked if security would be attending for the duration of the festival and Mr Hutchinson confirmed that there would be around 90 staff allocated to the event.

Mr Hutchinson asked the Sub-Committee to draw attention to the track records over 8 years and hoped they would agree that the events did not drain resources and were carried out responsibly. He advised that he did not work in adversity with local residents and moving forward, if there were any concerns he advised Mr Lamb to contact the relevant festival website and he would ensure they worked with him to address any concerns.

Councillors Maitland, Hampson and Liddell retired at 2.20pm to deliberate the application in private.

Resolved:

That the application be granted subject to the conditions that were consistent with the operating schedule and those that had been mediated with Environmental

Health. The terminal hours for the sale of retail by alcohol were reduced on a Saturday and Sunday and reflected in the following table of Licensable Activity:

| Licensable Activity | Timings |
|--|--|
| 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 recording music (indoors and outdoors) | Friday 16:00 hrs until 00:30 hrs, Saturday 11:00 hrs until 01:00 hrs and Sunday 11:00 hrs until 00:30 hrs. |
| Late night refreshment (outdoors only) | Friday 23:00 hrs until 01:00 hrs, Saturday 23:00 hrs until 01.30 hrs and Sunday 23:00 hrs until 01:00 hrs. |
| Sale by retail of alcohol (on premises only) | Friday 16:00 hrs until 00:30 hrs, Saturday 11:00 hrs until 00.30 hrs and Sunday 11:00 hrs until 23:30 hrs. |
| Proposed opening times | Friday 16:00 hrs until 01:00 hrs, Saturday 10:30 hrs until 01:30 hrs and Sunday 10:30 hrs until 01:00 hrs. |

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DURHAM COUNTY COUNCIL

At a Meeting of **Statutory Licensing Sub-Committee** held remotely via Microsoft Teams on **Tuesday 23 March 2021 at 1.30 pm**

Present:

Councillor P Crathorne (Chair)

Members of the Committee:

Councillors J Blakey, L Brown and D Hicks

Also Present:

Mrs G Proud (Council's Solicitor)

Ms H Johnson (Licensing Team Leader)

Mr Frankland (Applicant)

Councillor Wallage (on behalf of West Rainton Parish Council – Other Persons)

1 Apologies for Absence

Apologies for absence were received from Councillor D Bell.

2 Substitute Members

Councillor J Blakey was present as substitute for Councillor D Bell.

3 Declarations of Interest

There were no declarations of interest.

4 Application for the Grant of a Premises Licence - The Three Horseshoes, Pit House Lane, Leamside, Durham

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 grant

of a premises licence for the Three Horseshoes, Pit House Lane, Leamside, 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 presented the report and advised the Sub-Committee that the premises had operated under an existing premises licence for many years.

The Licensing Team Leader then advised the Sub-Committee that two of the letters of support provided by the Applicant had not been circulated as they had been unable to be verified.

Members were advised that the licensing authority had received responses from Durham Constabulary, County Durham and Darlington Fire and Rescue Service, Durham Safeguarding Children Partnership all with no comments on the application.

Mediation had taken place between the applicant and Durham County Council Environment Health, where it was agreed to amend Recorded Music to indoors only.

The licensing authority had received one letter in opposition to the application from West Rainton Parish Council.

The Licensing Team Leader outlined the options open to the Sub-Committee and advised that a copy of the existing premises licence was available if members required details of the activities on the current licence.

All parties were given the opportunity to ask questions of the Licensing Team Leader.

Mr Frankland, the Applicant asked if the hours on the existing licence could be shared, so that the Sub-Committee were aware of the changes they were proposing.

Councillor Wallage on behalf of West Rainton Parish Council was invited to address the Sub-Committee.

Councillor Wallage indicated that when the parish submitted their representation, they did not realise it would be dealt with as an objection. The reason for their submission was to raise some concerns and apologised if the applicant saw this as an outright objection. The timescales involved led them to this position if they wanted their letter to be considered.

When the parish saw the proposal, it was just a snapshot of the hours of the proposed licensing activities in isolation. Their main concern was the outdoor music which they understood had now been amended following mediation. The parish didn't often deal with licensing applications unlike planning applications that they deal with often and could see all the information on the planning portal. They captured in their representation what they understood to be the existing licensing conditions but when they first considered the application, they were looking at the new premises licence in isolation and their overall opinion at the time was that the hours seemed quite excessive.

They had now gained more information and changes had been made to the outdoor music which was their main concern. In comparison to other licences that were out for consultation at the time, the hours on the application seemed very broad and that inevitably lead to some concerns about potential noise disturbance due to the array of times that had been proposed. She asked why some changes had been made and was this due to the changes made to the premises, in particular the change from 10.00 am to 7.00 am for recorded music and the change around the supply of alcohol that extended the hours to 12.30 am.

Members and Officers were given the opportunity to ask Councillor Wallage questions on her representation.

The Licensing Team Leader clarified that when they received the representation from the Parish Council they did clarify if they wanted the authority to treat it as a representation. The parish had confirmed that it was to be treated as an objection.

The Council's Solicitor asked if Councillor Wallage could give an indication of how many people had raised concerns on the premise's application.

Councillor Wallage confirmed that there were four councillors in attendance at the parish meeting when the application was considered.

Mr Frankland was then invited to address the Sub-Committee.

Mr Frankland indicated that they had applied for a premises licence which was similar to their current licence that they had held for 15 years. They were applying for recorded music to be played from 7.00 am and an extended alcohol sale until 12.30 am.

The letter of representation from the parish council set out the hours they were applying for that was in line with their current licence. Their representation indicated that the licence was being applied for due to refurbishment which had resulted in an overall increase in the existing licensed areas. He advised the Sub-Committee that the actual licensed areas

on the application had decreased as the extension would be built over the garden that was already licensed and they were giving up the licensed areas upstairs in the private dining rooms.

They had spoken to Environmental Health and their only area of concern was that he inadvertently ticked recorded music to be played inside and outside but they did not have a real need to play recorded music outside and that part of the application was withdrawn.

He referred to the parish making reference to the premises being in a quiet rural location with no public transport, but he was not sure how that related to their licensable activities. The Parish council asked if it was necessary to have a licence for live music indoors and performance of dance from 7.00 am but they had not applied for this, they had applied for live music indoors as on their current licence from 10.00 am and hadn't applied for performance of dance.

He then referred to the earlier start time of 7.00 am for recorded music and indicated that they felt this was necessary as they were converting five rooms upstairs of the premises to bed and breakfast. As they would be serving breakfast from 7.00 am, they wanted to have some background music playing or news on the television. They would also be open to the general public for breakfast so wanted to play background music and not fall foul of the law.

He went on to address the sale of alcohol on and off the premises and their response to the noise from the public house and made reference to the Daniel Thwaites case that conditions should only be applied to a licence with a view to promoting the licensing objectives and real evidence must be presented to support the reasoning for imposing those conditions. He had not heard any evidence, just concerns from the local parish council, they had not had any other objections to the application and stated that the notice had been displayed in their window of the premises for over 28 days and had not caused any concern for local residents or members of the public. Responsible authorities had been consulted and had raised no objections to the application.

He referred to the recommended framework hours appended to the report and that the terminal hours for the sale of alcohol and the provision for late night refreshments and the premises fell into the first category whose framework hours were from 7.00 am until 12.00 midnight on weekdays and from 7.00 am until 1.00 am on weekends. They had asked for 30 mins more on weekdays but asked for 30 mins less on weekends.

He gave further explanation to address concerns and indicated that they were asking for recorded music as already explained and live music would

be ancillary and would not be the main functioning part of the business as they were a destination food house and the restaurant accounted for 80% of their business. Live music would be for events such as bagpipes at New Year and Burns Night, annual carol service in the bar which was to raise money for crisis and food themed nights with background live music. They did not intend to have live bands, it was to support other events.

He then referred to the off sale of alcohol and indicated that they were not an off licence and had asked for this as they sold beer to be taken away by people such as those staying at the Grange Caravan and Camping Club. They also had local residents who used the premises to purchase a bottle of wine to take away. They were heavily into real ale and were past winners of the campaign for real ales North East pub of the year award that they had won four times - that put them as one of the top 14 pubs for real ale in the country. They had their own microbrewery and often got people asking if they could take some of the ales home.

Their new venture into a bed and breakfast was new to them and they did not know what to expect. They had decided not to include mini bars in the rooms, but residents may ask if they could take a drink to their room and had asked for this to be 12.30 am. He reiterated that they were not an off licence and did not sell alcohol in bulk and did not actively promote off sales of alcohol from the premises. There was a local petrol station in West Rainton that had a 24-hour licence for off sales of alcohol so they had no need for this and could not compete with such an outlet.

With regard to the suggestion of noise nuisance, they currently had a policy that if a taxi pulled up a member of staff would ask the taxi driver the name of the customer they were collecting and they would endeavour to find the customer to alleviate the taxi having to toot their horn. They asked patrons to leave the premises with respect for their neighbours and leave the premises and car park quietly. The bottle bins were only emptied on the morning so as not to cause any noise disturbance to neighbours.

He had obtained statements from neighbours, two of which could not be verified but six had been verified who had been their neighbours for 15 years and used the facilities. None of the neighbours had reason to have concerns about noise or bad behaviour coming from the Three Horseshoes public house, which was important to them as they lived alongside their neighbours.

The Licensing Team Leader explained that consumption of alcohol was not a licensable activity and they would be covered for the sale of alcohol for consumption off the premises for drinks taken to the Bed and Breakfast rooms. The first floor of the premises had been included in the licensable area, but this was not required if it was purely for the consumption of alcohol unless they intended to provide mini bars. She asked if they wanted to still

include this area in the licence in case in the future, they wanted to look at mini bars.

