



Statutory Licensing Sub-Committee

Date Tuesday 16 November 2021
Time 1.30 pm
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 27 July 2021, 31 August 2021 and 4 October 2021 (Pages 3 - 22)
5. Application for the Grant of a Premises Licence - 56 Startforth Park, Barnard Castle (Pages 23 - 88)
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
8 November 2021

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

Councillors L Brown, C Hampson, C Hunt, E Peeke and
E Waldock

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

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DURHAM COUNTY COUNCIL

At a Meeting of **Statutory Licensing Sub-Committee** held in 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:

Activity	Days & Hours
Opening Times	Monday to Thursday 11:00 - 00:30 hrs Friday and Saturday: 11:00 - 02:00 hrs Sunday: 12:00 - 00:30 hrs Extra hour on New Years' Eve
Supply of alcohol (for consumption on and off the premises)	Monday to Thursday 11:00 - 00:30 hrs Friday and Saturday: 11:00 - 02:00 hrs (on sales) Friday and Saturday: 11.00 - 01.00 hrs (off sales) Sunday: 12:00 - 00:30 hrs Extra hour on New Years' Eve
Live Music, Recorded Music and Performance of Dance (Indoors only)	Monday to Thursday 11:00 - 00:30 hrs Friday and Saturday: 11:00 - 02:00 hrs Sunday: 12:00 - 00:30 hrs Extra hour on New Years' Eve
Plays, Indoor Sporting Events (Indoors only)	Monday to Thursday 11:00 - 00:30 hrs Friday and Saturday: 11:00 - 02:00 hrs Sunday: 12:00 - 00:30 hrs
Late Night Refreshment (Indoors only)	Sunday to Thursday 23:00 - 00:30 hrs Friday and Saturday: 23:00 - 02:00 hrs Extra hour on New Years' Eve

The following conditions to be attached to the Premises Licence:

- 1) To allow children into the upstairs function room until 23.30 hrs.
- 2) To reduce the time children may stay in the downstairs bar from 21.30 hrs to 19.00 hrs.
- 3) To keep the off sales to the present licensed hours, removing the concerns from residents regarding customers drinking in the street after closing.
- 4) To offer bi-monthly meetings at the premises with local residents, the police and the council to discuss any issues or concerns.
- 5) To not offer 18th birthday parties at the venue.

- 6) To employ licensed door staff from 19.30 hrs until at least thirty (30) minutes after closing times on Fridays, Saturdays and any day that large events are held such as bank holiday Sundays and New Years' Eve.
- 7) Door staff to disperse any crowds that may occur around the premises at closing time.
- 8) To actively discourage smoking from the front of the premises and encourage smokers to use the rear smoking area.

DURHAM COUNTY COUNCIL

At a Meeting of **Statutory Licensing Sub-Committee** held in Council Chamber, County Hall, Durham on **Monday 4 October 2021 at 1.30 pm**

Present:

Councillor L Brown (Chair)

Members of the Committee:

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

Also Present:

S Grigor (Council's Solicitor)

H Johnson (Licensing Team Leader)

S Adamson (Applicant)

R Dunbar (Applicant's Business Partner)

1 Apologies for Absence

There were no apologies for absence.

2 Substitute Members

There were no substitute Members.

3 Declarations of Interest

There were no declarations of interest.

4 Application for the Grant of a Premises Licence - Artisan Corner, 8-10 The Bank, Barnard Castle, County Durham

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

The Sub-Committee considered the report of the Corporate Director of Neighbourhoods and Climate Change regarding an application for the grant of a premises licence for the Artisan Croner, 8-10 The Bank, Barnard Castle (for copy of report, see file of minutes).

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

The Licensing Team Leader was in attendance to present the report.

The Officer advised Members that the Applicant already held a premises licence for No.8 The Bank and the new application covered Nos 8-10 The Bank so that No.10 The Bank could also be utilised as a shop to permit off-sales of alcohol. If the application was granted, then the existing premises licence for No.8 The Bank would be surrendered.

During the consultation period, the Licensing Authority received two representation from other persons in relation to the application, who were unable to attend the meeting.

The Fire Safety Authority, Environmental Health, Durham Safeguarding Children Partnership and Durham Constabulary all replied to the consultation with no objections.

The Planning Authority provided comments that were passed onto the Applicant.

Additional Information had been submitted by the Applicant that was circulated to all parties prior to the meeting. Five letters of support had been provided by the Applicant prior to the meeting that were circulated to Members.

The Licensing Team Leader outlined the options open to the Sub-Committee.

