



Statutory Licensing Sub-Committee

Date Monday 17 April 2023
Time 9.30 am
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 Meeting held on 19 January 2023 and 24 January 2023 (Pages 3 - 16)
5. Application for the variation of a Premises Licence - Jimmy Allens 19-21 Elvet Bridge, Durham City, Durham (Pages 17 - 72)
6. Such other business as, in the opinion of the Chairman of the meeting, is of sufficient urgency to warrant consideration

Helen Lynch

Head of Legal and Democratic Services

County Hall
Durham
5 April 2023

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

Councillors D Brown, I McLean, E Peeke, A Watson and
M Wilson

Contact: Lucy Gladders

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DURHAM COUNTY COUNCIL

At a Meeting of **Statutory Licensing Sub-Committee** held in Council Chamber, County Hall, Durham on **Thursday 19 January 2023 at 1.30 pm**

Present:

Councillor D Brown (Chair)

Members of the Committee:

Councillors R Adcock-Forster, C Bihari, E Peeke and M Wilson

Also Present:

Helen Johnson – Licensing Team Leader

Stephen Buston – Solicitor, DCC

Applicant

Charles Holland – Barrister

Sarah Smith – Solicitor

Tania Woodhouse – Operations Director, Stack

Neill Winch – Managing Director, Stack

Other Persons

Roger Cornwell – Crossgate Community Partnership

John Ashby - Crossgate Community Partnership

John Lowe – City of Durham Trust

Chris Hugill – Crossgate Community Partnership and City of Durham Trust

Janet George – St Nicholas Community Forum

Councillor Susan Walker – City of Durham Parish Council

Councillor Esther Ashby - City of Durham Parish Council

Adam Shanley – Clerk to City of Durham Parish Council

1 Apologies for Absence

There were no apologies for absence.

2 Substitute Members

There were no substitute Members.

3 Declarations of Interest

There were no declarations of interest.

4 Minutes

The Minutes of the meeting held on 16 December 2022 were agreed as a correct record and were signed by the Chair.

5 Application for the Grant of a Premises Licence - Stack, 4-6 Silver Street, Durham

The Committee considered a report of the Corporate Director of Neighbourhoods and Climate Change regarding an application for the grant of a Premises Licence in respect of Stack, 4-6 Silver Street, Durham (for copy see file of Minutes).

A copy of the application and supporting information had been circulated to all parties together with additional information from the Applicant, Crossgate Community Partnership and the City of Durham Parish Council.

Roger Cornwell referred to the letter from the Fire and Rescue Service in the Bundle which stated that a fire safety risk assessment must be carried out and was informed that this did not amount to a representation regarding the application.

Following a question from Adam Shanley, Clerk to the City of Durham Parish Council, it was confirmed that the revision to the report by APEX consultants would be considered by the Sub-Committee.

Stephen Buston, Solicitor asked the Officer about vehicular access to the premises along Silver Street. Helen Johnson confirmed that Silver Street was pedestrianised apart from between the hours of 6pm and 10am for deliveries, waste collection etc. There were bollards at the top of the street to prevent vehicular access outside these hours.

Roger Cornwell of Crossgate Community Partnership was invited to address the Sub-Committee. He commenced by stating that this was a new type of venue for the City and although it had proved successful elsewhere there were differences in the locations. Seaburn Stack was located on the seafront with plenty of space surrounding it. Pilgrim Street was a development site and residents were therefore accustomed to experiencing more background noise. In Durham there were a number of residential properties in that area.

The operating schedule had been revised three times and there were still unresolved issues.

Mr Cornwell highlighted the representations made by the Partnership:

The original operating schedule had been based upon a different Stack location. Whilst amendments had been made to the operating schedule it was still not site specific.

Their approach to looking at the operating schedule was to compare it against the Statement of Licensing Policy and referred the Sub-Committee to their representations regarding this.

The Applicant had added Policies to the schedule but these documents had not been made available. He also asked if there would be a policy which would address how the premises would deal with customers who were intoxicated and how Stack would help vulnerable customers get safely home.

In terms of training he asked if temporary staff would receive the same training as permanent employees.

There was no procedure for the prevention of anti-social behaviour. Reference was made to calling for Police support - this was not prevention. The operating schedule referred to a policy but this needed to be seen. From the census the majority of residents in the City were aged between 15-25, most of which would be students and over 18 but some may be younger than that, and he asked if Challenge 25 would be in operation.

In terms of the additional information the Partnership had provided and the licensing objective prevention of public nuisance, he noted that the operating schedule had been updated to state that no live or recorded music would take place in the outside area after 11pm but it did not mention other licensable activities. The latest report from APEX stated that Stack would not be seeking authorisation for regulated entertainment on the outside terrace. This was a last minute change which the Applicant should address.

The Partnership had provided a map showing a list of properties where planning permission had been granted for residential accommodation in close proximity which would now be faced with noise from the roof terrace. APEX had stated that residents would be required to close their windows. Residents should be able to open their windows and therefore to mitigate the Partnership suggested that the terrace be closed after 7pm. The Noise Impact Assessment had not considered the impact of customers from the premises emptying onto Silver Street. Sound echoed off the buildings, and the Partnership suggested a closing hour of 11pm to mitigate this.

At this point with the agreement of all parties, Mr Cornwell shared photographs from the Applicant's own website which gave an idea of the nature and exuberance of a live event at one of its other premises. The

Applicant had not described how customers would leave the premises following an event.

In terms of public safety Moatside Lane was proposed as an emergency exit. The lane was narrow, dark, twisting and sloped.

John Ashby had explored the Lane after dark. Mr Ashby lived close to the Market Place and was familiar with all the vennels. He had walked the length of the Lane on 8 January at 7pm. He found it worrying walking along the slippery cobbles on uneven and unmarked steps, with bulkhead lights only working on some parts of the route.

Although it could be argued that there had been a fire exit onto Moatside Lane for many years, this was used by a retail premises that was open mostly in daylight. Customers from Stack may be intoxicated and it would not be safe for them to leave the building this way.

Councillor Susan Walker addressed the Sub-Committee on behalf of the Parish Council who were in complete agreement with the other objectors to the application. The Parish Council was concerned with the lack of care taken over the first operating schedule, residential amenity and that a number of businesses were being considered within a single application.

The premises would extend over 2700sqm and would attract huge numbers of visitors. The yard to the rear was small and accessed down a narrow lane from Saddler Street. To the front was narrow Silver Street. The Parish Council therefore asked how deliveries etc would be arranged for Stack and seven businesses within it.

With regard to staff training it was not clear how this would be delivered and the Parish Council asked that a condition be included to state that all businesses must adhere to the conditions on the Premises Licence, including training. They also asked that the training be delivered to temporary staff as well and that there should be sufficient members of staff trained on the evacuation procedures.

The Parish Council was concerned about the potential for noise nuisance. The survey from APEX was completed when there were fewer residential properties in the vicinity. APEX had recommended additional sound insulation at these properties but that was to mitigate against pedestrian noise on Silver Street. It was unrealistic to expect residents to keep their windows closed.

The music speakers faced the Castle which was not only a key part of the World Heritage site but was also residential with a wellbeing garden for students. Noise would be created in such a sensitive area and the University

had expressed serious concerns, which had been circulated. Students' quality of life would be impacted. The Parish Council supported the University and students who were less likely to engage in the licensing process.

The Parish Council would also like to see more detail on the CCTV system, and how Stack would deal with a build-up of crowds. It also considered that the proposed location of the toilets may encourage drug activity. The Parish Council noted the reference to a Drugs Policy but that it had not been presented.

In terms of the licensing objective 'protection of children from harm', the Parish Council could see no evidence that this objective would be promoted. This was of concern given that Stack wished to operate as a family friendly venue during the day.

The town was frequented by secondary school children at the end of the school day and the venue, especially the gaming area, would be popular. Councillor Walker asked about safeguarding arrangements.

Janet George addressed the Sub-Committee on behalf of St Nicholas Community Forum and commenced by stating that following discussion at their regular monthly meeting, the letter was sent to 65 people. Not one member had given a positive response to this application.

The Forum's particular concerns related to the licensing objectives public safety and the prevention of public nuisance.

Based on many years use of the premises the Forum had serious concerns about the safe evacuation of large numbers of patrons in the event of an emergency onto Silver Street or Moatside Lane.

The external doors marked on the plans indicated the number of customers emerging and from which floor they would be evacuating and the escape route. Internal access to the windows on the first and second floor frontage was blocked by bars and glass wash areas. The only exit towards the rear of the property seemed to be at first floor level. No exit was marked on the plans to the rear of the premises at ground floor level.

Numbers on the plans may meet Building Regulations and Fire Safety Guidance but in any emergency the Forum was not confident in the Applicant's ability to deliver safe evacuation of large numbers of customers.

Silver Street was a narrow sloping street and in the event of an evacuation, emergency vehicles would need unrestricted access to the building. Any large number of people leaving the premises would need to stream up

towards the Market Place (Silver Street is only 7 metres wide) or they would need to move down to Framwellgate Bridge, which had the potential for accident.

Moatside Lane was treacherous to navigate. It was steep, cobbled, uneven and the sides bowed up. There were irregular steps at intervals. Trying to walk this in sensible shoes in the daylight on a dry day was tricky enough and for those less surefooted it was very easy to fall. Large numbers of people attempting to get out of the building this way in a hurry or panic, in the dark or rain, in high heels and with or without a drink would be an unpredictable, risky and worrying situation.

