



Statutory Licensing Sub-Committee

Date Tuesday 14 September 2021
Time 1.30 pm
Venue Council Chamber, County Hall, Durham

Business

Part A

Items which are open to the Public and Press

1. Apologies for Absence
2. Substitute Members
3. Declarations of Interest (if any)
4. Minutes of the Meetings held on 6 July and 15 July 2021 (Pages 3 - 16)
5. Application to Vary a Premises Licence - Henry's Newsagent, 2 Seaside Lane, Easington Colliery, Peterlee, Co Durham (Pages 17 - 66)
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
6 September 2021

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

Councillors J Blakey, C Hampson, C Hunt and D Sutton-Lloyd

Contact: Jill Errington

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DURHAM COUNTY COUNCIL

At a Meeting of **Statutory Licensing Sub-Committee** held in Council Chamber, County Hall, Durham on **Tuesday 6 July 2021 at 9.30 am**

Present:

Councillor J Blakey (Chair)

Members of the Committee:

Councillors R Adcock-Forster, D Stoker, E Waldock and M Wilson

Also Present:

Helen Johnson – Licensing Team Leader

Gill Proud – Legal Adviser, DCC

Hardish Purewal – applicant's representative

James Delaney – on behalf the Applicant

Hannah Shepherd – Durham University

Esther Ashby – other person

Councillor Susan Walker – Durham City Parish Council

1 Apologies for Absence

An apology for absence was received from Councillor A Batey.

2 Substitute Members

Councillor M Wilson substituted for Councillor Batey.

3 Declarations of Interest

There were no declarations of interest.

4 Application for the Grant of a Premises Licence - Tesco, 18-29 Claypath, Durham

The Sub-Committee considered a report of the Licensing Team Leader regarding an application for the grant of a Premises Licence in respect of Tesco, 18-29 Claypath, Durham (for copy see file of Minutes).

A copy of the application and supporting information had been circulated to all parties.

The Chair invited Councillor Susan Walker to address the Sub-Committee on behalf of Durham City Parish Council. Councillor Walker stated that the Parish Council objected to the application under the licensing objectives public safety, prevention of public nuisance and prevention of crime and disorder.

The application was in breach of Durham County Council's Framework Hours and the Parish Council was unclear why the applicant was asking for hours that were longer than other Tesco premises in the City. It was not only in conflict with Durham's Licensing Policy but also the SHH campaign. Durham was a compact City with many residential streets in close proximity to each other. The operating hours should be in line with the Licensing Framework Hours.

There were issues with people gathering outside other Tesco premises in the City and there should be a Management Plan to make sure this did not happen.

The Parish Council also sought assurances that deliveries would take place in accordance with the Student Management Plan. Passing points were limited and controls needed to ensure that vehicles were not sat on Claypath waiting to make deliveries.

In terms of the prevention of crime and disorder, Cllr Walker stated that the applicant was clearly targeting the student market in the City. Incidents of alcohol fuelled late night crime and disorder were increasing which would be exacerbated if the licence was granted.

It was unclear where the CCTV cameras would be positioned but should encompass both inside and outside the store, and where the sale of alcohol would occur. The system should also have a battery back-up in the event of power failure. The applicant should also ensure that an appointed member of staff trained in the use of the system and competent in downloading footage was available at all times.

In terms of the licensing objective, public safety the Parish Council noted that there was no mention in the application of where alcohol would be stored. Alcohol was flammable and without knowing where it would be kept it was difficult to ascertain if this undermined the licensing objective.

In conclusion the Parish Council considered that the application should be refused.

Mrs Esther Ashby addressed the Sub-Committee on behalf of her husband, herself, and local residents. Mrs Ashby referred the Sub-Committee to the written representations, and noted that it was difficult to make a reasoned argument as the application did not contain any detail. She was sure that the applicant's representative would address these omissions in her representations.

Esther Ashby believed that the Sub-Committee had a priori ground to reject the application based on licensing policy, and referred to paragraph 5.5 regarding the locality. There was no evidence from the applicant that they had any appreciation of the impact of the hours on the community.

The premise was within a purpose-built block; only 300m away there were two other similarly sized purpose-built blocks.

It might appear that the residents' representations were based on anti-student feelings but this was not the case, it was about everyone in the area who had a right to a peaceful night. The Parish Council in conjunction with stakeholders had spent three years putting a package of measures together to deal with night-time disturbance, the SHH campaign. Granting this application would ruin that campaign and having signs and stickers promoting the campaign across the locality would become meaningless if in the centre of it all was a shop which was open until midnight.

In conclusion Esther Ashby asked the Sub-Committee to take into account the locality, and reject the application, and possibly request the applicant to re-submit a more detailed application so that residents would know what they were facing. If the Sub-Committee was minded not to refuse the application she asked Members to consider reducing the hours to within the Licensing Framework hours and subject the licence to serious conditions to address disorder at weekends and Thursdays when there should be extra door and management supervision, to ensure that customers left the premises quietly, and to ensure that commercial bins were not left outside.

Hannah Shepherd of Durham University addressed the Sub-Committee and began by stating that students lived as far out of the City in locations such as Belmont and Carrville, and 1/10th of the overall student numbers lived within 300m of this building. The premise was on a busy foot route from the night-time economy to the student accommodation. Non-students in the area had different lifestyles and working hours. The University's community relations with residents was very important. Engagement with key stakeholders was not evidenced by the applicant. The University had a good relationship with Tesco during the pandemic, but this was not evident in this application.

The biggest anti-social noise issue she felt may arise was the possibility of transient noise from groups travelling home. This area was well-known as a hotspot.

There were two other Tesco premises in the City but this was a very different location. The store in North Road was in the heart of the economy and was a source of problems for people living there already, but residential properties were limited. The second store was in the commercial centre where there was limited residential accommodation. Claypath was different in that it was a mix of students and residents. Transient noise would increase causing further detriment to residential amenity. She would like to see a copy of the Good Neighbour Policy to see how the applicant would reduce and control anti-social noise.

Measures she considered might be reasonable included;

- Hours to be brought within the Framework Hours
- Applicant to agree to the University's recommendations regarding the PSPO
- Promotion of the SHH campaign in store
- Placing posters around the premises so that it was clear that there were residents living all around the area
- Applicant to participate in local community initiatives
- Provision of door security during bigger events in the City
- Staff to remind customers to leave quietly and to prevent entering of the premises if necessary.

