



Statutory Licensing Sub-Committee

Date Monday 31 October 2022
Time 1.30 pm
Venue Committee Room 2, County Hall, Durham

Business

Part A

Items which are open to the Public and Press

1. Apologies for Absence
2. Substitute Members
3. Declarations of Interest (if any)
4. Minutes of the Meetings held on 4 April 2022 (Pages 3 - 14)
5. Application for the grant of a Premises Licence for Mess Charcuterie and Bar, 6 North End, Sedgfield, TS21 3BS (Pages 15 - 88)
6. Such other business as, in the opinion of the Chairman of the meeting, is of sufficient urgency to warrant consideration

Helen Lynch

Head of Legal and Democratic Services

County Hall
Durham
21 October 2022

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

Councillors R Adcock-Forster, C Bihari, L Brown, W Stelling and
M Wilson

Contact: Jo March

Tel: 03000 269703

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DURHAM COUNTY COUNCIL

At a Meeting of **Statutory Licensing Sub-Committee** held in Committee Room 2, County Hall, Durham on **Monday 4 April 2022 at 9.30 am**

Present:

Councillor R Potts (Chair)

Members of the Committee:

Councillors I McLean, E Peeke and M Wilson

Also Present:

Helen Johnson – Licensing Team Leader, DCC

Sarah Grigor – Solicitor, DCC

Responsible Authorities

John Hayes – Environmental Health, DCC

Sgt Caroline Dickenson – Durham Constabulary

Other Persons

Councillor Alex Watson – on behalf of Mrs Heppell

Mr and Mrs Lidster

Mr and Mrs Scudder

Mrs Looney

1 Apologies for Absence

An apology for absence was received from Councillor Liz Brown.

2 Substitute Members

There were no substitute Members.

3 Declarations of Interest

There were no declarations of interest.

4 Minutes

The Minutes of the meeting held on 10 January 2022 were agreed as a correct record and were signed by the Chair.

5 Application to Vary a Premises Licence - Consett and District Cricket Club, Hope Street, Blackhill, Consett

The Sub- Committee considered the report of the Corporate Director of Neighbourhoods and Climate Change regarding an application to vary a Premises Licence in respect of Consett and District Cricket Club, Hope Street, Blackhill (for copy see file of Minutes).

A copy of the application and supporting information had been circulated to all parties. The Licensing Team Leader presented the report and referred to the additional information provided by Environmental Health and the Applicant, together with additional information received from the Police that morning which had been circulated to all parties.

The Responsible Authorities were invited to address the Sub-Committee.

Sgt Caroline Dickenson spoke on behalf of Durham Constabulary and read through their representations which were included in the report and the additional information.

John Hayes, Principal Public Protection Officer addressed the Sub-Committee on behalf of Environmental Health, and read through their representations which were included in the report and the additional information. Mr Hayes noted the additional information received from the Applicant but stated that this did not alter the views of Environmental Health.

The other persons were invited to speak at this point.

Local Member Alex Watson spoke on behalf of Mrs Carolyn Heppell. The Councillor stated that Mrs Heppell was one of many objectors to the application. The potential for late night disturbance to residents in the locality who were vulnerable would increase and this concern had been borne out by previous events at the premises. When residents had raised issues previously with the Cricket Club directly, promises had been made but were not adhered to.

Residents were not opposed to the Club and welcomed what it did for the community, especially for children, but this should not be at the expense of the quality of life of residents, which would be threatened if the application was granted.

Mrs Susan Lidster addressed the Sub-Committee who was of the view that the existing licence was more than adequate. Many problems had been experienced within the current conditions. Residents had been good

neighbours towards the Club and had reported any issues directly to the Club not the Police.

There had been no problems prior to 2018. In 2019 residents had experienced intolerable levels of noise at a DJ marquee event until 11pm, despite asking officials at the event to reduce noise levels. Mrs Lidster's husband had contacted Mr Cox who he felt had shown no respect to the community and had been disgusted with his response.

Customers leaving the premises always seemed to cause problems.

Following a further marquee event in February 2020, the noise levels were such that she had contacted the Police and Environmental Health.

In May 2021 Mrs Lidster had contacted Mr Cox to wish the Club success at the event held over the weekend. However the music increased in volume across the weekend with groups of young people jumping between cars, urinating and vomiting. When Mr Cox was contacted about the event he had said 'we hope you enjoyed the free music'. He said that he would erect signage and introduce other measures but had only erected the signs to date.

Mrs Lidster asked if Mr Cox could have approached residents before he submitted the application to discuss. Residents in the locality were predominantly elderly and vulnerable.

Mr Cox had referred to a number of letters of support from local residents but this was not representative of local residents who lived directly adjacent to the Club. They had always tried to negotiate with the Club to address concerns.

If the application was granted residents believed that the Club would maximise the licensable activities allowed and become a pub rather than a club.

Mr Ted Lidster addressed the Sub-Committee.

He explained that in addition to his wife's comments he concurred with the letters in support; the Club was an excellent facility for the sport.

He noted that Mr Cox had stated that he would not encourage the sale of alcohol at junior events, so asked why he had requested it. At junior events parents went to watch their children play, not to drink alcohol.

He believed that the application was to allow the premises to hold beer festivals, weddings, music events etc, although Mr Cox had said that the downstairs area would not be run as a bar.

In conclusion Mr Lidster asked the Sub-Committee to take into account the representations of the Responsible Authorities and the residents. The issues of noise, anti-social behaviour, underage drinking and substance abuse continued to be a concern. He had no objection to the patio as it was a lovely place to sit and he noted that Mr Cox had said that he would stop selling alcohol downstairs at 10pm.

Mr Scudder addressed the Sub-Committee. He stated that he did not wish for any event associated with the Club to be stopped. Introducing a downstairs bar was welcomed as he and his wife had been unable to access the bar upstairs.

The letters of support were all from residents who lived nowhere near the premises, and were from parents whose children used the Club.

Mr Scudder's objection related to the outside events; the adjacent bungalows were very close to the premises. The cricketers parked respectfully but during events the car park itself was not used by the players and parking spilled out onto the nearby streets, and they had been blocked in on occasions. They had been promised residents only car-parking but this had not happened. They had witnessed cars speeding from Redworth Court onto Hope Street, and these problems were exacerbated when there was an event. Customers used their property as a short-cut and a public toilet.

Mr Cox had said that the Club would not use all the hours applied for so Mr Scudder asked why they were needed. In conclusion he supported the Cricket Club and if outdoor events were not held then the problems would be removed.

Mrs Scudder addressed the Sub-Committee and stated that as a person who was disabled and a wheelchair user, her safety was at risk. It was difficult for her to be seen by cars and visitors to the Club often parked on the dropped kerb outside her home. This was not kind or considerate and the problem had worsened in the last three years. If there was a fire she would not be able to get out of her property because of the parked cars. Mrs Scudder asked that cars be prevented from parking outside her home and that the noise from the outdoor events be stopped.

Mrs Looney addressed the Sub-Committee. She lived at the end of Hope Street, and emphasised that she had spent some lovely times watching cricket at the Club.

Mrs Looney had complained about the DJ event, and was pleased to note that it wouldn't happen again. However she had experienced customers leaving the Club knocking on her window and sitting on her windowsill, and she was concerned that this would worsen if the application was granted. It was a shame that the Club was not a venue that everyone could enjoy visiting. There were a lot of issues raised by residents and she accepted that Mr Cox had tried to address some of their concerns.

Mr Cox addressed the Sub-Committee and stated that he appreciated the comments that had been made, and that the primary reason for the application was for the creation of a downstairs serving point to address accessibility. It was not intended to be a sit-in bar. The picnic tables were located away from Redwood Court.

He had made a great error with the DJ event and hadn't appreciated the noise levels that would occur. Prior to him becoming the DPS the management controls in the Club had not been strict enough, and in 2020 a huge change in the Club's management had been implemented to address the issues of the past. This included the operation of the bar.

The Club was entirely run by volunteers as a cricket club and as such there was no desire for the premises to move towards being like a town centre establishment.

The sale of alcohol in the downstairs area was to allow it to be opened as a serving point. Teas/coffees and sweets etc would be sold in the main and it would not be open most days. It would open the following day for a darts match and then not until Easter. It would only be open for matches, training and the odd event. There had only been three events in the last year and the Club had no desire to exceed that number. Mr Cox stated that he was willing to include that as a condition.

With regard to the concerns regarding the removal of the requirement for a door supervisor, he explained that this was an error and he would be happy for this to be included as a condition.

The Club had no intention of holding under 18 music events and all children must be accompanied by parents.

To address the concerns regarding events a risk assessment would be carried out which would be specific to each event. All events would be ticket only. He confirmed that signs had been displayed requesting customers to respect their neighbours. A CCTV system was being installed shortly and additional lighting had been fitted outside.

He would be happy to include conditions regarding the serving point, and advised that up to 10pm was sufficient for alcohol sales in that area.

Addressing the variation application, Mr Cox stated that he was happy to compromise, and on reflection did not need the maximum parameters he had applied for. At this point the Licensing Team Leader suggested that the Sub-Committee consider an adjournment of the hearing to allow discussion between the Applicant, and Responsible Authorities around the licensable activities and hours applied for.

The Sub-Committee agreed that this would be useful and the Chair adjourned the hearing at 11.00am.