Mr Frankland responded that the bed and breakfast business was very new to them and they were trying to cover all aspects. The upstairs was part of the plan of the business and indicated if it was easier to include the upstairs under the licensable activities then he would like to include this area as part of the licence.

The Licensing Team Leader confirmed that the application included the Bed and Breakfast rooms that would cover something like a mini bar but Mr Frankland had outlined that this was not his intention and if it was just for the consumption of alcohol then a licence would not be required.

Councillor Wallage thanked Mr Frankland for his explanation of his intentions. When the parish first looked at the application, they did not have the detail of some of the activities that might have changed as a result of the changes to the premises. She referred to the off premises sales and they knew he had a microbrewery on site and had potential for an off-licence and if that was the case the hours seemed very late for that type of activity so it was better to have an understanding of how the licence would be operated on a practical basis. The concern of the parish was the potential and once the licence was granted those activities could change in the future as long as they were within the parameter of which the licence was granted and asked if this was correct.

The Licensing Team Leader confirmed that this was correct and if the license was transferred to somebody else's name into another business they could potentially have live bands seven days a week. If there were any issues, there was a process such as a review of the licence if it was in breach of any of the licensable activities.

Councillor Wallage continued that as their representation had indicated it was the potential for these activities given the range of times associated with the application that concerned them. She commented that there had not been any issues in the past but at the time they submitted their representation there was very little information in the public domain to understand who else had been consulted on the application. In terms of the local residents' views it was helpful that Mr Frankland had got the feedback from local residents. One of the concerns the parish had was with the premises being currently closed when the notice was displayed and how aware were residents of the application. She commented that it was helpful to have a wider appreciation of the intentions of Mr Frankland.

Councillor L Brown referred to Mr Frankland indicating that he was aware of the licensing framework and that his current premises licence for the sale of

alcohol ended at 12 Midnight which was within the licensing framework. She asked why he had applied for an extra 30 mins during the week for the sale of alcohol.

Mr Frankland indicated that they had asked for the extra 30 mins as they were entering a market that they had never been in before which was having accommodation on site. He referred to hotel bars and they did not want to get into this where patrons stayed up a bit later and they wanted to have some kind of control over it, they were not a late night venue and once the restaurant was closed they would generally close anywhere from 10.00 pm onwards. They thought if they had someone staying at the weekend, they would be able to say that they had a 12.30 am licence and ask them to be out of the bar by this time. If this was to be amended to midnight Monday to Thursday, then this would not make a difference as they had not been asked the question and only made application for these times just in case they were asked the question. This would not be something that they would actively promote and currently don't promote with their midnight licence. He commented that New Year's Eve they would usually only have 25 people on the premises at midnight as patrons tended to go home after their meal to celebrate New Year at home. They did not actively stay late; it was just so that they had a time to call time at a final point.

The Council's Solicitor indicated that each application had to be dealt with on the merits of that particular premises and what was asked for at that time. Things may change and that was why there was a review option available to any members of the public, licensing authority and responsible authorities to raise concerns. If the licence was granted in the terms as requested or modified as members may determine, once the licence was in place there was always the possibility for reviews to be brought which could result in further conditions being added to the licence or changes being made.

In summing up, the Licensing Team Leader indicated that the reason for this new application was that the licensing authority's view was that there had been some substantial changes. The same process would be used for a full variation or a new premises licence application in terms of the consultation. This application was classed as a new application due to some substantial changes, in particular an outdoor bar area. She confirmed that the main changes between the existing licence and the new application were recorded music from 7.00 am until midnight, whereas the existing license was 10.00 am until midnight and an additional 30 mins for the sale of alcohol and the opening hours had changed from 10.00 am until midnight and were now requesting 7.00 am until 1.00 am. Mr Frankland was wanting to look at the possibilities of a Bed and Breakfast and the opening hours needed to reflect these and reminded members of the options open to them as detailed in the report.

Councillor Wallage indicated that it had been helpful to hear from Mr Frankland but there was still the potential for activities to change and was their main concern and why they referred to potential disturbance. If there were procedures in place for the licence to be reviewed at a later date should changes occur then she agreed those two minor changes to the current licence were a much better position to when they first looked at this application, particularly relating to the outdoor music from what first appeared to be very excessive and a much greater potential for a disturbance, the amendments made were welcomed.

She was still not sure regarding the extra 30 mins on the sale of alcohol and did not understand why the time needed to be extended and was outside of the recommended guidelines. The parish wished the business well which was a valued asset in the village and there were procedures in place so that the licence could be reviewed and monitored in the future if there were any issues.

Mr Frankland indicated that they were fortunate in some ways to have a lockdown as they had been able to carry out the work on the premises and had invested upwards of £200,000 in the premises to improve the facilities that they had. They had not gained any additional space, but the changes gave them more flexibility and increased the comfort of the space. They were entering into an area of the business that they had not done before, they have not had big live music events in the past but what they had now was a destination food house offering accommodation and wanted to be competitive in that market. They were not going to have big live music festivals in the garden or car park or inside the premises, the licence for music was to stay on the right side of the law so that they could play background music and have some spontaneous live music at short notice where a temporary event notice would be difficult. They wanted to remain flexible and competitive and hopefully the business would thrive.

The Chair thanked everyone for their attendance and at 2.20 pm the Sub-Committee Resolved to retire in private to deliberate the application. Councillors P Crathorne, J Blakey and L Brown 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 Other Persons. 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 granted as follows:

| Licensable Activities | Days & Hours |
|---|---|
| Live Music (Indoors) | Monday to Sunday 10:00 hrs – 00:00 hrs New Year’s Eve – 10:00 hrs – 03:00 hrs New Year’s Day |
| Recorded Music (Indoors Only) | Monday to Sunday 07:00 hrs – 00:00 hrs New Year’s Eve 07:00 hrs until 03:00 hrs New Year’s Day. |
| Anything of a similar description (Indoors) | Monday to Sunday 10:00 hrs – 00:00 hrs New Year’s Eve 10:00 hrs – 03:00 hrs New Year’s Day |
| Late Night Refreshments (Indoors) | Monday to Sunday 23:00 hrs – 00:00 hrs New Year’s Eve 23:00 hrs – 03:00 hrs New Year’s Day |
| Sale of Alcohol (on and off sales) | Monday to Thursday 10:00 hrs – 00:00 hrs Friday to Sunday 10:00 hrs – 00:30 hrs New Year’s Eve 10:00 hrs – 03:30 hrs New Year’s Day |

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Statutory Licensing Sub-Committee

7th June 2021

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

Ordinary Decision



**Report of Alan Patrickson, Corporate Director of Neighbourhoods
and Climate Change**

**Cabinet Portfolio Holder for Neighbourhoods and Local
Partnerships**

Electoral division(s) affected:

Lanchester

Purpose of the Report

- 1 The Sub-Committee is asked to consider and determine the application for the grant of a Premises Licence for Willow Burn Hospice, Howden Bank, Lanchester, County Durham DH7 0QS
- 2 A plan showing the location of the premises is attached at Appendix 2.

Executive summary

- 3 The application requests the granting of a new Premises Licence and was submitted to the Licensing Authority on 9th April 2021 by Derwentside Hospice Care Foundation.
- 4 The original application requested the following:
 - Supply of Alcohol for consumption on and off the premises from 9.00 am until 11.00 pm Monday to Sunday.
 - The provision of Live Music both indoors and outdoors from 10.00 am until 11.00 pm Monday to Thursday and from 10.00 am until midnight Friday, Saturday and Sunday.
 - The provision of Recorded Music both indoors and outdoors from 8.00 am until 11.00 pm Monday to Friday and from 8.00 am until midnight on Saturday and Sunday.
 - Late Night Refreshment indoors and outdoors from 11.00 pm to midnight Monday to Sunday.

- 5 On 14th April 2021, the applicant amended the application to limit the number of events to be held at the premises to a maximum of 15 per calendar year and also provided a copy of a letter which they had circulated to local residents.
- 6 On 22nd April 2021, the applicant further amended the application to remove Late Night Refreshment, amend the finish time for Live Music to 9.00 pm and amended the Sale of Alcohol to off-sales only prior to 11.00 am.
- 7 On 23rd April 2021, the applicant further amended the application to amend the end time for alcohol sales to 9.00 pm on Sunday to Wednesday and 10.00 pm on Thursday to Saturday.
- 8 On 28th April 2021, following mediation with Environmental Health, the applicant amended the application to request:
 - The number of outdoor music events shall be restricted to no more than twelve events in any calendar year and no events are to occur on consecutive 24 hr days.
 - All outdoor music, live or recorded, will cease at 9.00 pm on any night.
 - Indoor live music will not extend beyond 11.00 pm on any night, with the exception of New Year's Eve.
 - No waste, including empty bottles, shall be placed in outdoor waste receptacles between 10.00 pm and 8.00 am on any 24 hr day.

The applicant also amended the application to reduce the end time for Recorded Music indoors on New Years Eve to 11.00 pm.

- 9 On 21st April 2021, following mediation with Durham Constabulary the applicant agreed to add some additional conditions to the application.
- 10 During the consultation period, the Licensing Authority received six objections from other persons; two of these were later withdrawn following the applicant's subsequent amendments to the application.
- 11 Durham Constabulary, the Fire Safety Authority and the Durham Safeguarding Children Partnership all replied to the consultation with no comments.

Recommendation(s)

- 12 The Sub-Committee is asked to determine the application with a view to promoting the licensing objectives.
- 13 The Sub-Committee is recommended to give appropriate weight to:

- (a) The steps that are appropriate to promote the licensing objectives;
- (b) The representations (including supporting information) presented by all parties;
- (c) The Durham County Council Statement of Licensing Policy. The relevant parts of the policy are attached at Appendix 9;
- (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 10.

