



Statutory Licensing Sub-Committee

Date Monday 10 January 2022
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 4 October 2021 and 16 November 2021 (Pages 3 - 10)
5. Application for the Grant of a Premises Licence - Dalton Old Pump House, Seaham, County Durham (Pages 11 - 86)
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
23 December 2021

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

Councillors R Adcock-Forster, A Batey, L Brown, C Hunt and
E Waldock

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

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DURHAM COUNTY COUNCIL

At a Meeting of **Statutory Licensing Sub-Committee** held in Council Chamber, County Hall, Durham on **Monday 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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DURHAM COUNTY COUNCIL

At a Meeting of **Statutory Licensing Sub-Committee** held in the Council Chamber, County Hall, Durham on **Tuesday 16 November 2021 at 1.30 pm**

Present:

Councillor L Brown (Chair)

Members of the Committee:

Councillors C Hampson, C Hunt and E Peeke

Also Present:

Helen Johnson – Licensing Team Leader

Stephen Buston – Solicitor, DCC

Terri Brown – Applicant

1 Apologies for Absence

An apology for absence was received from Councillor E Waldock.

2 Substitute Members

There were no substitute Members.

3 Declarations of Interest

There were no declarations of interest.

4 Minutes

The Minutes of the meetings held on 27 July 2021, 31 August 2021 and 4 October 2021 were agreed as a correct record and were signed by the Chair.

5 Application for the Grant of a Premises Licence - 56 Startforth Park, Barnard Castle

The Committee considered the report of the Corporate Director of Neighbourhoods and Climate Change regarding an application to grant a Premises Licence in respect of 56 Startforth Park, Barnard Castle, County Durham (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 additional information had been submitted by the Applicant and also amended the application to remove the option for customers to collect orders from the premises so that all orders would be delivery only.

During the consultation period, the Licensing Authority received four representation from other persons in relation to the application, two representations had been withdrawn following mediation and the additional information from the Applicant.

The Environmental Health Department, the Fire Safety Authority and Durham Safeguarding Children Partnership had no comments on the application. The Planning Authority provided comments which were passed on to the Applicant.

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

The Applicant was invited to address the Committee. She advised that she intended to start a business selling hampers for Christmas, Birthdays, Weddings, Mothers/Fathers day which would contain alcohol and was advised by Durham County Council that an appropriate licence was required.

Responding to questions from members regarding distribution, the Applicant advised that she would deliver hampers personally or take them to the Post Office or use DPD collections so there would be no additional traffic using the shared drive/path.

Responding to a query from the Legal Adviser, the Applicant confirmed that the business would operate all-year-round.

After inviting all parties to sum up, Councillors L Brown, C Hampson and C Hunt **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 Committee considered the report of the Corporate Director of Neighbourhoods and Climate Change and the verbal and written representations of the applicant, Mrs Terri Brown. The 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	No longer applicable
Supply of alcohol (for consumption off the premises)	Monday to Saturday: 09.00 - 17.00 hrs Sunday: 10:00 - 16:00 hrs (off sales)

The following conditions shall be attached to the Premises Licence:

- 1) Customers will not be permitted to collect orders from the premises.
- 2) 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.
- 3) 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.
- 4) 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.
- 5) Customers ordering online must be required to enter their date of birth before purchase to prove that they are over 18 years of age.
- 6) All sales must be pre-paid before delivery.

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Statutory Licensing Sub-Committee

10th January 2022

**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:

Murton, Seaham

Purpose of the Report

- 1 The Sub-Committee is asked to consider and determine the application for the grant of a Premises Licence for Dalton Old Pump House, Stockton Road, Dalton-le-Dale, Seaham, County Durham SR7 8RQ
- 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 15th November 2021 by Sweeney Miller Solicitors on behalf of the applicant Dalton Old Pump House Limited.
- 4 The application originally requested the following:
 - Supply of Alcohol for consumption on the premises between 9.00 am and 12.00 midnight Monday to Sunday.
 - Provision of Live Music between 9.00 am and 12.00 midnight Monday to Sunday.
- 5 On 23rd November 2021, following mediation with Durham County Council's Environmental Health Department, the applicant amended the requested timings for the provision of Live Music to the following:
 - Provision of Live Music between 9.00 am and 11.00 pm Monday to Sunday

- 6 On 13th December 2021, following mediation with the Durham Safeguarding Children Partnership, the applicant added some additional conditions to the application.
- 7 During the consultation period, the Licensing Authority received six objections from other persons.
- 8 Additional information was received from the Applicant's agent in response to some of the concerns raised by persons making representation.
- 9 The Planning Department, Durham Constabulary and the Fire Safety Authority all replied to the consultation with no comments.

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 8;
 - (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 9.

Background

- 12 Background information

Applicant	Dalton Old Pump House Limited	
Type of Application:	Date received:	Consultation ended:
New Premises Licence	15th November 2021	13th December 2021

Details of the application

- 13 An application for the grant of a new Premises Licence was received by the Licensing Authority on 15th November 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 On 23rd November 2021, following mediation with Durham County Council’s Environmental Health Department, the applicant amended the requested timings for the provision of Live Music to the following:
- Provision of Live Music between 9.00 am and 11.00 pm Monday to Sunday

For confirmation, see Appendix 4.

- 16 The activities and timings requested are now as follows:

Licensable Activities	Days & Hours
Supply of Alcohol (consumption on the premises)	Monday to Sunday: 09:00 - 00:00 hrs
Live Music	Monday to Sunday: 09:00 - 23:00 hrs
Open to the public	Monday to Sunday: 09:00 - 00:00 hrs

- 17 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.
- 18 Additional information was received from the Applicant’s agent in response to some of the concerns raised by persons making representation. Please see Appendix 4.
- 19 On 13th December 2021, following mediation with the Durham Safeguarding Children Partnership, the applicant added the following additional conditions to the application:
- Verification of age – safeguards to be in place to see that alcohol is not served to or purchased on behalf of under age children. A ‘Challenge 25’ age verification policy is operated which requires anyone looking under the age of 25 to produce photographic evidence of proof of age from a passport, driving licence or PASS accredited scheme before any alcohol is supplied. The actions of staff operating the policy to be regularly monitored.

- Minimise the risk of proxy sales – The applicant will work with the police to minimise the risk of proxy provision / proxy sales. (This is alcohol purchased or obtained for young people by relatives or older friends).
- Maintain a refusals register – where a sale of alcohol is refused if a person appears intoxicated or appears to be under 18, a refusal register / log to be updated. The register to be made available to the police on request.
- Training of staff – all staff responsible for selling age restricted goods to be trained to implement the age verification policy. Staff training to include the risk from proxy sales. Training records for staff to be maintained and refresher training to be provided annually.

Please see Appendix 5, for confirmation.

The Representations

- 20 During the consultation period, the Licensing Authority received 6 objections from the following other persons:
- Ms E Reay (other person)
 - Ms S Weatherall (other person)
 - Ms H Abraham (other person)
 - Mrs J Davis (other person)
 - Dr RB Smith (other person)
 - Mr P and Mrs J Bedding (other persons)
- 21 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

Copies of the objections/representations are attached at Appendix 6.