Whilst a Stack may be appropriate in another part of Durham City, it was very difficult to see how safety of the public could be absolutely assured by using this building for the purpose proposed in the application. The recent awful events at Brixton Academy and closer to home in Durham were a stark reminder of how quickly a managed situation could get out of control.

A growing number of the retail premises on Silver Street had been converted into living accommodation on the upper floors. The distance between the living accommodation and the building was small. Recent university figures showed there were over 100 students in close proximity.

This application was for entertainment and music for large numbers of people until late at night every night. While the application aimed to keep noise inside the venue below a certain level, it would be virtually impossible to police noise outside the building on the streets once customers had exited the premises.

As well as street noise every night, there would be daytime disturbance from delivery vehicles and refuse collection. Everyone was entitled to peace in their homes. It was knowingly creating a Public Nuisance to allow such a lot of noise and large number of people so close together in this historic and confined area.

The geography of Durham allowed easy noise travel. With the river so close in three directions at Back Silver Street, Elvet Bridge and Framwellgate Bridge the Forum were concerned that noise and light from the development would be very disturbing to wildlife as well as residents.

Even controlled music and lighting on the proposed roof terrace would easily travel up to people living in the Castle and to the accommodation in Saddler Street as well as having consequences for the general amenity value of the area.

It had been reported this week that as a result of current economic pressures, one of the bars in Durham would be closed two days a week until further notice. Durham had a great many food, drink and entertainment outlets already. She asked if turning this building, in one of the City's traditional historic shopping streets, the best and most sustainable long-term way to use this building.

John Lowe of the City of Durham Trust was invited to address the Sub-Committee. He stated that the Trust fully supported the representations voiced by the previous speakers, and endorsed the representations of Mr Cornwell who spoke on behalf of both Crossgate Community Partnership and the City of Durham Trust. The Applicant's operating schedule failed to address the four licensing objectives and failed to address the constraints of Silver Street in the heart of the City. The Council's own Statement of Licensing Policy 'considers that achieving good practice in connection with the licensing objectives involved focusing on the four licensing objectives whilst at the same time considering the issues specific to different areas of the local authority and different types of licensed premises'. The Applicant had failed to demonstrate that the licensing objectives would be promoted.

At this point Charles Holland, Barrister was invited to make representation on behalf of the Applicant. He commenced by referring to the documents presented and confirmed that he had no objection to the the late representations submitted by Durham University.

Members were provided with the background to the business which was essentially a hospitality mall. It was self-contained with a combination of food led and wet led entertainment offerings.

The food led outlets were operated by tenants and this provided an opportunity for small local businesses to offer a mixed offering for customers. The trading style was casual with a mixed demographic.

The operator would not charge an entrance fee, but would not be offering drink discounting or using event promoters. Entertainment would be free with performances from local bands as opposed to anything heavily marketed. It was not a concert venue. Other community events such as open mic nights, talent shows, quiz nights and children's activities were proposed. Live music would be played between 4pm and 10pm during the week, and between 12 noon and 10pm at weekends. When live music wasn't playing, there would be background music or DJs. All Stacks had an outside element which was helpful to control smokers within the venue.

Capacity of the premises was high but remained intimate because customers could choose their own experience. It was not a style of business that attracted circuit drinkers.

The premises had been closed since 2018 and Stack had been approached to ascertain whether it would be viable to bring the building back into economic use. The business would employ between 80 and 100 people, with tenancies for seven units employing a possible further 20-25.

The tenancies would all be food led only. There would be no alcohol sales or regulated entertainment permitted.

The planning application was due to be considered by 9 February and Mr Holland made the point that the representations regarding wildlife, sustainability and deliveries were planning matters.

No Responsible Authorities had objected and it was important to bear in mind that Section 182 Guidance referred to these as being the primary source of expertise, when considering an application.

In terms of the operating schedule and the representations made regarding the conditions, Mr Holland stated that larger and more complex applications tended to have fewer conditions; the key test was whether they were proportionate. Larger applicants had sophisticated management teams and were skilled in risk management, working closely with the Licensing Authority throughout the application process.

The three key purposes of conditions were; where a breach was a criminal offence, a breach was grounds for review, or where a premises must be compliant, for example in the provision of CCTV. The operating schedule was not a flow chart dealing with every possible eventuality and was not a substitute for risk assessment or health and safety. Just because it did not deal with every matter did not mean it was inadequate; policies did not need to be reflected in the conditions.

Mr Holland proceeded to respond to the representations by explaining how they were addressed through the proposed conditions, as follows:

Conditions 1 and 2 prevented the premises from being a circuit bar.

Condition 3 - failure to comply was a criminal offence; the Operations Director had been with the business since 2018 and was experienced, ensuring a safe operation by employing skilled Managers.

Condition 4 required risk assessments for the general operations and for individual events, including for the provision of door staff.

Conditions 5 and 6 referred to a drugs policy, vulnerable people and sexual exploitations policy. These were included as specific conditions because of

the level of concerns raised. The policies were not presented because it was not for the Sub-Committee to agree these. The details of the policies would be completed when the venue was operational.

Condition 7 required a minimum of 5 SIA Door Supervisors. Mr Holland stressed that this was a minimum. More would be provided as necessary following risk assessment.

Conditions 8 and 9 addressed capacity. A first draft Fire Safety Strategy had been produced, with a maximum capacity of 1541 persons. Capacity was also specified for each floor level. The overall capacity may reduce further when fittings and furnishings were included.

Condition 10 - Representations had been made that the CCTV system was not identified on the plan. This was not a requirement. Condition 10 addressed CCTV which would need to satisfy the Police.

Condition 14 – there would be no late-night refreshment after 11.00pm, and therefore no late night deliveries. In any event the street was subject to traffic restrictions.

Condition 17 – all staff responsible for selling age restricted goods would be trained, and this would apply to the staff of tenants where relevant. Challenge 25 would be implemented.

Conditions 21 and 22 – the Applicant would be required to implement a dispersal policy but as it was site specific it would be premature to implement straight away. The Applicant would work with the Responsible Authorities to implement an appropriate policy as the building was close to opening.

Condition 23 – representations had been made regarding anti-social behaviour and the wording of the condition that ‘the Police shall be called for support’ was inadequate. This was not intended to be a substitute for a dispersal policy but was included as a condition to be clear on the responsibility of the operators in terms of enforcement.

Mr Holland continued that APEX had prepared a Noise Impact Assessment for the planning submission. The main issue related to the roof terrace which was the most noise sensitive area. Noise from inside the premises had not been highlighted as an issue. APEX had agreed with Environmental Health that a criteria of an internal noise rating level of 20 should be met. Representations had been made regarding residents keeping windows closed but this was not what was being said by APEX. Conditions 18-20 mitigated against this. The operating schedule had been amended at Condition 20 to ban regulated entertainment (other than live sporting events)

in the outside area after 11pm. This would be dependent upon the Noise Management Plan.

The other major issue highlighted by the parties was in relation to public safety in Moatside Lane. The Fire Authority had reduced the capacity to a maximum of 150 on that floor due to the narrow width of the vennel. In case of fire on the first floor 200 people would exit onto the Lane and turn left. This would be included in an Emergency Evacuation Policy. If it was not feasible then the capacity would be reduced further. Mr Holland reiterated that this would be a technical policy produced by experts when the final layout was known, and it would not be appropriate to refuse the application on these grounds.

Addressing the remaining concerns Mr Holland confirmed that the Applicant would participate in Pubwatch which did not need to be added as a condition. There had been no objections from Safeguarding, and as with their other premises, children would not be admitted without a guardian over the age of 25, would be required to be off-site by 9pm.

All parties were invited to ask questions. Helen Johnson clarified that the national Pubwatch scheme had written to Licensing Authorities discouraging the inclusion of a condition requiring attendance at Pubwatch meetings because it was not enforceable. Having said that Durham Police actively encouraged premises to join the scheme.

Adam Shanley noted that seven individual operators providing food could offer a delivery service until 11pm which was concerning, and he asked how this would be managed. Tania Woodhouse, Operations Director replied that based on other Stack premises, the traders' main income would be from within the site although they may use delivery services during the week when business was quieter. They would have a delivery management plan.

Following a question from Roger Cornwell, Mr Holland confirmed that the Stack operation would be the only outlet selling alcohol. The parties were advised that the tenants would enter into a Tenancy Agreement with covenants specifying how they must operate, which included complying with the operating schedule. Tania Woodhouse added that their reputation was very important and the standards were set very high in the food outlets. If there were breaches, it would not be a defence to say it wasn't the operator's fault.

Following a further question from Roger Cornwell regarding training, Tania Woodhouse confirmed that the company used an accredited on-line training provider. Every Team member must complete the training before starting their employment. The traders would be required to train their own staff but

the policies (drugs policy, dispersal policy etc) would have to be signed off by the traders.

Roger Cornwell asked if the Applicant had visited Moatside Lane. Mr Holland confirmed that they had and that the Fire Safety Strategy and evacuation process had been drawn up by professionals. The Strategy provided for this exit to be an escape route.

Chris Hugill asked if consideration had been given to whether the building could be safely evacuated using other exits. Mr Holland replied that advice received from the Fire Service was that Moatside Lane should be used as a Fire Exit. If there were circumstances where it could not be used the capacity of the premises would be reduced; the business would still be able to trade. The Fire Service advice was that it should be used with regular checks to ensure that it could be used safely.

