



Statutory Licensing Sub-Committee

Date Tuesday 27 July 2021
Time 9.30 am
Venue County Hall, Durham - County Hall, Durham

Business

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 7 June 2021 (Pages 3 - 18)
5. Application for the Grant of a Premises Licence - Queen's Chippy, 1 Queen Alexandra Road, Seaham (Pages 19 - 74)
6. Such other business as, in the opinion of the Chairman of the meeting, is of sufficient urgency to warrant consideration

Helen Lynch

Head of Legal and Democratic Services

County Hall
Durham
19 July 2021

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

Councillors D Brown, C Hampson, E Peeke and E Waldock

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

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DURHAM COUNTY COUNCIL

At a Meeting of **Statutory Licensing Sub-Committee** held in Council Chamber, County Hall, Durham on **Monday 7 June 2021 at 9.30 am**

Present:

Councillor D Brown (Chair)

Members of the Committee:

Councillors J Blakey, L Brown and D Stoker

Also Present:

C Hazell (Council's Solicitor)

H Johnson (Licensing Team Leader)

R Todd (Derwentside Hospice Care Foundation)

P Jackson (Chairman of the Board of Trustees at Willow Burn Hospice)

1 Apologies for Absence

There were no apologies for absence.

2 Substitute Members

There were no substitute Members in attendance.

3 Declarations of Interest

There were no declarations of interest.

4 Minutes

The minutes of the meetings held on 1 and 23 March 2021 were agreed as a correct record and signed by the Chair.

5 Application for the Grant of a Premises Licence - Willow Burn Hospice, Howden Bank, Lanchester

The Chair welcomed everyone to the meeting and introductions were made.

The Chair then 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 Willow Burn Hospice, Howden Bank, Lanchester (for copy of report, see file of minutes).

A copy of the application and location plan had been circulated together with details of the representations received.

Additional information received from 'Other Persons' and a revised location plan showing the proximity of the residents' homes to the hospice had also been circulated to all parties prior to the meeting.

The Licensing Team Leader was in attendance to present the report and outlined the recommendations contained in the report.

In response to a question, the Licensing Team Leader clarified that Ms Henderson, an objector, had been in touch and asked what an event actually is and that she would not object to alcohol being sold at weekends.

The Applicant was invited to address the Sub-Committee and Mr Jackson, Chairman of Willowburn Hospice explained that a hospice was a special place for people with palliative care needs who were very ill. Their aim and objectives were always to care for their patients and their families and put those people first.

The Application for a premises licence was to allow a more social environment in their new café. The events would be for raffles and fund raising and they would be done discretely and quietly so as not to upset any of the families or patients.

Ms Todd, Marketing and Communications Manager then addressed the Sub-Committee and stated that the hospice had been serving the population of Derwentside for over 30 years, caring for people at end of life and were a special place at the heart of the community. They provided in patient care but also day services and family bereavement and were a valued place in the community.

The hospice costs £1.2 million per year to fund their services and the hospice only received 40% of that from government. The hospice needed to raise funds and over the years they had been really humbled by the support they

had been shown by the community who had donated, volunteered, fundraised and so much more. It was, however, their responsibility to ensure that they were sustainable and were exploring a number of opportunities to develop income streams and engage with the community and give something back to the community.

Willowburn Hospice had recently undergone redevelopment and a brand new facility was opened in 2018, that was designed to establish the hospice as a community hub. People were welcomed and encouraged to access their services and as part of this they aimed to break down the barriers and the misconceptions of what hospice care was and promote living well with illness and help people make the most out of their lives and enjoy the time they have and the time they have with their families.

The key to this was the facilities that the hospice had and the opportunities they gave them to develop within the scope of their mission. Willows café was one of the facilities that they were gifted as part of the new build of the hospice and was an extension of the café they previously had in their old day care centre that provided a central hub for patients, their families and the community to meet. The café also helped the charity to be more sustainable and to generate an income without relying so heavily on donations from the community, who do not see a return.

The Premises Licence would allow them to develop the income stream as it would allow them to offer more choice to customers and an enhanced experience. They would offer afternoon teas where they might be able to offer prosecco or an alcoholic beverage with a meal. If a patient wanted to hold a wedding celebration the licence would allow this. The social occasions would not be disrespectful to patients, their families or neighbours.

In submitting their application, they had listened to feedback from residents and responsible authorities and had amended the original application accordingly. They had worked really hard to have good relations with their neighbours and were excited by the new housing estate as they had been on their own for some time and were pleased to be part of that community. They had offered the use of their garden during the pandemic and invited the community to the café and delivered Christmas cards and tried to bring them into their community. They were thankful for the support they had received from their neighbours; however, they were disappointed and saddened that these objections questioned their duty of care and integrity. They did not intend to hold beer festivals they were just talking afternoon teas and events that would be enjoyable for their patients and their families. They did not intend to hold large events and their patients came first and their families and they did not want to cause any disruption or hurt to anyone.

Councillor L Brown asked how close the licensed area would be to residents and if the garden was secure. She suggested that if residents were worried about noise could plant screening be installed as well as fences.

In response, Ms Todd confirmed that the newest house was approximately 100 yards from the front of the hospice but the garden that would be used for events was to the rear of the hospice. She indicated that recently, one of the houses was having works done to it with a radio playing outside and this radio could be heard at the front of the hospice but not at the back of the hospice. No events would be hosted at the front of the hospice.

Ms Todd indicated that the hospice had a great volunteering garden team and if they could assist by installing plant screening, they would be more than happy to do this.

Councillor Blakey sought clarification if the alcohol licence was for all year.

Ms Todd confirmed that the café would have a small selection of alcohol on offer, but they did not have the storage facilities to stock large quantities of alcohol.

In response to a question from Councillor Stoker, Ms Todd confirmed that they had spoken to their neighbours regularly, in particular those who had made representations on the application. They had also spoken to residents who wanted to find out more before they made representations and were satisfied with what the hospice were doing. She thought that residents were concerned about the possibility of the hospice not being there anymore and the licence staying with the property, they had been at the premises for over 30 years and had invested millions of pounds in a new building and were there to stay.

In response to a question from the Chair, Mr Jackson confirmed that the hospice was almost 35 years old and had been in the same location. It was part of the Maiden Law Hospital complex that closed around 30 years ago and the site had recently been developed into a housing estate. Customers to the café had commented on how tranquil the area was.

Ms Todd then confirmed that the total capacity of the café was 30 people inside and 20 people outside, but this was currently reduced due to the pandemic.

The café was not the hospice's main source of income, but they wanted to use it early evening and at weekends to allow people to use it and also extend their reach into the community.

The Chair asked what type of outdoor events they proposed hold on the 12 occasions.

Ms Todd responded that the majority of the outdoor events would be the likes of a Christmas fayre, sales and events for children. With regard to live music, they would like to get a singer to entertain people who would be having afternoon tea in the garden. Ms Todd advised that the Beer festival that had been mentioned was to be held at Lanchester Cricket Club and they would not be holding it at the hospice site. This would not be feasible at the site and they did not have a large events team and partnered up with other venues events team.

The Council's Solicitor referred to the yellow area shown on the circulated plan and sought clarification on this area. Mr Jackson confirmed that it was the lowest part of the garden and was the furthest away from any residential dwellings. The area was remote that was flat with seating and was sheltered by the building so any noise would be limited.

