



## **Statutory Licensing Sub-Committee**

**Date**      **Wednesday 14 September 2022**  
**Time**      **2.00 pm**  
**Venue**     **Committee Room 2, County Hall, Durham**

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### **Business**

#### **Part A**

#### **Items which are open to the Public and Press**

1. Apologies for Absence
2. Substitute Members
3. Declarations of Interest (if any)
4. Minutes of the Meetings held on 4 April and 14 July 2022  
(Pages 3 - 22)
5. Application for the variation of a Premises Licence - Chaplains,  
17-21 Front Street, Consett (Pages 23 - 88)
6. Such other business as, in the opinion of the Chairman of the  
meeting, is of sufficient urgency to warrant consideration

**Helen Lynch**

Head of Legal and Democratic Services

County Hall  
Durham  
6 September 2022

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

Councillors J Blakey, L Brown, C Hunt and E Peeke

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**DURHAM COUNTY COUNCIL**

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

**Present:**

**Councillor R Potts (Chair)**

**Members of the Committee:**

Councillors I McLean, E Peeke and M Wilson

**Also Present:**

Helen Johnson – Licensing Team Leader, DCC

Sarah Grigor – Solicitor, DCC

**Responsible Authorities**

John Hayes – Environmental Health, DCC

Sgt Caroline Dickenson – Durham Constabulary

**Other Persons**

Councillor Alex Watson – on behalf of Mrs Heppell

Mr and Mrs Lidster

Mr and Mrs Scudder

Mrs Looney

**1 Apologies for Absence**

An apology for absence was received from Councillor Liz Brown.

**2 Substitute Members**

There were no substitute Members.

**3 Declarations of Interest**

There were no declarations of interest.

**4 Minutes**

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

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

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

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

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

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

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

The other persons were invited to speak at this point.

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

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

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

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

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

Customers leaving the premises always seemed to cause problems.

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

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

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

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

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

Mr Ted Lidster addressed the Sub-Committee.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

#### **RESOLVED:**

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

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

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

## DURHAM COUNTY COUNCIL

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

### **Present:**

**Councillor R Potts (Chair)**

### **Members of the Committee:**

Councillors I McLean and E Peeke

### **Also Present:**

Helen Johnson – Licensing Team Leader

Stephen Buston – Solicitor, DCC

### **1 Apologies for Absence**

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

### **2 Substitute Members**

There were no substitute Members.

### **3 Declarations of Interest**

There were no declarations of interest.

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

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

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

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

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

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

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

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

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

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

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

**RESOLVED:**

That the application be granted as follows:

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

The following conditions to be attached to the licence:

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

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

## DURHAM COUNTY COUNCIL

At a Meeting of **Statutory Licensing Sub-Committee** held in **Committee Room 1A County Hall, Durham** on **Thursday 14 July 2022 at 1.30 pm**

### **Present:**

**Councillor J Blakey (Chair)**

### **Members of the Committee:**

Councillors A Batey and W Stelling

### **Also Present:**

Helen Johnson – Licensing Team Leader

Kelsey Tate – Licensing Officer

Stephen Buston – Legal Adviser

### **Objectors**

Councillor Priscilla Elmer – Brandon and Byshottles Parish Council

Susan Howe - Clerk, Brandon and Byshottles Parish Council

### **Applicant**

Craig Lynch

Victoria Lynch

## **1 Apologies for Absence**

Apologies for absence were received from Councillors David Stoker and Ian McLean.

## **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 1 April, 21 April and 28 April 2022 were agreed as a correct record and were signed by the Chair.

## **5 Application for the Grant of a Premises Licence - Fun Zone, Unit 1, Skillion Business Centre, Littleburn Industrial Estate, Langley Moor, Durham**

The Committee considered a report of the Licensing Team Leader regarding an application for the grant of a Premises Licence in respect of Fun Zone, Unit 1, Skillion Business Centre, Littleburn Industrial Estate, Langley Moor (for copy see file of Minutes).

Helen Johnson presented the report which included a copy of the application and representations.

Councillor Elmer was invited to address the Sub-Committee on behalf of Brandon and Byshottles Parish Council, and stated that their main concern was the overlap of hours for the sale of alcohol with the hours of operation of the soft play area.

The Parish Council was aware of other licensed premises with play areas, but this was a premise whose main business was soft play. She did not feel it was appropriate or wise.

In their supporting information the Parish Council had found research around children's attitude to alcohol. Where children were in a place having fun and saw alcohol consumed it consolidated their attitude towards alcohol – that it was about having fun. The Parish Council did not feel it was a happy combination which was borne out by scientific research.

Looking at other licensed premises with soft play areas these were segregated from the main licensed area. In the Fun Zone there was no scope for segregation, the play area featured around the edge with the seating area in the middle.

The Parish Council noted the conditions agreed with the Police around a drugs policy, Challenge 25, proof of age etc but they did not include Door Supervisors which were required in other licensed premises in Durham.

In conclusion the Parish Council had grave concerns. If the Premises Licence was granted the Parish Council asked that the two areas of operation did not overlap; when the soft play time ended, the premises becomes a licensed restaurant in the evenings.

Following a question from Stephen Buston, the Sub-Committee's Legal Adviser, Councillor Elmer confirmed that their representations had the support of the Parish Council and had been discussed with the local members for Langley Moor in-depth.

Craig Lynch, the Applicant was invited to address the Sub-Committee and commenced by referring to the planning permission for change of use. Reading from the Planning report he confirmed that the takeaway service was ancillary to the main business.

The business had seen an increase in the number of families visiting the premises for food, and parents had said that it would be nice to have a pint or a glass of wine with their meal.

The proposal was not to operate as a bar. He had been in the hospitality business for 25 years and did not want to run a bar. At peak times sessions were limited to two hours only. The Fun Zone was a soft play site which served good food. The business had opened just before lockdown and was gathering pace.

He did not want to change the opening times, the extra hours requested was to offer a takeaway service.

Victoria Lynch stated that the safeguarding of children was paramount and risk assessments were already in place in respect of every aspect of their business. Customers would not be allowed entry without children and their aim was to give families an opportunity to socialise in a safe environment. Children would not be exposed to adverts for alcohol and there would be no offers such as happy hours. Food and drinks would be taken to the tables. Alcohol would not be served without food.

Craig Lynch continued that no other licensed premises in Langley Moor and Meadowfield had Door Supervisors and he had a proven track record of running a safe environment. As regards the concerns of the Parish Council in respect of the overlap of operations, he stressed that it was not a licensed restaurant and would never operate without children present. Later on in a day people would not go to a soft play area for a drink. There were no other businesses like theirs in the local area and people seemed to be on board with what they were doing.

All parties were invited to ask questions.

Helen Johnson referred to the supplementary documents from Craig Lynch which listed a number of statements to address the concerns regarding the sale of alcohol at the Fun Zone. She noted that it had been said that alcohol would be served with the purchase of food but this had not been specified. She also asked if the Applicant would be happy for the statements to be included as conditions, where applicable. This was confirmed by Craig Lynch, and he would be happy to include a condition specifying that alcohol must only be served with food.