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

- The Council's Planning Department
- Durham Constabulary
- County Durham and Darlington Fire Safety Authority

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

The Parties

23 The Parties to the hearing will be:

- Dalton Old Pump House Limited (applicant)
- Ms Jess Fenwick, Sweeney Miller LLP (applicant's agent)
- Ms E Reay (other person)
- Ms S Weatherall (other person)
- Ms H Abraham (other person)
- Mrs J Davis (other person)
- Dr RB Smith (other person)
- Mr P and Mrs J Bedding (other persons)

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.

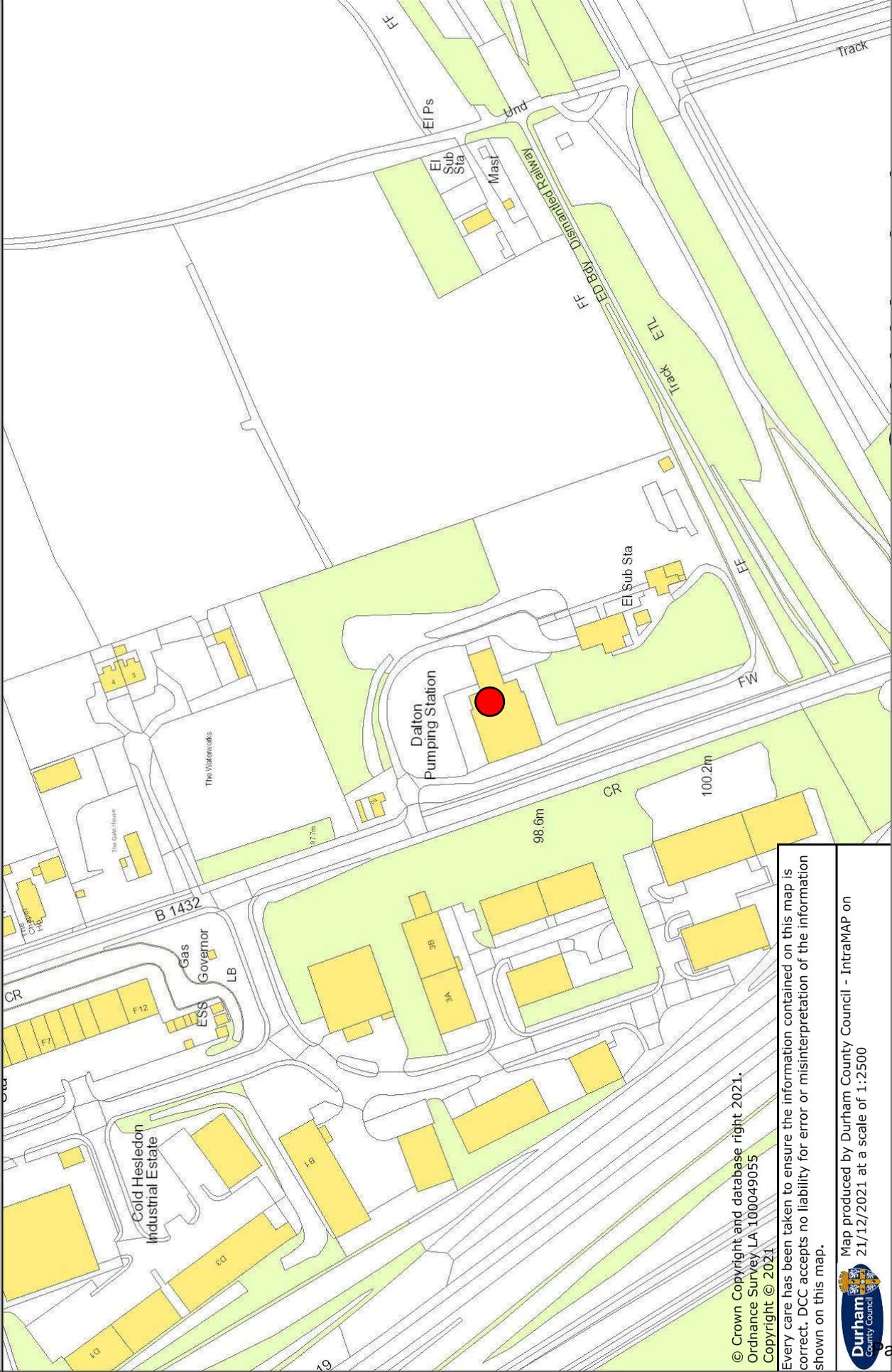
The notice of application was displayed on the premises for a period of 28 days.

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



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

Map produced by Durham County Council - IntraMAP on 21/12/2021 at a scale of 1:2500



Appendix 3: Premises Licence Application



* required information

Section 1 of 21

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

System reference	Not Currently In Use	This is the unique reference for this application generated by the system.
Your reference	119781.004	You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant?

- Yes No

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

Applicant Details

* First name	Jess
* Family name	Fenwick

You must enter a valid e-mail address

* E-mail	
Main telephone number	
Other telephone number	

Include country code.

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

Is the applicant:

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

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

Applicant Business

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

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

Registration number	12747830
Business name	Dalton Old Pump House Ltd
VAT number	-

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

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

Continued from previous page...

Legal status

Applicant's position in the business

Home country

The country where the applicant's headquarters are.

Registered Address

Address registered with Companies House.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Agent Details

* First name

* Family name

* E-mail

Main telephone number

Include country code.

Other telephone number

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

Are you:

An agent that is a business or organisation, including a sole trader

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

A private individual acting as an agent

Agent Business

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

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

Registration number

Business name

If your business is registered, use its registered name.

VAT number

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

Legal status

Continued from previous page...

Your position in the business

Home country

The country where the headquarters of your business is located.

Agent Registered Address

Address registered with Companies House.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Section 2 of 21

PREMISES DETAILS

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

Premises Address

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

- Address OS map reference Description

Postal Address Of Premises

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Further Details

Telephone number

Non-domestic rateable value of premises (£)

Section 3 of 21

APPLICATION DETAILS

In what capacity are you applying for the premises licence?

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

Confirm The Following

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

Section 4 of 21

NON INDIVIDUAL APPLICANTS

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

Non Individual Applicant's Name

Name

Details

Registered number (where applicable)

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

Continued from previous page...

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

Section 6 of 21

PROVISION OF PLAYS

See guidance on regulated entertainment

Will you be providing plays?

Yes No

Section 7 of 21

PROVISION OF FILMS

See guidance on regulated entertainment

Will you be providing films?

Yes No

Section 8 of 21

PROVISION OF INDOOR SPORTING EVENTS

See guidance on regulated entertainment

Will you be providing indoor sporting events?

Yes No

Section 9 of 21

PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

See guidance on regulated entertainment

Will you be providing boxing or wrestling entertainments?

Yes No

Section 10 of 21

PROVISION OF LIVE MUSIC

See guidance on regulated entertainment

Will you be providing live music?

Yes No

Standard Days And Timings

MONDAY

Start

End

Start

End

TUESDAY

Start

End

Start

End

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

Continued from previous page...

