



Statutory Licensing Sub-Committee

Date Monday 4 October 2021
Time 9.30 am
Venue Council Chamber, County Hall, Durham

Business

Part A

Items which are open to the Public and Press

1. Apologies for Absence
2. Substitute Members
3. Declarations of Interest (if any)
4. Minutes of the Meetings held on 15 July 2021, 27 July 2021 and 31 August 2021 (Pages 3 - 20)
5. Application for the Grant of a Premises Licence - Brewdog, Unit 6, The Waterside, Milburngate, Durham (Pages 21 - 80)
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
24 September 2021

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

Councillors L Brown, C Hampson, I McLean, R Potts and
M Wilson

Contact: Jill Errington

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DURHAM COUNTY COUNCIL

At a Meeting of **Statutory Licensing Sub-Committee** held in Council Chamber, County Hall, Durham on **Thursday 15 July 2021 at 9.30 am**

Present:

Councillor D Stoker (Chair)

Members of the Committee:

Councillors I McLean, R Potts and M Wilson

Also Present:

Helen Johnson – Licensing Team Leader

Stephen Buston – Legal Adviser, DCC

Paul Clarke – Legal Representative – Durham Constabulary

Sgt Caroline Dickenson

PC Iain Robertson

1 Apologies for Absence

Apologies for absence were received from Councillors A Batey and L Brown.

2 Substitute Members

Councillor Marion Wilson substituted for Councillor Alison Batey.

3 Declarations of Interest

There were no declarations of interest.

4 Minutes

The Minutes of the meeting held on 10 June 2021 were agreed as a correct record and were signed by the Chair.

5 Application for the Grant of a Premises Licence - AS Cafe, Communal Rooms, Crookgate, Burnopfield

Stephen Buston, Legal Adviser to the Sub-Committee referred Members to the papers for the hearing which noted that the applicant had informed the Licensing Officer that she did not want to attend the hearing and had confirmed that the application be considered in her absence.

In view of this Members were asked to consider whether the hearing should go ahead in the absence of the applicant.

As consideration of the application had been adjourned on 10 June 2021 to allow the applicant to make arrangements to attend, and as written confirmation had been received from her that the application be considered in her absence, the Sub-Committee decided that the hearing should proceed.

The Sub-Committee considered the report of the Licensing Team Leader regarding the application for the grant of a Premises Licence in respect of AS Café, Communal Rooms, Burnopfield (for copy see file of Minutes).

A copy of the application and supporting documentation had been circulated to all parties. At the request of the applicant, the Licensing Team Leader read out the statement provided by her which was also included within the hearing papers at Appendix 3.

Paul Clarke addressed the Sub-Committee on behalf of Durham Constabulary. He commenced by stating that the Police considered that the application should be rejected. The grant of a Premises Licence was a privilege, not a right and the fact that the applicant had failed to attend on two occasions showed disrespect. Members did not have an opportunity to ask questions of the applicant. In respect of the applicant's statement, Bar Luxe was the only evidence Members had of how she had managed premises previously, and there had been crime and disorder associated with those premises. He accepted that a past mistake should not necessarily prevent a person from obtaining a premises licence in the future, however this was the applicant's opportunity to prove that she was a fit and proper person, and to demonstrate what steps she had taken in the meantime to learn from the mistakes she had admitted she had made in respect of Bar Luxe.

The premises were small and located on a major A road. Burnopfield wasn't a village where there was a high amount of crime and disorder, but whenever there was alcohol involved, the risk of alcohol related anti-social behaviour increased.

In terms of the licensing objectives the premises was very small with very little space to the front. The café had a number of good reviews in its current

form but there had been an incident outside the premises, and adding alcohol could cause public safety issues.

In terms of the licensing objective prevention of public nuisance, the premises were located on the edge of a housing estate and there were no measures included to prevent the local community being impacted by this business. There was a risk that children could come into contact with intoxicated people.

Sgt Dickenson stated that when the application had been submitted the premises was described as a busy, family-orientated café, serving afternoon tea which was greatly complimented by a glass of prosecco. At 01:00 hours, the hours requested did not fit with that business model. Unfortunately she could not ask the applicant to explain this.

She had only been able to contact the applicant's husband and had requested that the hours for the sale of alcohol be reduced. The premises appeared to be more of a vertical drinking establishment/wine bar and this would bring an increased risk of crime and disorder and public nuisance.

The hours applied for would impact on local residents. Customers naturally congregated after closing when waiting for taxis or going for food. The sale of alcohol should be ancillary to a meal and it was also noted that planning permission had not yet been applied for.

With regard to Bar Luxe, there had been three serious assaults within six weeks at the premises, which was taken to a summary review resulting in the premises licence being revoked. She was not able to ask her what measures she had taken to improve as a Licence Holder, and she would have liked to ask questions of both the applicant and her husband who had been in the day-to-day control of Bar Luxe. Due to these concerns, the licence should not be granted.

Councillor Potts referred to Appendix 2 in the report and noted that the surrounding area appeared to be predominantly housing. The Councillor also noted a play area and pond on the same side of the road as the premises. Paul Clarke and PC Robertson confirmed that adjacent to the premises was a terraced street and cricket club, and as could be seen there was a lot of play equipment in gardens. The main road was to the front.

Councillor Stoker asked the speed limit in the area. Paul Clarke confirmed that it was 30mph but 10ft from the premises the speed limit changed to 40mph.

In summing up Paul Clarke stated that the Police had hoped to be able to support the application but due to the applicant's non-attendance and lack of co-operation the application should be rejected.

The Sub-Committee thanked everyone for their attendance and Councillors Stoker, Potts and McLean **Resolved** to retire to deliberate the application in private with all parties being notified of the decision later in the day.

In reaching their decision the Sub-Committee considered the report of the Licensing Team Leader, the written representations of other persons, and the applicant, and the verbal representations of Durham Constabulary. Members also took into account the Council's Statement of Licensing Policy and Section 182 Guidance issued by the Secretary of State.

Resolved:

That the application be refused.

DURHAM COUNTY COUNCIL

At a Meeting of **Statutory Licensing Sub-Committee** held in County Hall, Durham
- County Hall, Durham on **Tuesday 27 July 2021 at 1.30 pm**

Present:

Councillor C Hampson (Chair)

Members of the Committee:

Councillors E Peeke, D Sutton-Lloyd and E Waldock

Also Present:

Helen Johnson – Licensing Team Leader
Gill Proud – Solicitor, DCC
Kate Stanley – other person
Andrea Irving-Morse – other person
Lesley and Neil Edmenson – other persons
Gary Forster – applicant
Matt Foster – applicant’s representative

1 Apologies for Absence

An apology for absence was received from Councillor David Brown.

2 Substitute Members

Councillor Hampson substituted for Councillor Brown. Councillor Brown was in attendance to observe the meeting but took no part in the proceedings.

3 Declarations of Interest (if any)

There were no declarations of interest.

4 Application for the Grant of a Premises Licence - Lost Robot, 6a Church View, Sedgfield

The Sub-Committee considered the report of the Licensing Team Leader regarding an application for the grant of a Premises Licence in respect of Lost Robot, 6a Church View, Sedgfield (for copy see file of Minutes).

A copy of the application and supporting documentation had been circulated to all parties, together with additional information.

The Licensing Team Leader informed the Sub-Committee that other person, Mrs Elliott had advised that she was unable to attend the hearing and the Sub-Committee was asked to take into account her written representations.

