



Statutory Licensing Sub-Committee

Date Tuesday 31 August 2021
Time 9.30 am
Venue Council Chamber, County Hall, Durham

Business

Part A

Items which are open to the Public and Press

1. Apologies for Absence
2. Substitute Members
3. Declarations of Interest (if any)
4. Minutes of the Meeting held on 14 June 2021 (Pages 3 - 8)
5. Application to Vary a Premises Licence - Horden Labour Club, Davaar House, Sunderland Road, Horden (Pages 9 - 72)
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 August 2021

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

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

Contact: Jill Errington

Tel: 03000 269703

DURHAM COUNTY COUNCIL

At a Meeting of **Statutory Licensing Sub-Committee** held in Council Chamber, County Hall, Durham on **Monday 14 June 2021 at 1.30 pm**

Present:

Councillor J Blakey (Chair)

Members of the Committee:

Councillors C Hampson, I McLean and R Potts

Also Present:

Helen Johnson – Licensing Team Leader

Sarah Grigor – Legal Adviser, DCC

Paul Clarke – Legal Representative – Durham Constabulary

Sgt Caroline Dickenson

PC Iain Robertson

Michael O'Connor – Applicant

Colonel Tony Laker - Supporter

1 Apologies for Absence

An apology for absence was received from Councillor D Stoker.

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 - Bar 1828, 70 Church Street, Seaham

Consideration was given to the report of the Licensing Team Leader regarding an application for the grant of a Premises Licence in respect of Bar 1828, 70 Church Street, Seaham.

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

The Licensing Team Leader presented the report and provided an update in relation to the planning permission which was granted on 7 June 2021 with a number of conditions, including conditions relating to the opening hours of the premises which should not be open outside the hours of 9am until 11pm on any day of the week except New Years Eve and a condition by Environmental Health that there shall be no playing of any music in the rear yard or use of the first floor as a bar until a scheme of sound-proofing measures had been submitted to and proved by the Local Planning Authority.

Mr Paul Clarke, the Police representative began by stating that the last 18 months had been horrendous for small businesses, and the Police wanted to support such businesses as they added to the vibrancy of a community. They were deeply concerned of the impact this licence would have on the four licensing objectives and the local community. The building was an unoccupied former retail premises on a pedestrianised street which was a mix of residential and business premises. Much regeneration had taken place in the area to develop the town and seafront as an attractive place for families and tourism. Bar 1828 was a vertical drinking establishment and was not in-keeping with that. When the Licensing Act 2003 was introduced it was with a view to licensed premises becoming more continental or family-orientated. There was no regard to families or tourism in this application, ie the focus of the regeneration. There were already a number of pubs within the town and on Church Street itself. Another licensed premise of this type would tip the balance in favour of the night-time economy and adult day-time drinking with the inherent issues that caused.

In terms of linking the application to the four licensing objectives, firstly the prevention of crime and disorder, Seaham already had issues of anti-social behaviour. If this licence was granted the risk of crime and disorder would increase. Since 1 January 2020 there had been 152 incidents reported in the Church Street area. 32 related to anti-social behaviour, 7 for public order and 13 assaults. This was considerable especially given the various lockdowns there had been.

With regard to public safety, the premise was very small, this was a main pedestrian street in Seaham, and the risk of members of the public and tourists coming into direct contact with intoxicated people could not be ignored.

In terms of public nuisance, pubs were noisy, especially those that were not family-orientated and yet another pub would increase the number of intoxicated people in the early hours and increase the associated noise

nuisance for local residents. That area of the town was already affected by large groups gathering and the associated nuisance those groups caused.

Regarding the licensing objective protection of children from harm, this being a very small premise, there was a real risk of children at least hearing bad language and encountering intoxicated people while out with their families.

The proposed Premises Licence Holder Mr O'Connor had been involved in a joint venture with Flanders Bar which on the easing of lockdown had contributed to a large amount of public disorder and nuisance in the vicinity. The unrestrained off-sales had resulted in the cordoning off of the Tommy statue due to the misbehaviour of intoxicated people. When approached by the Police Mr O'Connor had been un-co-operative, unlike other premises who recognised the problems this had caused and took appropriate action.

To conclude Mr Clarke reiterated that the Police wanted to support local businesses which contributed to the vibrancy of the community. The Police had tried to mediate with Mr O'Connor regarding the nature of the proposed business but he had been un-co-operative.

All parties were invited to ask questions, and Mr O'Connor stated that the reference to Flanders was new to him.

Mr Laker addressed the Sub-Committee in support of Mr O'Connor. He said that he had first met Mr O'Connor, a veteran, some years ago when he was a serving Commander. The Tommy statue has become a mecca for veterans and Mr O'Connor had been involved with veteran's charities for some time now. The whole idea of this bar was to entice veterans along, and there had already been interest from various charities asking if they could meet at the premises. It was not purely a drinking bar, it was very much for the community. If the application was granted he was aware of at least three groups who wanted to meet there.

Mr O'Connor stated that he had nothing further to add.

Questions were invited of all parties.

The Licensing Team Leader asked what the premises was currently used for. Mr O'Connor stated that it was a fancy-dress shop which became vacant during the pandemic.

Following a further question from the Licensing Officer regarding his involvement with Flanders, Mr O'Connor advised that he was the Licence Holder and in the process of winding up the partnership. What the Police had stated was news to him as well as the reference that he was reluctant to co-

operate. He asked if the reference to Flanders by the Police related to the cordoning of the Tommy statue.

This was confirmed by the Police and Sgt Dickenson outlined the incident. She stated that Inspector Jones and PC Robertson had visited the premises on 2 June 2020 at 18.35hrs and spoke with the DPS and PLH, there were no other employees on site at the time. They discussed the off-sales arrangements. The alcohol displayed did not appear excessive and there were used plastic glasses behind the counter. They had confirmed that lager was sold in the plastic glasses and they also sold food from the kitchen and other items. They were aware of the gatherings opposite and had tried to uphold the licensing objectives but conceded that it was difficult to manage issues such as proxy sales. They had witnessed poor behaviour opposite and had called their local Councillor. Their business had only opened three days before the lockdown.

A further visit was carried out by PC Robertson following a number of complaints from the public regarding off-sales of alcohol in plastic glasses and which had resulted in anti-social behaviour and litter. This had prompted the visit to Flanders and two other premises. They did not take responsibility for what was happening as a consequence of their off-sales. The Police did try to work with all the premises that had ignored what was occurring opposite. The Licensing Officer added that the Town Council had as a result decided to cordon off the statue to prevent people using it to sit and consume alcohol.

Mr O'Connor stated that he and his business partner had contacted the Police and the Councillor requesting their attendance, and they shut the premises at 3.00pm that day.

Sgt Dickenson noted that Mr Laker had explained the nature of the business as being community orientated, yet Mr O'Connor had described it as something different, referring to it as a traditional pub downstairs and a sports bar on the first floor. Mr O'Connor explained that a local community of over 65's had requested to use the premises. The advice from the Licensing Authority had been to include any activities they may want in future.

Sarah Grigor, Legal Adviser noted that planning permission had been granted for the hours 9am to 11pm, and asked Mr O'Connor if he would be prepared to revise his application in line with that. Mr O'Connor stated that he was happy to revise the hours during the week but would like the extra hour at weekends.

All parties were invited to sum up.

