



Statutory Licensing Sub-Committee

Date Tuesday 20 June 2023
Time 1.30 pm
Venue Committee Room 2, County Hall, Durham

Business

Part A

Items which are open to the Public and Press

1. Apologies for Absence
2. Substitute Members
3. Declarations of Interest (if any)
4. Application to Vary a Premises Licence - Happiness 2, 17 North Road, Durham (Pages 3 - 70)
5. Such other business as, in the opinion of the Chair of the meeting, is of sufficient urgency to warrant consideration

Helen Lynch

Head of Legal and Democratic Services

County Hall
Durham
12 June 2023

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

Councillors J Griffiths, C Hampson and M Wilson

Contact: Lucy Gladders **Tel:** 03000 269712

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Statutory Licensing Sub-Committee

20th June 2023

Application to Vary a Premises Licence

Ordinary Decision



Report of Alan Patrickson Corporate Director of Neighbourhoods and Climate Change

Councillor John Shuttleworth, Cabinet Portfolio Holder for Rural Communities and Highways

Electoral division(s) affected: Nevilles Cross, Durham

Purpose of the Report

- 1 The Sub-Committee is asked to consider and determine the application for the variation of a premises licence for Happiness 2, 17 North Road, Durham, DH1 4SH (previously named Studio).
- 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 Happiness 2, 17 North Road, Durham, DH1 4SH. The application was submitted by the current premises licence holders WLHPLUS Limited on 25th April 2023.
- 4 The application requests the following:
 - To include the ground floor and vary the layout of the premises
 - To include late night refreshment Monday to Sunday 23:00 hrs until 02:30 hrs.
 - To exhibit films Monday to Sunday 11:00 hrs until 02:30 hrs
 - To extend opening times and other licensable activities on a Sunday until 02:30 hrs with the exception of the sale of alcohol which will be until 02:00 hrs
 - To replace all of the conditions detailed on the current premises licence at Annex 2 and 3 with new conditions.

- 5 The licensing authority received one representation in opposition to the application from the City of Durham Parish Council (Other persons).
- 6 The licensing authority received responses from County Durham & Darlington Fire and Rescue Service, the Durham Safeguarding Children Partnership and Durham Constabulary all confirming they had no comments to make in relation to the application.

Recommendation(s)

- 7 The Sub-Committee is asked to determine the application with a view to promoting the licensing objectives.
- 8 The Sub-Committee is recommended to give appropriate weight to:
 - (a) The steps that are appropriate to promote the licensing objectives;
 - (b) The representations (including supporting information) presented by all parties;
 - (c) The Durham County Council Statement of Licensing Policy. The relevant parts of the policy are attached at Appendix 6;
 - (d) The Guidance issued to local authorities under Section 182 of the Licensing Act 2003 (as amended December 2022). The relevant parts of the guidance are attached at Appendix 7.

Background

- 9 Background information – Applicant – WLHPLUS Limited

Type of Application: Application to vary a premises licence	Date received: 25th April 2023	Consultation ended: 23rd May 2023
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Details of the application

- 10 An application for the variation of a premises licence was received by the Licensing Authority on 25th April 2023. A copy of the application and the current premises licence are attached as Appendix 3.
- 11 The application is deemed by the Licensing Authority to be correctly served and advertised in accordance with the Licensing Act regulations.
- 12 The application requests the following variations:

- To include the ground floor and vary the layout of the premises
- To include late night refreshment Monday to Sunday 23:00 hrs until 02:30 hrs.
- To exhibit films Monday to Sunday 11:00 hrs until 02:30 hrs
- To extend opening times and other licensable activities on a Sunday until 02:30 hrs with the exception of the sale of alcohol which will be until 02:00 hrs
- To replace all of the conditions detailed on the current premises licence at Annex 2 and 3 with new conditions.

13 The activities requested are as follows:

Current Licensable Activities	Proposed Licensable Activities
<p>Live and Recorded Music (Indoors) Performance of Dance and Anything of a similar description (Indoors): Monday to Saturday 11:00 hrs – 02:30 hrs Sunday 11:00 hrs – 00:30 hrs</p> <p>Sale of Alcohol (On and off sales): Monday to Saturday 11:00 hrs – 02:00 hrs Sunday 11:00 hrs – 00:30 hrs</p> <p>Opening Hours: Monday to Saturday 11:00 hrs – 02:30 hrs Sunday 11:00 hrs – 01:00 hrs</p>	<p>Live and Recorded Music (Indoors) Performance of Dance and Anything of a similar description (Indoors): Monday to Sunday 11:00 hrs – 02:30 hrs</p> <p>Sale of Alcohol (On and off sales): Monday to Sunday 11:00 hrs to 02:00 hrs</p> <p>Opening Hours: Monday to Sunday 11:00 hrs – 02:30 hrs</p> <p>Additional activities requested:</p> <p>Films (Indoors): Monday to Sunday 11:00 hrs – 02:30 hrs</p> <p>Late Night Refreshment: Monday to Sunday (Indoors and outdoors) 23:00 hrs – 02:30 hrs</p>

The Representation

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

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

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

A copy of the representation is attached at Appendix 4.

- 15 The following Responsible Authorities responded to confirm they had no comments to make in relation to the application:

- County Durham & Darlington Fire and Rescue Service
- Durham Safeguarding Children Partnership
- Durham Constabulary

Copies of the responses are attached at Appendix 5.

The Parties

- 16 The Parties to the hearing will be:

- WLHPLUS Limited (Applicant)
- Mr Matt Foster (Applicant's solicitor)
- City of Durham Parish Council (Other persons)

Options

- 17 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

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

See Appendix 1.

Consultation

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

See Appendix 1

Conclusion

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

Background papers

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

Other useful documents

- None

Contact: Yvonne Raine

Tel: 03000 265256

Appendix 1: Implications

Legal Implications

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

In this case it was summed up that:

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

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

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

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

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

Consultation

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

The Responsible Authorities were consulted on the application.