Kate Stanley was invited to address the Sub-Committee and stated that she was speaking on behalf of herself, her husband and four children. The application was in conflict with three of the licensing objectives; prevention of public nuisance, prevention of crime and disorder and the protection of children from harm.

Kate Stanley stated that she did not intend to reiterate her written objections but would give her personal views. The licensing objectives were there to protect members of the public from concerns. The premises were located in a residential street and her home was immediately adjacent, with their front windows a couple of metres apart. Planning permission had been granted for change of use to Class A1, and whilst she did not want the premises to remain empty, she had received queries about a gin bar and when it was going to open, and had heard that the use class would change if the application was granted.

The reality was that this was an off-licence and the price of the alcohol did not matter; it was a business selling alcohol.

Kate Stanley's home and the premises shared the same front lawn, where her children, and the children of Mrs Elliott, and their friends played.

She felt that it was naïve to think that customers would take the alcohol home. Outside drinking and associated anti-social behaviour was a problem in the village. Young adults regularly purchased alcohol and consumed it on the village green and in bus stops.

The premises were immediately connected to her own and she needed to protect her children; she did not think it unreasonable for the Sub-Committee to do the same when determining the application. The decision Members made today would impact upon her family life.

Following questions of Kate Stanley from Lesley Edmenson, it was clarified that the lawns were owned by the Parish Council and that Mrs Stanley parked her car on the driveway, maintained the lawn and her children played on it.

Andrea Irving-Morse was invited to address the Sub-Committee. She stated that she owned 4 Church View which had been converted to offices. She had

located in Sedgefield as it was a Conservation Area and also because it was an up and coming area for businesses. The general demographic was a mix of young and old.

She had been in the village for two years and had noticed on an evening lots of anti-social behaviour which seemed to be fuelled by underage drinking. This was alarming to her and over the years she had taken an interest in the educational side of alcohol and children, and the impact it had on family life. It was refreshing that Kate Stanley and Jo Elliott had lovely families. They maintained the lawn to the front, making it a nice environment for the community.

Andrea Irving-Morse often saw people consuming alcohol from bags on the field. The devastation and mess was horrific; bottles and plastic cups had been left after events which she frequently collected. The culture in Sedgefield was very much alcohol-induced. She had concerns for children and future generations of children as they would not have the influence of people who did not consume alcohol. The age group the business would be aimed at was said to be 25 plus, however Durham's alcohol harm reduction strategy found that men aged between 25 and 44 were a priority for prevention work.

There were four pubs in the village, as well as shops that sold alcohol. There were already enough places that sold alcohol. There were rumours about a gin bar opening and more recently a coffee bar. The intentions of this business were unclear.

Lesley Edmenson who was in support of the application addressed the Sub-Committee. She explained that she and her husband had an interior design shop next to the proposed business and it would not be in their interest to have a business selling 'bargain booze' next door. The applicant was known to them and his business was aimed at customers who were interested in high end craft beers. She felt that this would complement their business.

The premises were located in the centre of the village which had a busy high street, a pub and a café with seating outside over the road. 6a and 6b Church View were located next to an Italian takeaway. There was a nice bustle and she had no qualms about the applicant coming to the village to sell high-end beers.

Matt Foster addressed the Sub-Committee on behalf of the applicant. He explained that the application was for off-sales only for revised hours 10.00am to 17.30pm Monday to Saturday; the premises would be closed on Sundays. If there were aspirations for on-sales this would have been included in the application. The operating schedule included a description of the business. Takeaway coffee may be offered in future.

The business would pre-dominantly sell craft ale products in bottles and cans; it was a bottle shop. Customers would buy a selection of different types of beer from local brewers, not lots of the same product. People would go to a supermarket to do that.

The business was located across two floors. The ground floor and basement would be licensed, the basement would be used as a store room.

Mr Forster was a former teacher who saw an opportunity to pursue his dream of selling craft beer. He did not want the business to negatively impact upon neighbours. He had offered to meet with neighbours but they did not take up that offer.

The products would not be available outside specialist retailers such as this proposed business. The products were aimed at customers aged 25 plus with a more mature palette. Challenge 25 would be in operation.

The customer type would be beer connoisseurs who were prepared to spend a lot more on a product than what the supermarkets offered. Following mediation with the Police an additional condition had been added which required a risk assessment prior to events, however functions were not planned.

The applicant was committed to the lease. He pointed out that the business could operate as a sandwich shop or vape shop for example without the need for a premises licence.

Purchases could be made on-line with some deliveries being direct from the wholesaler to the client and some from the premises for local delivery. Doing this reduced the number of deliveries and food miles which was good for the environment. He accepted the premises could be busy, but it could also be busy without selling alcohol. This did not equate to a public nuisance, unless customers were causing a public nuisance.

Sedgefield had a number of restaurants and pubs which operated after 10.00pm. This business would be open between 10.00am and 5.00pm. He appreciated that fear came from the unknown but this application should be considered on its individual merits, not on rumours that it would be a gin bar or tap room. Representations must be about the likely effect of the application on the licensing objectives.

The shop was located in a mixed residential, retail and hospitality area and was the busiest part of the village. Mr and Mrs Stanley lived on one side of the premises and a restaurant was on the other side, then a hotel and restaurant, a pub, cafes and supermarket. The village green was flanked by

a café, a gift shop and a pub. There was an eclectic mix of premises and this business would fit nicely with those.

The papers for the hearing included conditions regarding CCTV, a refusals register, and staff training.

Letters from four breweries had been provided and circulated to all parties. The breweries were in support of the application, and talked about how important bottle shops were, how the products attracted older clientele, and how they were consumed at home as a tasting experience.

The information included prices of individual beers, most of which cost more than a four pack of supermarket sold beer and in some cases more than an eight pack.

The representations must be about the likely effect on one or more of the licensing objectives, with likely defined as more likely than not.

The grounds for refusal would be stronger if the evidence was linked to the premises. There was a fear of what might happen, there was no evidence of anti-social behaviour associated with the premises, no evidence from the Police, and no representations from Environmental Health. The hours had been agreed by Environmental Health as part of the planning application.

Underage drinkers were more likely to get alcohol from parents or stores. The Lost Robot was not providing a product that was attractive to underage drinkers.

The outside space could not be used, it did not belong to the premises. Seating was not provided as there were no on-sales and there should be no litter problems.

The applicant had attempted mediation and whilst it had been successful with Mr Carr there had been no interest from residents.

Mr Foster reminded the Sub-Committee of the Thwaites case; the residents were asking the Sub-Committee to speculate as there was no evidence to support their representations.

The Police had not objected and one resident had provided a crime map but this was of a much wider area. The narrower crime map he had provided showed a low level of crime, and there was no evidence that the Lost Robot would impact upon that.

Matt Foster concluded by referring to Section 182 Guidance which at paragraph 9.12 stated that 'each Responsible Authority will be an expert in

their respective field and it is likely that a particular authority will be will be the Licensing Authority's main source of advice in relation to a particular licensing objective'. None of the Responsible Authorities had raised concerns. The Police had not made representation and did not have a problem with operations of this type.

Questions were invited of the applicant. Kate Stanley referred to the argument that the business would not attract the sort of clientele who would drink at bus stops or be underage, and asked how the applicant would handle people drinking on the lawn to the front. She had no rights to that area and nor would the applicant. She also asked why the applicant thought that residents would not want a sandwich shop or vape shop, and for evidence that customers took craft ale home.