Sgt Dickenson stated that although Mr O'Connor was prepared to reduce the hours during the week, she was concerned that he wanted to extend the hours at weekends. This would be a breach of the planning permission which was a concern. The Police had objected to the planning application too. Seaham was trying to encourage businesses which would contribute to the regeneration of the area. The Neighbourhood Inspector had said that adding another bar in the area was not advised, and would likely have an impact on crime and disorder in an already busy area. The Police could not support this application.

Mr O'Connor concluded that he would be happy with 11pm at weekends too, as it was all about working with the community and authorities.

The Chair thanked everyone for their attendance and at 14.15pm **Resolved** to retire in private to deliberate the application. Councillors J Blakey, C Hampson and R Potts retired to make the decision.

In reaching their decision, the Sub-Committee had taken into account the report of the Licensing Team Leader and the written and verbal representations of the Applicant and supporter, and the written and verbal representations of the Police. Members had also considered Durham County Council's Statement of Licensing Policy and Guidance issued Under Section 182 of the Licensing Act 2003.

Resolved: That the Premises Licence be granted as requested:

Licensable Activity	Days and Hours
Supply of Alcohol (consumption on the premises)	Monday to Thursday: 11.00 to 23.00hrs Friday and Saturday: 11.00 until 00.30hrs Sunday: 11.00 to 23.00hrs New Year's Eve: 11.00 to 00.30hrs
Live Music (Indoors)	Monday to Sunday: 19.00 to 23.00hrs Bank Holiday: 14.00 to 23.00hrs New Year's Eve: 19.00 to 23.00hrs
Recorded Music (Indoors)	Monday to Thursday 11.00 to 23.00hrs Friday and Saturday: 11.00 to 00.30 hrs

	Sunday 11.00 to 00.30 hrs New Year's Eve: 11.00 to 00.30 hrs
Open to the public	Monday to Thursday: 11.00 to 23.00hrs Friday and Saturday: 11.00 to 00.30 hrs Sunday: 11.00 to 23.00hrs New Year's Eve: 11.00 to 01.00hrs

Statutory Licensing Sub-Committee

31st August 2021

**Application to vary 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 Climate Change**

Electoral division(s) affected: Horden

Purpose of the Report

- 1 The Sub-Committee is asked to consider and determine the application to vary a premises licence for Horden Labour Club, Davaar House, Sunderland Road, Horden, Peterlee, Co Durham, SR8 4PF.
- 2 A plan showing the location of the premises is attached at Appendix 2.

Executive summary

- 3 The application is to vary a premises licence for Horden Labour Club, Davaar House, Sunderland Road, Horden, Peterlee, Co Durham, SR8 4PF and was submitted by the current premises licence holder Mr Stewart Macdonald.

The original application requested the following amendments:

- To allow children into the upstairs function room until 23.30 pm
- To reduce the time children may stay in the downstairs bar from 9.30 pm to 7.00 pm
- To increase the permitted hours for Plays and Indoor Sporting Events on Friday and Saturday until 2.00 am
- To increase the permitted hours for Live Music, Recorded Music and Performance of Dance on Friday and Saturday until 2.00 am and add an extra hour on Public Holidays, New Years Eve and Sundays before a Bank Holiday Monday
- To increase the permitted hours for Late Night Refreshment and Sale of Alcohol on Friday and Saturday until 2.00 am and add an extra hour on Public Holidays, New Years Eve and Sundays before a Bank Holiday Monday

- 4 During the consultation period the Licensing Authority received 6 representations opposing the application: 2 representations from Responsible Authorities, namely The Council's Environmental Health Department and Durham Constabulary and 4 representations were received from Other Persons.
- 5 Responses were received from County Durham & Darlington Fire and Rescue Service, Public Health and the Durham Safeguarding Children Partnership, all confirming they had no comments to make regarding the application.
- 6 On 18th August 2021, Mr Macdonald amended the application to request the following changes and additional conditions, after considering the concerns raised by the objectors:
 - To remove the extra hour on bank holidays (including on Sundays before a Bank Holiday Monday), this would remove the potential issues with police resources should they be required to attend any incidents at the premises and VIBE in Peterlee at closing times.
 - To keep the off sales to the present licensed hours, this would remove the concerns from residents regarding customers drinking in the street after closing.
 - To offer bi monthly meetings at the premises with local residents, the police and the council to discuss any issues or concerns.
 - To not offer 18th birthday parties or travelling community parties at the venue.
 - To employ licensed doorstaff from 19.30 until at least 30 minutes after closing times on Fridays, Saturdays and any day that large events are held such as bank holiday Sundays and New Year's Eve.
 - Doorstaff to disperse any crowds that may occur around the premises at closing time.
 - To actively discourage smoking from the front of the premises and encourage smokers to use the rear smoking area.

These amendments were circulated to all persons making representations, for their information.

- 7 On 19th August 2021, following the applicant's amendments to the application, Mr John Hayes of the Environmental Health Department withdrew his objections to the variation.

Recommendation(s)

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

Background

- 10 The application was submitted by the premises licence holder Mr Stewart Macdonald on 29th June 2021. The application was subject to a public consultation which ended on 2nd August 2021.

Details of the application

- 11 An application to vary a premises licence was received by the Licensing Authority on 29th June 2021. A copy of the application and the current premises licence are attached at Appendix 3.
- 12 The application is deemed by the Licensing Authority to be correctly served and advertised in accordance with the Licensing Act regulations.
- 13 On 18th August 2021, Mr Macdonald amended the application to request the changes and additional conditions as listed at point 6 above, after considering the concerns raised by the objectors.

For confirmation, please see Appendix 4.

- 14 The current licensable activities and the changes requested by the variation application are now as follows:

Current Licensable Activities	Days & Hours
Plays, Indoor Sporting Events (Indoors only)	Monday to Thursday 11:00 - 00:30 hrs Friday and Saturday: 11:00 – 01:00 hrs Sunday: 12:00 – 00:30 hrs Proposed change Friday and Saturday: 11:00 hrs - 02:00 hrs

Live Music, Recorded Music and Performance of Dance (Indoors only)	Monday to Thursday 11:00 - 00:30 hrs Friday and Saturday: 11:00 – 01:00 hrs Sunday: 12:00 – 00:30 hrs <i>Proposed change:</i> Friday and Saturday: 11:00 hrs - 02:00 hrs Extra hour on New Years Eve
Late Night Refreshment (Indoors only)	Sunday to Thursday 23:00 - 00:30 hrs Friday and Saturday: 23:00 – 01:00 hrs An additional hour on Bank Holidays <i>Proposed change:</i> Friday and Saturday: 23:00 hrs - 02:00 hrs Extra hour on New Years Eve
Sale of Alcohol (On and off sales)	Monday to Thursday 11:00 - 00:30 hrs Friday and Saturday: 11:00 – 01:00 hrs Sunday: 12:00 – 00:30 hrs An additional hour on Bank Holidays <i>Proposed change to On-sales only:</i> Friday and Saturday: 11:00 hrs - 02:00 hrs Extra hour on New Years Eve
Hours open to the public	Monday to Thursday 11:00 - 00:30 hrs Friday and Saturday: 11:00 – 01:00 hrs Sunday: 12:00 – 00:30 hrs An additional hour on Bank Holidays <i>Proposed change:</i> Friday and Saturday: 11:00 hrs - 02:00 hrs Extra hour on New Years Eve

15 The applicant also requested the following amendments within the original variation application:

- To allow children into the upstairs function room until 23.30 pm
- To reduce the time children may stay in the downstairs bar from 9.30 pm to 7.00 pm

The applicant subsequently amended the application to also request that the following conditions be added to the premises licence:

- To offer bi monthly meetings at the premises with local residents, the police and the council to discuss any issues or concerns.
- To not offer 18th birthday parties or travelling community parties at the venue.
- To employ licensed doorstaff from 19.30 until at least 30 minutes after closing times on Fridays, Saturdays and any day when large events are held such as bank holiday Sundays and New Year's Eve.