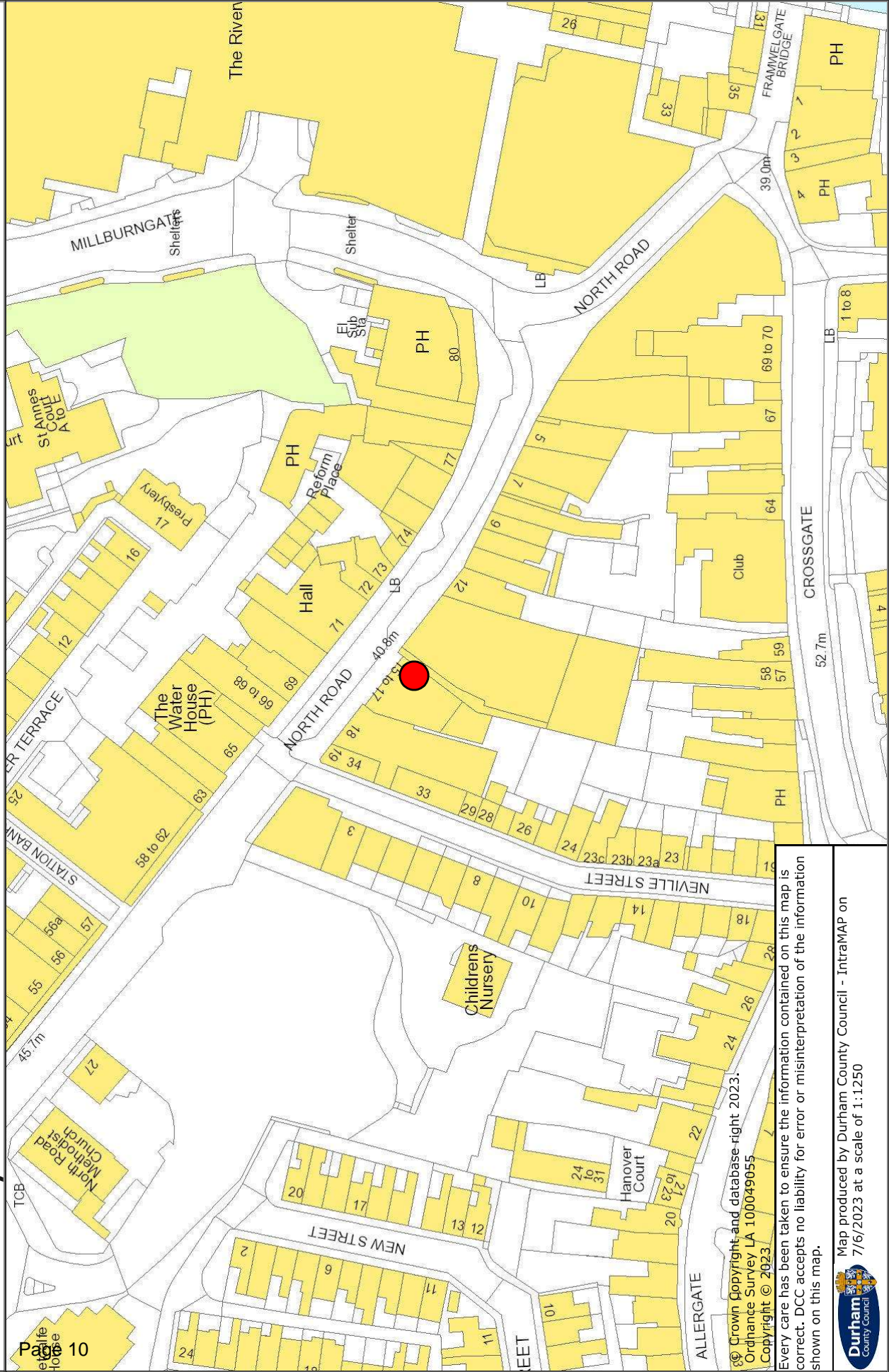
The notice of application was displayed on the premises for a period of 28 days.

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

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

Appendix 2: Location Plan

Durham County Council - IntraMAP



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

Map produced by Durham County Council - IntraMAP on 7/6/2023 at a scale of 1:1250



Appendix 3: Application Form and Current Premises Licence



* required information

Section 1 of 18

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

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

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

Are you an agent acting on behalf of the applicant?

- Yes No

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

Applicant Details

* First name

* Family name

* E-mail

Main telephone number 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.

Applicant Business

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

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

Registration number

Business name

VAT number

Legal status

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

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

Continued from previous page...

Applicant's position in the business

Home country

The country where the applicant's headquarters are.

Registered Address

Address registered with Companies House.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Agent Details

* First name

* Family name

* E-mail

Main telephone number

Include country code.

Other telephone number

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

Are you:

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

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

Agent Business

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

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

Registration number

Business name

If your business is registered, use its registered name.

VAT number

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

Legal status

Continued from previous page...

Your position in the business

Home country

The country where the headquarters of your business is located.

Agent Registered Address

Address registered with Companies House.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Section 2 of 18

APPLICATION DETAILS

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

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

* Premises Licence Number

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

- Address OS map reference Description

Postal Address Of Premises

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Premises Contact Details

Telephone number

Continued from previous page...

Non-domestic rateable value of premises (£)

14,250

Section 3 of 18

VARIATION

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

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

Yes No

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

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

Describe Briefly The Nature Of The Proposed Variation

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

The variation is as follows: (1) to add the ground floor which will trade as a restaurant, and vary the layout of the premises in accordance with submitted plans; (2) To add late night refreshment every day 23:00 to 02:30; (3) To add Exhibition of Film every day 11:00 to 02:30; (4) To extend opening and all other existing licensable activities on a Sunday to 02:30, with the exception of the sale by retail of alcohol which will be 02:00; and, (5) To replace all of the conditions at Annex 2 and 3 with a new set of conditions.

Section 4 of 18

PROVISION OF PLAYS

[See guidance on regulated entertainment](#)

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

Yes No

Section 5 of 18

PROVISION OF FILMS

[See guidance on regulated entertainment](#)

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

Yes No

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

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WEDNESDAY

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THURSDAY

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FRIDAY

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SATURDAY

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SUNDAY

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End

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.

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.

Continued from previous page...

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.

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

Section 7 of 18

PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

[See guidance on regulated entertainment](#)

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

- Yes No

Section 8 of 18

PROVISION OF LIVE MUSIC

[See guidance on regulated entertainment](#)

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

- Yes No

Standard Days And Timings

MONDAY

Start

End

Start

End

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

TUESDAY

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WEDNESDAY

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Continued from previous page...

THURSDAY

Start End

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FRIDAY

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SATURDAY

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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.

Amplified music in karaoke rooms.

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.

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.

Section 9 of 18

PROVISION OF RECORDED MUSIC

[See guidance on regulated entertainment](#)

Continued from previous page...

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

- Yes No

Standard Days And Timings

MONDAY

Start

End

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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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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.

State any seasonal variations for playing recorded music.

Continued from previous page...

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

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

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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WEDNESDAY

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THURSDAY

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FRIDAY

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SATURDAY

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SUNDAY

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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.

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.

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.

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

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.

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SATURDAY

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SUNDAY

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

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.

Continued from previous page...

State any seasonal variations for entertainment.

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

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

Section 12 of 18

PROVISION OF LATE NIGHT REFRESHMENT

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

- Yes No

Standard Days And Timings

MONDAY

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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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Continued from previous page...

SATURDAY

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SUNDAY

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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.

State any seasonal variations.

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

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

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

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

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WEDNESDAY

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THURSDAY

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FRIDAY

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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.

Continued from previous page...

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

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

Section 14 of 18

ADULT ENTERTAINMENT

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

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

None

Section 15 of 18

HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

MONDAY

Start

End

Start

End

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

TUESDAY

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WEDNESDAY

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THURSDAY

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FRIDAY

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Continued from previous page...

SATURDAY

Start End

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SUNDAY

Start End

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State any seasonal variations.

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

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

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

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

- I have enclosed the premises licence
- 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.

Continued from previous page...

as per operating schedule and conditions attached

b) The prevention of crime and disorder

as per operating schedule and conditions attached

c) Public safety

as per operating schedule and conditions attached

d) The prevention of public nuisance

as per operating schedule and conditions attached

e) The protection of children from harm

as per operating schedule and conditions attached

Section 17 of 18

NOTES ON REGULATED ENTERTAINMENT

Continued from previous page...

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

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

Continued from previous page...