Background

14 Background information

| | | |
|---|--|---|
| Applicant | Derwentside Hospice Care Foundation | |
| Type of Application: New Premises Licence | Date received: 9th April 2021 | Consultation ended: 7th May 2021 |

Details of the application

- 15 An application for the grant of a new Premises Licence was received by the Licensing Authority on 9th April 2021. A copy of the application is attached at Appendix 3.
- 16 The application is deemed by the Licensing Authority to be correctly served and advertised in accordance with the Licensing Act regulations.
- 17 On 14th April 2021, the applicant amended the application to limit the number of events to be held at the premises to a maximum of 15 per calendar year and also provided a copy of a letter which they had circulated to local residents. Please see Appendix 4.
- 18 On 22nd April 2021, the applicant further amended the application to remove Late Night Refreshment, amend the finish time for Live Music to 9.00 pm and amended the Sale of Alcohol to off-sales only prior to 11.00 am. Please see Appendix 4.
- 19 On 23rd April 2021, the applicant further amended the application to amend the end time for alcohol sales to 9.00 pm on Sunday to Wednesday and 10.00 pm on Thursday to Saturday. Please see Appendix 4.

20 On 28th April 2021, following mediation with Environmental Health, the applicant amended the application in line with paragraph 8 above.

For confirmation, please see Appendix 5.

21 Following the applicant's amendments to the application, the activities requested, and the revised timings are now as follows:

| Licensable Activity | Days & Hours |
|--|--|
| Supply of Alcohol (consumption on and off the premises) | Monday to Wednesday: 09:00–21:00 hrs Thursday to Saturday: 09:00–22:00 hrs Sunday: 09:00–21:00 hrs Alcohol sales prior to 11:00 hrs to be off-sales only in sealed containers. |
| Live Music (Indoors and outdoors) | Monday to Sunday (including New Years Eve): 10:00–21:00 hrs Maximum of 15 total events per year (indoors or outdoors) No more than 12 outdoor events in any calendar year and no events are to occur on consecutive 24 hr days. |
| Recorded Music (Indoors) Recorded Music (Outdoors) | Monday to Sunday (including New Years Eve): 08:00-23:00hrs Monday to Sunday (including New Years Eve): 08:00-21:00hrs Maximum of 15 total events per year (indoors or outdoors) No more than 12 outdoor events in any calendar year and no events are to occur on consecutive 24 hr days. |
| Open to the public | Monday to Sunday: 0:00-0:00 hrs |

22 The applicant has proposed the conditions and steps that they intend to take in order to promote the four licensing objectives, which are outlined within the application at Appendix 3.

23 On 21st April 2021, following mediation with Durham Constabulary, the applicant added the following additional conditions to the application:

- The premises shall operate the Challenge 25 scheme. As part of such a scheme a register of refusals shall be maintained and kept up to date. The register will be available for immediate inspection by police or authorised officers of the council.
- The premises shall maintain an incident book which shall detail any incidents that may occur on the premises and any action taken. This shall be made available to the Police and authorised officers of the local authority upon request.
- A CCTV system will be installed and in operation at all times the premises are being used for licensable activity. It must be operated by properly trained staff and cover all areas where alcohol is being sold.
- CCTV recordings will be retained for a minimum of 28 days.
- Children under the age of 18 will not be allowed entry to or remain in the bar areas after 21.00.
- The premises licence holder is to undertake right to work checks on all staff who are employed at the licensed premises in a paid or unpaid capacity. A copy of any documents checked as part of the right to work check are to be retained at the licenced premises. These documents will be made available to officers and responsible authorities when requested.
- A full risk assessment must be completed prior to all events and made available to Police or authorised officers of the council on request.

For confirmation, please see Appendix 6.

The Representations

24 During the consultation period, the Licensing Authority received six objections from other persons; two of these were later withdrawn following the applicant's amendments to the application.

The four remaining representations are from:

- S Kanaparthi (other person)
- Ms N Henderson (other person)
- Mrs L Blaney & Mr Blaney (other persons)
- Mr C Stephenson (other person)

25 The Licensing Authority deemed the objections/representations as relevant, relating to the following licensing objectives:

- The Prevention of Crime and Disorder
- Public Safety
- The Prevention of Public Nuisance
- The Protection of Children from Harm

A copy of the objections/representations and additional information provided by the objectors are attached at Appendix 7.

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

- Durham Constabulary
- County Durham and Darlington Fire Safety Authority
- Durham Safeguarding Children Partnership

Copies of the responses are attached at Appendix 8, for information only.

The Parties

27 The Parties to the hearing will be:

- Ms Rachel Todd, Derwentside Hospice Care Foundation (applicant)
- S Kanaparthi (other person)
- Ms N Henderson (other person)
- Mrs L Blaney & Mr Blaney (other persons)
- Mr C Stephenson (other person)

Options

- 28 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

- 29 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

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

See Appendix 1

Conclusion

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

Background papers

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

Other useful documents

- None

Contact: Yvonne Raine

Tel: 03000 265256

Appendix 1: Implications

Legal Implications

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

In this case it was summed up that:

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

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

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

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

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

Consultation

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

The Responsible Authorities were consulted on the application.

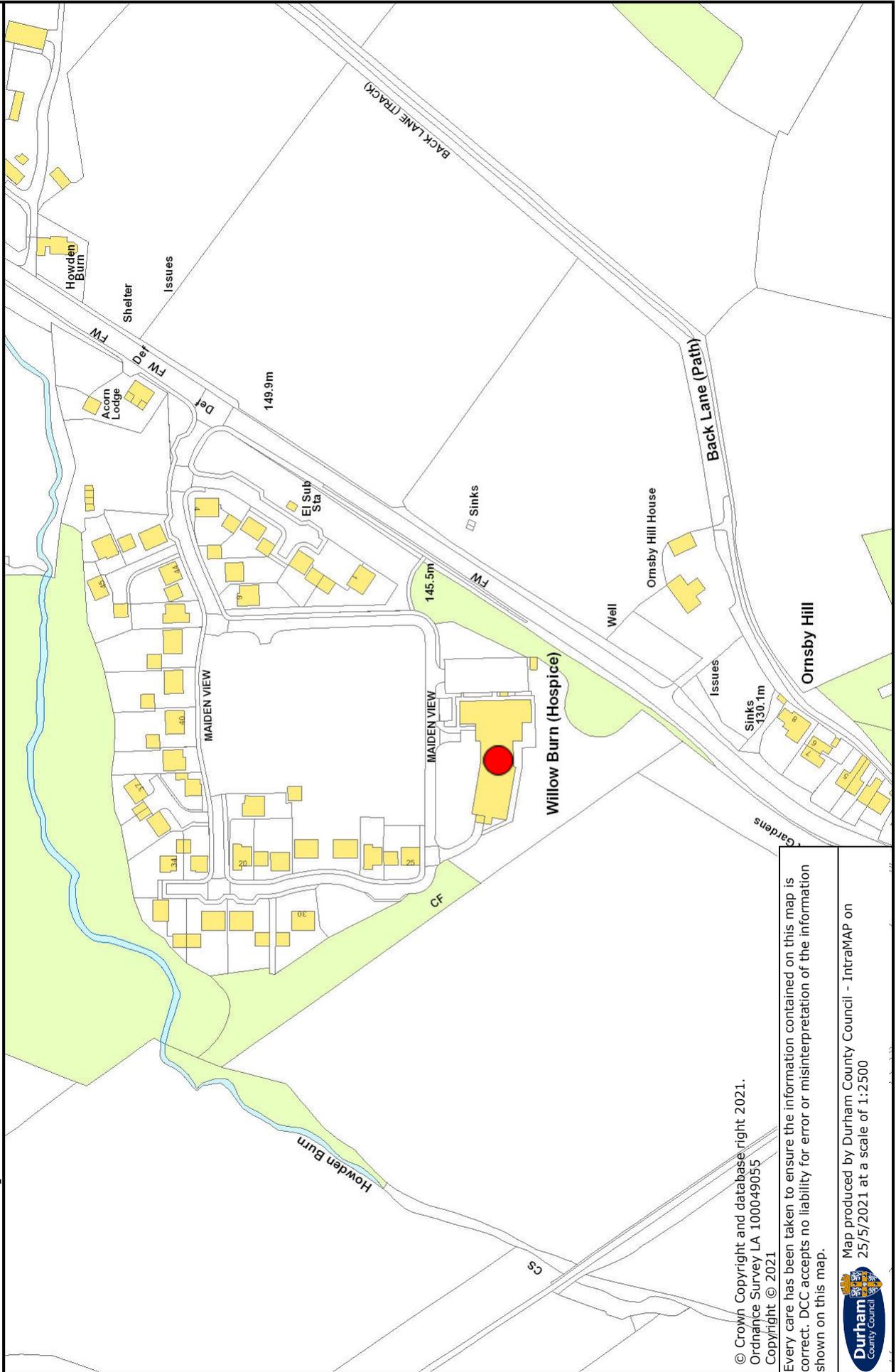
The notice of application was displayed on the premises for a period of 28 days.

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

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

Appendix 2: Location Plan

Durham County Council - IntraMAP



Appendix 3: Premises Licence Application



* required information

Section 1 of 21

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

| | | |
|------------------|----------------------|--|
| System reference | Not Currently In Use | This is the unique reference for this application generated by the system. |
| Your reference | willowburn | 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 | kirsty |
| * Family name | crozier |
| * 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 | 02263960 | |
| Business name | Derwentside Hospice Care Foundation | |
| VAT number | GB | 88918050 |
| Legal status | Charity or Association | |

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

Postal Address Of Premises

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Further Details

Telephone number

Non-domestic rateable value of premises (£)

Section 3 of 21**APPLICATION DETAILS**

In what capacity are you applying for the premises licence?

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

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...