In response Matt Foster said that the applicant would remind customers that they were not permitted to drink outside and would call the Police if necessary. It was not the sort of product you would drink out of a bottle; it would normally be consumed from a glass at home.

Residents had expressed concern about footfall, a sandwich shop or vape business would generate more.

Regarding the consumption of alcohol at home, he stated that this evidence was anecdotal through speaking to his client, and to those who purchased craft ale, which included himself.

Kate Stanley referred to the offer of a meeting with residents and advised that she had been given a date but had been busy, and had been told that they could come and talk to her but hadn't followed that up. Matt Foster advised that he had offered a further meeting a week later but did not get a response.

Andrea Irving-Morse asked about the strength of the beers. Mr Forster stated that they varied widely from 3% to around the strength of wine. A 400ml can of wine strength beer would be £8.10 each. The beer would be consumed as a person would drink wine, or would be shared.

Following a further question from Andrea Irving-Morse, Matt Foster referred to the four letters from experts within the industry who knew what their demographic was, and their clientele were 25 plus.

Lesley Edmenson stated that she understood Kate Stanley's concerns about people sitting outside, and they would not want that to happen outside their own premises next door. She advised that they would make sure that it did not happen.

Councillor Waldock asked about staff training and was informed that this would be delivered by a Licensing Consultant.

Councillor Peeke asked what time of day youths were found to be drinking and was informed that they congregated around the bus stop, village green and to the rear of their properties and fields on Friday and Saturday afternoons until it got dark.

All parties were invited to sum up.

Kate Stanley stated that she appreciated what Lesley Edmenson had said about people drinking outside, but as a Mum she needed to protect her children. This application if granted would have a detrimental impact on her family and she did not want to have to police the lawn herself. There were licensing objectives to protect her and her family and she hoped they would. There was no evidence that the clientele would be aged 25 plus. Whilst on-line shopping had been referred to, in reality if someone was to go into the shop to purchase alcohol there was nothing to stop them sitting outside her house. Her children were aged between 2 and 11 years and Mrs Elliott had young children who all played on the lawn. She lived on a lovely High Street but they needed to be realistic about Church View; there had always been a break between two licensed premises but now this shop would also be licensed which was a metre away from her own home with a lawn that she did not own and could therefore not take enforcement action.

Andrea Irving-Morse concluded by stating that this was not just about public nuisance, it had an impact on every person. The alcohol harm reduction strategy for County Durham stated that alcohol was now consumed in the home hiding excessive consumption which was more difficult to police. She felt very strongly that an ethical stance was not being taken into account. There had been an emphasis on expensive beer when in reality it wasn't. Children purchased drinks such as champagne; this type of beer could be a magnet to these children. The Police should have looked at the application from a different perspective as when they would be needed, they would be thin on the ground.

There was an increased risk of alcoholism when alcohol was consumed behind closed doors. The North East had the highest level of alcohol-related deaths in the country.

Lesley Edmenson stated that she had lived in Church View for ten years and had never had to move anyone from the lawn or had seen anyone drinking outside. She did not think that this argument was valid.

Matt Foster asked the Sub-Committee to judge the application on its individual merits. Alcohol could not be sold on the premises, there were no

facilities to allow drinking on-site and a condition had been added to specify that there would be no seating. Licensing was a permissive regime, if representations were received then grounds to modify or refuse an application must be justified in terms of promoting the licensing objectives.

This shop was going to be open 10.00am – 5.30pm Monday to Saturday selling a very specialist product to a very specialist clientele. It was an expensive product which would not be purchased by young people who looked for ‘more bang for their buck’.

He requested that the application be granted as applied for.

Councillors Carole Hampson, Elaine Peeke and Emma Waldock **Resolved** to retire to deliberate the application in private with all parties being notified of the decision later in the day.

In reaching their decision the Sub-Committee considered the report of the Licensing Team Leader, the written and verbal representations of other persons, and the written and verbal representations of the applicant and his representative. Members also took into account the Council’s Statement of Licensing Policy and Section 182 Guidance issued by the Secretary of State.

Resolved:

That the Premises Licence be granted subject to modified conditions to that proposed in the operating schedule and the mandatory conditions set out in the Licensing Act 2003. The licence to be as follows: -

Licensable Activity		Days and Hours
Supply of alcohol (consumption off premises)		Monday-Saturday 1000 hours to 1730 hours
Open to the Public		Monday-Saturday 1000 hours to 1730 hours

No seating will be provided for customers outside to the front of the premises.

The Sub-Committee determined that it was appropriate for the promotion of the licensing objectives to add the following condition agreed during mediation with Durham Constabulary: -

A full risk assessment must be completed prior to all events and functions, this will be made available to police and authorised officers of the council on request.

The conditions proposed by the applicant in the operating schedule to be added to the licence.

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DURHAM COUNTY COUNCIL

At a Meeting of **Statutory Licensing Sub-Committee** held in Council Chamber, County Hall, Durham on **Tuesday 31 August 2021 at 9.30 am**

Present:

Councillor L Brown (Chair)

Members of the Committee:

Councillors J Blakey, D Brown, E Peeke and E Waldock

Also Present:

Helen Johnson – Licensing Team Leader

Stephen Buston – Solicitor, DCC

Stewart McDonald – Applicant and Premises Licence Holder

Gary Young - Manager

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 Minutes of the Meeting held on 14 June 2021

The Minutes of the meeting held on 14 June 2021 were agreed as a correct record and were signed by the Chair.

5 Application to Vary a Premises Licence - Horden Labour Club, Davaar House, Sunderland Road, Horden

The Committee considered the report of the Licensing Team Leader regarding an application to vary a Premises Licence in respect of Horden Labour Club, Sunderland Road, Horden (for copy see file of Minutes).

A copy of the application and supporting documentation had been circulated to all parties. The Licensing Team Leader advised that with the exception of the objections of Mr Naisbett and Mr and Mrs Rigby, all representations had been withdrawn.

The Chair asked if the premises also had a club premises certificate. The Licensing Team Leader advised that this had been surrendered some time ago. The Applicant Mr McDonald confirmed that the premises ceased operating as a club 6 years ago, and was owned by a private company as a public house. He was the Premises Licence Holder. The previous two owners were also private companies.

Stephen Buston, the Legal Adviser to the Sub-Committee noted that the Police had withdrawn their objections and asked if they had made comment on their reasons for the withdrawal. The Licensing Team Leader advised that the Police were satisfied that the amendments to the application had alleviated their concerns.

The Chair noted that the objectors were not in attendance and advised that the Sub-Committee would take into account their written representations.

The Applicant was invited to address the Sub-Committee and responded to the concerns of the objectors in their letters of representation. One representation had related to glasses left on walls. Mr McDonald explained that they did not permit any glassware outside the front door. Glassware from one of the two other pubs in the locality was brought into the Club, and then left outside. He had attempted to raise this matter on a number of occasions.

Two CCTV cameras were positioned at the front door.

He was not aware of any issues with neighbours. In 18 months he had received only one concern from a resident of the bungalows opposite, and this related to pricing.

He did not envisage that the extra hour would cause problems; the amended application included the employment of door supervisors and would bring off-sales back to the present licensed hours.

Following a meeting with the local Police Officer who had raised concerns that VIBE in Peterlee closed at 3am, and the potential implications on Police resources, the application had been amended to withdraw the extra hour on Bank Holidays to stagger the closing times. Horden Labour Club was a very different type of premises to VIBE. The Labour Club was a live music venue, with open mic nights, busker nights and entertainment from students of performing arts. The current hours were not enough and they were losing customers. A 2am closing time would allow two live acts per evening.