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

The Applicant was then invited to address the Sub-Committee and Mr Dunbar indicated that the areas of contention with regard to the application were around the courtyard area. He asked Members to note that that they had not applied for this area to be included in the premises licence.

He then indicated that he had provided his written submission answering each of the respondent's issues that he believed were clear. The additional information submitted today was letters of support from some of their concerned customers. The issue of the application had arisen in a local newspaper and they had felt concerned enough to come and see them and offer a letter of support.

He went on to advise Members that they had received information at the weekend from the son of their landlord, who had provided a letter of support

and provided information to confirm that the flats above did not have access to the courtyard and was not a shared access area. The doorways from both the properties into the courtyard were locked and had been locked from when the residents of the flats had taken residence. Any issues of them having access to the courtyard as a means of escape, the fire authority would not allow as it was a fully enclosed area, so this was not going to be an issue.

The Licensing Team Leader clarified that the plan for the premises that accompanied the premises licence application did not show the courtyard as part of the application, but they had an outside seating to the front of the premises, that was under a café pavement licence.

In response to questions, the Applicant confirmed that they intended to have off sales and the shop would be open 6 days a week and the Bistro/Café 5 days a week with opening hours of 10.00 am to 5.00 pm. On occasions they may wish to have a late licence for private dining or a special occasion.

The Applicant then confirmed that there was one window looking onto the courtyard that did not open and had a film over the top half of the window for privacy purposes for both themselves and the residents of the flats. They did have a doorway to the courtyard that was locked, and they were unlikely to consider using this door.

The Chair thanked everyone for their attendance and at 1.55 pm Councillors L Brown, I McLean and M Wilson **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 had taken into account the report of the Licensing Team Leader and the written and verbal representations of the Applicant and the written representations of Other Persons. Members had also considered Durham County Council's Statement of Licensing Policy and Section 182 Guidance issued by the Secretary of State.

Resolved: That the Premises Licence be granted as follows:

Licensable Activity	Days and Hours
Supply of Alcohol (consumption on and off the premises)	Monday to Sunday: 9.00 am until 11.00 pm
Open to the public	Monday to Sunday: 9.00 am until 11.00 pm

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Statutory Licensing Sub-Committee

16th November 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:

Barnard Castle West

Purpose of the Report

- 1 The Sub-Committee is asked to consider and determine the application for the grant of a Premises Licence for 56 Startforth Park, Barnard Castle, County Durham DL12 9AN
- 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 22nd September 2021 by Mrs Terri Brown.
- 4 The application requests the following:
 - Supply of Alcohol for consumption off the premises between 9.00 am and 5.00 pm Monday to Saturday and from 10.00 am until 4.00 pm on Sunday.
- 5 On 20th October 2021, following mediation with Durham Constabulary the applicant agreed to add some additional conditions to the application.
- 6 On 22nd October 2021, Mrs Brown provided some additional information and also amended the application to remove the option for customers to collect their own orders from the premises so that all orders would be for delivery only. The following condition was added by the applicant:

- Customers will not be permitted to collect orders from the premises
- 7 During the consultation period, the Licensing Authority received four objections from other persons; two of these were later withdrawn following the applicant's subsequent amendment to the application and the additional information provided.
- 8 The Environmental Health Department, the Fire Safety Authority and the Durham Safeguarding Children Partnership all replied to the consultation with no comments.
- 9 The Planning Authority provided comments which were passed on to the applicant.

Recommendation(s)

- 10 The Sub-Committee is asked to determine the application with a view to promoting the licensing objectives.
- 11 The Sub-Committee is recommended to give appropriate weight to:
- (a) The steps that are appropriate to promote the licensing objectives;
 - (b) The representations (including supporting information) presented by all parties;
 - (c) The Durham County Council Statement of Licensing Policy. The relevant parts of the policy are attached at Appendix 9;
 - (d) The Guidance issued to local authorities under Section 182 of the Licensing Act 2003 (as amended April 2018). The relevant parts of the guidance are attached at Appendix 10.