Address

| | |
|-------------------------------|--|
| Building number or name | <input type="text" value="Willow Burn Hospice"/> |
| Street | <input type="text" value="Maiden Law Hospital"/> |
| District | <input type="text" value="Howden Bank"/> |
| City or town | <input type="text" value="Lanchester"/> |
| County or administrative area | <input type="text" value="County Durham"/> |
| Postcode | <input type="text" value="DH70QS"/> |
| Country | <input type="text" value="United Kingdom"/> |

Contact Details

| | |
|------------------------|---|
| E-mail | <input type="text"/> |
| Telephone number | <input type="text"/> |
| Other telephone number | <input type="text"/> |
| * Date of birth | <input type="text" value=""/> / <input type="text" value=""/> / <input type="text" value=""/> dd mm yyyy |
| * Nationality | <input type="text"/> |

[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 building is comprised of 4 separate areas. There is an inpatient unit where there are 6 beds for end of life care. the second area is a community cafe that serves food and drink and the third area is a day centre unit that is used for activities. Upstairs in the day centre, the office staff are based. All parts are separate and are controlled by a door key lock requiring a key card to open the doors.

Continued from previous page...

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

Section 6 of 21

PROVISION OF PLAYS

[See guidance on regulated entertainment](#)

Will you be providing plays?

- Yes No

Section 7 of 21

PROVISION OF FILMS

[See guidance on regulated entertainment](#)

Will you be providing films?

- Yes No

Section 8 of 21

PROVISION OF INDOOR SPORTING EVENTS

[See guidance on regulated entertainment](#)

Will you be providing indoor sporting events?

- Yes No

Section 9 of 21

PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

[See guidance on regulated entertainment](#)

Will you be providing boxing or wrestling entertainments?

- Yes No

Section 10 of 21

PROVISION OF LIVE MUSIC

[See guidance on regulated entertainment](#)

Will you be providing live music?

- Yes No

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- live bands, karaoke

State any seasonal variations for the performance of live music

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

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

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

Continued from previous page...

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.

karaoke, live bands

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.

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.

Section 12 of 21

PROVISION OF PERFORMANCES OF DANCE

[See guidance on regulated entertainment](#)

Will you be providing performances of dance?

- Yes No

Section 13 of 21

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

[See guidance on regulated entertainment](#)

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

- Yes No

Section 14 of 21

LATE NIGHT REFRESHMENT

Will you be providing late night refreshment?

- Yes No

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 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.

State any seasonal variations

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

more likely to occur in summer months but as one off events rather than routine

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.

Continued from previous page...

Section 15 of 21

SUPPLY OF ALCOHOL

Will you be selling or supplying alcohol?

Yes No

Standard Days And Timings

MONDAY

Start

End

Start

End

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

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

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.

Continued from previous page...

State any seasonal variations

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

barbeques, theme nights, concerts, charity events

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

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

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

Name

First name

Family name

Date of birth / /
dd mm yyyy

Enter the contact's address

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Personal Licence number (if known)

Issuing licensing authority (if known)

PROPOSED DESIGNATED PREMISES SUPERVISOR CONSENT

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

Continued from previous page...

- 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.

nil

Section 17 of 21

HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

MONDAY

Start

End

Start

End

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

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

State any seasonal variations

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

summer time- may extend until 24.00 if there is a particular event

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

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

Section 18 of 21

LICENSING OBJECTIVES

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

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

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

ensure that there are sufficient competent staff on duty
staff to be trained in relation to their responsibilities to the sale of alcohol
keep records of training together with providing refresher training

b) The prevention of crime and disorder

Due to the nature of the premises, people are required to sign in and out of the building. Events are mostly by invitation which can help to reduce the likelihood of crime and disorder.

c) Public safety

Be compliant with fire safety standards
keep emergency exits clear
minimise risk of slips, trips and falls

Continued from previous page...

d) The prevention of public nuisance

all people asked to be respectful of the nature of the hospice and to leave quietly
clear notices to display this and to be respectful of local neighbours

e) The protection of children from harm

ensure no alcohol is sold to any persons who look under age of 25- if they do, they will be asked for ID and if cannot provide it then the alcohol will not be sold
staff to receive training for underage sales prevention
keep a register of sales that have been declined.

Section 19 of 21

NOTES ON DEMONSTRATING ENTITLEMENT TO WORK IN THE UK

Continued from previous page...

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

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

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

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

Applicants must demonstrate that they have an entitlement to work in the UK and are not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity. They do this in one of two ways: 1) by providing with this application copies or scanned copies of the documents listed below (which do not need to be certified), or 2) by providing their 'share code' to enable the licensing authority to carry out a check using the Home Office online right to work checking service (see below).

Documents which demonstrate entitlement to work in the UK

- An expired or current passport showing the holder, or a person named in the passport as the child of the holder, is a British citizen or a citizen of the UK and Colonies having the right of abode in the UK [please see note below about which sections of the passport to copy].
- An expired or current passport or national identity card showing the holder, or a person named in the passport as the child of the holder, is a national of a European Economic Area country or Switzerland.
- A Registration Certificate or document certifying permanent residence issued by the Home Office to a national of a European Economic Area country or Switzerland.
- A Permanent Residence Card issued by the Home Office to the family member of a national of a European Economic Area country or Switzerland.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder indicating that the person named is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK.
- A **current** passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK.
- A **current** Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the UK, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A certificate of registration or naturalisation as a British citizen, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.

Continued from previous page...

- A **current** passport endorsed to show that the holder is allowed to stay in the UK and is currently allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder which indicates that the named person can currently stay in the UK and is allowed to work relation to the carrying on of a licensable activity.
- A **current** Residence Card issued by the Home Office to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights or residence.
- A **current** Immigration Status Document containing a photograph issued by the Home Office to the holder with an endorsement indicating that the named person may stay in the UK, and is allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A Certificate of Application, **less than 6 months old**, issued by the Home Office under regulation 18(3) or 20(2) of the Immigration (European Economic Area) Regulations 2016, to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence.
- Reasonable evidence that the person has an outstanding application to vary their permission to be in the UK with the Home Office such as the Home Office acknowledgement letter or proof of postage evidence, or reasonable evidence that the person has an appeal or administrative review pending on an immigration decision, such as an appeal or administrative review reference number.
- Reasonable evidence that a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence in exercising treaty rights in the UK including:-
 - evidence of the applicant's own identity – such as a passport,
 - evidence of their relationship with the European Economic Area family member – e.g. a marriage certificate, civil partnership certificate or birth certificate, and
 - evidence that the European Economic Area national has a right of permanent residence in the UK or is one of the following if they have been in the UK for more than 3 months:
 - (i) working e.g. employment contract, wage slips, letter from the employer,
 - (ii) self-employed e.g. contracts, invoices, or audited accounts with a bank,
 - (iii) studying e.g. letter from the school, college or university and evidence of sufficient funds; or
 - (iv) self-sufficient e.g. bank statements.

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

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

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

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...

In terms of specific **regulated entertainments** please note that:

- Plays: no licence is required for performances between 08:00 and 23.00 on any day, provided that the audience does not exceed 500.
- Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
- Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
- Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
- Live music: no licence permission is required for:
 - o a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
 - o a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - o a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
 - o a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - o a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
- Recorded Music: no licence permission is required for:
 - o any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - o any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - o any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.

Continued from previous page...

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

Section 21 of 21

PAYMENT DETAILS

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

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

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

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

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

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

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

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

* Fee amount (£)

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

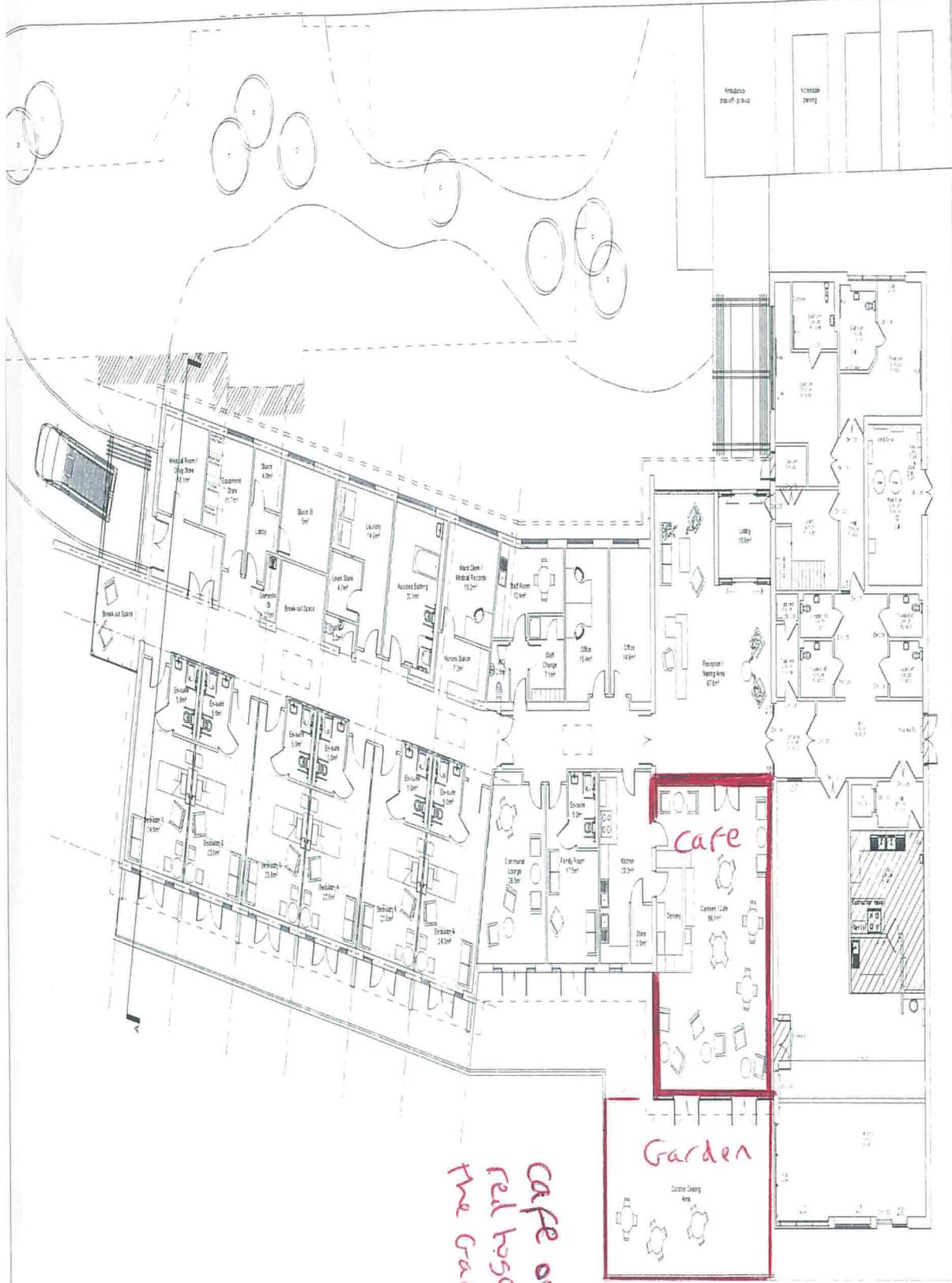
IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT 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