He refuted the complaints regarding underage drinking. Challenge 25 was in operation, and they did not accept ID in the form of driving licences or mobile phone photo ID.

Residents would benefit from having a venue such as Horden Labour Club. He appreciated that the premises were surrounded by residential properties but a lot of residents who were unable to travel looked to local premises for entertainment.

Children would be permitted in the downstairs bar until 7.00pm and 11.30pm upstairs for events that were suitable for young people.

There were only two objections to the application remaining. The regular meetings proposed with the Police, the Council and local residents could resolve any issues.

Following a question from Councillor Blakey, Mr McDonald advised that there was one room in the venue where children under 9 years of age were not allowed. They used their skills to determine whether entertainment was suitable for children. A children's party would not be allowed until 11.30pm. He had recently held an event under a TEN until 12.30am where children were in attendance and there had been no issues.

Councillor Blakey noted that Mr McDonald had referred to discussions with nearby premises regarding the problem of glassware. Mr McDonald stated that he had raised this with the Licensing Authority and the PCSO. He did not wish to raise it as an issue with the Licence Holder.

Following a question from Councillor D Brown regarding the catchment area of the premises, Mr McDonald advised that his customers were in the main local residents of Horden, Blackhall, Easington and Peterlee. There were no other live music venues in East Durham.

Councillor D Brown asked where the objectors lived in relation to the premises. Mr McDonald stated that although it was difficult to answer as he did not know their precise addresses he advised that Malt Crescent was not immediately next to the premises and Sunderland Road was one and a half miles long. The Club owned the flat next door which was unoccupied, and there was a public house on either side. There was one residential property above the fish and chip shop, and directly opposite were bungalows. None of the residents of the bungalows had objected.

There was a bus stop directly outside the premises which could cause problems as customers left the three pubs and congregated there. He did not allow any of the Club's customers to congregate.

Councillor D Brown noted that taxis had been mentioned as an issue in the representations. Mr McDonald advised that four or five taxi companies operated in Horden, and there were no issues. Notices were displayed in the foyer asking people not to congregate outside and to leave quietly. There was an element of noise when people had a drink but the Club had been there for 60 years, as had the bungalows, and no problems had been reported.

They got on with their residents who were on board with the premises being a live venue. The premises had a bad reputation in the past but he did not run his business that way and never would. He had elderly parents so understood the concerns residents may have. If the premises became a nuisance with the extra hour he would listen to the residents, and would not continue with anything that had a detrimental effect on them.

Councillor L Brown asked about the pavement licence. Mr McDonald stated that this was granted during covid restrictions and was not used now. No complaints were received during the time it was in use.

Following a question from the Legal Officer regarding the frequency of live entertainment, Mr McDonald explained that at the moment events were held twice monthly on Saturdays, but he hoped that this would become weekly. It was very rare to have live music on Fridays which tended to be booked for private parties. No live music events were held during the week.

After inviting all parties to sum up, Councillors L Brown, J Blakey and D Brown **Resolved** to retire to deliberate the application in private with all parties to be notified of the decision later in the day.

In reaching their decision the Sub-Committee considered the report of the Licensing Team Leader, the written representations of other persons Mr and Mrs Rigby and Mr Naisbett, and the verbal and written representations of the Applicant Mr McDonald. The Sub-Committee also took into account the Council's Statement of Licensing Policy and Section 182 Guidance issued by the Secretary of State.

RESOLVED:

That the application to vary the Premises Licence be granted as follows:

Statutory Licensing Sub-Committee

4th October 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:

Elvet and Gilesgate

Purpose of the Report

- 1 The Sub-Committee is asked to consider and determine the application for the grant of a Premises Licence for Brewdog, Unit 6, The Waterside, Milburngate, Durham DH1 5TL.
- 2 A plan showing the location of the premises is attached at Appendix 2.

Executive summary

- 3 The application requests the granting of a new premises licence and was submitted to the Licensing Authority on 11th August 2021 by Kuit Steinart Levy LLP on behalf of the applicants Brewdog Limited.
- 4 The original application requested the following:
 - Late night refreshment to take place indoors from 11.00 pm until 1.00 am Monday to Sunday and from the end of permitted hours New Year's Eve to start of permitted hours New Year's Day
 - Supply of Alcohol for consumption on and off the premises from 10.00 am until 1.00 am Monday to Sunday and from the end of permitted hours New Year's Eve to start of permitted hours New Year's Day
- 5 On 16th September 2021, the applicant amended the application to request the following changes, after considering concerns raised by the objectors:

- Supply of Alcohol for consumption on and off the premises – 10.00 am until 00.00 Monday to Thursday, 10.00 am until 1.00 am Friday to Sunday, Good Friday, all other Bank Holidays (including New Year's Day) and on days preceding these other Bank Holidays
 - Late Night Refreshment (indoors) - 11.00 pm until 00.00 Monday to Thursday, 11.00 pm until 1.00 am Friday to Sunday, Good Friday, all other Bank Holidays (including New Year's Day) and on days preceding these other Bank Holidays
 - Opening Hours - 10.00 am until 12.30 am Monday to Thursday, 10.00 am until 1.30 am Friday to Sunday, Good Friday, all other Bank Holidays (including New Year's Day) and on days preceding these other Bank Holidays
- 6 During the consultation period, the Licensing Authority received 4 representations from other persons in relation to the application.
- 7 Durham Safeguarding Children Partnership, the Fire Safety Authority and Durham Constabulary all replied to the consultation with no objections.

Recommendation(s)

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

Background

10 Background information

Applicant	Brewdog Limited	
Type of Application:	Date received:	Consultation ended:
New Premises Licence	11th August 2021	8th September 2021

Details of the application

- 11 An application for the grant of a new Premises Licence was received by the Licensing Authority on 11th August 2021. A copy of the application is attached at Appendix 3.
- 12 The application is deemed by the Licensing Authority to be correctly served and advertised in accordance with the Licensing Act regulations.
- 13 On 16th September 2021, the applicant amended the application to request the following changes, after considering concerns raised by the objectors:
- Supply of Alcohol for consumption on and off the premises – 10.00 am until 00.00 Monday to Thursday, 10.00 am until 1.00 am Friday to Sunday, Good Friday, all other Bank Holidays (including New Year's Day) and on days preceding these other Bank Holidays
 - Late Night Refreshment (indoors) - 11.00 pm until 00.00 Monday to Thursday, 11.00 pm until 1.00 am Friday to Sunday, Good Friday, all other Bank Holidays (including New Year's Day) and on days preceding these other Bank Holidays
 - Opening Hours - 10.00 am until 12.30 am Monday to Thursday, 10.00 am until 1.30 am Friday to Sunday, Good Friday, all other Bank Holidays (including New Year's Day) and on days preceding these other Bank Holidays

For confirmation, please see Appendix 4.