Background

- 12 Background information

Applicant	Mrs Terri Brown	
Type of Application:	Date received:	Consultation ended:
New Premises Licence	22nd September 2021	20th October 2021

Details of the application

- 13 An application for the grant of a new Premises Licence was received by the Licensing Authority on 22nd September 2021. A copy of the application is attached at Appendix 3.
- 14 The application is deemed by the Licensing Authority to be correctly served and advertised in accordance with the Licensing Act regulations.
- 15 The activities and timings requested are now as follows:

Licensable Activity	Days & Hours
Supply of Alcohol (consumption off the premises)	Monday to Saturday: 09:00 - 17:00 hrs Sunday: 10:00 – 16:00 hrs
Open to the public	No longer applicable

- 16 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.
- 17 On 22nd October 2021, Mrs Brown provided some additional information and also amended the application to remove the option for customers to collect their own orders from the premises so that all orders would be for delivery only. The following condition was added by the applicant:
- Customers will not be permitted to collect orders from the premises

Please see Appendix 4

- 18 On 20th October 2021, following mediation with Durham Constabulary, the applicant added the following additional conditions to the application:
- All staff shall be fully trained to perform their role. They will also be trained in the contents of the premises licence including times of operation, licensable activities and all conditions. Such training will be recorded in a register if more than one person is employed at the premises. The register will be made available to the Police or an authorised officer of the council upon request.

- As part of such a scheme a register of refusals shall be maintained and kept up to date. The register will be available for immediate inspection by police or authorised officers of the council.
- The premises shall operate the Challenge 25 scheme, where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS hologram.
- Customers ordering online must be required to enter their date of birth before purchase to prove that they are over 18 years of age.
- All sales must be pre-paid before delivery.

For confirmation, please see Appendix 5.

The Representations

- 19 During the consultation period, the Licensing Authority received four objections from other persons; two of these were later withdrawn following the applicant's subsequent amendment to the application and the additional information provided.

The two remaining representations are from:

- Ms J Scrafton (other person)
- Mr A Hinchcliffe (other person)

For Members information, the two persons making representation are from the same household.

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

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

A copy of the objections/representations are attached at Appendix 6.

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

- Environmental Health Department

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

Copies of the responses are attached at Appendix 7, for information only.

- 22 The Planning Authority provided comments for information only
Please see Appendix 8

The Parties

- 23 The Parties to the hearing will be:
- Mrs Terri Brown (applicant)
 - Ms J Scrafton (other person)
 - Mr A Hinchcliffe (other person)

Options

- 24 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

- 25 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

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

See Appendix 1

Conclusion

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

Background papers

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

Other useful documents

- None

Contact: Yvonne Raine

Tel: 03000 265256

Appendix 1: Implications

Legal Implications

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

In this case it was summed up that:

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

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

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

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

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

Consultation

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

The Responsible Authorities were consulted on the application.

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

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

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

Appendix 2: Location Plan

Durham County Council - IntraMAP



Startforth Park

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Ordnance Survey LA 100049055
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Every care has been taken to ensure the information contained on this map is correct. DCC accepts no liability for error or misinterpretation of the information shown on this map.

Map produced by Durham County Council - IntraMAP on 4/11/2021 at a scale of 1:2500



Appendix 3: Premises Licence Application

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

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

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

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

I/We TERRI BROWN
(Insert name(s) of applicant)

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

Part 1 – Premises details

Postal address of premises or, if none, Ordnance Survey map reference or description			
56 STARTFORTH PARK BARNARD CASTLE COUNTY DURHAM			
Post town	BARNARD CASTLE	Postcode	DL12 9AN

Telephone number at premises (if any)	
Non-domestic rateable value of premises	£ NO RATEABLE VALUE, RESIDENTIAL PREMISES

Part 2 - Applicant details

Please state whether you are applying for a premises licence as Please tick as appropriate

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

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

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

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

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

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

--

SECOND INDIVIDUAL APPLICANT (if applicable)

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

(B) OTHER APPLICANTS

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

Name
Address
Registered number (where applicable)

Description of applicant (for example, partnership, company, unincorporated association etc.)
Telephone number (if any)
E-mail address (optional)

Part 3 Operating Schedule

When do you want the premises licence to start?

DD	MM	YYYY
20	09	2021

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

DD	MM	YYYY

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

THE PREMISES IS MY HOME. IT IS A 3 BEDROOM HOUSE. THE ROOM I WOULD BE USING IS A BACK ROOM ATTACHED TO THE KITCHEN WHICH HAS A DOOR LEADING TO THE GARDEN. OUR HOUSE IS MID TERRACE IN A SMALL ESTATE. ALCOHOL WILL BE SOLD FROM HERE BUT NOT CONSUMED ON THE PREMISES. I WILL ALSO DELIVER OR POST

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

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

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

Provision of regulated entertainment (please read guidance note 2)

Please tick all that apply

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)