WEDNESDAY

Start	<input type="text" value="09:00"/>	End	<input type="text" value="00:00"/>
Start	<input type="text"/>	End	<input type="text"/>

THURSDAY

Start	<input type="text" value="09:00"/>	End	<input type="text" value="00:00"/>
Start	<input type="text"/>	End	<input type="text"/>

FRIDAY

Start	<input type="text" value="09:00"/>	End	<input type="text" value="00:00"/>
Start	<input type="text"/>	End	<input type="text"/>

SATURDAY

Start	<input type="text" value="09:00"/>	End	<input type="text" value="00:00"/>
Start	<input type="text"/>	End	<input type="text"/>

SUNDAY

Start	<input type="text" value="09:00"/>	End	<input type="text" value="00:00"/>
Start	<input type="text"/>	End	<input type="text"/>

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

- Indoors Outdoors Both

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

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

The music will be played to accompany a wedding ceremony or wedding reception and for evening entertainment for weddings and events.
Outdoor music will be limited to piped music from speakers to the outdoor terrace and will be of a volume akin to background music. No live music is to be performed outside

State any seasonal variations for the performance of live music

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

No seasonal variations expected save that it is expected there will be more weddings in the summer months than during the winter period

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

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

Continued from previous page...

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PROVISION OF RECORDED MUSIC

See guidance on regulated entertainment

Will you be providing recorded music?

Yes No

Section 12 of 21

PROVISION OF PERFORMANCES OF DANCE

See guidance on regulated entertainment

Will you be providing performances of dance?

Yes No

Section 13 of 21

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

See guidance on regulated entertainment

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

Yes No

Section 14 of 21

LATE NIGHT REFRESHMENT

Will you be providing late night refreshment?

Yes No

Section 15 of 21

SUPPLY OF ALCOHOL

Will you be selling or supplying alcohol?

Yes No

Standard Days And Timings

MONDAY

Start

End

Start

End

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

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

Continued from previous page...

THURSDAY

Start 09:00

End 00:00

Start

End

FRIDAY

Start 09:00

End 00:00

Start

End

SATURDAY

Start 09:00

End 00:00

Start

End

SUNDAY

Start 09:00

End 00:00

Start

End

Will the sale of alcohol be for consumption:

- On the premises Off the premises Both

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

State any seasonal variations

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

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

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

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

Name

First name

Victoria Juliette

Family name

McCarthy-Wright

Continued from previous page...

Date of birth

/ /
dd mm yyyy

Enter the contact's address

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Personal Licence number
(if known)

Issuing licensing authority
(if known)

PROPOSED DESIGNATED PREMISES SUPERVISOR CONSENT

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

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

Reference number for consent form (if known)

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

Section 16 of 21

ADULT ENTERTAINMENT

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

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

Alcohol is to be served at the premises in line with the pre-booked events that they intend to carry out including weddings which is expected to be the main business. Alcohol will only be served to those parties of age attending the given event.

There is not to be any forms of adult entertainment

Section 17 of 21

HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

Continued from previous page...

MONDAY

Start

End

Start

End

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

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

State any seasonal variations

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

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

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

Continued from previous page...

Section 18 of 21

LICENSING OBJECTIVES

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

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

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

The premises is currently under construction in accordance with the planning permission DM/20/03561/FPA with construction to be completed later this year. This will predominantly provide the services of a high end and exclusive wedding and events space which is bookable in advance only where only the quality branded alcohol products will be available. The space has a maximum capacity of 700 people though it not expected that this capacity will be used frequently or if ever and all alcohol will be served alongside the provision of food though it is expected that the average wedding will not ordinarily exceed 200 people and wedding parties have exclusive use of the venue for the whole day of the given wedding so there will not be multiple events held on the same day.

Prior to the premises opening for trade all staff will receive effective and thorough training in relation to the supply of alcohol to customers on the premises and such training will continue at regular intervals and will be mandatory prior to any new staff commencing employment.

b) The prevention of crime and disorder

It will be a policy of the venue that any person intoxicated or believed to be intoxicated will be refused sale of alcohol. The premises will operate a 24-hour CCTV system which will cover both the inside of the premises on the outside boundary of the premises. CCTV recordings will be stored for a month and should the police require any of these recording they will be made available immediately.

The alcohol will be sold only within specific areas of the premises and outside of opening hours these will be adequately secured and an alarm system will be operational which will trigger urgent response in cases of intrusion.

The opening times of the premises will act to prevent late night/early morning crime and disorder as a result of alcohol consumption and the premises are located predominantly away from housing and other community areas.

The pricing of the alcohol served from the premises would be designed to discourage binge drinking whilst soft drink pricing would be reasonable to encourage people to also consume soft drinks. The serving and the promotion of the food served at the premises would also seek to minimise any effective alcoholic consumption.

For events additional security will be put in place in the form of security personnel.

c) Public safety

The premises will have health and safety file is prepared together with fire risk assessment prior to opening in these of course will be regularly updated according to a regulatory requirement or amendments from time to time by professionals in a given field. Once open records will be kept premises of any incidents and these will be made available to any responsible body requiring to see the same. There will be fire safety equipment on the premises at suitable and identifiable points and designate fire safety officer will be on site during opening times.

The premises are being built to current building regulation standards in accordance with the planning permission mentioned above to a high quality specification focused around health and safety suitable for the authorised use of accessibility for disabled persons.

The sanitary provision is in line with the licensing policy advice for this type of venue use.

There will be a limitation on the number of patrons allowed on the premises at any given time and particular attention will be paid to the outside areas which will be suitably separated from any car parking areas and only specific areas were designated for patrons for smoking/vaping.

d) The prevention of public nuisance

The premises are located a considerable distance from concentrated residential areas with their nearest neighbours being predominantly commercial/industrial sites. Accordingly any noise created at the venue is likely to be contained within the

Continued from previous page...

venue and its substantial and surrounding grounds and not have a public nuisance impact.

Any music to be played from the venue would be limited to suitable volumes for the environment in which it is being played.

e) The protection of children from harm

There would be a strict challenge 25 policy operated on the premises and alcohol would be refused any party that was not able to provide suitable photographic identification. Staff would be adequately trained in identification requirements so that if they had any doubt as to the age of the patron photographic identification would be requested. Those under 18 would not be allowed access to the premises without a responsible adult. No alcohol would be served to any person thought to be buying alcohol for any person under the age of 18.

Children would have to be accompanied by a responsible adult when attending the premises.

Section 19 of 21

NOTES ON DEMONSTRATING ENTITLEMENT TO WORK IN THE UK

Continued from previous page...

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

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

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

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

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

Documents which demonstrate entitlement to work in the UK

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

Continued from previous page...

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

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

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

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

Continued from previous page...

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

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

Home Office online right to work checking service

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

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

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

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

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NOTES ON REGULATED ENTERTAINMENT

Continued from previous page...

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

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

Continued from previous page...

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

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PAYMENT DETAILS

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

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

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

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

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

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

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

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

* Fee amount (£)

635.00

ATTACHMENTS

AUTHORITY POSTAL ADDRESS

Address

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

DECLARATION

Continued from previous page...