- Doorstaff to disperse any crowds that may occur around the premises at closing time.
- To actively discourage smoking from the front of the premises and encourage smokers to use the rear smoking area.

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

The Representations

17 During the consultation period, the Licensing Authority received 6 representations opposing the application.

Two representations were received from the following Responsible Authorities:

- The Council's Environmental Health Department
- Durham Constabulary

Mr Hayes of the Environmental Health Department withdrew his objection on 19th August 2021 following the applicant's subsequent amendments to the application.

Four representations were also received from the following Other Persons:

- Miss G Rowe
- Councillor Ian McLean and Sgt D Watson
- Mr M Naisbett
- Mr R Rigby

Mr Rigby confirmed that he still wished to proceed with his objection following the applicant's amendments.

18 At the time this report was written, no further replies had been received from those making representation following the applicant's amendments and an update will be provided to Members at the hearing.

19 The Licensing Authority deemed the representations to be relevant and relating to the following licensing objectives:

- The Prevention of Crime and Disorder
- The Prevention of Public Nuisance

Copies of the representations are attached as Appendix 5.

20 Responses were also received from the following Responsible Authorities: County Durham & Darlington Fire and Rescue Service, Public Health and the Durham Safeguarding Children's Partnership all who had no comments to make. These are attached as Appendix 5.

The Parties

21 The Parties to the hearing will be:

- Mr Stewart Macdonald (Applicant and Licence Holder)
- Sgt Caroline Dickenson, Durham Constabulary (Responsible Authority)
- Miss G Rowe (Other Person)
- Councillor Ian McLean and Sgt D Watson (Other Persons)
- Mr M Naisbett (Other Person)
- Mr R Rigby (Other Person)

Options

22 There are a number of options open to the Sub-Committee:

- (a) Grant the variation of 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 variation of 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 to vary the licence.

Main implications

Legal Implications

23 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

- 24 The variation of a premises licence application was subject to a 28 day consultation.

See Appendix 1

Conclusion

- 25 The Sub-Committee is asked to determine the application to vary the premises licence in light of the representations received.

Background papers

Durham County Council's Statement of Licensing Policy

Guidance issued under Section 182 of the Licensing Act 2003 (as amended April 2018)

Other useful documents

None

Contact: 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.

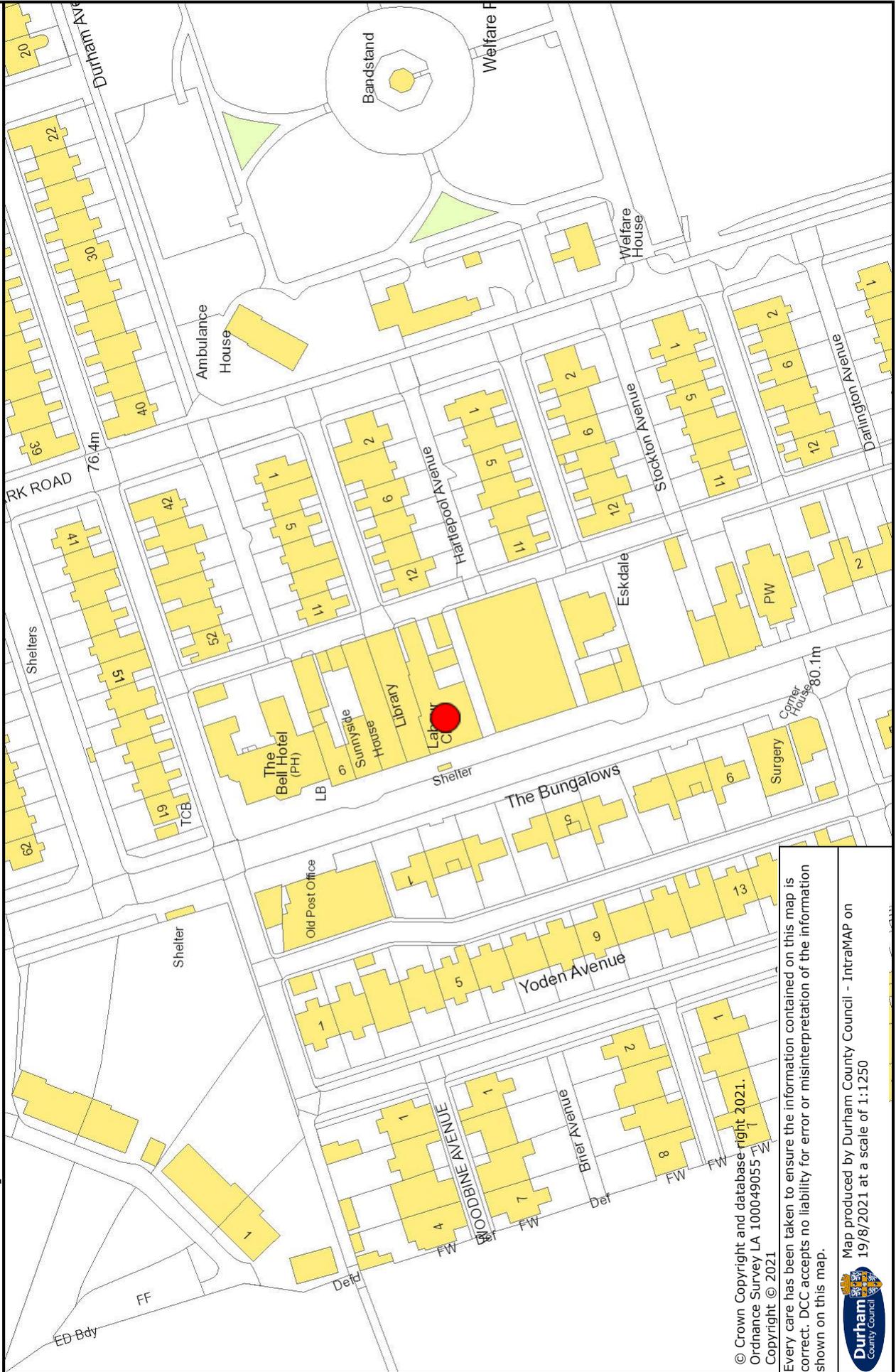
The notice of application was displayed on the premises for a period of 28 days.

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 19/8/2021 at a scale of 1:1250



Appendix 3: Application and current Premises Licence

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

Application to vary a premises licence under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

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

I/WE STEWART MACDONALD
(Insert name(s) of applicant)

being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

Premises licence number	DOEP 339
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Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description			
HORDEN LABOUR, DAVAAR HOUSE, SUNDERLAND ROAD, HORDEN			
Post town	PETERLEE	Postcode	SR84PF

Telephone number at premises (if any)	
Non-domestic rateable value of premises	£ 4600 .

Part 2 – Applicant details

Daytime contact telephone number	
E-mail address (optional)	

Current postal address if different from premises address			
Post town		Postcode	

Part3- Variation

Please tick as appropriate

Do you want the proposed variation to have effect as soon as possible?

 Yes

 No

If not, from what date do you want the variation to take effect?