Sarah Smith, the Applicant's Solicitor highlighted that evacuations would be supervised and the Lane would be checked every time the premises was open.

Mrs Esther Ashby of the Parish Council found the Applicant's representations that the policies were yet to be written concerning. She asked what timeframe the Applicant was working towards for the presentation of the policies. Mr Holland clarified that the policies would not be presented, the Applicant was asking the Sub-Committee to consider the conditions in the revised operating schedule. The policies were not matters for consideration at the hearing.

Adam Shanley asked if it was usual for so many matters to be resolved later, before the Premises Licence was granted.

Mr Holland did not accept that the operating schedule was inadequate and he had already explained at length why it should not give cause for concern. The application must be considered on its own merits.

The Applicant was asked how each floor would be managed in terms of capacity, given that people would move around and it would be a fluid environment inside. Neill Winch, Managing Director confirmed that at busy times there would be a minimum of 5 Door Supervisors, and all areas would be manned with a counter, using a one in one out approach.

Councillor Elaine Peeke asked what percentage of food would be served inside the premises as opposed to deliveries. Neill Winch expected food service to be 10% of the overall offerings. They were not relying on a delivery service.

All parties were invited to make a closing statement.

John Ashby stated that those who had made representation appreciated the good reputation of Stack, and that the concept would be welcome in the City in a different location.

Chris Hugill stated on behalf of Crossgate Community Partnership and City of Durham Trust that having heard the evidence he did accept that the Premises Licence could not be expected to address all policies and appreciated that the views of experts were required. However this was a sensitive location in terms of noise and fire safety, and the application should not be granted. He was not satisfied that those matters had been addressed.

Mr Holland was very grateful for the courteous way in which representations had been made. There had been a forensic criticism of the application and many of the issues raised did not need to be addressed. He asked that the application be granted and it was a matter for the Sub-Committee to add or amend conditions but argued that the operating schedule as presented struck the right balance.

At 16.25pm Councillors D Brown, C Bihari and M Wilson resolved to retire to deliberate the application in private. All parties were asked to leave. At 16.45pm all parties returned and 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 additional information presented, the verbal and written representations of other persons who were the City of Durham Parish Council, City of Durham Trust, Crossgate Community Partnership, St Nicholas Community Forum, Elvet Residents Association and Mr and Mrs Nicholas. Members had also taken into account the Council's Statement of Licensing Policy and Section 182 Guidance issued by the Secretary of State.

Resolved:

That the application be granted for the hours requested and subject to the conditions set out in the revised operating schedule submitted on 12 January 2023.

DURHAM COUNTY COUNCIL

At a Meeting of **Statutory Licensing Sub-Committee** held in Council Chamber, County Hall, Durham on **Tuesday 24 January 2023 at 9.30 am**

Present:

Councillor D Brown (Chair)

Members of the Committee:

Councillors E Peeke and M Wilson

1 Apologies for Absence

Apologies for absence were received from Councillor A Batey

2 Substitute Members

There were no substitute Members.

3 Declarations of Interest

There were no declarations of Interest.

5 Consideration of the ongoing suitability to continue to hold a Personal Licence

The Chair welcomed everyone to the meeting and introductions were made. The Council's Solicitor then outlined the procedure for the meeting.

The Licensing Team Leader presented a report of the Corporate Director of Neighbourhoods and Climate Change, for the consideration of the ongoing suitability of the Licence Holder to continue to hold a personal Licence (for copy see file of minutes).

The Chair invited all parties to ask questions of the Licensing Team Leader.

The Sub-Committee adjourned at 9.50 am to seek legal advice in private and all parties left the chamber before reconvening at 9.55 am.

The Licence Holder then addressed the Sub-Committee and responded to questions from Members and Officers.

All Parties were given the opportunity to sum up.

At 10.08 am Members **Resolved** to retire to deliberate the application in private. After re-convening at 10.21 am the Chair delivered the Sub-Committee's decision. In reaching their decision the Sub-Committee considered the written report as presented by the Licensing Team Leader and verbal representation from the Personal Licence Holder. Members had also considered Guidance issued under Section 182 of the Licensing Act 2003 and the relevant offences as defined by the Licensing Act 2003.

Resolved:

That no further action be taken.

Statutory Licensing Sub-Committee

17th April 2023

**Application for the variation 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 Climate Change**

Electoral division(s) affected: Elvet and Gilesgate

Purpose of the Report

- 1 The Sub-Committee is asked to consider and determine the application for the variation of a premises licence for Jimmy Allens 19-21 Elvet Bridge, Durham City, Durham DH1 3AA.
- 2 A plan showing the location of the premises is attached at Appendix 2.

Executive summary

- 3 The application requests the granting of a variation of a Premises Licence for Jimmy Allens 19-21 Elvet Bridge, Durham City, Durham DH1 3AA. This application was submitted by Mr David Horner of DH Licensing, an agent on behalf of the licence holder Belle Leisure Limited.
- 4 The application requested the following activities:

To increase the permitted hours on Sundays only from 00.30 hrs until 02:30 hrs for live and recorded music indoors and to increase the sale of alcohol timings on Sundays only from 00:30 hrs until 02:00 hrs for the sale of alcohol (on and off the premises).
- 5 The licensing authority received responses no comment responses from Durham County Council's Public Health and Environmental Health Departments, Durham Constabulary, Durham Safeguarding Children Partnership and County Durham & Darlington Fire and Rescue Service.

- 6 The licensing authority received one letter in opposition to the application from City of Durham Parish Council (other persons).

Recommendation(s)

- 7 The Sub-Committee is asked to determine the application with a view to promoting the licensing objectives.
- 8 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 6;
 - (d) The Guidance issued to local authorities under Section 182 of the Licensing Act 2003 (as amended December 2022). The relevant parts of the guidance are attached at Appendix 7.

Background

- 9 Background information – Licence Holder – Belle Leisure Limited

Type of Application: Variation of a premises licence	Date received: 17 th February 2023	Consultation ended: 17 th March 2023
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Details of the application

- 10 An application for the variation of a premises licence was received by the Licensing Authority on 17th February 2023. A copy of the application and the current premises licence are attached as Appendix 3.
- 11 The application is deemed by the Licensing Authority to be correctly served and advertised in accordance with the Licensing Act regulations.
- 12 The activities requested are now as follows:

Current Licensable Activities	Proposed changes to increase Licensable Activities on a Sunday only
Sale of Alcohol (on & off sales) Monday to Saturday 11:00 hrs – 02:00 hrs Sunday 12:00 hrs – 00:30 hrs	Sale of Alcohol (on and off Sales) Monday to Saturday no change Sunday 00:30 hrs – 02:00 hrs
Live & Recorded Music (Indoors) Monday to Saturday 11:00 hrs – 02:30 hrs Sunday 12:00 hrs – 00:30 hrs	Live & Recorded Music (Indoors) Monday to Saturday no change Sunday 00:30 hrs – 02:30 hrs
Plays & Films Indoors Monday to Saturday 11:00 hrs – 02:30 hrs Sunday 12:00 hrs – 00:30 hrs	Plays & Films Indoors No change
Indoor Sporting Events, Boxing & Wrestling Indoors Monday to Saturday 11:00 hrs – 02:30 hrs Sunday 12:00 hrs – 00:30 hrs	Indoor Sporting Events, Boxing & Wrestling Indoors No change
Performance of Dance Indoors Monday to Saturday 11:00 hrs – 02:30 hrs Sunday 12:00 hrs – 00:30 hrs	Performance of Dance Indoors No change
Other Entertainment similar Indoors Monday to Saturday 11:00 hrs – 02:30 hrs Sunday 12:00 hrs – 00:30 hrs	Other Entertainment similar Indoors No change
Late Night Refreshment Indoors Monday to Saturday 23:00 hrs – 02:30 hrs Sunday 23:00 hrs – 00:30 hrs	Late Night Refreshment Indoors No change
For all non standard/seasonal timings, see Premises licence	No change

The Representation

- 13 The Licensing Authority received one letter of representation during the consultation period from City of Durham Parish Council (other persons).

The licensing authority deemed the representations as relevant, relating to the following licensing objective:

- The Prevention of Public Nuisance

A copy of the representation is attached at Appendix 4.

14 Responses were received from the following Responsible Authorities:

The licensing authority received no comment responses from Durham County Council's Public Health and Environmental Health Departments, Durham Constabulary, Durham Safeguarding Children Partnership and County Durham & Darlington Fire and Rescue Service. See Appendix 5.

The Parties

15 The Parties to the hearing will be:

- Belle Leisure Ltd
- Mr David Horner (Applicant's Agent)
- City of Durham Parish Council (other persons)

Options

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

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

Main implications

Legal Implications

- 17 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

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

See Appendix 1

Conclusion

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

Background papers

- Durham County Council's Statement of Licensing Policy 2019-2024
- Guidance issued under Section 182 of the Licensing Act 2003 (as amended December 2022)

Other useful documents

- None

Contact: Karen Robson

Tel: 03000 265104

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.