- 14 Following the applicant's amendments to the application, the revised timings requested are now as follows:

Licensable Activity	Days & Hours
<p>Late night refreshment (indoors)</p>	<p>Monday to Thursday: 11.00 pm until 12.00 midnight</p> <p>Friday to Sunday: 11.00 pm until 1.00 am</p> <p>Good Friday, all other Bank Holidays (including New Year's Day) and on days preceding these other Bank Holidays: 11.00 pm until 1.00 am</p>
<p>Supply of Alcohol (consumption on and off the premises)</p>	<p>Monday to Thursday: 10.00 am until 12.00 midnight</p> <p>Friday to Sunday: 10.00 am until 1.00 am</p> <p>Good Friday, all other Bank Holidays (including New Year's Day) and on days preceding these other Bank Holidays: 10.00 am until 1.00 am</p>
<p>Open to the public</p>	<p>Monday to Thursday: 10.00 am until 12.30 am</p> <p>Friday to Sunday: 10.00 am until 1.30 am</p> <p>Good Friday, all other Bank Holidays (including New Year's Day) and on days preceding these other Bank Holidays: 10.00 am until 1.30 am</p>

- 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 at Appendix 3.
- 16 The applicant has provided within their application at Appendix 3:
- Smoking, external dining and drinking policy
 - Dispersal policy

The Representations

17 During the consultation period, the Licensing Authority received 4 representations from other persons in relation to the application. These are from:

- Mr R Humphrey, Co-Chair of Sidegate Resident's Association (other person)
- Mrs K & Mr I Horridge (other persons)
- Mr A Shanley, Clerk on behalf of the City of Durham Parish Council (other person)
- Dr J Wilcockson (other person)

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

- Public Safety
- The Prevention of Public Nuisance

A copy of the objections/representations are attached at Appendix 5.

19 Responses were received from the following Responsible Authorities, all confirming they had no objections:

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

Copies of the responses are attached at Appendix 6, for information only.

The Parties

20 The Parties to the hearing will be:

- Ms Felicity Tulloch, Kuit Steinart Levy LLP (applicant's agent)
- Mr Will Brown, on behalf of Brewdog Limited (applicant)
- Mr R Humphrey, Sidegate Resident's Association (other person)
- Mrs K & Mr I Horridge (other persons)
- Mr A Shanley, City of Durham Parish Council (other person)
- Dr J Wilcockson (other person)

Options

21 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

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

See Appendix 1.

Consultation

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

See Appendix 1

Conclusion

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

Background papers

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

Other useful documents

- None

Contact: Helen Johnson

Tel: 03000 265101

Appendix 1: Implications

Legal Implications

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

In this case it was summed up that:

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

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

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

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

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

Consultation

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

The Responsible Authorities were consulted on the application.

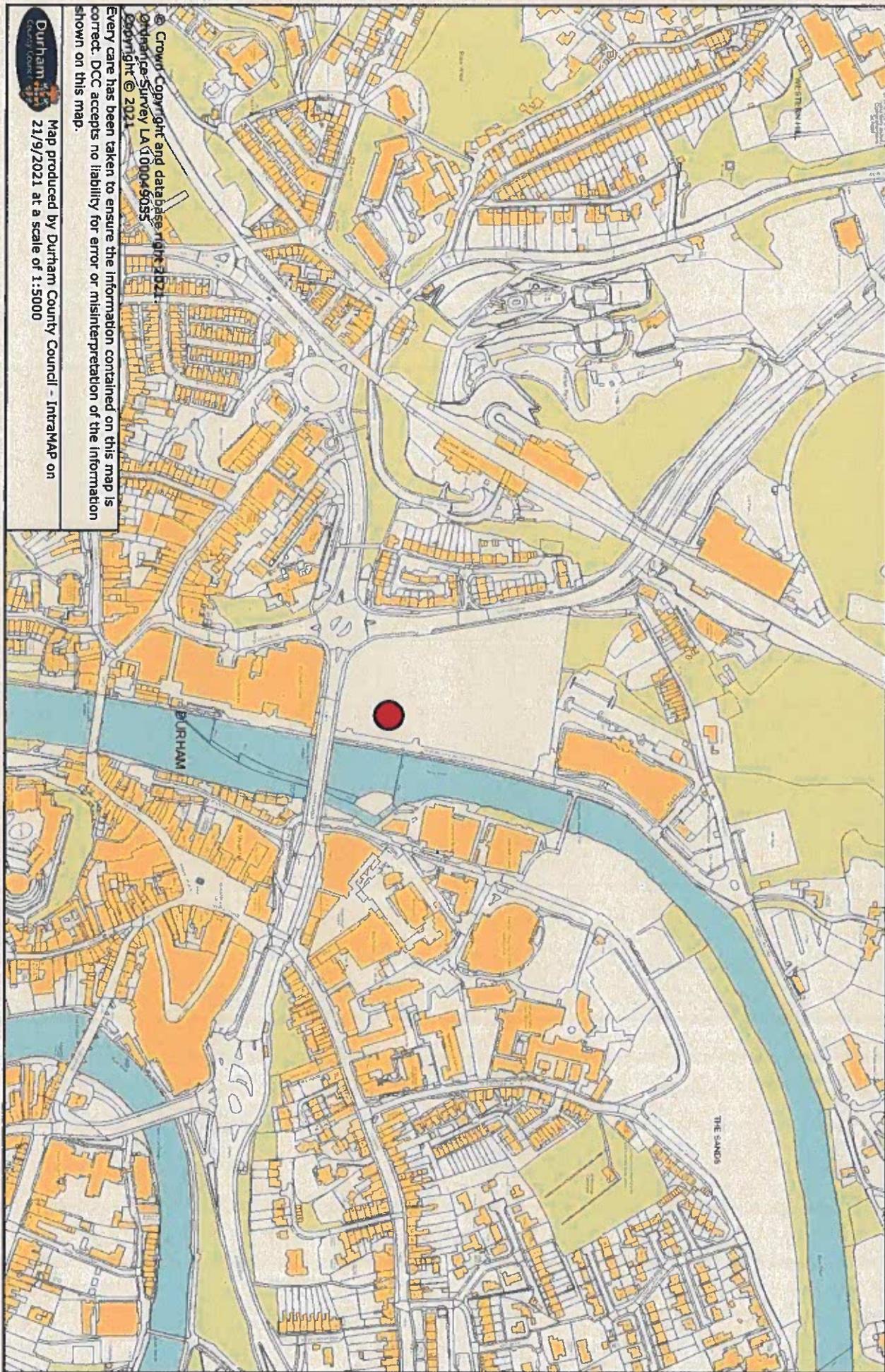
The notice of application was displayed on the premises for a period of 28 days.

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

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

Appendix 2: Location Plan

Brewdog Unit 6, The Waterside, Milburngate, Durham



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 Ordnance Survey LA100049055
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Every care has been taken to ensure the information contained on this map is correct. DCC accepts no liability for error or misinterpretation of the information shown on this map.



Map produced by Durham County Council - IntraMAP on
 21/9/2021 at a scale of 1:5000

Appendix 3: Premises Licence Application



* required information

Section 1 of 21

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

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

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

Are you an agent acting on behalf of the applicant?

Yes No

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

Applicant Details

* First name

* Family name

* E-mail

Main telephone number Include country code.

Other telephone number

Indicate here if 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.

Applicant Business

Is the applicant's business registered in the UK with Companies House? Yes No

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

Registration number

Business name If the applicant's business is registered, use its registered name.

VAT number Put "none" if the applicant is not registered for VAT.

Legal status

Continued from previous page...

Applicant's position in the business

Home country

The country where the applicant's headquarters are.

Registered Address

Address registered with Companies House.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Agent Details

* First name

* Family name

* E-mail

Main telephone number

Include country code.