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

Section 18 of 18

PAYMENT DETAILS

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

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

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

Band A - No RV to £4300 £100.00

Band B - £4301 to £33000 £190.00

Band C - £33001 to £8700 £315.00

Band D - £87001 to £12500 £450.00*

Band E - £125001 and over £635.00*

*If the premises rateable value is in Bands D or E and the premises is primarily used for the consumption of alcohol on the premises then 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 (£)

190.00

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.

Happiness 2 Restaurant and Karaoke Bar, Ground, First and Second Floor, 17 North Road, Durham, DH1 4SH

Application Summary: Variation of the premises licence to add the ground floor to trade as a restaurant and change the layout on the first and second floor, to add karaoke rooms. The overall effect of the application will be to substantially reduce the capacity by about 50% and change the trading style from nightclub to restaurant and karaoke rooms. The applicant will also wish to add late night refreshment, and extend all existing activities on a Sunday in line with the hours on a Monday to Saturday. All other activities and hours remaining unchanged. All conditions at Annex 2, save for those dealing with ACPO permissions, will be removed and a new set of conditions is proposed, and attached below.

Hours and Activities

Supply of Alcohol (on and off) – Monday to Sunday 11:00 to 02:00
Opening – Monday to Sunday 11:00 to 02:30
Live Music & similar – Monday to Sunday 11:00 to 02:30
Recorded Music & Similar – Monday to Sunday 11:00 to 02:30
Exhibition of Film – Monday to Sunday 11:00 to 02:30 (NEW)
Late Night Refreshment Monday to Sunday 23:00 to 02:30 (NEW)

NB: Only extension of hours relates to a Sunday, where the hours are currently a 01:00 close with licensable activities running till 00:30.

Operating Schedule

Operator

WLH Food Limited already operates a supermarket in Durham, trading under the brand name 'Everyday Oriental Food'. This is linked to a website where orders can be placed for collection or delivery. The Directors also operate Chinese restaurants in Newcastle and Durham trading as Happiness 2 on Stowell Street and Happiness 2 on North Road in Durham. In addition, they operate a tea shop in Durham called Utopia. All businesses promote Chinese, Japanese and Korean culture, through food, beverages and music.

Premises Overview

Ground Floor Restaurant

The ground floor will operate as a restaurant, with bar facilities in a predominantly seated environment. The food will be Korean food with a focus upon at table bbq food. The unique selling point of this restaurant is the customers ability to bbq/grill their own food at their table. Customers ordering from the bbq menu will be offered choice of ingredients, sundries and sauces in with which to make their food. This adds to the experience of eating by allowing the customer take part in the process and to enjoy the aromas to enhance their dining experience. It also fits in well with the traditional Korean culture of sharing food, in an environment where food is designed to be enjoyed by many people. This will usually involve an array of smaller dishes to try with some larger main meals or maybe even one main dish to share.

Each table in the premises is of a size to allow customers to eat from and cook from the table, with plenty of space for ingredients, drinks and plates. There are numerous cuts of meat, but the most popular is samgyeopsal, which means three layered pork. Tables are fitted with an electric grill which has a cover, and sits flush with the table in a central location. The grills are electric and are integrated into the table by the manufacturer. This is a bit like a 'hot pot' restaurant my clients operate in Newcastle, but it is a grill instead.

Customers can also order away from the bbq experience menu, with dishes cooked and delivered to the table in the traditional dining format. Customers can order Korean bbq dishes made for them together with kimchi stew and ramyeon, and a number of other traditional Korean dishes delivered with lots of smaller side plates. Meals in the winter are often designed to be hotter to keep you warm, and would be typical in Korean street food at that time of year. This might include spicy soups, boiling stews, salty snacks and healthy meals...oh, and a whole lot of fried food. The premises will also provide traditional street food options. Some of the street food sharing dishes/small bite dishes are sweet pancakes, roast sweet potatoes, fish cakes, cookies and bread (including egg bread known as Gyeran-Ppang and gold fish loafs) or even Korean Hot dogs (corn or potato). Ramen is also very popular in the Korean culture and is essentially instant noodles with various flavors and ingredients added. It can be in soups, and it can be hot or mild.

First and Second Floor Karaoke

The first and second floor will be an entertainment driven, with karaoke rooms and a bar area with a small food/snack offering. Both drink and food will be served direct to the karaoke rooms, as well as in the common seating area around the bar. Each room has a set capacity. Rooms can be booked in advance, and there is capacity within the rooms on each floor for 60 customers. The two larger areas on each floor will have a small area for performers to sing and dance.

Whilst walk-ins will be accommodated, it is anticipated that use of the premises will be predominantly via bookings. Access to each floor will be controlled via electronic doors, which are monitored and customers are then buzzed through. Drink at the premises will be geared towards Chinese products, specializing in Whiskies such as Black Label, Chiva, Suntory and Hibiki and beers such as Tsingtao. The premises will also have a core range of spirits, and a very limited selection of wines, including rice wine and a Japanese wine (which is popular in their supermarket).

The Karaoke bar will be managed by Juan Wang (Adam), who has experience of operating similar venues. He has previously ran a similar premises in Sunderland, trading as Oriental Palace. He operated that premises for two years.

Marketing

The premises will be marketed in traditional ways, and also within the Chinese Japanese and Korean community, and on the client's websites and social media. They have two other businesses in Durham with a similar clientele.

Target Clientele

The applicant works and markets in the Chinese, Japanese or Korean community, but in this location the client believes their offering will be attractive to everyone, particularly the student market. The karaoke bar will offer something new to Durham, a karaoke destination bar with state of the art equipment, imported from China.

Trading Areas

Ground Floor – Happiness 2 BBQ

- Alcohol on offer at the premises will be Chinese, Japanese or Korean branded or be popular amongst those communities. It will be similar to the Karaoke bar, with perhaps more wine and also with the capacity to install four draught beers.
- The premises will be ran separately from the Karaoke Bar with its own staff.
- The premises will offer bbq 'at table' service.
- Food will be Korean and a mix of small plates and sharing dishes
- The premises will generally open at midday and be closed before midnight, unless there is a function/booking.
- There will be draft beer on the ground floor, probably 4 barrels.
- There is no direct customer route from the ground floor to the first and second floor.