At this point Hardish Purewal was invited to address the Sub-Committee on behalf of the Applicant. She commenced by explaining that the premise was due to open at the end of September, early October. Tesco had 2800 stores across the country with 300k colleagues. The company had 2 formats, large and convenience. The stores in Durham were for top-up shops, alcohol was a very small proportion of sales. Of 100 MODs only 5 plus 1 behind the checkout would be for the display of a limited range of alcohol. The store would have 18 colleagues and 4 Managers, both full time and part time. The roles would be filled by experienced people from existing stores in the City and local community. There would be no miniatures, half-sized products, white ciders or any other items the Police consider should not be sold.

James Delaney currently worked in the North Road store and a new Manager had been appointed who was a local and very experienced person.

Those making representation had referred to a Good Neighbour Policy; this was not a written policy but an ethos. Part of this included supporting community groups with community grants. The applicant would be happy to engage with community groups and sort any issues they may have. This was a long-term investment in the community. The applicant would be happy to assist with the SHH campaign, putting

campaign posters as well as their own instore and would remind customers verbally too. Tesco worked with the Police, and it was key that the Police did not raise any concerns. Appropriate weight should be given to that by the Sub-Committee.

Tesco took how it sold alcohol very seriously and had good relationships with Licensing Authorities. She was the chair of a local standards group for alcohol sales and produced guidance and posters for retailers. She was involved in Community Alcohol Partnerships which looked at issues such as underage sales, training in Think 25 and alcohol-related anti-social behaviour. This might be useful to discuss with Hannah Shepherd.

Other agencies Tesco worked with included Drink Aware, the Home Office and Department of Health.

The training was to BII Standard and was documented and audited. Training involved role play and group talks, training on the use of the tills which had prompts, aisle work and security, conflict training, proxy sales and they had strict policies about not serving intoxicated customers. Refresher training was carried out twice yearly on underage sales; they operated Think 25 and only accepted Home Office recommended ID.

Tesco empowered its staff to make decisions and would always be supported by Managers.

There would be between 12 and 15 cameras inside the store but there were data protection issues with external cameras. A central team monitored the cameras at all times. Stores had panic alarms and high alcohol value items were tagged. Spirits were kept behind the counter.

Crime figures and store incidents would inform what door supervision was required and when. Store Managers were empowered to close a store or stop selling alcohol.

Tesco had their own central licensing and compliance team and carried out test purchases using 18 year olds to check that Think 25 was being operated.

Tesco had a close relationship with the Police who made the company aware of any issues. The Police trusted Tesco to make appropriate decisions where there had been issues, such as during Freshers Week.

The store would not have local promotions, Tesco Express stores were excluded from a lot of Tesco promotions.

Alcohol deliveries would be consolidated with normal grocery deliveries. The application included Late Night Refreshment purely for a coffee machine.

Hardish Purewal continued by thanking everyone for their representations which gave Tesco a good idea of what was going on locally. The store Manager would be happy to work with the community and would assist with any issues. Addressing the representations she stated that they did ask people loitering to move along but at

the moment there was no evidence of that. The store was looking to serve local residents.

With regard to noise, Tesco were happy to support the SHH campaign and would remind customers verbally, as well as having their own posters.

She did not anticipate congestion later in the evening but once the store was there, if this did happen they would deal with it.

Residents or students who were intoxicated would be refused alcohol. Litter bins would be located outside and the Shift Leader would ensure that the shop front was tidy.

There would be a member of staff on site at all times who could download and produce the footage at the request of the Licensing Authority or Police.

'Ordinarily' a Manager would be on site. If there was an occasion where a Manager was not present and there was no-one in store who could step up, the store would be closed until a Manager was called in.

Tesco would support the PSPO in the area, and customers could be reminded of this by staff if requested.

With regard to the Framework Hours they would be happy to amend the evening hours but wanted to retain the 6am opening. There was presumption that hours should be granted as requested unless there was a good reason for not doing so. There had been no representations made regarding the opening hour.

The Police had not made any representation and appropriate weight should be given to that in line with S182 Guidance and the Thwaites case.

Questions were invited of the applicant's representative.

Following a question from the Licensing Team Leader, Members were informed that there were likely to be door supervisors at certain times, based on a risk assessment.

Esther Ashby referred to the oversight of CCTV cameras by a Central Team and was informed that the store manager could see the camera footage and there was a central hub covering lots of stores which was able to collate evidence following any incidents. Teams now also wore body cameras.

Esther Ashby noted that it had been said that Tesco had good relations with the Police and asked if this was generally, or if the applicant had been in discussion about this specific application. She also asked if they had worked in partnership in respect of the incident at the North Road Store when queues outside had caused issues.

Esther Ashby was informed that Tesco would work with the Police but the Police had not made contact with regard to this application. Ordinarily the Police would raise any issues they felt needed addressing during the application process.

With regard to the incident at North Road, James Delaney explained that a lot had been learnt from that incident which had occurred during the pandemic when pubs were required to close at 10pm, and queues had developed outside the store.

Esther Ashby referred to the proposal for risk assessments to be carried out which would determine the need for door supervisors, but she felt these arrangements should be confirmed now. James Delaney explained that door security at the moment at the North Road store was present on Friday, Saturday and Sunday but the needs may be different at Claypath. For example Thursday nights were busy for students. They therefore wanted to remain flexible.

Hannah Shepherd thanked the applicant's representative for the thorough review of the representations and willingness to engage. She made reference to a recently withdrawn application in the locality where the Police had made representation about the significant impact of increased hours of trading. She asked why the same statement did not apply in respect of this application, which was only doorsteps away.

Hardish Purewal stated that this was difficult to answer. The Police had not made representation.

Gill Proud, the Legal Adviser to the Sub-Committee reminded all parties that each application must be considered on individual merits; the Police had not made representation in respect of this application.

Hannah Shepherd referred to the Good Neighbour Policy and whether it should be included if it did not exist. Hardish Purwal responded that a good neighbour encompassed so much; what was considered to be a good neighbour at this store might not be appropriate for another. She conceded that perhaps it should be referred to as an ethos.

Following questions from Councillor Wilson, the Member was informed that MODs were 1m wide. Spirits and high alcohol volume drinks would be kept behind the kiosk with wines, beers and cider on the shop floor. Beer stacks were normal practice in floor displays.

Alcohol sales between 11 and 12 midnight were expected to be a very small percentage of sales, as footfall later in the day petered out.