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

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

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

* Full name

CESS FENWICK

* Capacity

AGENT FOR THE APPLICANT

Date (dd/mm/yyyy)

29/10/2021

Add another signatory

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

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

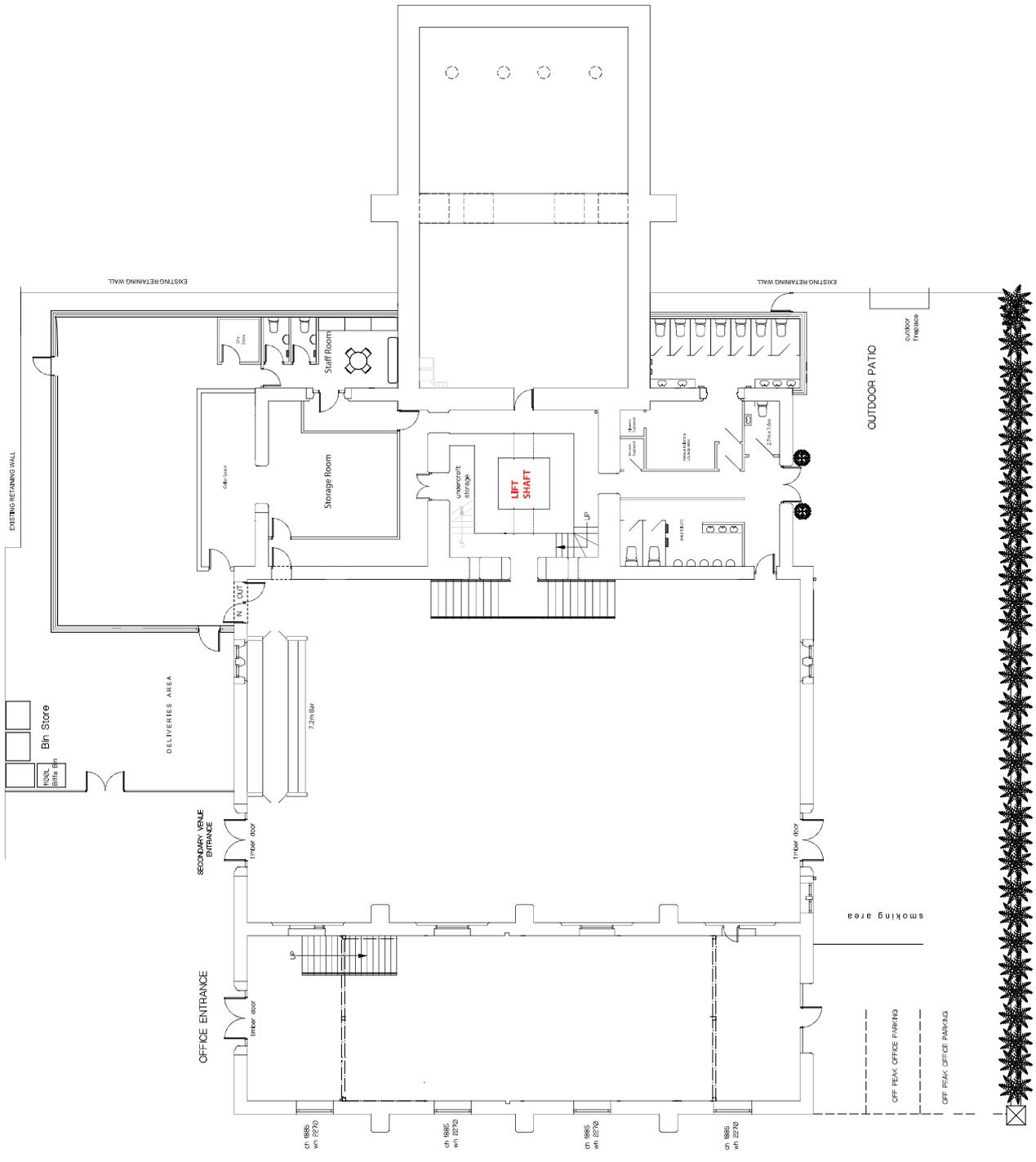
Don't forget to make sure you have all your supporting documentation to hand.

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

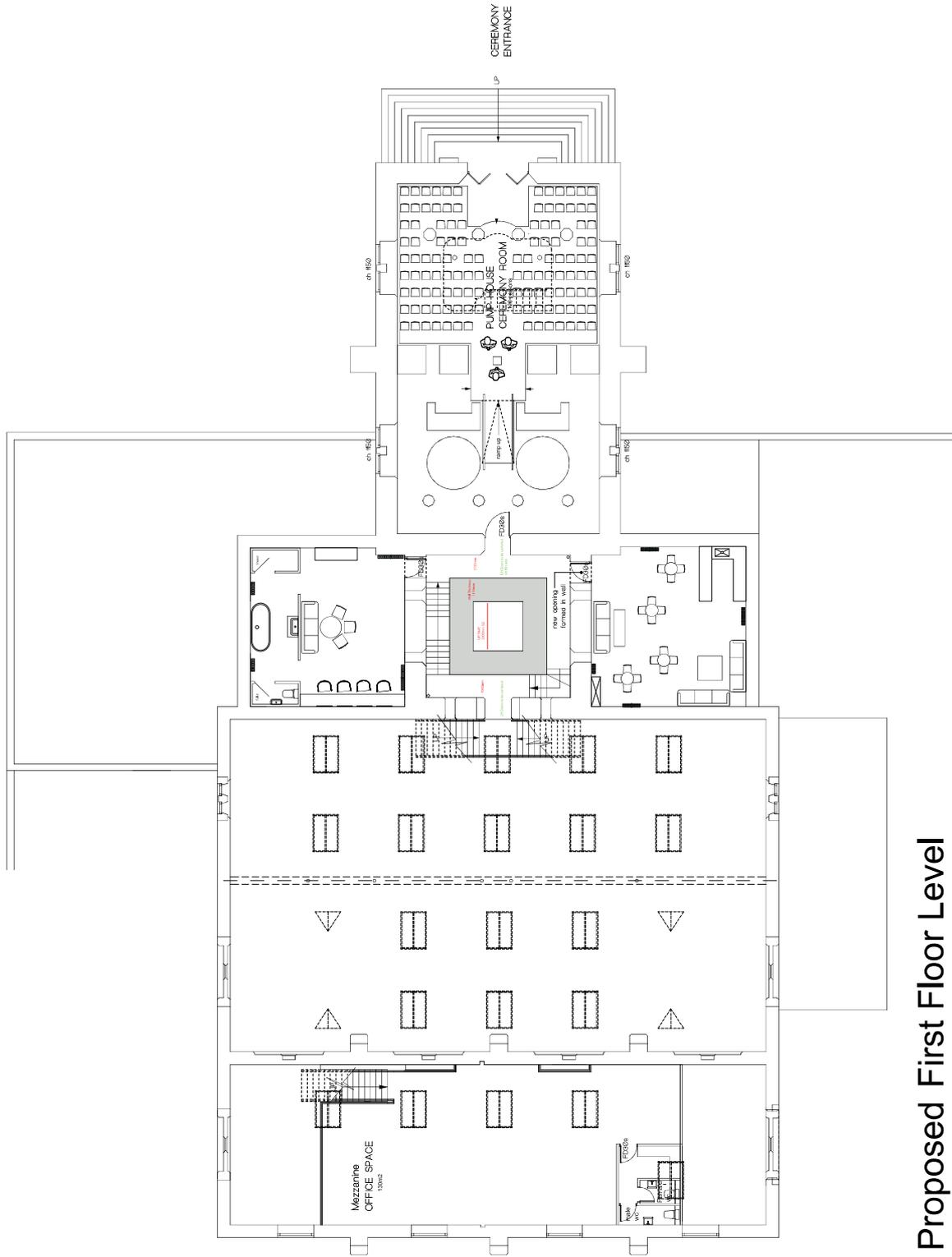
IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT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