DD	MM	YYYY

Do you want the proposed variation to have effect in relation to the introduction of the late night levy? (Please see guidance note 1) Yes No

Please describe briefly the nature of the proposed variation (Please see guidance note 2)

TO ALLOW CHILDREN INTO OUR UPSTAIRS FUNCTION ROOM UNTIL 23:30 HRS DAILY.
 TO REDUCE THE TIME CHILDREN MAY STAY IN OUR DOWNSTAIRS BAR FROM THE PRESENT 21:30 HRS TO 19:00 HRS DAILY.
 TO INCREASE OUR OPENING HOURS ON FRIDAY AND SATURDAY TO 02:00 HRS.
 ALL CHILDREN MUST BE ACCOMPANIED BY AN ADULT.

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend:

Part 4 Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

- | Provision of regulated entertainment (Please see guidance note 3) | Please tick all that apply |
|---|-------------------------------------|
| a) plays (if ticking yes, fill in box A) | <input checked="" type="checkbox"/> |
| b) films (if ticking yes, fill in box B) | <input type="checkbox"/> |
| c) indoor sporting events (if ticking yes, fill in box C) | <input checked="" type="checkbox"/> |
| d) boxing or wrestling entertainment (if ticking yes, fill in box D) | <input type="checkbox"/> |
| e) live music (if ticking yes, fill in box E) | <input checked="" type="checkbox"/> |
| f) recorded music (if ticking yes, fill in box F) | <input checked="" type="checkbox"/> |
| g) performances of dance (if ticking yes, fill in box G) | <input checked="" type="checkbox"/> |
| h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H) | <input type="checkbox"/> |

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

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

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 8)			Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 5)		
Mon	1100	0030			
Tue	1100	0030	State any seasonal variations for performing plays (please read guidance note 6)		
Wed	1100	0030			
Thur	1100	0030	Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 7)		
Fri	1100	0200			
Sat	1100	0200			
Sun	1200	0030			

B

Films Standard days and timings (please read guidance note 8)			Will the exhibition of films take place indoors or outdoors or both—please tick (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
Day	Start	Finish		Both	<input type="checkbox"/>
Mon			Please give further details here (please read guidance note 5)		
Tue					
Wed			State any seasonal variations for the exhibition of films (please read guidance note 6)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 7)		
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 8)			Please give further details (please read guidance note 5)
Day	Start	Finish	
Mon	11 00	0030	
Tue	1100	0030	State any seasonal variations for indoor sporting events (please read guidance note 6)
Wed	1100	0030	
Thur	1100	0030	Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list (please read guidance note 7)
Fri	1100	0200	
Sat	11 00	0200	
Sun	1200	0030	

E

Live music Standard days and timings (please read guidance note 8)			<u>Will the performance of live music take place indoors or outdoors or both—please tick</u> (please read guidance note 4)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 5)		
Mon	1100	0030			
			<u>State any seasonal variations for the performance of live music</u> (please read guidance note 6)		
Tue	1100	0030			
			<u>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		
Wed	1100	0030			
			EXTRA HOUR ON PUBLIC HOLIDAYS. EXTRA HOUR ON NEW YEARS EVE AND SUNDAYS BEFORE BANK HOLIDAY MONDAYS		
Thur	1100	0030			
Fri	1100	0200			
Sat	1100	0200			
Sun	1200	0030			

F

Recorded music Standard days and timings (please read guidance note 8)			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 5)		
Mon	1100	0030			
Tue	1100	0050	<u>State any seasonal variations for the playing of recorded music</u> (please read guidance note 6)		
Wed	1100	0030			
Thur	1100	0030	<u>Nonstandard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		
Fri	1100	0200			
Sat	1100	0200	EXTRA HOUR ON PUBLIC HOLIDAYS EXTRA HOUR ON NEW YEARS EVE AND SUNDAYS BEFORE BANK HOLIDAY MONDAYS.		
Sun	1200	0030			

G

Performances of dance Standard days and timings (please read guidance note 8)			Will the performance of dance take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon	1100	0030	Please give further details here (please read guidance note 5)	Both	<input type="checkbox"/>
Tue	1100	0030			
Wed	1100	0030	State any seasonal variations for the performance of dance (please read guidance note 6)		
Thur	1100	0030			
Fri	1100	0200	Nonstandard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list (please read guidance note 7) EXTRA Hour on Public Holidays EXTRA Hour on New Years Eve AND SUNDAYS BEFORE BANK HOLIDAYS MONDAYS		
Sat	1100	0200			
Sun	1200	0030			

I

Late night refreshment Standard days and timings (please read guidance note 8)			Will the provision of late night refreshment take place indoors or outdoors or both— please tick (please read guidance note 4)			
			Indoors	<input checked="" type="checkbox"/>		
			Outdoors	<input type="checkbox"/>		
			Both	<input type="checkbox"/>		
Day	Start	Finish	Please give further details here (please read guidance note 5)			
Mon	1100	0030				
Tue	1100	0030				
Wed	1100	0030			State any seasonal variations for the provision of late night refreshment (please read guidance note 6)	
Thur	1100	0030				
Fri	1100	0200				
Sat	1100	0200			Nonstandard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list (please read guidance note 7) EXTRA HOUR ON PUBLIC HOLIDAYS. EXTRA HOUR ON NEW YEARS EVE AND SUNDAYS BEFORE BANK HOLIDAY MONDAYS.	
Sun	1200	0030				

J

Supply of alcohol Standard days and timings (please read guidance note 8)			Will the supply of alcohol be for consumption – please tick (please read guidance note 9)	On the premises	<input checked="" type="checkbox"/>
				Off the premises	<input checked="" type="checkbox"/>
Day	Start	Finish		Both	<input checked="" type="checkbox"/>
Mon	1100	0030	State any seasonal variations for the supply of alcohol (please read guidance note 6)		
Tue	1100	0030			
Wed	1100	0030			
Thur	1100	0030	Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 7)		
Fri	1100	0200			
Sat	1100	0200			
Sun	1200	0030			

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 10).

2 GAMING MACHINES ON SITE.

L

Hours premises are open to the public Standard days and timings (please read guidance note 8)			State any seasonal variations (please read guidance note 6)
Day	Start	Finish	
Mon	1100	0030	
Tue	1100	0030	
Wed	1100	0030	
Thur	1100	0030	
Fri	1100	0200	
Sat	1100	0200	
Sun	1200	0030	

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking.

CHILDREN MAY REMAIN ON THE PREMISES UNTIL 21.30 HRS DAILY.

M Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 11)

ALL STAFF SHALL BE TRAINED TO PERFORM THEIR ROLE. THEY WILL BE TRAINED IN THE CONTENTS OF THE PREMISES LICENCE INCLUDING TIMES OF OPERATION, LICENSABLE ACTIVITIES AND ALL CONDITIONS. REFRESH TRAINING WILL BE CARRIED OUT EVERY 6 MONTHS AND ALL TRAINING RECORDED IN A REGISTER THAT IS AVAILABLE TO POLICE AND AUTHORISED OFFICERS.

b) The prevention of crime and disorder

MINIMUM OF 2 REGISTERED DOORSTAFF EVERY NIGHT THE PREMISES OPENS AFTER 00:30, THESE DOORSTAFF SHALL WORK FROM 19:00 HRS UNTIL 30 MINUTES AFTER CLOSE TO DISPERSE ANY CROWDS LEFT IN THE VICINITY AND TO STOP ANY DRINKS BEING CONSUMED OUTSIDE AFTER OUR OPENING TIMES ALLOWED UNDER OUR PAVEMENT LICENCE.
ZERO DRUG + VIOLENCE POLICY WITHOUT EXCEPTION.

c) Public safety

ZERO TOLERANCE DRUGS POLICY, ANYONE SEEN TO BE USING, CARRYING OR DEALING DRUGS ON THE PREMISES WILL BE BANNED FOR A MINIMUM OF 12 MONTHS.
CCTV SYSTEM ON SITE WITH 28 DAYS RECORDING, A TRAINED MEMBER OF STAFF WILL BE ONSITE TO ALLOW DOWNLOADING AND VIEWING FOR POLICE AND AUTHORISED OFFICERS WITHIN 48 HOURS NOTICE.

d) The prevention of public nuisance

WE SHALL OPERATE AN INCIDENT BOOK THAT IS AVAILABLE TO POLICE AND AUTHORISED OFFICERS AT ANY TIME
NO DRINKS TO PASS FRONT DOOR AFTER THE TIMES STATED ON OUR PAVEMENT LICENCE (22:00 HRS)
DOORS UPSTAIRS CLOSED WHEN AMPLIFIED MUSIC IS PLAYED.
CHALLENGE 25 IN FORCE.

e) The protection of children from harm

THE PREMISES WILL OPERATE CHALLENGE 25. AS PART OF SUCH A SCHEME REGISTER OF REFUSALS SHALL BE MAINTAINED AND KEPT UP TO DATE. THIS REGISTER WILL BE AVAILABLE FOR POLICE AND AUTHORISED OFFICERS AT ANY TIME.
THE PREMISES WILL HAVE A ZERO TOLERANCE POLICY FOR DRUGS.

Checklist:

Please tick to indicate agreement

- I have made or enclosed payment of the fee, or **ALREADY PAID**
- I have not made or enclosed payment of the fee because this application has been made in relation to the introduction of the late night levy.
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- I understand that I must now advertise my application.
- I have enclosed the premises licence or relevant part of it or explanation.
- I understand that if I do not comply with the above requirements my application will be rejected.

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

Part 5– Signatures (please read guidance note 12)

Signature of applicant (the current premises licence holder) or applicant’s solicitor or other duly authorised agent (please read guidance note 13). If signing on behalf of the applicant, please state in what capacity.

Signature	
Date	28 / 6 / 21
Capacity	LICENSEE - OWNER

Where the premises licence is jointly held, signature of 2nd applicant (the current premises licence holder) or 2nd applicant’s solicitor or other authorised agent (please read guidance note 14). If signing on behalf of the applicant, please state in what capacity.

Signature	
Date	
Capacity	

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 15)			
STEWART MACDONALD			
HORDEN LABOUR,			
SUNDERLAND ROAD			
HORDEN			
Post town	PETERLEE	Post code	SR8 4PF
Telephone number (if any)			

Please tick as appropriate

- I have enclosed the premises licence
- I have enclosed the relevant part of the premises licence

If you have not ticked one of these boxes, please fill in reasons for not including the licence or part of it below

Reasons why I have not enclosed the premises licence or relevant part of premises licence.

ALREADY SUBMITTED



LICENSING ACT 2003 PREMISES LICENCE

Premises Licence Number Granted Issued

DOEP339

Part 1 – Premises details

March 2010

March 2020

Postal address of premises, or if none, Ordnance Survey map reference or description	Issuing Authority
HORDEN TRADES AND LABOUR CLUB DAVAAR HOUSE SUNDERLAND ROAD HORDEN PETERLEE SR8 4PF	DURHAM COUNTY COUNCIL REGENERATION & LOCAL SERVICES LICENSING SERVICES PO BOX 617 DURHAM DH1 9HZ
Telephone number:	

Where the licence is time limited the dates N/A

Licensable activities authorised by this licence

Plays
 Indoor Sporting Events
 Live Music
 Recorded Music
 Performance of Dance
 Facilities for Making Music
 Facilities for Dancing
 Late Night Refreshment
 Sale by retail of alcohol

Opening Hours of the Premises

Mon	11:00-00:30	Non-standard/seasonal timings An additional hour on Bank Holidays
Tue	11:00-00:30	
Wed	11:00-00:30	
Thu	11:00-00:30	
Fri	11:00-01:00	
Sat	11:00-01:00	
Sun	12:00-00:30	

Where the licence authorises the sale by retail of alcohol whether these are on and/or off sales:
 ON AND OFF ALCOHOL SALES

The times the licence authorises the carrying out of licensable activities (all in 24hr format)

<p>Plays Indoors 11:00-00:30 Mon 11:00-00:30 Tue 11:00-00:30 Wed 11:00-00:30 Thu 11:00-01:00 Fri 11:00-01:00 Sat 12:00-00:30 Sun</p>	<p>Further details N/A Non-standard/seasonal timings N/A</p>
<p>Indoor Sportin Events Mon 11:00-00:30 Tue 11:00-00:30 Wed 11:00-00:30 Thu 11:00-00:30 Fri 11:00-01:00 Sat 11:00-01:00 Sun 12:00-00:30</p>	<p>Further details N/A Non-standard/seasonal timings N/A</p>
<p>Live Music Indoors Mon 11:00-00:30 Tue 11:00-00:30 Wed 11:00-00:30 Thu 11:00-00:30 Fri 11:00-01:00 Sat 11:00-01:00 Sun 12:00-00:30</p>	<p>Further details N/A Non-standard/seasonal timings N/A</p>
<p>Recorded Music Indoors Mon 11:00-00:30 Tue 11:00-00:30 Wed 11:00-00:30 Thu 11:00-00:30 Fri 11:00-01:00 Sat 11:00-01:00 Sun 12:00-00:30</p>	<p>Further details N/A Non-standard/seasonal timings N/A</p>
<p>Performance o Dance Indoors Mon 11:00-00:30 Tue 11:00-00:30 Wed 11:00-00:30 Thu 11:00-00:30 Fri 11:00-01:00 Sat 11:00-01:00 Sun 12:00-00:30</p>	<p>Further details N/A Non-standard/seasonal timings N/A</p>

Facilities for Making Music Indoors Mon 11:00-00:30 Tue 11:00-00:30 Wed 11:00-00:30 Thu 11:00-00:30 Fri 11:00-01:00 Sat 11:00-01:00 Sun 12:00-00:30	Further details N/A Non-standard/seasonal timings N/A
Facilities for Dancing Indoors Mon 11:00-00:30 Tue 11:00-00:30 Wed 11:00-00:30 Thu 11:00-00:30 Fri 11:00-01:00 Sat 11:00-01:00 Sun 12:00-00:30	Further details N/A Non-standard/seasonal timings N/A
Late Night Refreshment Indoors Mon 23:00-00:30 Tue 23:00-00:30 Wed 23:00-00:30 Thu 23:00-01:00 Fri 23:00-01:00 Sat 23:00-00:30 Sun	Further details N/A Non-standard/seasonal timings An additional hour on Bank Holidays
Sale by retail of alcohol Mon 11:00-00:30 Tue 11:00-00:30 Wed 11:00-00:30 Thu 11:00-00:30 Fri 11:00-01:00 Sat 11:00-01:00 Sun 12:00-00:30	Further details N/A Non-standard/seasonal timings An additional hour on Bank Holidays

Part 2

Name, (Registered) address, telephone number and email (where relevant) of holder of premises licence
--

MR STEWART JAMES MACDONALD	
Registered number of holder, for example company number, charity number (where applicable)	
Company no:	N/A
Charity no:	N/A

Name, address and telephone number of designated premises supervisor where the premises licence authorises the sale by retail of alcohol
MR STEWART JAMES MACDONALD

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises the sale by retail of alcohol

Annex 1 – Mandatory conditions

No supply of alcohol may be made at a time when no designated premises supervisor has been specified in the licence or at a time when the designated premises supervisor does not hold a personal licence or his or her licence has been suspended. Every supply of alcohol under this premises licence must be made or authorised by a person who holds a personal licence.