Following a question from Councillor Elmer, Craig Lynch confirmed that the hours of soft play would not change, but had requested the extended hours for takeaway deliveries. Councillor Elmer then asked if the Applicant would consider applying for off-licence sales only for the extended hours to accommodate the delivery service.

Mr Lynch confirmed that he did not wish to amend the application.

Councillor Batey asked if there had been any objections from Public Health. Helen Johnson confirmed that the representations from Public Health were comments, not objections.

Following a further question from Councillor Batey, Craig Lynch confirmed that there was an audit trail for the sale of alcohol. Each receipt contained an order number.

Craig Lynch was asked if he would consider allocating a separate area for the consumption of alcohol. Craig Lynch explained that at present parents had 360 degree views of their children and he would want this to continue.

Stephen Buston asked about the proposed takeaway delivery service, and was advised by Craig Lynch that the service was ready for launch but additional staff were required before it could begin.

All parties were given an opportunity to make a final statement.

At 2.15pm the Sub-Committee **Resolved** to retire in private to determination the application. After re-convening at 14.30pm the Chair delivered the Sub-Committee's decision.

In reaching their decision the Sub-Committee considered the report of the Licensing Team Leader, and the written representations of Councillor Taylor, Mr Thompson and Responsible Authorities, together with the written and verbal representations of the Applicant, and Brandon and Byshottles Parish Council. Members also took into account the Council's Statement of Licensing Policy and Section 182 Guidance issued by the Secretary of State.

**RESOLVED:**

That the application be granted as follows:

<b>Licensable Activity</b>	<b>Days &amp; Hours</b>	
Supply of Alcohol (on and off sales)	Monday to Friday Saturday Sunday	09.30 – 23.00 hrs 10.00 – 23.00 hrs 11.00 – 23.00 hrs
Open to the public	Monday to Sunday	08.00 – 23.00 hrs

The following conditions shall be attached to the Premises Licence:

- 1) A personal licence holder will be on premises at all times when alcohol is being sold.
- 2) The premises will only sell and supply alcohol, on the premises, as an accompaniment to food sales.
- 3) No customers will be allowed to leave the premises with an open drinking vessel or bottle.
- 4) Persons under the age of 18 years will not be allowed on the premises without an adult.
- 5) No adults are allowed access to the site unless accompanying children (other than adults attending in a professional capacity eg food deliveries, machine repairs) and will not be able to purchase or consume alcohol on site. Security entrance, exit gates and safeguarding procedures.
- 6) All staff will seek credible proof of age evidence from anyone seeking to purchase alcohol who appears to be under 25 years of age.
- 7) The premises will place notices at the entrances and exits reminding customers to leave quietly.
- 8) They will keep rubbish bins and glass refuse away from public access. Rubbish bins will be placed outside the premises to minimise litter.
- 9) Maximum capacity numbers are controlled by a booking system to prevent overcrowding.

- 10) Alcohol (as with all food and drink) is not allowed to be taken from the tables and into the play areas. Signs are to be in place stating that drinks are only to be consumed at tables. Further signs are to be in place requesting that toys remain in their designated areas and therefore not near tables where food / drink is consumed.
- 11) Alcoholic drinks will be served in plastic glasses which are different in shape and size to any soft drink so that they are easily identifiable.
- 12) All staff shall be fully trained to perform their role. They will also be trained in the contents of the premises licences including times of operation, licensable activities and all conditions. Refresher training will be carried out every six months and all training will be recorded in a register. The register will be made available to the Police or an authorised officer of the local authority upon request.
- 13) The premises shall operate the Challenge 25 scheme. As part of such a scheme a register of refusals shall be maintained and kept up to date. The register will be available for immediate inspection by Police or authorised officers of the local authority upon request.
- 14) The premises shall maintain an incident book, which shall be made available to the Police and authorised officers of the local authority upon request.
- 15) A CCTV system will be installed and in operation at all times the premises are being used for licensable activity. It must be operated by properly trained staff. CCTV recording will be retained for a minimum of 28 days.
- 16) The premises will ensure that a trained member of staff is available to operate the CCTV system at all times and download any images requested by Police or an authorised officer of the local authority and provided within 48 hours of a request being made.
- 17) The premises will have a drugs policy in place. Any person seen to be using drugs on the premises will be ejected immediately and barred for a minimum period of 12 months.

#### Delivery Conditions

- 18) With regard to takeaways, a collection arrangement must be in place ensuring there will be no children on site and adults will not be permitted to enter the site for collection.
- 19) Any alcohol sold will, as part of a takeaway food order, remain unopened. Takeaway orders are to be collected at the front door / hatch without any need to enter the site through the on-site safety entrance.

- 20) Delivery drivers will be trained in relation to their responsibilities under the Licensing Act 2003 and the licensing objectives. Such training will be documented.
- 21) At the time the order is placed a declaration will be required from the person placing the order that they are over 18 years of age and the recipient of the delivery may be required to provide ID in line with Challenge 25.
- 22) Challenge 25 – If the driver considers the recipient of the alcohol appears under 25, recognised photographic identification is to be requested before any alcohol is handed over.
- 23) Acceptable proof of age shall include identification bearing the customer photograph, date of birth and integral holographic mark or security measure. Suitable means of identification would include PASS approved proof of age card, photo-card driving licence and passport. If no ID is provided when required there will be no delivery.
- 24) Delivery will be refused if the driver believes that alcohol is being purchased on behalf of another person under the age of 18 years. Where a refusal has taken place, the customer will be informed of our refund policy and monies will be returned. This refund will only apply to the alcohol. Food will still be charged. A record of the refusal will be recorded.
- 25) Payments will only be taken by debit or credit card, and no payment is to be taken by the drivers direct. As a result, the drivers will not carry any cash. Customers will not be permitted to increase their alcohol order on delivery as a result. Signs will be placed on delivery vehicles to advertise this fact.
- 26) Alcohol can only be delivered to a residential or business address, and not to a public place.
- 27) Alcohol will only be delivered to the person who placed the order and whose name appears on the credit/debit card.

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**Statutory Licensing Sub-Committee**

**14<sup>th</sup> September 2022**

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

**Ordinary Decision**



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**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: Consett North**

**Purpose of the Report**

- 1 The Sub-Committee is asked to consider and determine the application for the variation of a premises licence for Chaplains, 17-21 Front Street, Consett, Co Durham DH8 5AB.
- 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 Chaplains, 17-21 Front Street, Consett Co Durham.
- 4 The application is for the following activities:  
  
To increase timings for all existing licensable activities. One additional condition was proposed in the operating schedule – ‘All drinks to be consumed off the premises will be decanted into plastic drinking vessels’.
- 5 The licensing authority received responses from Durham Safeguarding Children’s Partnership, Durham County Council Public Health, County Durham & Darlington Fire and Rescue Service, all with no comments on the application.
- 6 The licensing authority received two letters in opposition to the application from Durham Constabulary and Durham County Council Environmental Health Department (Responsible Authorities).

## **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 April 2018). The relevant parts of the guidance are attached at Appendix 7.