Other telephone number

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

A private individual acting as an agent

Agent Business

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

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

Registration number

Business name

If your business is registered, use its registered name.

VAT number

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

Legal status

Continued from previous page...

Your position in the business

Home country

The country where the headquarters of your business is located.

Agent Registered Address

Address registered with Companies House.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Section 2 of 21

PREMISES DETAILS

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

Premises Address

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

- Address OS map reference Description

Postal Address Of Premises

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Further Details

Telephone number

Non-domestic rateable value of premises (£)

Section 3 of 21**APPLICATION DETAILS**

In what capacity are you applying for the premises licence?

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

Confirm The Following

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

Section 4 of 21**NON INDIVIDUAL APPLICANTS**

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

Non Individual Applicant's Name

Name

Details

Registered number (where applicable)

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

Continued from previous page...

Limited company

Address

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Contact Details

E-mail

Telephone number

Other telephone number

* Date of birth / /
dd mm yyyy

* Nationality Documents that demonstrate entitlement to work in the UK

Section 5 of 21

OPERATING SCHEDULE

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

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

Provide a general description of the premises

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

Craft beer bar. More information on the brand can be found at www.brewdog.com/locations

The premises will trade on the ground floor with mezzanine as shown on the attached plan.

Continued from previous page...

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

Section 6 of 21

PROVISION OF PLAYS

See guidance on regulated entertainment

Will you be providing plays?

- Yes No

Section 7 of 21

PROVISION OF FILMS

See guidance on regulated entertainment

Will you be providing films?

- Yes No

Section 8 of 21

PROVISION OF INDOOR SPORTING EVENTS

See guidance on regulated entertainment

Will you be providing indoor sporting events?

- Yes No

Section 9 of 21

PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

See guidance on regulated entertainment

Will you be providing boxing or wrestling entertainments?

- Yes No

Section 10 of 21

PROVISION OF LIVE MUSIC

See guidance on regulated entertainment

Will you be providing live music?

- Yes No

Section 11 of 21

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?

Continued from previous page...

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

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

Continued from previous page...

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.

From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

Section 15 of 21

SUPPLY OF ALCOHOL

Will you be selling or supplying alcohol?

- Yes No

Standard Days And Timings

MONDAY

Start

End

Start

End

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

TUESDAY

Start

End

Start

End

Continued from previous page...

WEDNESDAY

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

THURSDAY

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

FRIDAY

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

SATURDAY

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

SUNDAY

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

Will the sale of alcohol be for consumption:

- On the premises Off the premises Both

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

State any seasonal variations

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

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

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

From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

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

Continued from previous page...

Name

First name

Family name

Date of birth / /
dd mm yyyy

Enter the contact's address

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Personal Licence number
(if known)

Issuing licensing authority
(if known)

PROPOSED DESIGNATED PREMISES SUPERVISOR CONSENT

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

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

Reference number for consent form (if known)

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

Section 16 of 21

ADULT ENTERTAINMENT

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

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

N/a

Continued from previous page...

Section 17 of 21

HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

MONDAY

Start

End

Start

End

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

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

State any seasonal variations

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

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

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

From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

Continued from previous page...

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.

Please refer to the attached Operating Schedule and Policies.

b) The prevention of crime and disorder

Please refer to the attached Operating Schedule and Policies.

c) Public safety

Please refer to the attached Operating Schedule and Policies.

d) The prevention of public nuisance

Please refer to the attached Operating Schedule and Policies.

e) The protection of children from harm

Please refer to the attached Operating Schedule and Policies.

Section 19 of 21

NOTES ON DEMONSTRATING ENTITLEMENT TO WORK IN THE UK

Continued from previous page...

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

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

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

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

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

Documents which demonstrate entitlement to work in the UK

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

Continued from previous page...

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

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

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

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

Continued from previous page...

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

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

Home Office online right to work checking service

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

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

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

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

Section 20 of 21

NOTES ON REGULATED ENTERTAINMENT

Continued from previous page...

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

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

Continued from previous page...

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

Section 21 of 21

PAYMENT DETAILS

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

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

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

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 (£)

315.00

ATTACHMENTS

AUTHORITY POSTAL ADDRESS

Address

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

United Kingdom

DECLARATION

Continued from previous page...

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

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

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

* Full name

* Capacity

Date (dd/mm/yyyy)

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

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

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

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

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

BREWDOG, DURHAM
OPERATING SCHEDULE

Staff shall be trained in the requirements of the Licensing Act 2003 with regard to the Licensing Objectives.

A) The Prevention of Crime and Disorder

1. A CCTV system shall be maintained and operated at the premises with cameras positioned both internally and externally.
2. Recorded CCTV images will be maintained and stored for a period of twenty-eight days and shall be produced to the Police or Licensing Authority upon request.
3. CCTV will be in operation at any time a person is in the premises. Where CCTV is recorded onto a hard drive system, any DVDs subsequently produced will be in a format so it can be played back on a standard PC or DVD player.
4. Any person left in charge of the premises must be trained in the use of any such CCTV equipment, and be able to produce CCTV images to an officer from a responsible authority upon request.
5. SIA registered door staff shall be employed at the premises, in accordance with a risk assessment, to be carried out by the DPS.
6. When employed, a register of those door staff employed shall be maintained at the premises and shall include:
 - (i) the number of door staff on duty;
 - (ii) the identity of each member of door staff;
 - (iii) the times the door staff are on duty.
7. Staff will be trained in the laws relating to under age sales, and that training shall be documented and repeated at 6 monthly intervals.
8. A refusals book will be maintained at the premises, and made available to an officer of a responsible authority upon request.

B) Public Safety

1. A first aid box will be available at the premises at all times.
2. Regular safety checks shall be carried out by staff.
3. Management shall liaise with the Fire Authority as necessary to ensure compliance with all necessary fire regulations.
4. The premises shall maintain an Incident Log and public liability insurance.

C) The Prevention of Public Nuisance

1. Noise from amplified music or voices shall not be such as to cause a noise nuisance to occupants of nearby premises.
2. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to nuisance.
3. The exterior of the building shall be cleared of litter at regular intervals.
4. Notices will be positioned at the exits to the building requesting customers to leave in a quiet manner.
5. Doors and windows at the premises are to remain closed after 11pm, save for access and egress.
6. A Dispersal Policy will be implemented and adhered to (see attached).
7. A Smoking & AI Fresco Policy will be implemented and adhere to (see attached.)
8. The emptying of bins into skips, and refuse collections will not take place between 11pm and 7am.

D) The Protection of Children From Harm

1. A "Challenge 25" Policy shall be implemented in full and appropriate identification sought from any person who appears to be under the age of 25. The only acceptable forms of ID are photographic driving licences, passports, HM forces warrant cards, EU/EEA national ID card or similar document or a form of identification with the "PASS" hologram.
2. Staff training will include the Challenge 25 Policy and its operation. In particular, staff shall be trained to take such action as is necessary to prevent the sale of alcohol to persons over the age of 18 where those customers are engaged in the distribution of alcohol to persons under the age of 18. The training must be given to a new member of staff before they commence employment and all staff must receive refresher training every 6 months.
3. Notices advising what forms of ID are acceptable must be displayed.
4. Notices must be displayed in prominent positions indicating that the Challenge 25 policy is in force.