After re-convening at 11.25am the Licensing Team Leader presented the following amendments to the application following mediation between the Licence Holder and Responsible Authorities:

- The removal of live and recorded music both indoors and outdoors (live and recorded music was permitted between 8.00pm and 11.00pm for up to 500 people within the licensing regime).
- Removal of performance of dance
- Marquee:
 - to be used only between the months of May and September for no more than four events, and not on consecutive nights;
 - recorded music between the hours of 6.00pm and 10.30pm;
 - live music between the hours of 7.00pm and 10.00pm
- Sale of alcohol on the premises:
 - Ground Floor– Monday to Sunday 12.30pm until 10.00pm, and 10.30pm during marquee events
 - First Floor – Monday to Sunday 11.00am to 11.00pm
- Door Supervisor condition to be reinstated
- Conditions regarding the CCTV system
- Conditions regarding staff training
- No music events for Under 18s
- Children to be accompanied by a responsible adult

All parties were given an opportunity to ask questions of the proposals.

In response to questions Mr Cox confirmed that the application to vary the Premises Licence had been made primarily to accommodate the storage and sale of alcohol in the downstairs bar area. Four events per year had been agreed which would avoid the need to submit TEN applications.

Sgt Dickenson noted that the hours had been reduced on Fridays and Saturdays but that there were other complaints around drunkenness and noise.

John Hayes, Environmental Health stated that he had provided advice to Mr Cox that if noise levels exceeded 65 decibels outside residents' properties then the volume must be reduced.

Mr Lidster believed that the marquee was in breach of building regulations and was advised that this was a planning matter which was outside the remit of the licensing regime.

Mrs Scudder considered that the problems she experienced would continue as her property was located next to the marquee.

Councillor McLean suggested that a condition be included requiring the Club to meet regularly with residents to discuss any concerns.

All parties were given an opportunity make any final comments. At 11.45am Councillors R Potts, I McLean and M Wilson **Resolved** to retire in private to consider the application.

After re-convening at 12.05pm the Chair delivered the Sub-Committee's decision. In reaching their decision, the Sub-Committee had taken into account the report of the Licensing Team Leader, the additional information provided, and the written and verbal representations of the Applicant, the Police, Environmental Health and local residents. Members had also considered Durham County Council's Statement of Licensing Policy and Section 182 Guidance issued by the Secretary of State.

RESOLVED:

That the Premises Licence be varied as follows, in accordance with the mediation between the Licence Holder and Responsible Authorities:

- the provision of live music, performances of dance and recorded music are removed from the licence.
- The sale of alcohol for on sales is limited to Monday to Sunday 12.30pm to 22.00pm in the ground floor bar.
- The sale of alcohol for first floor bar is to limited from Monday to Sunday between 11am to 11pm and indoor sporting events can take place Monday to Sunday between 11am to 11pm.
- Indoor sporting events are to take place between Monday to Sunday 11am to 11pm.

- There are to be no more than four outdoor marquee events between May and September and these are not to be on consecutive nights. For these marquee events there is to be recorded music between 6pm to 22.30pm and Live Music between 7pm and 22.00pm.
- At the request of the residents, a meeting is to be arranged to discuss any issues that may arise.
- A CCTV system shall be maintained and operated at the premises with cameras positioned both internally and externally. Recorded CCTV images will be maintained and stored for a period of twenty eight days and shall be produced to the Police or Licensing Authority upon request. CCTV will be in operation at any time a person is in the premises. Where CCTV is recorded onto a hard drive system, any DVDs subsequently produced will be in a format so it can be played back on a standard PC or DVD player. Any person left in charge of the premises must be trained in the use of any such CCTV equipment and be able to produce CCTV images to an officer from a responsible authority upon request. SIA registered door staff shall be employed at the premises, in accordance with a risk assessment to be carried out by the DPS.
- There are to be no under 18 events and any children under the age of 18 are to be accompanied by a responsible adult.

DURHAM COUNTY COUNCIL

At a Meeting of **Statutory Licensing Sub-Committee** held in Committee Room 2, County Hall, Durham on **Monday 4 April 2022 at 1.30 pm**

Present:

Councillor R Potts (Chair)

Members of the Committee:

Councillors I McLean and E Peeke

Also Present:

Helen Johnson – Licensing Team Leader

Stephen Buston – Solicitor, DCC

1 Apologies for Absence

Apologies for absence were received from Councillors L Brown and M Wilson.

2 Substitute Members

There were no substitute Members.

3 Declarations of Interest

There were no declarations of interest.

4 Application for the Grant of a Premises Licence - Aldin Grange Farm, Aldin Grange Lakes, Bearpark, Durham

The Committee considered a report of the Corporate Director of Neighbourhoods and Climate Change regarding an application to grant a Premises Licence in respect of Aldin Grange Farm, Aldin Grange Lakes, Bearpark (for copy see file of Minutes).

A copy of the application and supporting documentation had been circulated to all parties, together with letters of support provided by the Applicants.

The Licensing Team Leader presented her report and explained that both the applicants and objectors were not in attendance. The parties had requested that the hearing proceed in their absence and the Applicants had provided a written statement prepared by their representative Chloe Atkinson which the Licensing Team Leader read out to the Sub-Committee.

The statement provided some background to the business and explained that Ms Atkinson worked closely with the Applicants on the farm and that she had recently opened Field and Fodder, a farm shop offering some of the amazing local produce that could be found in the North of England, and part of the building where a licence would apply if granted. She had grown up at the farm and knew the surrounding area very well.

The statement addressed some of the concerns raised by Mr Alan Hodgson. She was aware of the covenant on the land and had sought legal advice on this matter. If the licence was granted, alcohol would not be sold until this matter was resolved.

With regard to the comments regarding “drunken youths”, “loud music”, “foul language” and other antisocial behaviour, she did not know what Mr Hodgson was referring to and hoped that the Sub-Committee could see from letters and signatures of residents in the direct area that this sort of behaviour was not and had never been a part of life at Aldin Grange. The only time there had been a temporary structure at the farm was a marquee in the fishing lake car park for her own wedding, where a fully licenced external company was used to provide a bar. This event was on August 19th 2017. Music levels/ noise had never been raised as a concern from any authority and they had never been asked to restrict this to 23.00 hours as Mr Hodgson had suggested.

With regard to Mr Hodgson’s comments regarding the licensing hours, the hours applied for were not excessive and were for the sale of alcohol during opening hours and for small pre-booked tasting evenings within the shop, together with services such as late-night shopping during festive periods without the need to submit TEN applications.

In conclusion, Ms Atkinson stated that this was a family run business in rural Durham. The café had some loyal and valued customers who came back again and again due to the beautiful and relaxing environment at Aldin Grange Lakes. Her shop was an artisan shop which would benefit from selling craft ales and liquors from the local area both as gifts and for people to enjoy and learn about all of the amazing companies right on their doorstep. She hoped that the Sub-Committee would consider all of the facts and come to the agreement that the licence should be granted for Aldin Grange Lakes.

Following a question from the Chair regarding the comments about public disorder, the Licensing Team Leader confirmed that no representations had been received from the Police or Environmental Health.

At 1.40pm the Sub-Committee **Resolved** to retire to deliberate the application in private. After re-convening at 1.50pm the Chair delivered the Sub-Committee’s decision. In reaching their decision, the Sub-Committee had taken into account the report of the Licensing Team Leader and the additional information provided, together with the written objections by Mr A Hodgson, and the written statement on behalf of the Applicants. Members had also considered Durham County Council’s Statement of Licensing Policy and Section 182 Guidance issued by the Secretary of State.

RESOLVED:

That the application be granted as follows:

Licensable Activity	Days & Hours	
Supply of Alcohol (on and off sales)	Monday to Sunday	09.00 – 22.00 hrs
Open to the public	Monday to Sunday	07.00 – 22.00 hrs

The following conditions to be attached to the licence:

1. The following steps will be used to promote the prevention of crime and disorder:
 - (a) Use of signage to increase visibility of lack of tolerance of any criminal/unruly behaviour
 - (b) Proof of age scheme to be in place for both café and farm shop
 - (c) Remote cameras used currently to monitor behaviour of anyone on site
 - (d) Mobile phones with all staff to connect with local police
 - (e) Open containers not to be taken off premises
 - (f) Incident log to report any incidents at the premises

2. The following steps will be used to promote public safety:
 - (a) Safe capacity limits to be monitored by business owners
 - (b) Remote cameras to monitor/maintain flow of people
 - (c) Regular cleaning of areas

- (d) Staff fully trained
3. The following steps will be used to prevent public nuisance:
- (a) Limited hours of operation
 - (b) Log for recording nuisance complaints
 - (c) Bins out of way of premises
 - (d) Booking system for any public on site after general 9.00am to 5.00pm
4. The following steps will be used to protect children from harm:
- (a) Any person suspected of being below 18 will be challenged for ID
 - (b) Drinking will not be promoted as the primary reason to visit this venue
 - (c) There is no other 'adult entertainment'

Statutory Licensing Sub-Committee

31st October 2022

**Application for the grant of a
Premises Licence**

Ordinary Decision



**Report of Alan Patrickson, Corporate Director of Neighbourhoods
and Climate Change**

**Councillor John Shuttleworth, Cabinet Portfolio Holder for
Neighbourhoods and Local Partnerships**

Electoral division(s) affected:

Sedgefield

Purpose of the Report

- 1 The Sub-Committee is asked to consider and determine the application for the grant of a Premises Licence for Mess Charcuterie and Bar, 6 North End, Sedgefield, TS21 3BS
- 2 A plan showing the location of the premises is attached at Appendix 2.