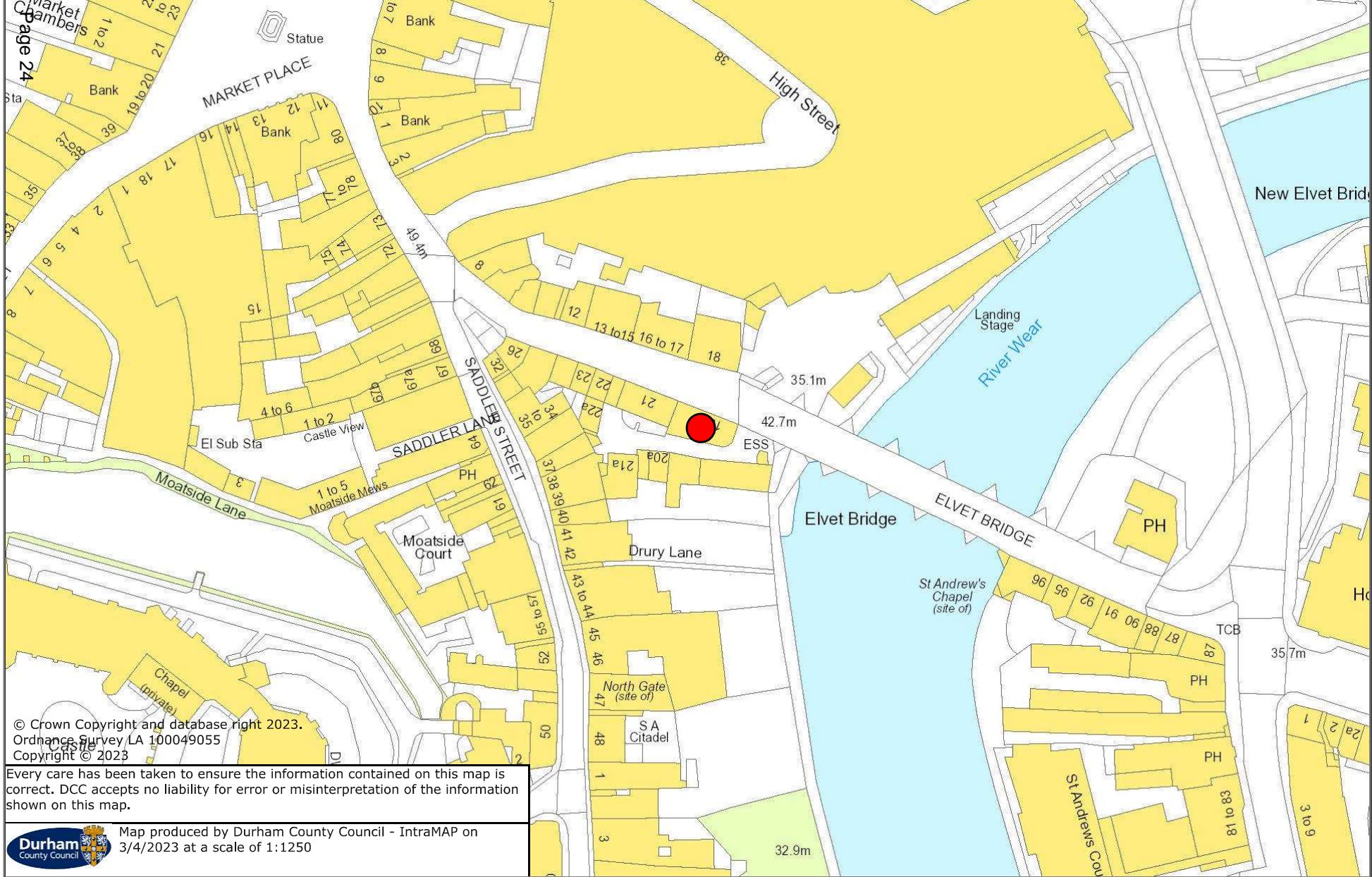
The notice of application was displayed on the premises for a period of 28 days.

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



Map produced by Durham County Council - IntraMAP on 3/4/2023 at a scale of 1:1250

Appendix 3: Application Form and Current Premises Licence



* required information

Section 1 of 18

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

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

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

Are you an agent acting on behalf of the applicant?

- Yes No

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

Applicant Details

* First name

* Family name

* E-mail

Main telephone number

Other telephone number

Include country code.

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

Is the applicant:

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

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

Applicant Business

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

Registration number

Business name

VAT number

Legal status

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

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

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

Continued from previous page...

Applicant's position in the business

Home country

The country where the applicant's headquarters are.

Registered Address

Address registered with Companies House.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Agent Details

* First name

* Family name

* E-mail

Main telephone number

Include country code.

Other telephone number

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

Are you:

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

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

Agent Business

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

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

Is your business registered outside the UK? Yes No

Business name

If your business is registered, use its registered name.

VAT number

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

Legal status

Continued from previous page...

Your position in the business

Home country

The country where the headquarters of your business is located.

Agent Business Address

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

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Section 2 of 18

APPLICATION DETAILS

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

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

* Premises Licence Number

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

- Address OS map reference Description

Postal Address Of Premises

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Premises Contact Details

Telephone number

Continued from previous page...

Non-domestic rateable
value of premises (£)

Section 3 of 18

VARIATION

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

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

Yes No

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

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

Describe Briefly The Nature Of The Proposed Variation

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

To extend the permitted hours on Sundays from 12.30 to 02.30 hrs for live and recorded music and from 00.30 until 02.00 hrs on Sundays for sale of alcohol.

Section 4 of 18

PROVISION OF PLAYS

[See guidance on regulated entertainment](#)

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

Yes No

Section 5 of 18

PROVISION OF FILMS

[See guidance on regulated entertainment](#)

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

Yes No

Section 6 of 18

PROVISION OF INDOOR SPORTING EVENTS

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

- Yes
- No

Section 7 of 18

PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

[See guidance on regulated entertainment](#)

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

- Yes
- No

Section 8 of 18

PROVISION OF LIVE MUSIC

[See guidance on regulated entertainment](#)

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

- Yes
- No

Standard Days And Timings

MONDAY

Start

End

Start

End

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

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

Continued from previous page...

SUNDAY

Start

End

Start

End

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

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

- Indoors
- Outdoors
- Both

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

NONE

State any seasonal variations for the performance of live music

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

NONE

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

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

NONE

Section 9 of 18

PROVISION OF RECORDED MUSIC

[See guidance on regulated entertainment](#)

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

- Yes
- No

Standard Days And Timings

MONDAY

Start

End

Start

End

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

TUESDAY

Start

End

Start

End

Continued from previous page...

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

Will the playing of recorded music take place indoors or outdoors or both?

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

- Indoors Outdoors Both

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

DJ

State any seasonal variations for playing recorded music.

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

NONE

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

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

NONE

Continued from previous page...

Section 10 of 18

PROVISION OF PERFORMANCES OF DANCE

[See guidance on regulated entertainment](#)

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

- Yes No

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

[See guidance on regulated entertainment](#)

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

- Yes No

Section 12 of 18

PROVISION OF LATE NIGHT REFRESHMENT

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

- Yes No

Section 13 of 18

SUPPLY OF ALCOHOL

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

- Yes No

Standard Days And Timings

MONDAY

Start

End

Start

End

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

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

Continued from previous page...

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

Will the sale of alcohol be for consumption?

- On the premises Off the premises Both

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

State any seasonal variations.

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

NONE

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

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

NONE

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ADULT ENTERTAINMENT

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

Continued from previous page...

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

NONE

Section 15 of 18

HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

MONDAY

Start

End

Start

End

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

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

State any seasonal variations.

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

NONE

Continued from previous page...

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

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

NONE

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

NONE

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

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

New licence currently being re written by the council following a minor variation.

Section 16 of 18

LICENSING OBJECTIVES

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

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

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

As the licence has recently undergone a minor variation with regards to the previously existing conditions, the licence holder at that time offered and agreed many conditions in regards to the licensing objectives. These are currently in place when the varied licence is issued. These new conditions will serve the demands in relation to this Variation.

b) The prevention of crime and disorder

The requirement of any further door security would be assessed as per the amount of customers.

c) Public safety

Continued from previous page...

d) The prevention of public nuisance

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e) The protection of children from harm

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Section 17 of 18

NOTES ON REGULATED ENTERTAINMENT

Continued from previous page...

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

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

Continued from previous page...

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

Section 18 of 18

PAYMENT DETAILS

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

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

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

Band A - No RV to £4300 £100.00

Band B - £4301 to £33000 £190.00

Band C - £33001 to £8700 £315.00

Band D - £87001 to £12500 £450.00*

Band E - £125001 and over £635.00*

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

City/Town Centre application fee Band D £900.00, Annual Charge £640

City/Town Centre application fee Band E £1905.00, Annual Charge £1050.00

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

Capacity 5000-9999 additional fee £1,000.00, annual fee £500.00

Capacity 10000 -14999 additional fee £2,000.00, annual fee £1,000.00

Capacity 15000-19999 additional fee £4,000.00, annual fee £2,000.00

Capacity 20000-29999 additional fee £8,000.00, annual fee £4,000.00

Capacity 30000-39000 additional fee £16,000.00, annual fee £8,000.00

Capacity 40000-49999 additional fee £24,000.00, annual fee £12,000.00

Capacity 50000-59999 additional fee £32,000.00, annual fee £16,000.00

Capacity 60000-69999 additional fee £40,000.00, annual fee £20,000.00

Capacity 70000-79999 additional fee £48,000.00, annual fee £24,000.00

Capacity 80000-89999 additional fee £56,000.00, annual fee £28,000.00

Capacity 90000 and over additional fee £64,000.00, annual fee £32,000.00

* Fee amount (£)

ATTACHMENTS

AUTHORITY POSTAL ADDRESS

Continued from previous page...