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

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

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

In all cases complete boxes K, L and M

A

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

B

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

C

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

D

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

E

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

F

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

G

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

I

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

H

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

J

Supply of alcohol Standard days and timings (please read guidance note 7)			Will the supply of alcohol be for <u>consumption – please tick</u> (please read guidance note 8)	On the premises	<input type="checkbox"/>
				Off the premises	<input checked="" type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol! (please read guidance note 5) MY BUSINESS WILL BE SELLING A VARIETY OF DIFFERENT HAMPEERS SOME OF WHICH INCLUDE ALCOHOL. THEY WILL BE SOLD FROM THE PREMISES BETWEEN THE HOURS SHOWN ON THE LEFT, DELIVERED BY OURSELVES OR POSTED WITH ROYAL MAIL		
Mon	09.00	17.00			
Tue	09.00	17.00			
Wed	09.00	17.00			
Thur	09.00	17.00			
Fri	09.00	17.00			
Sat	09.00	17.00			
Sun	10.00	16.00			
			Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 6)		

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

Name	TERRI BROWN
Date of birth	
Address	56 STARTFORTH PARK BARNARD CASTLE COUNTY DURHAM
Postcode	DL12 9AN
Personal licence number (if known)	
Issuing licensing authority (if known)	

K

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

N/A

L

Hours premises are open to the public Standard days and timings (please read guidance note 7)			State any seasonal variations (please read guidance note 5)
Day	Start	Finish	
Mon	09.00	17.00	<p>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 6)</p>
Tue	09.00	17.00	
Wed	09.00	17.00	
Thur	09.00	17.00	
Fri	09.00	17.00	
Sat	09.00	17.00	
Sun	10.00	16.00	

M

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

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

I WILL ENSURE THAT MYSELF & ANY STAFF IN THE FUTURE ARE COMPETENT TO ENABLE THE FULFILMENT OF THE TERMS & CONDITIONS OF THE LICENCE & FOR PREVENTION OF CRIME & DISORDER. ANY NECESSARY TRAINING WILL BE UNDERTAKEN. THE LICENCE HOLDER WILL BE ON THE PREMISES AT ALL TIMES WHEN ALCOHOL IS SOLD.

b) The prevention of crime and disorder

VALID ID MUST BE SHOWN WHEN BUYING ALCOHOL. ANY SALES WILL ONLY HAPPEN DURING THE SPECIFIED HOURS. CUSTOMERS ARE NOT ALLOWED TO DRINK OR OPEN THE ALCOHOL ON THE PREMISES. ALL ALCOHOL IS STORED IN A SECURE CABINET.

c) Public safety

EASY & SAFE ENTRANCE TO THE PREMISES. THE ENTRANCE IS VIA A SIDE ALLEY INTO A GARDEN WHICH IS TO THE ROOM USED FOR THE PREMISES. FIRE ALARMS FITTED IN THE HOUSE & THERE ARE TWO EXITS ONE BACK DOOR AND ONE FRONT.

d) The prevention of public nuisance

TO PREVENT PUBLIC NUISANCE, ITEMS WILL BE COLLECTED AT SPECIFIC TIMES ARRANGED, THIS TO PREVENT UNNECESSARY GATHERINGS. A NOTICE WILL BE DISPLAYED TO REMIND CUSTOMERS TO HAVE REGARD FOR NEIGHBOURS.

e) The protection of children from harm

VALID PHOTOGRAPHIC ID WILL BE REQUESTED FOR ALL SALES OF ALCOHOL WHICH MUST CONTAIN DATE OF BIRTH. ALL HAMPERS THAT CONTAIN ALCOHOL WILL BE CLEARLY LABELED TO MAKE SURE THE CUSTOMERS ARE AWARE IT ISN'T FOR CONSUMPTION BY THE AGE OF 18.

Checklist:

Please tick to indicate agreement

- I have made or enclosed payment of the fee.
- I have enclosed the plan of the premises.
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable.
- I understand that I must now advertise my application.
- I understand that if I do not comply with the above requirements my application will be rejected.
- [Applicable to all individual applicants, including those in a partnership which is not a limited liability partnership, but not companies or limited liability partnerships] I have included documents demonstrating my entitlement to work in the United Kingdom or my share code issued by the Home Office online right to work checking service (please read note 15).