Ms Todd referred to the 20 seats outside the café that would also be utilised during any events.

Following a further question from the Council's Solicitor, Ms Todd confirmed that the hospice had 30 parking spaces with additional disabled parking spaces to the front of the building. Previous events had been invitation only or ticketed to allow them to ensure that there were sufficient parking spaces. With regard to litter, events would usually be tied to the café and they had volunteers and staff to clear up any litter.

All parties were invited to sum up.

The Licensing Team Leader had nothing further to add and reminded members of the options that were contained in the report.

Mr Todd confirmed that the application was to expand their services in a modest way and to make it more sociable with small numbers and groups and was nothing to be alarmed about.

The Chair thanked everyone for their attendance and at 10.10 am the Sub-Committee Resolved to retire in private to deliberate the application.

Councillors D Brown, Blakey and Stoker 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 representations of Responsible Authorities and '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 application be granted subject to the conditions that are consistent with the operating schedule and those that had been mediated with Durham Constabulary and Environmental Health. One further condition was added to require the Applicant to notify the Licensing Authority before events are to be held.

Licensable Activity	Days and Hours
Supply of alcohol (consumption on and off the premises)	<p>Monday-Wednesday 09:00-21:00 hours</p> <p>Thursday-Saturday 09:00-22:00 hours</p> <p>Sunday – 09:00-21:00 hours</p> <p>Alcohol sales prior to 11:00 hours to be off sales only in sealed containers</p>
Live music (indoors and outdoors)	<p>Monday-Sunday (including New Year's Eve) 10:00-21:00 hours</p> <p>Maximum of 15 total events per year (indoors or outdoors)</p> <p>No more than 12 outdoor events in any calendar year and no events are to occur on consecutive 24 hour days.</p>
Recorded music (indoors)	<p>Monday-Sunday (including New Year's Eve) 08:00-23:00 hours</p>
Recorded music (outdoors)	<p>Monday-Sunday (including New Year's Eve) 08:00- 21:00 hours</p> <p>Maximum of 15 total events per year (indoor or outdoor)</p> <p>No more than 12 outdoor events in any calendar year and no events are to occur on consecutive 24 hour days.</p>
Open to the public	Monday-Sunday – 00:00-00:00 hours

The follow conditions are to be included in the licence:

The Prevention of Crime and Disorder

- 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 has been sold.
- CCTV recordings will be retained for a minimum of 28 days.
- The premises License 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 licensed 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 the police or authorised officers of the council on request.

Protection of children from harm:

- The premises shall operate the Challenge 25 Scheme. As part of such a scheme a register of refusal shall be maintained and kept up to date. The register will be available for immediate inspection by police or authorised officers of the council.
- Children under the age of 18 will not be allowed entry to or remain in the bar areas after 2100 hours.

Prevention of public nuisance:

- No waste, including empty bottles, shall be placed in outdoor waste receptacles between 2200 hours and 0800 hours on any 24 hour day.
- The Licence Holder is to notify the Licensing Authority when events are to take place, at least 10 working days before an event.

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DURHAM COUNTY COUNCIL

At a Meeting of **Statutory Licensing Sub-Committee** held in Council Chamber, County Hall, Durham on **Monday 7 June 2021 at 1.30 pm**

Present:

Councillor D Brown (Chair)

Members of the Committee:

Councillors J Blakey and L Brown and D Stoker

Also Present:

Helen Johnson – Licensing Team Leader
Sarah Grigor – Solicitor, DCC
Victoria Walton – Applicant
Sarah Blackburn – Village Hall Association Secretary
Mark Newby – other person
Craig Bottomley – other person
Sean Quinn – other person

1 Apologies for Absence

There were no apologies for absence.

2 Substitute Members

There were no substitute Members.

3 Declarations of Interest

There were no declarations of interest.

4 Application for the Grant of a Premises Licence - Quaking Houses Village Hall, Second Street, Quaking Houses, Stanley

Consideration was given to the report of the Licensing Team Leader regarding an application for the grant of a Premises Licence in respect of Quaking Houses Village Hall, Second Street, Quaking Houses.

A copy of the application and supporting information had been circulated to all parties. The Licensing Team Leader presented the report, and questions were invited of the Officer.

Mr Newby, other person asked about the location of the marquee, and was informed by the applicant that this was not a permanent structure and would be hired in for events following consultation with DCC Safety Advisory Group.

Mr Quinn, other person asked if a feasibility study of vehicles parked in the back lane had been carried out. Reference was also made that the car park was very small and vehicles parked on land that was used by children for playing.

The Solicitor, DCC reminded all parties that this was an opportunity to ask questions of the presenter, not to make statements.

The Chair invited the objectors to address the Sub-Committee.

Mr Newby stated that access along the lane was already difficult for residents and emergency vehicles. Because of parking outside residents' homes, access was very tight and if the road usage increased the problems would be exacerbated.

He asked where the car park would be located as there was a play area in the vicinity.

In terms of noise he appreciated that there had been some concession but he felt that this did not go far enough to protect people from harm caused by noise.

Mr Newby also referred to the safeguarding obligations of the applicant, citing an occurrence at a youth group when parents weren't asked about any allergies their children had.

Mr Bottomley was invited to speak and stated that Mr Newby had addressed his concerns.

Mr Quinn stated that he had a works vehicle and was concerned that if access was blocked by vehicles attending the premises, it may prevent him from getting to work. He felt that the peace and quiet in the village would be spoilt if the application was granted. The village had a long back lane of half a mile and noise was not an issue they had to live with now but may have to. There was already a perfectly good club in the village.

He was not against people having a good time. Anti-social behaviour closely followed alcohol consumption. In conclusion he stated that access in and out of the village was his main concern.

Questions were invited of the objectors. The applicant stated that she had no questions but would take on board the safeguarding comment of Mr Newby with the youth worker.

Councillor Blakey asked what the traffic was like when the village hall was currently in use.

Mr Newby replied that it was very tight with vehicles parked on both sides of the lane. There were problems for emergency vehicles and quoted an incident where fire and ambulance vehicles had struggled to attend an incident on the Fell. The houses in the village weren't built to accommodate two cars per dwelling. When exercise classes had been held in the hall prior to the pandemic, there had been inconsiderate parking by the hall users on Council-owned land.

The Solicitor, Sarah Grigor reminded all parties to focus on licensing issues.

At this point the applicant was invited to address the Sub-Committee. Victoria Walton stated that the purpose of the application was to be able to offer additional events in the community. There would not be an open bar, being used only during functions. The venue would continue to be used as a village hall. They hoped to host one function per month indoors, such as pie and pea suppers and race nights.

In terms of parking on the playing field, she advised that there were five fields in the locality so even if one was used for parking there would be lots of space for children to play. She had submitted an expression of interest to DCC to address the problems of parking and were awaiting an outcome.

Questions were invited of the applicant.

Mr Quinn referred to a 100th birthday party in the hall the previous year when half the hall was filled and it had taken him 20 minutes to leave his home as people were leaving the function. When the Zumba club met he had to time when he came home or left home to avoid the traffic. It was an extremely long back lane and there would be a bottleneck. The village was already catered for and did not need a further 18/20 events.

Mr Newby referred to the safeguarding issue, DBS checks of hirers and non-compliance of covid restrictions, and was reminded that these were not matters for determination by the Sub-Committee.