Councillor Waldock asked for confirmation that the MOD behind the counter was included in the 5 MODs for alcohol display, and was informed that it was not.

Councillor Blakey noted that CCTV footage was only retained for 21 days. The Member was informed that this was normal practice in case the system failed allowing time to repair and produce footage within the normal 31 days.

Gill Proud referred to the statement in the application that a member of the Management Team would 'ordinarily' be on the premises, and asked if Hardish Purewal agreed that it should not be stated in those terms. Hardish Purewal summarized that it was phrased in this way so that if a Manager was not present in store for a very short period of time, they would not be in breach of the licence conditions.

All parties were invited to sum up.

Hardish Purewal stated that the applicant had demonstrated that they were an excellent operator who hoped to take part in partnership working, and who had policies and practices in place to uphold the licensing objectives. There were no objections to the application from the Police and appropriate weight should be afforded to that in accordance with S182 Guidance and the Thwaites case. If the application was granted the applicants looked forward to being in the community and working in partnership.

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

In reaching their decision the Sub-Committee considered the report of the Licensing Team Leader, the written representations of other persons, and the verbal representations of the Parish Council, Hannah Shepherd of Durham University, Mrs Esther Ashby on behalf of local residents, herself and her husband, and the applicant's representatives, Hardish Purewal and James Delaney. Members also took into account the Council's Statement of Licensing Policy and Section 182 Guidance issued by the Secretary of State.

Resolved:

That the application be granted as follows:

Licensable Activity	Days & Hours
Sale of Alcohol (3 off sales)	Monday to Sunday Thursday 07:00 hrs to 23:30 hrs

Late Night Refreshment (Indoors)	Monday to Sunday 23:00 hrs – 23:30 hrs
Opening Hours	Monday to Sunday 06:00 - 00:00 hrs

The Sub-Committee determined that it was appropriate for the promotion of the licensing objectives to modify the conditions as follows:-

- a) The CCTV equipment must:
 - be maintained in good working order
 - show the correct time and date
 - provide footage showing details for evidence of identity i.e. facial / the overall view of the scene and;
 - be kept for a minimum period of 28 days
- b) The CCTV system shall incorporate a battery backup system to enable 24-hour continuous recording in case of any power blackout / failure.
- c) The premises licence holder must ensure there is a member of staff available on the premises who is capable and competent in using the CCTV system. This to include the showing and downloading of the footage onto a disc, hard drive or memory stick when requested by the police / or authorised officers of the local authority.
- d) CCTV cameras should be positioned internally to cover all entrances and exits to the premises used by the public. A camera should also be placed to cover the area where the sale of alcohol occurs.
- e) Acceptable forms of ID include a card bearing the PASS hologram, Armed Forces ID card, a photographic driving licence or a passport, or any ID agreed by the Home Office.
- f) Signage will be displayed in a prominent place within the premises asking customers to respect the needs of the local residents and to leave quietly.
- g) A rubbish bin will be placed at the front of the premises.
- h) At the end of business staff will ensure that litter is collected from the front and within the immediate vicinity of the premises.

- i) Where groups of people congregate outside of the premises, staff will encourage people to move away from the store.
- j) A member of the management team will be present on the premises at all times when the store is open, and this person will have responsibility for the premises whilst the premises are open.

DURHAM COUNTY COUNCIL

At a Meeting of **Statutory Licensing Sub-Committee** held in Council Chamber, County Hall, Durham on **Thursday 15 July 2021 at 1.30 pm**

Present:

Councillor J Blakey (Chair)

Members of the Committee:

Councillors A Batey, I McLean, R Potts and M Wilson

Also Present:

S Grigor (Council's Solicitor)

H Johnson (Licensing Team Leader)

V Nolan (Applicant)

1 Apologies for Absence

An Apology for absence had been received from Councillor L Brown.

2 Substitute Members

Councillor J Blakey was present as substitute for Councillor L Brown.

3 Declarations of Interest

There were no declarations of interest.

4 Application for the Grant of a Premises Licence - Looking Glass House (formerly The Station Hotel), 63 High Street, Tow Law

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

The Council's Solicitor explained why only three Members deliberated the application and ran through the procedure for the meeting.

The Sub-Committee considered the report of the Corporate Director of Neighbourhoods and Climate Change regarding an application for the grant of a premises licence for the Looking Glass House (formerly The Station Hotel), 63 High Street, Tow Law (for copy of report, see file of minutes).

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

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

The Officer advised Members that mediation had taken place with Durham Constabulary and the Applicant had agreed to some additional conditions.

Members were also advised that after considering the objection, the Applicant provided some additional information and added further conditions, details of which had been circulated.

Members were advised that one objection had been received from Ms Logan-Pearson (other person) who was unable to attend the meeting and had asked for her representation to be considered and had provided a statement, as set out in the report.

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

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

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

Miss Nolan, the Applicant was invited to address the Sub-Committee and indicated that she was hoping to open a party and entertainment venue and not a public house. She intended to hold private parties for both children and adults and once a month an event with live entertainment. She was also hoping to start a drama group and summer workshops.

She indicated that the licence was required to provide a bar to keep the business financially viable. There would be no bar at children's parties, and she applied for the licence 9.00 am to 11.00 pm to cover all types of events such as a wedding.

In response to questions from Members and Officers, Miss Nolan indicated that she did not intend to have pumps at the bar as these were not cost effective but would stock all other bar items such as spirits and cans. There was limited parking in the area, but she envisaged patrons being dropped off as she was hoping to attract local people who would not be driving. The maximum capacity of the venue was 100 and the exit from the venue was onto a pavement then the main road onto the High Street.

The Chair thanked everyone for their attendance and at 1.45 pm the Sub-Committee Resolved to retire in private to deliberate the application.

Councillors J Blakey, A Batey and M Wilson retired to make the decision.

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

Resolved: That the Premises Licence be granted as follows:

Licensable Activity	Days and Hours
Supply of Alcohol (consumption on the premises)	Monday to Sunday 09.00- 23.00hrs
Plays, Live Music, Recorded Music, Performances of Dance, Similar entertainment (all indoors)	Friday and Saturday 08.00 to 23.30 hrs An additional hour on New Year's Eve
Live Music and Recorded Music (outdoors)	Monday to Sunday 09.00- 23.00hrs
Open to the public	Monday to Sunday 09.00- 23.00hrs

The Sub-Committee in addition agreed to accept the following conditions that were added following mediation with Durham Constabulary.