The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises -

- (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to -
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
- (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;

- (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
- (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
- (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol -

The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either-

- (a) a holographic mark, or
- (b) an ultraviolet feature.

The responsible person must ensure that –

- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures - (i) beer or cider: ½ pint; (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and (iii) still wine in a glass: 125 ml;
- (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
- (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

Minimum Price of Alcohol:

1 A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

2 For the purposes of the condition:

- (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979; (b) "permitted price" is the price found by applying the formula –

$$P = D + (D \times V)$$

Where –

- (i) P is the permitted price,
- (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of alcohol, and

(iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence –
(i) the holder of the premises licence,
(ii) the designated premises supervisor (if any) in respect of such a licence, or
(iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) “value added tax” means value added tax charged in accordance with the Value Added Tax Act 1994.

3 Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

4 (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day (“the first day”) would be different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Annex 2 – Conditions consistent with the premises Operating Schedule

General

None

The Prevention of Crime & Disorder

CCTV will be installed with the recording held for police purposes. Recordings will be kept for a minimum of 28 days and will be made available to police and licensing officers on request.

Premises will attend pub watch meetings and will carry out any actions.

Persons behaving in an alcohol influenced manner will be removed from the premises.

Alcohol will not be served to any person intoxicated.

Police contact details to be readily available for staff to ensure police can be easily contactable.

Public Safety

Appropriate notices will be displayed showing people fire exits.

Signage will be displayed regarding the consumption of drinks on the dance floor.

The Prevention of Public Nuisance

Signage requesting patrons to leave quietly.

No beeping of horns outside after 9pm.

Windows and doors to be closed when live music is played.

The Protection of Children from Harm

All children to leave the premises no later than 21:30.

Challenge 21 policy to be applied.

No children to be admitted unless accompanied by a responsible adult.

Annex 3 – Conditions attached after a hearing by the licensing authority

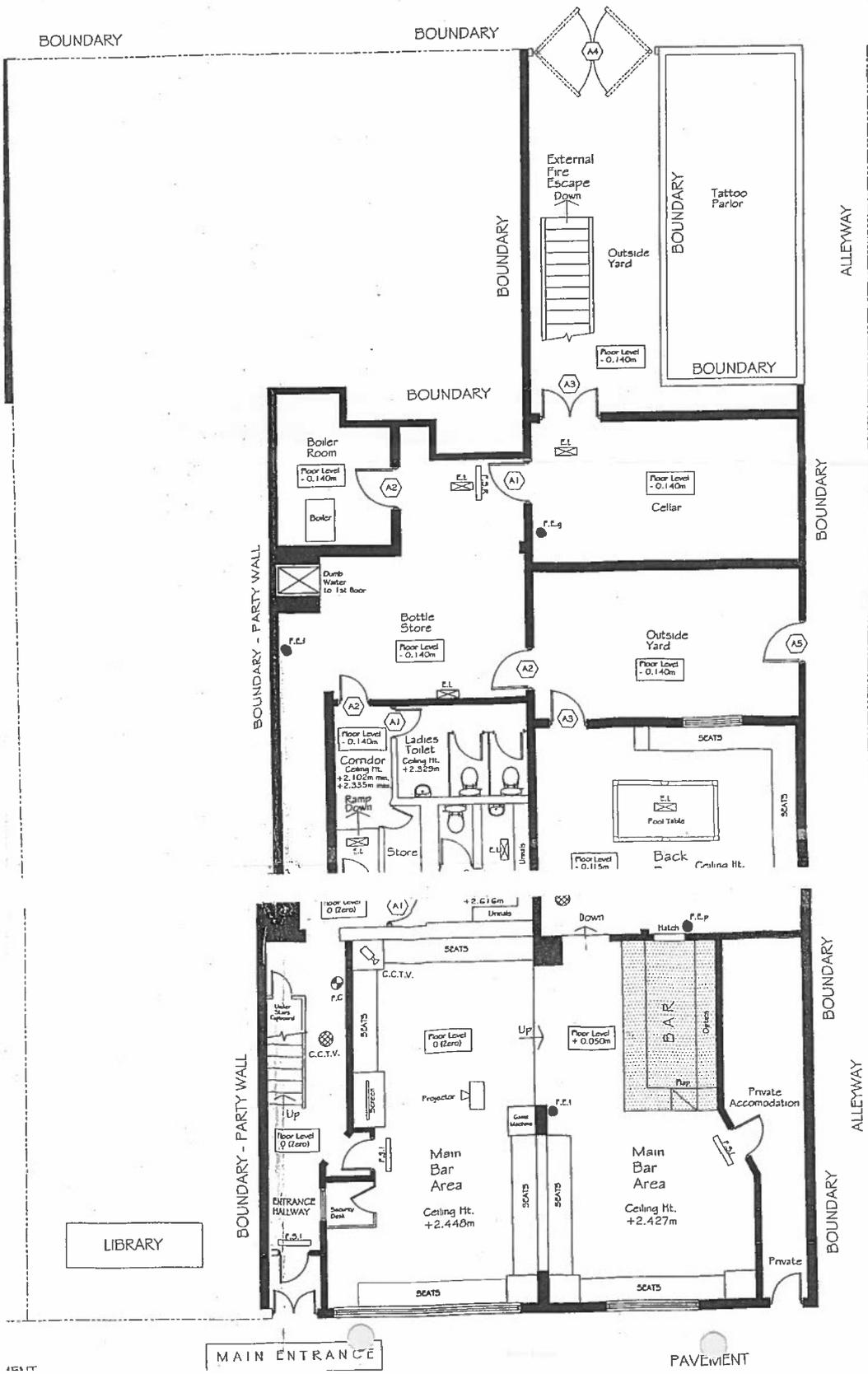
None

Annex 4 – Plans attached

Attached

Signature of Authorised Officer Head of Community Protection

HARTLEPOOL ROAD



DURHAM COUNTY COUNCIL
RECEIVED
30 MAR 2010
NEIGHBOURHOOD SERVICES
FILE REF PASSED TO
Doc 339

Appendix 4: Applicant's amendments

From: Stewart Macdonald
Sent: 18 August 2021 22:44
To: Yvonne Raine <
Subject: Re: Horden Labour Club - Premises Licence Variation

Dear Yvonne.

Thank you for your correspondence

After considering the points raised in the objections to
Our license variation application I would like to change our application to include the following.

1. We would like to remove the extra hour on bank holidays, this would remove the potential issues with police resources should they be required to attend any incidents at our premises and VIBE in Peterlee at closing times.
2. We would like to keep our off sales to our present licensed hours, this would remove the concerns from residents regarding customers drinking in the street after we close.
3. We would offer bi monthly meetings at our premises with local residents, the police and the council to discuss any issues or concerns.
4. We would not offer 18th birthday parties or travelling community parties at our venue.
5. We would employ licensed doorstaff from 19.30 until at least 30 minutes after closing times on Fridays, Saturdays and any day that we hold a large event such as bank holiday Sundays and New Year's Eve.

After our meeting with Durham police we would request authority for our doorstaff to disperse any crowds that may occur around our premises at closing time.