Councillor L Brown asked the capacity of the premises and the number of events proposed in a year. The applicant responded that the Fire Officer had stated a capacity of 309 standing and 210 at a dining event, however these numbers weren't expected. They had 8-10 ideas for evening events and there would be an opportunity to hire the hall for private functions but realistically she could not envisage more than one or two functions per month.

Following a question from the Chair, the Sub-Committee was informed that the hall was managed by 9 Committee members and 4 volunteers, and was a charity. The Chair also queried the hours the hall was open to the public, noting it was from 6.00am to 11.30pm, and was informed that the hall was sometimes hired to private exercise groups who held early morning classes.

Councillor Stoker referred to access for emergency vehicles and the extent of any difficulty they had in getting to the hall. The applicant advised that the village was one way in and one way out. Cars parked either side of the street. The village hall was off a side street opposite Second Street which had no parking problems, and although there had never been an emergency vehicle called to the hall, she did not envisage any issues with access. An emergency vehicle could get to the hall without problem.

The Licensing Team Leader asked how the applicant would manage to ensure that underage drinking did not occur when the hall was hired out for private functions, such as 18th or 21st birthday parties, and if there was a hire agreement and safeguards in place. The Officer was advised that there would be village hall staff operating the bar and they would operate Challenge 25. 18th and 21st birthday parties would not be held because of the risk of underage drinking, and they did not want the hassle. They expected that local residents would use the hall due to the isolated location of the village.

Mr Newby questioned the rationale of Miss Walton's statement regarding the parking on Second Street, which had off-street, in yard and on-street parking. The field was not a field for visitors to park safely, it was a place for children to play safely. It would be impossible to safely access the building and he reiterated his comments regarding safeguarding.

The applicant had been ambiguous stating that there would be six functions per year, more than six had been mentioned. He asked if key holders were checked, and in terms of opening at 6.30am for exercise classes, he asked if the applicant had assurances in place regarding first aid training and safeguarding.

The Licensing Team Leader clarified that a fitness class was not a licensable activity but for Mr Newby's benefit asked what measures were in place. The

applicant replied that when the hall was privately hired out users were required to sign a hire agreement, provide proof of professional accreditation insurance, and key holders had to have first aid training.

Mr Newby concluded by referring to the safeguarding matter and the covid non-compliance investigation which was ongoing; the applicant was not fit to hold a Premises Licence.

All parties were invited to sum up.

Mr Newby asked the Sub-Committee to take on board the comments made by the objectors.

The Chair thanked everyone for their attendance and **Resolved** to retire in private to deliberate the application. Councillors D Brown, 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, together with the written and verbal representations of the other persons. The Sub-Committee also took into account the written representations submitted in support of the application. 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 Activity	Days and Hours
Supply of Alcohol (consumption on the premises)	Monday to Thursday 08.00 to 23.00hrs Friday and Saturday 08.00 until 23.30 Sunday 09.00 to 23.00hrs An additional hour on New Year's Eve
Live Music, Recorded Music and anything of a similar description to music or dance (indoors)	Friday and Saturday 08.00 to 23.30 hrs An additional hour on New Year's Eve
Live Music and Recorded Music (outdoors)	No more than six events in any calendar year and no events are to occur on consecutive 24 hr days. Shall cease at 21.00 hrs on any night
Open to the public	Monday to Thursday 06.00 to

	23.30hrs Friday and Saturday 06.00 to 00.30hrs Sunday 08.00 to 23.30hrs An additional hour on New Year's Eve
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The Sub-Committee in addition agreed to accept the following conditions that were added following a mediation with Durham Constabulary:

- 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 will detail any incidents that occur at 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. All public areas will be covered, including entrances, exits and outside area.
- CCTV recordings will be retained for a minimum of 28 days.
- The premises will ensure that at least one trained member of staff is available to operate the system at all times the premises are open.
- 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 licensed 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.
- A notice must be displayed at all entrance and exit points asking patrons to be leave quietly

- Children under the age of 16 years must be accompanied and supervised at all times by a responsible adult.

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Statutory Licensing Sub-Committee

27th July 2021

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

Ordinary Decision



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

**Councillor John Shuttleworth, Cabinet Portfolio Holder for
Neighbourhoods and Local Partnerships**

Electoral division(s) affected:

Dawdon, Seaham

Purpose of the Report

- 1 The Sub-Committee is asked to consider and determine the application for the grant of a Premises Licence for Queens Chippy, 1 Queen Alexandra Road, Seaham, Co Durham SR7 7QY.
- 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 for Queens Chippy, Seaham and this was submitted to the Licensing Authority on 8th June 2021 by the applicant's agent, Mr Matt Foster of Mincoffs Solicitors on behalf of his client Mr Harpreet Singh.
- 4 The original application requested:
 - Late Night Refreshment (Indoors and Outdoors)
 - Monday to Sunday 23:00 hrs– 00:00 hrs

 - Supply of Alcohol (off sales)
 - Monday to Sunday 11:00 hrs until 00:00 hrs
- 5 During the consultation period, one objection was received by the Licensing Authority from Councillor Robert Arthur 'other person'.
- 6 On 1st July 2021 the applicant amended the application in an attempt to alleviate Councillor Arthur's concerns. The application was amended to:

- Remove late night refreshment entirely
- Only sell alcohol until 23:00 hrs ancillary to food with a minimum order of £5.00.

7 Mr Matt Foster and Councillor Arthur discussed the amendments and the application, however, Councillor Arthur did not feel this alleviated his concerns sufficiently to withdraw his objection and proceeded to a committee hearing.

8 Durham Constabulary, County Durham and Darlington Fire and Rescue Service, Durham County Council Environmental Health, Public Health and Planning Authority all replied to the consultation with no objections.

Recommendation(s)

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

10 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 6;
- (d) The Guidance issued to local authorities under Section 182 of the Licensing Act 2003 (as amended April 2018). The relevant parts of the guidance are attached at Appendix 7.

Background

11 Background information

Applicant:	Mr Harpreet Singh
New Premises Licence	Date received: 8 th June 2021
	Consultation ended: 5 th July 2021

Details of the application

12 An application for the grant of a new Premises Licence was received by the Licensing Authority on 8th June 2021. A copy of the application and subsequent amendments are attached at Appendix 3.

- 13 The application is deemed by the Licensing Authority to be correctly served and advertised in accordance with the Licensing Act regulations.
- 14 Following the applicant's amendments to the application, the revised activities/timings are now as follows:

Licensable Activity	Days & Hours
Supply of Alcohol (consumption off the premises)	Monday to Sunday: 11:00 to 23:00 hrs Ancillary to food with a minimum order of £5.00
Open to the public	Monday to Sunday: 11:00 to 23:00 hrs

- 15 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 form.

The Representations

- 16 During the consultation period, the Licensing Authority received one objection from the following:

- Councillor Robert Arthur (Other person)

- 17 The Licensing Authority deemed the objection/representation as relevant, relating to the following licensing objectives:

- Public Safety
- The Prevention of Public Nuisance

A copy of the objection/representation is attached at Appendix 4.

- 18 Responses were received from the following Responsible Authorities, in relation to the application:

- Durham Constabulary
- County Durham and Darlington Fire and Rescue Service
- Durham County Council Environmental Health
- Durham County Council Public Health
- Durham County Council Planning Department

Copies of these responses are attached at Appendix 5, for information purposes only.