First and Second Floor: Happiness 2 KTV

- The entrance for the karaoke bar is from the main street, with the restaurant operating separately from the karaoke, with some shared staff and facilities. The premises can close independently of each other.
- We will have karaoke booth space for approximately 120 customers across the two floors in various rooms. There are also common areas on each floor for relaxing/cooling down.
- Each floor will have 4 karaoke rooms split as follows: 12/12/18/18
- Each room will have its own colour scheme, dictated by the colour of the door on each room. The décor will be ornate and stylish.
- All rooms will be sound proofed to prevent the escape of noise from one performance environment into the next.
- The premises can cater to large and small groups across the various karaoke rooms as well as in the bar/common area which will operate as overflow, waiting and chill out space.
- Each floor has a large amount of comfortable seating, but it is expected that within the premises and rooms that standing will take place, especially within the karaoke rooms, when performances are taking place.
- Food will be based around a snack menu
- The operator will expand their Chinese tea business into this venue, with the service of traditional Chinese tea.
- Door supervision will be provided on a risk assessment basis.
- Entry to each floor will be controlled by security doors and buzzers.
- Each room will have its own intercom/telephone linked directly to the bar to place orders without leaving the room.
- Each room will have a large TV and state of the art music interface with wireless microphones and facilities for recording performances to keep and play back. The system will also link into the premises menus to assist in ordering food and drinks.
- There will be no draft beer on the first and second floor

Conditions

	Condition	Condition
1.	Operating Style (Whole premises)	The premises shall operate at ground floor as a restaurant specializing in oriental food and drink, with a karaoke bar, booths and snack bars on the first and second floors. There shall be no change to the operating style without proper written notice to the Licensing Authority, which shall include details of the operating style proposed. The Licensing Authority shall advise within 21 days whether a formal application for full or minor variation or a new licence is required and the licence holder shall comply with that direction.
2.	Maximum Capacity	The maximum number of persons permitted on the premises at any one time shall not exceed a safe limit as prescribed by the Fire Service or the premises risk assessment.
3.	Minimum Seating on Ground Floor	The minimum of seats available in the restaurant will be 45
4.	Incident and refusals records	An incident and refusals book/log shall be kept at the premises (written or digital) which is utilised and maintained at all times. This book/log will be available to the Police or Licensing Authority to inspect on lawful request.
5.	Meeter and Greeters on First and Second Floors	A meeter / greeter will be on duty to direct customers to their rooms or a waiting area.
6.	Alcohol Type	The premises will specialise in the provision drinks popular amongst the Chinese, Japanese and Korean community or similarly branded products.
7.	Waiter or Waitress Service	Waiter/waitress service will be available throughout the hours that the premises are open.
8.	Ancillary Condition	The sale of alcohol on the first and second floor will be as ancillary to the provision of entertainment facilities based around Karaoke music.
9.	CCTV	A CCTV system shall be designed, installed and maintained in proper working order, to the satisfaction of the Licensing

		<p>Authority and in consultation with Durham Police. Such a system shall:-</p> <ul style="list-style-type: none"> i. be operated by properly trained staff; ii. be in operation at all times that the premises are being used for a licensable activity; iii. ensure coverage of all entrances and exits to the licensed premises internally and externally; iv. ensure coverage of such other areas as may be required by the Licensing Authority and Durham Police; v. provide continuous recording facilities for each camera to a good standard of clarity during the provision of licensable activities. Such recordings shall be retained on disc or otherwise (for a period of 28 days), and shall be supplied to the Licensing Authority or Police Officer on lawful request.
10.	Competent Staff	The operator shall ensure that at all times when the premises are open for any licensable activity there are sufficient, competent staff on duty at the premises for the purpose of fulfilling the terms and conditions of the licence and for preventing crime and disorder.
11.	Risk Assessment	The operator and designated premises supervisor shall conduct a risk assessment for the general operation of both parts of the business. This will include fire, health and safety and emergency evacuation. It will cover all areas of the premises.
12.	Management Arrangements	The Designated Premises Supervisor shall ensure that there are effective management arrangements in place to enable him/her to know how many people there are in the premises at times prescribed within the management risk assessment.
13.	Proof of age "Challenge 25".	All members of staff at the premises, including door supervisors where they are employed, shall seek "credible photographic proof of age evidence" from any person who appears to be under the age of 25 years and who is seeking to purchase or consume alcohol on the premises. Such credible evidence, which shall include a photograph of the customer, will either be a passport, photographic driving licence or proof of age card carrying a "PASS" logo.
14.	Training	All staff involved in the sale of alcohol will undergo internal training on induction as to the requirements under the Licensing Act 2003, including underage sales, proxy sales and the premises proof of age policy. Such training will be documented, refreshed at least annually and available to the Police, Licensing

		Authority and Trading Standards upon providing reasonable notice.
15.	Noise	Noise from the licensed premises, including noise from patrons, amplified music and live music shall not be audible beyond the boundary of the premises so as to cause nuisance to nearby residents or other business users.
16.	Leave quietly from the premises	Prominent, clear and legible notices will be displayed at all exits requesting the public to respect the needs of local residents and to leave the premises and area quietly.
17.	Door staff and security	The need for door security in the premises will be assessed by the Licence Holder or Designated Premises Supervisor on a regular basis, and door staff will be employed when and where the risk assessment deems this appropriate or necessary. Each of the individuals employed on the premises to carry out a security activity must be licensed for that purpose by the Security Industry Authority.
18.	Open containers	Alcoholic drinks in open containers may not be removed from the premises, except when moving between the first and second floors



LICENSING ACT 2003 PREMISES LICENCE

Premises Licence Number
Granted
Issued

LAPREG/11/0101
24 November 2005
27 September 2022

Part 1 – Premises details

Postal address of premises, or if none, ordnance survey map reference or description	Issuing Authority
<p>STUDIO 17 NORTH ROAD DURHAM DH1 4SH</p>	<p>DURHAM COUNTY COUNCIL REGENERATION & LOCAL SERVICES LICENSING SERVICES PO BOX 617 DURHAM DH1 9HZ</p>
<p>Telephone number:</p>	

<p>Where the licence is time limited the dates N/A</p>
--

<p>Licensable activities authorised by this licence Live Music Recorded Music Performance of Dance Other Entertainment Similar to Live or Rec Music or Dance Performance Facilities for Making Music Facilities for Dancing Other Entertainment Facilities Similar to Making Music or Dancing Sale by retail of alcohol</p>
--

Opening Hours of the Premises		
<p>Mon Tue Wed Thu Fri Sat Sun</p>	<p>11:00-02:30 11:00-02:30 11:00-02:30 11:00-02:30 11:00-02:30 11:00-02:30 11:00-01:00</p>	<p>Non-standard/seasonal timings Up to 12 "ACPO" notices are permitted in a calendar year, an ACPO Notice being a notice that meets the following conditions: Seven (7) days written notice is to be given to Durham Constabulary and the Licensing Authority if the licensee intends to use the licensed premises for any activity authorised by the current licence that will be conducted outside the hours permitted in the licence for such activity.</p> <p>Durham Constabulary have the right in their absolute discretion to object to the Notice in which case the proposed activity cannot be conducted. Only twelve (12) such notices can be served in a calendar year. Where no objection is made by Durham Constabulary the activity must be held strictly in accordance with the hours stated in the notice. No ACPO Notice can be given with respect to an event or activity that commences on a Sunday.</p>