DO NOT SCALE
 All dimensions to be checked on site and Architect to be notified of any discrepancies prior to commencement

DESIGNERS RISK ASSESSMENT

RESIDUAL RISKS



Cafe outlined in red together with the garden

Rev 1 (2017) ERM - a document which provides a list of all proposed work to be undertaken in order to address the risks identified in the above schedule of work.
 Rev 2 (2017) Updated following comments received from client and contractor.
 Rev 4 (2017) Updated following comments received from client.

DATE: 02/10/17

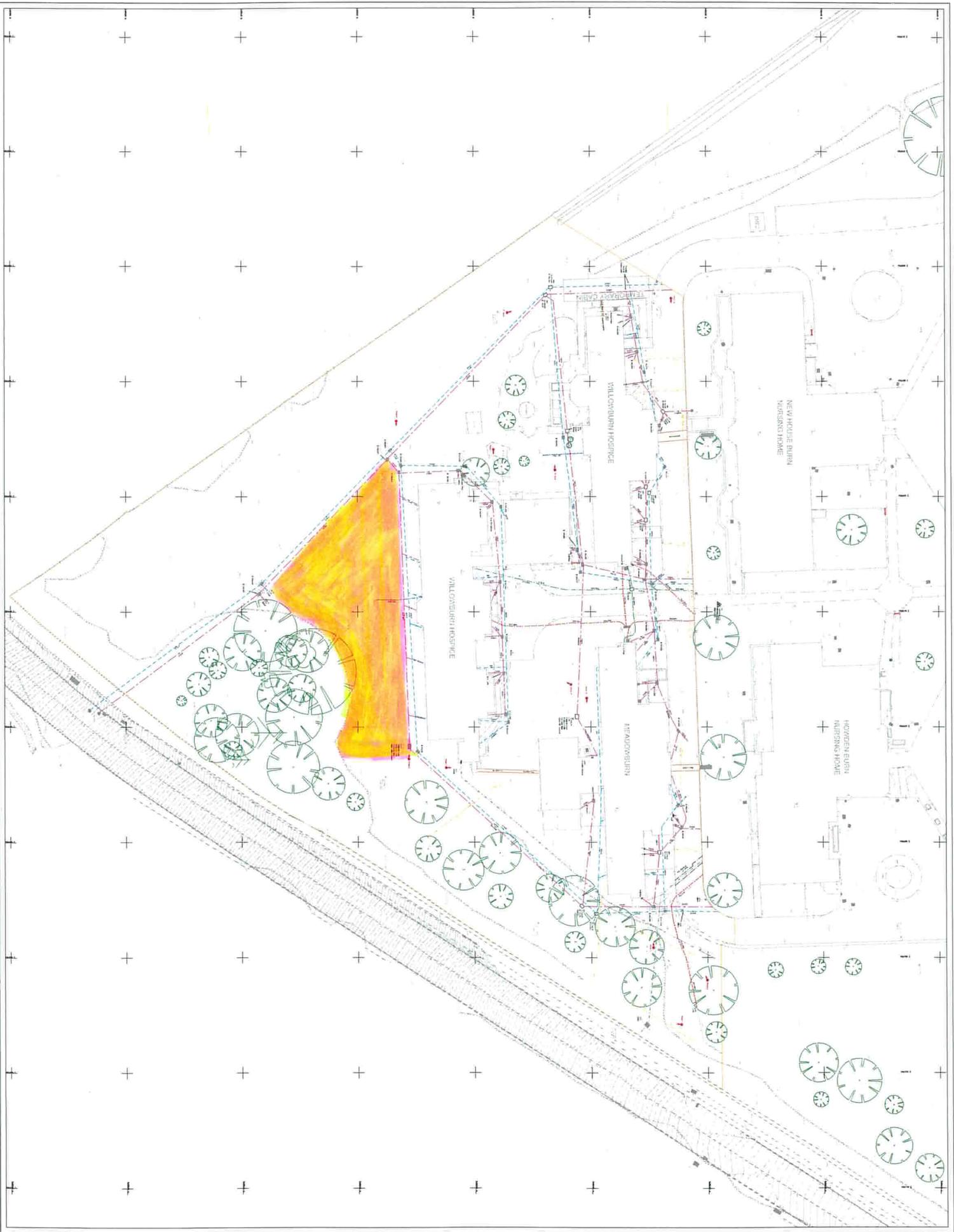


ST ALGER PARKER STREET, SHEFFIELD, LEICESTER/NOTTINGHAM, NE1 4AS
 TEL: 0113 2814440, FAX: 0113 2811566, Email: info@ianpartnershipnorthern.com

WILLOW BURN HOSPICE
 WILLOW BURN HOSPICE

PROPOSED FLOOR PLAN

| | | |
|-------------------|-------------------|--------------|
| DATE: MM | DATE: VT | DATE: YL |
| SCALE: 1:100 @ A1 | PROJECT: N81:2597 | PLAN: PL-03C |
| DATE: OCT 2017 | | |



| | | | | | | | |
|--|--|--|------------------------------------|--|--|--|--|
| <p>Client: [Blank]</p> <p>Project: [Blank]</p> <p>Site: [Blank]</p> <p>Scale: [Blank]</p> <p>Date: [Blank]</p> | | <p>LANCASHIRE COUNTY COUNCIL</p> <p>WILTONS BURN NURSING HOME</p> <p>LANCASHIRE COUNTY COUNCIL</p> <p>LANCASHIRE COUNTY COUNCIL</p> <p>LANCASHIRE COUNTY COUNCIL</p> | <p>UTILITY AND PROPERTY SURVEY</p> | <p>DATE: [Blank]</p> <p>BY: [Blank]</p> <p>CHECKED: [Blank]</p> <p>APPROVED: [Blank]</p> | <p>DATE: [Blank]</p> <p>BY: [Blank]</p> <p>CHECKED: [Blank]</p> <p>APPROVED: [Blank]</p> | <p>DATE: [Blank]</p> <p>BY: [Blank]</p> <p>CHECKED: [Blank]</p> <p>APPROVED: [Blank]</p> | <p>DATE: [Blank]</p> <p>BY: [Blank]</p> <p>CHECKED: [Blank]</p> <p>APPROVED: [Blank]</p> |
|--|--|--|------------------------------------|--|--|--|--|

Appendix 4: Amendments and additional information from applicant

From: Kirsty Crozier
Sent: 14 April 2021 13:54
To: Yvonne Raine
Subject: license application

Hello Yvonne

Many thanks for your time earlier. Please find attached a copy of the two adverts. I have also since spoken with our Marketing and Communications Manager and as such are happy to amend the application as suggested. Please accept this email as notification that **I wish to amend the application to state that we will not hold more than 15 events per calendar year.**

We will also write to the residents giving a little more detail on the types of events that we will be holding to alleviate concerns, as soon as it is finalised I will forward you a copy.

Kind Regards

Kirsty Crozier
Chief Executive
Willow Burn Hospice

T:

E:

www.willow-burn.co.uk



From: Yvonne Raine
Sent: 14 April 2021 14:43
To: Kirsty Crozier
Subject: RE: license application
Importance: High

Good Afternoon Kirsty

Thank you for your email and copy of your published newspaper notice.

For clarity, please can you confirm in relation to the condition you wish to add to your application, do you mean you will not hold more than 15 **outdoor events** or do you mean 15 events at the premises in total (both indoors and outdoors included).

Regards

Yvonne

Yvonne Raine
Senior Licensing Officer
Community Protection Service
Neighbourhoods and Climate Change

Durham County Council
Direct:
Mobile:
E-mail:

For general licensing enquiries please e-mail licensing@durham.gov.uk

Web: www.durham.gov.uk
Follow us on Twitter @durhamcouncil
Like us at facebook.com/durhamcouncil

From: Kirsty Crozier <
Sent: 14 April 2021 14:45
To: Yvonne Raine <
Subject: RE: license application

Hi Yvonne

15 in total please

Kind Regards

Kirsty Crozier
Chief Executive
Willow Burn Hospice

T:
E:
www.willow-burn.co.uk



14 April 2021

Dear Friend(s)

Willow Burn Hospice: New premises Licence Application

I am writing to you regarding the new premises licence application that was submitted to Durham County Council this week. I have received some really positive feedback about the application but also some questions, so I wanted to take this opportunity to tell you a little about why we have made the application.