The Parties

19 The Parties to the hearing will be:

- Mr Harpreet Singh (Applicant)
- Mr Matt Foster (Mincoffs Solicitors- Applicant's Agent)
- Councillor Robert Arthur (Other Person)

Options

20 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

21 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

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

See Appendix 1

Conclusion

- 23 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: Helen Johnson

Tel: 03000 265101

Appendix 1: Implications

Legal Implications

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

In this case it was summed up that:

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

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

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

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

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

Consultation

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

The Responsible Authorities were consulted on the application.

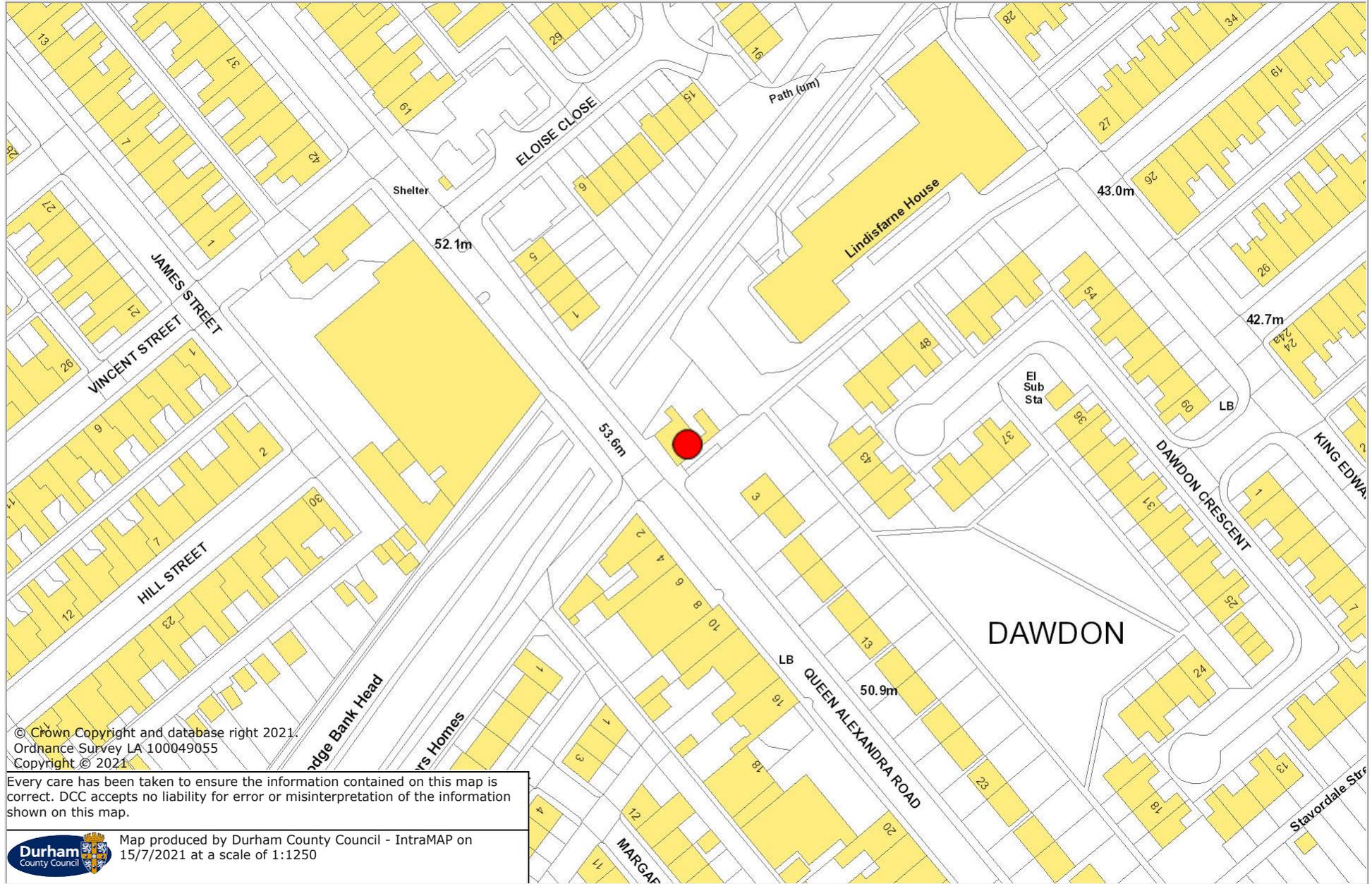
The notice of application was displayed on the premises for a period of 28 days.

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

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

Appendix 2: Location Plan

Durham County Council - IntraMAP



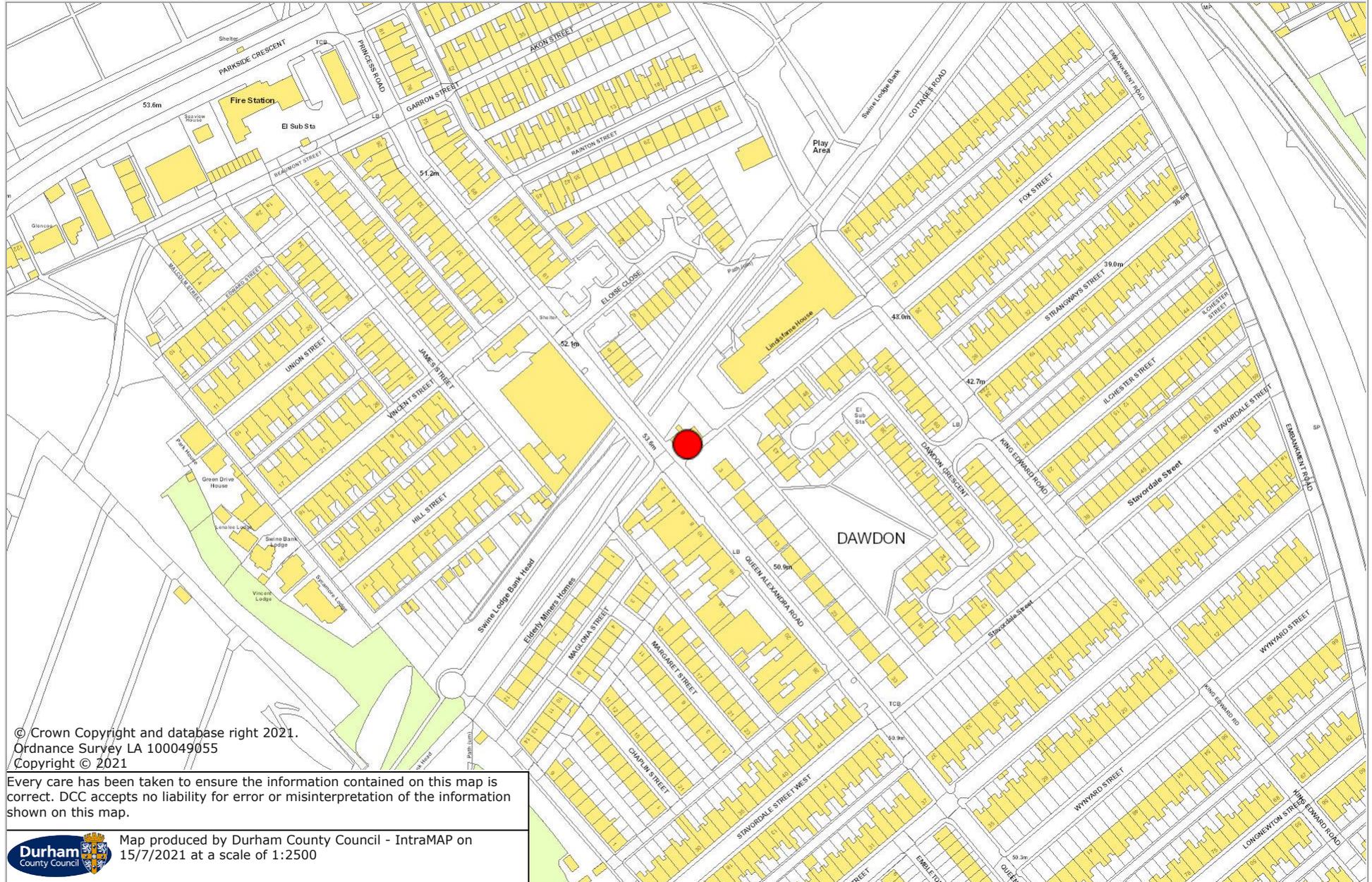
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Durham County Council - IntraMAP