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

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

<p>Live Music Indoors</p> <p>Mon 11:00-02:30 Tue 11:00-02:30 Wed 11:00-02:30 Thu 11:00-02:30 Fri 11:00-02:30 Sat 11:00-02:30 Sun 11:00-00:30</p>	<p>Further details</p> <p>Non-standard/seasonal timings Up to 12 "ACPO" notices are permitted in a calendar year, an ACPO Notice being a notice that meets the following conditions: Seven (7) days written notice is to be given to Durham Constabulary and the Licensing Authority if the licensee intends to use the licensed premises for any activity authorised by the current licence that will be conducted outside the hours permitted in the licence for such activity.</p> <p>Durham Constabulary have the right in their absolute discretion to object to the Notice in which case the proposed activity cannot be conducted. Only twelve (12) such notices can be served in a calendar year. Where no objection is made by Durham Constabulary the activity must be held strictly in accordance with the hours stated in the notice. No ACPO Notice can be given with respect to an event or activity that commences on a Sunday</p>
<p>Recorded Music Indoors</p> <p>Mon 11:00-02:30 Tue 11:00-02:30 Wed 11:00-02:30 Thu 11:00-02:30 Fri 11:00-02:30 Sat 11:00-02:30 Sun 11:00-00:30</p>	<p>Further details</p> <p>Non-standard/seasonal timings Up to 12 "ACPO" notices are permitted in a calendar year, an ACPO Notice being a notice that meets the following conditions: Seven (7) days written notice is to be given to Durham Constabulary and the Licensing Authority if the licensee intends to use the licensed premises for any activity authorised by the current licence that will be conducted outside the hours permitted in the licence for such activity.</p> <p>Durham Constabulary have the right in their absolute discretion to object to the Notice in which case the proposed activity cannot be conducted. Only twelve (12) such notices can be served in a calendar year. Where no objection is made by Durham Constabulary the activity must be held strictly in accordance with the hours stated in the notice. No ACPO Notice can be given with respect to an event or activity that commences on a Sunday.</p>
<p>Performance of Dance Indoors</p> <p>Mon 11:00-02:30 Tue 11:00-02:30 Wed 11:00-02:30 Thu 11:00-02:30 Fri 11:00-02:30 Sat 11:00-02:30 Sun 11:00-00:30</p>	<p>Further details</p> <p>Non-standard/seasonal timings Up to 12 "ACPO" notices are permitted in a calendar year, an ACPO Notice being a notice that meets the following conditions: Seven (7) days written notice is to be given to Durham Constabulary and the Licensing Authority if the licensee intends to use the licensed premises for any activity authorised by the current licence that will be conducted outside the hours permitted in the licence for such activity.</p> <p>Durham Constabulary have the right in their absolute discretion to object to the Notice in which case the proposed activity cannot be conducted. Only twelve (12) such notices can be served in a calendar year. Where no objection is made by Durham Constabulary the activity must be held strictly in accordance with the hours stated in the notice. No ACPO Notice can be given with respect to an event or activity that commences on a Sunday.</p>

<p>Other Entertainment Similar to Live or Rec Music or Dance Performance Indoors</p> <p>Mon 11:00-02:30 Tue 11:00-02:30 Wed 11:00-02:30 Thu 11:00-02:30 Fri 11:00-02:30 Sat 11:00-02:30 Sun 11:00-00:30</p>	<p>Further details</p> <p>Non-standard/seasonal timings</p> <p>Up to 12 "ACPO" notices are permitted in a calendar year, an ACPO Notice being a notice that meets the following conditions: Seven (7) days written notice is to be given to Durham Constabulary and the Licensing Authority if the licensee intends to use the licensed premises for any activity authorised by the current licence that will be conducted outside the hours permitted in the licence for such activity.</p> <p>Durham Constabulary have the right in their absolute discretion to object to the Notice in which case the proposed activity cannot be conducted. Only twelve (12) such notices can be served in a calendar year. Where no objection is made by Durham Constabulary the activity must be held strictly in accordance with the hours stated in the notice. No ACPO Notice can be given with respect to an event or activity that commences on a Sunday.</p>
<p>Facilities for Making Music Indoors</p> <p>Mon 11:00-02:30 Tue 11:00-02:30 Wed 11:00-02:30 Thu 11:00-02:30 Fri 11:00-02:30 Sat 11:00-02:30 Sun 11:00-00:30</p>	<p>Further details</p> <p>Non-standard/seasonal timings</p> <p>Up to 12 "ACPO" notices are permitted in a calendar year, an ACPO Notice being a notice that meets the following conditions: Seven (7) days written notice is to be given to Durham Constabulary and the Licensing Authority if the licensee intends to use the licensed premises for any activity authorised by the current licence that will be conducted outside the hours permitted in the licence for such activity.</p> <p>Durham Constabulary have the right in their absolute discretion to object to the Notice in which case the proposed activity cannot be conducted. Only twelve (12) such notices can be served in a calendar year. Where no objection is made by Durham Constabulary the activity must be held strictly in accordance with the hours stated in the notice. No ACPO Notice can be given with respect to an event or activity that commences on a Sunday.</p>
<p>Facilities for Dancing Indoors</p> <p>Mon 11:00-02:30 Tue 11:00-02:30 Wed 11:00-02:30 Thu 11:00-02:30 Fri 11:00-02:30 Sat 11:00-02:30 Sun 11:00-00:30</p>	<p>Further details</p> <p>Non-standard/seasonal timings</p> <p>Up to 12 "ACPO" notices are permitted in a calendar year, an ACPO Notice being a notice that meets the following conditions: Seven (7) days written notice is to be given to Durham Constabulary and the Licensing Authority if the licensee intends to use the licensed premises for any activity authorised by the current licence that will be conducted outside the hours permitted in the licence for such activity.</p> <p>Durham Constabulary have the right in their absolute discretion to object to the Notice in which case the proposed activity cannot be conducted. Only twelve (12) such notices can be served in a calendar year. Where no objection is made by Durham Constabulary the activity must be held strictly in accordance with the hours stated in the notice. No ACPO Notice can be given with respect to an event or activity that commences on a Sunday.</p>

<p>Other Entertainment Facilities Similar to Making Music or Dancing Indoors</p> <p>Mon 11:00-02:30 Tue 11:00-02:30 Wed 11:00-02:30 Thu 11:00-02:30 Fri 11:00-02:30 Sat 11:00-02:30 Sun 11:00-00:30</p>	<p>Further details Non-standard/seasonal timings</p> <p>Up to 12 "ACPO" notices are permitted in a calendar year, an ACPO Notice being a notice that meets the following conditions: Seven (7) days written notice is to be given to Durham Constabulary and the Licensing Authority if the licensee intends to use the licensed premises for any activity authorised by the current licence that will be conducted outside the hours permitted in the licence for such activity.</p> <p>Durham Constabulary have the right in their absolute discretion to object to the Notice in which case the proposed activity cannot be conducted. Only twelve (12) such notices can be served in a calendar year. Where no objection is made by Durham Constabulary the activity must be held strictly in accordance with the hours stated in the notice. No ACPO Notice can be given with respect to an event or activity that commences on a Sunday.</p>
<p>Sale by retail of alcohol</p> <p>Mon 11:00-02:00 Tue 11:00-02:00 Wed 11:00-02:00 Thu 11:00-02:00 Fri 11:00-02:00 Sat 11:00-02:00 Sun 11:00-00:30</p>	<p>Further details Non-standard/seasonal timings</p> <p>Up to 12 "ACPO" notices are permitted in a calendar year, an ACPO Notice being a notice that meets the following conditions: Seven (7) days written notice is to be given to Durham Constabulary and the Licensing Authority if the licensee intends to use the licensed premises for any activity authorised by the current licence that will be conducted outside the hours permitted in the licence for such activity.</p> <p>Durham Constabulary have the right in their absolute discretion to object to the Notice in which case the proposed activity cannot be conducted. Only twelve (12) such notices can be served in a calendar year. Where no objection is made by Durham Constabulary the activity must be held strictly in accordance with the hours stated in the notice. No ACPO Notice can be given with respect to an event or activity that commences on a Sunday.</p>