The Willows Café & Events at Willow Burn

The Willows is our community café which is open Monday to Friday, 10am – 2.30pm and is a valuable income stream for the hospice. Each year it costs £1.2million to provide palliative and end of life care at Willow Burn and we are responsible for raising over £700,000 of this. As I am sure you can imagine this can be a difficult task, but we are very lucky to have the café on site as a sustainable source of income. The café is also a great meeting place for the community, who use it as a way to engage with our team, many of whom hold a special place in the hearts of our customers.

Since the café opened in 2018, it has become the heart of the hospice and as well as operating as a café, it hosts afternoon teas, dining evenings, seasonal fairs and workshops such as wreath making. The intention of the new licence is to have the opportunity to serve alcohol at these events, where appropriate, for *up to 15 events over a 12 month period*; I will be updating the application to reflect this. I would like to reassure you that first and foremost we are a hospice, and all events we will hold here will be reflective of that status and respectful to our patients, their families and you, our neighbours.

Everybody needs good neighbours

We were delighted when Gentoo started building on the land outside the hospice and have really enjoyed meeting you all. We have had an array of support and donations including cakes for our staff, plants for our garden shop, The Potting Shed, pre-loved donations for our charity shops and some of you have even joined our volunteering team. We treasure our relationship with our neighbours and hope that this continues to go from strength-to-strength. If you ever have any queries or would like further information about Willow Burn, please do not hesitate to contact us on: _____ or pop over to see us at The Willows Café, we have some delicious treats for sale and we are now serving the Willow Burn Coffee Blend, created by Durham Coffee from down in Lanchester.

Thank you for your continued support.

Yours sincerely


Kirsty Crozier
CEO
Willow Burn Hospice

Treasuring Lives



From: Kirsty Crozier <
Sent: 22 April 2021 12:41
To: Yvonne Raine <
Cc: Rachel Todd <
Subject: RE: Willow Burn Hospice - Premises Licence application

Hello

Many thanks for sending these through. I have to admit that I was surprised as a few of these , we have spoken with and had said they were reassured but had already objected. It does highlight to us that they don't fully understand the services we provide. Where we do provide end of life care but we also provide Health and Wellbeing, respite and family services. We are as much about celebrating and promoting life as well as helping people to achieve a good death. It is also impossible to consult with our "residents" because we do not have residents. People who use our services do not stay on average more than 7 days. We do however always inform them of what we have going on and if there are any objections we modify accordingly.

The need for a license is to help our income generation. We are a charity and provide the above services to circa 300, 000 people across Derwentside. We have served the community for over 30 years and would like to do so for years to come but cannot do that without raising income. It is not always possible to ask the public for money, especially in these times coming out of a pandemic. Independent sustainability is therefore vital. The sale of alcohol and holding events is a great way of engaging with the community whilst raising much needed funds.

I have discussed the current application with Rach Todd (cc in) who is our Marketing and Communications Manager. Please can you accept this email to advise that **we no longer wish to apply for Late Night Refreshment. We would also like to compromise with the neighbours by not having live music after 9pm every day of the week.**

In respect of the sale of alcohol, we would also like to amend the application to state that we will not sell alcohol before 11am unless it is sealed and is for take away purposes.

We very much hope that this goes a good way in demonstrating that we are willing to compromise and have the best of intentions in regards to trying to find a balance that works for all.

Kind Regards

**Kirsty Crozier
Chief Executive
Willow Burn Hospice**

T:

www.willow-burn.co.uk



From: Kirsty Crozier <
Sent: 23 April 2021 13:48
To: Yvonne Raine <
Subject: application

Hello Yvonne

After further discussion with another resident we would like to amend the application one more time. I envisage that this will be the last time. Please can you accept this email to **amend the application to reflect that we will not sell alcohol after 10pm on a Thur, Fri, Sat and we will not sell alcohol after 9pm on a Sunday, Mon, Tue, wed.**

Hope you have a great weekend

Kind Regards

Kirsty Crozier
Chief Executive
Willow Burn Hospice

T:

E:

www.willow-burn.co.uk



**Appendix 5: Applicant's amendments following mediation with
Environmental Health**

From: Kirsty Crozier
Sent: 28 April 2021 10:34
To: Yvonne Raine <
Cc: Tracey Lock < ; John Hayes <
Subject: RE: WILLOW BURN HOSPICE MAIDEN LAW BANK HOWDEN LANCHESTER DH7 0QS

Hello

Sorry for the late reply. Our server went down yesterday afternoon and has just come back online. I am in full agreement with the received from John Hayes and would like to proceed with the amendments.

Kind Regards

Kirsty Crozier
Chief Executive
Willow Burn Hospice

T:

E: _____

www.willow-burn.co.uk



[Start your adventure today](#)

From: Yvonne Raine <
Sent: 28 April 2021 10:01
To: Kirsty Crozier <
Cc: Tracey Lock ; John Hayes
Subject: WILLOW BURN HOSPICE MAIDEN LAW BANK HOWDEN LANCHESTER DH7 0QS
Importance: High

Good Morning Kirsty

Further to the consultation response we have received below from John Hayes in Environmental Health, please can you confirm whether you agree with the recommendations from Mr Hayes and if so, confirm that you wish to amend your application in accordance with the below.

I would remind you that you have already agreed to amend the licence application to restrict all forms of live music (both indoors and outdoors) to cease at 9.00 pm and

persons who have submitted representations have already been made aware of this change.

Please can you confirm by return whether you are in agreement with the recommendations from Mr Hayes and if so, persons making representation can then be advised.

Regards

Yvonne

Yvonne Raine
Senior Licensing Officer
Community Protection Service
Neighbourhoods and Climate Change
Durham County Council

Direct:
Mobile:
E-mail:

For general licensing enquiries please e-mail licensing@durham.gov.uk

Web: www.durham.gov.uk
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Like us at facebook.com/durhamcouncil



From: John Hayes
Sent: 27 April 2021 12:41
To: [k](#)
Cc: Tracey Lock ; Yvonne Raine <
Subject: LICENSING ACT 2003 - APPLICATIONS RECEIVED - NEW PREMISES LICENCE - WILLOW BURN HOSPICE MAIDEN LAW BANK HOWDEN LANCHESTER DH7 0QS
Importance: High

Good afternoon Kirsty

It was good to have a chat about your application and what it is that you intend on doing, as advised my remit is in relation to reviewing applications on behalf of the Responsible Authority for the

Licensing Objective of Prevention of Public Nuisance and as you are aware I had some concerns relating to your application.

I also understand from our discussion that some of your neighbours also have concerns about the application, some of which relate to noise.

We have agreed that I will not make a representation/raise an objection to your application provided that you make the following amendments to the application:

- The number of outdoor music events, that is events held external to the main premises, shall be restricted to no more than twelve events in any calendar year and no events are to occur on consecutive 24 hr days.
- All outdoor music, live or recorded, will cease at 2100hrs on any night;
- Indoor live music will not extend beyond 2300hrs on any night, with the exception of New Year's Eve.
- No waste, including empty bottles, shall be placed in outdoor waste receptacles between 2200hrs and 0800hrs on any 24 hr day.

You advised that you have contacted a noise consultant and that you are waiting for a quote, however I advised that, based upon our conversation, I am satisfied that you do not require the services of a consultant; however due to concerns raised by other parties you may still wish to employ the consultants services who should be able to provide a suitable noise management plan, should you wish to have one, in addition to the above changes.

The point above relating to indoor live music and New Year's Eve was not discussed on the phone, although we did discuss indoor music, I have no concerns relating to the recorded music indoors, or the live but think 2300hrs cut off at the latest will suffice, New Years' Eve I will leave up to you to consider the cut off time. Bearing in mind that I also advised that the music, live or recorded, will only become regulated after 2300hrs and before 0800hrs or where you have more than 499 people present, once you have a premises licence.

I have copied Tracey and Yvonne into this email, but you will have to email them, and me, to confirm that you wish to make the above amendments.

If you need a further chat please feel free to give me a call.

Best wishes

John

**John Scott Hayes MCIEH BSc(Hons) PGDipIOA
Principal Public Protection Officer**

Development Assessment Team
Community Protection Service
Neighbourhoods & Climate Change

Direct:

Switchboard 03000 26 0000

Mobile:

E:

www.durham.gov.uk

<http://www.durham.gov.uk/coronavirus>

From: Kirsty Crozier

Sent: 28 April 2021 12:28

To: Yvonne Raine

Subject: RE: WILLOW BURN HOSPICE MAIDEN LAW BANK HOWDEN LANCHESTER DH7 0QS

Thank you- I forgot to say that **in respect of New Year Eve, we would also cease indoor recorded music at 23.00 hrs** as it is unlikely that we will hold events on this day but you never know.

Kind Regards

**Kirsty Crozier
Chief Executive
Willow Burn Hospice**

T

E:

www.willow-burn.co.uk



**Appendix 6: Additional conditions agreed following mediation
with Durham Constabulary**

From: Kirsty Crozier <kirsty.crozier@willowburn.co.uk>
Sent: 21 April 2021 09:21
To: Helen Johnson - Licensing Team Leader (N'hoods)
Subject: RE: Application for the grant of a premises licence - Willowburn Hospice, Maiden Law Hospital, Howden Bank, Lanchester

Good Morning Helen

Many thanks for your email. I can confirm that we are happy to meet the requirements outlined below.

Kind Regards

Kirsty Crozier
Chief Executive
Willow Burn Hospice

T:
E: kirsty.crozier@willowburn.co.uk
www.willow-burn.co.uk



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From: Helen Johnson - Licensing Team Leader (N'hoods)
Sent: 21 April 2021 09:19
To: Kirsty Crozier <kirsty.crozier@willowburn.co.uk>
Subject: Application for the grant of a premises licence - Willowburn Hospice, Maiden Law Hospital, Howden Bank, Lanchester
Importance: High

Dear Kirsty

As you are aware the above application is currently out to consultation. I have received a response from Durham Constabulary who would like to see the following steps added to the application for the promotion of the licensing objectives:

- The premises shall operate the Challenge 25 scheme. As part of such a scheme a register of refusals shall be maintained and kept up to date. The

register will be available for immediate inspection by police or authorised officers of the council.