BREWDOG,
SMOKING & EXTERNAL DINING & DRINKING POLICY

1. Any outside area used by customers wishing to drink or smoke shall be covered by the CCTV system which will be installed at the premises.
2. The outside area shall be monitored by staff or door staff regularly at all times it is in use.
3. The area will be cleaned regularly.
4. Suitable receptacles shall be provided for smokers to dispose of cigarette butts.
5. Signs will be displayed in the area requesting customers keep noise to a minimum.
6. Patrons who disregard signage and verbal instructions regarding noise will be asked to move inside and/or leave the premises.

**BREWDOG,
DISPERSAL POLICY**

The purpose of this Dispersal Policy is to ensure, so far as it is possible, that minimum disturbance or nuisance is caused to our neighbours and to ensure that the operation of the premises makes the minimum impact upon the neighbourhood in relation to potential nuisance and anti-social behaviour. This will be achieved by exercising pro-active measures towards and at the end of the evening.

By ensuring that this Dispersal Policy document is brought to the attention of Management and Staff we will seek to encourage the efficient, controlled and safe dispersal of our patrons during our closing period.

1. At the end of the evening management and staff will assist with the orderly and gradual dispersal of patrons.
2. Staff Members (including door personnel when employed) will advise patrons to leave the premises quickly and quietly out of respect for our neighbours.
3. Notices will be displayed requesting our customers to leave quietly and in an orderly manner out of consideration to neighbours and their attention will be drawn to these notices by members of staff.
4. We will actively discourage our customers from assembling outside the premises at the end of the evening.

Appendix 4: Applicant's amendments

Helen Johnson - Licensing Team Leader (N'hoods)

Subject: FW: Objections received - Brewdog, Unit 6, The Waterside, Durham - Licence application

From: Felicity Tulloch

Sent: 16 September 2021 14:17

To: Yvonne Raine

Subject: RE: Objections received - Brewdog, Unit 6, The Waterside, Durham - Licence application

Hi Yvonne,

I can confirm that the applicants wish to amend their application as you have set out below.

Many thanks,

Felicity

Felicity Tulloch

Head of Licensing and Partner | Licensing

For and on behalf of Kuit Steinart Levy LLP

From: Yvonne Raine

Sent: 16 September 2021 11:50

To: Felicity Tulloch

Subject: RE: Objections received - Brewdog, Unit 6, The Waterside, Durham - Licence application

Importance: High

Good Morning Felicity

Thank you for your email.

To enable me to notify the objectors that the suggested changes in your email below have been formally adopted, please can you confirm by return email that your client now wishes to amend the application to bring it in line with our framework hours as follows:

- **Sale of Alcohol (on and off-sales) – application timings to be amended to now be:**
10.00 hrs until 00.00 hrs Monday to Thursday, 10.00 until 01.00 hrs Friday to Sunday, Good Friday, all other Bank Holidays (including New Year's Day) and on days preceding these other Bank Holidays
- **Late Night Refreshment (indoors) - application timings to be amended to now be:**
23.00 hrs until 00.00 hrs Monday to Thursday, 23.00 until 01.00 hrs Friday to Sunday, Good Friday, all other Bank Holidays (including New Year's Day) and on days preceding these other Bank Holidays
- **Opening Hours - application timings to be amended to now be:**
10.00 hrs until 00.30 hrs Monday to Thursday, 10.00 until 01.30 hrs Friday to Sunday, Good Friday, all other Bank Holidays (including New Year's Day) and on days preceding these other Bank Holidays

Once this is confirmed, I will advise all persons making representation that these amendments have been formally made to the application and ask them whether these amendments help to alleviate their concerns and to let me know whether they would still wish to proceed with their representations.

Due to the timeframe, I will still be sending out formal Section 6 notices of hearing today so that the required notice of hearing can be given.

The committee hearing for this application to be considered is scheduled to take place at 9.30 am on Monday, 4th October 2021 at County Hall in Durham.

I look forward to your response.

Regards

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

From: Felicity Tulloch

Sent: 16 September 2021 10:57

To: Yvonne Raine

Subject: RE: Objections received - Brewdog, Unit 6, The Waterside, Durham - Licence application

Hi Yvonne,

Many thanks for your email and apologies for the delay in coming back to you.

I've spoken to my clients who have confirmed that they are more than happy to amend the application so that it falls within the Framework Hours, and we apologise for any concern that may have been caused to those who have objected by reason of the application in its original form.

I'm more than happy to contact those who have objected to notify them of the amendment, but I note that their details have been redacted.

I wonder whether you would therefore be able to pass on to them this change.

I hope that it will enable them to confirm that they no longer wish to pursue their representations, but of course if some or all do, then we will engage further at that point.

If you have any queries, please let me know.

Many thanks,

Felicity

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Appendix 5: Objections

From: R Humphrey
Sent: 07 September 2021 17:06
To: AHS Licensing <
Cc: 'J Wilcockson'
Subject: Application for License for Brewdog retail Ltd Millburngate

Dear Durham Licensing Authority,

It has come to our attention that Brewdog Retail Limited have applied for a Premises Licence for Unit 6, at the Waterside development, Milburngate, to permit the sale of alcohol between 10 am and 1am daily, and for longer on New Year's Eve.

The Sidegate Residents Association objects to this application in the strongest possible terms, and we believe that the granting of the application would seriously cause unreasonable interference with the use and enjoyment of our own homes. We therefore believe that the application fails to meet one of the key licensing objectives laid out in the Licencing Act 2003, namely the prevention of public nuisance.

The members of our Association live extremely closely to the Waterside development, and we are all very worried about the noise and disturbance that could well result in and around our neighbourhood after the building works are over, unless premises are tightly regulated by the Licensing Authority.

We would urge the Licensing Authority not to grant his application for serving alcohol outside of normal licensing hours, to Brewdog or to any other premises on the development that will serve alcohol.

Yours sincerely

R Humphrey
Co-Chair, Sidegate Resident's Association

From: K Horridge <
Sent: 01 September 2021 12:15
To: AHS Licensing <
Cc: I Horridge
Subject: Application for License for Brewdog retail Ltd Millburngate

We write with regard the application as posted opposite the Millburngate development as attached.

This will directly affect us at Sidegate, as the proposed premises are at the end of our garden. This will also affect our neighbours on Sidegate, Diamond Terrace and Highgate. We live in a quiet residential area of the city and enjoy the peace and quiet. We do object most strongly to the extended licensing hours as proposed, which will result in noise and public nuisance not only from the premises, but from folk coming and going, including after closing at 1am, including concern about the behaviour of folk who have been drinking alcohol into the early morning hours. This will impact significantly on our quality of life and have potential to disrupt the sleep of children in the street, including our daughter who is studying for her A levels.

When we originally met with the developers of Millburngate we expressed in the strongest terms that we did not want the area turning into a mini version of Newcastle's Quayside. We were reassured that this would not be the case. We are aware of complaints from residents about noise already from the Walkergate development, which is funnelled across into the night up to Diamond Terrace as well as causing noise nuisance to those staying in the current Premier Inn over the river. We really do not need any more noise and believe there needs to be much tighter regulation to prevent disturbance to the residents of our beautiful city.

Thank you for taking this into consideration.

Yours sincerely,

K and I Horridge
Sidegate Durham DH1 5SY

From: Adam Shanley <
Sent: 08 September 2021 10:20
To: AHS Licensing

Helen Johnson - Licensing Team Leader (N'hoods)

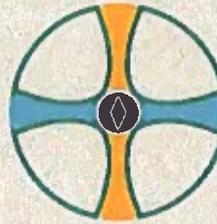
Subject: Application for a new premises licence by Brewdog

Dear colleagues,

Please find attached a copy of my Parish Council's response to this application.