Executive summary

- 3 The application requests the granting of a new Premises Licence and was submitted to the Licensing Authority on 13th September 2022 by Mrs Lesley Edmenson.
- 4 The application requested the following:
 - Supply of Alcohol for consumption on the premises from 5.00 pm to 11.00 pm Monday to Wednesday, from 12.00 noon until 11.00 pm Thursday to Saturday and from 12.00 noon until 9.00 pm on Sunday, with an extension until 11.45 pm on New Years Eve.
 - Opening Hours: From 10.00 am until 11.00 pm Monday to Sunday and from 10.00 am on New Years Eve until 12.30 am on New Years Day.
- 5 On 26th September 2022, following mediation with Durham Constabulary, the applicant amended the requested hours and added an additional condition relating to the CCTV, as follows:

- Supply of Alcohol: From 5.00 pm to 10.30 pm Monday to Wednesday, from 12.00 noon until 10.30 pm Thursday to Saturday and from 12.00 noon until 9.00 pm on Sunday, with an extension until 11.45 pm on New Years Eve.
 - Opening Hours: From 10.00 am to 11.00 pm Monday to Wednesday, from 10.00 am until 11.00 pm Thursday to Saturday, from 10.00 am until 9.30 pm on Sunday and from 10.00 am on New Years Eve until 12.30 am on New Years Day.
 - Condition added: CCTV will record for 28 days
- 6 Also on 27th September 2022, following mediation with the Durham Safeguarding Children Partnership, the applicant added the following condition to the application:
- The Designated Premises Supervisor will work with the police to minimise the risk of proxy provision / proxy sales.
- 7 During the consultation period, the Licensing Authority received three objections from local residents (other persons).
- 8 On 17th October, the applicant provided some additional supporting information in response to the representations received. This included the addition of the following condition:
- Children shall not be admitted to the premises after 7.00 pm
- 9 The Council's Planning Department, Fire Safety Authority, the Council's Environmental Health Department, Durham Constabulary and Sedgefield Town Council all replied to the consultation with no objections.

Recommendation(s)

- 10 The Sub-Committee is asked to determine the application with a view to promoting the licensing objectives.
- 11 The Sub-Committee is recommended to give appropriate weight to:
- (a) The steps that are appropriate to promote the licensing objectives;
 - (b) The representations (including supporting information) presented by all parties;
 - (c) The Durham County Council Statement of Licensing Policy. The relevant parts of the policy are attached at Appendix 9;

- (d) The Guidance issued to local authorities under Section 182 of the Licensing Act 2003 (as amended April 2018). The relevant parts of the guidance are attached at Appendix 10.

Background

12 Background information

Applicant	Mrs Lesley Victoria Edmenson	
Type of Application: New Premises Licence	Date received: 13th September 2022	Consultation ended: 11th October 2022

Details of the application

- 13 An application for the grant of a new Premises Licence was received by the Licensing Authority on 13th September 2022. A copy of the application is attached at Appendix 3.
- 14 The application is deemed by the Licensing Authority to be correctly served and advertised in accordance with the Licensing Act regulations.
- 15 The activities and timings now being requested are as follows:

Licensable Activities	Days & Hours
Supply of Alcohol (consumption on the premises)	Monday to Wednesday: 17:00 – 22:30 hrs Thursday to Saturday: 12:00 – 22:30 hrs Sunday: 12:00 – 21:00 hrs Extension until 23:45 hrs on New Years Eve
Open to the public	Monday to Wednesday: 10:00 – 23:00 hrs Thursday to Saturday: 10:00 – 23:00 hrs Sunday: 10:00 – 21:30 hrs New Years Eve: 10:00 hrs until 00:30 hrs on New Years Day

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

- 17 On 26th September 2022, following mediation with Durham Constabulary, the applicant amended the requested hours and added a condition to the application as detailed in paragraph 5 above.

Please see Appendix 4, for confirmation.

- 18 Also on 27th September 2022, following mediation with the Durham Safeguarding Children Partnership, the applicant added a further condition to the application as detailed in paragraph 6 above.

Please see Appendix 5, for confirmation.

- 19 On 17th October, the applicant provided some additional supporting information in response to the representations received and added the condition relating to children on the premises, as detailed in paragraph 8 above.

Please see Appendix 6.

The Representations

- 20 During the consultation period, the Licensing Authority received three objections, from the following other persons:

- Ms G Bowman (other person)
- Mr R and Ms K Stanley (other persons)
- Ms A Irving-Morse (other person)

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

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

Copies of the objections/representations are attached at Appendix 7.

- 22 Responses were received from the following consultees confirming that they had no objections to make in relation to the application:

- The Council's Planning Department
- County Durham and Darlington Fire Safety Authority
- The Council's Environmental Health Department
- Durham Constabulary
- Sedgefield Town Council

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

The Parties

23 The Parties to the hearing will be:

- Mrs Lesley Edmenson (applicant)
- Ms G Bowman (other person)
- Mr R and Ms K Stanley (other persons)
- Ms A Irving-Morse (other person)

Options

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

- (a) Grant the licence subject to conditions that are consistent with the operating schedule accompanying the application and the mandatory conditions set out in the Licensing Act 2003;
- (b) Grant the licence subject to modified conditions to that of the operating schedule where the committee considers it appropriate for the promotion of the licensing objectives and the mandatory conditions set out in the Licensing Act 2003;
- (c) To exclude from the scope of the licence any of the licensable activities to which the application relates;
- (d) To refuse to specify a person on the licence as the Designated Premises Supervisor;
- (e) To reject the application.

Main implications

Legal Implications

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

See Appendix 1.

Consultation

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

See Appendix 1

Conclusion

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

Background papers

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

Other useful documents

- None

Contact: Yvonne Raine

Tel: 03000 265256

Appendix 1: Implications

Legal Implications

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

In this case it was summed up that:

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

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

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

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

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

Consultation

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

The Responsible Authorities were consulted on the application.

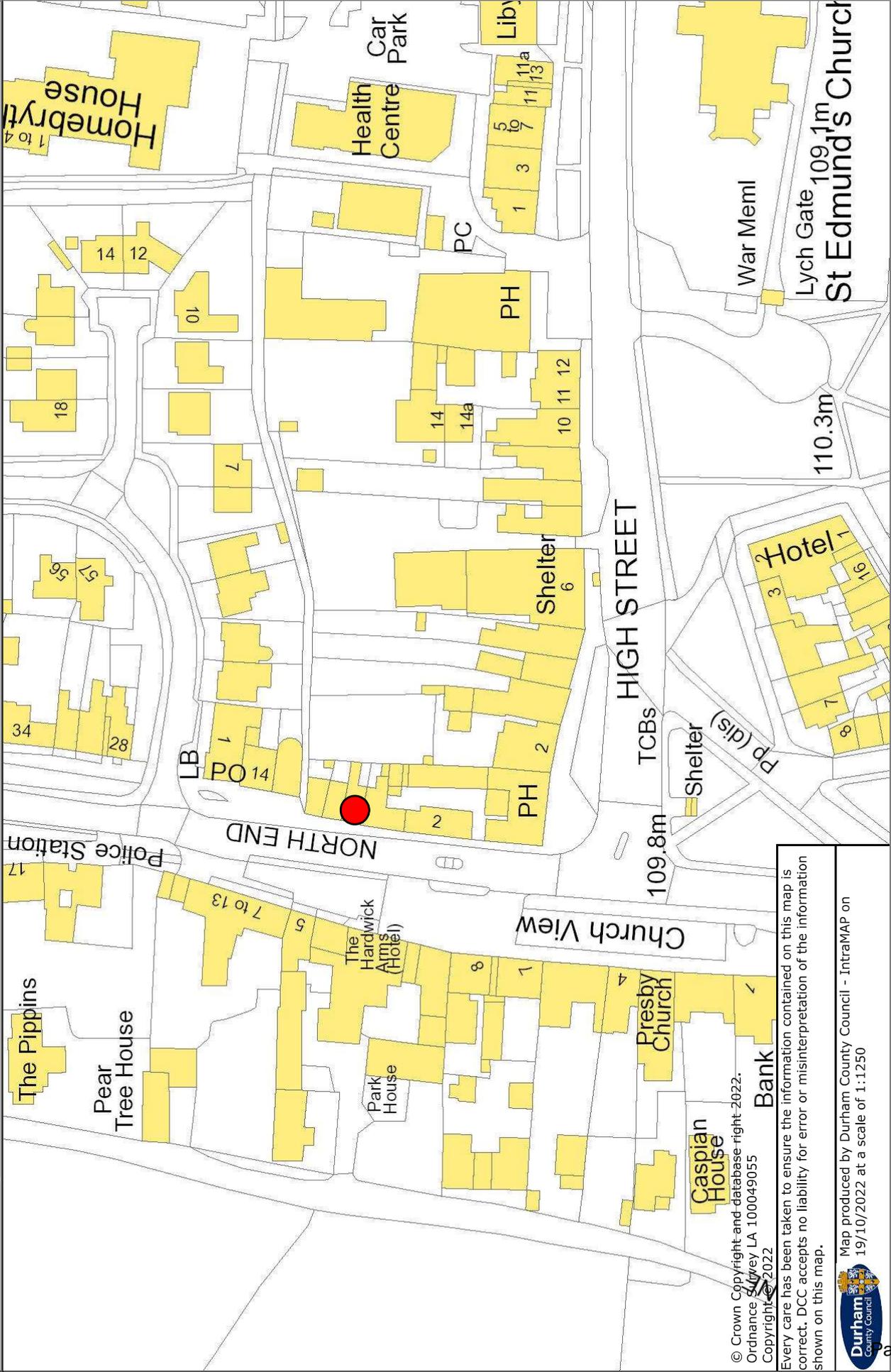
The notice of application was displayed on the premises for a period of 28 days.