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

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

Part 4 – Signatures (please read guidance note 11)

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

Declaration	<ul style="list-style-type: none"> • [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, or have conducted an online right to work check using the Home Office online right to work checking service which confirmed their right to work (please see note 15)
Signature	
Date	16/9/21
Capacity	APPLICANT

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

Signature	
Date	
Capacity	

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

I AM SETTING UP AS A SOLE TRADER & MY MAIN SALES WILL BE HAMPERS. THESE WILL COME IN A WIDE VARIETY SUCH AS CHRISTMAS, BIRTHDAYS, NEW BABY, PARTY ETC. SOME OF THESE HAMPERS WILL INCLUDE ALCOHOL. ALL OF THE HAMPERS WILL BE PREPARED ON THE PREMISES BY MYSELF. I AM CURRENTLY ON SETTING UP A BUSINESS PAGE ON SOCIAL MEDIA & I HAVE A SEPERATE BUSINESS EMAIL (I MAY GO ONTO A WEBSITE IN THE FUTURE) MY CURRENT MOBILE NUMBER WILL BE USED FOR THE BUSINESS AS WELL AS PERSONAL. ORDERS CAN BE PLACED BY EITHER PHONING OR MESSAGING THIS NUMBER SENDING ME A MESSAGE VIA THE SOCIAL MEDIA PAGES OR BY EMAIL. I CAN SEE ALL MESSAGES BY PHONE OR LAPTOP. ONCE A PERSON DECIDES THEY WANT TO MAKE AN ORDER THEY WILL BE ASKED IF THEY WANT TO COLLECT THEMSELVES FROM THE PREMISES OR HAVE IT DELIVERED EITHER BY MYSELF OR ROYAL MAIL OR DPD DEPENDING ON DISTANCE. ALL FUTURE CUSTOMERS WILL BE ASKED TO VERIFY THEIR AGE PRIOR TO PAYMENT. PAYMENT OR A DEPOSIT WILL BE REQUIRED BEFORE THE HAMPERS ARE MADE.