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Appendix 3: Premises Licence Application and Amendments



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

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

Are you an agent acting on behalf of the applicant? Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

Yes No

Applicant Details

* First name

* Family name

* E-mail

Main telephone number Include country code.

Other telephone number

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

Is the applicant:

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

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

Continued from previous page...

Address

* Building number or name	<input type="text"/>
* Street	<input type="text"/>
District	<input type="text"/>
* City or town	<input type="text"/>
County or administrative area	<input type="text"/>
* Postcode	<input type="text"/>
* Country	<input type="text"/>

Agent Details

* First name	<input type="text" value="Matthew"/>
* Family name	<input type="text" value="Foster"/>
* E-mail	<input type="text"/>
Main telephone number	<input type="text"/>
Other telephone number	<input type="text"/>

Include country code.

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

Are you:

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

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

Agent Business

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

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

Registration number	<input type="text" value="OC307899"/>
Business name	<input type="text" value="Mincoffs Solicitors LLP"/>
VAT number	<input type="text" value="GB"/> <input type="text" value="177641918"/>
Legal status	<input type="text" value="Limited Liability Partnership"/>
Your position in the business	<input type="text" value="Partner"/>
Home country	<input type="text" value="United Kingdom"/>

If your business is registered, use its registered name.

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

The country where the headquarters of your business is located.

Continued from previous page...

Agent Registered Address

Address registered with Companies House.

Building number or name	<input type="text"/>
Street	<input type="text"/>
District	<input type="text"/>
City or town	<input type="text"/>
County or administrative area	<input type="text"/>
Postcode	<input type="text"/>
Country	<input type="text"/>

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	<input type="text" value="Queens Chippy"/>
Street	<input type="text" value="1 Queen Alexandra Road"/>
District	<input type="text"/>
City or town	<input type="text" value="Seaham"/>
County or administrative area	<input type="text" value="Co Durham"/>
Postcode	<input type="text" value="SR7 7QY"/>
Country	<input type="text" value="United Kingdom"/>

Further Details

Telephone number	<input type="text"/>
Non-domestic rateable value of premises (£)	<input type="text" value="3,950"/>

Section 3 of 21

APPLICATION DETAILS

In what capacity are you applying for the premises licence?

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

Confirm The Following

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

Section 4 of 21

INDIVIDUAL APPLICANT DETAILS

Applicant Name

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

- Yes No

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

First name

Family name

Is the applicant 18 years of age or older?

- Yes No

Continued from previous page...

Current Residential Address

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

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

Yes No

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Applicant Contact Details

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

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

Yes No

E-mail

Telephone number

Other telephone number

* Date of birth / /
 dd mm yyyy

* Nationality

Right to work share code

[Documents that demonstrate entitlement to work in the UK](#)
[Right to work share code if not submitting scanned documents](#)

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

Continued from previous page...

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

The premises specialises in fish and chips but does also offer a further range of takeaway options, including pizza's, kebab's and it will soon be adding Parmesans. The premises are typically open from 11:00 to 14:00 and then again opening from 16:00 to 23:00. The applicants wish to add the sale of alcohol for both orders in the shop and internet orders/phone orders placed for delivery. The desire to offer the sale of alcohol comes out of customers' requests for the service. Sales in the premises will take place from behind the counter, and there will be no alcohol available for customers to pick up on the customer side of the service area. Sales of alcohol will only be made to persons spending over £5.00 on food.

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

Section 11 of 21

Continued from previous page...

PROVISION OF RECORDED MUSIC

[See guidance on regulated entertainment](#)

Will you be providing recorded music?

- Yes No

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

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

Page 36

Start

End

Continued from previous page...

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.

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.

Section 15 of 21

SUPPLY OF ALCOHOL

Will you be selling or supplying alcohol?

- Yes No

Standard Days And Timings

Continued from previous page...

MONDAY

Start

End

Start

End

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

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

Will the sale of alcohol be for consumption:

- On the premises Off the premises Both

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

State any seasonal variations

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

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

Continued from previous page...

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 are

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?

- 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'.

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ADULT ENTERTAINMENT

Continued from previous page...

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

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

None

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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

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.

Continued from previous page...

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.

As per conditions attached

b) The prevention of crime and disorder

As per conditions attached

c) Public safety

As per conditions attached

d) The prevention of public nuisance

As per conditions attached

e) The protection of children from harm

As per conditions attached

Section 19 of 21

NOTES ON DEMONSTRATING ENTITLEMENT TO WORK IN THE UK

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.

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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.

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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 (£)

100.00

DECLARATION

[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

Matthew Foster

* Capacity

Applicant's Solicitor

Continued from previous page...

* Date

07	/	06	/	2021
dd		mm		yyyy

Add another signatory

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

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

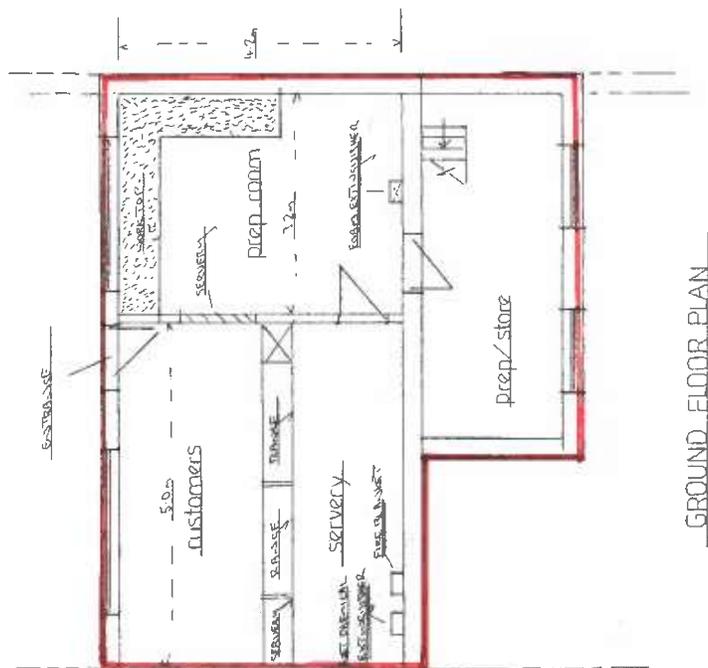
IT IS AN OFFENCE LIABLE TO SUMMARY CONVICTION TO A FINE OF ANY AMOUNT UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