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

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

Appendix 2: Location Plan

Durham County Council - IntraMAP



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

Map produced by Durham County Council - IntraMAP on 19/10/2022 at a scale of 1:1250



Appendix 3: Premises Licence Application

- ii as a partnership (other than limited liability) please complete section (B)
- iii as an unincorporated association or please complete section (B)
- iv other (for example a statutory corporation) please complete section (B)
- c) a recognised club please complete section (B)
- d) a charity please complete section (B)
- e) the proprietor of an educational establishment please complete section (B)
- f) a health service body please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England please complete section (B)
- h) the chief officer of police of a police force in England and Wales please complete section (B)

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

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

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

M <input type="checkbox"/> r <input type="checkbox"/>	Mrs <input type="checkbox"/> X	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname Edmenson			First names Lesley Victoria		
Date of birth I am 18 years old or over <input checked="" type="checkbox"/> Please tick yes					
Nationality					
Current residential address if different from premises address					
Post town				Postcode	

Telephone number (if any)
E-mail address (optional)

Part 3 Operating Schedule

When do you want the premises licence to start?

DD	MM	YYY
		Y
0	1	1
	1	2
		0
		2
		2

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

DD	MM	YYYY

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

It is situated in a conservation area of Sedgefield. The premises lies just off the main High street opposite a hotel and a restaurant. On either side are shops and next door to the adjacent shop lies a public house. Within the local vicinity are a variety of shops and offices. There are also some residential properties, however the predominant type of building is commercial. It is a vibrant area both during the day and in the evening. The premises is open plan with a WC to the rear. The bar will be towards the rear and seating area and will be situated toward the front of the building. Upstairs there will be a preparation area for food. During the day we will focus on the sale of coffees, sandwiches, scones etc. During the evening we will operate a charcuterie bistro/cafe with an emphasis on cold meat/cheese and vegetarian platters accompanied with wine/beer pairings.

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

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

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

- | | |
|--|----------------------------|
| Provision of regulated entertainment (please read guidance note 2) | Please tick all that apply |
| a) plays (if ticking yes, fill in box A) | <input type="checkbox"/> |
| b) films (if ticking yes, fill in box B) | <input type="checkbox"/> |
| c) indoor sporting events (if ticking yes, fill in box C) | <input type="checkbox"/> |
| d) boxing or wrestling entertainment (if ticking yes, fill in box D) | <input type="checkbox"/> |
| e) live music (if ticking yes, fill in box E) | <input type="checkbox"/> |
| f) recorded music (if ticking yes, fill in box F) | <input type="checkbox"/> |

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

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

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

In all cases complete boxes K, L and M

A

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

B

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

C

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

D

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

E

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

F

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

G

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

H

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

I

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

J

Supply of alcohol Standard days and timings (please read guidance note 7)			Will the supply of alcohol be for consumption – please tick (please read guidance note 8)	On the premises	<input checked="" type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 5) News Year Eve 11.45pm finish Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 6)		
Mon	17.00	23.00			
Tue	17.00	23.00			
Wed	17.00	23.00			
Thur	12.00	23.00			
Fri	12.00	23.00			
Sat	12.00	23.00			
Sun	12.00	21.00			

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

Name Lesley Victoria Edmenson	
Date of birth	
Address	
Postcode	
Personal licence number (if known)	
Issuing licensing authority (if known) Durham County Council	

□□□□

K

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

L

Hours premises are open to the public Standard days and timings (please read guidance note 7)			State any seasonal variations (please read guidance note 5) C New Years Eve/Day finish 12.30am
Day	Start	Finish	Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 6)
Mon	10.00	23.00	
Tue	10.00	23.00	
Wed	10.00	23.00	
Thur	10.00	23.00	
Fri	10.00	23.00	
Sat	10.00	23.00	
Sun	10.00	23.00	

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

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

DPS to monitor sale of alcohol according to the number of guests. During the day we will be serving coffees, teas with paninis, toasties and scones. We will not be serving very much alcohol during the day. We expect the clientele to be retired people living in the village. In the evening, we anticipate the profile of patrons to be those over 25, who appreciate fine wines and premium beers. We will be a cafe/charcuterie. We aim to provide meat/cheese platters with wine and beer pairings. The emphasis will be on the food. We do not expect there to be any impact on crime and disorder.

We anticipate having approximately 24-28 covers maximum. It is a very small premises and will focus on a cosy and intimate environment for relaxing, meeting friends and enjoying catching up.

b) The prevention of crime and disorder

Due to the nature of our clientele and the emphasis on good food in a bistro setting we do not expect there to be any impact on crime and disorder. We will not serve alcohol until late afternoon.

Book will be placed behind bar to record all incidents at premises. Any incidents of a criminal nature will be recorded to the police.

CCTV will be installed to observe the entrance door and capture full frame shots of head and shoulders of people entering the charcuterie capable of identification. Images will be kept for 15 days. Signage will be displayed advising customers of CCTV in operation. Police will have access to data if required.

c) Public safety

Appropriate fire safety procedures in place including fire extinguishers, fire blanket, internally illuminated fire exit signs, smoke detectors and emergency lighting. All appliances inspected annually. All emergency exits shall be kept free from obstruction at all times

d) The prevention of public nuisance

Customers will be asked to respect neighbours and quietly leave the premises. Clear notice at the exit reminding customers to leave quietly and have regard to neighbours.

No smoking outside the front or rear of the building. Doors to the outside will be kept shut to minimise noise. Book to record nuisance complaints.

e) The protection of children from harm

Any customers looking under 25 will be asked for ID. Staff serving alcohol will be given training in regards to serving minors. Challenge 25 standards to be placed at point of sale of alcohol. A register of refused sales to be kept and maintained on the premises.
Training of staff – all staff responsible for selling age restricted goods to be trained to implement the age verification policy. Training records for staff to be maintained and refresher training to be provided annually.

Checklist:

Please tick to indicate agreement

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

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

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

Part 4 – Signatures (please read guidance note 11)

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

Declaration	<ul style="list-style-type: none"> • [Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15). • The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, if appropriate (please see note 15)
Signature	Lesley Edmenson
Date	25/8/2022 <i>25. 8.22</i>
Capacity	Applicant <i>Applicant</i>

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

Signature	
Date	
Capacity	

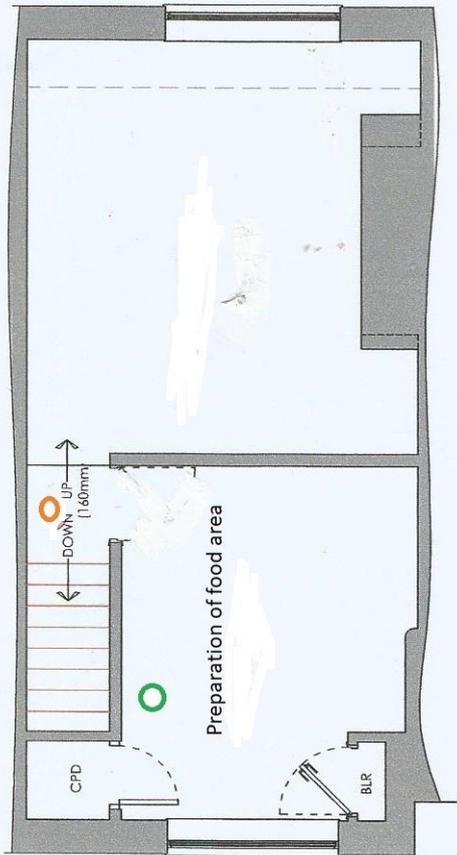
Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 14)			
Post town		Postcode	
Telephone number (if any)			
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			

6 North End
Sedgefield
County Durham
TS21 3BS

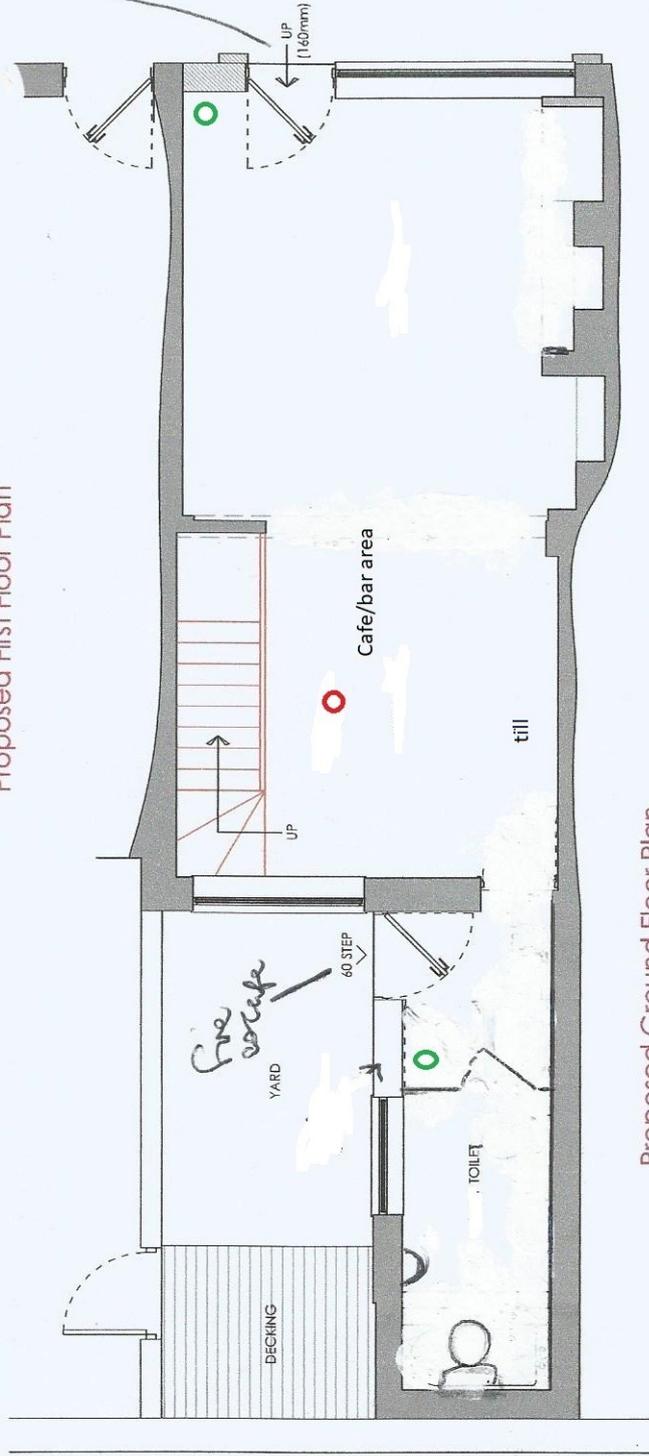
Smoke alarm in accordance with
BS 5839-1