We would actively discourage smoking from

The front of our premises and encourage smokers to use our rear smoking area.

With the above changes we believe that we could operate a safe and enjoyable venue for local residents to enjoy late night entertainment without increasing any draw on resources from the police and without causing any extra nuisance to local residents many of whom are welcome regulars in our premises.

Without the proposed changes to our opening hours we fear that due to financial constraints we would be unable to provide door security or any of the above and we believe this could be more of a nuisance to local residents than if we were granted the requested changes.

In reality the proposed changes would now mean that we could not open any longer than the hours currently granted under our license on certain days.

We are actively working towards changing the image of Horden Labour, we understand that the premises has had issues in the past under previous ownership but we have complete confidence in Ourselves and our

Ideas for the future and we believe these will benefit local residents and the local economy in
Many ways

Kind regards
Stewart Macdonald

Appendix 5: Representations

From: Caroline Dickenson
Sent: 02 August 2021 16:35
To: AHS Licensing <Licensing@durham.gov.uk>

Subject: FW: Premises licence variation - Horden Labour, Davaar house, Sunderland Road, Horden

To Whom it may concern

Durham Constabulary would like to object to the application to vary a premises licence for, HORDEN LABOUR, Davaar House, Sunderland Road, Horden, Peterlee, SR8 4PF under the prevention of Crime and Disorder and the prevention of public nuisance.

The applicant Stewart Macdonald submitted a full variation to amend the times for plays, films, indoor sporting events, live music, recorded music, performance of dance, late night refreshment, hours open to the public and the sale of alcohol for both on and off sales on a Friday and Saturday from 11:00-01:00 to 11:00-02:00. They are also requesting an extra hour to take them potentially to 3am on public holidays, the Sunday before bank holiday Mondays and an extra hour on New Year's Eve.

Any increased hours of trading will have a significant bearing on the likelihood for crime and disorder as evidence suggests that late night, alcohol-related crime and anti-social behaviour remains a problem in parts of County Durham. Considerations need to be taken around the possibility of disturbance to businesses and residents late at night and in the early hours of the morning, and the effect that any such disturbance may have on the promotion of the licencing objectives.

As per Durham County Council's statement of licencing policy 2019-2024 the recommended terminal hours for the sale of alcohol for licensed premises situated within the County of Durham are Weekdays Sunday – Thursday 07:00 to 00:00 and weekends Friday night into Saturday morning and Saturday night into Sunday morning are 07:00 to 01:00 plus an addition 1hr for Good Friday and for all other Bank holidays.

When consideration was made for appropriate times for the policy framework hours, Durham County Council Licensing Authority had regard to concerns expressed by residents, the licensed trade and the responsible authorities which included Durham Constabulary. Any increased hours of trading will have a significant bearing on the likelihood for crime and disorder as evidence suggests that late night, alcohol-related crime and anti-social behaviour remains a problem in parts of County Durham.

The applicant has asked for off sales until 02:00 hrs on a Friday and Saturday if granted this would allow for alcohol be sold to members of the public for them to consume elsewhere. The applicant has offered no conditions around how the off sales will be controlled and how they will promote the licencing objectives. There is nothing to stop people purchasing the alcohol and then standing in the street until whatever time they please consuming it.

When consideration is made around any applications received I will liaise with the neighbourhood policing teams who have expert knowledge of Horden and responsibility for policing the area where Horden Labour Club is and have received the comments below from Sgt Watson

To Whom it may concern,

It has come to the attention of the police at Peterlee Station, who cover the Horden area, that Horden Labour club have requested an extension to their current trading licence hours which I believe could result in the premises staying open until 2 and 3 am on certain days.

As the Neighbourhood Sergeant for the area I can say on behalf of the constabulary that we feel that this is not acceptable, and we have grave concerns should this be allowed to go ahead.

In the first instance the location of the premises is such that there are many elderly residents who live opposite, or within sight and hearing, who will be detrimentally affected by this should this be granted. Patrons leaving whilst intoxicated at 3 am in the morning have little regard for the welfare of the local residents.

As already stated, we cover the whole area surrounding Peterlee and as I type this email, we already have VIBE in the locality which has a closing time of 3 am. This is often quite challenging at closing time and stretches our resources to the limit regularly. Should this be granted for the Labour club I have real concerns that should there be any incidents at that time in the morning we simply wouldn't have the level of resources required to deliver the appropriate response.

We have had incidents at the Labour club whereby staff have been assaulted and windows smashed and there is information passed to the police regularly that there is drug misuse and underage drinking on the premises. All this is apparently happening with staff turning a blind eye.

On recent police visits to the premises it has become apparent that the proprietor will speak and engage with officers but can be disrespectful towards police and appears only to do so as he needs to. Officers have carried out drugs wipes in the men's and women's toilets and both tested positive for cocaine residue.

Since the end of March 2021 at the Labour club the police have recorded crimes such as public order, assault, criminal damage and sexual assault at this premises leading us to believe should the licence be extended further criminality will take place.

In a nutshell the police have real issue with the proposed revised licensing hours will have a negative impact on the lives of the local community in an area which is already subjected to issues with ASB, alcohol and drug misuse.

*Kind Regards
Dave*

*PS 2175 Watson
NPT Peterlee*

There is also the impact on our local and wider communities and the issues they face when drunken people are arriving home be it by taxi or other means, and the noise and disorder generated by them. We will never have a true picture of the impact this causes on people's lives as the majority wouldn't even think to ring the police to report having their sleep disturbed, but we know from PACT meetings within our local communities this is a problem.

Durham Constabulary have concerns regarding the extension of hours which would make it a late-night public bar over two floors. The proposed closing times included in the application of 2am is later than the times for other premises in Horden area and the potential for crime and disorder cannot be ignored or overlooked. Durham Constabulary believe a late night venue in the area is not advisable or what the area requires.

Thankyou

Caroline

Sgt 484 Caroline Dickenson
Licensing Sgt
Durham Constabulary

Our Values & Vision:

Positive | Fair | Courageous | Inclusive | With Integrity

Protecting Neighbourhoods, Tackling Criminals, Solving Problems

We have recently updated our terms and conditions for all our services, including making some important updates to our privacy notices. To find out more about how we collect, use, share and retain your personal data, visit: www.durham.gov.uk/dataprivacy

From: Cllr Ian McLean

Sent: 31 July 2021 19:53

To: Helen Johnson - Licensing Team Leader (N'hoods) < >; Karen Robson < >

Cc: Cllr Isabella Roberts

Subject: Horden Labour Club

Good Evening,

Please see attached letter from Sergeant Watson (Peterlee Police Neighbourhood Police Team), regarding the Horden Labour Club.

I am away from Sunday 1st August for 1 week but am available by phone.

Ian Mclean

To Whom it may concern,

It has come to the attention of the police at Peterlee Station, who cover the Horden area, that Horden Labour club have requested an extension to their current trading licence hours which I believe could result in the premises staying open until 2 and 3 am on certain days.

As the Neighbourhood Sergeant for the area I can say on behalf of the constabulary that we feel that this is not acceptable, and we have grave concerns should this be allowed to go ahead.

In the first instance the location of the premises is such that there are many elderly residents who live opposite, or within sight and hearing, who will be detrimentally affected by this should this be granted. Patrons leaving whilst intoxicated at 3 am in the morning have little regard for the welfare of the local residents.