Part 2

Name, (Registered) address, telephone number and email (where relevant) of holder of premises licence	
WLHPLUS Limited	
Registered number of holder, for example company number, charity number (where applicable)	
Company no:	12872859
Charity no:	N/A

<p>Name, address and telephone number of designated premises supervisor where the premises licence authorises the sale by retail of alcohol MISS SUSAN ELIZABETH DORAN</p>
--

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

Annex 1 – Mandatory conditions

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

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

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

(a) games or other activities which require or encourage, or are designed to require or encourage, individuals to -

- (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
- (ii) drink as much alcohol as possible (whether within a time limit or otherwise);

(b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;

(c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;

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

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

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

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

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

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

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

The responsible person must ensure that –

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

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

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

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

Minimum Price of Alcohol:

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

2 For the purposes of the condition:

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

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

Where –

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

(c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence –

- (i) the holder of the premises licence,
- (ii) the designated premises supervisor (if any) in respect of such a licence, or
- (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

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

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

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

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

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

Mandatory condition: door supervision

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

Mandatory condition: exhibition of films

1. Where a premises licence authorises the exhibition of films, the licence must include a condition requiring the admission of children to the exhibition of any film to be restricted in accordance with this section.
2. Where the film classification body is specified in the licence, unless subsection (3)(b) applies, admission of children must be restricted in accordance with any recommendation made by that body.
3. Where-
 - (a) the film classification body is not specified in the licence, or
 - (b) the relevant licensing authority has notified the holder of the licence that this subsection applies to the film in question,admission of children must be restricted in accordance with any recommendation made by that licensing authority.
4. In this section-
"children" means persons aged under 18; and
"film classification body" means the person or persons designated as the authority under section 4 of the Video Recordings Act 1984 (c.39) (authority to determine suitability of video works for classification).

This Premises Licence has been granted upon conversion under schedule 8 of the Licensing Act 2003 of the previous Justices' On Licence, and such rights and restrictions that applied to such Licence are hereby incorporated into this Premises Licence, subject to any express terms to the contrary hereinafter specified, and/or any restriction applying to a Premises Licence and/or any licensable activity.

Annex 2 – Conditions consistent with the premises Operating Schedule

General

The unit is a member of the Pub Watch Scheme and has a Pub Watch radio. When any incident occurs the appointed door security company will complete an incident form; a copy of which is held on the premises for three months. At the start of every shift all door supervisors are to sign in the log book; a copy of which is to be held on the premises for three months. The unit management and appointed door security company, to cooperate with police on an investigation.

Prevention of Crime & Disorder

A 16-camera CCTV recording system is to be in place on premises. Toilet areas are to be checked every 20 minutes. All bar staff are to have had induction training regarding the venue policies on drunkenness, violence, vulnerable customers and fire safety.

Public Safety

Health and safety risk assessments are to be carried out and updated once a year. Fire detection and alarm systems are to be present and maintained in accordance with current legislation and system requirements. Fire risk assessments are to be carried out and updated as required. A full fire drill is to be conducted every six months. The maintained and non-maintained emergency lighting is to be tested every 12 months. As previously stated, all new employees are to have induction training on fire procedures. Training records are to be kept on site.

General Licensing Objectives:

All managers and Area Managers have attended and passed their national licensee certificate and first aid courses.

The unit is an active member of the pub watch scheme and has a pub watch radio, which is linked to the local police.

When any incident occurs in the venue a company incident form is completed by the door staff and managers. After completion this form is fax through to head office for their records.

All security staff hold an SIA badge and required to sign in at the start of every shift, a file holding all signing sheets and incident reports is kept in the unit at all times.

Full co-operation will be given to the Police while they are conducting any investigation.

Prevention of Crime and Disorder:

A 16 camera recording system is in place in the unit.

The unit is fitted with an intruder alarm, which is a redcare system, so any activation, and a key holder is informed immediately.

The toilet areas are checked every 20 minutes.

Security and Bar staff are all trained to be vigilant at all times for any sign of drunkenness, violence or drug abuse.

All door staff used in the venue are fully trained and all hold SIA badges.

A random search policy is in place. A female member of security is for the searching of female patrons.

We understand Durham police drug action plan and enforce this at all times.

All our staff are trained to be vigilant at all times and to not serve anyone who is drunk. Any other patron who is found buying alcohol for a patron who is drunk will be removed from the premises.

Public Safety Objectives:

Health and safety Risk assessments are carried out on twice a year and a copy can be provided on request.

Fire risk assessments are carried out twice a year and a copy can be provided on request.

A fire detection and alarm system is present throughout the building and a bell test is conducted on a weekly basis. A full fire drill is conducted with the staff every six months and the system is serviced every year were a new certificate is issued on compliance.

The fire alarm is fitted with a music cut off system, so if the fire alarm activates then the music will cut off.

Maintained and non-maintained Emergency lighting is located around the building and covers all emergency exit routes. These are fully tested every 12 months.

All employees have a staff induction when starting work with our company, this induction covers health and safety, fire evacuation and fire fighting, drug awareness and dealing with violence.

A copy is attached.

All door staff are SIA badge holders.

Prevention of Public Nuisance Objectives:

Implementation of new dispersal policy (please see attached document) Active member of Pub watch and will bar any customers who are on the pubwatch list.

Full acoustic package fitted on the premises.

A litter patrol will be conducted at the end of each night.

Protection of Children From Harm:

Where under 18 events are in operation - no alcohol will be on sale or visible on the premises, SIA licensed personnel will be present at all times. Events will finish no later than 10pm, A 100% search policy will be in operation. Parents will be welcome to visit the event at all times but because it is strict under 18s they must be accompanied by a manager while in the venue.

An identification policy is in place - if some look younger than 21 they will be asked for Identification, were only a passport or driving licence will be accepted as valid identification. If they cannot produce identification then they will be refused entry.

Prevention of Public Nuisance

Protection of Children from Harm

No under 18 events are to be held.

Identification policy is to be in place, door staff are to check ID and bar staff are to check ID as required. Acceptable forms of identification are to be passport, driver's licence and PASS card.

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

Statutory Licensing Committee Hearing 31st August 2005

The premises are licensed until 02:30am; this includes 30 minutes following the termination of the sale of alcohol to aid dispersal and noise.

The maximum number of people permitted within the premises shall be determined by the local authority and fire safety officer.

Premise shall have facility to monitor and control the number of people present.

All necessary safety checks shall be carried out before the premises open and detail recorded is to be in the fire log book. This shall be made available for inspection, if required, by the fire safety officer.

All routes of escape and parts of the premises to which the public have access shall be provided with adequate illumination with a backup.

An adequate supply of free drinking water shall be available for staff and customers at all times.

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

Adequate safety signs shall be provided throughout the premises.

The maximum number of persons allowed to be present in the premise at any one time is 420 (210 per floor).

Members of the public should not be permitted to stand or congregate in the exits or passages, restricting means of exit.

The premises must keep register of all door supervisors, including the date and time each door supervisor was on duty, for a period of three months. This register must be made available to any officer of the council or police authority, if requested.