fire extinguisher

- NOTES:**
1. DO NOT SCALE FROM THIS DRAWING.
 2. All dimensions to be verified on site prior to any work or site preparation.
 3. All work to be carried out in accordance with the Building Regulations and Approved Documents.
 4. All work to be carried out in accordance with the Building Regulations and Approved Documents.
 5. All work to be carried out in accordance with the Building Regulations and Approved Documents.
- COMMENTS:**
1. Fire alarm system to be installed.
 2. Fire alarm system to be installed.
 3. Fire alarm system to be installed.
 4. Fire alarm system to be installed.
 5. Fire alarm system to be installed.
 6. Fire alarm system to be installed.
 7. Fire alarm system to be installed.



Proposed First Floor Plan



Proposed Ground Floor Plan

fire escape

REVISIONS:

NO.	DATE	DESCRIPTION

Wardman Brown

15, Commercial Street, Durham
Tel: 0191 482277
www.wardmanbrown.com

CLIENT: Sedgefield

PROJECT: Preparation of food area for the new cafe/bar area

DRAWING TITLE: Proposed Plan

PURPOSE OF ISSUE: PLANNING

SCALE: 1:100

DATE: 10/08/2010

DRAWING NO.: LD18110-005

A4

**Appendix 4: Applicant's amendments following mediation with
Durham Constabulary**

From: Lesley Edmenson <
Sent: 26 September 2022 22:34
To: Paul Conroy <
Subject: Re: Application

Thank you.

I confirm I am happy with the conditions outlined.

Kind regards

Lesley Edmenson

On Sun, 25 Sep 2022, 15:15 Paul Conroy, <

> wrote:

Thanks.

Please see below the conditions we discussed:

- CCTV will record for 28 days

Sale by retail of alcohol (Supply of alcohol),

Mon – 17:00 to 22:30

Tue – 17:00 to 22:30

Wed – 17:00 to 22:30

Thu – 12:00 to 22:30

Fri – 12:00 to 22:30

Sat – 12:00 to 22:30

Sun – 12:00 to 21:00

Please email me back confirming you are happy with the above.

Regards,

Paul Conroy

Licensed Economy Team

Durham Constabulary

From: lesley edmenson <
Sent: 21 September 2022 07:34
To: Valerie Craig <
Cc: Kelsey Tate
Subject: [EXTERNAL]:Re: 6 North End, Sedgefield, TS21 3BS

Morning to you both.

I have had a chat with Paul Conroy who was really helpful and gave me some good advice.

He advised that I would require 30 minutes for customers to finish their drinks after last orders.

With this in mind if the sales of alcohol is 11pm Monday to Saturday, the opening hours will be 11.30pm. The sale of alcohol on Sunday is 9pm therefore the closing hours will be 9.30pm.

Kind regards

Lesley

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

From: lesley edmenson
Sent: 27 September 2022 18:29
To: AHS Licensing <
Subject: [EXTERNAL]:6 north end

Please can you include the following in my application as recommended by Durham Safeguarding.

· Minimise the risk of proxy sales – The DPS (Lesley Edmenson) will work with the police to minimise the risk of proxy provision / proxy sales.

By including these recommendations I would like the application to be progressed.

Kind regards

Lesley Edmenson

Licensing - New premises licence application: 6 North End, Sedgfield, TS21 3BS

Good Afternoon,

I represent the Durham Safeguarding Children Partnership (DSCP) which is a responsible authority under the Licensing Act. I have received a copy of your application for a premises licence for your premises

I welcome your proposal for age verification, maintaining a refusals register and the training of staff.

Having considered the steps you have recorded to promote the licensing objectives, in particular the protection of children, I consider that the steps require more clarity and there are some matters which I consider are absent and should be addressed.

The steps I consider should be included are identified in the proposed wording below:

- Minimise the risk of proxy sales – The applicant will work with the police to minimise the risk of proxy provision / proxy sales. (This is alcohol purchased or obtained for young people by relatives or older friends).

The purpose of this email is for you to consider these suggestions.

Next Steps – You need to consider the representations I have made.

If you are happy for the recommendations to be included in your application please confirm this by replying to the Licensing Section Licensing@durham.gov.uk

Once these recommendations are in your application, the matter will be deemed resolved and your application would be progressed.

The Durham Safeguarding Children Partnership are concerned about the availability of alcohol to children and encourage licensees to work with us in introducing steps, like those above in an attempt to safeguard children. I consider these steps are proportionate and have proven to be successful when implemented in similar applications.

Regards

EMMA MAYNARD

Durham Safeguarding Children Partnership Officer

Appendix 6: Applicant's additional information

From: lesley edmenson
Date: 14 Oct 2022 10:42
Subject: Re: Objections received - 6 North End, Sedgefield - Premises Licence application
To:
Cc:

Hi Yvonne,

I have attached my comments, a draft floor plan and a draft menu. Obviously these are in their early stages but will give the interested parties some idea of what the charcuterie will look like.

I hope that this additional information will give some reassurance and perhaps they can see that my application meets the licensing objectives.

Please let me know if you need any more information.

Kind regards

Lesley

Thank you for your email letting me know of the 3 representations. I have considered their comments and would like to put forward the following additional information.

Having read the representations made there seems to be considerable confusion as to my intentions which I would like to address. I would therefore like to outline the business model including a draft menu and the proposed layout. I hope that by seeing the menu and the size of the premises that they will be reassured as to how the business will operate. I would like to allay their concerns and hope that we will reach an agreement beforehand.

I would like the licensing authority to take into account my comments which I believe show that the representations of the interested parties to be irrelevant to my application due to lack of information regarding the proposed restaurant.

Response regarding previous applications for a previous licence application

There is a comment regarding a previous application for the “Lost Robot”. Can it be stated that the application for the “Lost Robot” was Mr G F . I have no financial or personal interest in the “Lost Robot” at all.

I would therefore like this removed from the representation of Mrs Irving-Morse as it is incorrect and misleading.

Application for a bar/pub

6 North End is a Class E. This has been the case since 2019. The government website states that cafes and restaurants fall under Class E which is “for the sale of food and drink principally to visiting members of the public where consumption of that food and drink is mostly undertaken on the premises.

Please can it be noted that I am not changing the use of the building. It already has permission to be used as a restaurant/café. I am applying for an alcohol license to the current class E building.

The representation by Mrs Irving- Morse states “Mrs Edmenson is now applying for a green grocers to be changed into a bar/pub”. R and K Stanley refers to the property as A1, which is actually class E and already has permission to be a restaurant and café. Similarly, G Bowman makes mention of other “pub premises” such as the Hardwick Arms and the Corner House.

I do not have permission for a public house and I am not intending to apply for a change of use. I would therefore like any comments regarding the premises as a pub to be removed or deemed to be irrelevant to the application as it is not a pub. It can not be compared to public houses in the nearby vicinity.

The prevention of crime and disorder

Mrs Irving-Morse notes that there were 19 crimes in August 2022. Of these there were 7 reported anti-social behaviour crimes in a month. Mrs Irving -Morse does not give any evidence showing these anti-social behaviour crimes to be related to the sales of alcohol. A restaurant selling alcohol would be unlikely to impact on the crime rate in Sedgefield. CCTV will be located at the entrance to the property and will be available to police for 28 days. The charcuterie is a very small establishment (approx. 40m2) compared to other licenced premises in the nearby area. I do not believe this will contribute to a rise in crime.

I am a primary teacher of 20 years standing. I am also a trustee of Sedgefield Development Trust, a charity which contributes to the improvement of the economic, social, environmental and cultural quality of life of residents. I have lived in Sedgefield for the last 25 years. I am of good character and believe that my application fully supports the licensing objections. I have held my DPS for 5 years.

I have amended my application to take account of advice from Durham Police and Durham Safeguarding team. I note there are no objections from the responsible authorities regarding my application.

After discussions with the local police, I have amended my opening hours so that the last sale of alcohol will be 10.30pm Monday – Saturday and 9pm Sunday. This is more in line with a restaurant where food will be consumed earlier in the evening rather than the selling alcohol until 11pm. This means that customers will leave the charcuterie earlier than the surrounding public houses.