Address

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

DECLARATION

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

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

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

* Full name	<input type="text"/>
* Capacity	<input type="text"/>
Date (dd/mm/yyyy)	<input type="text"/>

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

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

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

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



LICENSING ACT 2003 PREMISES LICENCE

Premises Licence Number
Granted
Issued

LAPREG/10/0045
24 November 2005
03 February 2023

Part 1 – Premises details

Postal address of premises, or if none, ordnance survey map reference or description	Issuing Authority
JIMMY ALLENS 19-21 ELVET BRIDGE DURHAM DH1 3AA	DURHAM COUNTY COUNCIL NEIGHBOURHOODS AND CLIMATE CHANGE COMMUNITY PROTECTION LICENSING SERVICES PO BOX 617 DURHAM DH1 9HZ
Telephone number:	

Where the licence is time limited the dates N/A

Licensable activities authorised by this licence Plays Films Indoor Sporting Events Boxing or Wrestling Entertainment Live Music Recorded Music Performance of Dance Other Entertainment Similar to Live or Rec Music or Dance Performance Late Night Refreshment Sale by retail of alcohol
--

Opening Hours of the Premises		
Mon Tue Wed Thu Fri Sat Sun	11:00-02:30 11:00-02:30 11:00-02:30 11:00-02:30 11:00-02:30 11:00-02:30 12:00-00:50	Non-standard/seasonal timings An extension of hours with respect to all licensable activities is permitted in respect of special events on a Saturday upon the following conditions: 1. The licensee is to give 28 days prior written notice to the Police giving full details of the event proposed and to seek consent to hold a special event within the provisions of this condition, the Police having the absolute right to refuse. 2. Sale of alcohol is to cease at such events at 03:00 3. All other licensable activities are to cease at 03:30.

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

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

<p>Plays Indoors</p> <p>Mon 11:00-02:30 Tue 11:00-02:30 Wed 11:00-02:30 Thu 11:00-02:30 Fri 11:00-02:30 Sat 11:00-02:30 Sun 12:00-00:30</p>	<p>Further details N/A Non-standard/seasonal timings</p> <p>An extension of hours with respect to all licensable activities is permitted in respect of special events on a Saturday upon the following conditions: 1. The licensee is to give 28 days prior written notice to the Police giving full details of the event proposed and to seek consent to hold a special event within the provisions of this condition, the Police having the absolute right to refuse. 2. Sale of alcohol is to cease at such events at 03:00 3. All other licensable activities are to cease at 03:30.</p>
<p>Films Indoors</p> <p>Mon 11:00-02:30 Tue 11:00-02:30 Wed 11:00-02:30 Thu 11:00-02:30 Fri 11:00-02:30 Sat 11:00-02:30 Sun 12:00-00:30</p>	<p>Further details N/A Non-standard/seasonal timings</p> <p>An extension of hours with respect to all licensable activities is permitted in respect of special events on a Saturday upon the following conditions: 1. The licensee is to give 28 days prior written notice to the Police giving full details of the event proposed and to seek consent to hold a special event within the provisions of this condition, the Police having the absolute right to refuse. 2. Sale of alcohol is to cease at such events at 03:00 3. All other licensable activities are to cease at 03:30.</p>
<p>Indoor Sporting Events</p> <p>Mon 11:00-02:30 Tue 11:00-02:30 Wed 11:00-02:30 Thu 11:00-02:30 Fri 11:00-02:30 Sat 11:00-02:30 Sun 12:00-00:30</p>	<p>Further details N/A Non-standard/seasonal timings</p> <p>An extension of hours with respect to all licensable activities is permitted in respect of special events on a Saturday upon the following conditions: 1. The licensee is to give 28 days prior written notice to the Police giving full details of the event proposed and to seek consent to hold a special event within the provisions of this condition, the Police having the absolute right to refuse. 2. Sale of alcohol is to cease at such events at 03:00 3. All other licensable activities are to cease at 03:30.</p>
<p>Boxing or Wrestling Entertainment Indoors</p> <p>Mon 11:00-02:30 Tue 11:00-02:30 Wed 11:00-02:30 Thu 11:00-02:30 Fri 11:00-02:30 Sat 11:00-02:30 Sun 12:00-00:30</p>	<p>Further details N/A Non-standard/seasonal timings</p> <p>An extension of hours with respect to all licensable activities is permitted in respect of special events on a Saturday upon the following conditions: 1. The licensee is to give 28 days prior written notice to the Police giving full details of the event proposed and to seek consent to hold a special event within the provisions of this condition, the Police having the absolute right to refuse. 2. Sale of alcohol is to cease at such events at 03:00 3. All other licensable activities are to cease at 03:30.</p>
<p>Live Music Indoors</p> <p>Mon 11:00-02:30 Tue 11:00-02:30 Wed 11:00-02:30 Thu 11:00-02:30 Fri 11:00-02:30 Sat 11:00-02:30 Sun 12:00-00:30</p>	<p>Further details N/A Non-standard/seasonal timings</p> <p>An extension of hours with respect to all licensable activities is permitted in respect of special events on a Saturday upon the following conditions: 1. The licensee is to give 28 days prior written notice to the Police giving full details of the event proposed and to seek consent to hold a special event within the provisions of this condition, the Police having the absolute right to refuse. 2. Sale of alcohol is to cease at such events at 03:00 3. All other licensable activities are to cease at 03:30.</p>

<p>Recorded Music Indoors</p> <p>Mon 11:00-02:30 Tue 11:00-02:30 Wed 11:00-02:30 Thu 11:00-02:30 Fri 11:00-02:30 Sat 11:00-02:30 Sun 12:00-00:30</p>	<p>Further details N/A Non-standard/seasonal timings</p> <p>An extension of hours with respect to all licensable activities is permitted in respect of special events on a Saturday upon the following conditions: 1. The licensee is to give 28 days prior written notice to the Police giving full details of the event proposed and to seek consent to hold a special event within the provisions of this condition, the Police having the absolute right to refuse. 2. Sale of alcohol is to cease at such events at 03:00 3. All other licensable activities are to cease at 03:30.</p>
<p>Performance of Dance Indoors</p> <p>Mon 11:00-02:30 Tue 11:00-02:30 Wed 11:00-02:30 Thu 11:00-02:30 Fri 11:00-02:30 Sat 11:00-02:30 Sun 12:00-00:30</p>	<p>Further details N/A Non-standard/seasonal timings</p> <p>An extension of hours with respect to all licensable activities is permitted in respect of special events on a Saturday upon the following conditions: 1. The licensee is to give 28 days prior written notice to the Police giving full details of the event proposed and to seek consent to hold a special event within the provisions of this condition, the Police having the absolute right to refuse. 2. Sale of alcohol is to cease at such events at 03:00 3. All other licensable activities are to cease at 03:30.</p>
<p>Other Entertainment Similar to Live or Rec Music or Dance Performance Indoors</p> <p>Mon 11:00-02:30 Tue 11:00-02:30 Wed 11:00-02:30 Thu 11:00-02:30 Fri 11:00-02:30 Sat 11:00-02:30 Sun 12:00-00:30</p>	<p>Further details N/A Non-standard/seasonal timings</p> <p>An extension of hours with respect to all licensable activities is permitted in respect of special events on a Saturday upon the following conditions: 1. The licensee is to give 28 days prior written notice to the Police giving full details of the event proposed and to seek consent to hold a special event within the provisions of this condition, the Police having the absolute right to refuse. 2. Sale of alcohol is to cease at such events at 03:00 3. All other licensable activities are to cease at 03:30.</p>
<p>Late Night Refreshment Indoors</p> <p>Mon 23:00-02:30 Tue 23:00-02:30 Wed 23:00-02:30 Thu 23:00-02:30 Fri 23:00-02:30 Sat 23:00-02:30 Sun 23:00-00:30</p>	<p>Further details N/A Non-standard/seasonal timings</p> <p>An extension of hours with respect to all licensable activities is permitted in respect of special events on a Saturday upon the following conditions: 1. The licensee is to give 28 days prior written notice to the Police giving full details of the event proposed and to seek consent to hold a special event within the provisions of this condition, the Police having the absolute right to refuse. 2. Sale of alcohol is to cease at such events at 03:00 3. All other licensable activities are to cease at 03:30.</p>
<p>Sale by retail of alcohol</p> <p>Mon 11:00-02:00 Tue 11:00-02:00 Wed 11:00-02:00 Thu 11:00-02:00 Fri 11:00-02:00 Sat 11:00-02:00 Sun 12:00-00:30</p>	<p>Further details Non-standard/seasonal timings</p> <p>An extension of hours with respect to all licensable activities is permitted in respect of special events on a Saturday upon the following conditions: 1. The licensee is to give 28 days prior written notice to the Police giving full details of the event proposed and to seek consent to hold a special event within the provisions of this condition, the Police having the absolute right to refuse. 2. Sale of alcohol is to cease at such events at 03:00 3. All other licensable activities are to cease at 03:30.</p>

Part 2

Name, (Registered) address, telephone number and email (where relevant) of holder of premises licence	
BELLE LEISURE LTD	
Registered number of holder, for example company number, charity number (where applicable)	
Company no:	
Charity no:	N/A

Name, address and telephone number of designated premises supervisor where the premises licence authorises the sale by retail of alcohol
MR DAVID BILLOCK

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

Annex 1 – Mandatory conditions

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

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

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

- (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to -
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
- (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
- (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;

(d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;

(e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

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

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

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

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

(a) a holographic mark, or

(b) an ultraviolet feature.