## **Background**

- 9 Background information – Applicant – Mr James McDonald

Type of Application: Variation of a premises licence	Date received: 20th July 2022	Consultation ended: 17 <sup>th</sup> August 2022
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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 20th July 2022. A copy of the application and the current premises licence is 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 as follows:

Current Licensable Activities	Proposed Licensable Hours
<p>Sale of Alcohol (on &amp; off sales)</p> <p>Monday to Sunday 10:00 hrs –02:00 hrs</p> <p>Plays, Films, Indoor Sport Events Boxing or Wrestling, Live and Recorded Music, Performance of Dance, Anything of a similar description (all indoors)</p> <p>Monday to Sunday: 10:00 hrs -02:00 hrs</p> <p>Late Night Refreshment: Monday to Sunday 23:00 hrs –02:00 hrs</p> <p>Opening Hours: Monday to Sunday 10:00 hrs – 02:00 hrs</p> <p>Monday to Sunday: An additional hour on the day when British Summertime commences. New Year: from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day. Bank Holiday Sundays and Boxing Day: 10:00 - 04:00 hrs</p>	<p>Sale of Alcohol (on &amp; off sales)</p> <p>Sunday to Thursday 10:00 hrs –03:00 hrs Friday and Saturday 10:00 hrs -04:00 hrs</p> <p>Plays, Films, Indoor Sport Events Boxing or Wrestling, Live and Recorded Music, Performance of Dance, Anything of a similar description (all indoors)</p> <p>Sunday to Thursday 10:00 hrs -03:00 hrs Friday &amp; Saturday 10:00 hrs -04:00 hrs</p> <p>Late Night Refreshment: Sunday to Thursday 23:00 hrs –03:00 hrs Friday and Saturday 23:00 hrs -04:00 hrs</p> <p>Opening Hours: Sunday to Thursday: 10:00 hrs –03:30hrs Friday &amp; Saturday 10:00 hrs -04:30 hrs</p>

- 13 The applicant has proposed one additional condition that they intend to take in order to promote the four licensing objectives. 'All drinks to be consumed off the premises will be decanted into plastic drinking vessels'.

### The Representations

- 14 The Licensing Authority received two letters of representation during the consultation period from Durham Constabulary and Durham County Council Environmental Health Department (Responsible Authorities).

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

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

Copies of the representations are attached at Appendix 4.

- 15 Responses were received from the following Responsible Authorities:
- 16 Durham Safeguarding Children's Partnership, Durham County Council Public Health, County Durham & Darlington Fire and Rescue Service, all responded with no comments on the application. See Appendix 5.

### **The Parties**

- 17 The Parties to the hearing will be:
- Mr James McDonald (Applicant)
  - Ms Gillian Moir (Applicant's Solicitor)
  - Temporary Inspector Caroline Dickenson (Durham Constabulary)
  - Mr John Hayes (Environmental Health)

### **Options**

- 18 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*

- 19 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*

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

See Appendix 1

## **Conclusion**

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

## **Background papers**

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

## **Other useful documents**

- None

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**Contact:** Karen Robson

Tel: 03000 265104

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## **Appendix 1: Implications**

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### **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.

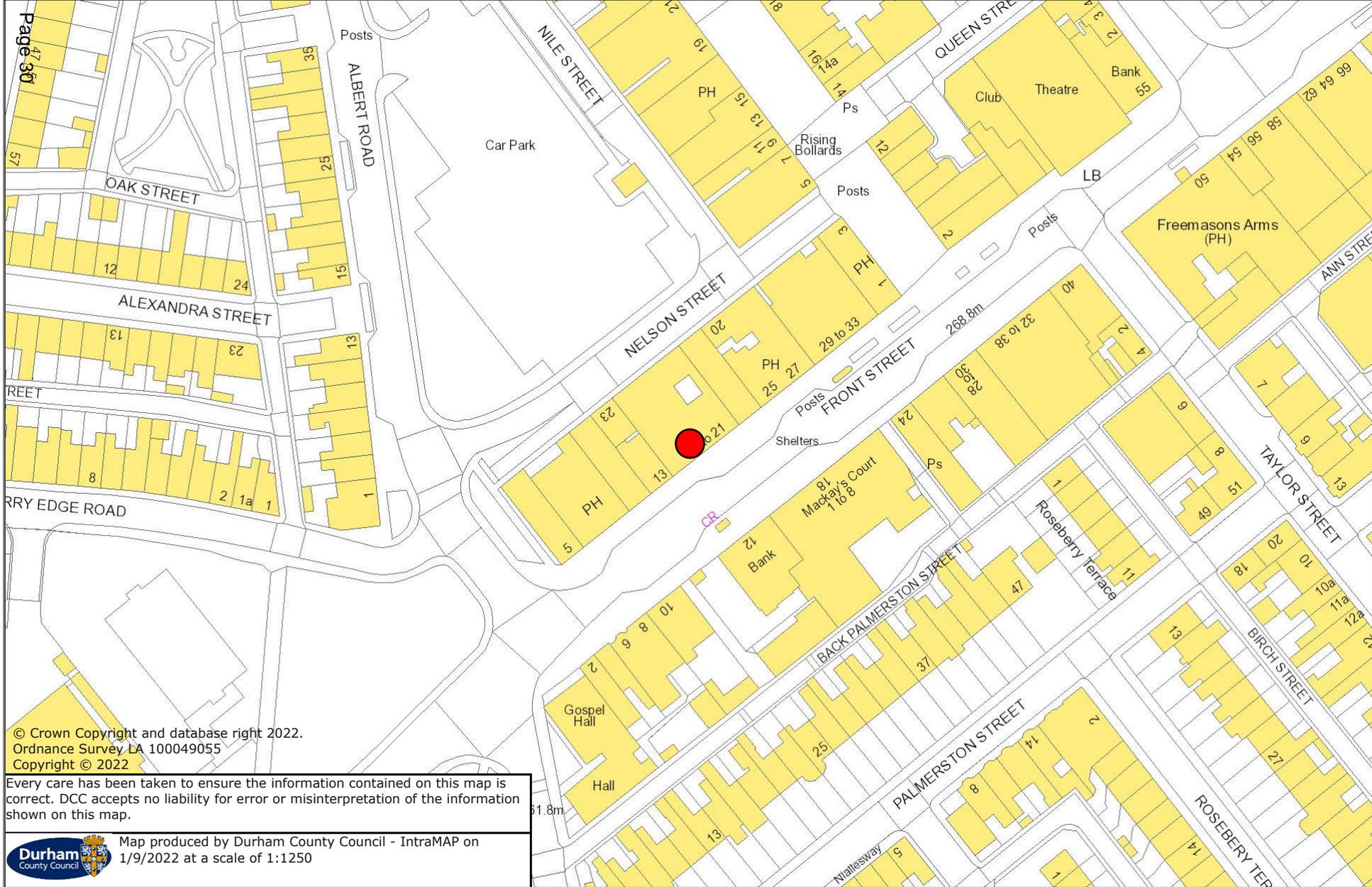
In addition, details of the application were available to view on the Council's website throughout the 28 day consultation period.

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## Appendix 2: Location Plan

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# Durham County Council - IntraMAP



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



Map produced by Durham County Council - IntraMAP on 1/9/2022 at a scale of 1:1250

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## **Appendix 3: Application Form and Current Premises Licence**

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\* 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

Not Currently In Use

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

Your reference

GM/MCD28/10

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

James Edward

\* Family name

McDonald

\* E-mail

Main telephone number

Include country code.