There is no evidence my application will increase the level of crime and disorder and I deem their comments to be irrelevant as they are based on their view that it will be a public house which as can be seen is not the case.

The protection of children from harm.

I have appointed a manager who previously worked at Café Lilli in Norton and Flat White in Durham. These are cafes/restaurants with a license to sell alcohol. Miss O is an experienced manager of restaurants. The emphasis of the restaurant is a charcuterie style atmosphere selling meat/cheese/vegan sharing boards with fine wine pairings. It will be mid to high end. We will not appeal to children or to people under 25. Our clientele will have refined palettes and be mainly couples and women. I have attached a draft menu showing the type of food we will be offering. The emphasis will be on the food rather than on alcohol. The wine will be an accompaniment to the taste/enjoyment of the food offerings. The price point of bottles of wine vary from £28-£70. This is not the kind of restaurant which will promote anti-social behaviour and excessive drinking.

I am happy to amend my application so children cannot be admitted after 7pm to reassure interested parties.

I would like any references to promoting underage drinking to be deemed irrelevant to this particular licence. The menu clearly shows food aimed at a more mature clientele rather than a restaurant for minors or young adults.

Please can the licensing department take into account this additional information as part of my licence application.

Kind regards

Lesley

Mess

CHARCUTERIE

Proposed Layout

Crawling Branch
LED
to front window



pendant

7 x 200mm
Dhade pendants

x23 Seated
(Potentially 1 x additional
table for x2 central
however tight)



Blank
existing
window

ENTRANCE



Smoke Green
(Woodwork)

Downpipe
(Walls)



Love letter wallpaper

Oct 2022

Edmensions
Interior Design
www.edmensions.co.uk

Messy Bites

Pitted Italian olives (V+)	£3
Warm ciabatta, rosemary, sea salt, olive oil, balsamic (V+)	£3
Hummus, smoked paprika, warm flat bread (V+)	£5
Pane carasau, tapenade, artichoke cream (V+)	£5
N'duja, sun-blushed cherry tomatoes, rocket on toasted sourdough	£6
Rocket, parmesan, olive oil, balsamic (V)	£4
Marinated anchovies	£3

Boards

All of our boards are accompanied with fresh bread, olives, chutneys and scattered with our favourite accompaniments of pickles, veg and seasonal fruit

MEDITERRANEAN DELI BOARD single/double £11/£22

Choose from a selection of four of the finest meats or cheeses carefully selected from the Mediterranean region

MESS PLATTER £16/30

A choice of up to six meats or cheeses. A traditional pick of the finest cured meats with a curated range of the very best of cheeses sourced from around the UK. Please ask a member of our team for more details of our current selection

VEGETARIAN BOARD – vegan cheese supplement £3 single/double £10/£20

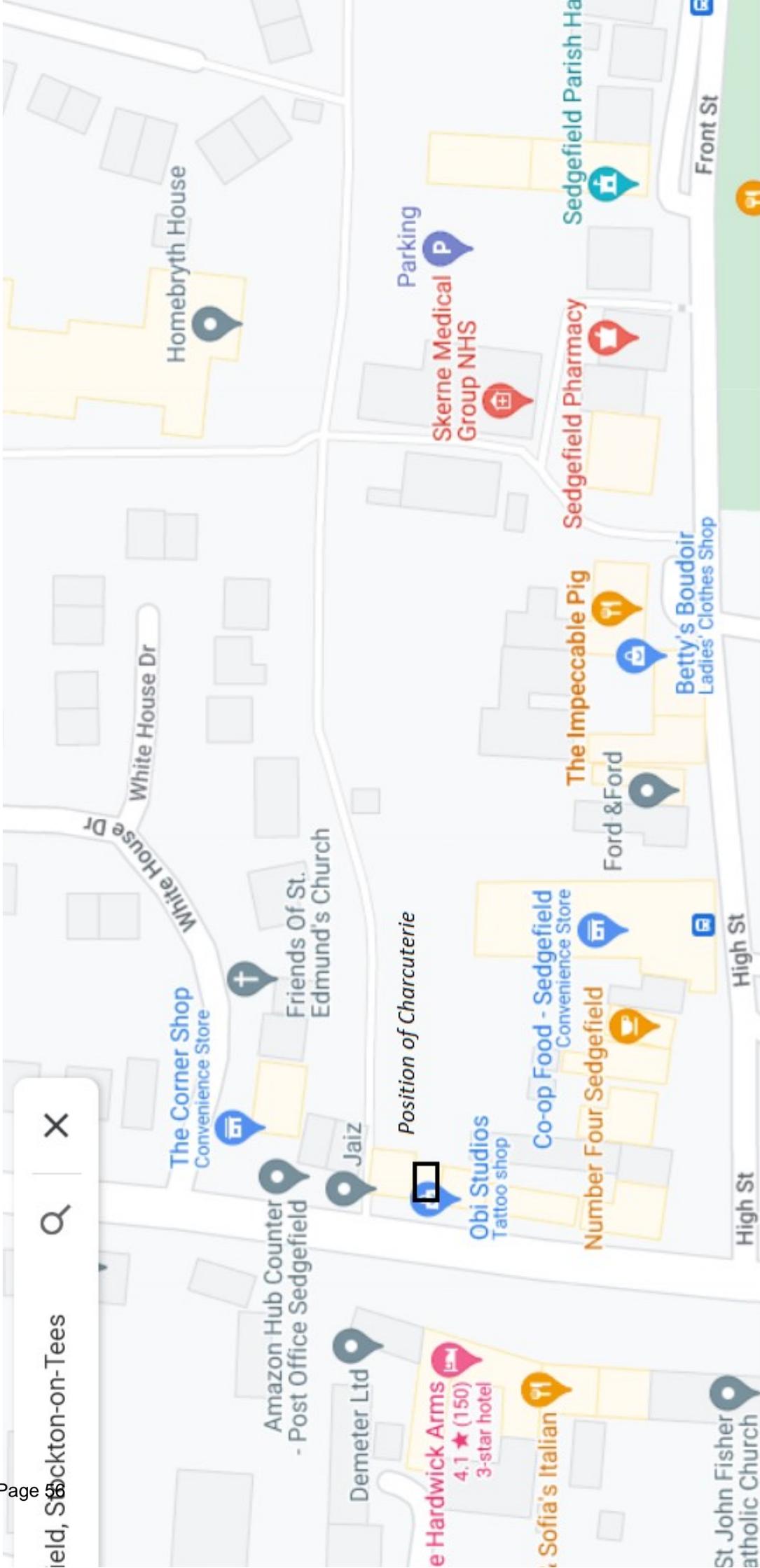
A mouth-watering selection of artichokes, hummus, sun-blushed cherry tomatoes

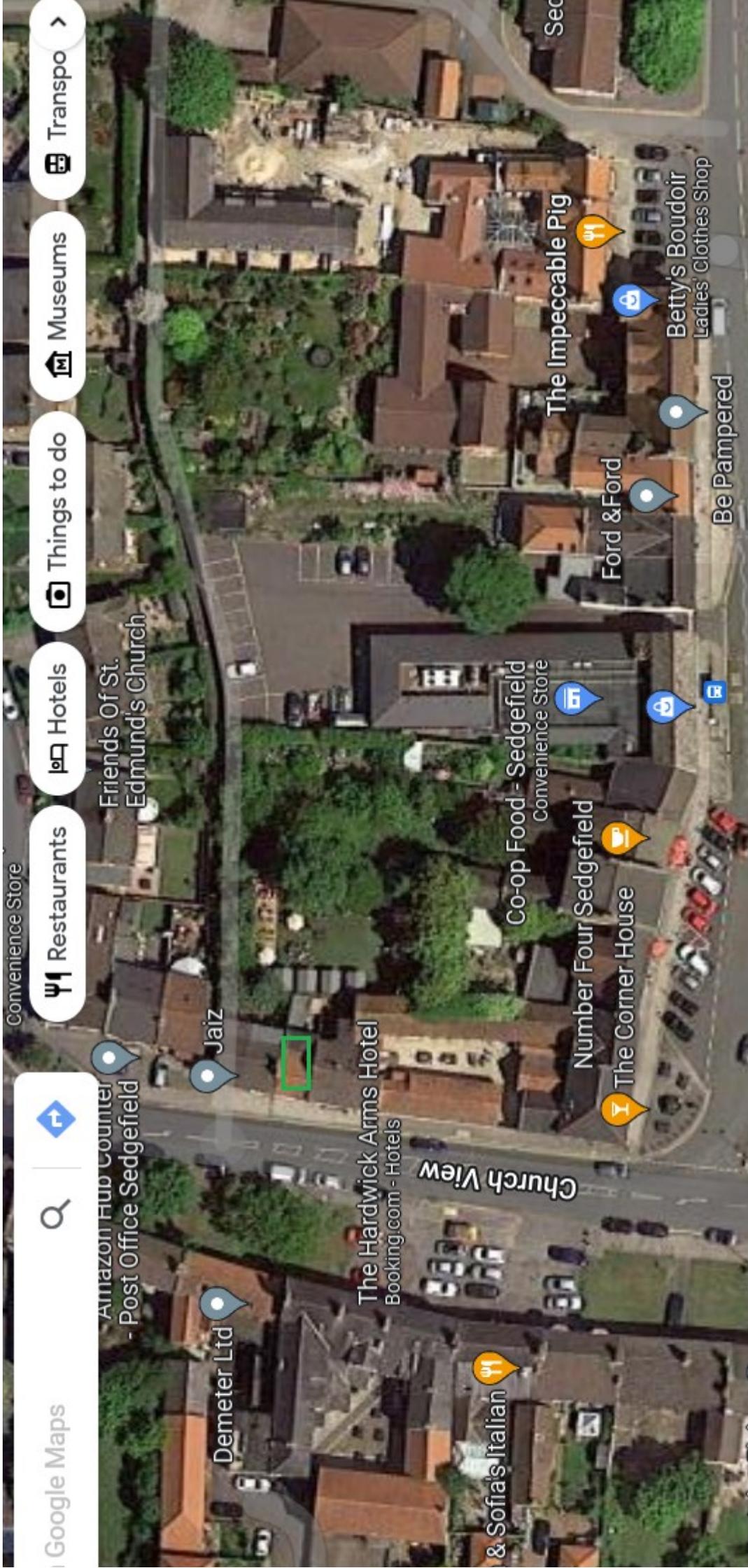
THE MESS GRANDE – suitable for 3/4 people.