Dalton Old Fashion House Ltd	1020
Dalton Old Fashion House	Proposed Ground Floor
Coal - Halesdon	
Seaton	



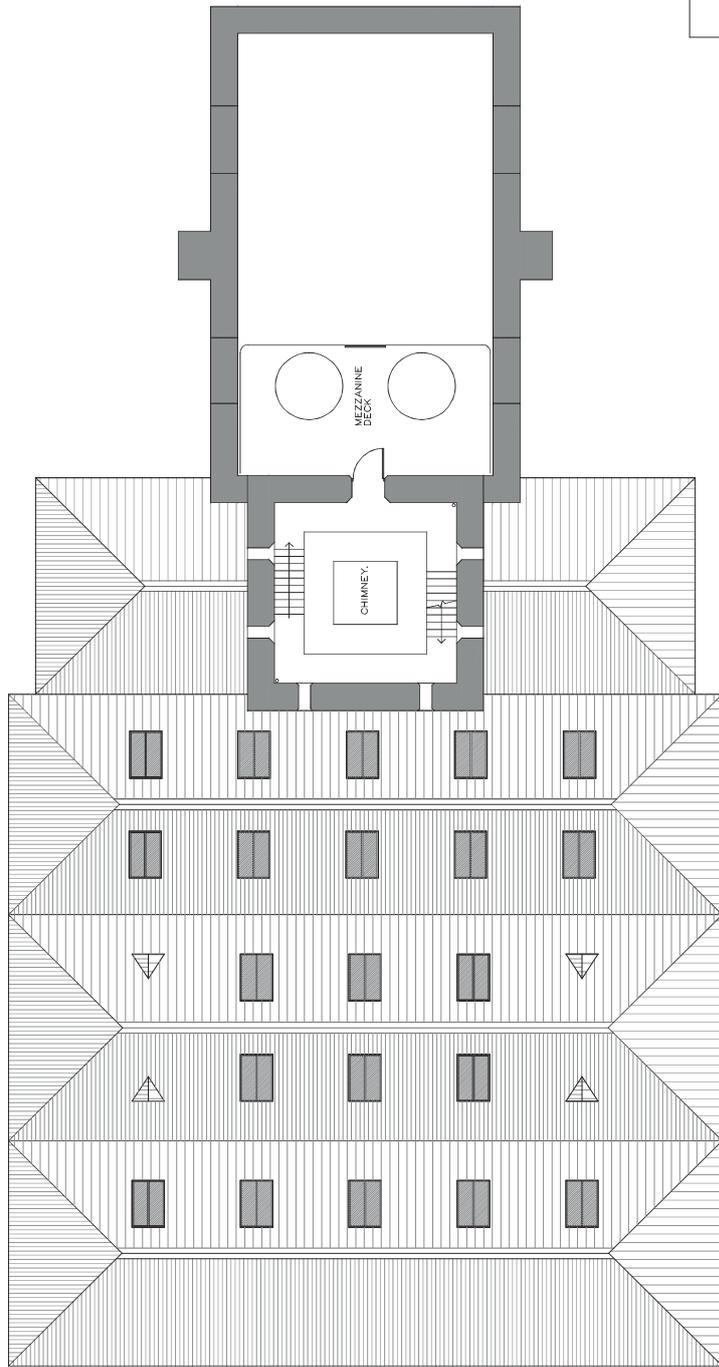
Proposed Ground Floor Level



Proposed First Floor Level



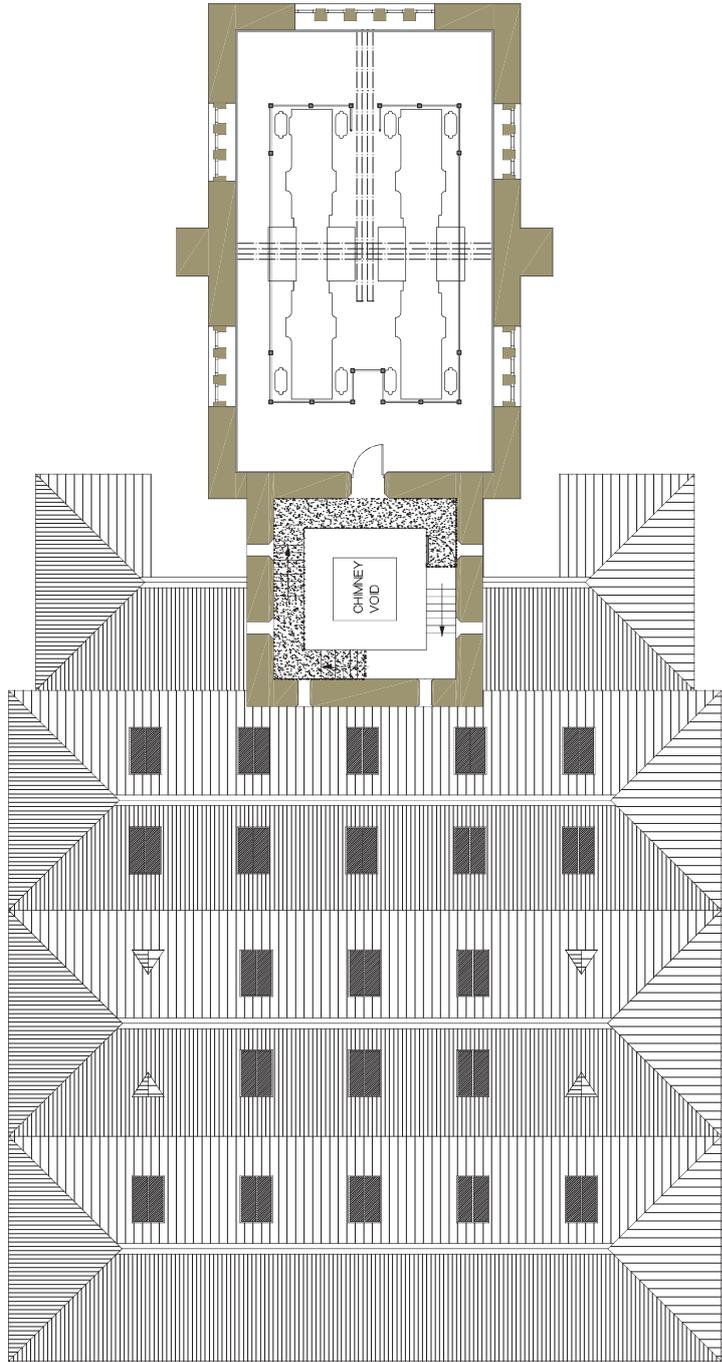
Dalton Old Furnace Ltd	1800
Dalton Furnace 1800 Seagram	Proposed First Floor