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

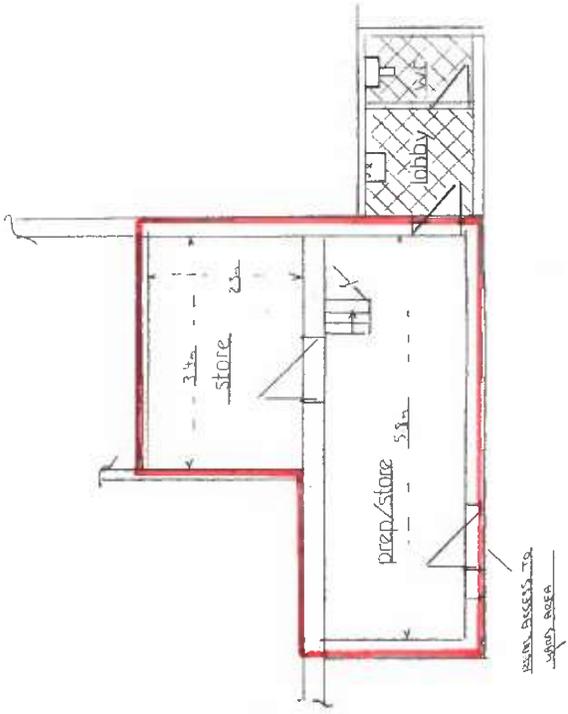
OFFICE USE ONLY

Applicant reference number	MEF/SIN207/2
Fee paid	
Payment provider reference	
ELMS Payment Reference	
Payment status	
Payment authorisation code	
Payment authorisation date	
Date and time submitted	
Approval deadline	
Error message	
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GROUND FLOOR PLAN



LOWER GROUND FLOOR

 LICENSED AREA

QUEENS/1 QUEEN ALEXANDRA ROAD, SEAHAM

SCALE 1:50

Premises: Queens Chippy, 1 Queen Alexandra Road, Seaham, County Durham, SR7 7QY

Applicant: Harpreet Singh

Hours and Activities:

Sale of Alcohol (off only) 11:00 to 00:00

Late Night refreshment 23:00 to 00:00

Opening 11:00 to 00:10

Operating Schedule

The premises is to trade as a takeaway, much in the same way it has previously but with the addition of alcohol. The applicant has operated premises in exactly the same elsewhere in Durham without any issues.

The premises specialises in fish and chips but does also offer a further range of takeaway options, including pizza's, kebab's and it will soon be adding Parmesans. The premises are typically open from 11:00 to 14:00 and then again opening from 16:00 to 23:00. The applicants wish to add the sale of alcohol for both orders in the shop and internet orders/phone orders placed for delivery. The desire to offer the sale of alcohol comes out of customers' requests for the service.

Sales in the premises will take place from behind the counter, and there will be no alcohol available for customers to pick up on the customer side of the service area. Sales of alcohol will only be made to persons spending over £5.00 on food.

Delivery of takeaways currently takes place mostly by orders placed over the internet from 'JustEat' or 'Hungry House'. The addition of alcohol will not change that process. Alcohol will be available to order online in the same way as food. There will be a limited offering, otherwise it would overly complicate the online menu. Orders of alcohol will only be permitted to persons who are spending over £5.00 on a food order. Persons purchasing alcohol online will be informed of the Challenge 25 policy operated by the premises and the terms upon which the order is placed.

Drivers will be trained in line with the offered conditions in relation to the licensing act, challenge 25 and the circumstances in which a refusal must be made. All orders for delivery will be paid by card, either over the phone or via the internet. Therefore, drivers will not carry

cash and no additional alcohol orders can be placed when a driver arrives to deliver. Drivers will not carry spare or additional stock, only items ordered by the customers.

Shop Conditions

1. The sale of alcohol at the premises or for delivery will only be to customers spending a minimum of £5.00 on food.
2. All alcohol sold will be in sealed containers and there will be no sale of alcohol for consumption on the premises.
3. All alcohol stored on the premises will be located behind the sales counter, which is not accessible by the general public.
4. CCTV will be installed and maintained in good working order with recordings stored for a minimum of 28 days. The system will incorporate a 'Battery Back -up' system to enable 24hr continuous recording in case of any power blackout / failure. The premise will ensure that at least one trained member of staff is available to operate the system and to download any images requested by an authorised officer upon lawful request.
 - i. Notices will be clearly displayed at the entrance and around the premise stating CCTV is in operation.
 - ii. The premises will provide suitable devices (USB or discs) for the storage of downloaded images and these devices will be securely stored. These devices will be made available to Responsible Authorities on lawful request.
5. The premises will operate Challenge 25, and all members of staff will be trained to recognise the allowable forms of identification
6. Staff training will be carried out and recorded in a training file. It shall include the staff's responsibilities under the licensing act 2003 and also highlight the dangers of proxy purchasing. Such training will be refreshed every 12 months and shall be available for inspection at any reasonable time by an authorised officer of the council or a police employee.
7. The premise will maintain an incident book and record all instances of disorder both inside and directly outside the premise. This documentation will be held 'on-site' and made available to Responsible Authorities on lawful request.
8. Authorised staff employed by Durham Police shall have free access to all parts of the licensed premises, at all reasonable times, for the purpose of inspection to ensure compliance with the terms and conditions of the premises licence and to ensure the promotion of the licensing objectives.

9. The premises shall operate a refusals register, which may be in written or digital format. It shall contain details of alcohol refusals and include any instances of refusals as a result of suspected proxy purchasing (where an adult is suspected of purchasing alcohol for under 18's). It shall be available for inspection by the Police, Trading Standard or the Licensing Authority upon lawful request.

Delivery Conditions

1. Delivery drivers will be trained in relation to their responsibilities under the Licensing Act 2003 and the licensing objectives. Such training will be documented.
2. At the time the order is placed a declaration will be required from the person placing the order that they are over 18 years of age and the recipient of the delivery may be required to provide ID in line with Challenge 25.
3. Challenge 25 – If the driver considers the recipient of the alcohol appears under 25, recognised photographic identification is to be requested before any alcohol is handed over.
4. Acceptable proof of age shall include identification bearing the customer photograph, date of birth and integral holographic mark or security measure. Suitable means of identification would include PASS approved proof of age card, photo-card driving licence and passport. If no ID is provided when required there will be no delivery.
5. Delivery will be refused if the driver believes that alcohol is being purchased on behalf of another person under the age of 18 years. Where a refusal has taken place, the customer will be informed of our refund policy and monies will be returned. This refund will only apply to the alcohol. Food will still be charged. A record of the refusal will be recorded.
6. Payments will only be taken by debit or credit card, and no payment is to be taken by the drivers direct. As a result the drivers will not carry any cash. Customers will not be permitted to increase their alcohol order on delivery as a result. Signs will be placed on delivery vehicles to advertise this fact.
7. Alcohol can only be delivered to a residential or business address, and not to a public place.
8. Alcohol will only be delivered to the person who placed the order and whose name appears on the credit/debit card.