3 meats, 3 cheese, fresh bread, balsamic, olive oil, chutneys, pickles, rocket, tomato and mozzarella, hummus, veg and seasonal fruit £69

Allergies V vegetarian V+ vegan GF gluten free

We offer a flexible menu. Our ingredients are chosen depending on season and availability. We love them and we hope you do too. We value customer feedback and welcome your comments. Please note we add a 10% service charge on tables of 6 and over.o.





Position of charcuterie
within hub of shops
and eateries





2 retail shops (Lost
Robot and Edmensons
Interior Design, Julia
and Sofias (Italian
Restaurant), Hardwick
Arms (Hotel with
restaurant)

Rear of Corner H0use
Public House

Public car park and on
street parking

Retail properties on
either side of 6 North
End

tion of
e

Appendix 7: Representations

From: Bowman
Sent: 10 October 2022 14:33
To: AHS Licensing
Subject: [EXTERNAL]:Licensing Act applications - representation from G Bowman, resident at North End

Good afternoon,

I would like to object to an application for a premises licence at No6 North End, in Sedgefield, TS21 3BS.

This property sits just a few doors down from my home (and other residential properties) and the request to sell alcohol until 11pm Monday – Saturday, (12- 9pm Sunday) will undoubtedly have a significant impact on this partially residential area.

The property was originally a holiday let and changed its use to a fruit and veg shop, when it was granted permission to become Class A1 retail.

We have had no notification of the details behind this licence request to sell alcohol at a retail shop for up to 11 hours a day. I understand bars are in a different planning classification - 'sui generis' - so I can't understand the intentions behind this licensing application at an A1 retail premises, and that is concerning.

Whatever the intentions, the sale of alcohol to drink on the premises over such long hours would potentially result in an unacceptable level of noise and disturbance to neighbouring properties, in particular due to its late-night operation.

While there are other, long-established traditional 'pub' premises selling alcohol nearby, they are either set back with the buffer of car park (Hardwick Arms) or they have doors that open out onto the main front street (Corner House). This proposal will see drinkers leave onto the footpath next to a number of small businesses and near my home and other residential properties.

I also have concerns about the parking and accessibility, as there is no parking immediately outside the premises and the car park over the road is already over-used with vehicles parking illegally across footpaths.

When the Corner House pub requested a variation in its license, relating to its beer garden, the named applicant on this application knocked on my door and was campaigning against it, due to the impact the potential noise of drinkers would have on the surrounding area, including No6 North End, which at the time was operating as a holiday let. My concerns now are similar to the concerns she raised then.

Please can the licensing committee give proper consideration to this application as the detrimental impact to residents along upper North End and Church View should be valued.

Kind regards

G Bowman

North End
Sedgefield
TS21 3BS

From: k stanley
Sent: 10 October 2022 18:35
To: AHS Licensing ; Yvonne Raine <
Subject: [EXTERNAL]:Licensing Act Applications

Good evening,

Please can we raise a concern about a licence application at a retail premises at 6 North End . We live opposite and slightly along, at Church view, and given the times stated on the application we are worried about the impact that might have in this area in terms of noise and disturbance from late night drinkers every day of the week.

We are a family with young children – like other nearby residents on Church View and North End - and naturally we are conscious of the impact of another licensed premises around our home. We have already had to face the change of use of our neighbouring property, 7a Church View, from residential to retail, with a licence to supply alcohol, for consumption off the premises. Changes don't come without an impact on residents.

The area is a healthy mix of businesses and residents, and nearby premises selling alcohol to drink on site are pubs / restaurants that have been around for many years.

Our concern is that this application tips the balance and isn't in keeping with the intended A1 retail usage of the premises, which sits in a conservation area. There is no explanation of the intended use of the shop now it sits empty with an application for an alcohol licence.

Best wishes

R and K Stanley

Church View
Sedgefield
TS21 2AY

K Stanley Stride PR Associate

From:
Sent: 11 October 2022 16:17
To: AHS Licensing <
Subject: [EXTERNAL]:Objection to 6 North End, Sedgefield, TS21 3BS

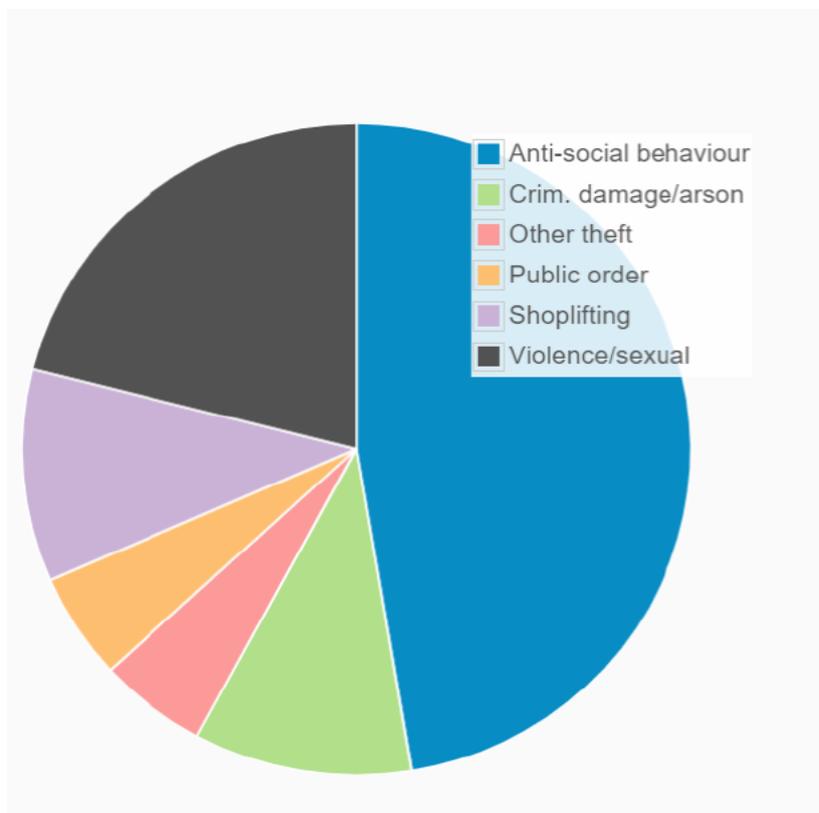
Sent for and on behalf of Irving-Morse.

I, A Irving-Morse of Church View object to the below application.

Mrs Lesley Edmenson	6 North End Sedgefield TS21 3BS	Application for the grant of a premises licence Sale of alcohol (on the premises) Monday to Wednesday 5.00pm to 11.00pm, Thursday to Saturday 12.00pm to 11.00pm, Sunday 12.00pm to 9.00pm, New Year's Eve until 11.45pm	11 October 2022
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As a business in Sedgefield I feel that the whole of the high street has more than enough premises selling and facilitating the consumption of alcohol, we have already accommodated Mrs Edmenson with her previous application last year for the 'Lost Robot' which sells alcohol, and we were assured by yourselves this would not become a bar that would sell alcohol, however, it seems that through a change of address Mrs Edmenson is now applying for a greengrocers to be changed into a bar/pub! We have enough pubs in Sedgefield who are servicing the area.

See below the crime levels reported in August 2022 near North End, Sedgefield, Stockton-On-Tees, TS21 3BS in August 2022
'We have found 19 crimes in August 2022 within half a mile of the centre of TS21 3BS'
Source www.streetcheck.co.uk



I do believe the crime information above reinforces my concerns.

Sedgefield is a conservation area, and the business's that are in the Village are in keeping with the traditional layout, Policy D1 seeks to encourage development which is of a scale and design compatible with the host property and there is no adverse effect on the amenity and privacy of surrounding properties or the general character of the area. We have café's, restaurants, supermarkets, and pubs which are steeped in the tradition of the village; these amenities attract a large level of foot fall which does increase the ratio of crime levels within the village, and I feel that the introduction of another premises supplying alcohol will in fact increase crime in the area.

I feel that granting this permission to another premises selling alcohol will promote anti-social behaviour problems, with more congregating of individuals, underage drinking, potential crime and especially public nuisance for those homes around 6 North End, (see crime levels above which are for only one month).

The most important factor being the introduction of purchasing alcohol to the high-street directly when we have family homes in the main part of the village along with a Church; this is promoting and encouraging drinking in an area with children that can be influenced.

I strongly object to this application for the reasons given above.