- The premises shall maintain an incident book which shall detail any incidents that may occur on the premises and any action taken. This shall be made available to the Police and authorised officers of the local authority upon request.
- A CCTV system will be installed and in operation at all times the premises are being used for licensable activity. It must be operated by properly trained staff and cover all areas where alcohol is being sold.
- CCTV recordings will be retained for a minimum of 28 days.
- Children under the age of 18 will not be allowed entry to or remain in the bar areas after 21.00.
- The premises licence holder is to undertake right to work checks on all staff who are employed at the licensed premises in a paid or unpaid capacity. A copy of any documents checked as part of the right to work check are to be retained at the licenced premises. These documents will be made available to officers and responsible authorities when requested.
- A full risk assessment must be completed prior to all events and made available to Police or authorised officers of the council on request.

I would be grateful if you can consider the above and advise if you agree to add the above to the application. I would appreciate a response before the end of the consultation which is 7th May 2021.

Kind regards

Helen Johnson
Licensing Team Leader
Community Protection Service
Neighbourhoods and Climate Change

Direct:
Mobile:
Email:

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Appendix 7: Representations

From: S Kanaparthi
Sent: 18 April 2021 22:30
To: Yvonne Raine <Yvonne.Raine@durham.gov.uk>; AHS Licensing <Licensing@durham.gov.uk>
Subject: Re: Willowburn Licensing application

Dear Licensing Team,

Many thanks for sending me the details on the licensing application from Willowburn Hospice. I truly appreciate the work that the hospice does and have no reservations in saying that.

However, I am disappointed to see a licensing application & loud music application in a small & a very quiet residential estate of just 47 houses and therefore object this application. My objections grounds are as below:

1. Potential Public Nuisance: Alcohol plays a significant role in public nuisance. Especially the fact that this licensing application is until very late in the nights, it significantly increases the risks of this happening. As a quiet residential estate, it is also not reasonable to have loud music outdoors as it would cause noise issues in the estate. The combination of alcohol and loud out door music are a recipe for disaster and should not be allowed in a quiet residential estate like this.
2. Potential for Crime and Disorder: Alcohol brings along with it the potential for disorder and crime especially during late nights. As a small residential estate of 47 houses with many families with young children, it is not reasonable to grant a license that brings the associated risks especially on the night times. I also draw the attention of the licensing team that there is not a police station locally in Lanchester and police patrols on this estate are not a routine for Durham constabulary. The response times for the police for any potential incidents will be longer than in places like Consett, Stanley and Durham where there is police stations.

Many thanks for giving me an opportunity to provide my representation.

Regards
S Kanaparthi
Maiden View
Lanchester
DH7 0BF

From: S Kanaparthi
Sent: 26 April 2021 19:12
To: Yvonne Raine
Subject: Re: Willow Burn Hospice, Lanchester - Premises Licence application

Hi Yvonne

Thank you for the email.

Unless the applicant makes an amendment to say that alcohol will not be sold after 8pm on any day and that loud music will not be played outdoors after 7pm, my original representations remain valid.

Further I wanted to clarify whether the loud outdoor music is restricted to 15 events a year or whether there is no such limit?

Regards
S

Sent from my iPhone

From: n

Sent: 18 April 2021 17:20

To: AHS Licensing <Licensing@durham.gov.uk>

Subject: License application Willow Burn Hospice

To Whom it May Concern,

I have recently been informed about the new license application made by Willow Burn Hospice. My home is directly opposite the Hospice which is why I strongly object to this application.

Specifically, I have three children aged 2 years old, 8 years old and 10 years old. The local authority has a duty to promote the welfare and safety of children. This application would mean that alcohol can be sold on the premises daily, and until midnight on weekends. My home is less than 50 yards from the hospice, my children would not be able to play outside our home due to the increased traffic, and adults under the influence of alcohol being in the vicinity. I would not have moved my children next to a public house, and I cannot see why the Hospice would need to serve alcohol at these times given that they are also responsible for caring for residents who are poorly.

My living room window is on the pavement opposite the Hospice, my privacy would be considerably breached if people coming to the events decided they wanted to loiter outside the hospice during, or following their time there, after consuming alcohol. Again this could be extremely frightening for my children.

While I appreciate that the Hospice has informed local residents that they would not serve alcohol that late into the night, it is not guaranteed. If Willow burn decided to move premises, the application would remain in place and the new owners could use the open ended application to the max.

The application also requests amplified music, again until midnight on some occasions. This would be extremely disruptive to my children and they would not be able to sleep which would impact their emotional wellbeing and their physical development.

I am a children's safeguarding social worker and I advise parents about the importance of supporting and meeting their children's development and well being on a daily basis. This application takes my ability to support and meet my children's needs out of my hands to some extent, because I will not be able to ensure they are able to get the sleep and rest they need.

I am aware that Crinions in Lanchester village are not allowed to play amplified music past a certain time, they are certainly not permitted to play amplified music until midnight, why would it be acceptable for a Hospice, approx 50 yards from my home to have permission for this. Again while the Hospice have said that they are committed to their residents, if they move on, any new tenant might not be so considerate.

While i am in full support of the Hospice as a whole, I cannot understand the logic behind their application, anyone in their care should not be subject to amplified music or adults under the influence of alcohol on the property, as they care for vulnerable adults.

The application they have made potentially increases the vulnerability of their residents, if a family member of mine was seriously ill, I would want them in a peaceful setting, which at the moment is something Willow Burn provides. This will change if their application is granted and I feel that their residents have little say over this.

In terms of public nuisance and prevention of crime, the application could bring large groups of people onto the residential site, excessive cars and people under the influence of alcohol would be a public nuisance, and could lead to crime.

I am also worried about how ambulances would access the site, the Hospice need them to be able to access their building, I have witnessed cars parked all along the side of my house when the Hospice was open last year. My youngest child, 2 years old, has been in hospital on 4 occasions since 6 months old for raspatory problems, on 3 occasions he has needed to be taken by ambulance. I would be extremely worried if an ambulance could not access my property due to events taking place next to my home.

Please could you inform me if there is anything further I need to do to oppose this application.

Kind Regards

N Henderson
Maiden View

From: L Blaney
Sent: 20 April 2021 20:18
To: Yvonne Raine <
Subject: Willow burn license

Good morning Yvonne thank you very much for responding last week over my concerns on the willow burn hospice license I would like to bring to your attention that I approached willow burn directly last week and spoke to 2 members of staff and took away from the discussion that willowburn had been there considerably longer than we had therefore you'll have to suffer the consequences .This should not make any difference at all. I did leave my telephone number and was contacted the following morning around 8.15 am from a lady called Rachel I expressed my concerns to her with regards to the music and alcohol the conversation was to ensure me that the odd bottle of Prosecco would be kept on site so they could offer a glass with afternoon tea there will not be an excessive amount of alcohol on the premises and the live music would entail the possibility of a harp creating the music and as the café it was only open between 10 and 2 to 230 this would be when the alcohol would be served.

The following evening willowburn have put pen to paper with the letter that you attached on your previous email to me which tried in my opinion to backpedal from the situation they have caused every resident should have been approached initially to express their thoughts which I was never the case willowburn needs to realise they have been in a field on their own for a considerable length of time and now they have 40+ houses and residents to Please.

The following evening willowburn have put pen to paper with the letter that you attached on your previous email to me which tried in my opinion to backpedal from the situation they have caused every resident should have been approached initially to express their thoughts which I was never the case with a bird needs to realise they have been in a field on their own for a considerable length of time and now they have 40+ houses and residents to Please.

I am all for supporting willowburn hospice in any way we can and have already provided a number of plants for their potting house or potting shed in order to sell to raise funds however the way they have gone about this is totally not only disrespectful , thoughtless to residents but it's also unacceptable.

We have invested just short of half a million pounds on the property that we have moved into and have moved away from our previous address due to congestion of traffic volume of traffic and noise.

Lanchester rise was chosen because of the quiet village and the quiet location of the development and it was our opinion that the hospice wouldn't cost too much of a concern due to the nature of the building however I am extremely concerned as an estate agent manager who deals with over 230 sales in a year that additional noise and volume of traffic/ amplified music / alcohol will be detrimental to our homes and may cause devaluation in the prices and desirability of the development.

Lanchester rise is highly sought after and residents have already been approached to ask if they want to sell their homes obviously not knowing of the implications that the Willowburn license could have on this development.

I am also concerned for the safety of not only the children who live close by but also for the safety of my grandson as again not only myself but other Homes with very young children are directly opposite willowburn and people have chosen those plots specifically for safety because we really see any traffic passing our homes and this area is extremely safe for children playing outside. Another concern is the noise of the amplified music will cause will cause disruption not only to my grandson but to

the other children who live directly opposite with a burn in order for them to go to sleep. This is also a cause of the other residents with children.

What I can't understand is it appears to me that willowburn are being contradictive as in one comment they are stating they do not want any disruption they do not want any noise they want to be friends or neighbours with everybody in the area yet they haven't discussed This with anyone they tell us that there are sick people and they don't want any noise for disruption to the was either yet by serving alcohol up to the hours that they have asked for and having 15 events throughout the year most of which I am assuming will be cheering the fine weather where they can then use their license to have amplified music outside this will create disruption on the estate and if alcohol is being served increase the level of taxis which will come into and out of the estate to pick up and drop off people. The hospice gets much support from the villages in Lanchester and ultimately they will not want to bring their cars to the development if they know they can have a drink and therefore taxis will have to be used when children are playing outside this then becomes a safety aspect they are used they will be used to playing outside and it only takes one of them to run quickly out of the cul-de-sac a car comes round the corner and the risk is then higher for them to have an accident which is totally on acceptable.