- All staff shall be fully trained to perform their role. They will also be trained in the contents of the premises licence including times of operation, licensable activities and all conditions. Such training will be recorded in a register. The register will be made available to the Police or an authorised officer of the council upon request.
- The premises shall operate the Challenge 25 scheme. As part of such a scheme a register of refusals shall be maintained and kept up to date. The register will be available for immediate inspection by police or authorised officers of the council.
- The premises shall maintain an incident book which shall be made available to the Police and authorised officers of the local authority upon request.
- A CCTV system will be installed and in operation at all times the premises are being used for licensable activity. It must be operated by

properly trained staff. All public areas will be covered, including entrances, exits and outside area.

- CCTV recording will be retained for a minimum of 28 days.
- Children under the age of 18 will not be allowed entry to or remain in the bar area after 21.00 unless at a private function.
- The premises licence holder is to undertake right to work checks on all staff who are employed at the licensed premises in a paid or unpaid capacity. A copy of any documents checked as part of the right to work check are to be retained at the licensed premises. These documents will be made available to officers and responsible authorities when requested.
- A full risk assessment must be completed prior to all events and functions, this will be made available to Police or authorised officers of the council on request.
- A notice must be displayed at all entrances and exit points asking patrons to leave quietly.

Also, the further conditions added by the applicant.

- No live bands will be permitted to perform (other than acoustic sets) until soundproofing is assessed and installed within the premises.
- Customers will not be permitted to bring drinks outside the front of the premises.
- Signs will be displayed at the exit to advise customers to leave quietly so as not to cause a disturbance to local residents
- Staff will carry out a litter sweep around the premises following each event to clear the area of any litter.

Statutory Licensing Sub-Committee

14th September 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: Easington

Purpose of the Report

- 1 The Sub-Committee is asked to consider and determine the application to vary a premises licence for Henry's Newsagent, 2 Seaside Lane, Easington Colliery, Peterlee, Co Durham, SR8 3P.
- 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 Henry's Newsagent, 2 Seaside Lane, Easington Colliery, Peterlee, Co Durham, SR8 3PF and was submitted by the current premises licence holder Mr Malik Shadab Ali Javed.

The application requests the following amendments to the current premises licence:

- To increase the permitted hours for the Sale of Alcohol for consumption off the premises to 6.00 am until 10.00 pm Monday to Sunday
 - To add conditions to the premises licence to bring the licence more up-to-date in keeping with that of a convenience store
- 4 During the consultation period the Licensing Authority received 1 representation opposing the application from Easington Colliery Parish Council.
 - 5 Responses were received from Public Health, the Durham Safeguarding Children Partnership, Environmental Health, the Planning Department, County Durham & Darlington Fire and Rescue

Service and Durham Constabulary all confirming they had no comments to make regarding the application.

Recommendation(s)

- 6 The Sub-Committee is asked to determine the application with a view to promoting the licensing objectives.
- 7 The Sub-Committee is recommended to give appropriate weight to:
 - (a) The steps that are appropriate to promote the licensing objectives;
 - (b) The representation (including supporting information) presented by all parties;
 - (c) The Durham County Council Statement of Licensing Policy. The relevant parts of the policy are attached at Appendix 6;
 - (d) The Guidance issued to local authorities under Section 182 of the Licensing Act 2003 (as amended April 2018). The relevant parts of the guidance are attached at Appendix 7.

Background

- 8 The application was submitted by Aspire Licensing on behalf of the premises licence holder Mr Malik Shadab Ali Javed on 19th July 2021. The application was subject to a public consultation which ended on 17th August 2021.

Details of the application

- 9 An application to vary the premises licence was received by the Licensing Authority on 19th July 2021. A copy of the application and the current premises licence are attached at Appendix 3.
- 10 The application is deemed by the Licensing Authority to be correctly served and advertised in accordance with the Licensing Act regulations.
- 11 The current licensable activities and the changes requested by the variation application are as follows:

Current Licensable Activity and Hours	Proposed Hours
Sale of Alcohol (off sales): Monday to Saturday: 07:00 – 19:30 hrs Sunday: 07:00 – 13:00 hrs	Sale of Alcohol (off sales): Monday to Sunday: 06:00 – 22:00 hrs
Hours open to the public: Monday to Saturday: 06:30 – 19:30 hrs Sunday: 06:30 – 13:00 hrs	Proposed Opening Hours: Monday to Sunday: 06:00 – 22:00 hrs

- 12 The applicant also requests that additional conditions be added to the premises licence to bring the licence more up-to-date in keeping with that of a convenience store and in order to promote the four licensing objectives

These conditions can be found within Section 16 of the application form at Appendix 3.

The Representations

- 13 During the consultation period, the Licensing Authority received 1 representation opposing the application from Easington Colliery Parish Council.
- 14 The Licensing Authority deemed the representation to be relevant and relating to the following licensing objectives:
- The Prevention of Crime and Disorder
 - Public Safety
 - The Prevention of Public Nuisance

A copy of the representation is attached at Appendix 4.

- 15 Responses were also received from Public Health, the Durham Safeguarding Children Partnership, Environmental Health, the Planning Department, County Durham & Darlington Fire and Rescue Service and Durham Constabulary all who had no comments to make. These are attached as Appendix 5 for information only.

The Parties

- 16 The Parties to the hearing will be:

- Mr Malik Shadab Ali Javed (Applicant and Licence Holder)
- Mr Scott Andrews, Aspire Licensing (Licence holder's Agent)
- Mr Tony Forster, Clerk, Easington Colliery Parish Council (Other person)

Options

- 17 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

- 18 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

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

See Appendix 1

Conclusion

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

Background papers

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

Other useful documents

None

Contact: Yvonne Raine

Tel: 03000 265256

Appendix 1: Implications

Legal Implications

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

In this case it was summed up that:

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

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

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

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

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

Consultation

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

The Responsible Authorities were consulted on the application.