Other telephone number

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

Is the applicant:

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

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

Continued from previous page...

### Address

* Building number or name	<input type="text" value="17-21"/>
* Street	<input type="text" value="Front Street"/>
District	<input type="text"/>
* City or town	<input type="text" value="Consett"/>
County or administrative area	<input type="text" value="County Durham"/>
* Postcode	<input type="text" value="DH8 5AB"/>
* Country	<input type="text" value="United Kingdom"/>

### Agent Details

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

Include country code.

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

Are you:

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

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

### Agent Business

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

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

Registration number	<input type="text"/>
Business name	<input type="text" value="Swinburne Maddison LLP"/>
VAT number	<input type="text" value="-"/>
Legal status	<input type="text" value="Limited Liability Partnership"/>
Your position in the business	<input type="text" value="Managing Associate"/>
Home country	<input type="text" value="United Kingdom"/>

If your business is registered, use its registered name.

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

The country where the headquarters of your business is located.

Continued from previous page...

**Agent Registered Address**

Address registered with Companies House.

Building number or name	Venture House
Street	Aykley Heads Business Centre
District	Aykley Heads
City or town	Durham
County or administrative area	County Durham
Postcode	DH1 5TS
Country	United Kingdom

**Section 2 of 18**

**APPLICATION DETAILS**

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

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

\* Premises Licence Number

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

- Address     OS map reference     Description

**Postal Address Of Premises**

Building number or name	Chaplains
Street	17-21 Front Street
District	
City or town	Consett
County or administrative area	County Durham
Postcode	DH8 5AB
Country	United Kingdom

**Premises Contact Details**

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

**Section 3 of 18**

**VARIATION** Page 34

Continued from previous page...

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.

Chaplains, 17-21 Front Street, Consett, County Durham. The premises is a late night bar and dance venue with a cocktail bar. Off-supplies will be consumed immediately outside of the premises.

## 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

### 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

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WEDNESDAY

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Will the performance of a play take place indoors or outdoors or both?

- Indoors       Outdoors       Both

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

Provide further details here.

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.

As per existing licence

State any seasonal variations for performing plays.

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

As per existing licence

Non standard timings. Where the premises will be used for the performance of a play 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.

As per existing licence

Continued from previous page...

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

Standard Days And Timings

MONDAY

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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

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Will the exhibition of films take place indoors or outdoors or both?

- Indoors  Outdoors  Both

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

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

As per existing licence

**Continued from previous page...**

State any seasonal variations for the exhibition of film.

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

As per existing licence

Non standard timings. Where the premises will be used for the exhibition of film 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.

As per existing licence

**Section 6 of 18**

**PROVISION OF INDOOR SPORTING EVENTS**

[See guidance on regulated entertainment](#)

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

- Yes                       No

**Standard Days And Timings**

MONDAY

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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

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FRIDAY

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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.

As per existing licence

State any seasonal variations for indoor sporting events.

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

As per existing licence

Non-standard timings. Where the premises will be used for indoor sporting events 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.

As per existing licence

## 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

### Standard Days And Timings

Continued from previous page...

MONDAY

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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

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Will the boxing or wrestling entertainment take place indoors or outdoors or both?

- Indoors       Outdoors       Both

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

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

As per existing licence

State any seasonal variations for boxing and wrestling entertainment.

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

As per existing licence

Continued from previous page...

Non-standard timings. Where the premises will be used for the boxing or wrestling entertainment 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.

As per existing licence

**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

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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

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SUNDAY

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

- Indoors       Outdoors       Both

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

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

As per existing licence

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.

As per existing licence

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.

As per existing licence

## 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

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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

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WEDNESDAY

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THURSDAY

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SATURDAY

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

- Indoors       Outdoors       Both

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

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

As per existing licence

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.

As per existing licence

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.

As per existing licence

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

Standard Days And Timings

MONDAY

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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

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Will the performance of dance take place indoors or outdoors or both?

- Indoors
- Outdoors
- Both

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

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

As per existing licence

Continued from previous page...

State any seasonal variations for the performance of dance.

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

As per existing licence

Non-standard timings. Where the premises will be used for the performance of dance 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.

As per existing licence

**Section 11 of 18**

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

[See guidance on regulated entertainment](#)

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

- Yes                       No

**Standard Days And Timings**

MONDAY

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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

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SATURDAY

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Provide a description of the type of entertainment that will be provided.

As per existing licence

Will this entertainment take place indoors or outdoors or both?

Indoors       Outdoors       Both

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

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

As per existing licence

State any seasonal variations for entertainment.

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

As per existing licence

Non-standard timings. Where the premises will be used for entertainment 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.

As per existing licence

Continued from previous page...

**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

**Standard Days And Timings**

MONDAY

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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

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Will the provision of late night refreshment take place indoors or outdoors or both?

- Indoors                       Outdoors                       Both

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

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

As per existing licence

**Continued from previous page...**

State any seasonal variations.

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

As per existing licence

Non standard timings. Where the premises will be used for the provision of late night refreshment 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.

As per existing licence

**Section 13 of 18**

**SUPPLY OF ALCOHOL**

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

- Yes                       No

**Standard Days And Timings**

MONDAY

Start

End

Start

End

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

TUESDAY

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WEDNESDAY

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THURSDAY

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FRIDAY

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Page 48

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SATURDAY

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SUNDAY

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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.

As per existing licence

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.

As per existing licence

### Section 14 of 18

#### ADULT ENTERTAINMENT

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

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

As per existing licence

### Section 15 of 18

#### HOURS PREMISES ARE OPEN TO THE PUBLIC

##### Standard Days And Timings

**Continued from previous page...**

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.

As per existing licence

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.

As per existing licence

**Continued from previous page...**

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. All conditions as per existing licence

- 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.

## 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 per existing licence. In addition all drinks to be consumed off the premises will be decanted into plastic drinking vessels.

b) The prevention of crime and disorder

As per existing licence. In addition all drinks to be consumed off the premises will be decanted into plastic drinking vessels.

c) Public safety

As per existing licence. In addition all drinks to be consumed off the premises will be decanted into plastic drinking vessels.

d) The prevention of public nuisance

As per existing licence. In addition all drinks to be consumed off the premises will be decanted into plastic drinking vessels.

e) The protection of children from harm

As per existing licence. In addition all drinks to be consumed off the premises will be decanted into plastic drinking vessels.