A Irving-Morse

A Irving-Morse Associates Ltd

D L
Practice Manager

A Irving-Morse Associates Ltd, is authorised and regulated by the Financial Conduct Authority. Registration number 754546.

Registered Office: Church View Sedgefield Co. Durham TS21 2AY

Tel:

Mob:



A
IRVING-MORSE
ASSOCIATES LTD

Appendix 8: Consultation Responses

From: Mark Sandford <
Sent: 14 September 2022 10:39
To: Valerie Craig
Subject: CON28/22/02697 - 6 North End, Sedgefield

Hello Valerie,

Thank you for the consultation.

The property appears to have formally been a green grocer/fruit and veg shop, which would fall under Use Class E (formally A1), and no planning applications have been received to change the use of the premises from that.

It is presumed that the property will remain principally an E use class as a café/restaurant, and the sale of alcohol would be a minor part of that use, i.e. it would not be a bar/public house falling under Use Class Sui Generis (formally A4).

On this basis the planning department would have no comment to make, other than any alteration to the shop front would require planning permission (including 'like-for-like' window/door changes), which would attract a fee of £234.00. Any new signage would likely require Advertisement Consent, which would attract a fee of £132.00 (if alterations to the shop are proposed, any signage change can be made in the same application/for the single higher fee).

If exterior alterations are proposed, it would be recommended that the applicant makes a submission using the Councils Planning Enquiry Service (link below) given its Conservation Area location. At present such an enquiry has no fee.

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

N.B. You may wish to contact the Councils Highways department given the proposed use and location. Given the relatively narrow footpath outside the shop, no seating should be external and A-board type signage should not block the footpath.

Kind Regards

Mark Sandford

Planning Officer
Durham County Council
South West Area Team
County Hall
Tel:
Email:



Chief Fire Officer: Stuart Errington

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

Date: 15 September 2022

This matter is being dealt with by: Amy Davison

Ext:

Our Ref:

Your Ref:

Direct Dial Telephone:

E-mail:

Valerie Craig
Licensing Officer

Sent by Email

Dear Valerie Craig

Licensing Act 2003

Regulatory Reform (Fire Safety) Order 2005

NHS, The Hive of Sedgfield, 6 North End, Sedgfield, Stockton-On-Tees, TS21 3BS

I acknowledge your application dated 13 September 2022 for a Premises Licence under The Licensing Act 2003 in respect of the above named premises.

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

A suitable and sufficient fire safety risk assessment must be carried out in order to comply with the above Order.

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

Amy Davison
Fire Safety Section

From: Kelly Gilmore-Craze <
Sent: 15 September 2022 11:27
To: Valerie Craig <
Subject: SR270378



MEMO

To: Ms Valerie Craig
Licensing Services

From: Mrs Kelly Gilmore-Craze
Neighbourhoods and Climate Change

Date: 15 September 2022

Re: **Licensing Application New premises application**
6 North End Sedgefield Stockton On Tees TS21 3BS

With reference to the above licensing application received on 15 September 2022.

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 new premise license.

Kind Regards,

Kelly Gilmore-Craze
Senior Environmental Health Officer
Community Protection Service
Neighbourhoods and Climate Change
Durham County Council
Annand House
Meadowfield
Durham
DH7 8RS
Tel:
Email: .

Web: www.durham.gov.uk
Follow us on Twitter @durhamcouncil
Like us at facebook.com/durhamcouncil

From: Licensed Economy Team
Sent: 28 September 2022 10:37
To: Valerie Craig
Cc: AHS Licensing
Subject: [EXTERNAL]:RE: New Premises Licence Application - 6 North End, Sedgefield, Stockton on Tees, TS21 3BS

Good morning,

Durham Constabulary have no objections

Thank you

Kind regards

Vikki Gill 8118

Durham Constabulary

Admin Clerical Officer

Licensing Economy Team

Annand House Meadowfield

Be you, Bring You, Be part of the Durham Difference



Altogether Better Policing Altogether Better Policing.....With Pride

Our Values & Vision:

Positive | Fair | Courageous | Inclusive | With Integrity

Protecting Neighbourhoods, Tackling Criminals, Solving Problems

From: Jane Ayre

Sent: 28 September 2022 07:54

To: Valerie Craig <

Subject: RE: [EXTERNAL]:URGENT: New Premises Licence Application - 6 North End, Sedgfield, Stockton on Tees, TS21 3BS

Good morning Valerie,

I confirm that the New Premises Licence Application for 6 North End, Sedgfield was considered by Sedgfield Town Council at its Policy & Resources Committee meeting on Monday 26th September 2022. Sedgfield Town Council do not have any objections to this application.

I would be grateful if you could confirm receipt of this email.

Kind Regards,
Jane.

Dr Jane Ayre

Town Clerk

Sedgfield Town Council

| www.sedgfieldtowncouncil.gov.uk

Council Offices, Front Street, Sedgfield, Co. Durham, TS21 3AT



Sedgfield
Town Council



Appendix 9: Statement of Licensing Policy

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Appendix 10: Section 182 Guidance

Crime and disorder

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

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

Public nuisance

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

of licensing authorities and responsible authorities should be one of prevention and when their powers are engaged, licensing authorities should be aware of the fact that other legislation may not adequately cover concerns raised in relevant representations and additional conditions may be appropriate.

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

Protection of children from harm

- 2.22 The protection of children from harm includes the protection of children from moral, psychological and physical harm. This includes not only protecting children from the harms associated directly with alcohol consumption but also wider harms such as exposure to strong language and sexual expletives (for example, in the context of exposure to certain films or adult entertainment). Licensing authorities must also consider the need to protect children from sexual exploitation when undertaking licensing functions.
- 2.23 The Government believes that it is completely unacceptable to sell alcohol to children. Conditions relating to the access of children where alcohol is sold and which are appropriate to protect them from harm should be carefully considered. Moreover, conditions restricting the access of children to premises should be strongly considered in circumstances where:
- adult entertainment is provided;
 - a member or members of the current management have been convicted for serving alcohol to minors or with a reputation for allowing underage drinking (other than in the context of the exemption in the 2003 Act relating to 16 and 17 year olds consuming beer, wine and cider when accompanied by an adult during a table meal);
 - it is known that unaccompanied children have been allowed access;

- there is a known association with drug taking or dealing; or
- in some cases, the premises are used exclusively or primarily for the sale of alcohol for consumption on the premises.

2.24 It is also possible that activities, such as adult entertainment, may take place at certain times on premises but not at other times. For example, premises may operate as a café bar during the day providing meals for families but also provide entertainment with a sexual content after 8.00pm. It is not possible to give an exhaustive list of what amounts to entertainment or services of an adult or sexual nature. Applicants, responsible authorities and licensing authorities will need to consider this point carefully. This would broadly include topless bar staff, striptease, lap-, table- or pole-dancing, performances involving feigned violence or horrific incidents, feigned or actual sexual acts or fetishism, or entertainment involving strong and offensive language.

2.25 Applicants must be clear in their operating schedules about the activities and times at which the events would take place to help determine when it is not appropriate for children to enter the premises. Consideration should also be given to the proximity of premises to schools and youth clubs so that applicants take appropriate steps to ensure that advertising relating to their premises, or relating to events at their premises, is not displayed at a time when children are likely to be near the premises.

2.26 Licensing authorities and responsible authorities should expect applicants, when preparing an operating schedule or club operating schedule, to set out the steps to be taken to protect children from harm when on the premises.

2.27 Conditions, where they are appropriate, should reflect the licensable activities taking place on the premises. In addition to the mandatory condition regarding age verification, other conditions relating to the protection of children from harm can include:

- restrictions on the hours when children may be present;
- restrictions or exclusions on the presence of children under certain ages when particular specified activities are taking place;
- restrictions on the parts of the premises to which children may have access;
- age restrictions (below 18);
- restrictions or exclusions when certain activities are taking place;
- requirements for an accompanying adult (including for example, a combination of requirements which provide that children under a particular age must be accompanied by an adult); and
- full exclusion of people under 18 from the premises when any licensable activities are taking place.

2.28 Please see also Chapter 10 for details about the Licensing Act 2003 (Mandatory Licensing Conditions) Order 2010.

2.29 Licensing authorities should give considerable weight to representations about child protection matters. In addition to the responsible authority whose functions relate directly to child protection, the Director of Public Health may also have access to relevant evidence to inform such representations. These representations may include, amongst other things, the use of health data about the harms that alcohol can cause to underage drinkers. Where a responsible authority, or other person, presents evidence to the licensing authority linking specific premises with harms to children (such as ambulance data or emergency department attendances by persons under 18 years old with alcohol-related illnesses or injuries) this evidence should be considered, and

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

- 2.30 The 2003 Act provides that, where a premises licence or club premises certificate authorises the exhibition of a film, it must include a condition requiring the admission of children to films to be restricted in accordance with recommendations given either by a body designated under section 4 of the Video Recordings Act 1984 specified in the licence (the British Board of Film Classification is currently the only body which has been so designated) or by the licensing authority itself. Further details are given in Chapter 10.
- 2.31 Theatres may present a range of diverse activities and entertainment including, for example, variety shows incorporating adult entertainment. It is appropriate in these cases for a licensing authority to consider restricting the admission of children in such circumstances. Entertainments may also be presented at theatres specifically for children. It will be appropriate to consider whether a condition should be attached to a premises licence or club premises certificate which requires the presence of a sufficient number of adult staff on the premises to ensure the wellbeing of the children during any emergency.

Offences relating to the sale and supply of alcohol to children

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

Table of relevant offences under the 2003 Act

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

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