As already stated, we cover the whole area surrounding Peterlee and as I type this email, we already have VIBE in the locality which has a closing time of 3 am. This is often quite challenging at closing time and stretches our resources to the limit regularly. Should this be granted for the Labour club I have real concerns that should there be any incidents at that time in the morning we simply wouldn't have the level of resources required to deliver the appropriate response.

We have had incidents at the Labour club whereby staff have been assaulted and windows smashed and there is information passed to the police regularly that there is drug misuse and underage drinking on the premises. All this is apparently happening with staff turning a blind eye.

On recent police visits to the premises it has become apparent that the proprietor will speak and engage with officers but can be disrespectful towards police and appears only to do so as he needs to. Officers have carried out drugs wipes in the men's and women's toilets and both tested positive for cocaine residue.

Since the end of March 2021 at the Labour club the police have recorded crimes such as public order, assault, criminal damage and sexual assault at this premises leading us to believe should the licence be extended further criminality will take place.

In a nutshell the police have real issue with the proposed revised licensing hours will have a negative impact on the lives of the local community in an area which is already subjected to issues with ASB, alcohol and drug misuse.

Kind Regards

Dave

PS 2175 Watson

NPT Peterlee

From: M Naisbett
Sent: 29 July 2021 12:24
To: AHS Licensing <Licensing@durham.gov.uk>
Subject: Horden labour club extra hours

My address is malt crescent Horden
County Durham

M Naisbett
Sent: 29 July 2021 10:28
To: AHS Licensing <Licensing@durham.gov.uk>
Subject: Horden labour club extra hours

I WOULD LIKE TO OBJECT TO THE NEW PROPSALS OF THE CLOSING TIMES AT THIS CLUB DUE TO BEING IN THE VICINITY OF SO MANY OLD PEOPLES HOMES I DONT WANT TO SEE PEOPLE LEAVING BOTTLES AND GLASSES ON THE PAVEMENTS AND WALLS OUTSIDE OF MY HOUSE I THINK IT WILL ATTRACT THE WRONG PEOPLE INTO OUR VILLAGE AT THE WRONG TIME OF THE DAY THIS WILL BE CLASED HAS NIGHT CLUB IF YOU WANT TO VISIT THESE CLUBS GO TO THE NEAR BY TOWNS.
YOURS TRULY MR M NAISBETT

Friday 30/07/2021 11:10

I would like to object to the late night early morning closing times on these premises.on the grounds it will interfere and disrupt people's sleep the traffic will be coming and going till three in the morning and anti social behaviour will increase plus the crime which it brings there are four clubs in the vicinity of the labour club will this not open the door for other clubs to do the same this club is trying to get the over spill of the other clubs around the area we are trying to clean Horden up not had to it I think the opening times are right the way we are at the present

Thursday 12/8/21 08:19

I will not be attending the hearing to other commitments relating to health matters. I would just like to confirm my objections to these proposals. This will not benefit Horden one little bit it will cause misery for people in the vicinity of the club which is called a music bar, bu I will stand by the decision of the committee, hope and pray it is the right one

Yours truly MR M

NAISBETT

From: r rigby
Sent: 29 July 2021 14:31
To: AHS Licensing <
Subject: Revised licensing hours Horden Labour Club

My wife and I wish to object regarding the requested change to the licensing hours for Horden Labour Club , Sunderland Rd , Horden .

The grounds for this objection are as follows ;

This is a residential area .

We are already experiencing noise at night time up to 2.30 in the morning. People who can be heard through double glazed windows .

Glasses are left on walls or smashed and have to be cleaned by householders .

We don't object to anyone having a good night out , but surely some consideration should be given to people who have to get up to go to work .

Malt Crescent Horden

From: r rigby
Sent: 13 August 2021 16:00
To: AHS Licensing
Subject: Licensing hours Horden Labour Club . Hearing 31st August .

I am sending a 2nd e mail just to confirm the following. The first reply has been sent , but the recipient is currently not in the office ;

With our apologies, we are unable to attend the meeting due to work commitments.

Please can we reiterate the following;

We wish to raise an objection because of;

The concerns about noise levels once the premises have closed.

The area is populated in the main by elderly residents.

We are already experiencing noise levels when people are returning home after attending late venues. Although this is in no way the fault of the Labour Club , this has the potential to escalate when the club closes .

We have every respect for the current licence holders who are endeavouring to sustain their business.

We hope that the right decision is made that is beneficial for all parties.

Thank you

From: r rigby

Sent: 19 August 2021 11:36

To: Yvonne Raine <

Subject: Re: Horden Labour Club - Amendments to licence variation application

We still wish to proceed with our objection to the premises licence variation application for Horden Labour Club and we do consider a licensing hearing to be necessary.

Although we appreciate the consideration that has been taken, and thank all concerned, we still feel that the late hours will still be detrimental to the residents.

We are questioning point 5;

We live on the same side as the Labour Club, and are the first row of houses .

This is where people congregate and;

Have loud / heated conversations / disputes.

Wait for taxis .

We often find cans , glasses (broken and unbroken) on the wall , in the garden .

Although efforts have been proposed to keep noise levels down, the point is this ;

Door staff would NOT have jurisdiction to move people away from outside our homes, therefore we are still left with noise levels and anti social behaviour.

Once again, we are not in dispute with a hard working business, and thank them for trying hard to reach a resolution. We hope that the right decision is made for all concerned.

Appendix 6: Responses from Responsible Authorities



Chief Fire Officer: Stuart Errington

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

Date: 12 July 2021
This matter is being dealt with by: Julie Knox

Our Ref: 7C50700060
Your Ref: 481753

Direct Dial Telephone:
E-mail:

Dear Tracey,

Licensing Act 2003
Regulatory Reform (Fire Safety) Order 2005
Horden Labour & Trade Union Club, Davaar House, Sunderland Road, Horden, Peterlee, SR8 4PF

I acknowledge your application dated 29 June 2021 for a Variation to Premises Licence under The Licensing Act 2003 in respect of the above named premises.

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

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

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

Yours faithfully

Julie Knox
Fire Safety Section



www.ddfire.gov.uk

From: Public Health

Sent: 01 July 2021 09:22

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

Cc: Tracey Lock ; AHS Licensing <

Subject: RE: LICENSING ACT 2003 - APPLICATIONS RECEIVED - VARIATION OF A PREMISES LICENCE -
HORDEN LABOUR

Dear Colleagues

I have received an application to vary a licence for the establishment: – **Davaar House
Sunderland Road Horden Peterlee SR8 4PF**

I have no comments or objections to make on behalf of County Durham Public Health.

My Ref: PH/2021/064

Kind Regards,

Emily Coleby

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

From: DSCP Secure <
Sent: 23 July 2021 14:26
To: Tracey Lock
Subject: RE: LICENSING ACT 2003 - APPLICATIONS RECEIVED - VARIATION OF A PREMISES LICENCE - HORDEN LABOUR

I have received an application to vary a licence for the establishment: Horden Labour, Davaar House Sunderland Road Horden Peterlee SR8 4PF

I have no comments or objections to make on behalf of Durham Safeguarding Children Partnership.

My Ref: SW/2021/060

Regards

Stephen Winship

Policy & Strategy Officer
Durham Safeguarding Children Partnership

Tel :
County Hall, Durham
DH1 5UJ



Durham Safeguarding Children Partnership (DSCP)

Keeping Children Safe

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



Appendix 7: 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.

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

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

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

The placement of tables and chairs outside of licensed premises may give rise to public nuisance including noise and litter. When tables and chairs are situated on

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Appendix 8: 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 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.