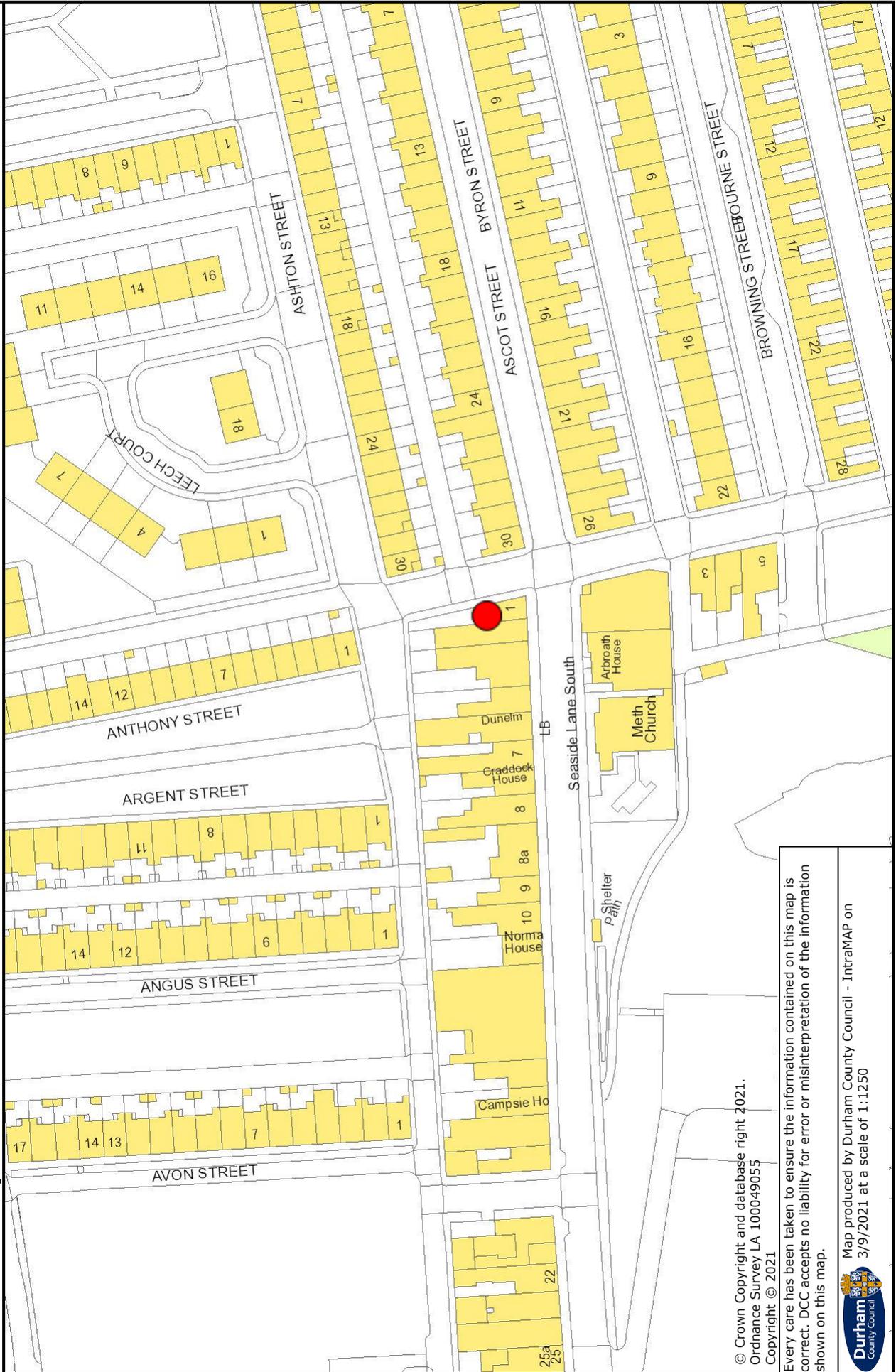
The notice of application was displayed on the premises for a period of 28 days.

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

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

Appendix 2: Location Plan

Durham County Council - IntraMAP



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

Map produced by Durham County Council - IntraMAP on
3/9/2021 at a scale of 1:1250



Appendix 3: Application and current Premises Licence



* required information

Section 1 of 18

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

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

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

Are you an agent acting on behalf of the applicant?

- Yes No

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

Applicant Details

* First name

* Family name

* E-mail

Main telephone number

Other telephone number

Include country code.

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

Is the applicant:

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

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

Continued from previous page...

Address

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

Agent Details

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

Include country code.

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

Are you:

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

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

Agent Business

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

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

Is your business registered outside the UK? Yes No

Business name	<input type="text" value="ASPIRE LICENSING"/>
VAT number	<input type="text" value="-"/> <input type="text" value="NONE"/>
Legal status	<input type="text" value="Sole Trader"/>
Your position in the business	<input type="text" value="LICENSING AGENT"/>
Home country	<input type="text" value="United Kingdom"/>

If your business is registered, use its registered name.

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

The country where the headquarters of your business is located.

Continued from previous page...

Agent Business Address

If you have one, this should be your official address - that is an address required of you by law for receiving communications.

Building number or name	ASPIRE LICENSING UNIT 10 OAKWOOD HOUSE
Street	FOXHUNTERS ROAD
District	
City or town	WHITLEY BAY
County or administrative area	TYNE AND WEAR
Postcode	NE258UG
Country	United Kingdom

Section 2 of 18

APPLICATION DETAILS

This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence, you should make a new premises licence application under section 17 of the Licensing Act 2003.

I/we, as named in section 1, being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in section 2 below.

* Premises Licence Number

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

Address OS map reference Description

Postal Address Of Premises

Building number or name	HENRY'S NEWSAGENT
Street	2 SEASIDE LANE
District	EASINGTON COLLIERY
City or town	PETERLEE
County or administrative area	COUNTY DURHAM
Postcode	SR83PE
Country	United Kingdom

Premises Contact Details

Telephone number	<input type="text"/>
Non-domestic rateable value of premises (£)	4,800

Section 3 of 18 Page 28

Continued from previous page...

VARIATION

Do you want the proposed variation to have effect as soon as possible? Yes No

Do you want the proposed variation to have effect in relation to the introduction of the late night levy?

Yes No

You do not have to pay a fee if the only purpose of the variation for which you are applying is to avoid becoming liable to the late night levy.

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

Describe Briefly The Nature Of The Proposed Variation

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

CONVENIENCE STORE WITH OFF LICENCE.

THE VARIATION SOUGHT IS TO INCREASE THE OPENING TIMES OF THE PREMISES AND IN TURN INCREASE THE SALE OF ALCOHOL BY RETAIL.

NEW CONDITIONS HAVE BEEN ATTACHED TO THIS VARIATION TO BRING THE LICENCE MORE UP TO DATE AND IN KEEPING WITH THAT OF A CONVENIENCE STORE.