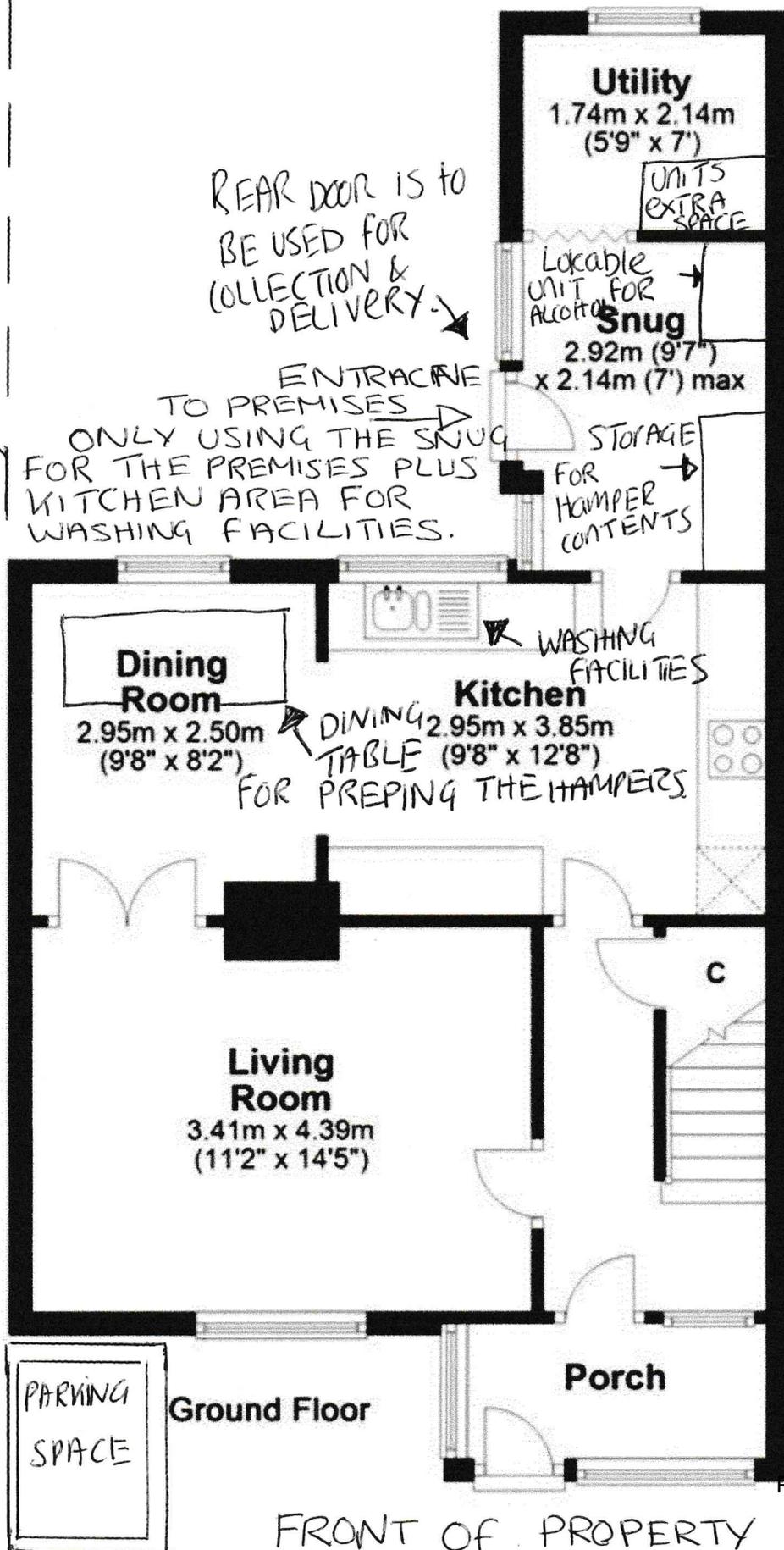
56 Startforth Park Startforth

Plans of S6
Startforth park
showing the
SPACE I REQUIRE
THE PREMISES
LICENCE FOR.

--- BOUNDARY
FENCE

BACK
GATE

SIDE
ALLEYWAY
TO
PREMISES



Appendix 4: Amendments and additional information from applicant

From: terri fenwick <[t](#)>
Sent: 22 October 2021 22:34
To: Helen Johnson - Licensing Team Leader (N'hoods) <
Subject:

To Helen/ karen

Today I received an email from a senior licensing officer informing me that they have received 3 objections from local residents regarding my premises license. I feel I now need to amend my application with some changes and a condition, as I'd like to think this will hopefully help alleviate the concerns which have been put forward.

The first point I would like to make is i am not opening an off license or shop of any kind my home is staying a residential property of which I am running a small business from it is not open to the public.

I will be making gifts and hampers for all occasions all of which have to be pre ordered and paid for online or bank card before delivery can take place, the reason I have had to apply for the license is due to some of the hampers containing wine, champagne, spirits etc
Eg. Christmas hamper (cheese, crackers, jams chutneys, bottle of mulled wine, Christmas pudding, mince pies a bottle of baileys).

The hampers will be delivered by myself to the customers home or I would take the hampers to the post office to be sent from there, I did previously say in my application that customers are able to collect every alternate weekend as I work full time elsewhere, but after reading the residents concerns about traffic, noise, road and path damage I will make it a condition that there will be no collections just delivery if need be.

Another point is regarding the children's safety, the children that have been mentioned are outside my house as they have come to play with my child I would never want to risk the safety of my daughter and her friends.

A resident had mentioned about it being a fire hazard, I am not storing a vast amount of alcohol I will not have much stock at home as I will buy most of it as people place an order, I go and do my weekly shop at the supermarket and I would get what I needed then, the fire department have seen the application and they had no concerns

And last Durham constabulary and I have agreed to conditions to be put in place

- .All sales to be pre paid
- .Proof of age
- .Operate the challenge 25 scheme
- .A register of refusals will be kept
- .Any staff in the future will be fully trained

Please If there is anything else at all I can help with to put your minds at ease I'm more than happy to help

Thank you

Terri brown
56 Startforth park

**Appendix 5: Applicant's amendments following mediation with
Durham Constabulary**

From: terri
Sent: 20 October 2021 09:45
To: Helen Johnson - Licensing Team Leader (N'hoods)
Subject: Fwd: Application for a premise licence.

I agree to the conditions that mandy from Durham constabulary has sent me today

Terri brown

----- Forwarded message -----

From: **Mandy McAllister** <
Date: Wed, 20 Oct 2021, 09:32
Subject: Application for a premise licence.
To: terri

Good morning,

Apologies for not getting back to you earlier, I have been off on annual leave. As per our discussion this morning, we have agreed on the following;

- All staff shall be fully trained to perform their role. They will also be trained in the contents of the premise licence including times of operation, licensable activities and all conditions. Such training will be recorded in a register if more than one person is employed at the premises. The register will be made available to the Police or an authorised officer of the council upon request.
- As part of such a scheme a register of refusals shall be maintained and kept up to date. The register will be available for immediate inspection by police or authorised officers of the council.
- The premise shall operate the Challenge 25 scheme , where the only acceptable forms of identification are recognised photographic identification cards, such as a driving Licence, passport or proof of age card with the PASS Hologram
- Customers ordering online must be required to enter their date of birth before purchase to prove that they are over 18 years of age.
- All sales must be pre-paid before delivery.