Kindest regards,

Adam Shanley
Clerk to City of Durham Parish Council



**CITY OF DURHAM
PARISH COUNCIL**

Learning from the past.
Building for the future.

Licensing Team
Durham County Council
Annand House
8RP, John Street North
Meadowfield
Durham
DH7 8RS

City of Durham Parish Council
Office 3 D4.01d
Clayport Library
8 Millennium Place
Durham
DH1 1WA

8 September 2021

Dear Licensing team,

Re: Application for a new premises licence by Brewdog, Unit 6 The Waterside Milburngate House Durham DH1 5TL

With reference to the above licensing application, the City of Durham Parish Council wishes to object to this application under the objectives of public safety and preventing a public nuisance.

This application seeks permission for the provision of late night refreshment (indoors) Monday to Sunday 11.00pm to 1.00am and for the sale of alcohol (on and off the premises) Monday to Sunday 10.00am to 1.00am. In both cases, from the end of permitted hours New Year's Eve to the start of permitted hours New Year's Day.

The Parish Council Licensing Committee considered this application at its meeting on 6th September 2021. In reaching its decision, the Parish Council Licensing Committee had regard to the Licensing Act 2003, the Section 182 Guidance and the County Council's Statement of Licensing Policy 2019 to 2024. The Parish Council Licensing Committee feels that, should this application be granted in its current form, it will fail to uphold two of the four licensing objectives. Each of which are addressed in turn.

Prevention of public nuisance

The prevention of public nuisance is an important licensing objective. Two of the greatest irritations to residents are noise and public nuisance associated with licensed premises. If representations are made, noise and nuisance might preclude the grant of a licence or certificate or, if one has already been granted, could be a ground for review, with a view to the imposition of further conditions or, if the licensing objectives cannot be achieved by such conditions, revocation of the licence or certificate.

When dealing with applications and issuing licences, the Council (when their discretion is engaged) is more likely to impose stricter conditions on premises operating in residential areas.

Proper consideration should therefore be given to the proximity of licensed premises not only to residents and businesses, but also in relation to other sensitive premises, to ensure they are in a position that does not adversely affect their ability to ensure the promotion of the licensing objectives.

It should be noted firstly that this application is outside the County Council's Licensing Framework for this type of premises (i.e. a premises licensed for the sale or supply of alcohol for consumption on or off the premises). The Council's Framework hours for this type of premises are 07:00 to 00:00 on weekdays and 07:00 to 01:00 on weekends. These 'framework hours' serve to identify those types of premises where the Council will pay particular regard to local factors and the likely effect on the local neighbourhood of carrying out the proposed licensable activities.

The Parish Council is unclear as to why the applicant is seeking permission for the sale of alcohol outside of the framework hours. Needless to say that this causes the Parish Council and local residents serious concerns in relation to the promotion of this important licensing objective. It is therefore imperative that the proposed hours of operation are reduced to the framework hours.

The Parish Council very much welcomes the applicant's commitment to provide notices to the exits of the building requesting customers to leave in a quiet manner. Similarly, the Parish Council is pleased to see that the applicant has a clear dispersal policy in place and hopes that this will be adhered to at all times.

That being the case, this premises is clearly within very close proximity to local residents in the Sidegate part of our Parish. Whilst the applicant states that no noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to nuisance, the Parish Council believes that windows and doors being closed from 10pm as opposed to 11pm (except for access and egress) would conform more closely to this commitment. This has an even greater importance in this part of the City given that the premises location – within the setting of the World Heritage Site and near to the River Wear - is particularly sensitive to excessive noise.

Similarly, the emptying of bins into skips and refuse collections must not take place between 10pm and 8am as opposed to the applicant's proposed 11pm and 7am, this is to avoid any late night disturbance from the tipping of glass bottles.

Public safety

Public safety is an important licensing objective as it is about protecting the safety and even the lives of everyone. It is expected that anyone visiting a licensed venue in the County can do so in complete safety, as they will be visiting premises that have been constructed or adapted with safety in mind.

The Licensing Authority expects that the applicant will detail in their operating schedule the steps that will be taken to promote public safety.

The Parish Council is extremely concerned at the plans submitted by the applicant. There appears to be some obstruction of at least one of the fire exits within the premises, which is completely unacceptable. The Parish Council welcomes the fact that the management of the premises shall liaise with the Fire Authority as necessary to ensure compliance with all necessary fire regulations. However, the layout of the premises must be altered prior to the Parish Council being satisfied that the application in its current form promotes this important licensing objective.

For the reasons set out above, this application should therefore be refused in its current form.

Yours sincerely,

Adam Shanley
Clerk to the City of Durham Parish Council

**From: J Wilcockson <
Sent: 07 September 2021 19:10
To: AHS Licensing <
Subject: Application for License for Brewdog retail Ltd Millburngate**

To whom it may concern

I would like to object in the strongest possible terms against the granting of an extended license to Brewdog. I live at No. Sidegate behind Unit 6 Brewdog's premises.

I am deeply concerned about the effect extended licensing hours will have on the health and well-being of the neighbourhood as a result of the accompanying noise and disturbance caused by people leaving the premises up until 01 am.

Granting this extended license will create a public nuisance in a mixed residential area that includes young children, exam age pupils and working people.

Please do not grant an extended license in an area that will result in a public nuisance

Yours faithfully

**Dr J Wilcockson
Sidegate
Durham
DH15SY**

Sent from my iPhone

Appendix 6: Responses from Responsible Authorities

From: Licensed Economy Team

Sent: 19 August 2021 14:00

To: Karen Baker <

Subject: FW: Licensing - NEW premises licence application received Brewdog Unit 6, The Waterside, Milburngate, DH1 5TL

Hi

No objection from Durham Constabulary

Thanks

PC 1426 Iain Robertson
Licenced Economy Team

From: DSCP Secure <
Sent: 03 September 2021 15:23
To: Karen Baker <
Subject: RE: Licensing - NEW premises licence application received Brewdog Unit 6, The Waterside, Milburngate, DH1 5TL

My Ref: SW/2021/069

I represent the Durham Safeguarding Children Partnership (DSCP) which is a responsible authority under the Licensing Act. I have received a copy of your application for a premises licence for your premises at Brewdog Unit 6, The Waterside, Milburngate, DH1 5TL.

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

Stephen Winship

Policy & Strategy Officer
Durham Safeguarding Children Partnership

Tel :
County Hall, Durham
DH1 5UJ



Durham Safeguarding Children Partnership (DSCP)
Keeping Children Safe

dscpsecure@durham.gov.uk
www.durham-scp.org.uk





Chief Fire Officer: Stuart Errington

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

Date: 13 August 2021

This matter is being dealt with by: Julie Knox

Our Ref: 7A40850510

Your Ref: 485593

Direct Dial Telephone:

E-mail:

Dear Karen,

Licensing Act 2003

Regulatory Reform (Fire Safety) Order 2005

Brewdog Retail Limited, Brewdog, Unit 6 The Waterside, Milburngate House, Durham, DH1 5TL

I acknowledge your application dated 11 August 2021 for a Premises Licence under The Licensing Act 2003 in respect of the above-named premises.

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

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

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

Yours faithfully

Julie Knox
Fire Safety Section



www.ddfire.gov.uk

Appendix 7: Statement of Licensing Policy

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.

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 8: 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 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.