Once the license has been granted it will obviously stay with the building and in future if ever the hospice decide to move to different premises this leaves the building directly opposite ourselves and on a highly sought-after development with the potential of being a public house.

Yet again my concerns are we have on this development restaurant owners from the village who have music and alcohol licenses and yet they aren't allowed to have music on at the times that have been requested and I also understand that Crinions in the village all their live music must finish by 10 o'clock willowburn hospice is no different in fact it is worse purely for the fact that there are so many expensive sought-after homes in the immediate vicinity which they have total disregard for. There are also shiftworkers on the development which intern amplified music outside would be totally unhelpful for them which again Willowburn obviously haven't thought about I have no objection to the license being granted however to have alcohol on the premises for 15 events and alcohol which can be sold on the premises contradicts what I was told by Rachel from the hospice last week again another concern for the residents of Willowburn won't they be upset or distracted or disturbed by amplified music indoors?

I have no intentions of wanting to come home from work after a hard day and not been able to relax at home or indeed in my garden on warm summer evenings because I am being totally distracted by the noise coming from Willowburn.

Please remember this is a highly sought-after expensive development in a quiet location it is not a public playground it is not a public house and we are not here to tolerate the disturbance s that willowburn have requested

Sent from my iPhone

From: L Blaney <
Sent: 20 April 2021 20:39
To: Yvonne Raine <
Subject: Willowburn

Hello again Yvonne

It appears from speaking to neighbours willowburn are not consistent with their stories After being told Prosecco with afternoon tea has developed to a beer festival

...

With no disruption to the estate neighbours and no excess traffic

They are struggling financially so need these events If they are struggling do they need a smaller building Then what a rich guy buys it for a pub no

Sent from my iPhone

From: L Blaney <
Sent: 26 April 2021 20:48
To: Yvonne Raine
Subject: Re: Willow Burn Hospice - Amendment to Premises Licence Application

I've had a long conversation with Kirsty
Over the late times
If alcohol is served till 10pm by the time everyone is finished there's still going to be disruption noise
with people leaving and getting taxis till 11 ish
This is still too late when kids live yards away from the front door of the hospice
Last orders should be 9 ans no later at all
I'm still not really happy about the alcohol as if the hospice cannot be self funded and they leave
were left with a building with the license which could be turned into anything

Sent from my iPhone

From: L Blaney
Sent: 30 April 2021 09:16
To: Yvonne Raine
Subject: Re: Willow Burn Hospice - Amendments to premises licence application

Hi Yvonne
I live yards away from the hospice and my concerns still stand about alcohol till 10 pm this isn't a pub
We're residents on a sought after development
This is way to late
As previously mentioned
Last orders 10 means people will still be drinking their drinks till much later
Adding traffic to the development as some won't drink and drive therefore taxis dropping off and picking up yards from my front door and 4 children live next doors this isn't safe
At the moment if a car goes past us it's unusual....
There are shift workers and children which need to go to bed
This is still unacceptable
I'm happy to compromise but not till that time
It's all wrong
I'm still as an estate agent manager concerned the impact this could have on the value and resale of our homes
Some residents won't oppose as they live at the top of the estate which they won't be effected as much or at all
I'm not bearing the brunt of this unacceptable timing
Kind regards

Sent from my iPhone

From: stephenson
Sent: 26 April 2021 21:41
To: AHS Licensing <
Subject: Objection to Willow burn Hospice alcohol licence

Dear Sir/Madam,

I wish to object to the licensing application submitted by Willow burn Hospice, Howden Bank, Lanchester.

The Hospice is adjacent to a new housing estate of 47 houses. Its building is close to several homes and the only road access to the hospice is through the entrance to the housing estate, from the A6076 Howden Bank.

A) prevention of public nuisance. The licence applies to a full range of activities including live music and Karaoke. The Hospice is not designed for such public functions and noise pollution and disturbance would affect families on the estate and nearby. Do the premises have a sound limiter?. Do they have acoustic double lobby doors for noise reduction?. Is the building fitted with adequate air conditioning to prevent windows and doors being left open. At these events I expect food to be served, however there are no litter bins nearby and no doubt litter will be scattered around the area. The staff car park is relatively small and already the car park vehicles overflow onto the narrow roads of the estate causing obstructions. Light pollution will affect residents as the car park and grounds will be illuminated.

The hospice gardens have been designed to attract wildlife, by using bird boxes and feeders. Music events will disturb and may cause harm to the local wildlife.

B) Prevent crime & disorder.

Premises holding events and serving alcohol inevitably attract crime and disorder, this is a quiet rural area and anti social behaviour due to late night events serving alcohol will be poorly policed and affect residents living nearby.

C) Public safety

Events may attract large numbers of attendees causing traffic congestion on the estate and risk of accidents on the national speed limit A6076 Howden Bank.

4) preventing children from harm.

The gardens of the Hospice are not secure and under age young persons could attend without being detected.

What training/experience do staff have in relation to underage drinking and drunkenness. Children on the estate could be subject to strong language, sexual expletives, alcohol drinking and possible violence.

The hospice is currently selling a corner of the site with planning for a four bedroom house, if this licence is granted the hospice could be sold in future and relocated, with the alcohol licence remaining on any new property.

The application is representing a Charitable Hospice and a lot of emotion can be attached to the fundraising element of this application. However Willowburn is a six bed hospice, and not an entertainment venue.

I sadly saw my father pass away in a Sunderland Hospice and would have been horrified if visiting him in his last moments I would have been aware of a party scene at the other end of the building.

Yours faithfully

C Stephenson
Maiden View,
Lanchester.

Appendix 8: Responses from Responsible Authorities

From: Emily Dodd <
Sent: 26 April 2021 12:42
To: Tracey Lock <
Subject: FW: LICENSING ACT 2003 - APPLICATIONS RECEIVED - NEW PREMISES LICENCE - WILLOW
BURN HOSPICE MAIDEN LAW BANK HOWDEN LANCHESTER DH7 0QS

Hi Tracey,

Durham Constabulary have no objections to this.

Kind regards,

Licensed Economy Team Clerical Officer
Durham Constabulary
Tel: 101 Ext:
Teams Ext:

If you are deaf, hard of hearing or speech impaired you can textphone

Our Values & Vision:

Positive | Fair | Courageous | Inclusive | With Integrity

Protecting Neighbourhoods, Tackling Criminals, Solving Problems



Chief Fire Officer: Stuart Errington

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

Date: 27 April 2021
This matter is being dealt with by: Julie Knox

Our Ref: 4611660005
Your Ref: 474848

Direct Dial Telephone:
E-mail:

Dear Tracey,

Licensing Act 2003
Regulatory Reform (Fire Safety) Order 2005
Willow Burn Hospice, Sir Tom Cowie Day Hospice, Maiden Law Hospital, Lanchester,
Durham, DH7 0QS

I acknowledge your application dated 9 April 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.

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

Julie Knox
Fire Safety Section



www.ddfire.gov.uk

From: DSCP Secure
Sent: 30 April 2021 11:27
To: Tracey Lock <
Subject: RE: LICENSING ACT 2003 - APPLICATIONS RECEIVED - NEW PREMISES LICENCE - WILLOW BURN HOSPICE MAIDEN LAW BANK HOWDEN LANCHESTER DH7 0QS

My Ref: SW/2021/029

I represent the Durham Safeguarding Children Partnership (DSCP) which is a responsible authority under the Licensing Act. I have received a copy of your application for a premises licence for your premises at Willow Burn Hospice Maiden Law Bank Howden Lanchester DH7 0QS.

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

Regards

Stephen Winship

Policy & Strategy Officer
Durham Safeguarding Children Partnership

Tel :
County Hall, Durham
DH1 5UJ



Durham Safeguarding Children Partnership (DSCP)

Keeping Children Safe

dscpsecure@durham.gov.uk

www.durham-scp.org.uk



Safeguarding Children Partnership

Appendix 9: 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 II Framework Hours: recommended terminal hours for the sale of alcohol and the provision of late-night refreshment for different types of premises

| Category of Premises | Weekdays* | Weekends* | Bank Holidays* |
|---|----------------|----------------|---|
| Premises licensed for the sale or supply of alcohol for consumption on or off the premises e.g. pubs, social clubs and nightclubs | 07.00 to 00.00 | 07.00 to 01.00 | Good Friday Plus 1 Hour. For all other bank holidays, an additional hour be added to the terminal hour of the day preceding the bank holiday (i.e. if the Monday is the bank holiday, the Sunday is normal trading plus 1 hour) |
| Premises licensed for the sale of alcohol for consumption off the premises only e.g. off licences, supermarkets and garages | 07.00 to 23.30 | 07.00 to 00.30 | Good Friday Plus 1 Hour. For all other bank holidays, an additional hour be added to the terminal hour of the day preceding the bank holiday (i.e. if the Monday is the bank holiday, the Sunday is normal trading plus 1 hour) |
| Premises with licences not including the sale or supply of alcohol (community centres, village halls) | 07.00 to 00.00 | 07.00 to 01.00 | Good Friday Plus 1 Hour. For all other bank holidays, an additional hour be added to the terminal hour of the day preceding the bank holiday (i.e. if the Monday is the bank holiday, the Sunday is normal trading plus 1 hour) |
| Premises licensed primarily for late night refreshment e.g. takeaways | 01.00 | 02.00 | Good Friday Plus 1 Hour. For all other bank holidays, an additional hour be added to the terminal hour of the day preceding the bank holiday (i.e. if the Monday is the bank holiday, the Sunday is normal trading plus 1 hour) |

* **NOTE:** For the purposes of this matrix, weekdays mean Monday to Thursday; Weekends include Friday night into Saturday Morning, Saturday night into Sunday morning and Sunday night into Monday morning; and Bank Holidays means Sunday night into Monday morning and Monday night into Tuesday morning.

Appendix 10: 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 |

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