The responsible person must ensure that –

(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures -

- (i) beer or cider: ½ pint;
- (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
- (iii) still wine in a glass: 125 ml;

(b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and

(c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

Minimum Price of Alcohol:

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

2 For the purposes of the condition:

(a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;

(b) “permitted price” is the price found by applying the formula –

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

Where –

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

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

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

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

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

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

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

Mandatory condition: door supervision

1. Where a premises licence includes a condition that at specified times one or more individuals must be at the premises to carry out a security activity, the licence must include a condition that each such individual must be licensed by the Security Industry Authority.
2. But nothing in subsection (1) requires such a condition to be imposed-
 - (a) in respect of premises within paragraph 8(3)(a) of Schedule 2 to the Private Security Industry Act 2001 (c.12) (premises with premises licences authorising plays or films), or
 - (b) in respect of premises in relation to-
 - (i) any occasion mentioned in paragraph 8(3)(b) or (c) of that Schedule (premises being used exclusively by club with club premises certificate, under a temporary event notice authorising plays or films or under a gaming licence), or
 - (ii) any occasion within paragraph 8(3)(d) of that Schedule (occasions prescribed by regulations under that Act).
3. For the purposes of this section-
 - (a) “security activity” means an activity to which paragraph 2(1)(a) of that Schedule applies, and
 - (b) paragraph 8(5) of that Schedule (interpretation of references to an occasion) applies as it applies in relation to paragraph 8 of that Schedule.

Mandatory condition: exhibition of films

1. Where a premises licence authorises the exhibition of films, the licence must include a condition requiring the admission of children to the exhibition of any film to be restricted in accordance with this section.
2. Where the film classification body is specified in the licence, unless subsection (3)(b) applies, admission of children must be restricted in accordance with any recommendation made by that body.
3. Where-
 - (a) the film classification body is not specified in the licence, or
 - (b) the relevant licensing authority has notified the holder of the licence that this subsection applies to the film in question,admission of children must be restricted in accordance with any recommendation made by that licensing authority.

4. In this section-
"children" means persons aged under 18; and
"film classification body" means the person or persons designated as the authority under section 4 of the Video Recordings Act 1984 (c.39) (authority to determine suitability of video works for classification).

Annex 2 – Conditions consistent with the premises Operating Schedule

General

All staff will be trained regarding their responsibilities in relation to the Licensing Act, this will be refreshed every 6 months and records will be kept. These records will be made available to the police and responsible authorities as requested. Staff training records should be retained for at least 1 year.

No alcoholic drinks shall be removed from the premises.

A written drugs search policy is in place.

Prevention of Crime & Disorder

The premises is an active member and will attend whenever possible the local Pubwatch Scheme.

A Personal Licence Holder would be on the premises at all times. In times of absence or holiday, there will be a nominated responsible person for the premises. This person will be authorised by the DPS and will carry some form ID should it be required by responsible or authorised officers.

A comprehensive CCTV system shall be in place and maintained as required by the licence holders. All images shall be kept for a minimum of 31 days and will be made available upon request to Police and any other authorised officers. There will always be a member of staff on duty who can access images if required. If the images are kept on a separate hard drive, this will be kept securely locked at all times. The CCTV will cover all internal areas of the premises where licensable activities take place and entrances and exits. The CCTV should be checked weekly and any faults logged.

The premises will operate a zero tolerance drugs policy and anyone found to be using drugs on the premises will be barred for a minimum of 12 months.

There will be a zero tolerance of staff drinking alcoholic beverages whilst on duty.

In relation to Door Staff there will be 6 SIA Door staff on duty from 10.00pm in term time on Wednesdays, Fridays and Saturdays. Door Staff need for Sundays to be risk assessed by the licence holders. All security to be SIA registered. There will be a door supervisor register kept at the premises listing Name, residential addresses and DOB, and copies of badges. In addition a log at the door with the name of the Company, door staff full names, badge numbers and time started and finished. These should be retained for 3 months. All door staff and senior management to be in radio communication when licensable activities are taking place.

Door staff to be in the courtyard area at all times when the area is in use, monitoring and keeping count of those leaving the premises

An incident book to be kept and retained for at least 1 year.

During term time there will be a one-way system for customers that would operate at all times the premises are open to the public. Door security would always monitor this system.

Incidents of crime and disorder which occur on or near to the premises which cause concern to the DPS, employees or customers will be recorded in writing and reported to the Pub and Club watch.

Public Safety

The premises shall provide adequate facilities to monitor and control the number of people present.

There shall be adequate means of escape from all parts of the premises.

Adequate ventilation shall be provided to all parts so as to maintain healthy conditions.

Permanent means of heating to all regularly occupied parts of the premises shall be provided and shall be arranged so as not to cause a safety hazard.

The premises shall be provided with a permanent water supply (including water for firefighting) and adequate drainage.

Efficient means shall be provided for calling the Fire Brigade in the event of a fire.

Adequate fire-fighting equipment shall be provided for the premises.

The premises shall not without written consent of the Licensing Authority be opened or used for the licensed purpose on Christmas Day.

No persons other than official stewards or other staff on duty at the premises shall be permitted to stand in any passageway, gangway, or staircase leading to an exit from the premises so as to obstruct means of egress.

Any person involved in door supervision must be licensed with the Security Industry Authority.

The register must be kept at the licensed premises and be readily available for inspection during licensed hours by a Authorised Officer of the Council or Police Constable who asks to see it. Details in the register must be kept for at least three months.

All door supervisors on duty at the licensed premises must conduct themselves in a proper manner at all times, and must not consume any alcohol during any period of duty.

All door supervisors on duty at the licensed premises must at all times wear the licensed badge issued by the Security Industry Authority, where it is clearly visible.

An adequate supply of first aid equipment and materials must be available on the premises and at least one suitably trained first aider must be on duty when the public are present. A first aid room shall be provided in any premises with the accommodation limit of 1000 or more people (or 1500 or more people in the case of a closely seated auditorium).

Prevention of Public Nuisance

Adequate provisions shall be made for the safe storage and ready removal of refuse.

A written closure policy is in place should the premises need to be evacuated.

A written dispersal policy is in place that minimises the potential for disorder and disturbance as customers depart the premises at the end of a trading session.

Ashtrays will be provided for outdoor tables and a written litter policy is in place to ensure the exterior of the premises remains clean and tidy.

Protection of Children from Harm

The Premises will operate the Challenge 25 Age Verification Scheme. As part of this scheme a Refusals Log shall be kept and maintained as required. This log shall be made available upon request to the Police and any other authorised officers.

Notices shall be displayed clearly indicating it is unlawful for persons under 18 to purchase alcohol or for any person to purchase alcohol on behalf of a person under 18.

A written admissions policy preventing the sale of alcohol to under 18's is in place.

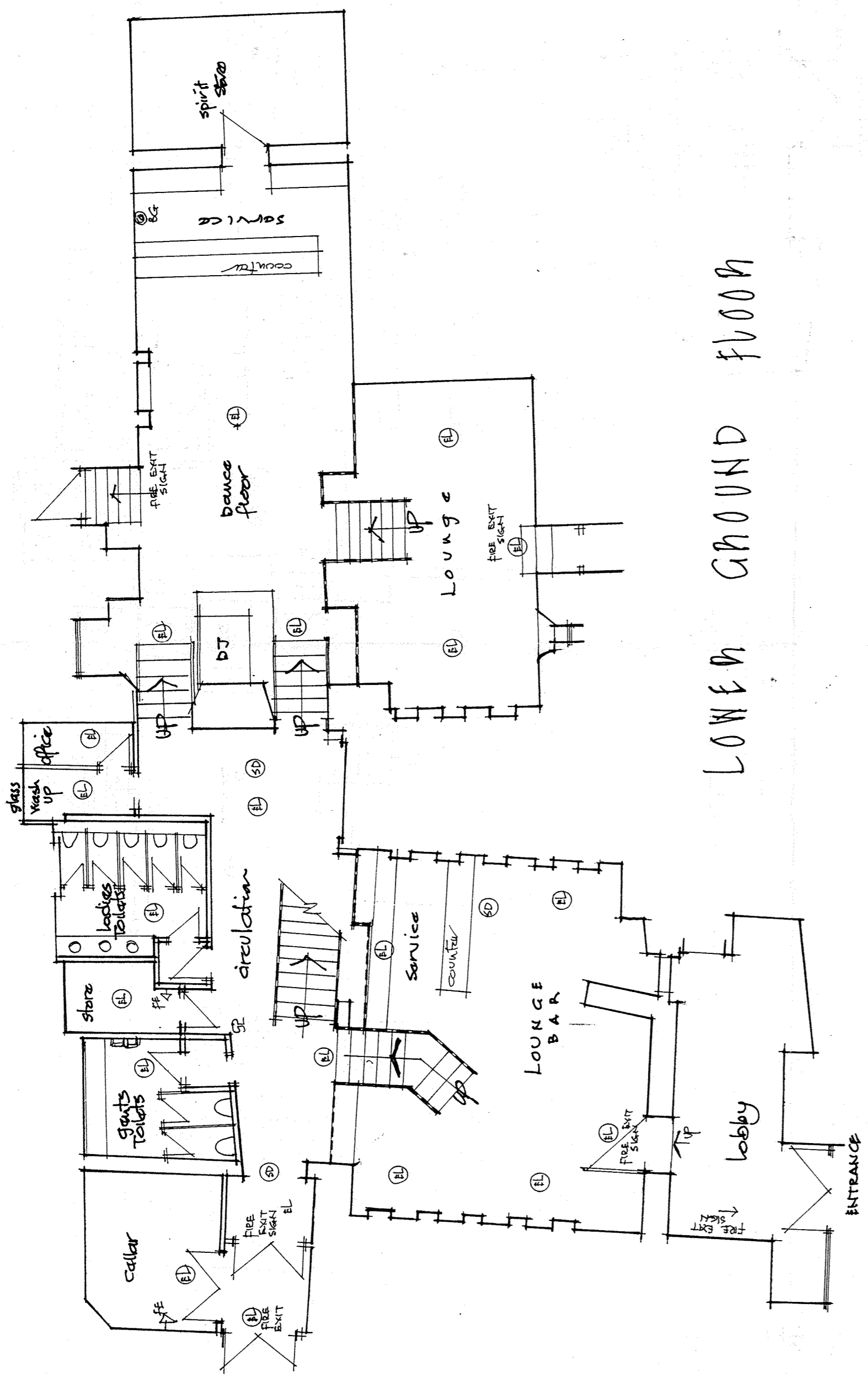
Annex 3 – Conditions attached after a hearing by the licensing authority