AMENDMENTS TO PREMISES LICENCE APPLICATION FOR QUEENS CHIPPY SEAHAM

Good Morning Karen,

I have considered Cllr Arthur's comments and I have taken my clients instructions. To me this seems to be an issue in regard to hours, given that sale of hot food is not licensable before 23:00. So, regardless of this premises licence application my client can still operate till 23:00 with the sale of hot food, since it's not licensable before 23:00.

We obviously need a premises licence for the sale of alcohol, and for hot food after 23:00. I think its arguable that the sale of alcohol up to 23:00 will have no impact, since its ancillary to the purchase of food anyway (minimum of £5.00 spend – see conditions attached) and could only be provided to customers purchasing food.

Having taken my clients instructions, he would be prepared to cut the hours back to 23:00. This would involve removing late night refreshment entirely and reducing the hours for alcohol by one hour. I'd reiterate that alcohol can only be sold as ancillary to the purchase of food to a value of at least £5, so it's not like an unrestricted off licence, although obviously we would have off sales.

I would be more than happy to discuss this with Cllr Arthur, and if you want to give him my mobile its

Kind regards,

Matt

Appendix 4: Representation

From: Robert Arthur
Sent: 17 June 2021 10:04
To: AHS Licensing <Licensing@durham.gov.uk>
Subject: Queens Chippy

I object strongly to the application of supply of alcohol at the mentioned premises and also to the hours stated. I am unaware of Fish Shops selling alcohol and up to midnight and this establishment has licensed properties a 100m north and south of it on the same road, plus Queen Alexandra Road has on one side of it single storey cottages mainly occupied by elderly residents who would not appreciate the probability of late night disturbance . Thank You

Regards Bob Arthur Seaham Town Councillor

From: Robert Arthur
Sent: 29 June 14:30
To: Karen Robson
Subject: Queens Chippy

Hi Karen

In respect of Prevention of Public Nuisance this application being up to midnight every day surely brings into the category of litter,noise from voices and vehicles, this concerns me as i previously stated the street of houses mainly occupied by senior citizens is so close. Queens Chippy is on a slight incline with double yellow lines covering the shop front which i have witnessed causing congestion on a busy road.

Regards Robert Arthur Seaham Town Councillor

From: Robert Arthur
Sent: 05 July 2021 12:18
To: Karen Robson <Karen.Robson2@durham.gov.uk>
Subject: Re: Objection to Queens Chippy Seaham - Proposed mediation

Hi Karen,

I do not want to withdraw my objection, i represent large numbers of citizens some of which have shown great concern for this proposal,

plus my own fears of which i sent to you.

Regards Councillor Bob Arthur

On Thu, Jul 1, 2021 at 10:41 AM Karen Robson <Karen.Robson2@durham.gov.uk> wrote:

Cllr Arthur

The applicant's agent has considered your objection and has a proposal below which he hopes may alleviate some concerns. Please let me know your thoughts and whether or not you wish to withdraw your objection.

Regards, Karen

Karen Robson

Senior Licensing Officer

From: Matt Foster

Sent: 01 July 2021 10:37

To: Karen Robson <Karen.Robson2@durham.gov.uk>

Subject: RE: Objection to Queens Chippy Seaham - Proposed mediation

IMPORTANT: This email and its content are subject to the legal notices at the bottom of the email. You must read these carefully before reading the email or opening any attachments.

Good Morning Karen,

I have considered Cllr Arthur's comments and I have taken my clients instructions. To me this seems to be an issue in regard to hours, given that sale of hot food is not licensable before 23:00. So, regardless of this premises licence application my client can still operate till 23:00 with the sale of hot food, since it's not licensable before 23:00.

We obviously need a premises licence for the sale of alcohol, and for hot food after 23:00. I think its arguable that the sale of alcohol up to 23:00 will have no impact, since its ancillary to the purchase of food anyway (minimum of £5.00 spend – see conditions attached) and could only be provided to customers purchasing food.

Having taken my clients instructions, he would be prepared to cut the hours back to 23:00. This would involve removing late night refreshment entirely and reducing the hours for alcohol by one hour. I'd reiterate that alcohol can only be sold as ancillary to the purchase of food to a value of at least £5, so it's not like an unrestricted off licence, although obviously we would have off sales.

I would be more than happy to discuss this with Cllr Arthur, and if you want to give him my mobile its

Kind regards,

Matt

Appendix 5: Responses from Responsible Authorities

From: Emily Dodd
Sent: 24 June 2021 16:23
To: Kelly Watson - Licensing Assistant (N'hoods)
Subject: FW: NEW PREMISES LICENCE APPLICATION RECEIVED - Queens Chippy - 1 Queen Alexandra Road, Seaham, Co Durham, SR7 7QY
Attachments: PLAN.pdf; Application .pdf; DPS Consent .pdf; Operating Schedule and Conditions.docx

Hi Kelly

Durham Constabulary have no objections to this application.

Kind regards,

Emily Dodd
Licensed Economy Team Clerical Officer
Durham Constabulary

If you are deaf, hard of hearing or speech impaired you can textphone 18001 101.

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: 10 June 2021
This matter is being dealt with by: Julie Knox

Our Ref: 2A50270015
Your Ref: 479327

Dear Kelly,

Licensing Act 2003
Regulatory Reform (Fire Safety) Order 2005
Queens Chippy, 1 Queen Alexandra Road, Seaham, SR7 7QY

I acknowledge your application dated 7 June 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

Jknox

Julie Knox
Fire Safety Section



www.ddfire.gov.uk

MEMO



To: Ms Kelly Watson
Licensing Services

From: Mr John S Hayes
Neighbourhoods and Climate Change

Date: 9 June 2021

Re: **Licensing Application New premises application**
Queens Chippy, 1 Queen Alexandra Road Dawdon Seaham SR7 7QY

With reference to the above licensing application received on 8 June 2021.

I have assessed the application with reference to the prevention of public nuisance licensing objective and would confirm I have no objection to raise in relation to the granting of the above new premises licence application.

LS.

LS.
/ John Scott Hayes MCIEH
Principal Public Protection Officer
Community Protection Service

From: Public Health
Sent: 09 June 2021 10:00
To: Helen Johnson - Licensing Team Leader (N'hoods)
Cc: Kelly Watson - Licensing Assistant (N'hoods); AHS Licensing
Subject: RE: NEW PREMISES LICENCE APPLICATION RECEIVED - Queens Chippy - 1 Queen Alexandra Road, Seaham, Co Durham, SR7 7QY

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Colleagues,

I represent the County Durham Public Health which is a responsible authority under the licensing act. I have received a copy of the application for a premises licence at Queens Chippy - 1 Queen Alexandra Road, Seaham, Co Durham, SR7 7QY

Public Health believes the applicant approaches this application as a responsible licensee and we will be writing to them to consider implementing the following actions:

Off license

- Chief Medical Officer (CMO) guidance on alcohol related health is displayed in at least one prominent point on the shop floor or point of sale. (We will supply the information in a A4 / A5 poster / point of sale)
- Unit information is displayed in the alcohol aisle
- Alcohol will not be displayed adjacent to, or beside products aimed at children.