Existing Second Floor Level



Dalton Old Pump House Ltd.		1:200
Dalton Pump House Cold Hesledon Seatham		Proposed Ground Floor



Proposed Third Floor Level

 DILLON CONSTRUCTION <small>INCORPORATED</small>	Dillon Construction Ltd.	1989
	Dillon Construction 2000 2001 2002 2003 2004 2005 2006 2007 2008 2009 2010 2011 2012 2013 2014 2015 2016 2017 2018 2019 2020 2021 2022 2023 2024 2025 2026 2027 2028 2029 2030	Proposed Third Floor

Appendix 4: Amendments and additional information from applicant

From: Richard Wormald
Sent: 26 November 2021 15:12
To: Kelly Watson
Cc: Helen Johnson - Licensing Team Leader (N'hoods) <
Subject: FW: New Premise Licence - Dalton Pump House

MEMO

To: Ms Kelly Watson
Licensing Services

From: Mr Richard Wormald
Neighbourhoods and Climate Change

Date: 26 November 2021

Re: **Licensing Application New premises application
Dalton Old Pump House, Dalton Pumping Station The Waterworks Cold
Hesledon Seaham SR7 8RQ**

With reference to the above licensing application received on 15 November 2021.

I have assessed the application with reference to the prevention of public nuisance licensing objective and would confirm I had concerns regarding the proposed timing for live music being 0900 to 2400hrs. I therefore contacted the applicant asking them to amend the hours to 0900 to 2300 hrs. On the 23rd November 2021 we received an email from the applicant, confirming they are agreeable to reducing the hours of live music to 09:00 to 23:00 hrs (see below email)

I would therefore be grateful if you can amend the hours accordingly

Mr R. Wormald
Senior Environmental Health Officer
Community Protection

T:
E:

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From: Jess Fenwick
Sent: 23 November 2021 16:58
To: Richard Wormald
Subject: New Premise Licence - Dalton Pump House

Dear Richard

I have spoken with my client and they are agreeable to reducing the hours of live music to 09:00 to 23:00 hrs

Kind regards,

Jess Fenwick

Partner

e:

w: www.sweeneymiller.co.uk

Newcastle Office

Spaceworks, Benton Park Road, Newcastle Upon Tyne, NE7 7LX

As you are aware we have already agreed to reduce live music hours to end at 23:00 hrs. Weddings are now held 7 days a week and accordingly the licensing request covers 7 days a week.

In respect of alcohol before 12:00 hrs this is to allow for brides who are to be provided champagne breakfasts as part of the wedding package. We would therefore expect it to be served to no more than a dozen people at these times. Any live music before 12:00hrs is likely to be unamplified and accompanying the wedding ceremony only such as harps/piano recitals.

My clients do not intend to hold ticketed events before 11:00 hrs and the majority of the wedding ceremonies (at enquiry stage) are to be held between 12:00 – 16:00 hrs and so noise pollution early in the mornings from the venue is extremely unlikely.

We would furthermore point out that my clients planning permission requires that people leave site at midnight and so there will be much emphasis on removing all parties by this time with signage reminding guests to keep noise to a minimum when exiting the venue. Given that the surrounding areas do not hold additional entertainments venues we would expect that most people will be leaving directly from the venue thereby minimising any wider disruption. There would certainly be nobody remaining at the venue anywhere near to 01:00 or 02:00 hrs.

In addition, given the depth of walls and the quality of the windows which have been put in we would expect there to be little to no external noise heard even from amplified music externally and there is to be no live music externally. Any piped music to the external areas would only be audible from the patio area on the basis that it would be designed to be background music

Kind regards

Jess Fenwick | Partner



Appendix 5: Applicant's additional conditions following mediation with Durham Safeguarding Children Partnership

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

Sent: 13 December 2021 09:21

To:

Subject: Application for the grant of a premises licence - Dalton Pump House

Importance: High

Dear Jess

As you are aware the above application is out to consultation. I have received a response from one of the responsible authorities, namely Durham and Safeguarding Children's Partnership who would like to see the following steps added to the operating schedule of the application for the promotion of the licensing objectives:

- Verification of age – safeguards to be in place to see that alcohol is not served to or purchased on behalf of under age children. A 'Challenge 25' age verification policy is operated which requires anyone looking under the age of 25 to produce photographic evidence of proof of age from a passport, driving licence or PASS accredited scheme before any alcohol is supplied. The actions of staff operating the policy to be regularly monitored.
- Minimise the risk of proxy sales – The applicant will work with the police to minimise the risk of proxy provision / proxy sales. (This is alcohol purchased or obtained for young people by relatives or older friends).
- Maintain a refusals register – where a sale of alcohol is refused if a person appears intoxicated or appears to be under 18, a refusal register / log to be updated. The register to be made available to the police on request.
- Training of staff – all staff responsible for selling age restricted goods to be trained to implement the age verification policy. Staff training to include the risk from proxy sales. Training records for staff to be maintained and refresher training to be provided annually.

I would be grateful if you could advise if you wish for these to be added to the application.

Kind regards

Helen Johnson

Licensing Team Leader

Community Protection Service

Neighbourhoods and Climate Change

Direct:

Mobile:

Email:

For general enquiries email licensing@durham.gov.uk

Web: www.durham.gov.uk

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Like us on facebook.com/durhamcouncil

From: Jess Fenwick <

Sent: 13 December 2021 10:15

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

Subject: Application for the grant of a premises licence - Dalton Pump House

Dear Helen

My client is happy with the proposed conditions in respect of the Durham and Safeguarding Children's Partnership

Kind regards,

Jess Fenwick

Partner

e:

w: www.sweeneymiller.co.uk

Appendix 6: Representations

From: E Reay
Sent: 06 December 2021 10:51
To: AHS Licensing
Cc: Karen Robson; Cllr Robert Adcock-Forster
Subject: Objection - Dalton Old Pump House

Good morning

I have seen the Notice of an Application for the Grant of a Premises Licence attached to a railing on the outskirts of Dalton Old Pump House, Stockton Road, Dalton le Dale, Seaham, County Durham SR7 8RQ.

I live at The Waterworks adjacent to this building and strongly object.

I applaud what is being done to save this listed building and have no problems with a wedding and events venue which was stated when the building was granted planning permission.

However, I strongly object to the opening and closing times for both the supply of alcohol and the playing of live music both indoors and piped outdoors.

To have the supply of alcohol and the playing of live music between 09.00 hours and 00.00 hours seven days a week is ridiculous within a residential community. To have this licence until such a late time simply means that noise pollution will be after these times as, we all know, if you are licensed until such a time it takes at least an hour to clear the premises of guests and then time for staff to finish cleaning etc – what time would noise actually stop – can we guess at around 2am or 3am only to start again at 9am the following day. Too much!!!!

I have no problems with Dalton Old Pump House being granted a Supply of Alcohol license, but we believe this should be limited to, say 11am and 11pm.

I would also ask that live music within Dalton Old Pump House be limited to within these hours too and that no music is played outside whatsoever so residents in surrounding properties can enjoy their own areas and not have to have other noise pollution from adjacent properties.