Section 17 of 18

NOTES ON REGULATED ENTERTAINMENT

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](http://www.voa.gov.uk/business_rates/index.htm)

Band A - No RV to £4300 £100.00

Band B - £4301 to £33000 £190.00

Band C - £33001 to £8700 £315.00

Band D - £87001 to £12500 £450.00\*

Band E - £125001 and over £635.00\*

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

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 (£)

0.00

**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**

<b>DWTSPR0074</b>
<b>24 November 2005</b>
<b>10 March 2022</b>

**Part 1 – Premises details**

<b>Postal address of premises, or if none, ordnance survey map reference or description</b>	<b>Issuing Authority</b>
<p><b>CHAPLAINS</b>            17-21 FRONT STREET            CONSETT            DH8 5AB</p>	<p>DURHAM COUNTY COUNCIL            NEIGHBOURHOODS AND CLIMATE CHANGE            COMMUNITY PROTECTION            LICENSING SERVICES            PO BOX 617            DURHAM            DH1 9HZ</p>
<b>Telephone number:</b>	

<b>Where the licence is time limited the dates</b> N/A
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<p><b>Licensable activities authorised by this licence</b></p> <ul style="list-style-type: none"> <li>Plays</li> <li>Films</li> <li>Indoor Sporting Events</li> <li>Boxing or Wrestling Entertainment</li> <li>Live Music</li> <li>Recorded Music</li> <li>Performance of Dance</li> <li>Other Entertainment Similar to Live or Rec Music or Dance Performance</li> <li>Late Night Refreshment</li> <li>Sale by retail of alcohol</li> </ul>
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<b>Opening Hours of the Premises</b>		
Mon	10:00-02:00	<p><b>Non-standard/seasonal timings</b></p> <p>An additional hour on the day when British Summertime commences.</p> <p>New Year: from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.</p> <p>Bank Holiday Sundays and Boxing Day: 10:00 - 04:30</p>
Tue	10:00-02:00	
Wed	10:00-02:00	
Thu	10:00-02:00	
Fri	10:00-02:00	
Sat	10:00-02:00	
Sun	10:00-02:00	

<p><b>Where the licence authorises the sale by retail of alcohol whether these are on and/or off sales:</b></p> <p>ON ALCOHOL SALES ONLY</p>
--

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

<p><b>Plays Indoors</b></p> <p>Mon 10:00-02:00          Tue 10:00-02:00          Wed 10:00-02:00          Thu 10:00-02:00          Fri 10:00-02:00          Sat 10:00-02:00          Sun 10:00-02:00</p>	<p><b>Further details</b></p> <p>N/A  <b>Non-standard/seasonal timings</b>          N/A</p>
<p><b>Films Indoors</b></p> <p>Mon 10:00-02:00          Tue 10:00-02:00          Wed 10:00-02:00          Thu 10:00-02:00          Fri 10:00-02:00          Sat 10:00-02:00          Sun 10:00-02:00</p>	<p><b>Further details</b></p> <p>N/A  <b>Non-standard/seasonal timings</b>          An additional hour on the day when British Summertime commences.          New Year: from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.</p>
<p><b>Indoor Sporting Events</b></p> <p>Mon 10:00-02:00          Tue 10:00-02:00          Wed 10:00-02:00          Thu 10:00-02:00          Fri 10:00-02:00          Sat 10:00-02:00          Sun 10:00-02:00</p>	<p><b>Further details</b></p> <p>N/A  <b>Non-standard/seasonal timings</b>          An additional hour on the day when British Summertime commences.          New Year: from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.</p>
<p><b>Boxing or Wrestling          Entertainment Indoors</b></p> <p>Mon 10:00-02:00          Tue 10:00-02:00          Wed 10:00-02:00          Thu 10:00-02:00          Fri 10:00-02:00          Sat 10:00-02:00          Sun 10:00-02:00</p>	<p><b>Further details</b></p> <p>N/A  <b>Non-standard/seasonal timings</b>          An additional hour on the day when British Summertime commences.          Applicable from New Year's Eve to 2nd January each year.</p>
<p><b>Live Music Indoors</b></p> <p>Mon 10:00-02:00          Tue 10:00-02:00          Wed 10:00-02:00          Thu 10:00-02:00          Fri 10:00-02:00          Sat 10:00-02:00          Sun 10:00-02:00</p>	<p><b>Further details</b></p> <p>N/A  <b>Non-standard/seasonal timings</b>          An additional hour on the day when British Summertime commences.          New Year: from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.          Bank Holiday Sundays and Boxing Day: 10:00 - 04:30</p>

<p><b>Recorded Music Indoors</b></p> <p>Mon 10:00-02:00  Tue 10:00-02:00  Wed 10:00-02:00  Thu 10:00-02:00  Fri 10:00-02:00  Sat 10:00-02:00  Sun 10:00-02:00</p>	<p><b>Further details</b></p> <p>N/A</p> <p><b>Non-standard/seasonal timings</b></p> <p>An additional hour on the day when British Summertime commences.  New Year: from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.  Bank Holiday Sundays and Boxing Day: 10:00 - 04:30</p>
<p><b>Performance of Dance Indoors</b></p> <p>Mon 10:00-02:00  Tue 10:00-02:00  Wed 10:00-02:00  Thu 10:00-02:00  Fri 10:00-02:00  Sat 10:00-02:00  Sun 10:00-02:00</p>	<p><b>Further details</b></p> <p>N/A</p> <p><b>Non-standard/seasonal timings</b></p> <p>An additional hour on the day when British Summertime commences.  New Year: from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.  Bank Holiday Sundays and Boxing Day: 10:00 - 04:30</p>
<p><b>Other Entertainment Similar to Live or Rec Music or Dance Performance Indoors</b></p> <p>Mon 10:00-02:00  Tue 10:00-02:00  Wed 10:00-02:00  Thu 10:00-02:00  Fri 10:00-02:00  Sat 10:00-02:00  Sun 10:00-02:00</p>	<p><b>Further details</b></p> <p>N/A</p> <p><b>Non-standard/seasonal timings</b></p> <p>An additional hour on the day when British Summertime commences.  New Year: from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.  Bank Holiday Sundays and Boxing Day: 10:00 - 04:30</p>
<p><b>Late Night Refreshment Indoors</b></p> <p>Mon 23:00-02:00  Tue 23:00-02:00  Wed 23:00-02:00  Thu 23:00-02:00  Fri 23:00-02:00  Sat 23:00-02:00  Sun 23:00-02:00</p>	<p><b>Further details</b></p> <p>N/A</p> <p><b>Non-standard/seasonal timings</b></p> <p>An additional hour on the day when British Summertime commences.  New Year: from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.</p>
<p><b>Sale by retail of alcohol</b></p> <p>Mon 10:00-02:00  Tue 10:00-02:00  Wed 10:00-02:00  Thu 10:00-02:00  Fri 10:00-02:00  Sat 10:00-02:00  Sun 10:00-02:00</p>	<p><b>Further details</b></p> <p>N/A</p> <p><b>Non-standard/seasonal timings</b></p> <p>An additional hour on the day when British Summertime commences.  New Year: from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.  Bank Holiday Sundays and Boxing Day: 10:00 - 04:00</p>

Part 2

<b>Name, (Registered) address, telephone number and email (where relevant) of holder of premises licence</b>	
MR JAMES EDWARD MCDONALD	
<b>Registered number of holder, for example company number, charity number (where applicable)</b>	
Company no:	N/A
Charity no:	N/A

<b>Name, address and telephone number of designated premises supervisor where the premises licence authorises the sale by retail of alcohol</b> MR RHYS TURNER

<b>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</b>

**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 shall be fully trained to perform their role. They will be trained in the contents of the premises licence including times of operation, licensable activities and all of the conditions associated with the licence. Staff training will take place prior to commencement of any employment paid or unpaid with refresher training for all staff carried out 3 monthly. All training will be recorded in a register which shall be made available to the police/council upon request. Training records shall be kept on site at all times.