None

Annex 4 – Plans attached

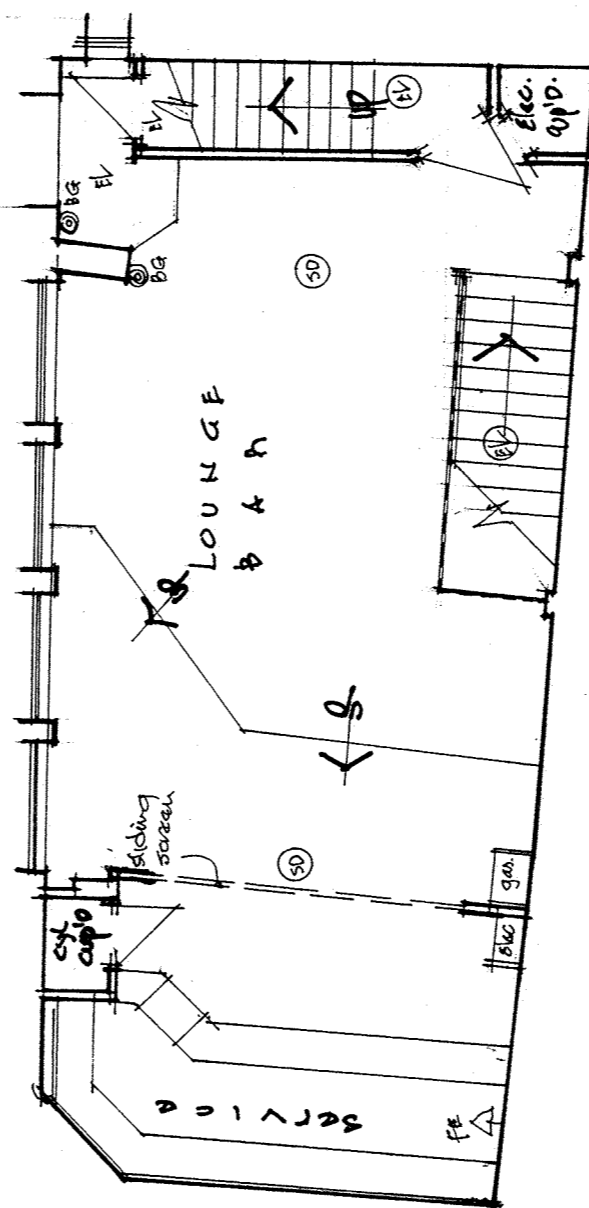
Attached

**Signature of Authorised Officer
Head of Community Protection**

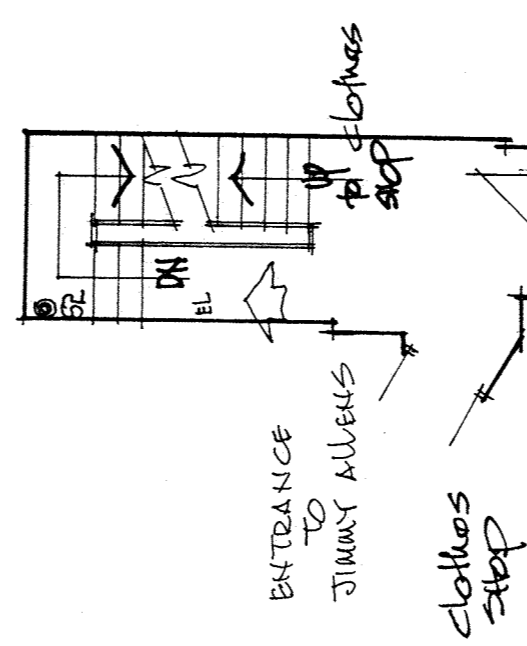


LOWER GROUND FLOOR

- LEGEND
- SP smoke detector
 - EL emergency light point
 - SR fire alarm sounder / bell
 - E fire extinguisher
 - E fire extinguisher
 - BC break-glass call alarm point



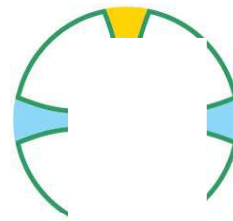
MEZZANINE LEVEL



GROUND FLOOR

<p>PROJECT ARCHITECT 12 LANE BURNOP NEWBOLT 1000 0720</p>	<p>Client JIMMY EVE</p>	<p>Date 11/2005</p>
<p>Project PROJECT</p>	<p>Drawing Title PROJECT</p>	<p>Sheet 1</p>
<p>Scale 1:100</p>		<p>Drawing No. 2005/68</p>

Appendix 4: Representation



**CITY OF DURHAM
PARISH COUNCIL**

Learning from the past.
Building for the future.

Licensing Team
Durham County Council
Annand House
8RP, John Street North
Meadowfield
Durham
DH7 8RS

City of Durham Parish Council
Office 3 D4.01d
Clayport Library
8 Millennium Place
Durham
DH1 1WA

17 March 2023

Dear Licensing team,

**Re: Application to vary a premises licence by Jimmy Allen's 19-21 Elvet Bridge Durham
DH1 3AA**

With reference to the above licensing application, the City of Durham Parish Council wishes to object to this application under the objective of preventing a public nuisance.

This application seeks permission to vary a premises licence by extending the permitted hours on a Sunday from 12.30am to 2.30am for live and recorded music and from 12.30am to 2.00am for sale of alcohol (on and off the premises).

The Parish Council Planning and Licensing Committee considered this application at its meeting on the 3rd of March 2023. In reaching its decision, the Parish Council Licensing Committee had regard to the Licensing Act 2003, the Section 182 Guidance and the County Council's Statement of Licensing Policy 2019 to 2024. The Parish Council feels that, should this application be granted in its current form, it will fail to uphold this important licensing objective.

Prevention of public nuisance

The prevention of public nuisance is an essential licensing objective. Two of the greatest irritations to residents are noise and public nuisance associated with licensed premises. If representations are made, noise and nuisance might preclude the grant of a licence or certificate or, if one has already been granted, could be a ground for review, with a view to the imposition of further conditions or, if the licensing objectives cannot be achieved by such conditions, revocation of the licence or certificate.

When dealing with applications and issuing licences, the Council (when their discretion is engaged) is more likely to impose stricter conditions on premises operating in residential areas.

Proper consideration should therefore be given to the proximity of licensed premises not only to residents and businesses, but also in relation to other sensitive premises, to ensure they

are in a position that does not adversely affect their ability to ensure the promotion of the licensing objectives.

Starting with local residents, there are 24 residential properties within a 100m radius of Jimmy Allen's and a further 16 residential properties between a 100m and 110m radius of this site. (Listed in Appendix A). The residents of these properties have a reasonable expectation to a quiet night's sleep.

Currently the premises is licensed from 12:00 to 0:50 on a Sunday within the current Framework hours and in line with other premises. Allowing it to open later and beyond the framework hours would be unconscionable.

A recent noise impact assessment by Dave Cross, carried out in support of the most recent variation application for Blue Eye (25 Elvet Bridge), in January 2023 and presented to Members of Durham County Council's Licensing Sub-Committee on 6th February¹ is clear in its assessment of noise from this premises:

"Some observations and ambient noise measurements around Elvet Bridge from around 11pm on two Saturday nights in January 2023. Some bars seemed quiet,: Jimmy Allens with substantial queue behind barriers on the south side, and with some music clearly identifiable The loudest venue by far was down on the Riverwalk - "Bridewell Goal", part of Jimmy Allens, with loud outdoor speakers (they were turned up around 23:10). On those Saturday nights, Jimmy Allens provided the most prominent music noise."

It is clear that noise is already an issue at this premises and extending the licensing hours further to allow live and recorded music on a Sunday until 02:30am (Monday morning) is completely unacceptable.