Please could you forward this email back to Helen and state if you agree to the above please.

Karen,

We have verbally agreed the above conditions, once the confirmation email has been sent. I can confirm that Durham Constabulary have NO OBJECTIONS to the application.

Kind Regards,

Mandy

Mandy McAllister,

Licensing Unit,

Licensed Economy

Contact

Mobile

Our Values & Vision:

Positive | Fair | Courageous | Inclusive | With Integrity

Protecting Neighbourhoods, Tackling Criminals, Solving Problems

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

Appendix 6: Representations

From: J Scrafton
Sent: 16 October 2021 10:42
To: AHS Licensing <
Subject: Alcohol licence 56 Startforth Park

We object to the alcohol licence on the grounds that we will be subjected to noise and disruption. Increased traffic with deliveries and courier collection which will cause financial hardship, as we have to pay for the roads and paths on the estate and this will increase the resurfacing costs. We are concerned about the increase of crime and anti social behaviour associated with an off licence. We will feel less safe and left in a vulnerable position if you allow the licence.

Startforth Park is a private estate with resident parking only. Any customers parking up will take up residents parking places which will lead to confrontation when residents cannot park to get into their own homes.

We have a shared private front path with 56 Startforth Park and we do not want to share this with customers going into 56 Startforth Park. The access to 56 is via a private drive and not suitable for business use. We object on the grounds of intrusion of our privacy.

Startforth Park is open plan front gardens with children playing and an increase in traffic will increase the risk of children being knocked down.

There are plenty of retail outlets selling alcohol in Barnard Castle. We are a rural private residential estate not a trading or retail park. This would set a precedence to turning residential homes into businesses.

J Scrafton
Startforth Park

From: A Hinchcliffe
Sent: 16 October 2021 10:37
To: AHS Licensing <
Subject: 56 Startforth Park

To whom it may concern

I would like to object to 56 startforth Park getting a drinks licence on the grounds of, Its a shared path with our house to get to 56 entrance. If the path is damaged by excess use or deliveries we would have to pay half of the repair bill causing us financial hardship.

There is limited parking outside 56 and customers would have to park on people`s private property causing damage to lawns, possible criminal damage and conflict with neighbours.not being able to park up to get to their own homes.

There are young children on the estate with extra traffic there is a danger of children getting run over.

Startforth Park is a rural area and having a shop would increase the chance of crime going up and we would have to increase our security for our own safety once again at cost to us.

As its a shared front path with and 56 our privacy would be compromised.

A Hinchcliffe (Startforth Park)

Appendix 7: Responses from Responsible Authorities

From: Sarah Clement-Dawson
Sent: 23 September 2021 14:14
To: Karen Baker <
Cc: AHS Licensing <Licensing@durham.gov.uk>
Subject: Licensing - NEW premises licence application - 56 Startforth Park, Startforth, Barnard Castle DL12 9AN



MEMO

To: Ms Karen Baker
Licensing Services

From: Dr Sarah Clement-Dawson
Neighbourhoods and Climate Change

Date: 23 September 2021

Re: **Licensing Application - New premises application
T-Party Events and Occasions, 56 Startforth Park, Startforth, Barnard
Castle, DL12 9AN**

With reference to the above licensing application received on 23 September 2021.

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

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

Direct:
Switchboard: 03000 260000
E-mail:



Chief Fire Officer: Stuart Errington

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

Date: 14 October 2021
This matter is being dealt with by: Julie Knox

Our Ref: 2E60050400
Your Ref: 489244

Direct Dial Telephone:
E-mail:

Dear Karen,

Licensing Act 2003
Regulatory Reform (Fire Safety) Order 2005
Mrs Terri Brown, 56 Startforth Park, Barnard Castle, DL12 9AN

I acknowledge your application dated 22 September 2021 for a Premises Licence under The Licensing Act 2003 in respect of the above named premises.

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

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

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

Yours faithfully

Julie Knox
Fire Safety Section



www.ddfire.gov.uk

From: DSCP Secure

Sent: 15 October 2021 16:05

To: Karen Baker <

Subject: RE: Licensing - NEW premises licence application - 56 Startforth Park, Startforth, Barnard Castle DL12 9AN

My Ref: SW/2021/079

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 56 Startforth Park, Startforth, Barnard Castle DL12 9AN.