### **The Prevention of Crime & Disorder**

Notices are displayed at the premises advising customers that ID checks and searches are undertaken. "Drugs Safes" must remain installed at the premises (locked metal containers, fitted to the wall) in order for customers to surrender such items and for depositing such items in the event that drugs are confiscated as a result of a search. The cellar must be kept locked at all times except for access and deliveries.

There shall be a minimum of 2 SIA door supervisors on duty from the Venue Wednesday, Thursday and Sunday. A minimum of 3 SIA door supervisors Friday and Saturday opening to close. Each of the door supervisors shall wear a body cam which shall be fully operational and switched on during operational hours. Recording must be kept for a minimum of 28 days and made available to police within 48 hours of request.

An operation daily log must be kept documenting door supervisor information. This is to include full name, date of birth, full badge number, contact phone number, security companies name and start and finish times. An ID scanner will be used at the door of the premises and ID logged for all persons under 25 years of age. The data on this system will be provided for the police when a properly made request is submitted.

A CCTV system will be installed and in operation at all times and images need to be clear which allow for proper identification of people.

Cameras shall encompass the inside and outside of all entrances and exits to the premises and rear yards, fire exits and all areas inside the premise where the sale/supply of alcohol occurs.

There will be a constant and accurate date and time.

It must be operated by properly trained staff. All public areas will be covered, including entrances, exits and outside areas.

Breakdown of any part of the CCTV system including cameras so it is not working to the required standard will be reported to Durham Constabulary Licensed Economy Team and repaired without Delay. Recording will be retained for a minimum of 28 days.

The premises will ensure that at least one trained member of staff is available to operate the system at all times the premises is open for licensable activities. Any images requested by an authorised officer shall be provided within 7 days of the request. The premises will maintain an incident book where all incidents are recorded which will be made available on request to police or authorised officers from the council.

### **Public Safety**

The premise has Fire Safety Equipment, which is serviced, as well as Emergency Lighting, of which the lights above the doors are permanently left on. Fire fighting equipment is provided on the premises in accordance with reasonable requirements of the Fire Authority. Fire escape routes are identified by adequate signage. No person shall be allowed to leave the premises whilst in the possession of any open drinking vessel.

### **The Prevention of Public Nuisance**

Clear and legible notices will be displayed for patrons to have regard for local residents and to keep noise to a minimum when leaving the premises. The only entrance and exit for members of the public is located on Front Street, which faces other commercial properties and is directed away from residential properties.

**The Protection of Children from Harm**

Staff carry out frequent ID checks on the door and at the bar.

The premises shall operate the Challenge 25 Scheme whereby anyone who appears to be under 25 will be asked to provide identification which will consist of either a passport or photo card driving licence. A refusal register will be available for immediate inspection by police or authorised officers by the council.

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

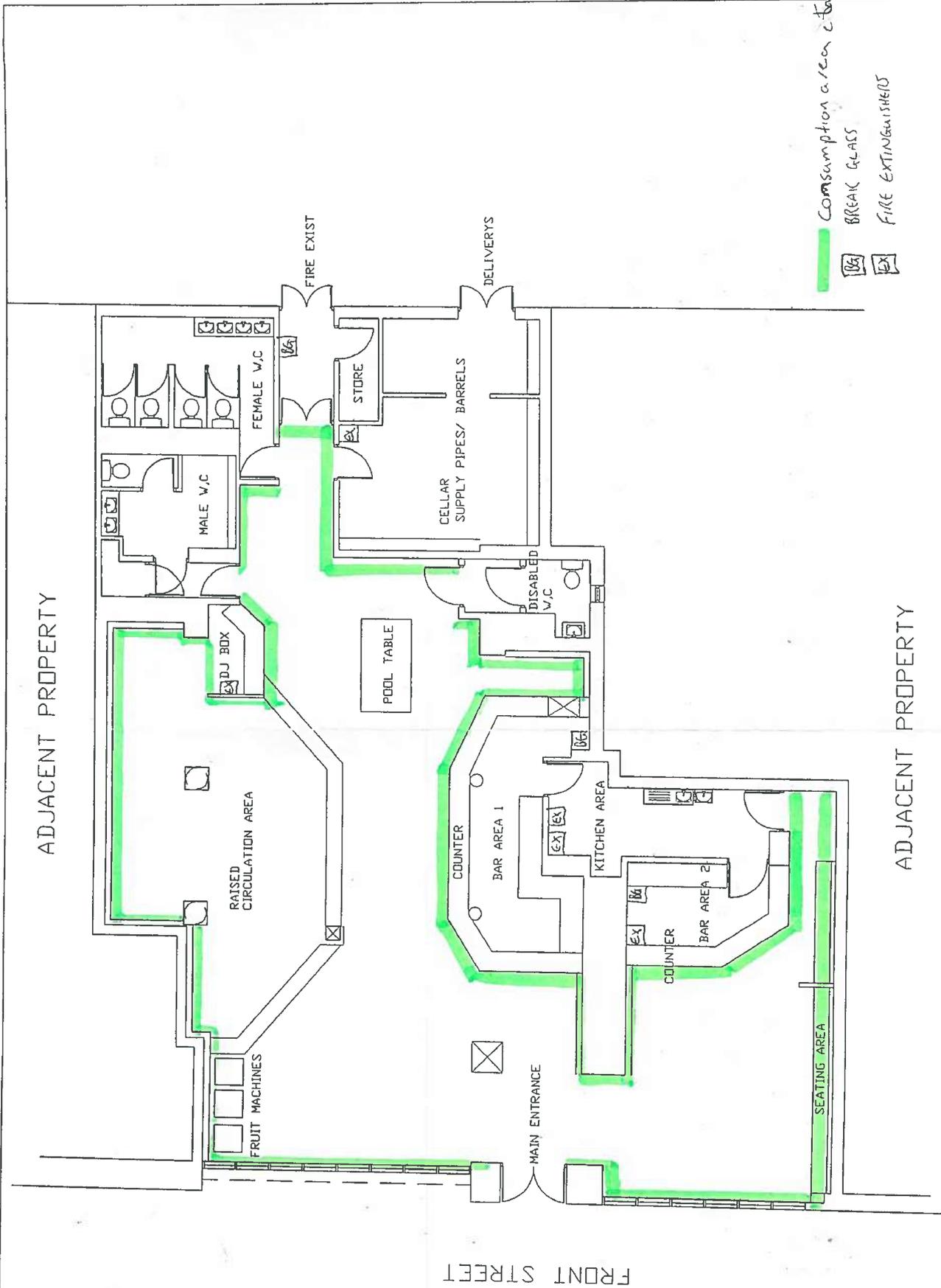
None

**Annex 4 – Plans attached**

Attached

A handwritten signature in blue ink, appearing to be a stylized 'C' or similar character.