I would urge you to limit the Supply of Alcohol times to between 11am and 11pm and that music is also limited to be played indoors between those times. However, I strongly believe that no music should be allowed outside to protect other residents living close by.

E Reay

Cold Hesledon SR7 8RQ

From: S Weatherall
Sent: 03 December 2021 13:32
To: AHS Licensing
Cc: Karen Robson
Subject: Objection to the application for the grant of a premises licence: Dalton Old Pump House

Re: Application for the grant of a premises licence for Dalton Old Pump House, Stockton Road, Dalton-le-Dale, Seaham, SR7 8RQ

I have seen a notice of the above application attached to the property boundary. I am a local resident; living within a short walking distance, within the same postcode area.

I wish to object to this application, as I consider that the proposed times for the sale of alcohol and playing of live/piped music, are unreasonable within a residential community, and I have serious concerns that it will cause disorder, even constituting a public nuisance.

I must emphasise that I do not object to the application per se; it is the operating times about which I have concerns. Indeed, I welcome the preservation and regeneration of this historic building and grounds, and I would hope for a much-needed boost to the area, with the creation of jobs and a prestigious wedding venue, as indicated in the original planning application.

I do, however, consider that to allow the unlimited sale of alcohol and playing of live and piped music between 9am and midnight (ie: 15 hours per day, every day) is totally unreasonable within a quiet residential community, causing excessive disruption and noise pollution. In addition, the knock-on effect from closing at midnight would obviously mean that the disturbances would not cease for another 1-2 hours, while all guests finished their drinks, left the premises, and the staff cleaned up; only for it all to recommence at 9am.

Furthermore, as this venue has been advertised as primarily for weddings and a few daytime events, such as meals and afternoon teas, I fail to see why this type of licence would be necessary for such an extended period, for seven days per week.

It would surely be more reasonable to grant a licence for 11am-11pm, with all music limited to indoors. This would allow local residents to continue to enjoy their own privacy, without late disruption or noise pollution.

I would therefore ask that you give my request your most serious consideration.

Thank you,

S Weatherall
The Waterworks
Cold Hesledon
Dalton Le Dale,
Seaham
SR7 8RQ

3rd December 2021

From: H Abraham <
Sent: 12 December 2021 18:24
To: AHS Licensing <
Subject: Dalton Old Pump House - premises license application

Dear Sirs

I would be grateful if you could consider the following when assessing the application in relation to the above named property. I am the resident directly opposite the building, at The Waterworks, Dalton Pumping Station, Seaham SR7 8RQ.

I have noted with concern that it is the intention of the owners to obtain a licence to play live music Monday to Friday until midnight and sell alcohol until the same time.

The nature of where the building is situated is unusual being a derelict Pump Station and our homes were the workers housing. The local area currently is as quiet as a cemetery on an evening. The road falls quiet and there is literally no noise. The application if successful will literally turn that on its head. The properties on site (there are two) are occupied by working people, who are home on an evening only wishing to relax and sleep. That will become impossible if there is live music blaring out literally from opposite every night and drunk people stumbling out every evening. There is no public transport in the area after 10.30pm, nowhere else for them to go so the disturbance to us will be vast. Taxis are almost impossible to obtain in Seaham any time after around 9pm at the moment. In addition, given the homes are older, they are not double glazed so no sound protection is provided for the residents within them. It's never been needed before but we are certainly feeling that vulnerability at the moment.

Already we have seen vast noise disturbance from the construction of the venue, which has not been limited to the recommended permitted construction hours. The owners have already demonstrated their lack of consideration for residents being present in their conduct during the construction e.g. allowing their builders to work very long hours waking us from 5am and staying until midnight on occasion. As such we do not have any faith in them demonstrating any conduct which would be considerate to the existing residents at all as reflected in the behaviour exhibited to us to date. Certainly speaking personally, when they have chosen to use pneumatic drills up to midnight, my ability to work the following day was definitely affected as I was absolutely shattered. Allowing this to happen every single evening would make certainly my property impossible to live in.

You can hear sound from inside the building already. The last few weeks as there is yet to be any electricity on site a generator has been present which is audible within the homes and although it's not exactly the loudest, you do express relief when they turn it off. This would indicate whatever sound protection is or is to be installed at the venue is certainly not yet having an impact. Potentially adding live music to it every evening when you hope to wind down from the day at work, relax in your home and sleep would simply be catastrophic to our well being and sanity.

Even presently the construction workers are parked in the intended car park and their movements, speaking or shouting to one another, horns beeping, vehicle noise coming in and out of the site, car doors slamming etc are vastly disturbing as due to the pandemic I've of course been forced to work at home which at times has been difficult

or even impossible due to the noise. I do absolutely appreciate they have every right to during the day but having that on an evening would be awful.

Although the applicant may state they intend to have provisions for sound escape which are unknown to me, I'm afraid their conduct to date does not provide any reassurance any provision would be sufficient for such a vast change of use to the immediate area. We have enquired previously at a site meeting if the operation was to be self managed or if someone would be brought in and have yet to have a response. Although the owners have assured us that the build would remain considerate of the residents already there, that's certainly not happened in practice.

In addition to that there's already been an increase in crime in the area due to the new activity, forcing me to have CCTV installed at my home which has never been needed before. The site has been broken into and we have chased people from snooping round the area looking to break in fairly often. I'd imagine that would then increase with the potential for cash and alcohol on the premises, plus anti social behaviour from alcohol consumption.

Now despite the vast disturbance we have already experienced as residents we still support the conversion and use of the premises as a venue generally as it's too beautiful to have been left as it was previously, but would perhaps request that real thought is given to perhaps restricting live music to weekends and/or an earlier cut off time than midnight? Perhaps 10 or 11pm to then allow for visitors to disperse at a more reasonable hour? Limitations on the sound output on weeknights certainly would be extremely welcome and received with gratitude before we are forced from our homes.

Thank you for your consideration.

H Abraham
the Waterworks, Dalton Pumping Station, Seaham SR7 8RQ

From:

To: karen.Robson

Sent: Sunday, 12 December 2021, 19:21:58 GMT

Subject: Objection

Dear Karen Robson

My name is Mrs J Davis and reside at Coldhesledon, Seaham,
Co Durham, SR78RQ.

I am writing to you with my objectionable against the licence for the sale of alcohol and live music for Old Dalton Pump House, from 0900 to 0000 seven days a week. I believe that there will be no reprieve from the disruption that the above ours would cause.

If these hours of licence are granted then the constant noise from the traffic will be unbearable. The car parking provided dose not seem to be anywhere near substantial enough for guest transport, I therefore anticipate that the roadside and the industrial estate will be used as an overflow car park, where constant traffic, people talking, shouting, car doors slamming, and light pluton into the early hours of the morning, all to start again at 9am the next day, seven days a week.

Whilst I admire that size of the project that has been undertaken but I feel there has been no consideration for surrounding residents. Old Dalton Pump House should abide by the same rule as pubs and restaurant's which are licensed 11 am to 11 pm Monday to Saturday and restricted Sunday opening times.

Regards

Mrs J Davis

From: _____
To: [karen.Rob](#)
Sent: Sunday, 12 December 2021, 19:33:11 GMT
Subject: Objection to alcohol and live music license 0900 to 000

Dear Karen Roberts

I reside as _____ Coldhesledon, Seaham, CoDurham, County Durham with my sister.