Moreover, this premises gained planning permission for its current use in 1999. At that time, planning approval was given for the premises to operate between 11:30am and 11:30pm Tuesday – Saturday (Sunday night and Monday night were specifically excluded). The Parish Council can find no evidence of any variation of condition application to extend the hours of operation beyond this since this application. At present, this premises is operating outside the hours restricted by its planning approval. This premises should conform with these conditions, particularly given its proximity to residential accommodation.

The Parish Council is unclear as to why the applicant is requesting permission for the additional hours for this premises. This is not only in conflict with the County Council's Licensing Framework hours, the planning conditions for this premises but also the resident

led “Shh...11pm-7am” campaign. This application causes real concern regarding the potential of a public nuisance in the form of late-night noise to local residents.

Durham is a small, compact city centre with many residential streets in very close proximity to one another. The Parish Council believes that full consideration should be given to the risk of disturbance to residents. As such, the Parish Council objects to this license and its proposed operating hours in the interests of preventing a public nuisance.

Finally, the Parish Council notes that Revised Guidance issued under section 182 of the Licensing Act 2003 April 2018 section 14.42 states:

“The absence of a CIA does not prevent any responsible authority or other person making representations on an application for the grant or variation of a licence on the grounds that the premises will give rise to a negative cumulative impact on one or more of the licensing objectives”.

If the Committee are minded to approve this application, will they then not then go on to approve the same for the many other venues in Durham, as they have done previously? This would give rise to an unacceptable cumulative impact on the local residents.

For the reasons set out above, this application should therefore be refused in its current form.

Yours sincerely,

Adam Shanley
Clerk to the City of Durham Parish Council

Appendix A

Distance	Address	Class	UPRN
21 metres	18b Elvet Bridge, Durham, DH1 3AA	RD	200003220240
21 metres	18c Elvet Bridge, Durham, DH1 3AA	RD	200003220240
34 metres	38 Saddler Street, Durham, DH1 3NU	RD	200003220240
35 metres	13 Elvet Bridge, Durham, DH1 3AA	RD	200003220240
41 metres	35 Saddler Street, Durham, DH1 3NU	RD	200003220240
42 metres	12a Elvet Bridge, Durham, DH1 3AA	RD	200003220240
42 metres	12b Elvet Bridge, Durham, DH1 3AA	RD	200003220240
48 metres	44 Saddler Street, Durham, DH1 3NU	RD	200003220240
52 metres	Flat, 59 Saddler Street, Durham, DH1 3NU	RD	200003220240
53 metres	Bedsit, 45-46 Saddler Street, Durham, DH1 3NU	RD	200003220240
54 metres	Managers Flat, 45-46 Saddler Street, Durham, DH1 3NU	RD	200003220240
67 metres	The Vennel, 68b Saddler Street, Durham, DH1 3NP	RD	200003220240
69 metres	67a Saddler Street, Durham, DH1 3NP	RD	200003220240
70 metres	64b Saddler Street, Durham, DH1 3PG	RD	200003220240
74 metres	Living Accommodation, 64 Saddler Street, Durham, DH1 3PG	RD	200003220240
77 metres	67b Saddler Street, Durham, DH1 3NP	RD	200003220240
82 metres	Queens Court, 1-2 North Bailey, Durham, DH1 3ET	RD	200003220240
84 metres	2 Owengate, Durham, DH1 3HB	RD	200003220240
86 metres	2, Castle View, Saddlers Lane, Durham, DH1 3NY	RD	200003220240
94 metres	74 Saddler Street, Durham, DH1 3NP	RD	200003220240
95 metres	1, Castle View, Saddlers Lane, Durham, DH1 3NY	RD	200003220240
98 metres	75 Saddler Street, Durham, DH1 3NP	RD	200003220240
99 metres	4 Saddlers Lane, Durham, DH1 3NY	RD	200003220240
99 metres	6 Saddlers Lane, Durham, DH1 3NY	RD	200003220240
101 metres	1, Moatside Mews, Saddler Street, Durham, DH1 3PQ	RD	200003220240
101 metres	2, Moatside Mews, Saddler Street, Durham, DH1 3PQ	RD	200003220240
101 metres	3, Moatside Mews, Saddler Street, Durham, DH1 3PQ	RD	200003220240
101 metres	4, Moatside Mews, Saddler Street, Durham, DH1 3PQ	RD	200003220240
101 metres	5, Moatside Mews, Saddler Street, Durham, DH1 3PQ	RD	200003220240
102 metres	78a Saddler Street, Durham, DH1 3NP	RD	200003220240

102 metres	78b Saddler Street, Durham, DH1 3NP	RD	200003220240
102 metres	78c Saddler Street, Durham, DH1 3NP	RD	200003220240
102 metres	Apartment A, 3 North Bailey, Durham, DH1 3ET	RD	200003220240
102 metres	Apartment B, 3 North Bailey, Durham, DH1 3ET	RD	200003220240
102 metres	Apartment C, 3 North Bailey, Durham, DH1 3ET	RD	200003220240
105 metres	5 Saddlers Lane, Durham, DH1 3NY	RD	200003220240
105 metres	91 Elvet Bridge, Durham, DH1 3AG	RD	200003220240
105 metres	Flat, The Swan And Three Cygnets, Elvet Bridge, Durham, DH1 3AG	RD	200003220240
106 metres	Living Accomodation, 85 New Elvet, Durham, DH1 3AQ	RD	200003220240
109 metres	3 Saddlers Lane, Durham, DH1 3NY	RD	200003220240

Appendix 5: Responsible Authorities Comments

From: Public Health
Sent: 20 February 2023 09:55
To: Helen Johnson - Licensing Team Leader (N'hoods)
Cc: Valerie Evans; AHS Licensing
Subject: RE: Variation of Premises Licence - Jimmy Allens, 19-21 Elvet Bridge, Durham, DH1 3AA

Dear Colleagues

I have received an application to vary a licence for the establishment: Jimmy Allens, 19-21 Elvet Bridge, Durham, DH1 3AA

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

My Ref: PH/2021/0288

Public Health Team
County Hall

Dear Sir/Madam,

The following application has been received/accepted by Durham County Council and is attached.

Les - please check that the blue notice is being correctly displayed.

1

Application Type - Application for a Variation of Premises Licence

Applicant: - Belle Leisure Ltd

Premises – Jimmy Allens, 19-21 Elvet Bridge, Durham, DH1 3AA

From: Kelly Gilmore-Craze
Sent: 28 February 2023 14:15
To: Valerie Evans
Subject: FW: Variation of Premises Licence - Jimmy Allens, 19-21 Elvet Bridge, Durham, DH1 3AA

Hi Valerie,

Please see the amended email below referring to the licence variation.

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

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

From: Kelly Gilmore-Craze
Sent: 28 February 2023 14:14
To: Valerie Evans
Subject: RE: Variation of Premises Licence - Jimmy Allens, 19-21 Elvet Bridge, Durham, DH1 3AA

MEMO



To: Mrs Valerie Evans
Licensing Services

From: Mrs Kelly Gilmore-Craze
Neighbourhoods and Climate Change

Date: 28 February 2023

Re: **Licensing Application Variation of reg ent hours
Jimmy Allens, 19-21 Elvet Bridge Durham City DH1 3AA**

With reference to the above licensing application received on 17 February 2023.

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

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

Web: www.durham.gov.uk

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From: Licensed Economy Team
Sent: 15 March 2023 12:25
To: Valerie Evans
Subject: FW: Variation of Premises Licence - Jimmy Allens, 19-21 Elvet Bridge, Durham, DH1 3AA
Attachments: Current Licence.pdf; Application.pdf

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi

No objection from Durham Constabulary

Thnaks

PC Iain Robertson
Licensed Economy Team
Durham Constabulary

Dear Sir/Madam,

The following application has been received/accepted by Durham County Council and is attached.

Les - please check that the blue notice is being correctly displayed.

1

Application Type - Application for a Variation of Premises Licence
Applicant: - Belle Leisure Ltd

Our Ref: TM/Belle Leisure Ltd/0223

1st March 2023

Belle Leisure Ltd,
Jimmy Allens,
19-21 Elvet Bridge,
Durham,
DH1 3AA

Dear Sir/Madam,

Re: Application for a Variation of Premises License – Belle Leisure Ltd (Jimmy Allens)

I represent the Durham Safeguarding Children Partnership (DSCP) which is a responsible authority under the Licensing Act.

I can confirm that based on the information you have provided, the Durham Safeguarding Children Partnership has no additional comments or objections.

Regards

T Maratty

TRACY MARATTY
Safeguarding Children Partnership Administration Officer
Durham Safeguarding Children Partnership



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

Safest People, Safest Places

Chief Fire Officer: Steve Helps

This matter is being dealt with by: Amy Davison

Ext:

Date: 20 February 2023

Our Ref: 7A40850240

Ext:

Your Ref:

Direct Dial Telephone:

E-mail:

BY EMAIL:

Dear Valerie Evans

Licensing Act 2003

Regulatory Reform (Fire Safety) Order 2005

Belle Leisure Ltd, Jimmy Allens, 19-21 lower Elvet Bridge, Durham, DH1 3AA

I acknowledge your application dated 17 February 2023 for a Variation to Premises Licence under The Licensing Act 2003 in respect of the above named premises.

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

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 sincerely,

Amy Davison

Appendix 6: Statement of Licensing Policy

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Appendix 7: Section 182 Guidance

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

Approvals trail: to be removed before Cabinet/Committee

Name	Title	Response or approval date
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Approvers:		

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