Section 4 of 18

PROVISION OF PLAYS

[See guidance on regulated entertainment](#)

Will the schedule to provide plays be subject to change if this application to vary is successful?

Yes No

Section 5 of 18

PROVISION OF FILMS

[See guidance on regulated entertainment](#)

Will the schedule to provide films be subject to change if this application to vary is successful?

Yes No

Section 6 of 18

PROVISION OF INDOOR SPORTING EVENTS

[See guidance on regulated entertainment](#)

Continued from previous page...

Will the schedule to provide indoor sporting events be subject to change if this application to vary is successful?

- Yes No

Section 7 of 18

PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

[See guidance on regulated entertainment](#)

Will the schedule to provide boxing or wrestling entertainments be subject to change if this application to vary is successful?

- Yes No

Section 8 of 18

PROVISION OF LIVE MUSIC

[See guidance on regulated entertainment](#)

Will the schedule to provide live music be subject to change if this application to vary is successful?

- Yes No

Section 9 of 18

PROVISION OF RECORDED MUSIC

[See guidance on regulated entertainment](#)

Will the schedule to provide recorded music be subject to change if this application to vary is successful?

- Yes No

Section 10 of 18

PROVISION OF PERFORMANCES OF DANCE

[See guidance on regulated entertainment](#)

Will the schedule to provide performances of dance be subject to change if this application to vary is successful?

- Yes No

Section 11 of 18

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

[See guidance on regulated entertainment](#)

Will the schedule to provide anything similar to live music, recorded music or performances of dance be subject to change if this application to vary is successful?

- Yes No

Section 12 of 18

PROVISION OF LATE NIGHT REFRESHMENT

Continued from previous page...

Will the schedule to provide late night refreshment be subject to change if this application to vary is successful?

- Yes No

Section 13 of 18

SUPPLY OF ALCOHOL

Will the schedule to supply alcohol be subject to change if this application to vary is successful?

- Yes No

Standard Days And Timings

MONDAY

Start

End

Start

End

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

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

Continued from previous page...

Will the sale of alcohol be for consumption?

- On the premises Off the premises Both

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

State any seasonal variations.

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

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

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

Section 14 of 18

ADULT ENTERTAINMENT

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

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

N/A

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HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

MONDAY

Start

End

Start

End

TUESDAY

Start

End

Start

End

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

Continued from previous page...

WEDNESDAY

Start	<input type="text" value="06:00"/>	End	<input type="text" value="22:00"/>
Start	<input type="text"/>	End	<input type="text"/>

THURSDAY

Start	<input type="text" value="06:00"/>	End	<input type="text" value="22:00"/>
Start	<input type="text"/>	End	<input type="text"/>

FRIDAY

Start	<input type="text" value="06:00"/>	End	<input type="text" value="22:00"/>
Start	<input type="text"/>	End	<input type="text"/>

SATURDAY

Start	<input type="text" value="06:00"/>	End	<input type="text" value="22:00"/>
Start	<input type="text"/>	End	<input type="text"/>

SUNDAY

Start	<input type="text" value="06:00"/>	End	<input type="text" value="22:00"/>
Start	<input type="text"/>	End	<input type="text"/>

State any seasonal variations.

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

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

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

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

I have enclosed the premises licence

Continued from previous page...

I have enclosed the relevant part of the premises licence

Reasons why I have failed to enclose the premises licence or relevant part of premises licence.

THE PREMISES LICENCE IS CURRENTLY WITH THE COUNCIL IN RESPECT OF RECENTLY SUBMITTED APPLICATIONS.

Section 16 of 18

LICENSING OBJECTIVES

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

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

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

- EVERY SUPPLY OF ALCOHOL UNDER THE PREMISES LICENCE MUST BE AUTHORISED BY A PERSON WHO HOLDS A PERSONAL LICENCE.
- ALCOHOL SHALL NOT BE SOLD OR SUPPLIED EXCEPT DURING THE PERMITTED HOURS SPECIFIED IN THIS LICENCE.
- NEW STAFF MEMBERS WILL BE GIVEN AGE RESTRICTED TRAINING. A WRITTEN RECORD MUST BE KEPT OF THE TRAINING.
- ALCOHOL SHALL ONLY BE STORED, DISPLAYED, SOLD OR SUPPLIED IN THE AREAS AND LOCATIONS DETAILED IN THE PLAN ATTACHED TO THIS LICENCE.

b) The prevention of crime and disorder

- INITIAL STAFF TRAINING TO BE CARRIED OUT BY THE DPS TO ENSURE NO ALCOHOL IS SOLD TO ANYONE UNDERAGE AND REFRESHER TRAINING TO BE CARRIED OUT EVERY SIX MONTHS.
- ALL MEMBERS OF STAFF AT THE PREMISES SHALL SEEK "CREDIBLE PHOTOGRAPHIC PROOF OF AGE EVIDENCE" FROM ANY PERSON WHO APPEARS TO BE UNDER THE AGE OF 25 YEARS AND IS SEEKING TO PURCHASE ALCOHOL FROM THE PREMISES. SUCH CREDIBLE EVIDENCE, WHICH SHALL INCLUDE A PHOTOGRAPH OF THE CUSTOMER, WILL EITHER BE A PASSPORT, PHOTOGRAPHIC DRIVING LICENCE OR PROOF OF AGE CARD CARRYING THE PASS LOGO.
- A REFUSALS REGISTER WILL BE KEPT AND ENDORSED AFTER EVERY REFUSED SALE. THIS IS TO INCLUDE OVER 18,S PURCHASING AND PASSING IT TO UNDER 18,S (PROXY SALES).
- A CCTV SYSTEM SHALL BE DESIGNED, INSTALLED AND MAINTAINED IN PROPER WORKING ORDER TO THE SATISFACTION OF DURHAM COUNTY COUNCIL LICENSING AUTHORITY AND IN CONSULTATION WITH NORTHUMBRIA POLICE. SUCH A SYSTEM SHALL:-
BE OPERATED BY PROPERLY TRAINED STAFF.
BE IN OPERATION AT ALL TIMES THAT THE PREMISES ARE BEING USED FOR A LICENSABLE ACTIVITY.
ENSURE COVERAGE OF ALL ENTRANCES AND EXITS TO THE LICENSED PREMISES INTERNALLY AND EXTERNALLY.
ENSURE COVERAGE OF SUCH OTHER AREAS AS MAY BE REQUIRED BY THE LICENSING AUTHORITY AND NORTHUMBRIA POLICE.
PROVIDE CONTINUOUS RECORDING FACILITIES FOR EACH CAMERA TO A GOOD STANDARD OF CLARITY. SUCH RECORDINGS SHALL BE RETAINED ON PAPER OR OTHERWISE MAY BE PUT ON TAPE OR OTHERWISE (FOR A PERIOD OF 28 DAYS) AND SHALL BE SUPPLIED TO THE LICENSING AUTHORITY OR POLICE OFFICER ON REQUEST.
- THE PREMISES LICENCE HOLDER MUST ENSURE AT ALL TIMES A DPS OR APPOINTED MEMBER OF STAFF IS CAPABLE AND COMPETENT OF DOWNLOADING CCTV FOOTAGE IN RECORDABLE FORMAT, EITHER DISC, HARD DRIVE OR MEMORY STICK TO THE POLICE/ LOCAL AUTHORITY ON DEMAND.
- SPIRITS SOLD IN THE PREMISES WILL BE KEPT BEHIND THE COUNTER.
- ANY YOUTHS OR GROUPS CONGREGATING OUTSIDE OF THE PREMISES WILL BE REPORTED TO DURHAM CONSABULARY.