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



Consumption area extinguishers  
 [Green Line] BREAK GLASS  
 [Box with X] FIRE EXTINGUISHERS

Scale	Date	Drawn	Checked
1/100	3/4/05		
100			01

Drawing Title  
 EXISTING FLOOR PLAN

Job Title  
 CHAPLAINS BAR  
 17-21 FRONT STREET  
 CONSETT, DH8 5AB

ADJACENT PROPERTY

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## **Appendix 4: Representations**

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Mon 16:23 15/08/2022

From:

To: AHS Licensing

To whom it may concern

**Objection to an application for a full variation of premise licence to be granted under the Licensing Act 2003**

Durham Constabulary wish to object to the application made under the Licensing Act 2003 for Chaplains, 17-21 Front Street, Consett, DH8 5AB.

Durham Constabulary are objecting under the prevention of crime and disorder and the prevention of public nuisance and public safety.

The applicant has applied to extend the current licensable hours from 2am each day to 3am Sunday to Thursday and 4am Friday and Saturday for the sale of alcohol, live music, recorded music, late night refreshment and all other licenced activity within the premises, with the hours open to the public extended to 3:30am Sunday to Thursday and 4:30am Friday and Saturday.

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

When consideration was made for appropriate times for the policy framework hours, Durham County Council Licensing Authority had regard to concerns expressed by residents, the licensed trade and the responsible authorities which included Durham Constabulary.

In extending the hours that the patrons can consume alcohol, the propensity for drunkenness and alcohol fuelled violence will increase accordingly. Incidents of violent assaults occur late night/early morning in Consett, and this is primarily due to the fact that premises operate their longer opening hours during this time. In allowing a premise to be open until 4:30am, patrons will consume even more alcohol and the effects of excessive consumption will have an adverse effect on the quality of lives of the local community and will impact on crime and disorder and public nuisance licensing objectives. This has been proven when Chaplains had a licence till 4am.

The current premises licence already has licensable activities, including alcohol sales from 10am to 2am each day, with a total licensable time of 16 hours each day, 2 hours (Sun-Thur) and 1 hour (Fri-Sat) above the framework hours.

A summary review brought by Durham Constabulary as we felt Chaplains was associated with serious Crime and that there was a significant risk to Public Safety. This was upheld at an interim step hearing in November 2021 and the premises was closed pending the full review hearing.

The premises licence was surrendered in December 2021, 15 minutes prior to the full hearing.

At the time of this hearing and when the license was surrendered Chaplains had a premises licence which allowed licensable activities until 4am with the premises closing at 4:30am

Durham Constabulary worked closely with the applicant James McDonald, and it was agreed following the implementation of several measures one of which included the reduction of licensable hours to 2am to ensure promotion of the 4 licencing objectives, Durham Constabulary would not object to the transfer of licence.

The minor variation application to reduce the hours was received on 23<sup>rd</sup> February 2022 and on 21<sup>st</sup> July 2022 only 5 months after this application, the premise licence holder has applied to revert to the original licensable times back to what they were prior to the interim steps hearing in November 2021.

Durham Constabulary cannot support this application.

Thankyou

Caroline

T/Insp 484 Caroline Dickenson  
Cohesion & Licensed Economy Team Insp  
Safeguarding Neighbourhoods Command  
Durham Constabulary

***Our Values & Vision:***

**Positive | Fair | Courageous | Inclusive | With Integrity**

Protecting Neighbourhoods, Tackling Criminals, Solving Problems

# MEMO



To: Ms Valerie Craig  
Licensing Services

From: Mr John S Hayes  
Neighbourhoods and Climate Change

Date: 16 August 2022

Re: **Licensing Application Variation**  
**Chaplains, 17-21 Front Street Consett DH8 5AB**

With reference to the above licensing application received on 22 July 2022.

I have assessed the application with reference to the prevention of public nuisance licensing objective and would wish to make the following representation:

The current licence authorises licensable activities from 1000hrs to 0200hrs Monday to Sunday with seasonal adjustments for New Year's Eve and Bank Holidays.

The application to vary the licence is seeking to allow the licensable activities from 1000hrs until 0300hrs Monday to Thursday and Sunday, and 1000hrs to 0400hrs on Friday and Saturday with the intention to be open until 0330hrs Monday to Thursday and Sunday, and until 0430hrs on Friday and Saturday. To grant such times is likely to give rise to a breach of the prevention of public nuisance objective in the locality by way of noise and public nuisance from patrons leaving the premises at times when local residents should hold a reasonable expectation to be able to sleep in peace.

It should also be noted that supply of alcohol will be for consumption both on and off the premises, which is likely to increase the risk of disturbance in the locality.

There are residential properties within close proximity to the front and rear of the premises, with a significant number of residential streets also nearby which are likely to be impacted upon when patrons disperse at late hours.

In addition, the current licence allows licensable activities to exceed the framework hours set out in the Councils' 2019-2024 Licensing Policy, the recommended hours for the operation of licensable activities for licensed premises are weekdays: Sunday – Thursday 0700hrs to 0000hrs; weekends Friday night into Saturday morning and Saturday night into Sunday morning 0700hrs to 0100hrs; with an additional hour for Bank Holidays.

To allow the variation of the premises licence would see the framework hours being exceeded by 3 hours every night of the week, this could lead to significant disturbance to the sleep of sensitive receptors, public nuisance; sleep disturbance is known to impact upon health.

In conclusion this responsible authority cannot support the application to vary the current premises licence as applied for on the grounds that to do so would likely lead to a breach of the licensing objective of prevention of public nuisance.

The Licensing Authority is also advised that this responsible authority is aware of, and fully supportive of, the representation provided by Durham Constabulary, in their own role of responsible authority, in relation to the licensing objectives of the prevention of crime and disorder, the prevention of public nuisance and public safety.

John Scott Hayes MCIEH  
Principal Public Protection Officer  
Community Protection Service

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## **Appendix 5: Responsible Authorities Comments**

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**From:** DSCP Secure  
**Sent:** 21 July 2022 14:47  
**To:** Valerie Craig  
**Subject:** RE: Variation of Premises Licence - Chaplains, 17-21 Front Street, Consett

I have received an application to vary a licence for the establishment: Chaplains, 17-21 Front Street, Consett, DH8 5AB.

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

My Ref: SW/2022/050

Stephen Winship

Policy & Strategy Officer  
Durham Safeguarding Children Partnership

County Hall, Durham  
DH1 5UJ



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**From:** Public Health  
**Sent:** 21 July 2022 13:22  
**To:** Helen Johnson - Licensing Team Leader (N'hoods); AHS Licensing  
**Cc:** Valerie Craig  
**Subject:** RE: Variation of Premises Licence - Chaplains, 17-21 Front Street, Consett

Dear Colleagues

I have received an application to vary a licence for the establishment: Chaplains, 17-21 Front Street, Consett

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

My Ref: PH/2021/0206

Kind Regards

Jade Tunney  
Administration Officer

Resources  
Public Health  
Durham County Council



Chief Fire Officer: Stuart Errington

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

Date: 22 July 2022

This matter is being dealt with by: David Tempest

Ext:

Our Ref: 7A10450145

Your Ref: Chaplains, 17-21  
Front Street, Consett,

Direct Dial Telephone:

E-mail:

**Valerie Craig**  
**Licensing Officer**  
Community Protection Service  
Neighbourhood and Climate Change

Dear Valerie

**Licensing Act 2003**  
**Regulatory Reform (Fire Safety) Order 2005**  
**JMC Leisure Consett Ltd, Chaplains, 17-21 Front Street, Consett, DH8 5AB**

I acknowledge your application dated 21 July 2022 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](http://www.ddfire.gov.uk) and follow the link to Fire safety at work.