I object to the possible licensing of alcohol and live music 9 am to 12 pm seven days a week.

Living here for mor than 30 years I have witnessed many changes some of which have had small detriment to the amenities of the residents of Coldhesledon, and I acknowledge change is inevitable but these people who are requesting these licence times do not live in the area and go home at the end of the day leaving behind the disruption caused. The noise from the additional traffic into the early hours of the morning and all the noise that is brought with it will most definitely compromise our living amenities seven days a week.

There should be restrictions on the licence hours and the number of days granted.

Regards
Dr DB Smith

From:

To: karen.Robson

Sent: Sunday, 12 December 2021, 18:02:52 GMT

Subject: Re Objection-Dalton Old Pumping House

Dear Karen Robson

Having seen the Notice of application for the grant of a Premises Licence for the Dalton Old Pump House, Stockton Road, Coldhesledon, Seaham, County Durham, SR78RQ, I am contacting you to inform you of myself J Bedding and My Husband P Bedding and our objection.

May I take this opportunity to thank you for your time to acknowledge our objection to the formal request for Old Dalton Pump House to be granted the open and closing times for the supply of alcohol and the playing of live music between the hours of 0900 and 0000 seven days a week.

May I also take this opportunity to identify that at no point do myself or my husband wish any work to be discontinued in any way, preserving this historic and magnificent listed building. "ODPH" deserves nothing less than to be preserved, and in its restoration may it bring many couples their dream wedding day.

My husband and myself do not object to the granted supply of a alcohol license, yet believe it should be restricted to regular licences premises 11 am to 11pm and should also be restricted to six days a week, Monday to Saturday.

By restricting to the suggested times it will allow "ODPH" to be proactive in reducing a public nuisance to the surrounding residents in Coldhesledon.

Unfortunately the owners and shareholders of "ODPH" have not yet supplied a formal description and proactive plan, ie, training staff, in their team effort to be able to assess potential risks and work towards minimising possible disorders. It has yet to be identified what actions will be executed to prevent crime and disorder in a once exceptionally quiet and idiotic semi rural area.

As yet there has been no evidence that any of the above will be taken into consideration as no formal boundaries have been identified and all guests to "ODPH" have the ability to access any part of the Dalton Treatment Site.

The granting of the alcohol and live music license 0900 to 0000 will immediately increase the risk of crime and disorder to this residential area. This quiet, idilic and safe environment for our children, may again we ask what child safe guarding steps have been taken to reduce the potential danger to our children.

The parking for guests to "ODPH" is very limited by no stretch of the imagination. may we ask where a parking overflow will be available between the requester hours and taxi pick up and drop off, which with no doubt will exceed 0000 hours, preventing further disruption to residence amenities.

Can the proprietors of "ODPH" confirm that there will be no "happy hours" and will promote nothing less than responsible drinking!

How will guest be escorted from the premises? As yet there has been no formal explanation or identification of the above allowing surrounding residents to reside safely. Residents must be able to reside in, and use the grounds as they do now, and enter and exit without the risk of harassment from revellers.

Throughout the previous months the renovation to "ODPH" and as immediate residents we have been shown nothing but disregard and lack of respect and our every day amenities have been compromised, therefore we have very little confidence that "ODPH" will not be proactive in their:

- Prevention of public nuisance.
- Public safety
- Prevention of crime and disorder
- The protection of children.

This is why we strongly believe that "ODPH" should not be given a alcohol and live music license from 0900 to 0000 seven days a week and limited to 01100 to 1100 Monday to Saturday.

Kind regards

Mr P and J Bedding

Appendix 7: Responses from Responsible Authorities

Contact: Allan Fenwick
Direct Tel:
Fax:
email: planning@durham.gov.uk
Your ref:
Our ref: CON28/21/03794



Durham County Council
Environment, Health and Consumer Protection
Annand House
John Street
Meadowfield
County Durham
DH7 8RS

19/11/2021

For the Attention of Ms K Watson

Proposed Development **Premises Licence**
Location **Dalton Pumping Station, Cold Hesleden, County Durham,**
SR7 8RQ

I write further to your recent consultation submitted to and received by the Local Planning Authority on 15 November 2021 in respect of the above development.

As requested and based upon the information provided, I can confirm the Local Planning Authority offers no objection to the *Application for a Premises Licence* as legislated under the *Licensing Act 2003* given the premises relates to a former Grade II* *Pump House and Associated Buildings* subject of a recent planning application(s) for its *Change of Use* to a *Mixed Use consisting of Licensed Wedding and Community Venue Use (Sui-Generis), Bridal Shop (Class E) and Commercial Offices; including Various Single-Storey Extensions (to provide Additional Kitchen and Toilet Facilities, Ventilation, and Glazed Orangery), Internal Alterations to provide Mezzanine Floors, Internal Structural Openings, Roof Insulation, Under-Floor Heating and Refurbishment/Repair of External Windows and Doors. External Building Illumination and provision of New Car Park with Wayfinding Lighting and Associated Landscaping including New Vehicle Entrance (DM/20/3561/FPA and DM/21/03562/LB: Approved 12/02/2021)* situated outside any settlement boundary within the designated open countryside at *Cold Hesleden* located to the east of *Murton* and south of *Seaham*.

Continued...

Regeneration and Local Services

[Durham County Council, Central East, County Hall, Room 4/86-102, Durham, DH1 5UL](http://www.durham.gov.uk)
[Main Telephone](tel:01912782000)

Please note the information provided within this correspondence contains informal officer advice made for guidance purposes only and cannot prejudice any future decision of the Local Planning Authority.

I trust this information is of value, however, should you require any further information please do not hesitate to contact me direct.

Yours faithfully

Allan Fenwick
Planning Services

From: Caroline Dickenson <

Sent: 13 December 2021 09:35

To: Kelly Watson - Licensing Assistant (N'hoods)

; AHS Licensing

Subject: FW: New Premises Licence Application Received - Dalton Old Pump House, Stockton Road, Dalton-Le-Dale, Seaham, Co Durham, SR7 8RQ

Hi

Durham Constabulary have no objections to the attached license application

Thanks

Caroline

Sgt 484 Caroline Dickenson
Licensed Economy Team Sgt
Safeguarding Neighbourhoods Command
Durham Constabulary
or

Our Values & Vision:

Positive | Fair | Courageous | Inclusive | With Integrity

Protecting Neighbourhoods, Tackling Criminals, Solving Problems



Chief Fire Officer: Stuart Errington

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

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

Our Ref: 7051000210
Your Ref: 494175

Direct Dial Telephone:
E-mail:

Dear Kelly,

Licensing Act 2003
Regulatory Reform (Fire Safety) Order 2005
Dalton Old Pump House Ltd, Dalton Pumping Station, The Waterworks, Dalton-Le-Dale, Seaham, SR7 8RQ

I acknowledge your application dated 15 November 2021 for a Premises Licence under The Licensing Act 2003 in respect of the above named premises.

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

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

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

Yours faithfully

Julie Knox
Fire Safety Section



www.ddfire.gov.uk

Appendix 8: 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 9: 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