Customers to leave out of the front doors onto North Road. While the premises are open to the public all rear doors and windows to be kept closed for noise control purposes.

Statutory Licensing Committee Hearing 1st February 2011

Up to 12 "ACPO" notices are to be permitted in a calendar year, an ACPO notice being a notice that meets the following conditions: • Seven (7) days written notice is to be given to Durham Constabulary and the Licensing Authority if the licensee intends to use the licensed premises for any activity authorised by the current licence that will be conducted outside the hours permitted in the licence for such activity.

- Durham Constabulary have the right in their absolute discretion to object to the Notice in which case the proposed activity cannot be conducted.

- Only twelve (12) such notices can be served in a calendar year.

- Where no objection is made by Durham Constabulary the activity must be held strictly in accordance with the hours stated in the notice.

No ACPO notice can be given with respect to an event or activity on a Sunday.

Annex 4 – Plans attached

Attached



Signature of Authorised Officer
Head of Environment, Health and Consumer Protection

— Total Licensed Area
— Total Public Entertainment Area

FIRE PRECAUTIONS SCHEDULE

▲	Dry powder extinguisher
▲	Water extinguisher
▲	CO ₂ extinguisher
▲	Foam extinguisher
⊕	3 hour non-maintained light
⊕	3 hour maintained light

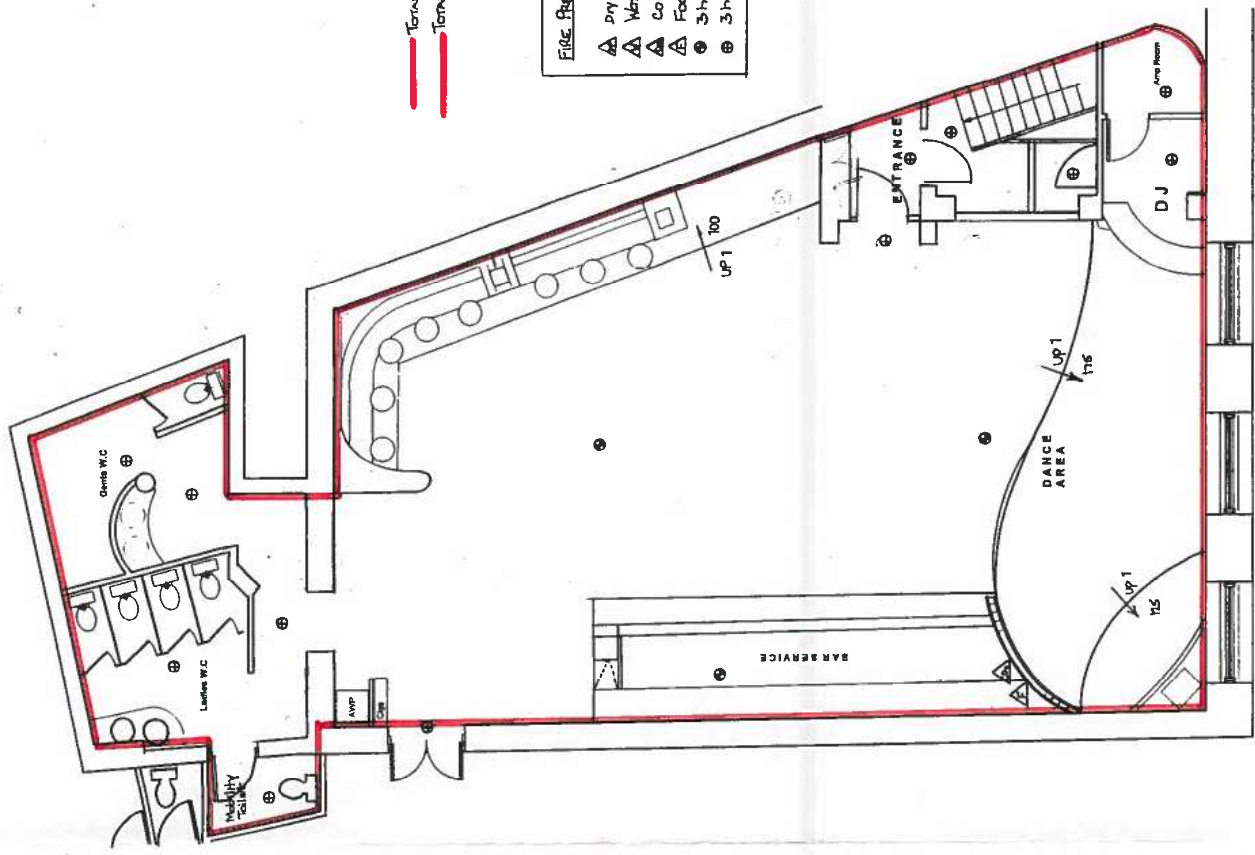
SBD
partnership

Park Road, Park Road
 Wherry Bay, Tyne & Wear, NE28 1EN,
 UK. TEL: 25252244 Fax: 0191 252506
 www.sbdpartnership.co.uk

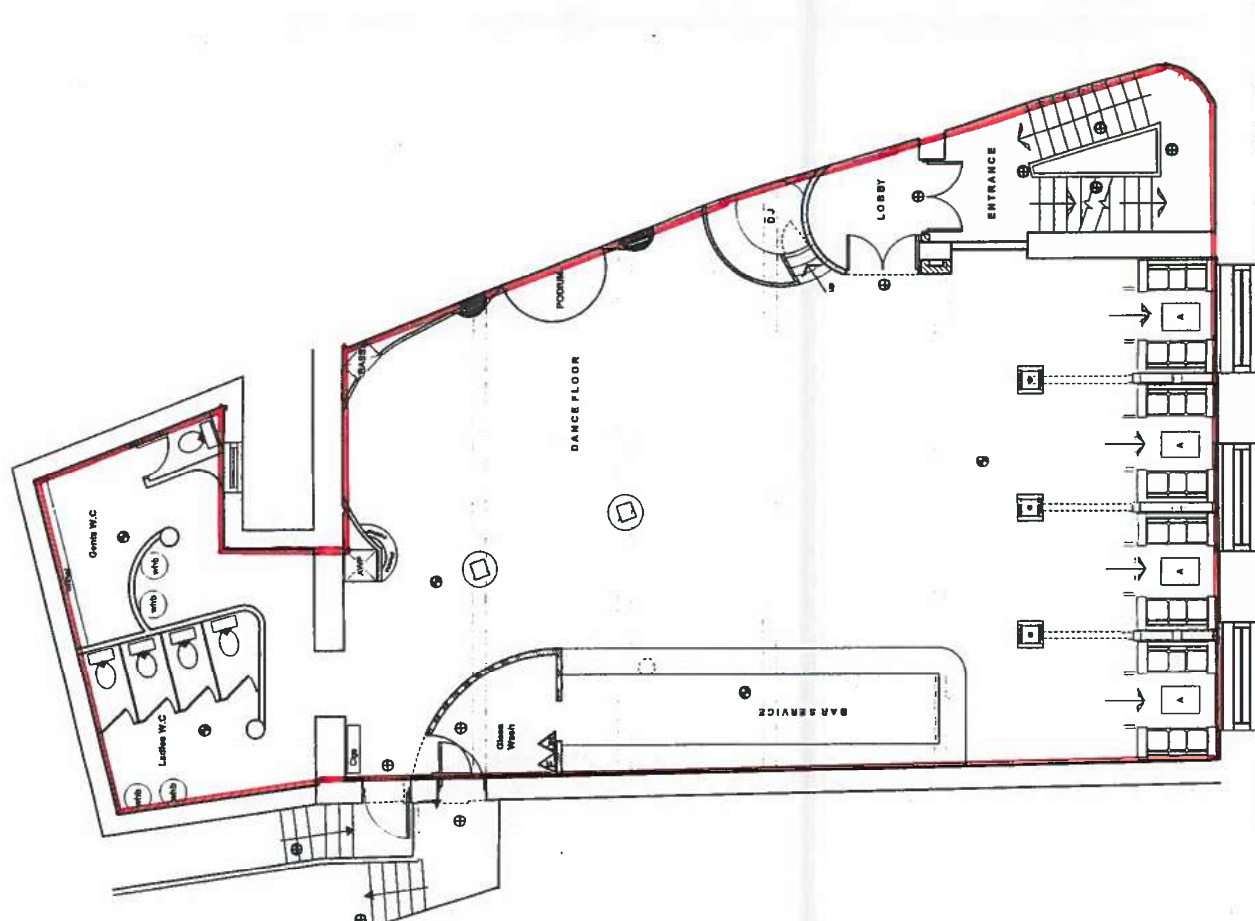
Structure 1 + 2
 Northern Road
 Durham
 DM1 1JH
 VMCLEBURNE