Yours faithfully



David Tempest  
Fire Safety Section

Electronic Copy

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## **Appendix 6: Statement of Licensing Policy**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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## **Appendix 7: Section 182 Guidance**

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## Crime and disorder

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

appropriate in rare circumstances where it can be demonstrated that, in the circumstances associated with particular premises, poor management competency could give rise to issues of crime and disorder and public safety.

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

## **Public safety**

- 2.7 Licence holders have a responsibility to ensure the safety of those using their premises, as a part of their duties under the 2003 Act. This concerns the safety of people using the relevant premises rather than public health which is addressed in other legislation. Physical safety includes the prevention of accidents and injuries and other immediate harms that can result from alcohol consumption such as unconsciousness or alcohol poisoning. Conditions relating to public safety may also promote the crime and disorder objective as noted above. There will of course be occasions when a public safety condition could incidentally benefit a person's health more generally, but it should not be the purpose of the condition as this would be outside the licensing authority's powers (be ultra vires) under the 2003 Act. Conditions should not be imposed on a premises licence or club premises certificate which relate to cleanliness or hygiene.
- 2.8 A number of matters should be considered in relation to public safety. These may include:
- Fire safety;
  - Ensuring appropriate access for emergency services such as ambulances;
  - Good communication with local authorities and emergency services, for example communications networks with the police and signing up for local incident alerts (see paragraph 2.4 above);
  - Ensuring the presence of trained first aiders on the premises and appropriate first aid kits;
  - Ensuring the safety of people when leaving the premises (for example, through the provision of information on late-night transportation);
  - Ensuring appropriate and frequent waste disposal, particularly of glass bottles;

- Ensuring appropriate limits on the maximum capacity of the premises (see paragraphs 2.12-2.13, and Chapter 10; and
- Considering the use of CCTV in and around the premises (as noted in paragraph 2.3 above, this may also assist with promoting the crime and disorder objective).

2.9 The measures that are appropriate to promote public safety will vary between premises and the matters listed above may not apply in all cases. As set out in Chapter 8 (8.38-8.46), applicants should consider when making their application which steps it is appropriate to take to promote the public safety objective and demonstrate how they achieve that.

## **Ensuring safe departure of those using the premises**

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

## **Maintenance and repair**

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

## **Safe capacities**

2.12 “Safe capacities” should only be imposed where appropriate for the promotion of public safety or the prevention of disorder on the relevant premises. For example, if a capacity has been imposed through other legislation, it would be

inappropriate to reproduce it in a premises licence. Indeed, it would also be wrong to lay down conditions which conflict with other legal requirements. However, if no safe capacity has been imposed through other legislation, a responsible authority may consider it appropriate for a new capacity to be attached to the premises which would apply at any material time when the licensable activities are taking place and make representations to that effect. For example, in certain circumstances, capacity limits may be appropriate in preventing disorder, as overcrowded venues can increase the risks of crowds becoming frustrated and hostile.

- 2.13 The permitted capacity is a limit on the number of persons who may be on the premises at any time, following a recommendation by the relevant fire and rescue authority under the Regulatory Reform (Fire Safety) Order 2005. For any application for a premises licence or club premises certificate for premises without an existing permitted capacity where the applicant wishes to take advantage of the special provisions set out in section 177 of the 2003 Act<sup>1</sup>, the applicant should conduct their own risk assessment as to the appropriate capacity of the premises. They should send their recommendation to the fire and rescue authority which will consider it and decide what the “permitted capacity” of those premises should be.
- 2.14 Public safety may include the safety of performers appearing at any premises, but does not extend to the prevention of injury from participation in a boxing or wrestling entertainment.

## **Public nuisance**

- 2.15 The 2003 Act enables licensing authorities and responsible authorities, through representations, to consider what constitutes public nuisance and what is appropriate to prevent it in terms of conditions attached to specific premises licences and club premises certificates. It is therefore important that in considering the promotion of this licensing objective, licensing authorities and responsible authorities focus on the effect of the licensable activities at the specific premises on persons living and working (including those carrying on business) in the area around the premises which may be disproportionate and unreasonable. The issues will mainly concern noise nuisance, light pollution, noxious smells and litter.
- 2.16 Public nuisance is given a statutory meaning in many pieces of legislation. It is however not narrowly defined in the 2003 Act and retains its broad common law meaning. It may include in appropriate circumstances the reduction of the living and working amenity and environment of other persons living and working in the area of the licensed premises. Public nuisance may also arise as a result of

the adverse effects of artificial light, dust, odour and insects or where its effect is prejudicial to health.

- 2.17 Conditions relating to noise nuisance will usually concern steps appropriate to control the levels of noise emanating from premises. This might be achieved by a simple measure such as ensuring that doors and windows are kept closed after a particular time, or persons are not permitted in garden areas of the premises after a certain time. More sophisticated measures like the installation of acoustic curtains or rubber speaker mounts to mitigate sound escape from the premises may be appropriate. However, conditions in relation to live or recorded music may not be enforceable in circumstances where the entertainment activity itself is not licensable (see chapter 16). Any conditions appropriate to promote the prevention of public nuisance should be tailored to the type, nature and characteristics of the specific premises and its licensable activities. Licensing authorities should avoid inappropriate or disproportionate measures that could deter events that are valuable to the community, such as live music. Noise limiters, for example, are expensive to purchase and install and are likely to be a considerable burden for smaller venues.
- 2.18 As with all conditions, those relating to noise nuisance may not be appropriate in certain circumstances where provisions in other legislation adequately protect those living in the area of the premises. But as stated earlier in this Guidance, the approach of licensing authorities and responsible authorities should be one of prevention and when their powers are engaged, licensing authorities should be aware of the fact that other legislation may not adequately cover concerns raised in relevant representations and additional conditions may be appropriate.
- 2.19 Where applications have given rise to representations, any appropriate conditions should normally focus on the most sensitive periods. For example, the most sensitive period for people being disturbed by unreasonably loud music is at night and into the early morning when residents in adjacent properties may be attempting to go to sleep or are sleeping. This is why there is still a need for a licence for performances of live music between 11 pm and 8 am. In certain circumstances, conditions relating to noise emanating from the premises may also be appropriate to address any disturbance anticipated as customers enter and leave.
- 2.20 Measures to control light pollution will also require careful thought. Bright lighting outside premises which is considered appropriate to prevent crime and disorder may itself give rise to light pollution for some neighbours. Applicants, licensing authorities and responsible authorities will need to balance these issues.
- 2.21 Beyond the immediate area surrounding the premises, these are matters for the personal responsibility of individuals under the law. An individual who engages in anti- social behaviour is accountable in their own right. However, it

would be perfectly reasonable for a licensing authority to impose a condition, following relevant representations, that requires the licence holder or club to place signs at the exits from the building encouraging patrons to be quiet until they leave the area, or that, if they wish to smoke, to do so at designated places on the premises instead of outside, and to respect the rights of people living nearby to a peaceful night.

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