Restaurants or food offer in on-license premises

- Menu to display calories per portion information for all food offers (effective from the next reprint of menu).
- 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 from food and drink, men should aim for 2,500 calories to maintain a healthy weight).
- Menu to display food allergen information and comply with food labelling guidance (www.gov.uk/food-labelling-and-packaging)
- Menu to offer smaller / half portions (this doesn't have to be half price)
- Salt and pepper (& other condiments) available upon request rather than always on the table.

Late night refreshment

- Menu or point of sale to display calories per portion information for all food offers (effective from the next reprint of menu if appropriate).
- Menu or point of sale to offer at least one clear and stated, 'healthy option' and to be priced competitively.
- Menu or point of sale to display recommended daily calorie limits for adults (For women the recommended limit is 2,000 calories a day from food and drink, men should aim for 2,500 calories to maintain a healthy weight).
- Menu or point of sale to display food allergen information and comply with food labelling guidance (www.gov.uk/food-labelling-and-packaging)
- Menu or point of sale to offer smaller / half portions (this doesn't have to be half price)
- Salt and pepper (& other condiments) available upon request rather than always on the counter or dispensers designed in such a way as to not over dispense.

These suggestions are based on local consultation with partners and Public Health England in an effort to raise the health intelligence of individuals and to contribute to the health of our communities and to reduce the impact of alcohol health harms. All suggested actions are included in the County Durham Statement of Licensing Policy 2019/24.

My Ref: PH/2021/055

Kind Regards,

Emily Coleby

**Business Support Apprentice – Public Health Team
Procurement, Sales and Business Services in Resources
Durham County Council
County Hall,
Durham,
DH1 5UJ**

Contact: Michelle Hurton
Direct Tel:
email:
Your ref:
Our ref: CON28/21/02171



Kelly Watson

29th June 2021

Dear Kelly Watson

Town and Country Planning Act 1990 (as amended)

Proposed New Premises Licence
At Queens Chippy 1 Queen Alexandra Road Dawdon Seaham SR7 7QY
For Kelly Watson

A consultation has been forwarded on to the Local Planning Authority regarding the New Premises Licence.

It is considered that there are no planning implications as the licence does not require any external changes to the building or changes to the use of the building.

Therefore, there are no concerns from a planning point of view.

Yours sincerely

Michelle Hurton
Planning Officer

Regeneration, Economy and Growth

Durham County Council, Planning Development (Central East), Room 4/86-102, County Hall,
Durham, DH1 5UL

**Appendix 6: Statement of Licensing Policy &
Framework of Hours**

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.

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 7: Section 182 Guidance

Public safety

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

Ensuring safe departure of those using the premises

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

Maintenance and repair

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

Safe capacities

- 2.12 “Safe capacities” should only be imposed where appropriate for the promotion of public safety or the prevention of disorder on the relevant premises. For example, if a capacity has been imposed through other legislation, it would be inappropriate to reproduce it in a premises licence. Indeed, it would also be wrong to lay down conditions which conflict with other legal requirements. However, if no safe capacity has been imposed through other legislation, a responsible authority may consider it appropriate for a new capacity to be attached to the premises which would apply at any material time when the licensable activities are taking place and make representations to that effect. For example, in certain circumstances, capacity limits may be appropriate in preventing disorder, as overcrowded venues can increase the risks of crowds becoming frustrated and hostile.
- 2.13 The permitted capacity is a limit on the number of persons who may be on the premises at any time, following a recommendation by the relevant fire and rescue authority under the Regulatory Reform (Fire Safety) Order 2005. For any application for a premises licence or club premises certificate for premises without an existing permitted capacity where the applicant wishes to take advantage of the special provisions set out in section 177 of the 2003 Act¹, the applicant should conduct their own risk assessment as to the appropriate capacity of the premises. They should send their recommendation to the fire and rescue authority which will consider it and decide what the “permitted capacity” of

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

those premises should be.

- 2.14 Public safety may include the safety of performers appearing at any premises, but does not extend to the prevention of injury from participation in a boxing or wrestling entertainment.

Public nuisance

- 2.15 The 2003 Act enables licensing authorities and responsible authorities, through representations, to consider what constitutes public nuisance and what is appropriate to prevent it in terms of conditions attached to specific premises licences and club premises certificates. It is therefore important that in considering the promotion of this licensing objective, licensing authorities and responsible authorities focus on the effect of the licensable activities at the specific premises on persons living and working (including those carrying on business) in the area around the premises which may be disproportionate and unreasonable. The issues will mainly concern noise nuisance, light pollution, noxious smells and litter.
- 2.16 Public nuisance is given a statutory meaning in many pieces of legislation. It is however not narrowly defined in the 2003 Act and retains its broad common law meaning. It may include in appropriate circumstances the reduction of the living and working amenity and environment of other persons living and working in the area of the licensed premises. Public nuisance may also arise as a result of the adverse effects of artificial light, dust, odour and insects or where its effect is prejudicial to health.
- 2.17 Conditions relating to noise nuisance will usually concern steps appropriate to control the levels of noise emanating from premises. This might be achieved by a simple measure such as ensuring that doors and windows are kept closed after a particular time, or persons are not permitted in garden areas of the premises after a certain time. More sophisticated measures like the installation of acoustic curtains or rubber speaker mounts to mitigate sound escape from the premises may be appropriate. However, conditions in relation to live or recorded music may not be enforceable in circumstances where the entertainment activity itself is not licensable (see chapter 16). Any conditions appropriate to promote the prevention of public nuisance should be tailored to the type, nature and characteristics of the specific premises and its licensable activities. Licensing authorities should avoid inappropriate or disproportionate measures that could deter events that are valuable to the community, such as live music. Noise limiters, for example, are expensive to purchase and install and are likely to be a considerable burden for smaller venues.
- 2.18 As with all conditions, those relating to noise nuisance may not be appropriate in certain circumstances where provisions in other legislation adequately protect those living in the area of the premises. But as stated earlier in this Guidance, the approach of licensing authorities and responsible authorities should be one of prevention and when their powers are engaged, licensing authorities should be aware of the fact that other legislation may not adequately cover concerns raised in relevant representations and additional conditions may be appropriate.

- 2.19 Where applications have given rise to representations, any appropriate conditions should normally focus on the most sensitive periods. For example, the most sensitive period for people being disturbed by unreasonably loud music is at night and into the early morning when residents in adjacent properties may be attempting to go to sleep or are sleeping. This is why there is still a need for a licence for performances of live music between 11 pm and 8 am. In certain circumstances, conditions relating to noise emanating from the premises may also be appropriate to address any disturbance anticipated as customers enter and leave.
- 2.20 Measures to control light pollution will also require careful thought. Bright lighting outside premises which is considered appropriate to prevent crime and disorder may itself give rise to light pollution for some neighbours. Applicants, licensing authorities and responsible authorities will need to balance these issues.
- 2.21 Beyond the immediate area surrounding the premises, these are matters for the personal responsibility of individuals under the law. An individual who engages in anti-social behaviour is accountable in their own right. However, it would be perfectly reasonable for a licensing authority to impose a condition, following relevant representations, that requires the licence holder or club to place signs at the exits from the building encouraging patrons to be quiet until they leave the area, or that, if they wish to smoke, to do so at designated places on the premises instead of outside, and to respect the rights of people living nearby to a peaceful night.