FIRST FLOOR & SECOND FLOOR LAYOUTS
 0001 / 06 5T
 1:1000
 July 06

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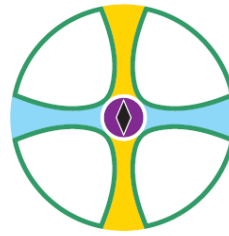


PROPOSED SECOND FLOOR LAYOUT



PROPOSED FIRST FLOOR LAYOUT

Appendix 4: Representation



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

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

22 May 2023

Dear Licensing team,

Re: Application to vary a premises licence for Happiness 2, 17 North Road Durham DH1 4SH

With reference to the above licensing application, the City of Durham Parish Council wishes to object to this application under the objectives of preventing a public nuisance, public safety and the prevention of crime and disorder.

This application seeks permission for the provision of Supply of Alcohol (on and off) – Monday to Sunday 11:00 to 02:00

Opening – Monday to Sunday 11:00 to 02:30

Live Music & similar – Monday to Sunday 11:00 to 02:30

Recorded Music & Similar – Monday to Sunday 11:00 to 02:30

Exhibition of Film – Monday to Sunday 11:00 to 02:30

Late Night Refreshment Monday to Sunday 23:00 to 02:30

Although there is much to commend about this application; namely a reduction in capacity and an increase in the diversity of offer in North Road, there are issues that must be addressed.

Prevention of public nuisance

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

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

Proper consideration should therefore be given to the proximity of licensed premises not only to residents and businesses, but also in relation to other sensitive premises, to ensure they are in a position that does not adversely affect their ability to ensure the promotion of the licensing objectives.

North Road is in an increasingly residential area, the increase in use of spaces above outlets in the city centre must be welcomed it making the city more attractive to local business and meets many of the council's "green" objectives by reducing the dependence of those living there on the transport infrastructure. However, this does mean that there is an increase sensitivity to noise generated by establishments such as Happiness 2 and any extension of licensable activities outside framework hours must be resisted to prevent public nuisance.

There are no fewer than 99 residential properties within a 100m radius of the application site. Far more than when the license was first given to this location. The residents of these properties have a reasonable expectation to a quiet night's sleep and therefore allowing this premises to open later and beyond the framework hours would be unacceptable.

Durham is a small, compact city centre with many residential streets in very close proximity to one another. The Parish Council believes that full consideration should be given to the risk of disturbance to residents. Especially as the activities that the patrons will have been enjoying: singing and drinking and will lend themselves to noisy behaviours on the street when they have finished. As such, the Parish Council objects to this licence and its proposed operating hours in the interests of preventing a public nuisance.

Prevention of crime and disorder/ public safety

The prevention of crime and disorder and maintaining public safety are two core licencing objectives. From the descriptions given there are a series of enclosed private booths with access to alcohol, the Parish Council is concerned that whatever the intended use, which is legal and acceptable, they may become places where illegal or dangerous behaviour can occur hidden from view. The Parish council is unclear from the operating schedule and from the submitted plans where exactly the CCTV is proposed to be located and what steps have been put in place to prevent this eminently foreseeable outcome.

For the reasons set out above, this application should therefore be refused in its current form, or conditioned and the licensing hours must be brought in line with the Council's Licensing Framework hours.

Yours sincerely,

Adam Shanley
Clerk to the City of Durham Parish Council

Appendix 5: Responsible Authorities Comments



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

Safest People, Safest Places

Chief Fire Officer: Steve Helps

This matter is being dealt with by: Amy Davison

Ext:

Date: 28 April 2023

Ext:

Our Ref:

Your Ref:

Direct Dial Telephone:

E-mail:

Valerie Evans

Dear Valerie,

Licensing Act 2003

Regulatory Reform (Fire Safety) Order 2005

WLHPLUS Limited, Happiness 2 Restaurant and Karaoke Bar, 17 North Road, Durham, DH1 4SH

I acknowledge your application dated 27 April 2023 for a Variation to Premises Licence under The Licensing Act 2003 in respect of the above named premises.

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

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

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

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

Yours sincerely,

Amy Davison
Fire Safety Section

3rd May 2023

WLHPLUS Limited,
Happiness 2 Restaurant and Karaoke Bar (currently Studio),
Ground, First and Second Floor,
17 North Road,
Durham,
DH1 4SH

Dear Sir/Madam,

Re: Application for a New Premises Licence – Happiness 2 Restaurant and Karaoke Bar

I represent the Durham Safeguarding Children Partnership (DSCP) which is a responsible authority under the Licensing Act. I have received a copy of your application for a premises licence for Happiness 2 Restaurant and Karaoke Bar.

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

Having considered the steps you have recorded to promote the licensing objectives, in particular the protection of children, I can confirm that based on the information you have provided, the Durham Safeguarding Children Partnership has no additional comments or objections.

Regards

Tracy Maratty
Durham Safeguarding Children Partnership Administration Officer

From: Licensed Economy Team
Sent: 09 May 2023 10:08
To: Valerie Evans
Cc: AHS Licensing
Subject: Premises Licence Variation - 17 North Road, Durham, DH1 4SH

Good morning,

Durham Constabulary have no objections

Thank you

Kind regards

Vikki Gill 8118

Durham Constabulary
Admin Clerical Officer
Licensing Economy Team
Annand House Meadowfield

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



Our Values & Vision:

Positive | Fair | Courageous | Inclusive | With Integrity

Protecting Neighbourhoods, Tackling Criminals, Solving Problems

Appendix 6: Statement of Licensing Policy

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Appendix 7: Section 182 Guidance

Crime and disorder

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

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

Public safety

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

Ensuring safe departure of those using the premises

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

Maintenance and repair

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

Safe capacities

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

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

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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