c) Public safety

- THE PREMISES WILL COOPERATE FULLY WITH REQUESTS FROM NORTHUMBRIA POLICE OR DURHAM COUNTY COUNCIL TO REVIEW ANY CCTV IMAGES.

Continued from previous page...

d) The prevention of public nuisance

- AT THE CLOSE OF BUSINESS EACH DAY THERE WILL BE A CLEAR UP OF ANY LITTER/WASTE IN THE OUTSIDE VICINITY OF THE PREMISES.

e) The protection of children from harm

-THE PREMISES WILL ADOPT AND ADHERE TO THE CHALLENGE 25 POLICY AND VISIBLE SIGNAGE WILL BE DISPLAYED AT THE PREMISES REMINDING CUSTOMERS OF THIS.
- ENSURE STAFF REQUEST APPROPRIATE PROOF OF AGE IDENTIFICATION IN CASES WHERE PROSPECTIVE PURCHASER OF ANY AGE RESTRICTED PRODUCT LOOKS TO BE UNDER THE AGE OF 25.

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NOTES ON REGULATED ENTERTAINMENT

Continued from previous page...

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

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

Continued from previous page...

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

Section 18 of 18

PAYMENT DETAILS

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

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

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

Band A - No RV to £4300 £100.00

Band B - £4301 to £33000 £190.00

Band C - £33001 to £8700 £315.00

Band D - £87001 to £12500 £450.00*

Band E - £125001 and over £635.00*

*If the premises rateable value is in Bands D or E and the premises is primarily used for the consumption of alcohol on the premises then your are required to pay a higher fee

Band D - £87001 to £12500 £900.00

Band E - £125001 and over £1,905.00

If you own a large premise you are subject to additional fees based upon the number in attendance at any one time

Capacity 5000-9999 £1,000.00

Capacity 10000 -14999 £2,000.00

Capacity 15000-19999 £4,000.00

Capacity 20000-29999 £8,000.00

Capacity 30000-39000 £16,000.00

Capacity 40000-49999 £24,000.00

Capacity 50000-59999 £32,000.00

Capacity 60000-69999 £40,000.00

Capacity 70000-79999 £48,000.00

Capacity 80000-89999 £56,000.00

Capacity 90000 and over £64,000.00

* Fee amount (£)

190.00

DECLARATION

* I/we understand it is an offence, liable on conviction to a fine up to level 5 on the standard scale, under section 158 of the licensing act 2003, to make a false statement in or in connection with this application.

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

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

Continued from previous page...

* Full name	<input type="text" value="SCOTT ANDREWS"/>
* Capacity	<input type="text" value="LICENSING AGENT"/>
* Date	<input type="text" value="19"/> / <input type="text" value="07"/> / <input type="text" value="2021"/> dd mm yyyy

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

1. Save this form to your computer by clicking file/save as...
 2. Go back to <https://www.gov.uk/apply-for-a-licence/premises-licence/county-durham/change-1> to upload this file and continue with your application.
- Don't forget to make sure you have all your supporting documentation to hand.

IT IS AN OFFENCE, 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.

OFFICE USE ONLY

Applicant reference number	<input type="text" value="ASPIRE LICENSING"/>
Fee paid	<input type="text"/>
Payment provider reference	<input type="text"/>
ELMS Payment Reference	<input type="text"/>
Payment status	<input type="text"/>
Payment authorisation code	<input type="text"/>
Payment authorisation date	<input type="text"/>
Date and time submitted	<input type="text"/>
Approval deadline	<input type="text"/>
Error message	<input type="text"/>
Is Digitally signed	<input type="checkbox"/>

[1](#) [2](#) [3](#) [4](#) [5](#) [6](#) [7](#) [8](#) [9](#) [10](#) [11](#) [12](#) [13](#) [14](#) [15](#) [16](#) [17](#) [18](#) [Next >](#)



LICENSING ACT 2003 PREMISES LICENCE

Premises Licence Number
Granted
Issued

DOEP312
04 April 2008
09 July 2021

Part 1 – Premises details

Postal address of premises, or if none, ordnance survey map reference or description	Issuing Authority
<p>HENRY'S NEWSAGENT 2 SEASIDE LANE EASINGTON COLLIERY PETERLEE SR8 3PF</p>	<p>DURHAM COUNTY COUNCIL NEIGHBOURHOODS AND CLIMATE CHANGE COMMUNITY PROTECTION LICENSING SERVICES PO BOX 617 DURHAM DH1 9HZ</p>
Telephone number:	

Where the licence is time limited the dates N/A

Licensable activities authorised by this licence Sale by retail of alcohol
--

Opening Hours of the Premises		
	Mon 06:30 19:30 Tue 06:30 19:30 Wed 06:30 19:30 Thu 06:30 19:30 Fri 06:30 19:30 Sat 06:30 19:30 Sun 06:30 13:00	Non-standard/seasonal timings

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

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

Sale by retail of alcohol	Further details
Mon 07:00-19:30 Tue 07:00-19:30 Wed 07:00-19:30 Thu 07:00-19:30 Fri 07:00-19:30 Sat 07:00-19:30 Sun 07:00-13:00	Non-standard/seasonal timings

Part 2

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

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 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.