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



Appendix 8: Response from Planning Authority

From: Susan Hyde <

Sent: 06 October 2021 14:47

To: Karen Baker <

Subject: CON14/21/03259 Application for a Premises Licence 56 Startforth Park, Barnard Castle DL12 9AN

Hello Karen,

Re CON14/21/03259 Application for a Premises Licence 56 Startforth Park, Barnard Castle DL12 9AN

Thank you for the notification about the above premises license application. From the information submitted in the license application the applicant appears to be setting up a business to be run from home for both mail order goods and for people to call at the property for collection. Depending on the number of visits from people to the applicants dwelling the applicant may require planning permission to run such a business from home.

It would be appreciated if you could request the applicant submits an enquiry to Planning Services using the link below:

<https://www.durham.gov.uk/article/8280/Planning-advice-and-enquiries>

Kind Regards,

Susan Hyde
Planning Officer

Appendix 9: Statement of Licensing Policy

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Appendix 10: Section 182 Guidance

Crime and disorder

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

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

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

Public safety

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

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

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

Ensuring safe departure of those using the premises

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

Maintenance and repair

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

Safe capacities

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

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

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

Public nuisance

- 2.15 The 2003 Act enables licensing authorities and responsible authorities, through representations, to consider what constitutes public nuisance and what is appropriate to prevent it in terms of conditions attached to specific premises licences and club premises certificates. It is therefore important that in considering the promotion of this licensing objective, licensing authorities and responsible authorities focus on the effect of the licensable activities at the specific premises on persons living and working (including those carrying on business) in the area around the premises which may be disproportionate and unreasonable. The issues will mainly concern noise nuisance, light pollution, noxious smells and litter.
- 2.16 Public nuisance is given a statutory meaning in many pieces of legislation. It is however not narrowly defined in the 2003 Act and retains its broad common law meaning. It may include in appropriate circumstances the reduction of the living and working amenity and environment of other persons living and working in the area of the licensed premises. Public nuisance may also arise as a result of

the adverse effects of artificial light, dust, odour and insects or where its effect is prejudicial to health.

- 2.17 Conditions relating to noise nuisance will usually concern steps appropriate to control the levels of noise emanating from premises. This might be achieved by a simple measure such as ensuring that doors and windows are kept closed after a particular time, or persons are not permitted in garden areas of the premises after a certain time. More sophisticated measures like the installation of acoustic curtains or rubber speaker mounts to mitigate sound escape from the premises may be appropriate. However, conditions in relation to live or recorded music may not be enforceable in circumstances where the entertainment activity itself is not licensable (see chapter 16). Any conditions appropriate to promote the prevention of public nuisance should be tailored to the type, nature and characteristics of the specific premises and its licensable activities. Licensing authorities should avoid inappropriate or disproportionate measures that could deter events that are valuable to the community, such as live music. Noise limiters, for example, are expensive to purchase and install and are likely to be a considerable burden for smaller venues.
- 2.18 As with all conditions, those relating to noise nuisance may not be appropriate in certain circumstances where provisions in other legislation adequately protect those living in the area of the premises. But as stated earlier in this Guidance, the approach of licensing authorities and responsible authorities should be one of prevention and when their powers are engaged, licensing authorities should be aware of the fact that other legislation may not adequately cover concerns raised in relevant representations and additional conditions may be appropriate.
- 2.19 Where applications have given rise to representations, any appropriate conditions should normally focus on the most sensitive periods. For example, the most sensitive period for people being disturbed by unreasonably loud music is at night and into the early morning when residents in adjacent properties may be attempting to go to sleep or are sleeping. This is why there is still a need for a licence for performances of live music between 11 pm and 8 am. In certain circumstances, conditions relating to noise emanating from the premises may also be appropriate to address any disturbance anticipated as customers enter and leave.
- 2.20 Measures to control light pollution will also require careful thought. Bright lighting outside premises which is considered appropriate to prevent crime and disorder may itself give rise to light pollution for some neighbours. Applicants, licensing authorities and responsible authorities will need to balance these issues.
- 2.21 Beyond the immediate area surrounding the premises, these are matters for the personal responsibility of individuals under the law. An individual who engages in anti- social behaviour is accountable in their own right. However, it

would be perfectly reasonable for a licensing authority to impose a condition, following relevant representations, that requires the licence holder or club to place signs at the exits from the building encouraging patrons to be quiet until they leave the area, or that, if they wish to smoke, to do so at designated places on the premises instead of outside, and to respect the rights of people living nearby to a peaceful night.

Protection of children from harm

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

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

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

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

Offences relating to the sale and supply of alcohol to children

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

Table of relevant offences under the 2003 Act

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