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

CCTV Cameras to be installed will be available to the police for the prevention and detection of crime

Staff to be trained

Challenge 21 signs to be displayed

Persons who appear to be intoxicated will be refused service

Prevention of Crime & Disorder

None

Public Safety

None

Prevention of Public Nuisance

None

Protection of Children from Harm

None

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**

Appendix 4: Representation

From: Tony Forster <
Sent: 13 August 2021 08:39
To: AHS Licensing < >
Subject: Application to Vary a Premises Licence - 2 Seaside Lane, Easington Colliery

On behalf of Easington Colliery Parish Council I submit an objection to the below application to vary and extend a premises licence.

Mr Malik Shadab Ali Javed	Henry's Newsagents 2 Seaside Lane Easington Colliery Peterlee SR8 3PE	Application to vary a premises licence To extend the sale of alcohol hours for consumption of the premises Monday to Sunday 6.00am to 10.00pm To add new up to date conditions for the promotion of the licensing objectives and in line with the keeping of the convenience store
---------------------------------	--	---

The extension of hours is likely to create a public nuisance to the residents who live in the immediate vicinity to the property. This could be due to people/vehicles arriving and leaving and thereby negatively affecting residential amenity for those concerned. The hours are unsocial and would be detrimental to the quiet enjoyment which residents presently have.

The ability to access alcohol across a large part of the day/night also has the potential to affect public safety and could lead to crime and disorder incidents in an area which experiences a number of related problems.

On the basis of the above the Council wish to formally object to the variation application.

Kind regards

Tony Forster
Clerk to the Parish Council

Sent from [Mail](#) for Windows 10

Appendix 5: Responses from Responsible Authorities

From: Public Health

Sent: 21 July 2021 10:38

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

Cc: Valerie Craig AHS Licensing <Licensing@durham.gov.uk>

Subject: RE: Variation of Premises Licence - Henry's Newsagents, 2 Seaside Lane, Easington Colliery, Peterlee, SE8 3PE

Dear Colleagues

I have received an application to vary a licence for the establishment: Henry's Newsagents, 2 Seaside Lane, Easington Colliery, Peterlee, SE8 3PE

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

My Ref: PH/2021/070

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 15:15
To: Valerie Craig <
Subject: RE: Variation of Premises Licence - Henry's Newsagents, 2 Seaside Lane, Easington Colliery, Peterlee, SE8 3PE

I have received an application to vary a licence for the establishment: Henry's Newsagents, 2 Seaside Lane, Easington Colliery, Peterlee, SE8 3PE.

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

My Ref: SW/2021/066

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



MEMO



To: Ms Valerie Craig
Licensing Services

From: Mr John S Hayes
Neighbourhoods and Climate Change

Date: 23 July 2021

Re: **Licensing Application Variation of Premises
Premier - Easington Colliery Convenience Store, 2 Seaside Lane Easington
Colliery Peterlee SR8 3PF**

With reference to the above licensing application received on 21 July 2021.

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

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

Contact: Allan Fenwick
Direct Tel:
Fax:
email: planning@durham.gov.uk
Your ref:
Our ref: CON28/21/02618



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

27/07/2021

For the Attention of Ms V Craig

Proposed Development **Variation of Premises Licence**
Location **2, Seaside Lane, Easington Colliery, County Durham,**
SR8 3PF

I write further to your recent consultation submitted to and received by the Local Planning Authority on 21 July 2021 in respect of the above development.

As requested and based upon the information provided, I can confirm the Local Planning Authority offers no objection to the *Application to Vary a Premises Licence* as legislated under the *Licensing Act 2003* given the premises relates to an existing and established *Newsagents* located within the designated settlement boundary of *Easington Colliery*.

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

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

Yours faithfully

Allan Fenwick
Planning Services

Regeneration, Growth and Economy
[Durham County Council, Central East, County Hall, Room 4/89-102, Durham DH1 5UL](#)
[Main Telephone](#)



Chief Fire Officer: Stuart Errington

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

Date: 02 August 2021
This matter is being dealt with by: Julie Knox

Our Ref: 2A50400105
Your Ref: 483843

Direct Dial Telephone:
E-mail:

Dear Valerie,

Licensing Act 2003
Regulatory Reform (Fire Safety) Order 2005
Henry's Newsagents, 2 Seaside Lane, Easington Colliery, Peterlee, SR8 3PF

I acknowledge your application dated 19 July 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: Licensed Economy Team

.police.uk>

Sent: 19 August 2021 13:51

To: Valerie Craig <

Subject: FW: Variation of Premises Licence - Henry's Newsagents, 2 Seaside Lane, Easington Colliery, Peterlee, SE8 3PE

Hi

I know we have missed this but it would have been no objection. Sorry for delay.

Iain

Appendix 6: Statement of Licensing Policy

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

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

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

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

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

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

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

The council recognises and promotes effective and responsible management of all licensed and authorised premises through competent, efficient and regular instruction, recorded training, supervision of staff and the adoption of good practice, such as 'Challenge 25'. These are amongst the most important control measures for the achievement of all Licensing Objectives.

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

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

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

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

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

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

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

Toughened/Safety Glass: Licensed venues that provide the sale or supply of alcohol for consumption on the premises should consider the introduction of toughened/safety glass. This policy expectation applies especially to any premises associated with a higher risk for potential crime and disorder. This will be particularly relevant for high-volume vertical drinking establishments and those premises open beyond midnight in areas where there is a high concentration of venues.

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

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

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

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

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

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

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

- Occupancy levels

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

In addition to the information provided above, **Table 3 in Appendix IV** provides recommendations, suggestions and examples of how to prevent the specific nuisance type outlined. This table is not exhaustive, and every applicant must consider the

specific situation, location and circumstances associated with their premises, activities, clientele and workforce when identifying hazards, assessing risks and identifying controls.

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

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

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

Appendix 7: Section 182 Guidance

Crime and disorder

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

licensed premises might include requiring a premises licence holder to undertake right to work checks on all staff employed at the licensed premises or requiring that a copy of any document checked as part of a right to work check are retained at the licensed premises.

Public safety

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

Ensuring safe departure of those using the premises

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

Maintenance and repair

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

Safe capacities

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

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

those premises should be.

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

Public nuisance

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

legislation may not adequately cover concerns raised in relevant representations and additional conditions may be appropriate.

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